

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2024-08

Wednesday, July 10, 2024

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Councillor Tracy Richardson

Councillor Pat Warren

Mike Barkwell

Patrick O'Reilly

Andrew Veale

Jason Willock

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To speak to a **"Public Meeting Report"** on this agenda either attend the meeting in person, or participate via Zoom by emailing agendaitems@kawarthalakes.ca and reference the report number in your email **by Wednesday, July 10, 2024 at 12:00 p.m.** To speak to a **"Regular and Returned Report"**, you must submit a completed [deputation request form](#) **by Monday, July 8, 2024 at 12:00 p.m.** After we receive your request, you will receive instruction from staff on how to participate either by Zoom or in person at the meeting. Anyone may provide written comments on each application by email to clerks@kawarthalakes.ca.

Limited seating in Council Chambers is available in Council Chambers for in person attendance. Contact the City Clerk's Office at clerks@kawarthalakes.ca or 705-324-9411 ext. 1266 to confirm space, or to request links to participate electronically. Alternatively, access the meeting livestream on the Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes>.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1	PLAN2024-045	5 - 18
	<p>Application to Amend the Township of Emily Zoning By-law 1996-30 at 58 Shoreview Road and 55 Perdue Road, Lindsay - Perdue and Stookes Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited on behalf of the City of Kawartha Lakes Planning Division</p>	
3.1.1	Public Meeting	
3.1.2	Business Arising from the Public Meeting	
	<p>That Report PLAN2024-045, Application to Amend the Township of Emily Zoning By-law 1996-30 at 58 Shoreview Road and 55 Perdue Road, Lindsay - Perdue and Stookes, be received for information;</p> <p>That a Zoning By-law Amendment respecting application D06-2024-010, substantially in the form attached as Appendix D to Report PLAN2024-045, Application to Amend the Township of Emily Zoning By-law 1996-30 at 58 Shoreview Road and 55 Perdue Road, Lindsay - Perdue and Stookes, be approved and adopted by Council; and</p> <p>That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.</p>	
3.2	PLAN2024-046	19 - 31
	<p>Application to Amend the Township of Verulam Zoning By-law 6-87 at 75 St. Alban's Road, Bobcaygeon - Sia's Green Thumb Inc. c/o Patel Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited on behalf of the City of Kawartha Lakes Planning Division</p>	
3.2.1	Public Meeting	

3.2.2 Business Arising from the Public Meeting

That Report PLAN2024-046, Application to Amend the Township of Verulam Zoning By-law 6-87 at 75 St. Alban's Road, Bobcaygeon - Sia's Green Thumb Inc. c/o Patel, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-011, substantially in the form attached as Appendix D to Report PLAN2024-046, Application to Amend the Township of Verulam Zoning By-law 6-87 at 75 St. Alban's Road, Bobcaygeon - Sia's Green Thumb Inc. c/o Patel, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

4. **Deputations**

5. **Correspondence**

6. **Regular and Returned Reports**

6.1 **PLAN2024-044** 32 - 45

Application to Amend the Township of Somerville Zoning By-law 78-45 at 1101 Kawartha Lakes Road 49, Bobcaygeon - Bevand
Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of the City of Kawartha Lakes Planning Division

That Report PLAN2024-044, Application to Amend the Township of Somerville Zoning By-law 78-45 at 1101 Kawartha Lakes Road 49, Bobcaygeon - Bevand, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-008, substantially in the form attached as Appendix D to Report PLAN2024-044, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

6.2 **PLAN2024-047** 46 - 64

Application to Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Kinmount - LeBlanc and Brickman
Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited on behalf of the City of Kawartha Lakes Planning Division

That Report PLAN2024-047, Application to Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Kinmount - LeBlanc and Brickman, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-009, substantially in the form attached as Appendix D to Report PLAN2024-047, Application to Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Kinmount - LeBlanc and Brickman, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

6.3

PLAN2024-048

65 - 80

Application to Amend the Kawartha Lakes Official Plan at 9 Farmingdale Road, Kirkfield (Bexley) - 1753255 Ontario Limited (Ferreria)

Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of the City of Kawartha Lakes Planning Division

That Report PLAN2024-048, Application to Amend the Kawartha Lakes Official Plan at 9 Farmingdale Road, Kirkfield (Bexley) - 1753255 Ontario Limited (Ferreria), be received for information;

That Official Plan Amendment, respecting application D01-2024-002, substantially in the form attached as Appendix D to Report PLAN2024-048 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

7.

Adjournment

Planning Advisory Committee Report

Report Number: PLAN2024-045

Meeting Date: July 10, 2024

Title: 58 Shoreview Road & 55 Perdue Road Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes Zoning By-law Amendment

Description: Rezone a portion of the 'Subject Land' from the Agricultural (A1) Zone to the Rural Residential Type One (RR1) Zone and Environmental Protection (EP) Zone in order to restrict agricultural uses while retaining the existing residential use on the property and to protect the existing wetlands

Type of Report: Public Meeting

Author and Title: Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited (City of Kawartha Lakes)

Recommendation(s):

That Report PLAN2024-045, **Amend the Township of Emily Zoning By-law at 58 Shoreview and 55 Perdue Road**, be received for information; and

That a Zoning By-law Amendment respecting application D06-2024-010, substantially in the form attached as Appendix D to Report PLAN2024-045, **Amend the Township of Emily Zoning By-law at 58 Shoreview and 55 Perdue Road**, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Roy Purdue and Nina Stookes
Applicant:	Kent Randall, EcoVue Consulting Services
Legal Description:	58 Shoreview Road & 55 Perdue Road; Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes
Official Plan:	'Rural' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zoning:	'Agricultural' (A1) Zone in Schedule 'A' of the Township of Emily Zoning By-law 1996-30
Area:	Total: Approx. 41.92 hectares. Through the Consent application for lot line adjustment, the Benefitting Lands (to be rezoned) would be approx. 3.05 hectares (post-lot line adjustment) and the Retained would be approx. 38.87 hectares (post-lot line adjustment)
Site Servicing:	Private well and septic
Existing Uses:	Existing residential dwelling and shed
Adjacent Uses:	North – Farmland and garden centre East – Agricultural South – Agricultural West – Agricultural and dwellings

The applicant is proposing to rezone the property as a condition of consent approval for a lot line adjustment under the File No. D03-2023-015. To fulfill a condition of provisions consent, that being to restrict agricultural uses while retaining the existing residential use on the property, the applicant is proposing to amend the Township of Emily Zoning By-law to rezone a portion of the 'Subject Land' from the 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone for the existing residential lot and 'Environmental Protection' (EP) Zone to protect the existing wetlands. The retained portion of the 'Subject Lands' is approx. 38.87 hectares (post-adjustment) and will remain the 'Agricultural' (A1) Zone for agricultural uses.

Through the consent process, existing wetland features were identified on a portion of the 'Subject Lands'. In order for the Kawartha Region Conservation Authority to approve the lot line adjustment, they required the applicant to protect the portion of the lands with the wetland features, including a 30 metre buffer, from future

development. This has been protected through the 'Environmental Protection' Zone in accordance with the wetland mapping provided by the Conservation Authority on February 16, 2024.

Upon submission of the Zoning By-law Amendment application, the applicant requested an 'Agricultural Exception' (A1-X) Zone to restrict agricultural uses on the existing residential lot. However, as per discussions with the applicant, the RR1 Zone, which was requested per the condition of the consent approval, was determined to be more appropriate. The applicant concurred.

Rationale:

Through the consent process for the lot line adjustment, a Zoning By-law Amendment (ZBA) application is required to rezone a portion of the 'Subject Lands' from the 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone and 'Environmental Protection' (EP) Zone in order to restrict agricultural uses while retaining the existing residential use on the property and to protect the existing wetlands. It should be noted that the retained lot, as part of the lot line adjustment, will remain in the A1 Zone and meets all applicable zoning provisions.

Policy Conformity

Provincial Policy Statement 2020 (PPS 2020)

The PPS provides a policy framework for land use planning within the Province of Ontario. The detached dwelling is currently serviced by a private well and on-site septic system. The 'Subject Lands' are within the Kawartha Region Conservation Authority (KRCA) Regulated Area.

As per Section 1.1.5.2 of the PPS, on rural lands located in municipalities, permitted uses include residential development, including lot creation that is locally appropriate. Further, as per Policy 1.1.5.5, development shall be appropriate to the infrastructure which is planned or available. No new development is proposed and the existing residential uses are permitted on rural lands. New lot creation is not contemplated as part of the consent application, which was for a lot line adjustment.

Moreover, as per Policy 1.1.5.6, opportunities should be retained to locate new or expanding land uses that require separation from other uses. Policy 1.1.5.7 states that, opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to

areas where it will minimize constraints on these uses. The proposed Zoning By-law Amendment would protect the wetland features on the site through the 'Environmental Protection' Zone. It also limits any future structures or buildings on those lands. This is in keeping with the natural hazards policies in Section 3.1 of the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The proposal conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) in particular Subsections 2.2.9 (Rural Areas) and Section 4, for land use, servicing and natural heritage and hazard features. The applicant has been in communication with the Kawartha Regional Conservation Authority (KRCA) to ensure that the existing hazard lands on the property have been properly delineated and appropriately rezoned through this process. KRCA reviewed the proposal and advised they have no concerns.

City of Kawartha Lakes Official Plan (2012)

The 'Subject Lands' are within the 'Rural' designation of the City of Kawartha Lakes Official Plan (CKLOP), where limited residential development may occur. No new residential development is proposed as a result of the previously approved lot line adjustment and proposed rezoning. The existing dwelling is to remain and the wetland features are to be protected on the adjusted lot line through the rezoning. The delineation of the wetland within the 'Subject Lands' was identified at the consent approval stage by the KRCA as the 'Subject Lands' are within the KRCA Regulated Area.

Further, as per Policy 15.3.7 of the CKLOP for Rural lands, "A severance for a minor lot line adjustment may be permitted provided it does not create a separate building lot that would otherwise require an amendment to this Plan". The approved lot line adjustment did not create a separate building lot. However, should a separate building lot be contemplated in the future, a severance would need to be approved via consent. Further, in order for a severance within the 'Rural' designated lands to be approved, an Official Plan Amendment would also be required at that time.

Township of Emily Zoning By-law 1996-30

The 'Subject Lands' are currently zoned 'Agricultural' (A1) Zone in the Township of Emily Zoning By-law 1996-30. As per Section 7.1 of the Zoning By-law, a single detached dwelling, as well as agricultural use, are permitted in the A1 Zone.

Prior to the lot line adjustment, the lot with the existing single detached dwelling was approximately 0.79 hectares, which complied with Section 7.2.1.7 of the Zoning By-law, which states that "[...] an existing lot or a lot created by consent with a lot area of 1.0 hectare or less shall only be used in accordance with Sections 10.1 and 10.2 of this By-law". Section 10.1 and 10.2 relate to the permitted uses and zoning provisions of the 'Rural Residential Type One' (RR1) Zone.

After the lot line adjustment, this lot would now be approximately 3.05 hectares, and provisions in the Zoning By-law would enable agricultural uses in the absence of a rezoning to restrict these uses. However, the reduced size of the lot would not support nor be appropriate for agricultural uses.

Accordingly, this Zoning By-law Amendment, as a condition of consent approval for the lot line adjustment, proposed to rezone a portion of the lot to 'Rural Residential Type One' (RR1) Zone to restrict agricultural uses while still permitted the existing residential dwelling.

Furthermore, as noted, in order for the Kawartha Conservation Authority to approve the lot line adjustment, they required the applicant to protect the portion of the lands with the wetland features, including a 30 metre buffer. This protection is provided through an 'Environmental Protection' Zone in accordance with the wetland mapping provided by the Conservation Authority on February 16, 2024. The applicant has delineated the wetland buffer accordingly and the Conservation Authority has no concerns with the proposed zoning.

Planning Staff are of the opinion that the Zoning By-law Amendment is appropriate as it restricts the uses on the residential lot to those permitted in the 'Rural Residential Type One' (RR1) Zone, thus facilitating the lot line adjustment, and protects the wetland features through an 'Environmental Protection' Zone.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

In alignment with strategic priorities, the proposed rezoning would facilitate a lot line adjustment that would further protect and enhance wetlands, which supports a healthy environment, and encourages sustainable growth, which supports a vibrant and growing economy.

Financial/Operation Impacts:

Not Applicable.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Development Services Department - Planning Division reviewed the proposal and has no further comments.

Economic Development - Agriculture Division reviewed the proposal and flagged comments pertaining to the existing house on the property, the removal of the Agricultural lands for the EP zone, the future of the property and the delineated wetland hazards. Through discussions between the applicant and the Planning Division, questions have been clarified and any issues have since been resolved.

Policy Planning reviewed the proposal and has provided no comments.

Building and Septic Division reviewed the proposal and has provided no comments.

Development Services Department - Building and Septic Division reviewed the proposal and has provided no comments.

Engineering and Corporate Assets Department reviewed the proposal and has provided no comments.

Kawartha Regional Conservation Authority reviewed the revised proposal with the delineated hazards and has no concerns regarding the proposed Zoning By-law Amendment.

Conclusion and Recommendation:

The proposal represents good land use planning by providing additional lands to an undersized non-farm residential lot, in accordance with policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Emily Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-010, substantially in the form attached as Appendix 'D' to Report **PLAN2024-045**, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Lindsay Nooren at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Location Map



APPENDIX A
D06_2024_010 -Loca

Appendix B – Aerial



APPENDIX B_.pdf

Appendix C – Sketch



APPENDIX C
22-2326 Shoreview F

Appendix D – Draft Zoning By-law and Schedule



APPENDIX D Draft
By-law Perdue_Shor

Department Head Email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-010

Geographic Township
of Emily

Appendix 'A'
TO
Report: PLAN2024-45
File No. D06-2024-010



Lot 19
Concession 13

Lot 20
Concession 13

Lot 21
Concession 13

SHOREVIEW RD

Subject
Land

Lot 19
Concession 12

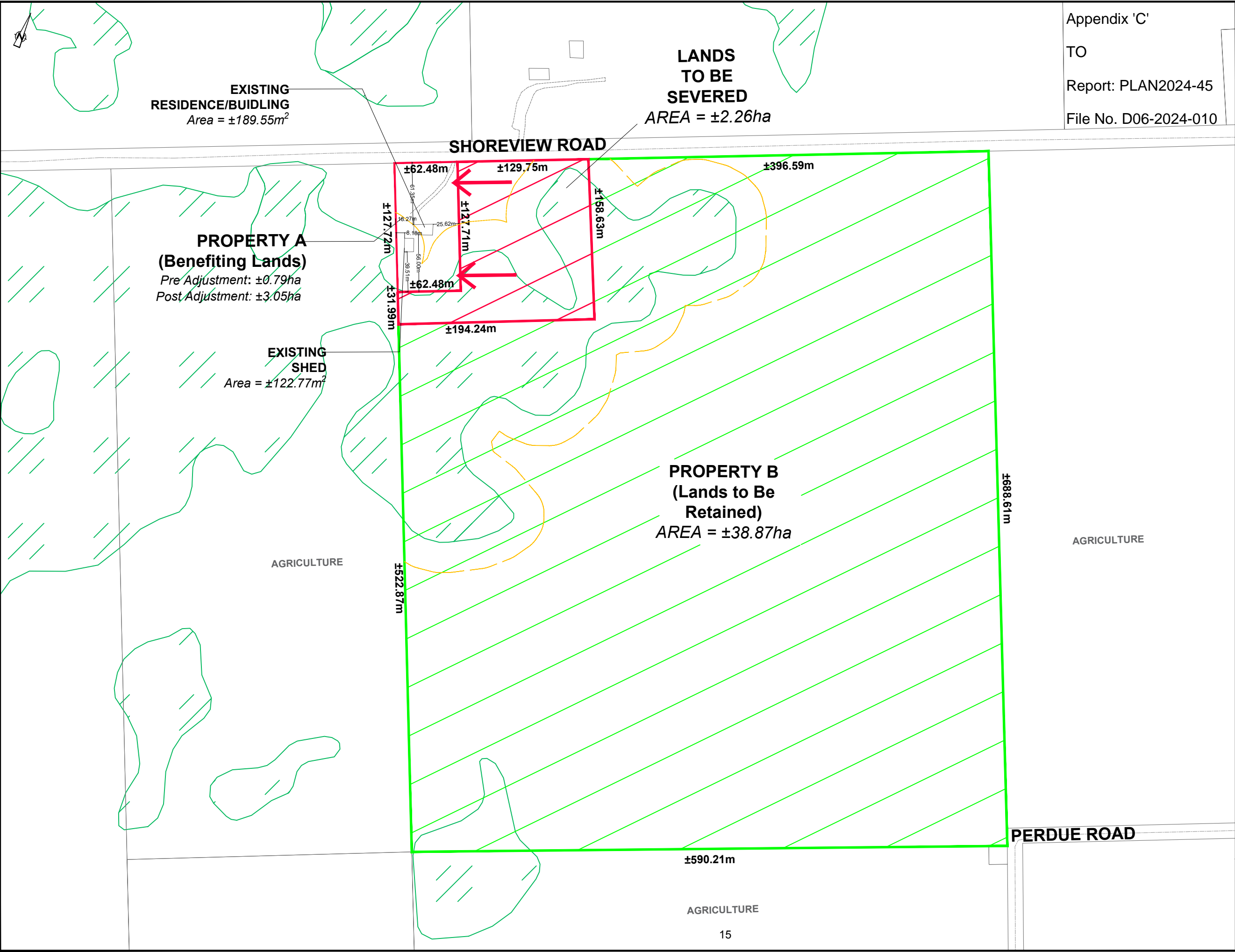
Lot 21
Concession 12

PERDUE RD

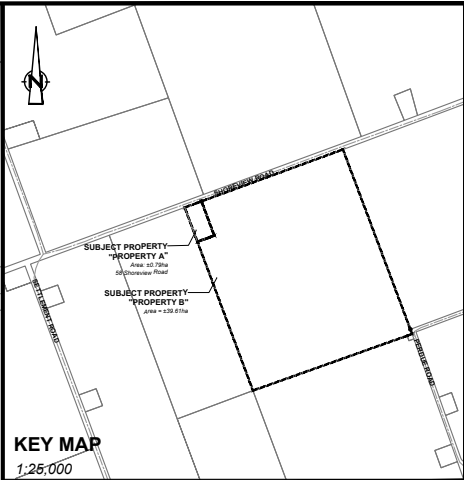
PIGEON LAKE RD

Somerville






Appendix 'C'
TO
Report: PLAN2024-45
File No. D06-2024-010



- LEGEND**
- EXISTING PARCEL
 - EXISTING STRUCTURES
 - EXISTING DRIVEWAY
 - EXISTING UNEVALUATED WETLAND (RETRIEVED FROM LIO)
 - 30m WETLAND BUFFER
 - LANDS TO BE RETAINED
 - LANDS TO BE SEVERED
 - BENEFITING LANDS

NOTES:

1. Property Boundaries are approximate

 <div>EcoVue Consulting Services Inc. 311 George St. N., Suite 200 Peterborough ON K9J 3H3 Tel: 705-876-8340 Fax: 705-742-8343 www.ecovueconsulting.com</div>	
DRAWN BY: SG	PROJECT No.: 22-2326
APPROVED BY:	HORIZ. SCALE: 1:3500
REVISION DATE: AUGUST 10, 2022	PLOT DATE: AUGUST 10, 2022
SHOREVIEW ROAD CONSENT ROY PERDUE SS SHOREVIEW ROAD & SS PERDUE ROAD PART OF LOT 02, CONCESSION 05 GEOG. TWP. OF EMILY CITY OF KAWARTHA LAKES	
CONSENT SKETCH	CS1

The Corporation of the City of Kawartha Lakes

By-Law 2024 - XXX

A By-law to Amend the Township of Emily Zoning By-law No. 1996-30 to Rezone Land within the City Of Kawartha Lakes

File D06-2024-010, Report PLAN2024-045, respecting Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes, identified as 58 Shoreview Road & 55 Perdue Road.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land rezone a portion of the 'Subject Land' from 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone and 'Environmental Protection' (EP) Zone to restrict agricultural uses while retaining the existing residential use on the property and to protect the existing wetlands. This would fulfill a condition of provisional consent for application D03-2023-015.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes, identified as 58 Shoreview Road & 55 Perdue Road.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone for a portion of the 'Subject Lands', as shown in Schedule 'A' attached to this By-law.
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the 'Agricultural' (A1) Zone to the 'Environmental Protection' (EP) Zone for the portion of the 'Subject Lands' that contain wetlands, as shown in Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2024.

Douglas J.F. Elmslie, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2024.

MAYOR _____ CLERK _____

Geographic Township
of Emily

Lot 19
Concession 13

Lot 20
Concession 13

Lot 21
Concession 13

SHOREVIEW RD

Lot 19
Concession 12

Lot 21
Concession 12

RR1

EP

A1

PERDUE RD

PIGEON LAKE RD

Pigeon
Lake

TSK-16764

Planning Advisory Committee Report

Report Number:	PLAN2024-046
Meeting Date:	July 10, 2024
Title:	75 St. Albans Road Concession 7, East Part Lot 18 in the Township of Verulam, in the City of Kawartha Lakes, Zoning By-law Amendment Application (D06-2024-011)
Description:	Rezone a portion of the 'Subject Land' from General Rural (A1) Zone to General Rural Exception 15 (A1-15) Zone to prohibit residential use on agricultural land. The remainder of the 'Subject Land' will remain General Rural (A1) Zone for the existing residential use
Type of Report:	Public Meeting
Author and Title:	Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited (City of Kawartha Lakes)

Recommendation(s):

That Report PLAN2024-46, **Amend the Township of Verulam Zoning By-law 6-87 at 75 St. Alban's Road**, be received for information; and

That a Zoning By-law Amendment respecting application D06-2024-011, substantially in the form attached as Appendix D to Report PLAN2024-046, **Amend the Township of Verulam Zoning By-law 6-87 at 75 St. Alban's Road**, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Sia's Green Thumb Inc. c/o Santosh Patel, President
Applicant:	Doug Carroll, DC Planning Services
Legal Description:	Concession 7, East Part Lot 18, as in instrument R406498, in the Township of Verulam, in the City of Kawartha Lakes (75 St. Alban's Road)
Official Plan:	'Rural' in Schedule 'A-5' of the City of Kawartha Lakes Official Plan
Zoning:	'General Rural' (A1) Zone in the Township of Verulam Zoning By-law 6-87
Area:	Approx. 41 hectares total. Through the Consent application, approx. 1 hectare would be severed from the property to contain the existing dwelling and approx. 40 hectares would be retained as farmland
Site Servicing:	Private well and septic
Existing Uses:	Retained land includes farmland and severed land contains the existing dwelling, swimming pool, shed and septic system
Adjacent Uses:	North – Agricultural East – Agricultural South – Agricultural West – Agricultural

In 2023, the applicant applied for a Consent application to permit the creation of an agricultural surplus dwelling lot at 75 St. Alban's Road. The existing lands contain a single detached dwelling, swimming pool and shed on approximately 41-hectare (102 acres) of farmland. The farm operation owner resides in another dwelling and owns additional non-abutting farmland, and the dwelling subject to this application is surplus to his use. As a condition of provisional consent approval, a Zoning By-law Amendment application was submitted to rezone the retained lot to prohibit future single detached dwellings on agricultural land.

New development and construction are not proposed. The existing uses will remain the same and no new buildings and/or structures are proposed.

Rationale:

Through the Consent application, approximately 1.0 hectare (2.47 acre) would be severed from the farm parcel at 75 St. Alban's Road to contain the existing dwelling, swimming pool, shed and septic system with about 135 metres (449.9 feet) of frontage on St. Alban's Road and depth of about 75 metres (249.1 feet).

The retained parcel would consist of 40 hectares (98.8 acres) of farmland that would be rezoned from 'General Rural' (A1) Zone to 'General Rural Exception 15' (A1-15) Zone as part of this application, to prohibit future residential dwellings on the retained lands. The 'Subject Lands' containing the existing residential dwelling conforms to all provisions to the A1 zone, and the amendment applies to the agricultural lot only.

Policy Conformity**Provincial Policy Statement 2020 (PPS 2020)**

The application is consistent with the applicable policies of the Provincial Policy Statement (2020). The PPS provides a policy framework for land use planning within the Province of Ontario.

As per Section 1.1.5.2 of the PPS, on rural lands located in municipalities, permitted uses include residential development, including lot creation that is locally appropriate. Further, as per Policy 1.1.5.5, development shall be appropriate to the infrastructure which is planned or available. No new development is proposed and the existing residential uses are permitted on rural lands.

Moreover, Policy 1.1.5.7 states that, opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Section 2.1 of the PPS includes policies related to natural heritage. Natural features and areas shall be protected for the long term, as per Policy 2.1.1. The application contains no natural hazards or natural heritage features of concern and has been reviewed by KRCA who have no concerns with the proposal.

As per Policy 2.3.4.1 c), lot creation for a residence surplus to a farming operation is permitted provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The proposed rezoning, as a condition of consent approval, achieves this.

Growth Plan for the Greater Golden Horseshoe (2019)

The proposal conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) for land use, servicing and natural heritage and hazard features. As per Policy 4.2.6.3 of the Growth Plan, where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. The proposed rezoning, as a condition of consent approval, helps mitigate any adverse impacts by protecting the retained farmland lot by prohibiting future single detached dwellings on agricultural land.

City of Kawartha Lakes Official Plan

The application upholds the goals and objectives of the City of Kawartha Lakes Official Plan (2012) Sections 3.5 - Natural Heritage Systems; 16 - Rural Designation, and Subsection 33.3 - Consents.

The 'Subject Lands' are designated Rural in the Official Plan. The Official Plan establishes 40 hectares as a minimum size for 'new' agricultural lots, in order to provide flexibility for future changes in the type of agricultural operation. The retained farm lot will be 40 hectares (98.8 acres) in size and includes all of the agricultural land currently in use, meeting the goals set out in the Official Plan. Further, as per Policy 16.3.6, dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the retained agricultural land be zoned to prohibit any residential use.

No new development is proposed as part of this application on the severed or retained parcels of land. The owner is required to apply to rezone the retained parcel to prohibit residential uses in the future.

Township of Verulam Zoning By-law 6-87

The 'Subject Lands' are currently zoned 'General Rural' (A1) Zone in the Township of Verulam Zoning By-law 6-87. The application complies with the applicable provisions of Zoning By-law, and in particular Section 19 – General Rural (A1) Zone. The by-law permits a General Rural (A1) lot for farm use to be a minimum size of 25 hectares.

As per Section 19.2 of the Zoning By-law, non-farm uses are required to be a minimum 2,050 square metres with a maximum lot area of 1 hectare for residential uses. Further, the minimum lot frontage is to be 36 metres. The proposed severed lot would be

approximately 1 hectare (2.47 acres) and have 135 metres of frontage on St. Alban's Road, in compliance with the by-law. Further, the existing dwelling is in compliance with the applicable setbacks, height, area and lot coverage requirements.

The proposed retained lot is approx. 40 hectares and complies with the applicable zoning provisions. However, the retained lot would be rezoned, through this Zoning By-law Amendment, to prohibit future dwellings.

Planning Staff are of the opinion that the Zoning By-law Amendment is appropriate.

Other Alternatives Considered:

N/A

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

In alignment with strategic priorities, the proposed rezoning would facilitate a lot line adjustment that would further protect farmland, which supports a healthy environment, and recognizes a surplus farm dwelling, which supports quality of life by promoted further housing options.

Financial/Operation Impacts:

N/A

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Development Services Department - Planning Division reviewed the proposal and has no further comments.

Building and Septic Division reviewed the proposal and has provided no comments.

Development Services Department - Building and Septic Division reviewed the proposal and has provided no comments.

Engineering and Corporate Assets Department reviewed the proposal and has provided no comments.

Kawartha Regional Conservation Authority reviewed the revised proposal and has provided no comments.

Conclusion and Recommendation:

The proposal represents good land use planning by protecting farmland by prohibiting future residential dwellings on the retained lands, in accordance with policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Verulam Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-011, substantially in the form attached as Appendix 'D' to Report **PLAN 2024-046** be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Lindsay Nooren at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Location Map



APPENDIX A
D06_2024_011-Locat

Appendix B – Aerial



APPENDIX B.pdf

Appendix C – Sketch



APPENDIX C
2022.10.31-Sketch-7

Appendix D – Draft Zoning By-law and Draft Zoning By-law Schedule



APPENDIX D St
Albans Road Draft B

Department Head email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-011

Geographic Township
of Verulam

Lot 19
Concession 8

Lot 19
Concession 7

Subject
Land

Lot 18
Concession 7

Lot 18
Concession 8

Lot 17
Concession 7

Lot 17
Concession 8

Somerville

COUNTY RD 8

ST ALBANS RD

ECHO
BAY RD



SCALE 1:7500

PROPOSED SEVERANCE
AREA = 1.0 HECTARE

RETAINED LANDS
AREA = 41.0± HECTARES

RETAINED LANDS



PART OF LOT 18, CONCESSION 7, GEOGRAPHIC TOWNSHIP OF
VERULAM, AS IN INSTRUMENT R406498, CITY OF KAWARTHA
LAKES.
BEING PIN 63122-0123



PARTY CHIEF: ML	DRAWN BY: REZA	CHECKED BY: GT	PLOT DATE: OCT. 31, 2022
FILE NAME: A-036468-SKETCH-V3			

The Corporation of the City of Kawartha Lakes

By-Law 2024 - XXX

A By-law to Amend the Township of Verulam Zoning By-law 6-87 to Rezone Land within the City Of Kawartha Lakes

File D06-2024-011, Report PLAN2024-046, respecting Concession 7, East Part Lot 18, as in instrument R406498, in the Township of Verulam, in the City of Kawartha Lakes, identified as 75 St. Alban's Road.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to rezone a portion of the 'Subject Land' from General Rural (A1) Zone to General Rural Exception 15 (A1-15) Zone for the purpose of prohibiting residential use on agricultural land. The remainder of the 'Subject Land' will remain General Rural (A1) Zone for the existing residential use. This would fulfil a condition of provisional consent for application D03-2023-038.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Concession 7, East Part Lot 18, as in instrument R406498, in the Township of Verulam, in the City of Kawartha Lakes, identified as 75 St. Alban's Road.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 6-87 of the Township of Verulam is amended to change the zone category of the 'Subject Land' from the General Rural (A1) Zone to the General Rural Exception 15 (A1-15) Zone for the land referred to as 'A1', as shown in Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2024.

Douglas J.F. Elmslie, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2024.

MAYOR _____ CLERK _____

'Kinmount'

Lot 1

DICKSON ST

BEND ST

CREGO ST

MONCK RD

Concession 14

RR2-XX

TSK-16764

Planning Advisory Committee Report

Report Number: PLAN2024-044

Meeting Date: July 10, 2024

Title: Amendment to Township of Somerville Zoning By-law 78-45 - 1101 County Road 49

Description: Rezoning to facilitate the severance of vacant rural land from the retained rural land

Type of Report: Regular Meeting

Author and Title: Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report **PLAN2024-044, Amendment to Township of Somerville Zoning By-law 78-45 - 1101 County Road 49**, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-008, substantially in the form attached as Appendix D to Report **PLAN2024-044**, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Proposal:

The subject lands are identified as 1101 County Road 49, and described as Part Lot 1, Concession 1 and 2, Geographic Township of Somerville, now City of Kawartha Lakes. The subject lands are designated as Rural and Environmental Protection in the City of Kawartha Lakes Official Plan 2012. There are various natural heritage features on the subject site. There is also an aggregate operation directly east of the subject site across County Road 49.

The Director of Development Services, as delegated by Council, granted provisional consent approval to application D03-2017-026 on September 21, 2022 to allow the severance of approximately 40 hectares of vacant rural land, from 40 hectares of retained rural land. The retained rural land contains an existing single detached dwelling and a shed that will remain on the retained lot. The intent is that the severed lot will be redeveloped in the future with a single detached dwelling. The conditions of provisional consent (D03-2017-026) required that the proponent apply to rezone the lands to address the applicable provincially significant natural heritage and hazard features on site and implement the appropriate setbacks from the neighbouring aggregate operation.

Owner:	Allan and Wanda Bevand
Applicant:	EcoVue Consulting Services Inc. c/o Kent Randall
Legal Description:	Part Lot 1, Concession 1 and 2, Geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	Rural and Environmental Protection (Schedule A5), Significant Woodlands (Schedule B5), City of Kawartha Lakes Official Plan (2012)
Zone:	Rural General (RG) Zone in the Township of Somerville Zoning By-law 78-45, as amended
Site Size:	Total – Approximately 80 hectares (197.68 acres) Severed – 40 hectares (98.84 acres) Retained – 40 hectares (98.84 acres)
Site Servicing:	Severed – No servicing Retained – Private individual well and septic system
Existing Uses:	Single Detached Dwelling

Adjacent Uses: North – Rural, Residential
 East – Aggregate Operation
 South – Rural, Residential
 West – Natural Heritage, Agricultural

Background:

The application was deemed complete on March 1, 2024, and was circulated to internal City Departments and external agencies for comment on March 18, 2024. A Statutory Public Meeting was held on April 10, 2024. The Planning Advisory Committee passed a motion to refer the application back to staff due to outstanding technical reviews from commenting agencies. Outstanding technical reviews pertained to the Land Use Compatibility Study and Noise Study, triggered by the neighbouring aggregate operation, as well as the Environmental Impact Study triggered by the presence of on-site Natural Heritage Features.

Since the Planning Committee motion, these outstanding technical reviews have been completed. Staff feel that the outstanding issues have been resolved, and the zoning by-law amendment should be approved.

Comment Summary:

The following section provides a summary of the comments received since the Planning Advisory Committee motion, and how the comments have been addressed, demonstrating conformity with planning policy.

Development Services – Planning Division Comments:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

Section 2.2.9 of the Growth Plan speaks to policies for Rural Areas. New lot creation is considered development under the Growth Plan. Section 2.2.9.3 provides that “development outside of settlement areas may be permitted on rural lands for:

- c) Other rural land uses that are not appropriate in settlement areas provided they:
 - i. Are compatible with the rural landscape and surrounding local land uses;
 - ii. Will be sustained by rural service levels; and
 - iii. Will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations;”

There is an existing aggregate operation immediately east of the subject site across County Road 49. The applicant submitted a Land Use Compatibility Study and Noise Impact Study to identify any concerns regarding a proposed sensitive land use in the vicinity of an aggregate operation. The technical review of the study was completed following the previous public meeting.

The proposed zoning by-law amendment, as recommended by the Land Use Compatibility and Noise Study, includes a 300-metre buffer from the neighbouring aggregate operation. Future development on the severed lot will maintain the buffer. The existing single detached dwelling and shed on the retained lot are within the 300-metre aggregate buffer, but this is an existing condition, and there is no additional development proposed on the retained parcel as part of the application.

The Peer Review of the noise study indicated that the noise study was completed in accordance with the MOE guidelines. Technical review of the Land Use Compatibility and Noise Study have been completed, fulfilling the conditions of consent. Based on the technical review, the buffer is appropriate and ensures the required separation from the future dwelling on the severed lot and the neighbouring aggregate operation. The Peer Review of the noise study was finalized on May 31, 2024. No concerns were identified.

Section 4.2.3 of the Growth Plan provides guidance regarding Natural Heritage features and nearby development. Section 4.2.3.1 provides that "outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features." Further, Section 4.2.4.1 provides that "outside of settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature, will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone."

A portion of the site is designated as Environmental Protection under the Official Plan. Further, the subject site is part of the Natural Heritage system for the Growth Plan and is identified as containing significant woodlands per Schedule B5 of the Official Plan.

An Environmental Impact Study was submitted in response to comments provided by Kawartha Conservation during the previously completed Consent application. Following a review of the EIS, the Conservation Authority has expressed no concerns with the zoning by-law amendment.

In light of these completed technical reviews, the application conforms to the Growth Plan.

Provincial Policy Statement, 2020:

Section 1.2.6.1 of the Provincial Policy Statement, 2020 (PPS) states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. Major facilities include resource extraction activities such as aggregate operations.

The Land Use Compatibility and Noise Studies submitted with the application recommends a 300-metre setback from the adjacent aggregate operation, which will be implemented through the zoning by-law amendment. Technical review of the noise study was completed and the noise study was prepared in accordance with the MOE guidelines. Technical review of the Land Use Compatibility and Noise Study have been completed, satisfying the conditions of consent.

Section 2.1.1 of the PPS provides that natural features and areas shall be protected for the long term. Section 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. As a condition of consent, the applicant submitted an Environmental Impact Study (EIS) which was reviewed by Kawartha Conservation. Recommendations, mitigation measures and best practices propose a 30-metre vegetation protection zone (VPZ) and recommend limiting tree clearing required on site. The zoning by-law amendment proposes to rezone areas containing significant natural heritage features, including the VPZ to the 'Environmental Protection (EP) Zone' to protect the features and their functions. Following review of the EIS, the Conservation Authority raised no objections to the zoning by-law amendment.

Therefore, this application is consistent with the PPS.

City of Kawartha Lakes Official Plan, 2012:

The subject land is designated as Rural and Environmental Protection in the Official Plan.

Per Section 17.3.2 of the Official Plan the purpose of the Environmental Protection Designation is to prevent development or site alteration on lands which are hazardous

due to flooding, erosion, slopes, or other physical conditions which could cause loss of life, injury, property damage or degradation of the environment. The Environmental Protection designation is intended to protect and maintain natural features and characteristics. The zoning by-law amendment will implement an appropriate zone which will protect the natural heritage features identified on site, and the associated VPZ. The Conservation Authority has completed their technical review of the EIS submitted in support of the application and have expressed no concerns with the zoning by-law amendment.

Section 3.8 of the Official Plan speaks to buffering of incompatible uses. Specifically, Section 3.8.1 states that “in order to foster compatibility between sensitive uses and to prevent adverse effects, distance separation, building design, screening, and or topographical buffering techniques shall be required”. Minimum distance separations from sensitive land uses are determined based on whether an industrial use is considered, light, medium or heavy per Section 3.8.2. Heavy industrial uses require a minimum separation distance of 300 metres from sensitive land uses per Section 3.8.3. Per Section 3.8.8 for any proposal to establish a sensitive land use designation or zoning or to further subdivide land within the potential influence area of an existing light, medium or heavy use, the separation distances specified by this policy shall apply unless a detailed evaluation which identifies the potential for impacts has been completed to the satisfaction of the City. Technical review of the Land Use Compatibility and Noise Study have been completed, and staff believe these conditions of consent have been satisfied. The zoning by-law amendment will implement the 300-metre buffer recommended by the study, which aligns with the Official Plan buffer requirements.

Therefore, this application conforms to the Official Plan.

Township of Somerville Zoning By-law 78-45

The subject site is zoned Rural General (RG) Zone in the Township of Somerville Zoning By-law 78-45, as amended. To fulfill a condition of provisional consent approval (D03-2017-026), the lands must be rezoned from the ‘Rural General (RG) zone’ to the ‘Rural General Exception Nine (RG-9) Zone’, and from the ‘Rural General (RG) Zone’ to the ‘Environmental Protection (EP) Zone’. The rezoning will address the applicable provincially significant natural heritage and hazard features on site and implement the appropriate setbacks from the neighbouring aggregate operation.

The zoning by-law amendment is appropriate. After consideration of the technical reviews completed, staff recommend the zoning by-law amendment be approved.

Agency Review Comments:

At the time of the public meeting in April 2024, comments were still outstanding from Kawartha Conservation on their review of the Environmental Impact Study, and the Noise Study Peer Review consultant. Following the public meeting, technical reviews on both of these submission materials were completed. The Conservation Authority has advised no objection to the proposal. Further, reviews of the noise study, and land use compatibility study indicate no issues, and the noise study was completed per the MOE guidelines. Staff feel that the completion of these technical reviews satisfy the requirements of Provisional Consent (File: D03-2017-026), and support approval of the zoning by-law amendment.

Conclusion and Recommendation:

The development represents good land use planning by utilizing vacant lands. The land use compatibility concerns and concerns regarding the natural heritage features have been appropriately addressed in accordance with applicable policies. The proposal supports policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Somerville Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-008, substantially in the form attached as Appendix 'D' to Report **PLAN2024-044**, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at Matt.Alexander@wsp.com.

Attachments:

Appendix 'A' – Location Plan



Appendix A

Appendix 'B' – Aerial Photo



Appendix B

Appendix 'C' - Concept Plan



Appendix C

Appendix 'D' – Draft Zoning By-law Amendment

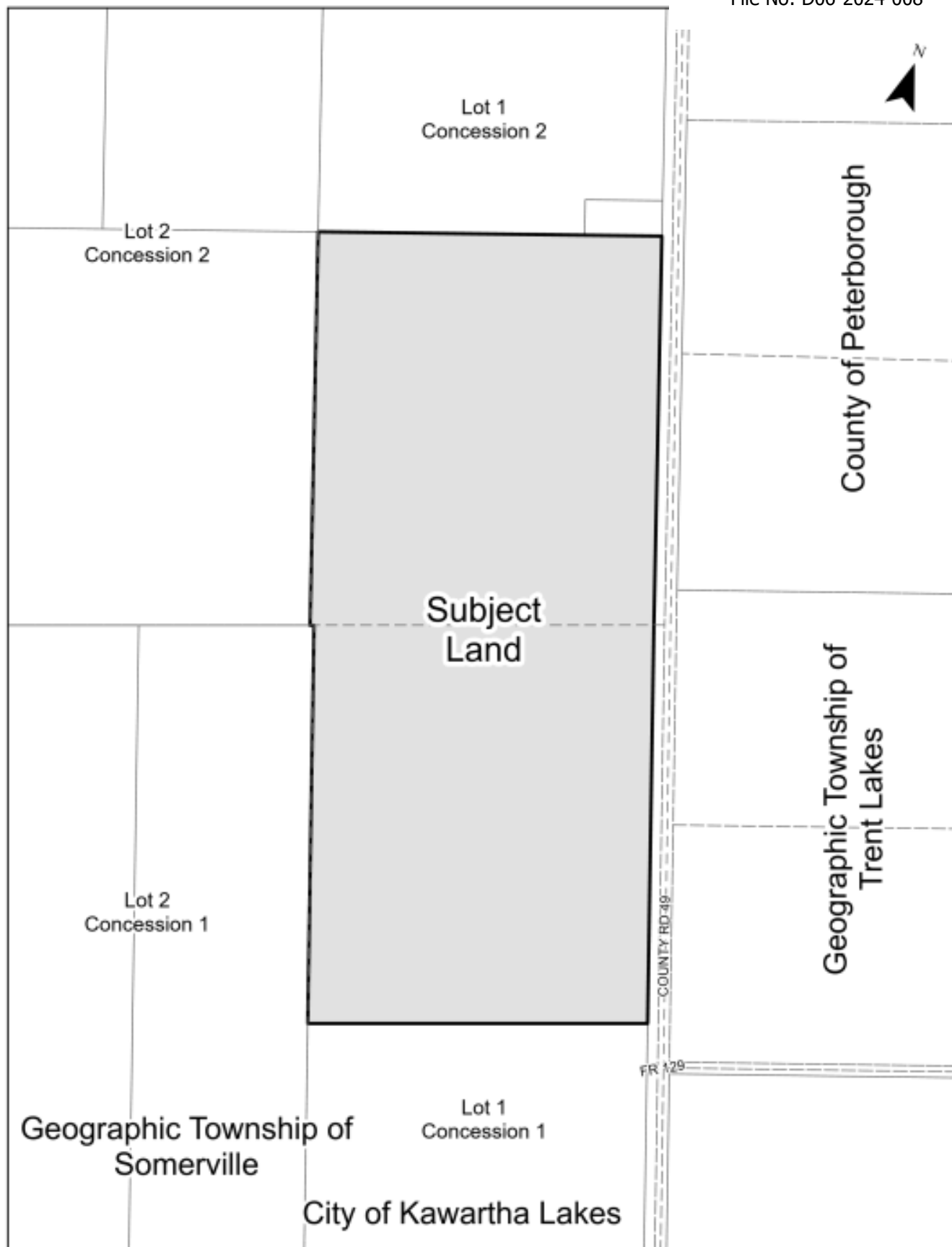


Appendix D

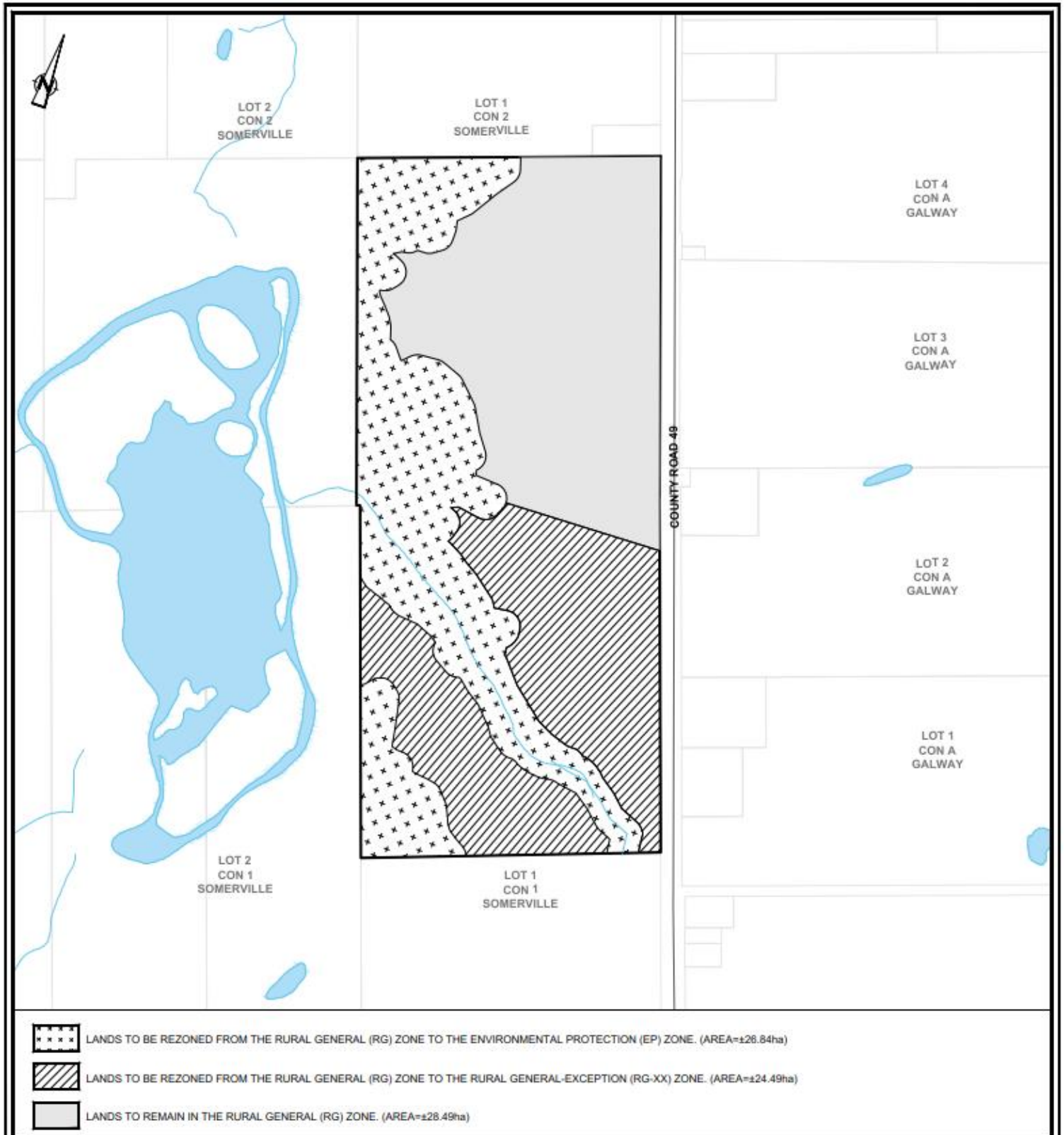
Department Head email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-008







The Corporation of the City of Kawartha Lakes

Report: PLAN2024-044

By-Law 2024-

File No: D06-2024-008

A By-law to Amend The Township of Somerville Zoning By-law 78-45, as amended, To Rezone Land within the City of Kawartha Lakes

File D06-2024-008, Report PLAN2024-044, respecting Part Lot 1, Concession 1 and 2, Geographic Township of Somerville, being 1101 County Road 49, now City of Kawartha Lakes.

Recitals

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zone categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-_____.

Section 1.00: Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 1, Concession 1 and 2, Geographic Township of Somerville, being 1101 County Road 49, now City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 78-45 of the Township of Somerville, as amended, is further amended to change the zone category on:
 - (a) A portion of the property from the 'Rural General (RG) Zone' to the 'Rural General Exception Nine (RG-9) Zone'; and
 - (b) A portion of the property from the 'Rural General (RG) Zone' to 'Environmental Protection (EP) Zone', as shown on Schedule 'A' attached to this By-law;
- 1.03 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville, as amended, is further amended by adding the following to Subsection 9.3 Rural General Exception Zones:

"9.3.9 Rural General Exception Nine (RG-9) Zone

 - a. Notwithstanding the provisions detailed in subsection 9.1 and 9.2, to the contrary, on land zoned 'RG-9', the following requirement shall apply:

Section 2.00: Effective Date

2.01 **Effective Date:** This By-law shall come into force and effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ____ day of _____, 2024.

Doug J.F Elmslie, Mayor

Cathie Ritchie, City Clerk

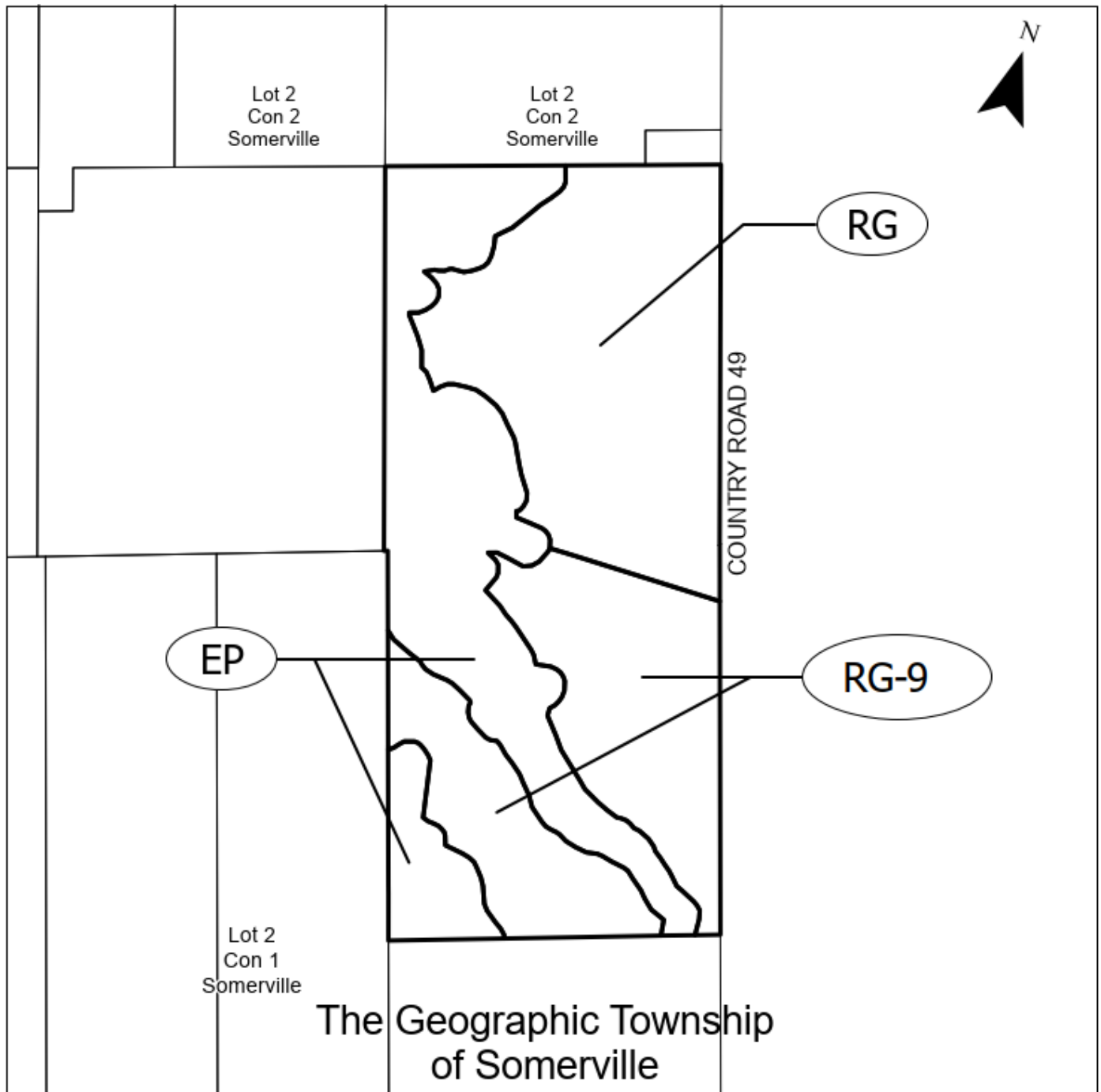
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2024.

MAYOR _____ CLERK _____



Planning Advisory Committee Report

Report Number: PLAN2024-047

Meeting Date: July 10, 2024

Title: Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Plan 105 Part of Lot 1, West of Monck Road, South of Crego Street Geographic Township of Somerville, City of Kawartha Lakes

Description: Rezone the 'Subject Land' in the Township of Somerville Zoning By-law Number 78-45 from 'Community Facility' (CF) Zone to 'Rural Residential Type Two Exception' (RR2-XX) Zone to permit the conversion of an existing building previously used as a community facility to a residential dwelling unit and recognize the existing lot deficiencies.

Type of Report: Regular Meeting

Author and Title: Lindsay Nooren, RPP, MCIP, and Michael Hanifi, RPP, MCIP, of Dillon Consulting Ltd. on behalf of Kawartha Lakes Planning Division

Recommendation(s):

That Report PLAN2024-047, **Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street**, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-009, substantially in the form attached as Appendix D to Report PLAN2024-047, **Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street**, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The proposal is to permit the conversion of an existing building previously used as a community facility to a residential dwelling unit and recognize the existing lot deficiencies (i.e. insufficient lot area, frontage, front yard, and flankage yard). The subject site is located on the corner of Crego Street and Monck Road with a driveway located off Monck Road. It is within the Village of Kinmount in the Geographic Township of Somerville.

Owner:	Michael LeBlanc & Christine Brickman
Applicant:	D.M. Wills Associates Limited % Marnie Saunders
Legal Description:	Plan 105 Part of Lot 1, West of Monck Road, South of Crego Street, Township of Somerville, City of Kawartha Lakes
Official Plan:	'Hamlet Settlement' in the City of Kawartha Lakes Official Plan
Zone:	'Community Facility' (CF) Zone in the Township of Somerville Zoning By-law 78-45, as amended
Site Size:	Total – 742.67 sq. metres (0.18 acres)
Site Servicing:	City owned/operated piped water system
Existing Use:	The property is currently developed with a former church and masonic lodge with a ground floor area of approximately 143.3 square metres
Surrounding Uses:	The majority of surrounding uses include residential, commercial, and community facility uses

At the Planning Advisory Committee (PAC) on June 5th, 2024, the application was received and referred back to staff to address agency comments and for further review of technical studies. This included issues pertaining to the existing driveway and safe entrance considerations as well as easement issues relating to municipal infrastructure running parallel to the existing driveway.

Rationale:

Staff were notified after the June 5th PAC Meeting that the applicant has applied for a Safe Entrance Permit through the Public Works Department, and has engaged legal staff to determine the history of the property related to the easement over the infrastructure. In terms of the missing easement information, the City's legal staff have drafted an easement to be registered on title to the owner's property at the expense of the City for the existing water and wastewater infrastructure thereon.

No further comments have been received since the meeting regarding the zoning permissions the applicant is seeking to apply to the property. As all issues initially raised are being addressed by legal staff and Public Works at this time with the applicant, Planning Staff are satisfied that these issues are being resolved separately and would no longer impact the proposed zoning permissions. Planning Staff therefore recommend approval of the Zoning By-law Amendment.

Other Alternatives Considered:

N/A

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Development Services – Planning Division Comments:

The application generally conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also generally conforms to the policies of the City of Kawartha Lakes Official Plan.

The rezoning to address the applicable lot deficiencies associated with the existing dwelling is generally appropriate. No built form changes or alterations to the site are proposed. Staff support the rezoning of the subject lands on the basis that the easement and safe entrance permit concerns are resolved with Legal and Public Works as conditions of approval.

Conclusion and Recommendation:

The proposal represents good land use planning by providing additional housing supply through a rezoning, in accordance with policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Somerville Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-009, substantially in the form attached as Appendix 'E' to Report **PLAN2024-047** be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Lindsay Nooren at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Location Map



APPENDIX A Crego
Location Map.pdf

Appendix B – Aerial



APPENDIX B
CREGO.pdf

Appendix C – Revised Site Plan

Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Plan 105
Part of Lot 1, West of Monck Road, South of Crego Street Geographic Township of
Somerville, City of Kawartha Lakes
Page 5 of 5



APPENDIX C Crego
Revised Site Plan.pdf

Appendix D – June 5th 2024 PAC Meeting Agenda + Staff Report



APPENDIX D
eSCRIBE Minutes.pdf

Appendix E – Draft Zoning By-law Amendment + Draft Zoning By-law Schedule



APPENDIX E Crego
St. Draft By-law.pdf

Department Head Email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-009

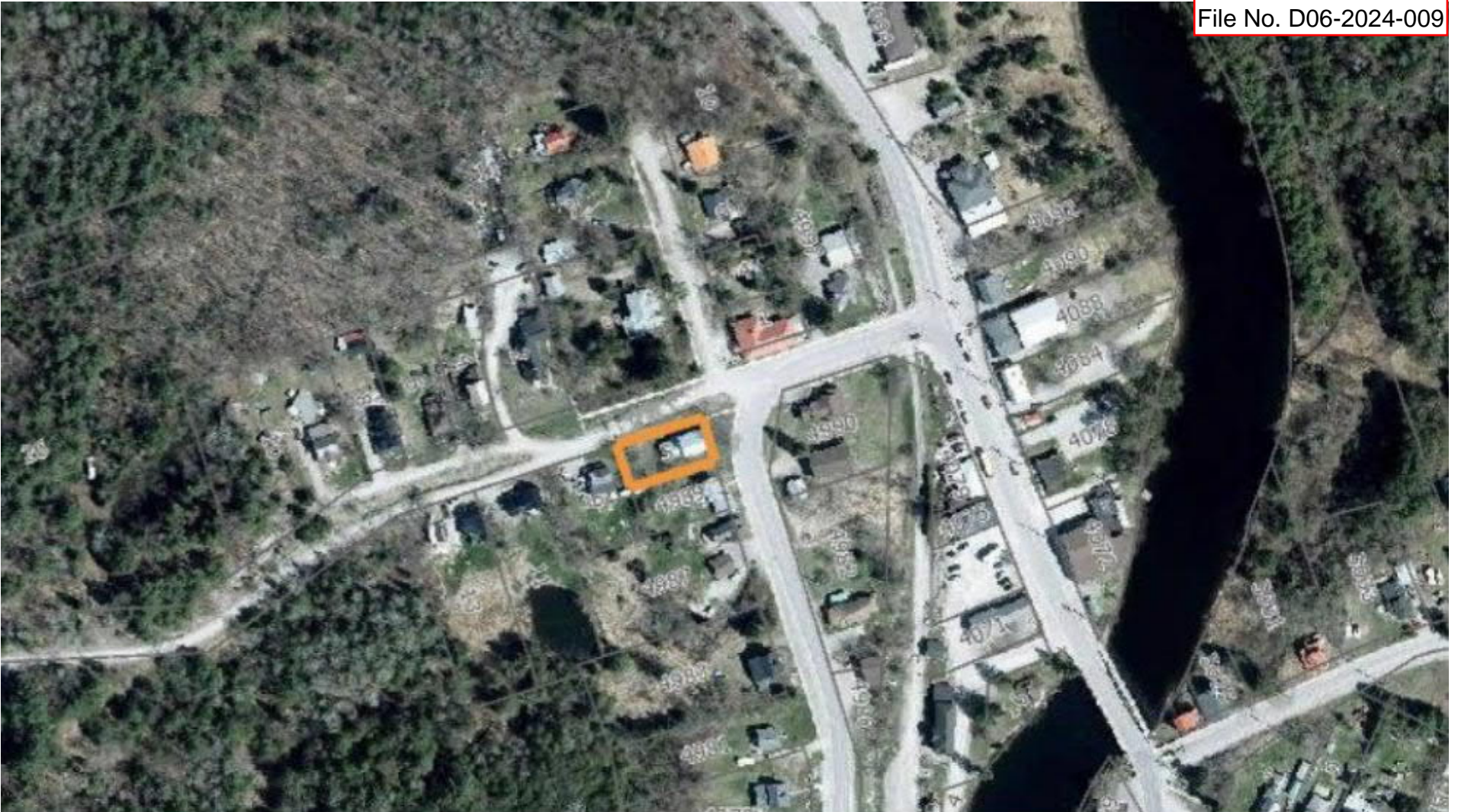


Appendix 'B'

TO

Report: PLAN2024-47

File No. D06-2024-009





TO

File No. D06-2024-009

ZONING CHANGE FROM COMMUNITY
FACILITY (CF) TO RESIDENTIAL (RR2)
EXCEPTION ZONE XX

LEGEND:



NOT FOR CONSTRUCTION

The Corporation of the City of Kawartha Lakes

Minutes

Planning Advisory Committee Meeting

PC2024-07

Wednesday, June 5, 2024

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Councillor Tracy Richardson

Councillor Pat Warren

Mike Barkwell

Patrick O'Reilly

Andrew Veale

Jason Willock

Appendix 'D'

TO

Report: PLAN2024-47

File No. D06-2024-009

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities.

Please contact agendaitems@kawarthalakes.ca if you have an accessible accommodation request.

1. Opening Items

1.1 Call to Order

Chairperson A. Veale called the meeting to order at 1:00 p.m. Mayor D. Elmslie, Councillors T. Richardson and P. Warren, and Committee Members P. O'Reilly, and J. Willock were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services L. Barrie, Manager of Development Engineering C. Sisson, and L. Noreen and M. Hanafi of Dillon Consulting and M. Alexander of WSP Canada Inc. (on behalf of Kawartha Lakes Planning Division) were also in attendance.

Absent: M. Barkwell

The Chair opened the meeting and noted the members of the Planning Advisory Committee and staff present.

1.2 Land Acknowledgement - Recognition of National Indigenous Peoples Day (June 21, 2024)

In recognition of National Indigenous Peoples Day on June 21, the Chair stated that the City of Kawartha Lakes respectfully acknowledges that we are situated on Mississauga lands and the traditional territory covered by the Williams Treaties.

We are grateful for the opportunity to work here and we thank all the generations of people who have taken care of this land for thousands of years. We recognize and deeply appreciate their historic connection to this place. We also recognize the contributions of Métis and other Indigenous peoples in shaping and strengthening this community.

1.3 Adoption of Agenda

PAC2024-036

Moved By Councillor Richardson

Seconded By Councillor Warren

That the agenda for the Wednesday, June 5, 2024 Planning Advisory Committee Meeting be adopted as circulated.

Carried

2. **Declarations of Pecuniary Interest**

J. Willock declared that he had a conflict on Item 6.1 on the agenda stating that the applicant has become a client of his insurance agency since the initial application was put forward for re-zoning. He noted that he had received permission to disclose the relationship.

There were no other declarations of pecuniary interest disclosed.

3. **Public Meeting Reports**

The Chair stated that, as required under the Planning Act, a Public Meeting is being held prior to the next Regular Council making decisions on the following planning matters. The Chair requested staff to advise on the manner of giving notice for each of the proposed applications. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date, and further advised how the public could participate in the Public Meeting portions of the agenda.

3.1 PLAN2024-036

Application to Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Kinmount - LeBlanc Brickman

Lindsay Noreen, RPP, MCIP, and Michael Hanifi, RPP, MCIP, of Dillon Consulting Ltd. on behalf of Kawartha Lakes Planning Division

3.1.1 Public Meeting

Ms. Noreen confirmed that the required notice was given in accordance with the Planning Act. They summarized the application, explaining that it proposes to permit the conversion of an existing building previously used as a community facility to a residential dwelling unit and to also recognize the existing lot deficiencies (i.e. insufficient lot area, frontage, front yard, and flankage yard). The applicant is proposing a rezoning from the Community Facility (CF) Zone to the Rural Residential Type Two Exception XX (RR2-XX) Zone to facilitate the change. Consistency with the Provincial Policy Statement, and conformity to the Growth Plan for the Greater Golden Horseshoe and the Kawartha Lakes Official Plan will be determined upon further review of the application. Ms. Noreen summarized the comments received to date, as detailed in the report, noting that subsequent to the writing of the report, that no additional comments were received. Staff are recommending that the application be referred back to staff to address the agency comments and for further review of technical studies. Ms. Noreen and Mr. Hanifi responded to questions from members of the Committee.

The Chair inquired if the applicant wished to speak to the application.

Marnie Saunders of EcoVue Consulting spoke as the applicant. She noted that they have provided an updated site plan drawing which addresses changes from the original drawing including the revised location of the driveway, a holding tank location (as opposed to a septic tank), as well as the water distribution line. She provided a brief history of the property, and stated that while they are aware that an easement for the City to access the water distribution line located on the property is appropriate, it should be dealt with separately from the rezoning.

Christine Brickman and Mike LeBlanc spoke as the owners and provided an overview of their presentation which is attached to the minutes including:

- A history of the property;
- Renovations and improvements done to the property since purchase; and
- Interactions with Kawartha Lakes staff and policy.

They emphasized the amount of work that had been done to get to this day, and encouraged that the process for the rezoning move forward without delay. She made herself available for any questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

No persons spoke to the application.

Development Engineering noted that they are still seeking to have the water distribution line field-verified, and to have the curb stop removed off the driveway.

The Public Meeting concluded at 1:34 p.m.

3.1.2 Business Arising from the Public Meeting

PAC2024-037

Moved By Mayor Elmslie

Seconded By P. O'Reilly

That Report PLAN2024-036, Application to Amend the Township of Somerville Zoning By-law 78-45 at 5 Crego Street, Kinmount - LeBlanc Brickman, be received; and

That Report PLAN2024-036, be referred back to staff to address agency comments and for further review of technical studies.

Carried

- 4. **Deputations**
- 5. **Correspondence**
- 6. **Regular and Returned Reports**
- 6.1 PLAN2024-032

Application to Amend Bobcaygeon Zoning By-law 16-78 at Duke Street - Market Square Non-Profit Housing Corp. - Update

Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

J. Willock left the Council Chambers at 1:35 p.m. due to his declared conflict of pecuniary interest.

Mr. Alexander confirmed that a Public Meeting on this matter was held on November 29, 2023 in accordance with the Planning Act. They summarized the application, explaining that it proposes to permit development of a 2-storey 22-unit affordable rental apartment building. The land subject of this application is identified as vacant land on Duke Street, and described as Lot 17 and 18, Registered Plan No. 32 in the Village of Bobcaygeon. The property is currently zoned Restricted Industrial (M1) in the Village of Bobcaygeon Zoning By-law. As the M1 zone does not permit residential uses, the applicant is proposing to rezone the property to the Urban Residential Type Four Exception Twelve (R4-S12) Zone in order to permit the proposed development, and to recognize certain site-specific zoning standards. The application is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Victoria County Official Plan. Mr. Alexander summarized the comments received to date, as detailed in the report. Staff are recommending that the application be referred to Council for approval. Mr. Alexander and Ms. Barrie responded to questions from the members of the Committee.

PAC2024-038

Moved By Councillor Richardson

Seconded By Councillor Warren

That Report PLAN2024-032, Application to Amend Bobcaygeon Zoning By-law 16-78 at Duke Street - Market Square Non-Profit Housing Corp. - Update, be received;

That a Zoning By-law Amendment respecting application D06-2023-019, substantially in the form attached as Appendix D to Report PLAN2024-032, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Carried

J. Willock returned to Council Chambers at 1:50 p.m.

6.2 PLAN2024-038

Application to Amend Lindsay Zoning By-law 2000-75 at Hamilton Street, Lots 51 to 57 and 64 to 66, Plan 137 - 12867923 Canada Inc - Update

Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Mr. Alexander confirmed that a Public Meeting on this matter was held on February 7, 2024 in accordance with the Planning Act. They summarized the application, explaining that it proposes to permit the development of a self-storage facility. The proposed facility will include: A large building (Unit 1) with storage units that will be accessed from within the building; a smaller building (Unit 2) to be located along the eastern lot line with units that will have external access; a gatehouse at the main entrance; and an administration building near the rear of the property. Vehicular access to the site will be facilitated through ingress and egress gateways located on Hamilton Street. Seventeen (17) standard parking spaces and one accessible space will be provided on site, with an emergency vehicle route proposed that will encircle Unit 1. The property is currently zoned General Employment (GE) Zone which does not include a storage facility as a permitted use. The applicant proposes to rezone the subject lands to General Employment Exception Eleven (GE-11) Zone to add a storage facility as a permitted use. The application is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Lindsay Secondary Plan. Mr. Alexander summarized the comments received to date, as detailed in the report. Staff are recommending that the application be referred to Council for approval. Mr. Alexander responded to questions from the members of the Committee.

PAC2024-039

Moved By P. O'Reilly

Seconded By Councillor Richardson

That Report **PLAN2024-038, Application to Amend Lindsay Zoning By-law 2000-75 at Hamilton Street, Lots 51 to 57 and 64 to 66, Plan 137 - 12867923 Canada Inc - Update**, be received;

That a Zoning By-law Amendment respecting application D06-2023-031, substantially in the form attached as Appendix D to Report PLAN2024-038, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

6.3 PLAN2024-039

Request to Enter into Development Agreement - Iris Grove (Riverside Heights) - Apex

Leah Barrie, Director of Development Services

Ms. Barrie confirmed that this matter was last before Council in the fall of 2022 and Council's repeal of the Deeming By-law on the subject property was registered on November 8, 2022 and had the effect of reinstating the lots within Plans 626 and 627. Once the Development Agreement is complete, Council will be in a position to remove the Holding (H) provision on the Zoning By-law 2022-146. She summarized the agreement, explaining that it proposes to comply with Council's policies and by-laws applicable to the development of land and incorporates civil engineering standards and land use planning requirements. Staff are recommending that the agreement be referred to Council for approval. She responded to questions from the members of the Committee.

PAC2024-040

Moved By Councillor Warren

Seconded By J. Willock

That Report **PLAN2024-039, Request to Enter into Development Agreement - Iris Grove (Riverside Heights) - Apex**, be received;

That the Development Agreement substantially in the form attached in Appendix C to Report PLAN2024-039, Request to Enter into Development Agreement, be endorsed by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this request.

Carried

7. Adjournment

PAC2024-041

Moved By P. O'Reilly

Seconded By Councillor Richardson

That the Planning Advisory Committee Meeting adjourn at 2:07 p.m.

Carried

The Corporation of the City of Kawartha Lakes

By-Law 2024 - XXX

A By-law to Amend the Town of Somerville Zoning By-law No. 78-45 to Rezone Land within the City Of Kawartha Lakes

File D06-2024-009, Report PLAN2024-036, respecting Plan 105, Part of Lot 1, West of Monck Road, South of Crego Street, Geographic Township of Somerville, City of Kawartha Lakes, identified as 5 Crego Street – Kinmount.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the conversion of an existing building previously used as a community facility to a residential dwelling unit and recognize the existing lot deficiencies on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Plan 105, Part of Lot 1, West of Monck Road, South of Crego Street, Geographic Township of Somerville, City of Kawartha Lakes, identified as 5 Crego Street.

1.02 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended to add the following section to Section 3.3:

'3.3.10 RURAL RESIDENTIAL TYPE TWO EXCEPTION TEN (RR2-10) ZONE (Part of Lot 1, West of Monck Road, South of Crego Street, Geographic Township of Somerville, City of Kawartha Lakes)

- a. Notwithstanding subsection 3.1, on land zoned RR2-10, the use of a residential dwelling unit shall be permitted.
- b. Notwithstanding the zone requirements, land zoned RR2-10 shall be subject to the following:
 - i. Minimum lot area 742.67 sq.m.
 - ii. Minimum lot frontage 19.79 m
 - iii. Minimum front yard 3.6 m
 - iv. Minimum flankage yard 0.74 m

All other provisions for the RR2 Zone shall apply.'

- 1.03 **Schedule Amendment:** Schedule 'A3' to By-law No. 78-45 of the Township of Somerville is further amended to change the zone category of the 'Subject Land' from the Community Facility (CF) Zone to the Rural Residential Type Two Exception 10 (RR2-10) Zone for the land referred to as 'RR2-10', as shown in Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2024.

Douglas J.F. Elmslie, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2024.

MAYOR _____ CLERK _____

'Kinmount'

Lot 1

DICKSON ST

BEND ST

CREGO ST

MONCK RD

Concession 14

RR2-XX

TSK-16764



Planning Advisory Committee Report

Report Number:	PLAN2024-048
Meeting Date:	July 10, 2024
Title:	City of Kawartha Lakes Official Plan Amendment at 9 Farmingdale Lane, Bexley
Description:	To amend the City of Kawartha Lakes Official Plan to facilitate the future creation of three new residential lots
Type of Report:	Regular Meeting
Author and Title:	Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2024-048, **City of Kawartha Lakes Official Plan Amendment at 9 Farmingdale Lane, Bexley**, be received for information;

That Official Plan Amendment, respecting application D01-2024-002, substantially in the form attached as Appendix D to Report PLAN2024-048 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Proposal:

The subject lands are identified as 9 Farmingdale Lane and legally described as Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, in the former Township of Bexley, now the City of Kawartha Lakes. The site is currently designated as Rural, with a small area designated Environmental Protection under the City of Kawartha Lakes Official Plan (CKLOP). Schedule B-7 of the CKLOP also identifies the site as containing locally significant wetlands, unevaluated wetlands, significant woodlands, and significant wildlife habitat on the western portion of the property, with another small area of significant woodland on the eastern portion of the property. The site is zoned Rural General (RG) Zone under the Township of Bexley Zoning By-law 93-09.

The applicant is proposing to amend the CKLOP to implement a special Rural Designation policy provision that would support the creation of three new lots via future consent applications on a portion of the property that is approximately 5.5 hectares in area. The three new lots would be accessed from Homewood Park Road, while the existing single detached dwelling and barn would continue to occupy the retained land and be accessed from Farmingdale Lane.

While there is currently no development proposed for the severed lots, the intention is that each of the new lots could support the development of a single-detached dwelling. Currently, the Rural designation only permits lot creation when a residence has become surplus to a farming operation, or to accommodate a retiring farmer. As a result, the applicant is requesting an Amendment to the Official Plan to implement a site-specific policy that would permit the creation of three new lots on the subject land.

Owner:	1753255 Ontario Limited (Tony Ferreria)
Applicant:	D.M Wills Associates Limited c/o Diana Keay
Legal Description:	Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, Former Geographic Township of Bexley, now City of Kawartha Lakes
Official Plan:	Rural and Environmental Protection, locally significant wetlands, significant woodlands, and significant wildlife habitat, natural heritage overlay
Zoning:	Rural General (RG) Zone in the Township of Bexley Zoning By-law 93-09
Area:	Total – 214.24 acres (86.7 hectares)
Site Servicing:	Private well and septic

Existing Uses: Single Detached Dwelling, and a Barn

Adjacent Uses: North – Woodland

East – Shoreline Residential and Balsam Lake

South – Woodland, Agricultural and Trailer Park

West – Woodland, Agricultural

Background:

The application was deemed complete on January 26, 2024, and was circulated to internal City Departments and external agencies for comment on February 9, 2024. A Statutory Public Meeting was held on March 6, 2024. The Planning Advisory Committee passed a motion to refer the application back to staff due to outstanding technical reviews from commenting agencies and ongoing consultation with the Alderville First Nation.

A second submission was circulated to internal City Departments and external agencies for comment on May 3, 2024. The applicant has addressed all required comments, and staff feel that it is appropriate to recommend approval of the Official Plan Amendment application.

Comment Summary:

The below provides a summary of the comments received since the Planning Advisory Committee motion, and how it addresses the outstanding issues and demonstrates conformity with various levels of planning policy.

Public Comments:

One comment was received requesting clarification on the location of the site and whether it had any frontage on the lake. Clarification was provided on the location of the site and that it does not have frontage on Balsam Lake.

One comment was received which requested to see application materials, including the topographical survey plan and conceptual lot layout plan. The resident wanted to know where the site and proposed lots were located, including where they would be accessed and whether the road allowance on the site is existing. Clarification was requested on the site features and buffers shown on the conceptual lot layout, including details on OP and zoning permissions. The resident was concerned about whether a larger

development with multiple units could occur on each proposed lot. The resident was also unsure what WSP's role in the application review process was. The application materials were provided to the resident for review, and clarification was provided on the questions submitted.

One comment was received which requested to see application materials, including the draft Official Plan Amendment. The resident requested clarification on where the site and proposed lots were located, including where they would be accessed, as there were multiple public notice signs posted along the site. The application materials were provided to the resident for review, and clarification was provided on the location of the site and where the future proposed lots would be located along Homewood Park Road.

One comment was received regarding concerns of the timing of the public meeting, as it does not permit those who are working or out of town to attend. The resident requested clarification on the details on the size of proposed lots and was concerned about the future development that would occur on the proposed lots. The resident also requested details on the Official Plan Amendment and zoning permissions of the site. Following the public meeting, the resident expressed further concerns that their comments were not addressed at the public meeting. Clarification was provided on the timing of the public meeting and the options to participate for those who are unable to attend, along with details on the lot sizes and future consent application process. It was further clarified that all comments received leading up to the public meeting were provided to members of the Committee.

Development Services – Planning Division Comments:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Environmental Impact Study (EIS) submitted in support of the application concludes that the creation of the three new residential lots can be accommodated without negative impacts to natural heritage features, provided that certain mitigation measures are implemented. Review of the technical studies by Development Engineering and Kawartha Conservation have concluded that all comments have been resolved and there are no objections to the proposed Official Plan Amendment.

Therefore, conformity with natural heritage policies of the Growth Plan, including Section 4.4.2.3(a), have been addressed.

Provincial Policy Statement, 2020

Municipal services are not available, and as such proposed servicing would be private well and septic. The City's Supervisor Part 8 Sewage Systems indicated that they support the findings of the Hydrogeological study indicating that the land is viable for private on-site sewage systems, and had no objections to the proposal. This complies with PPS Section 1.6.6.3 and 1.6.6.4 regarding private services.

Kawartha Conservation indicated that they did not have any concerns with the submitted EIS report and could support the application, provided the condition that a KARST assessment is completed at the time of the consent application. As the Official Plan Amendment was revised to include this condition, Kawartha Conservation confirmed they had no additional comments. As such, the application conforms with the natural heritage conservation policies of the PPS, including Section 2.1.

Therefore, consistency with PPS policies has been addressed.

City of Kawartha Lakes Official Plan

The proposed amendment maintains the goals and objectives of the Official Plan, ensuring protection of the agricultural land base, protecting natural heritage features supporting a form of development that is compatible with the rural area. The proposal also supports the Consent policies of the Official Plan, given the local context and that the goals and objectives of the Official Plan are maintained.

Section 17.3.2 prohibits the creation of lots for the purpose of development within the Environmental Protection designation. The proposed severed lots are to be located outside of the portion of the subject property designated as Environmental Protection. There will be no change in land use on the remainder of the property, and as such the watercourse will not be affected.

Kawartha Conservation noted that the site is within the 120m area of interference of an Unevaluated Wetland (greater than 2 hectares) and a Provincially Significant Wetland. The site is also within a known karst area. Kawartha Conservation's review indicated no issues with the EIS report prepared, that all comments had been addressed. As such, the Environmental Protection policies of the Official Plan, including Section 3.5.5, 3.5.7, and 17.3, have been addressed.

Therefore, conformity with CKLOP policies have been addressed.

Township of Bexley Zoning By-law

Subject to approval of the Official Plan Amendment and subsequent consent applications, the three new residential lots will automatically be subject to the RR1 Zone provisions. The three new lots proposed by the applicant will not exceed the lot area requirement of 2.0 hectares. A Zoning By-law Amendment will not be required to create the contemplated new lots, however certain development setbacks or use limitations may be required through a Zoning By-law Amendment to implement the mitigation measures recommended by the EIS. A comprehensive development site plan concept has not been provided, and consequently, zoning compliance will be determined during future planning approvals.

Agency Review Comments:

At the time of the public meeting in March 2024, comments were still outstanding from a number of key agencies/departments including the City's Engineering Department, Kawartha Conservation, and Alderville First Nation. Following the Public Meeting, a second submission of the Official Plan Amendment Application was warranted. It is understood all comments have been addressed.

Heritage planning had no further comments on the archeological assessment, and stated that no additional archaeological assessment of the area is required, as noted in the report. Development Engineering has no objections to the proposed Official Plan Amendment.

Alderville First Nation confirmed that the site is situated within the Traditional Territory of Alderville First Nation, and further consultation would be required. This has been acknowledged by the applicant, and a Notice to Consult letter was prepared and submitted to Alderville First Nation staff via email on March 21, 2024. Following circulation of the second Official Plan Amendment submission, Alderville First Nation confirmed they have no further comments.

Kawartha Conservation indicated that a permit pursuant to Ontario Regulation 182/06 may be required prior to any future development on the property, along with an Erosion and Sediment Control Plan. Kawartha Conservation will support to the approval of the Official Plan Amendment with a condition that a KARST Assessment be completed at the time of the consent application. This has been acknowledged by the applicant, and the Official Plan Amendment has been revised to address this future requirement.

Conclusion and Recommendation:

Staff are of the opinion that the development represents good land use planning by demonstrating compliance with policies related to servicing, housing in rural areas, and protection of natural heritage features. The proposal supports the applicable policies of the Growth Plan and PPS. The proposed amendment maintains the goals and objectives of the Official Plan, ensuring protection of the agricultural land base, protecting natural heritage features, and supporting a form of development that is compatible with the rural area. The proposal also supports the Consent policies of the Official Plan, particularly given the local context and that the goals and objectives of the Official Plan are maintained.

Given the comments contained in this report, Staff respectfully recommends that the Official Plan Amendment respecting application D01-2024-002 be referred to Council for approval, substantially in the form as "Appendix D" attached to this report.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at Matt.Alexander@wsp.com.

Appendix 'A' – Location Plan



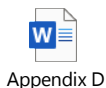
Appendix 'B' – Aerial



Appendix 'C' – Sketch



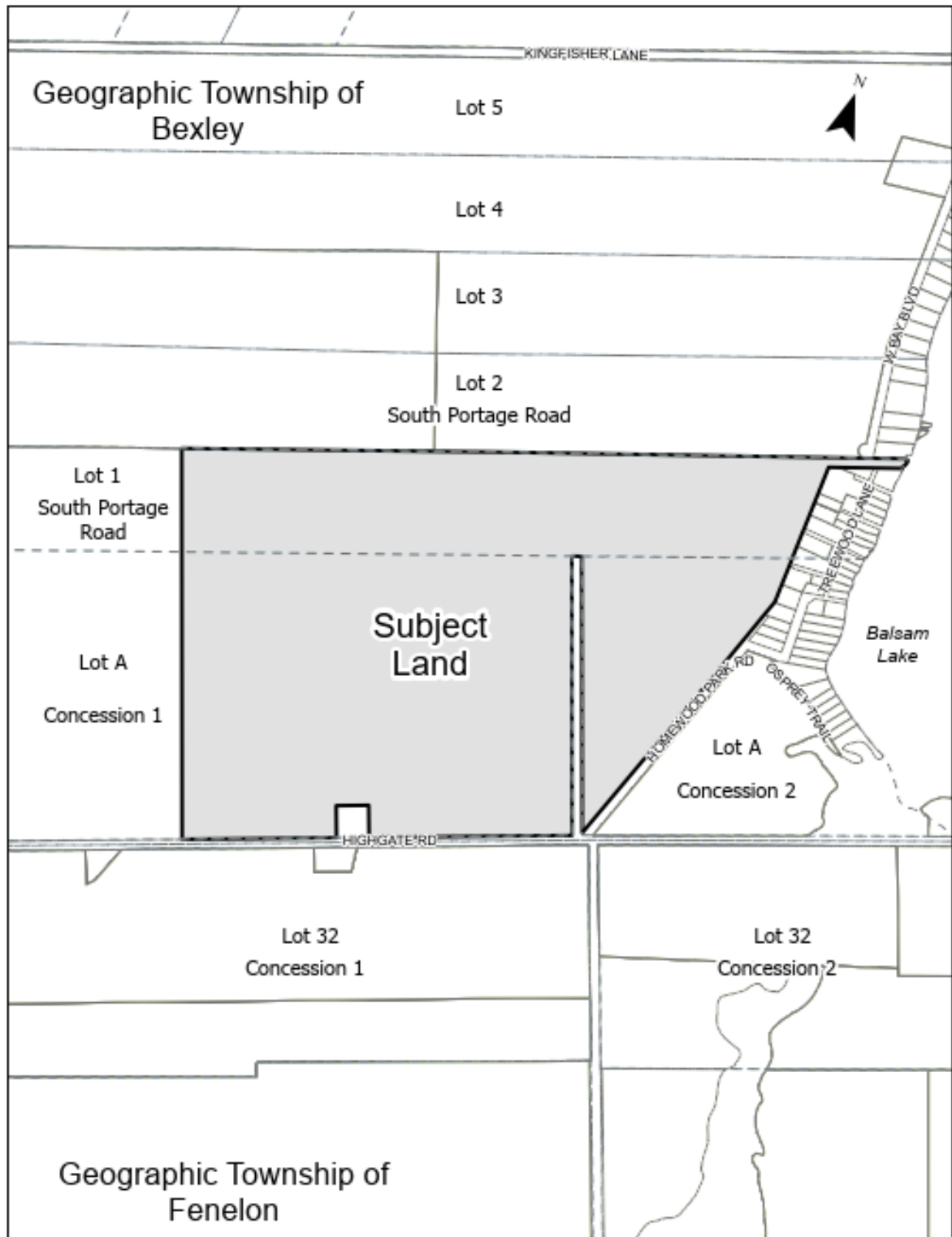
Appendix 'D' – Draft Official Plan Amendment



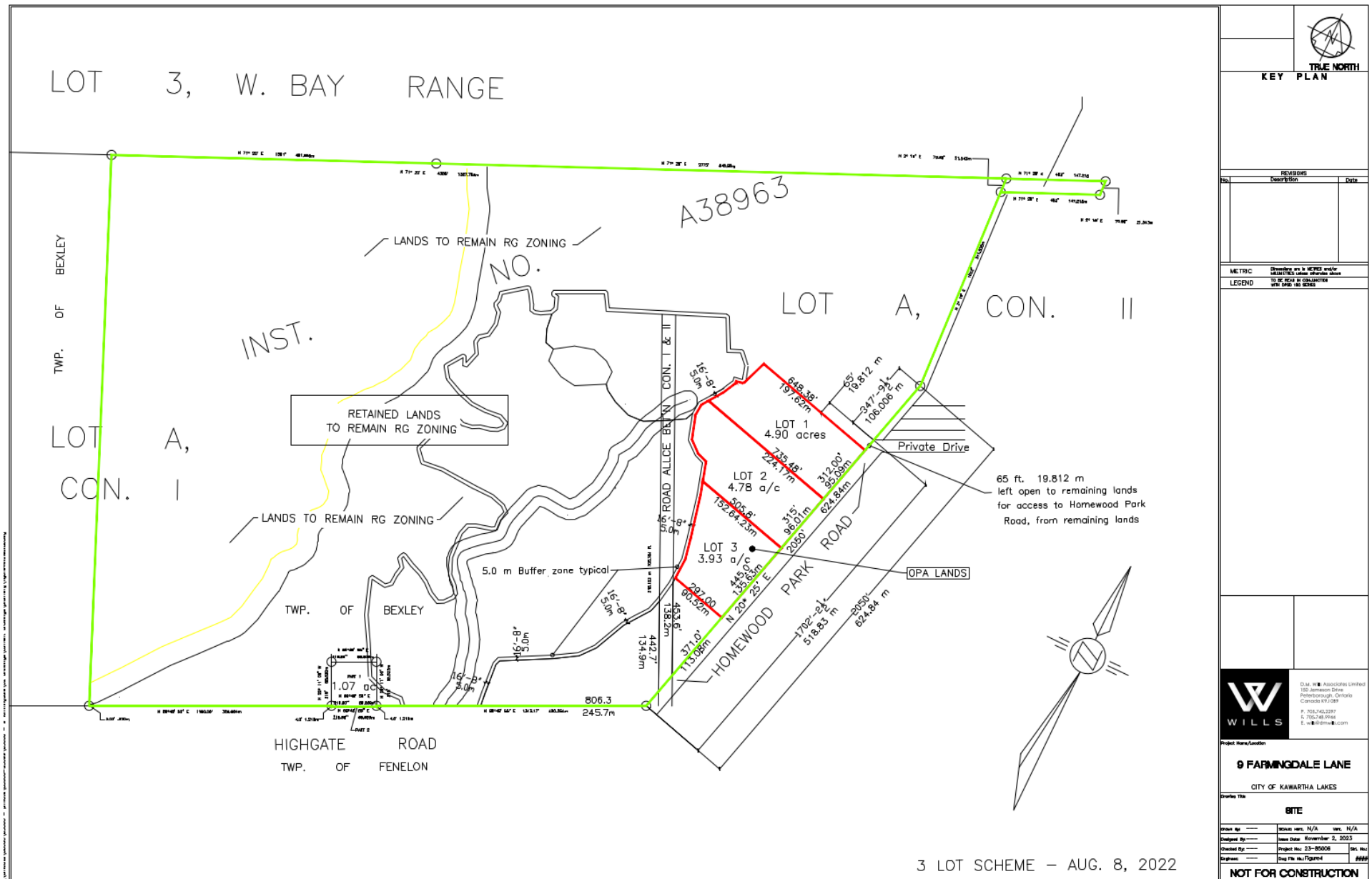
Department Head email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D01-2024-002







The Corporation of the City of Kawartha Lakes

Report PLAN2024-048

By-Law 2024-_____

File No: D01-2024-002

A By-Law to Amend the City of Kawartha Lakes Official Plan to Re-designate Land within the City of Kawartha Lakes

[File D01-2024-002, Report PLAN2024-048, respecting Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, former Township of Bexley, now the City of Kawartha Lakes and known municipally as 9 Farmingdale Lane – 1753255 Ontario Limited]

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to implement a special Rural Designation policy provision that would support the creation of three new lots via a future consent application on a portion of the property approximately 5.5 hectares in area.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 55.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-_____.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The property affected by this By-law is described as Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, former Township of Bexley, now in the City of Kawartha Lakes, known municipally as 9 Farmingdale Lane.
- 1.02 **Amendment:** Amendment No. 55 to the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this ____ day of _____, 2024.

Doug J.F Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2024-_____

The Corporation of the City of Kawartha Lakes

Amendment No. 55 To The Official Plan – The City of Kawartha Lakes

Part A – The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the City of Kawartha Lakes Official Plan to implement a special policy which would allow the creation of three new residential lots via a future consent application on the property identified as 9 Farmingdale Lane, in the “Rural” designation of the City of Kawartha Lakes Official Plan.

The effect of the change would permit up to three new residential lots to be created within the “Rural” designation of the subject land.

B. Location

The subject land has a lot area of approximately 86.7 hectares and has frontage on Homewood Park Road and Highgate Road in the former geographic Township of Bexley. The easterly portion of the subject land that is proposed to be affected by the future consent application has an area of approximately 5.5 ha. and would be accessed from Homewood Park Road. The property is legally described as Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, former geographic Township of Bexley, now City of Kawartha Lakes and identified as 9 Farmingdale Lane.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by D.M Wills Associates Limited on behalf of the owner to implement a special policy which would permit the creation of three (3) new residential lots on the “Rural” designation portion of the subject land via a future consent application. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to facilitate a future consent application for the creation of up to three (3) new residential lots under Section 53(12) of the Planning Act for a portion of the subject land known municipally as 9 Farmingdale Lane.

The land is designated “Rural” and “Environmental Protection” with “Locally Significant Wetlands”, “Significant Woodlands” and “Significant Wildlife Habitat” as shown on Schedules “A-7” and “A-5” respectively, of the City of Kawartha Lakes Official Plan.

The proposed use and amendment to the City of Kawartha Lakes Official Plan are justified and represent good planning for the following reasons:

1. The proposed use conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed use conforms to the goals and objectives of the “Rural” designation, as amended with a site-specific policy as set out in the City of Kawartha Lakes Official Plan.
3. The proposed use meets the Minimum Distance Separation (MDS) requirements.
4. The proposed use is compatible and integrates well with the surrounding area.
5. The applicant has submitted background reports to demonstrate the appropriateness of the proposed use, and the applicant has acknowledged the need for a KARST assessment at the time of the consent application.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text constitutes Amendment No. 55 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. The Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection 32 Policy Exceptions.

“32.1.58 Notwithstanding any policies to the contrary, on lands located in Part Lot A, Concession 1 and 2, Part of Lot 1, WB Range, formerly in the geographic Township of Bexley, now the City of Kawartha Lakes, and identified as Rural on Schedule “A-7” , up to 3 new residential lots may be created on the subject lands within the ‘Rural’ designation, subject to the applicable policies of the Official Plan and provided that a Karst Assessment is completed at the time of the consent application.
 - i. Prior to commencement of on-site works, the applicant shall demonstrate, to the satisfaction of the City, that the recommended mitigation measures detailed in the Environmental Impact Study, prepared by Oakridge Environmental Ltd., dated February 2019, and the Environmental Impact Study Addendum prepared by Oakridge Environmental Ltd., dated September 2022 have been implemented. ”

F. Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.