

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-039

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Secondary Plans Appeals Update

Description: Update concerning matters before the Ontario Municipal Board including settlement area boundaries, the 'Future Development Area' designation, and Secondary Suite policies

Author and Title: Leah Barrie, Policy Planning Supervisor

Recommendations:

That Report PLAN2018-039, **Secondary Plans Appeals Update**, be received;
and

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

At the Council Meetings of July 7, 2015, December 8, 2015 and June 27, 2017 Council adopted the following resolutions concerning the Secondary Plan settlement areas (Official Plan Amendments 15, 16 and 17) and, the Future Development Area designations adjacent to the settlement areas of Fenelon Falls and Lindsay, and Secondary Suite policies through the General Amendment (Official Plan Amendment 13):

CR2015-795

15.1.13 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Fenelon Falls Secondary Plan).

CR2015-1358

15.1.9 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Omeme Secondary Plan).

CR2017-596

15.1.18 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (General Amendment).

CR2017-597

5.1.19 A by-law to amend the City of Kawartha Lakes Official Plan respecting lands within the City of Kawartha Lakes (Lindsay Secondary Plan).

The General Amendment and five Secondary Plans were approved to meet a number of key Provincial and local policies, including the 2014 Provincial Policy Statement, the 2006 and 2017 Growth Plan for the Greater Golden Horseshoe and the City of Kawartha Lakes Official Plan. The City received 32 appeals to the Amendments by 14 appellants, including the Ministry of Municipal Affairs.

City staff have conducted a series of discussions with staff at the Ministry of Municipal Affairs aimed at resolving their concerns related to conformity with the 2017 Growth Plan for the Greater Golden Horseshoe. As well, the Ontario Municipal Board has held its first prehearing conference.

The appeals returned to the (then) Ontario Municipal Board for a prehearing conference (PHC) on March 22, 2018. The Board requested that all parties, participants and auditors indicate their status. The next PHC is scheduled for October 16-17, 2018, where all status requests will be finalized, issues will be scoped, and settlement motions will be presented.

One issue under appeal is that of Jurisdiction, and whether the June 27, 2017 decisions of Council regarding the General Amendment, the Lindsay Secondary

Plan and the Bobcaygeon Secondary Plan were properly before the Ontario Municipal Board, now Local Planning Appeal Tribunal (LPAT) as a result of alleged defects in the public process. Since this is a threshold issue, the Tribunal has scheduled a Motion Hearing for July 13, 2018 regarding LPAT's Jurisdiction to make a determination on those Amendments.

Rationale:

City staff has prepared revisions to address various issues raised in the appeals by the Ministry of Municipal Affairs. The purpose of these revisions is to align the planning documents with provincial interests and legislation as they relate to growth management and affordable housing. The revisions constitute boundary adjustments and additional detail to implement provincial legislation.

Notwithstanding the outcome of the jurisdiction motion, City staff are interested in obtaining comments from the public and direction from PAC regarding the proposed revisions, as part of the Appeals process.

The revisions are grouped into three categories as follows:

1. Urban Settlement Area Boundaries

Ministry and City staff have had several meetings over the course of the past year to come to consensus on boundaries of various urban settlement areas that are in conformity with the Growth Plan for the Greater Golden Horseshoe 2006 and 2017. The revised boundaries are identified in Appendices A through C for Fenelon Falls, Lindsay and Omemee, respectively; Appendices D and E for Bobcaygeon and Woodville, respectively, are included for reference only – no changes are proposed.

Fenelon Falls

The proposed settlement area boundary represents the sum total of additions and subtractions of land resulting in a “net-zero” change in the number of developable hectares. The revised boundary achieves the following goals:

- i. Creates a rational settlement area boundary following property lines rather than the former conceptual boundary;
- ii. Includes the existing built-up area of Fenelon Falls as shown in the Growth Management Strategy (GMS);
- iii. Includes those lands that are designated and/or have draft approval status that contribute to land supply; and,
- iv. Allocates greenfield growth lands for 517 units for the Windcorp Developments proposal (101 units), the Fenelon Trails development concept (365 units) and the Webster lands (51 units).

Rationale:

The proposed boundary addresses existing land use, servicing, financial, environmental, and prime agricultural considerations. Due to geographical constraints to the north, south and west, the logical direction for major contiguous greenfield development is to the east of the existing built-up area, or small pockets of unconstrained land elsewhere i.e. northwest of the existing built-up area. The Municipal Servicing Assessment of the GMS plans for servicing to extend from the existing centralized systems to service the Fenelon Trails development and Webster lands, with costs recovered through development charges. Roads are to be built at the developer's expense. The proposed boundary avoids environmentally-sensitive areas and 'Prime Agricultural' designated lands.

Lindsay

The proposed settlement area boundary represents a reduction of 2.69 gross hectares of land in Lindsay.

Rationale:

The revised boundary creates a rational settlement area boundary following property lines rather than the former conceptual boundary.

Omemee

The proposed settlement boundary represents a reduction of 52.59 gross hectares of land in Omemee. The revised boundary achieves the following:

- i. Creates a rational settlement area boundary following property lines rather than the former conceptual boundary; and
- ii. Limits Omemee's development only to the lands that can be serviced, since the settlement area faces an on-going municipal water servicing constraint.

Rationale:

The proposed boundary addresses existing land use, servicing and financial viability, the avoidance of environmentally-sensitive areas and 'Prime Agricultural' designated lands by removing unserviceable areas to the north and southeast, and by straightening an irregular area to the east.

2. Future Development Areas

The Ministry appealed the Future Development Area designations adjacent to Fenelon Falls and Lindsay, identified in Appendices F and G, respectively, based on a lack of demonstrated need for additional land to accommodate growth. The proposed removal of the 'Future Development Area' designations reflects a rational settlement area boundary based on the growth allocation, intensification

and supply/demand considerations and will allow future reviews to consider all feasible options for settlement area expansions.

3. Secondary Suites

The Ministry appealed the lack of appropriate Secondary Suites policies in the City's Official Plan. Ministry and City staff has come to consensus on wording for a Secondary Suites Policy, included in Appendix H.

The policies have been expanded to include permission within detached accessory buildings (with the exception of a boathouse) and other performance standards to reflect the character of the neighbourhood, such as:

- Minimum lot area for servicing, frontage, yard setbacks, landscaping, and parking provisions; and,
- Maximum coverage, height, ground floor area, and number of secondary suites per lot.

The policy requires that the Zoning By-law contain the performance standards. Secondary Suites will only be permitted where lots have adequate servicing, access, comply with the provisions of the Ontario Building Code, Fire Code, Zoning By-law and all other relevant municipal and provincial standards, and are registered with the City. Secondary Suites in detached accessory buildings will not be severable, and will be prohibited from lands within floodplains, erosion or other hazards.

Other Alternatives Considered:

Not applicable

Financial/Operation Impacts:

It is the goal of the Planning Department to obtain public comments on the proposed policy revisions as part of a comprehensive planning process. It is anticipated that, by communicating the revisions and providing clarification prior to the resumption of the Tribunal proceedings, the hearings will be shorter and less costly for the City.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This Report aligns with all three Strategic Goals by providing development and growth options within the City that balance fiscal and environmental objectives.

Review of Accessibility Implications of Any Development or Policy:

The Accessibility Co-ordinator has been involved in the Secondary Plan process.

Servicing Comments:

Staff in the Engineering & Corporate Assets and Public Works Departments has been involved in the Secondary Plan process.

Consultations:

City Solicitor
Ministry of Municipal Affairs

Attachments:

Appendix A: Map (Schedule F-3) Illustrating Secondary Plan Boundaries –
Fenelon Falls



Fenelon Falls Land
Use_Comparison.pdf

Appendix B: Map (Schedule F-1) Illustrating Secondary Plan Boundaries –
Lindsay



Lindsay Land
Use_Comparison.pdf

Appendix C: Map (Schedule F-4) Illustrating Secondary Plan Boundaries –
Omeme



Omeme Land
Use_Comparison.pdf

Appendix D: Map (Schedule F-2) Illustrating Secondary Plan Boundaries –
Bobcaygeon



Bobcaygeon Land
Use_Comparison.pdf

Appendix E: Map (Schedule F-5) Illustrating Secondary Plan Boundaries – Woodville



Woodville Land
Use_Comparison.pdf

Appendix F: Map (Schedule A-5) Illustrating 'Future Development Area' in Fenelon Falls



2018.05.09
Schedule A-5.pdf

Appendix G: Map (Schedule A-3) Illustrating 'Future Development Area' in Lindsay



2018.05.09
Schedule A-3.pdf

Appendix H: Proposed Secondary Suites Policy



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Secondary Suites Poli

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Department File: D00-99-006