



May 9, 2018

File: 2016-002

Planning Advisory Committee
City of Kawartha Lakes
c/o Planning Division
180 Kent Street West
Lindsay, ON K9V 2Y6

Attention: Richard Holy, Manager of Planning

Dear Sir:

**Re: Report PLAN2018-039, CKL OPA No. 15
Fenelon Falls Secondary Plan**

I've been retained by James R. Webster, the president of Black Bear Estates Inc., the owner of Part of Park Lot 3, R.P. 100, North of Princes Street, Former Village of Fenelon Falls and Part Lot 25, Conc. 10, Geographic Township of Fenelon. Refer to Attachment 1. This lot is referred to as "the Webster lands" in report PLAN2018-039.

Background:

This 33.3 ha. (82 ac.) lot has 447.5 m. (1,468 ft.) frontage along the east side of Louisa Street, and abuts the north end of both Queen Street and Albert Street. According to the City's Engineering Department and D.G. Biddle and Associates, a consulting engineering company, this lot is serviced by the John Street sanitary sewer line, which has sanitary servicing capacity equivalent to approximately 200 detached dwellings.

Currently, this lot contains three (3) separate land-use designations:

1. Urban Settlement - approximately 3.62 ha. (9 ac.)
2. Development Plan Area Nine (DP-9-1) - approximately 11.3 ha. (28.ac.); and
3. Rural - approximately 18.28 ha. (45 ac.).

14.9 ha. (37 ac.) of 33.3 ha. (82 ac.) lot is currently approved for residential development.

Council Adopted Fenelon Falls Secondary Plan:

The adopted Fenelon Falls Secondary Plan (FFSP) designated all of this 33.3 ha. lot Residential. Based on this version of the FFSP and its Residential designation of his lot, Mr. Webster proceeded to retain D.G. Biddle and Associates, a consulting engineering company, to research and design a draft plan of subdivision for this lot. The design of the sanitary sewer system for this plan is based on gravity flows and does not require a pumping station. The potential housing tenures are free-hold and condominium. The potential housing types are single detached, semi-detached and townhouse dwellings, with accessory dwelling units and 12-plex apartment dwelling unit

buildings, together with an option for a sixty (60) unit retirement home. While the City's 2011 Growth Management Strategy (GMS) identifies 116 dwelling units for a portion of this lot, there is potential to service and develop significantly more.

Report PLAN2018-039:

The Ministry of Municipal Affairs and Housing (MMAH) staff has expressed concern about the over-supply of land designated for residential development. As a result of City staff discussing the concerns of the MMAH and reaching a "settlement of those concerns", now approximately 1 ha. (2.4 ac.) of Mr. Webster's land is proposed to be designated for residential development. Staff has assigned "51 units" to this small area.

Previously, we had requested from staff a copy of the City's detailed calculations of land area requirements, as submitted to the MMAH and a copy of its response. This information will enable us to evaluate the accuracy of the assumptions of City and MMAH staff and their recommendations. This data will also allow us to work with City staff and Council to submit justified recommendations to the MMAH that achieve Council's Strategic Goals, being *A Vibrant and Growing Economy, An Exceptional Quality of Life* and *A Healthy Environment*. However, as we've not received that information, this response does not include our evaluation.

The decision by staff of the City and MMAH to reduce the area permitted for residential development, from 14.9 ha. (37 ac.) to 1 ha. (2.4 ac.), without the owners prior knowledge is neither fair nor reasonable.

The staff report does not mention if Council intends to submit or has submitted a request of the Minister to reduce the density requirement as provided for in policy 2.2.2.6 of the 2017 Growth Plan (GP).

Staff has recommended Council authorize staff to pursue the approval of the revisions outlined in Report PLAN2018-039. That recommendation appears to contradict the 2nd paragraph under the Rationale heading and if approved, will authorize staff to seek the approval of the revised plans no matter what is said through this brief public consultation process. Further, it appears to minimize or dismiss the weight Planning Advisory Committee and Council may give to comments from the private sector. We respectfully suggest that the second recommendation in the report be deleted and replaced with "That staff be directed to continue the public consultation process with landowners and residents of the community and after receiving such input to report back to Council on the input received." The next prehearing conference is not scheduled until October 16, 2018.

Given the existing servicing infrastructure, in-ground and treatment plant capacities, we presume the strategy proposed is intended to maximize the use of existing servicing. However, the report is unclear as to how much input and what information was received from the Departments responsible for the provision of water supply and sanitary servicing of properties and the optimization of such services.

Did the calculations and discussions between City staff and MMAH staff, allow for or acknowledge that not all of the properties designated for residential development, will be developed within the remaining 23 years of the prescribed planning period? On a fairly regular basis the development of designated properties is delayed due to estate-related matters, taxation issues and excessive costs to install deep services (i.e. blasting of bedrock). Notwithstanding the Residential designation of land in the FFSP, if that land is regulated by a Conservation Authority, it may not be developable. If and when these apply, the resulting impacts not anticipated by MMAH will delay and create an imbalance in the orderly development of the community.

We acknowledge that settlement discussions between the City and MMAH are confidential. However, other than Report PLAN2018-039 and limited time for discussion with Committee and Council, there is no plan or process proposed to invite subsequent public discussion. There is an apprehension as to what consideration will be given to public input. The land-use planning process should be open, transparent, and hopefully responsive to the input received at the local level.

The next prehearing conference is scheduled for October 16, 2018, so there would appear to be time to receive and carefully consider input received from the public.

We believe this information aligns with all three of Council's Strategic Goals by providing development and growth options within the City that balance fiscal and environmental objectives.

If the Committee is willing to consider additional recommendations, we request consideration of the following:

1. That the Fenelon Falls Settlement Area boundary and Fenelon Falls Servicing Boundary encompass all of the 33.3 ha. (82 ac.) Webster land and that such land is designated Residential on Schedule F-3 of OPA No. 15.
2. That Schedule G-3 of OPA No. 15 is revised to delete the Significant Woodlands and Unevaluated Wetlands from all of the subject land, pending the completion of field investigations by qualified persons. The reports from these qualified persons shall accompany the subsequent application(s) for a plan of subdivision and amendment to the Zoning By-law.
3. Remove repetitive policies contained in Sections 31.4.2.6.1, 31.4.2.6.10 a), b), c) and d) or delete and replace this Section accordingly.

All of which is respectfully submitted. If you've any questions, please contact me at your convenience.

Yours truly, 

Doug Carroll, MCIP RPP
DC Planning Services Inc.
cc: James Webster, LL.B.

David Johnston, MCIP, RPP

