



Project No. 1203-2

May 18, 2017

Members of Council
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Dear Members of Council:

**Re: *Bromont Homes Inc., Comments*
Draft Lindsay Secondary Plan and
*Draft General Amendment No. 13***

We are writing on behalf of Bromont Homes Inc. to provide you with our comments on the proposed drafts of the Lindsay Secondary Plan and Draft General Amendment No. 13, being considered at the May 30, 2017 Special Council Meeting.

Bromont Applications

As an update, these comments are provided within the context of Bromont applications to amend the Official Plan and Zoning By-law to permit a wide range of commercial and employment uses at the northeast corner of Lindsay Street and Highway 7. These applications generally implement the Lindsay Secondary Plan as drafted in 2015, but for the additional permission for additional retail uses, including permission for a department store use. The Official Plan Amendment application for the Bromont site was submitted to the City in November 2016 (including a market study and Traffic Study), with the rezoning and subdivision applications submitted on April 5, 2017.

Comments on Lindsay Secondary Plan Policy 31.2.3.2.4.8

This letter provides comments primarily as it relates to the following policy of the Draft Lindsay Secondary Plan:

31.2.3.2.4.8. This Plan discourages any further retail commercial lands being designated for retail commercial uses that can be accommodated in the Jennings Creek commercial area (JCCA). Any application for such an official plan amendment must be supported by a retail commercial study including a directional impact study demonstrating there is a need for additional retail commercial land over and above those designated in the JCCA and that such development will not prejudice the timing of the ultimate development of the retail and the residential uses in the JCCA. In the event there is any inconsistency between the policies in this section and those contained elsewhere in this plan then the policies of this section shall prevail.

This draft policy aims to prevent any further retail designations within Lindsay until the commercial development within the JCCA is developed. The policy implies that the market demand for new retail in Lindsay has to wait for the “ultimate development” of the JCCA commercial areas (ie. Mason site and Orsi site).

In reviewing what the “ultimate development” of the JCCA looks like, it is noted that the Mason site is the only site currently zoned for commercial uses (Orsi remains zoned Future Community Development). The Mason Site has very specific zoning which only allows for a department store, a Home Improvement Store and a small amount of other retail (about 50,000 sf). Within the Canadian Retail context of few retail banners, the zoning on the Mason site acts as zoning for an actual retailer rather than retail use. Therefore, for the Mason site to achieve its “ultimate development”, it requires a specific corporation to commit to the site when they may not be interested in that location. Despite the specific zoning the lack of a department store would not preclude development, as the Mason Site still has permissions for a home improvement centre and 50,000 sq. ft. of ancillary retail.

There may be many factors for retailers preferring one site over another in Lindsay. Financing, owner interest and retailer locational requirements are all factors that may delay commercial development in the JCCA. With some or all of these factors delaying development within the JCCA, the effect of the above referenced policy would be that Lindsay cannot respond to market demand and its residents would continue to be underserved.

The policy also suggests that if a department store were not to locate within the JCCA area, then there may be no residential development. This is a fundamental misunderstanding of market demand factors. Retail development follows residential development not the other way around. This is evidenced all over the Province where residential subdivisions are built and then the retail commercial plazas serving them are built last. In the JCCA context the future residents will have convenient access to a wide array of retail uses located within one kilometre, and therefore the “ultimate development” of the commercial sites has no bearing on the demand for residential uses within the JCCA.

In our opinion, Official Plan policy should have sufficient flexibility to reasonably accommodate market demand. In this instance, we believe that the growth in south Lindsay and the locational advantages of the Bromont lands make it a more attractive location for a department store. From a planned function standpoint, it is our view that a department store anchor is not required for the JCCA commercial areas to adequately service any new residential development in the JCCA (when that eventually occurs). If the residential is developed, the retail will follow to service that nearby residential market. This is also supported in the Tate Economics Market Study as follows:

- *It is the opinion of TER that the approval of the Bromont Development will not impact any residential development within the JCCA from a market amenity perspective. The JCCA is located less than a kilometre from the centre of the*

Kent Street West commercial node. Therefore, in terms of access to amenities, future residents of the JCCA will have access to a complement of commercial services.

Another argument relates to the assertion that the department store is required in northwest Lindsay to justify the Northwest Trunk sewer. However the Northwest Trunk was justified and initiated in 2000, well before the Mason Homes lands obtained large format retail permissions. The two are not mutually exclusive. The trunk sewer is now constructed to service new residential and commercial development within the JCCA. It is not necessary that a department store be permitted in order to get a return on the investment. Rather, the return on investment is primarily reliant on the new residential development, which makes up the bulk of the JCCA area. The trunk has already begun to service lands in north Lindsay.

Lastly while a department store on the Mason Homes lands would meet the retail demands and recapture spending dollars, it is our opinion that the Gateway lands are a better location for large format retail such as a large department store and that having a second designated property would assist in expediting a department store locating in Lindsay, due to a department store not being beholden to any and all requirements of the land owner controlling the only site in town.

In our opinion, the provision of a second location for a department store in Lindsay would provide for healthy competition without impacts on the function or viability of other areas of Lindsay or the City as a whole.

Based on the foregoing, We request that the Lindsay Secondary Plan be modified to allow for retail stores, including a department store, on the Bromont Site (within the Mixed Use Gateway designation) in order to provide for flexibility and choice. We also request that Council delete policy 31.2.3.2.4.8, as it is redundant in the context of the existing policy 18.7 and does not provide for the flexibility which the City's Official Plan objectives strive for.

Yours very truly,

Bousfields Inc.



Michael Bissett, MCIP, RPP

c. Richard Holy
Saverio Montemarano
Nicholas Macos

Joel Watts

From: John Passalacqua <johnpass@rogers.com>
Sent: Sunday, May 28, 2017 12:42 AM
To: Joel Watts
Subject: Materials for delegation - first batch
Attachments: Preconsultation Report.pdf; Letter1.pdf; Letter2.pdf; Letter3.pdf

Importance: High

Joel,

I would like to deposit these materials for my delegation. There are 5 reports in total. This email contains 4 and the last one will come in another email.

Can you please make sure that one copy gets to each councillor ?

Also, should i be sending to you my powerpoint presentation ?

thanks,

John



Friday, November 30, 2012

Michael Benner, MCIP RPP
Manager of Policy Planning
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Re: Inclusion of Remaining Portion of Property within Lindsay Urban Settlement
Boundary under Secondary Plan Process for City of Kawartha Lakes**

Dear Mr. Benner:

The following is in reference to our phone conversation held on Friday, October 12th, 2012 regarding our subject property recently engaged under agreement of purchase and sale on the east side of Lindsay and bound by Highway 36 to the west, Pigeon Lake Road to the south and directly across from Colborne Street East.

The subject property is legally described as LT 49-52, 63-67 PL 44 EXCEPT HWY663H; PT LT 22 CON 7 OPS AS IN R256290 EXCEPT PT 1, 57R7418, PT 2, 57R6746, PT 1 & 5, 57R6745; LT 48 PL 44 EXCEPT PT 3, 57R6784 & PT 1, 57R6745; PT BERTRAM ST PL 44 N OF COUNTY RD 17; PT LT 61-62 PL 44 AS IN R256290; S/T INTEREST OF THE MUNICIPALITY; S/T R295268; KAWARTHA LAKES.

We acknowledge that the front 16 acres in the north-west corner of the property directly opposite Colborne Street East are currently included within the Lindsay settlement boundary and designated as commercial lands while the remaining 100 acres of the property to the east and south are currently outside of the municipal boundary.

We would like to ask that the remaining 100 acres to the east and south of the property (to be described below as "the remaining 100 acre residential inclusion portion") also be included within the Lindsay settlement boundary and classified as residential use under the Secondary Plan process for the City of Kawartha Lakes. The reasons for our request are as follows:

a) The current designations and settlement boundaries create a conflicting situation where commercial lands that lie within the municipal boundary abutt farm lands outside of municipal boundary while the latter and the former are both part of the same parcel of land under common ownership. Moreover, it is good planning practice not to split single parcels of land by dual OP designations where possible, and certainly not good practice to split single parcels by a settlement boundary.



b) We acknowledge that the remaining 100 acre residential inclusion portion of the property is currently zoned agricultural and would need to be taken out of production for development. As farmland, the current land is stoney and of low producing farm grade. Moreover, the land is currently only partially farmed and remains unimproved as farmland and no modern tile drainage exists on the property. Hence, this land would otherwise remain under-utilized and of low productivity as farmland. As a balance for taking this under-utilized farmland out of production, we would be willing to revitalize another 100 acres of under-utilized farmland elsewhere in the municipality or the province. Our corporation is a registered farm business (FBR Number: 416 23 27) and we have past experience in farming and revitalizing under-utilized farmland in the province.

c) The remaining 100 acre residential inclusion portion is blessed with relatively flat and level land where a large amount of residential development can be carried out with good economies of scale. Moreover, municipal potable water servicing needs are easily achievable with the municipal water tower being located directly opposite the subject lands at the southwest corner of Highway 36 and Colborne Street. Lastly, there are very few conservation constraints on the subject property other than two small agricultural ditches that drain into the Sinister Creek beyond the northern limits of the property. These drainage outlets are in fact a strong asset for storm water management and would facilitate even more efficient development and lower related development costs. The small conservation area to the north of the property and beyond formed by the Sinister Creek system together with the Ganaraska trail which forms the northern boundary of the property serve, additionally, as an excellent natural buffer that would nicely shelter the new residential development from the employment lands present beyond the north border of the property. These features would also serve as an excellent trail space linkage and green space for residents. In short, all of these factors provide for good, practical and efficient development conditions that translate into affordable housing construction on easily maintainable municipal infrastructure.

d) The remaining 100 acre residential inclusion portion is additionally well poised for development as it is positioned at the confluence of two main arteries for the town of Lindsay and just to the north of the IE Weldon Secondary School. The main Colborne Street East artery continues across Highway 36 and terminates directly within the belly of the property while Pigeon Lake Road to the south is the extension of the well known Queen Street. Furthermore, a road allowance is present from the termination point of Colborne Street East on the property and continues south to Pigeon Lake Road. This would link the additional residential development together well with the existing residential found at the southwest corner of Colborne Street/Highway 36 and the south side of Pigeon Lake Road. This would represent a natural linkage between 2 major arteries and the existing town infrastructure and also provide for plenty of safe and manageable access to the property. For a detailed pictorial overview of the property and its highlights, please see Enclosure 1: Description and Aerial Mapping for Subject Property.



e) The current termination of Colborne Street onto the property and the road allowance south from there to Pigeon Lake Road anticipate development of the property and demonstrate that good longterm planning methodologies have already been considered and implemented by the municipality for the subject lands. Hence, the remaining 100 acre residential inclusion portion of the property represents a natural implementation of previously properly calculated planning horizons by the municipality, a manifestation of destiny.

f) It is good mixed use longterm planning practice to include residential use lands together with commercial use lands. The remaining 100 acre residential inclusion portion to the south and east of the property would provide a good impetus and consumer base to allow for the 16 acres of commercial lands to the west of the property to finally develop. The latter have been in stagnation for years because they lack the immediate proximity to a residential consumer base such as that which would be provided by the remaining 100 acre residential inclusion portion of the property.

g) Moreover, there has been much recent and future slated development on the east side of Lindsay and especially along the highway 36 corridor to the southerly boundary of the municipal limits. Modern commercial development will be required to support this emerging residential component. This new residential base to the southeast of town along with that of the remaining 100 acre residential inclusion portion of the property will provide for a good overall residential base to allow for the successful development of the 16 acres of commercial use land over time. It will also provide stimulus to the area east of Highway 36 and north of Pigeon Lake Road to develop into a vital commercial / employment area for the greater east side of Lindsay as there is currently a dearth of employment land in the northeast quadrant of the town which requires purpose and revitalization. Such residential and commercial development in the central east area of town as we are proposing would represent a positive overall step in providing impetus for growth in the greater northeast quadrant of Lindsay.

h) We also acknowledge that there is heavy pressure to find a servicing solution for the east side of the Highway 36 corridor from Pigeon Lake Road north to the municipality owned employment lands at the northern limits of the town. There are commercial lands to the south west of our subject property as well as other employment lands to the north of our subject along with the town owned employment lands which all need to obtain servicing capacity. Such density enhancement, as would be provided by the development of the 16 acres of commercial on our subject lands along with the remaining 100 acre residential inclusion portion of our subject property, would provide the density requirements necessary to bring about a feasible cost sharing based servicing solution for the area. This would represent a changing of the paradigm and a setting of the tide in motion for a needed revitalization of the greater central-east and central-north side of Lindsay. In fact, the remaining 100 acre residential inclusion portion of our subject property could very well be the lynch pin needed to break the current servicing stalemate for this area of town.



i) Recently, there has been large scale current and future slated residential development on the west side of Lindsay and such extra residential development on the east side of Lindsay as represented by the 16 acres of commercial and the remaining 100 acre residential inclusion portion on our subject land would balance out development across the base of the broader town. It would also ease pressure on the new or existing infrastructure in central and west Lindsay by promoting and balancing out the development of an emerging mixed use residential/commercial ecosystem for the whole east side of Lindsay.

j) Lastly, the remaining 100 acre residential inclusion portion of the property would provide for a tidy rounding of the easterly limit of the municipal boundary of the town of Lindsay. The urban boundary would then form a clean logical line from north to south along the easterly border of the town in similar fashion with respect to the boundary limits on the north, west and south sides of town. Please see Enclosure 2: Existing Land Use Designation Map for Secondary Plan Process (Urban Settlement Boundary - Lindsay).

I thank you kindly for reviewing this information and for taking into account our proposal for the remaining 100 acre residential inclusion portion of our subject property under the Secondary Plan process for the City of Kawartha Lakes. I look forward to remaining informed on the progress on this matter and on the advancement of your Secondary Plan process in general.

Thank you kindly,

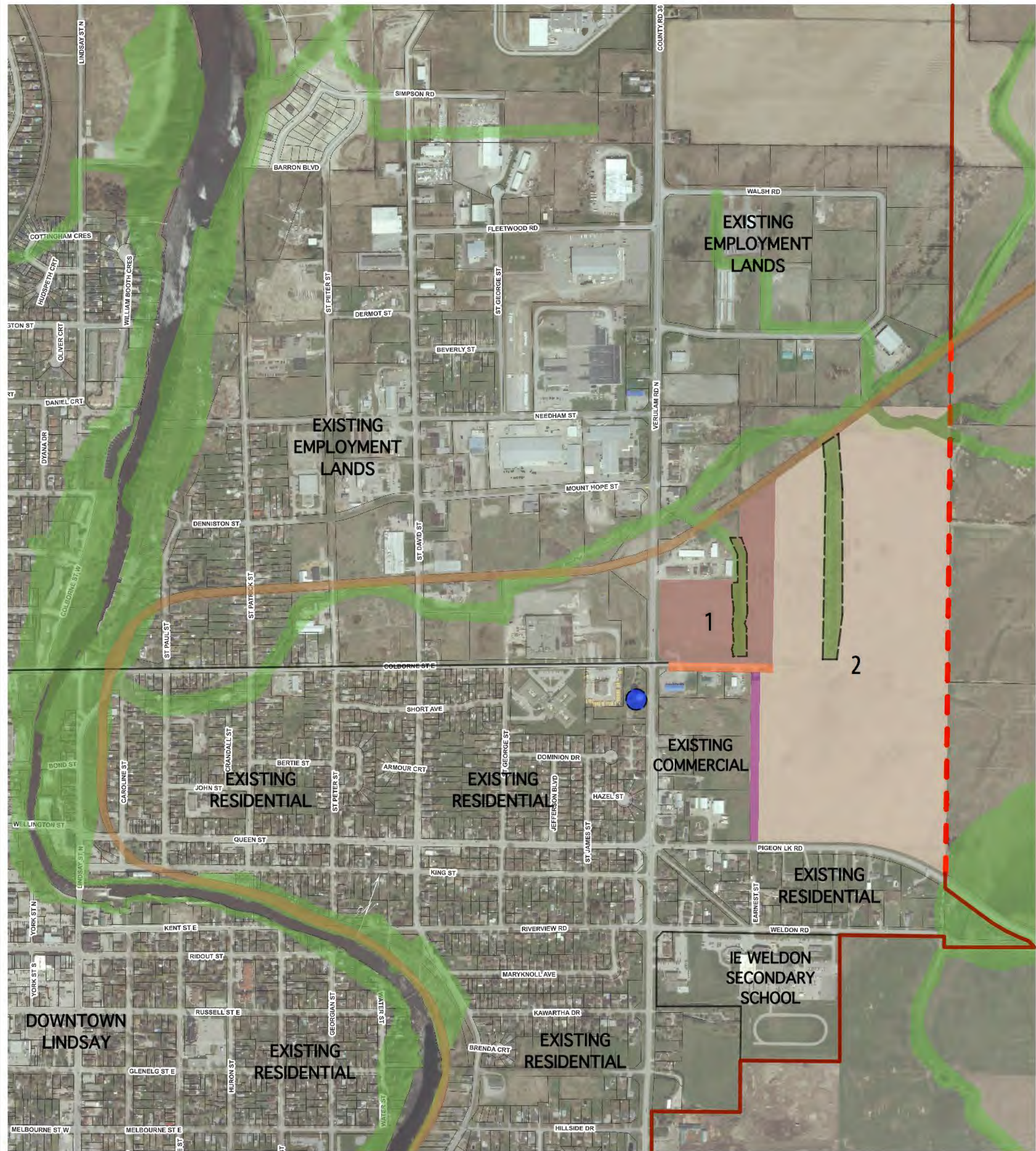
John Passalacqua
President
Zemer Holdings Ltd.

cc: Ron Taylor, Director of Development Services, City of Kawartha Lakes
cc: Michelle Hendry, Director of Public Works, City of Kawartha Lakes

Enclosure 1: Description and Aerial Mapping for Subject Property

Enclosure 2: Existing Land Use Designation Map for Secondary Plan Process (Urban Settlement Boundary - Lindsay)

ENCLOSURE I : DESCRIPTION AND AERIAL MAPING FOR SUBJECT PROPERTY



LEGEND:

1

16 acre COMMERCIAL DESIGNATION PORTION CURRENTLY WITHIN URBAN LIMITS

2

100 acre RESIDENTIAL INCLUSION PORTION

CURRENT URBAN BOUNDARY

PROPOSED URBAN BOUNDARY

KAWARTHA CONSERVATION REGULATED AREAS

EXTENSION OF COLBORNE STREET EAST ONTO SUBJECT PROPERTY

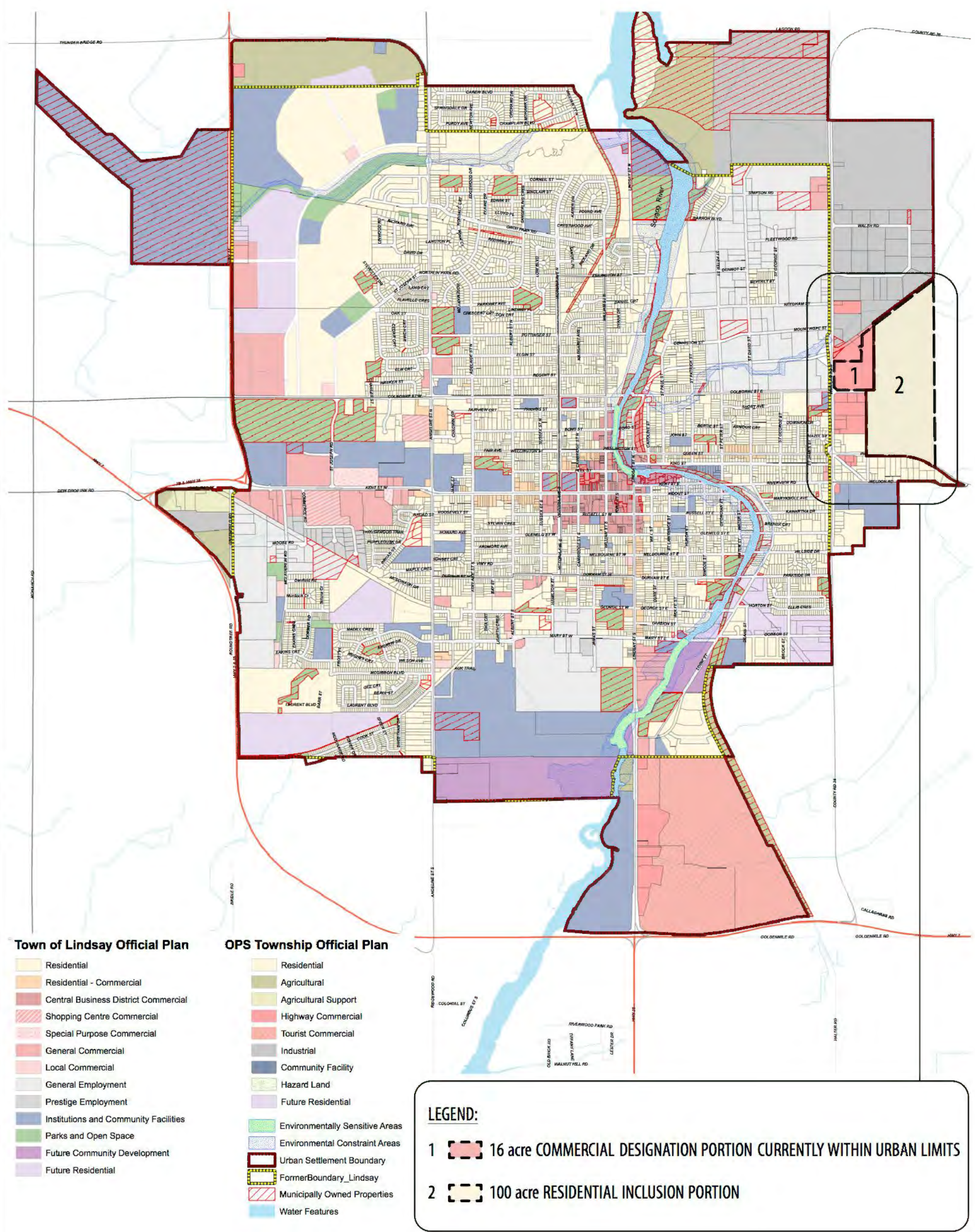
UNOPENED ROAD ALLOWANCE CONNECTING COLBORNE ST. E. TO PIGEON LAKE RD

AGRICULTURAL DRAINAGE DITCHES TO SERVE AS FUTURE STORM WATER MANAGEMENT OUTLETS

GANARASKA TRAIL (NATURAL BUFFER ZONE)

MUNICIPAL WATER TOWER

ENCLOSURE II : EXISTING LAND USE DESIGNATION MAP FOR SECONDARY PLAN PROCESS
(URBAN SETTLEMENT BOUNDARY - LINDSAY)





Monday, May 27, 2013

Michael Benner, MCIP RPP
Manager of Policy Planning
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Re: Follow-up Documentation re Inclusion of Remaining Portion of Property within
Lindsay Urban Settlement Boundary under Secondary Plan Process for CKL**

Dear Mr. Benner:

The following is in follow up to our letter dated Friday, November 30, 2012 regarding our subject property on the east side of Lindsay and bound by Highway 36 to the west, Pigeon Lake Road to the south and directly across from Colborne Street East.

In our last letter, we acknowledged that the front 16 acres in the north-west corner of the property directly opposite Colborne Street East are currently included within the Lindsay settlement boundary and designated as commercial lands. We then listed various reasons in support of the inclusion of the remaining 100 acres to the east and south of the property within the Lindsay settlement boundary as residential use under the Secondary Plan process for the City of Kawartha Lakes.

Since our last letter, we have commissioned other third-party support documentation:

- a) A potential site plan prepared by Lett Architect demonstrating how the commercial and residential portions of the property could layout under a future plan of subdivision
- b) A potential development charge model assuming the densities as developed in the site plan provided by Lett Architect
- c) A review of Sanitary Servicing Options prepared by Sanchez Engineering Inc.

When commissioning the sanitary servicing study undertaken by Sanchez Engineering, we were very specific in our request that the sanitary servicing needs of the entire north east quadrant of Lindsay should be taken into account in the study. We asked that the servicing of our lands be considered only within this much larger servicing paradigm to remain in tune with the goal of greater future development within the municipality.

We did not run advanced potable water and storm water management calculations at this time since the Lindsay water tower is immediately adjacent to the property and the property itself has two excellent storm water drainage outlets that lead into the Sinister Creek.



The preliminary site plan provided by Lett Architect provides us with the the potential commercial and residential density numbers which are subsequently worked into a development charge model. This allows us to weigh the total development charges versus the external servicing cost estimates provided by Sanchez Engineering Inc. to determine project feasibility.

The conclusion to the Sanchez report suggests that the best and most scalable sanitary route for the subject property and the immediate area would be from the subject property heading north along highway 36 and west across Needham Street into the Saint David street main trunk. The cost of servicing our subject property and an initial leg of lands along Highway 36 would be \$5.0 million plus HST.

The total density numbers derived from the Lett Architect site plan shows roughly 669 potential housing units (467 freeholds, 142 semi-detacheds and 60 townhomes). Based on these densities, the total 2013 CKL development charges would run at about \$5.0 million, a figure which is more or less equal to the costs of bringing the sanitary services to the lot line. Hence, there is potential to work out the servicing costs with respect to development charge credits and various other front-end agreements to be established at a later date.

We have also run an estimate of our internal servicing costs for the commercial and residential portions of the potential project lands and compared potential project revenue numbers using area housing comparables and determined the existence of practical financial viability in developing the subject lands. As described in our letter dated November 30th, 2012, the subject lands are blessed with relatively flat and level land where a large amount of residential development can be carried out with good economies of scale.

I thank you kindly for reviewing this information and for taking into account our proposal for the remaining 100 acre residential inclusion portion of our subject property under the Secondary Plan process for the City of Kawartha Lakes. I look forward to remaining informed on the progress of this matter and on the advancement of your Secondary Plan process in general.

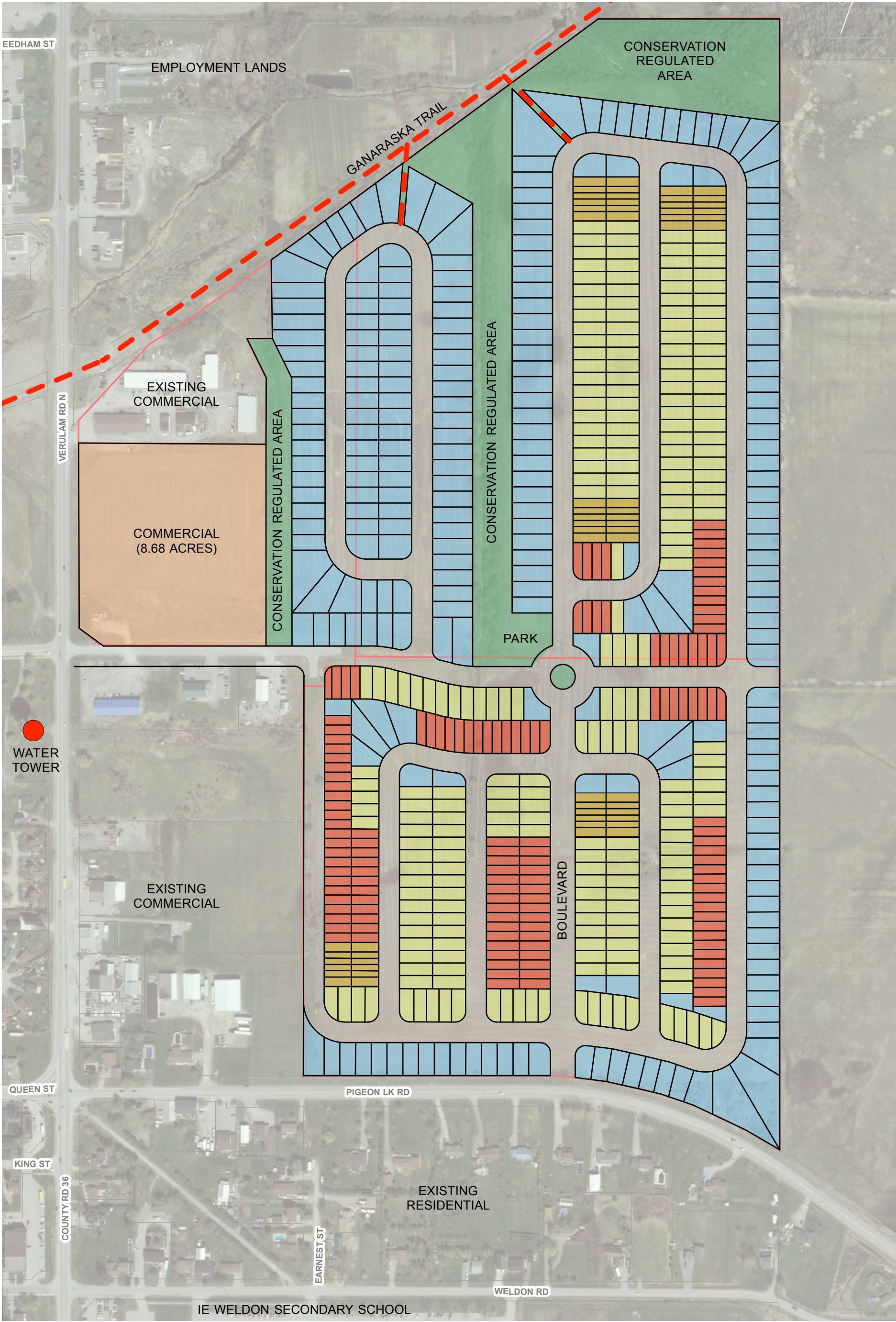
Thank you kindly,

John Passalacqua
President
Zemer Holdings Ltd.

cc: Ron Taylor, Director of Development Services, City of Kawartha Lakes
cc: Michelle Hendry, Director of Public Works, City of Kawartha Lakes

Enclosure 1: Potential Site Plan, Lett Architect
Enclosure 2: Potential Development Charge Model, Zemer Holdings Ltd
Enclosure 3: Sanitary Servicing Options Report, Sanchez Engineering Inc.

ENCLOSURE 1 : BLOCK PLANNING FOR SUBJECT PROPERTY



Enclosure II: Development Charge Review for 116 acre parcel on east side of Lindsay, CKL

RESIDENTIAL COMPONENT

Housing Types	%	Count
Singles	70%	467
Semis	21%	142
Townhouses	9%	60
Totals	100%	669

COMMERCIAL COMPONENT

acres	hectares	square ft
8.7	3.5	379,000

Assuming a lot coverage of 20%, the commercial area would be:
76,000 gross square feet.

2013 Development Charges	Singles-Semis	Townhomes	Commercial	Singles-Semis 467 + 142 = 616	Townhomes 60	Commercial 86,000 sqft	Grand Total
Roads and related	\$1,953	\$1,327	\$2	\$1,189,000	\$80,000	\$179,000	\$1,448,000
Other Transportation Service - Airport	\$36	\$24	\$0	\$22,000	\$1,000	\$3,000	\$26,000
Fire Protection Services	\$419	\$284	\$0	\$255,000	\$17,000	\$20,000	\$292,000
Outdoor Recreation Services	\$259	\$176	\$0	\$158,000	\$11,000	\$8,000	\$177,000
Indoor Recreation Services	\$360	\$245	\$0	\$219,000	\$15,000	\$12,000	\$246,000
Library Services	\$191	\$129	\$0	\$116,000	\$8,000	\$6,000	\$130,000
Administration	\$64	\$44	\$0	\$39,000	\$3,000	\$5,000	\$47,000
Homes for the Aged	\$385	\$262	\$0	\$234,000	\$16,000	\$0	\$250,000
Health Facilities	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subsidized Housing	\$32	\$21	\$0	\$19,000	\$1,000	\$0	\$20,000
Ambulance	\$51	\$35	\$0	\$31,000	\$2,000	\$4,000	\$37,000
Total City-wide Services	\$3,750	\$2,547	\$3	\$2,282,000	\$154,000	\$237,000	\$2,700,000
Other Transportation Services - Transit	\$66	\$20	\$0	\$40,000	\$1,000	\$5,000	\$46,000
Police Services (Lindsay)	\$507	\$159	\$0	\$309,000	\$10,000	\$36,000	\$355,000
Total Area-Specific Services-Lindsay	\$573	\$179	\$1	\$349,000	\$11,000	\$41,000	\$400,000
Wastewater Services	\$1,115	\$757	\$1	\$679,000	\$45,000	\$76,000	\$800,000
Water Services	\$1,276	\$867	\$1	\$777,000	\$52,000	\$87,000	\$916,000
Total Urban Services	\$2,391	\$1,624	\$2	\$1,456,000	\$97,000	\$163,000	\$1,700,000
Total Development Charges	\$6,714	\$4,350	\$6	\$4,100,000	\$300,000	\$400,000	\$4,800,000

ZEMER HOLDINGS LTD.

REVIEW OF SANITARY SERVICING OPTIONS FOR 116 ACRE PARCEL EAST OF HIGHWAY 36, LINDSAY CITY OF KAWARTHA LAKES, ONTARIO

DRAFT REPORT

MAY 17, 2013



SANCHEZ ENGINEERING INC.

REVIEW OF SANITARY SERVICING OPTIONS FOR 116 ACRE PARCEL EAST OF HIGHWAY 36, LINDSAY CITY OF KAWARTHA LAKES, ONTARIO

PROPERTY DESCRIPTION

This report presents the results of a review of sanitary servicing options commissioned by Zemer Holdings for a 116 acre development parcel on the east side of Lindsay. The location of the subject property is shown on *Appendix I – Subject Property Location*¹. The subject property is bound by Highway 36 to the west, Pigeon Lake Road to the south and directly across from Colborne Street East. The front 16 acres in the north-west corner of the property directly opposite Colborne Street East are currently included within the Lindsay settlement boundary and designated as commercial lands while the remaining 100 acres of the property to the east and south are currently being considered for inclusion for residential purposes under the CKL Secondary plan review process.

PROJECT SCOPE

This review was conducted with the scope of fitting the subject property within a larger servicing paradigm for the entire area north of Pigeon Lake Road on the west and east sides of Highway 36, lands that all lay within the Lindsay municipal boundaries and which presently are unserviced. The greater scope area of this study is represented in the diagram in *Appendix II: Sanitary Sub Areas of Broader Required Servicing Area*. The attempt has been to consider how the subject property and its potential density could serve as the lynch pin in a much wider servicing paradigm for the entire surrounding area (north east quadrant of Lindsay).

DESCRIPTION OF SERVICING OPTIONS FOR THE SUBJECT PROPERTY

Please see *Appendix III: Sanitary Servicing Options for Subject Property*. The analysis of the various servicing options was completed based on basic assumptions with respect to sewer grades based on the land contours and typical sewer construction standards. All calculations must be confirmed based on as-built information where available and field verification where necessary.

Option 1 -Weldon Road

Sanitary sewage would discharge to a 200mm diameter pipe on Weldon Road. The sanitary sewer is tributary to the Ridout Street pumping station.

¹ Figures are provided in the Appendices.

Constraints

- Would likely need reconstruction of sanitary sewers on Weldon Street and sewers downstream.
- Capacity of the existing pumping station, of the existing forcemain and of the sewer on St. David Street north of Colborne Street East.
- Likely not feasible because of capital cost and extent of potential impacts.

Option 2 –Queen Street

Sanitary sewage would discharge to a 225mm diameter pipe at the corner of Queen Street and Highway 36.

Constraints

- Would likely need to reconstruct the sewers on Queen Street and sewers downstream.
- The Queen Street sewer is tributary to the Ridout Street pumping station so the constraints are identical to those for Option 1 – Weldon Road.
- Likely not feasible because of capital cost and extent of potential impacts.

Option 3 – Colborne Street

Sanitary sewage would discharge to a 375mm diameter pipe which flows to the Colborne Street pumping station.

Constraints

- Capacity of the Colborne Street pumping station and of the forcemains across the river and on Needham Street.
- Likely not feasible because of capital cost and extent of potential impacts.

Option 4 – Mount Hope Street

Sanitary sewage would discharge to a 250 mm diameter pipe which flows to a sewer on St. David Street. It is not clear in the background data if the St. David Street sewer flows north from Mount Hope Street, but based on the contours it appears that it flows south to the Colborne Street sewer.

To confirm the feasibility of this option it would be necessary to verify the direction of flow in the field. The analysis has been carried out based on the supposition that the sewers are connected to the Colborne Street sewer.

Constraints

- The Mount Hope Street sewer is also tributary to the Ridout Street pumping station so the constraints are identical to those for Option 1 – Weldon Road
- Likely not feasible because of capital cost and extent of potential impacts.

Option 5 – Needham Street

Sewage would discharge to 250 mm diameter sewer on Needham Street which connects to a 600 mm diameter sewer on St. David Street. In addition to this sewer, there is a 900 mm diameter sewer on St. David Street. It may be possible to connect to the 900 mm diameter sewer on St. David Street.

Constraints

- Capacity of the 250 mm diameter sewer on Needham Street and of the 600 mm and 900 mm diameter sanitary sewers on St. David Street. However, it is possible that detailed hydraulic calculations show that the sewers on St. David Street will have sufficient hydraulic capacity.
- Need pumping station north of Colborne Street to lift sewage under an existing depression north of Colborne Street and south of Needham Street. Please see attached *Appendix IV - Terrain Contours* and *Appendix V - Terrain Profile along Highway 36 to Lagoon Road Sewage Treatment Plant*.

Option 6 – Fleetwood Street

This Option is very similar to Option 5 but would use Fleetwood Street to connect to the sewers on St. David Street.

Sewage would discharge to 300 mm diameter sewer on Fleetwood Street which connects to a 600 mm diameter sewer on St. David Street. In addition to this sewer, there is a 900 mm diameter sewer on St. David Street. It may be possible to connect to the 900 mm diameter sewer on St. David Street.

Constraints

- Capacity of the 300 mm diameter sewer on Fleetwood Street and of the 600 mm and 900 mm diameter sanitary sewers on St. David Street. However, it is possible that detailed hydraulic calculations show that the sewers on St. David Street will have sufficient hydraulic capacity.
- Need pumping station north of Colborne Street as outlined in Option 5 above.

Option 7 – Along Highway 36 North to Sewage Treatment Plant

Sewage would be conveyed in a new sanitary sewer along Highway 36 north to the sewage treatment plant.

Constraints

- Need to construct completely new sewers.
- Need pumping station north of Colborne Street as in Option 5 above.

FEASIBILITY AND ESTIMATED COSTS

On the basis of the above discussion, we conclude that only Options 5, 6 and 7 (Needham, Fleetwood, Highway 36 north) should be considered in closer detail. Furthermore, such options are considered in light of a broader paradigm to service all of the existing municipal areas that remain unserviced in the northeast quadrant of the Lindsay municipal boundaries.

Please refer to *Appendix II: Sanitary Sub Areas of Broader Required Servicing Area* as reference is made to all the sanitary areas that would require servicing in the northeast quadrant of the Lindsay municipal limits.

Population densities were determined using standards for residential, commercial and industrial land uses². We used a total flow of 450 litres per person per day and peak flows were calculated using the Harmon formula. Please note that to be conservative, data has been derived based on gross hectares of development lands in each area, without netting out for any environmental constraints.

Chart 1: Capacity Assumptions for Sub Areas of Broader Required Servicing Area

AREA No.	Area (hectares)	Land Use	Population Density (persons/ha)	Would Drain to
A	40.5	Subject Property (Residential component)	70	New sewer
B	6.5	Subject Property (Commercial component)	50	New sewer
C	6.1	Commercial	50	New sewer
D	2	Residential	70	New sewer
E	2.0	Commercial	50	New sewer
F-1	28	Industrial	50	New sewer
F-2	12.5	Industrial	50	New sewer
G	24.3	Industrial	50	New sewer
H	50.6	Industrial	50	Drains to sewer
I	40	Prestige Industrial	50	Drains to sewer on west side
J	40	Prestige Industrial	50	Drains to Needham St.
K	40	Commercial/residential	40	Drains to Colborne St.

² Population densities for commercial and industrial land uses were determined from Standards for the City of London and the Region of Peel.

The feasibility analysis of the following sanitary servicing options was completed based on basic assumptions with respect to sewer grades based on the land contours and typical sewer construction standards. All calculations must be confirmed based on as-built information where available and field verification where necessary.

Based on the capacity assumptions above, we determine that two feasible options are available for servicing these broader areas:

- **Option 5 & Option 6 Combined - Needham Street and Fleetwood Street**
- **Option 6 – Along Highway 36 to Sewage Treatment Plant**

Our feasibility and cost estimates will analyze these two options based on the capacity assumptions developed in Chart 1 above. We also assume that areas H, I, J and K in Chart 1 are already accounted for and drain into the St. David Street sewer as they are currently defined as Area 2 (K) and Area 10 (H, I and J) in the current Lindsay Sewer System master grid.

Option 5&6 Combined - Needham Street and Fleetwood Street

Option 5 & 6 Combined would require reconstruction of the sanitary sewers on Needham Street in order to accommodate the flow from Areas A, B, C, D, E, and F-1. The sewers would need to be replaced with 450 mm diameter pipes as the existing ones are only of 250 mm diameter and have insufficient capacity. The calculations show that the existing 900 mm and 600 mm diameter pipes on St. David Street would have adequate hydraulic capacity for the additional sanitary sewage flow from the subject areas A, B, C, D, E and F-1.

The sanitary sewers on Fleetwood Street would need reconstruction to accommodate the flows from area F-2. They would need to be replaced with 450 mm diameter pipes as the existing ones are 375 mm diameter. The calculations show that the capacity of the 900 mm and 600 mm diameter pipes existing on St. David Street would have adequate hydraulic capacity for the additional sanitary sewage flow from area F-2.

Area G and the currently unserviced portion of Area H could also potentially be connected through Fleetwood Street in future or alternatively directly to the sewage treatment plant via Lagoon Road.

It is noted, however, that there is a substantial valley north of Colborne Street which would require that a pumping station be constructed north of Colborne Street to lift the sewage to enable connection to the sewer on Needham Street.

The estimated total cost of implementing Option 5 & 6 Combined at the same time is \$7,700,000, excluding HST. The Cost Estimate Breakdown for the various Stages are included in *Appendix VI – Sanitary Servicing Cost Estimates*. The project can also be staggered into stages and the cost breakdown per stage is as follows:

Stage 1: Connect Areas A, B, E and F-1 (south of Needham): \$5,000,000, excluding HST

Stage 2: Connect Areas C and D: \$820,000, excluding HST

Stage 3: Connect remaining portion of F-1 and F-2: \$940,000, excluding HST

Stage 4: Connect Area G: \$940,000, excluding HST

Option 7 – Along Highway 36 North to Sewage Treatment Plant

Option 7 would not require replacement of existing sanitary sewers since the new sanitary sewers would be entirely new. A new main trunk would be constructed along Highway 36 right up to the sewage treatment plant on Lagoon Road. This option would permit servicing of all areas referenced in Appendix II (Areas A, B, C, D, E, F1, F2, G, and H). As in **Option 5 & 6 Combined**, a pumping station will be required just north of Colborne Street.

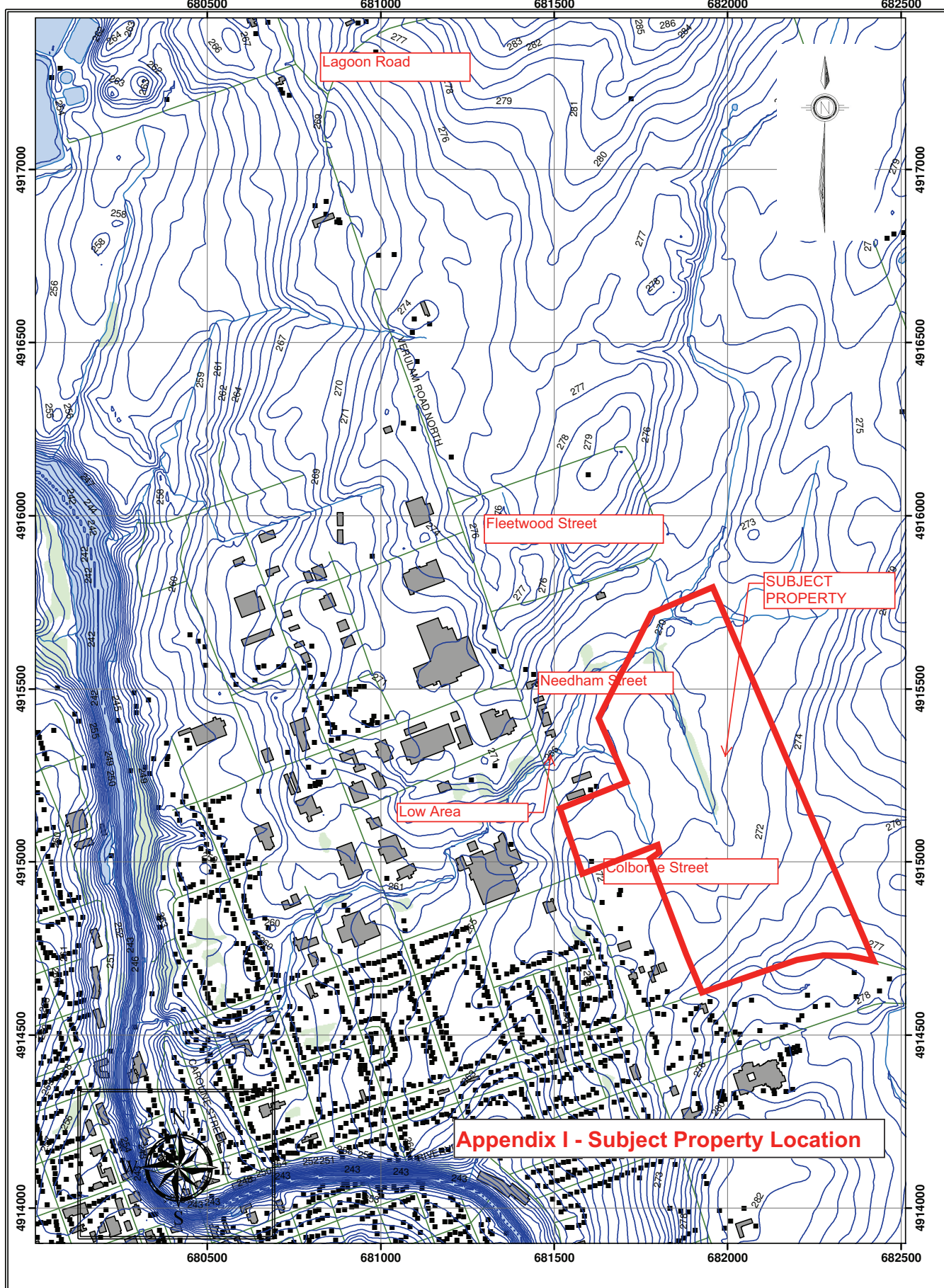
The estimated total cost of implementing Option 7 is \$9,600,000 excluding HST. Please see *Appendix VI – Sanitary Servicing Cost Estimates*.

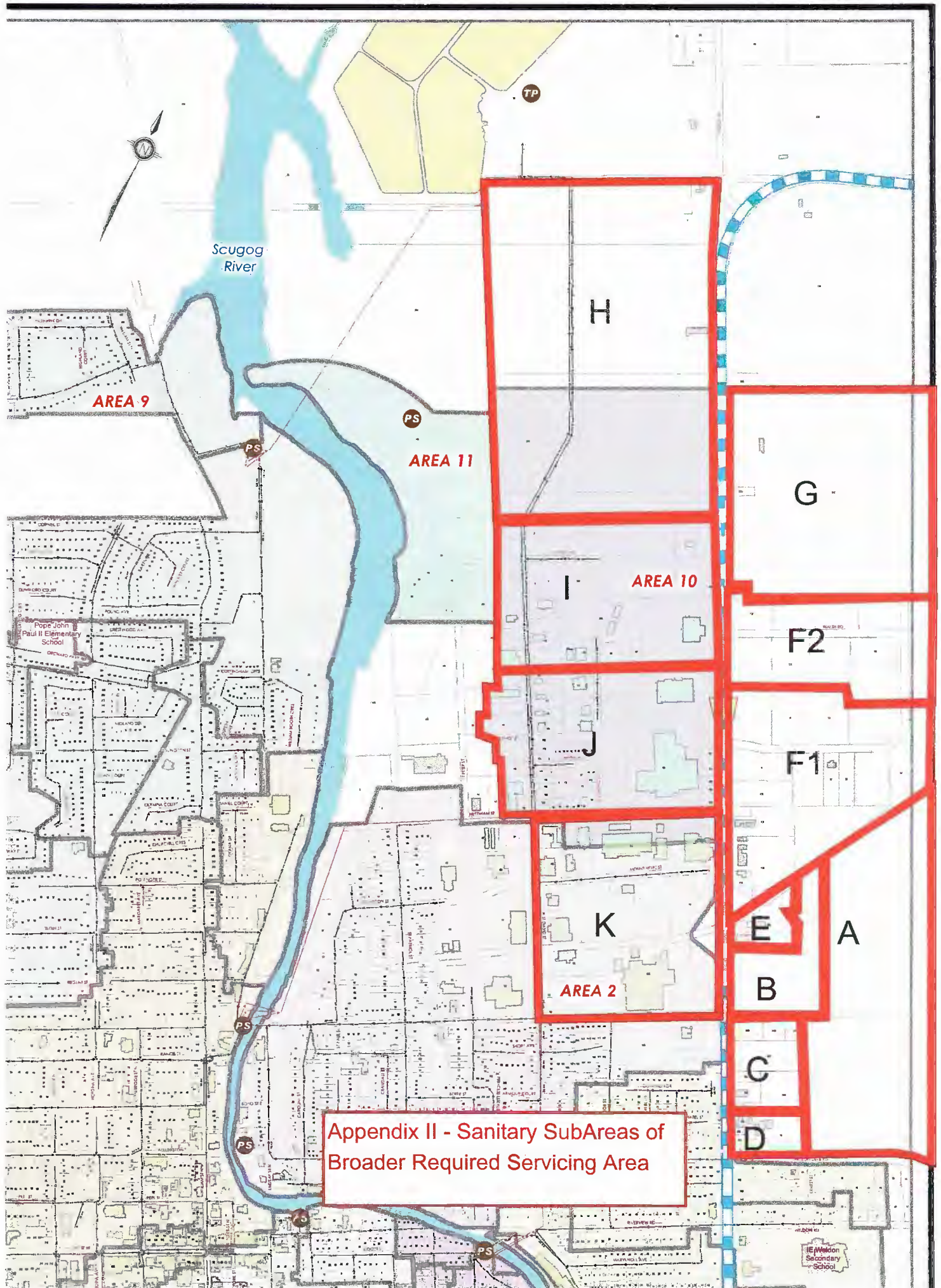
CONCLUSION

Option 5 & 6 Combined - Needham Street and Fleetwood Street seems to be the lowest cost and most feasible approach that would allow for a long term servicing plan for the broader area. It also allows for implementation by various stages as growth increases in the area. Stage 1 could be implemented first to service the subject lands described in this study. Stages 2, 3, and 4 could be implemented over time as growth continues in the area.

Option 5 & 6 Combined - Needham Street and Fleetwood Street offers the added flexibility that it could eventually be worked into Option 7 (along Highway 36) by initially over-sizing the pipe along Highway 36 and eventually disconnecting the sewer at Needham and potentially at Fleetwood, and continuing the (then existing) trunk sewer on Highway 36 north to the sewage treatment plant.

In short, Option 5 & 6 offers the best flexibility (practically and financially) to meet the growth patterns as they develop.



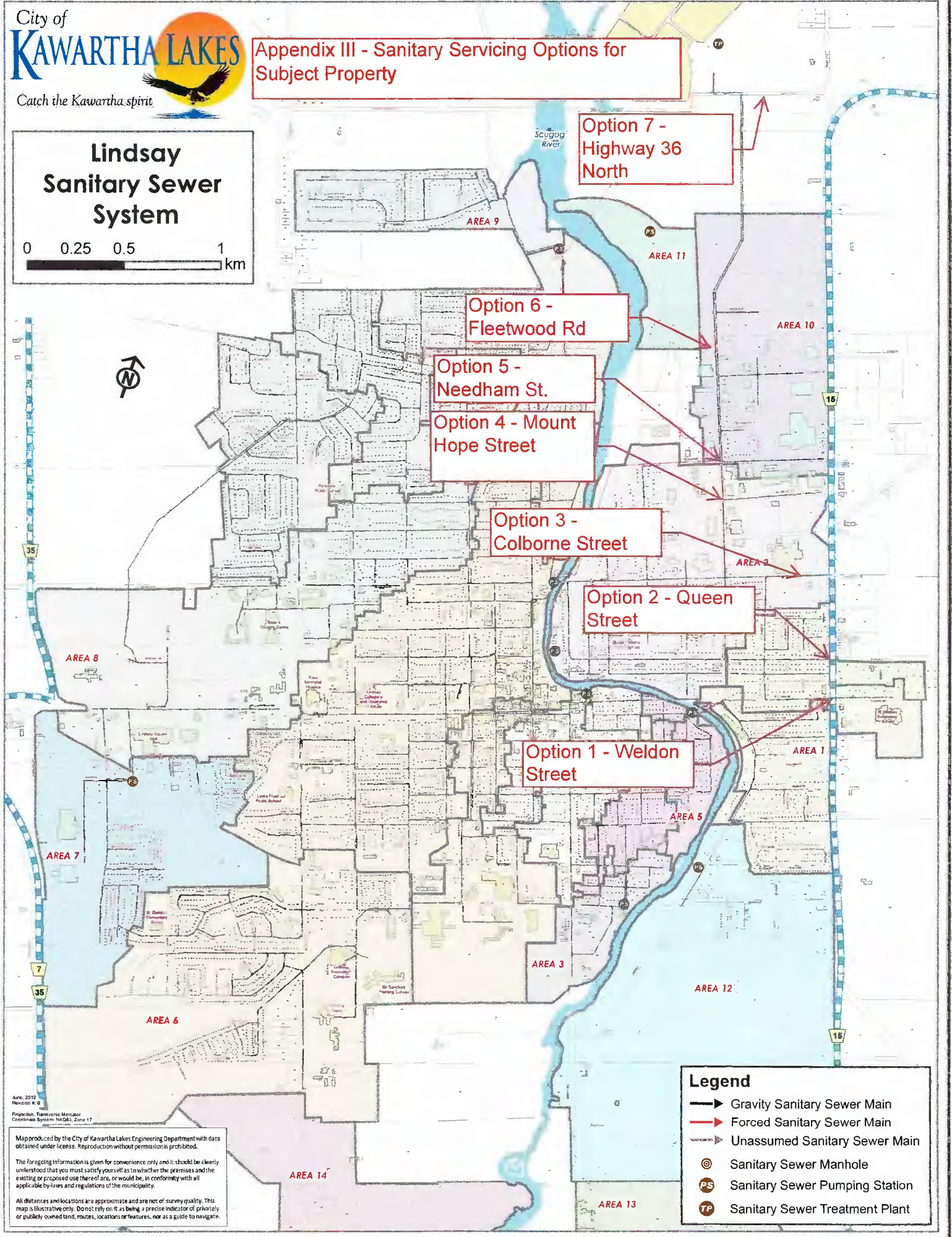


Appendix II - Sanitary SubAreas of Broader Required Servicing Area

**Appendix III - Sanitary Servicing Options for
Subject Property**

**Lindsay
Sanitary Sewer
System**

0 0.25 0.5 1 km



Legend

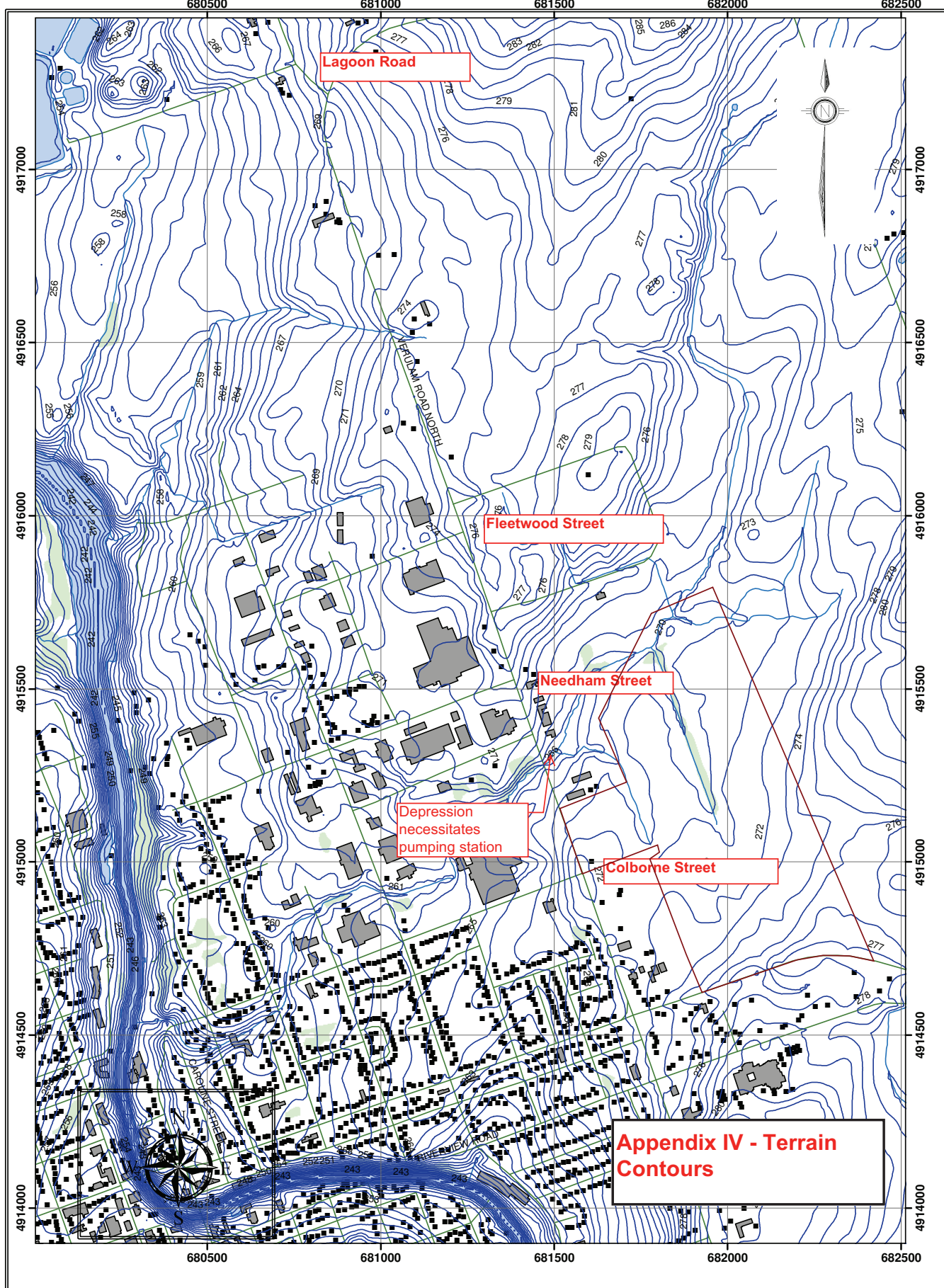
- Gravity Sanitary Sewer Main
- Forced Sanitary Sewer Main
- Unassumed Sanitary Sewer Main
- Sanitary Sewer Manhole
- Sanitary Sewer Pumping Station
- Sanitary Sewer Treatment Plant

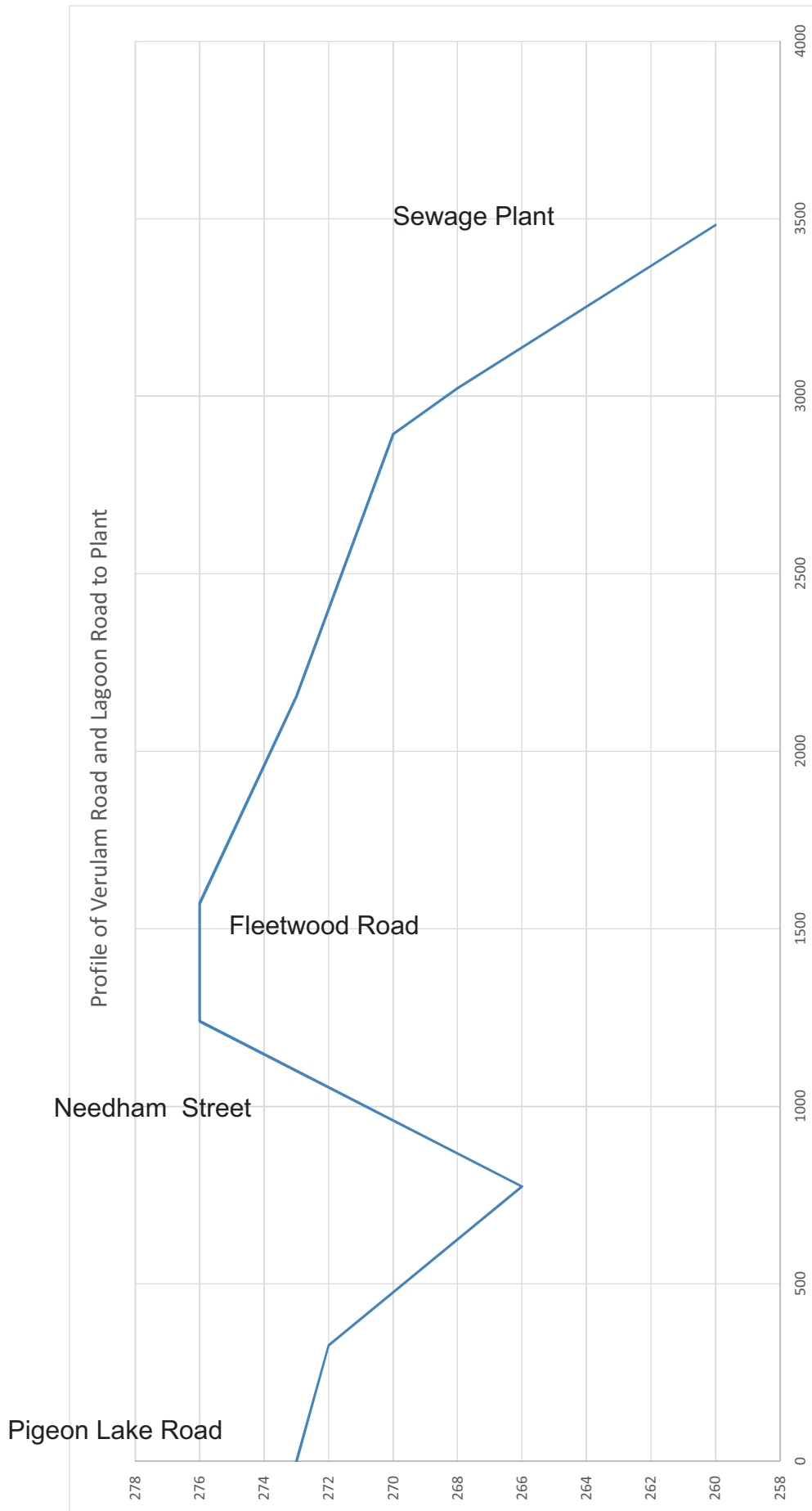
April, 2012
Revision: R. 0
Preparation: Transverse Mortimer
Consulting System: M.A.D.B. Zone 17

Map produced by the City of Kawartha Lakes Engineering Department with data obtained under license. Reproduction without permission is prohibited.

The foregoing information is given for convenience only and it should be clearly understood that you must satisfy yourself as to whether the premises and the existing or proposed use thereof are, or would be, in conformity with all applicable by-laws and regulations of the municipality.

All distances and locations are approximate and are not of survey quality. This map is illustrative only. Do not rely on it as being a precise indicator of privately or publicly owned land, routes, locations or features, nor as a guide to navigate.





Appendix V - Terrain Profile Along Highway 36 to Lagoon Road Sewage Treatment Plant

Appendix VI - Sanitary Servicing Cost Estimates

Options 5 and 6 Combined

Stage 1 - Areas A, B, E and F1 (south of Needham)

Areas A, B, E

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$15,000	\$15,000
2	Sewage By-pass (at Needham)	LS	1	\$10,000	\$10,000
3	Pumping Station	LS	1	\$1,000,000	\$1,000,000
4	Forcemain	m	100	\$210	\$21,000
3	Directional Drilling under Verulam Road	m	120	\$45.00	\$5,400.00
4	Mud trailer	day	5	\$1,000.00	\$5,000.00
5	300 Sewer	m	50	\$210	\$10,500
6	375 Sewer	m	406	\$249	\$101,094
7	450 Sewer	m	560	\$258	\$144,480
8	600 Sewer	m	400	\$405	\$162,000
9	Excavation	m3	8496	\$60	\$509,760
10	Bedding	m3	319	\$50	\$15,930
11	Backfill	m3	8496	\$60	\$509,760
11	Manholes (at 120 m c/c)	ea.	14	\$4,000	\$55,200
12	Connection to Manhole W. of CR 36	LS	1	\$5,000	\$5,000
13	Restoration	m	1750	\$50	\$87,500
	Sub-total				\$2,657,624
	Contingency Allowance		30%		\$797,287
	Total Construction				\$3,454,911
	Engineering		15%		\$518,237
	Total				\$3,973,200

Area F1 South of Needham

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$15,000	\$15,000
2	Sewage By-pass (at Fleetwood)	LS	1	\$3,000	\$3,000
3	375 Sewer	m	560	\$249	\$139,440
4	Directional Drilling under Verulam Road	m	60	\$45	\$2,700
5	Mud trailer	day	2	\$1,000	\$2,000
6	Excavation	m3	2520	\$100	\$252,000
7	Backfill	m3	2520	\$100	\$252,000
8	Connection to Manhole	LS	1	\$5,000	\$5,000
9	Restoration	LS	1	\$5,000	\$5,000
	Sub-total				\$676,140
	Contingency Allowance		30%		\$202,842
	Total Construction				\$878,982
	Engineering		15%		\$131,847
	Total				\$1,010,900

Total Estimated Cost - Stage 1

\$4,984,100

Options 5 and 6 Combined
Stage 2 - Connect Areas C & D

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$5,000	\$5,000
2	Sewage By-pass (at Needham)	LS		\$10,000	\$0
3	Pumping Station	LS		\$1,000,000	\$0
4	Forcemain	m		\$210	\$0
3	Directional Drilling under Verulam Road	m		\$45.00	\$0.00
4	Mud trailer	day		\$1,000.00	\$0.00
5	300 Sewer	m	300	\$210	\$63,000
6	375 Sewer	m	210	\$249	\$52,290
7	450 Sewer	m		\$258	\$0
8	600 Sewer	m		\$405	\$0
9	Excavation	m3	3060	\$60	\$183,600
10	Bedding	m3	115	\$50	\$5,738
11	Backfill	m3	3060	\$60	\$183,600
11	Manholes (at 120 m c/c)	ea.	6	\$4,000	\$25,000
12	Connection to Manhole W. of CR 36	LS	1	\$5,000	\$5,000
13	Restoration	m	510	\$50	\$25,500
	Sub-total				\$548,728
	Contingency Allowance		30%		\$164,618
	Total Construction				\$713,346
	Engineering		15%		\$107,002
	Total				\$820,400

Stage 3 - Connect Remaining Portions of Area F1 and Area F2

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$5,000	\$5,000
2	Sewage By-pass (at Needham)	LS	1	\$10,000	\$10,000
3	Pumping Station	LS		\$1,000,000	\$0
4	Forcemain	m		\$210	\$0
3	Directional Drilling under Verulam Road	m		\$45.00	\$0.00
4	Mud trailer	day		\$1,000.00	\$0.00
5	300 Sewer	m		\$210	\$0
6	375 Sewer	m	560	\$249	\$139,440
7	450 Sewer	m		\$258	\$0
8	600 Sewer	m		\$405	\$0
9	Excavation	m3	3360	\$60	\$201,600
10	Bedding	m3	126	\$50	\$6,300
11	Backfill	m3	3360	\$60	\$201,600
11	Manholes (at 120 m c/c)	ea.	7	\$4,000	\$26,667
12	Connection to Manhole W. of CR 36	LS	1	\$5,000	\$5,000
13	Restoration	m	560	\$50	\$28,000
	Sub-total				\$623,607
	Contingency Allowance		30%		\$187,082
	Total Construction				\$810,689
	Engineering		15%		\$121,603
	Total				\$932,300

Stage 3 - Connect Area G

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$5,000	\$5,000
2	Sewage By-pass (at Needham)	LS	1	\$10,000	\$10,000
3	Pumping Station	LS		\$1,000,000	\$0
4	Forcemain	m		\$210	\$0
3	Directional Drilling under Verulam Road	m		\$45.00	\$0.00
4	Mud trailer	day		\$1,000.00	\$0.00
5	300 Sewer	m		\$210	\$0
6	375 Sewer	m	560	\$249	\$139,440
7	450 Sewer	m		\$258	\$0
8	600 Sewer	m		\$405	\$0
9	Excavation	m3	3360	\$60	\$201,600
10	Bedding	m3	126	\$50	\$6,300
11	Backfill	m3	3360	\$60	\$201,600
11	Manholes (at 120 m c/c)	ea.	7	\$4,000	\$26,667
12	Connection to Manhole W. of CR 36	LS	1	\$5,000	\$5,000
13	Restoration	m	560	\$50	\$28,000
	Sub-total				\$623,607
	Contingency Allowance		30%		\$187,082
	Total Construction				\$810,689
	Engineering		15%		\$121,603
	Total				\$932,300

Summary

Stage 1: Connect Areas A, B, E and F-1 (south of Needham)	\$4,984,100	\$5,000,000
Stage 2: Connect Areas C and D	\$820,400	\$820,000
Stage 3: Connect remaining portion of F-1 and F-2	\$932,300	\$940,000
Stage 4: Connect Area G	\$932,300	\$940,000
	\$7,669,100	\$7,700,000

Zemer Holdings Ltd.
 116 Ac. Parcel East of Hwy 36, Lindsay
 City of Kawartha Lakes, Ontario

Option 7 - Hwy 36 Sanitary Sewer to Lagoon Road STP

Item	Description	Unit	Qty.	Unit Price	Total
1	Mobilization & Demobilization	LS	1	\$30,000	\$30,000
2	Sewage By-pass (at Lagoon Road)	LS	1	\$20,000	\$20,000
3	Pumping Station	LS	1	\$1,000,000	\$1,000,000
4	Forcemain	m	300	\$210	\$63,000
5	300 Sewer	m	350	\$210	\$73,500
6	375 Sewer	m	1067	\$249	\$265,683
6	450 Sewer	m	1181	\$258	\$304,698
7	600 Sewer	m	1182	\$405	\$478,710
8	Excavation	m3	36720	\$50	\$1,836,000
9	Bedding	m3	918	\$60	\$55,094
10	Backfill	m3	36720	\$50	\$1,836,000
10	Manholes (at 120 m c/c)	ea.	29	\$4,000	\$116,667
11	Connection to Manhole at Lagoon Road	LS	1	\$15,000	\$15,000
12	Restoration	m	3331	\$100	\$333,100
	Sub-total				\$6,427,451
	Contingency Allowance		30%		\$1,928,235
	Total Construction				\$8,355,687
	Engineering		15%		\$1,253,353
	Total				\$9,609,100



Monday, April 14, 2014

Michael Benner, MCIP RPP
Manager of Policy Planning
Development Services – Planning Division
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Re: Request for Pre-consultation Meeting

Dear Mr. Benner:

In follow up to our letters dated Friday, November 30, 2012 and Monday, May 27, 2013, we would like to request a pre-consultation meeting regarding the development of our property on the east side of Lindsay and bound by Highway 36 to the west, Pigeon Lake Road to the south and directly across from Colborne Street East.

Attached to this letter, we are providing a preliminary Storm Water Management report prepared by Sanchez Engineering Inc. on January 20th, 2014. In previous correspondence, we have also provided a general planning rationale, a conceptual subdivision plan, a development charge review and a Sanitary Servicing Options Report.

The subject property is legally described as LT 49-52, 63-67 PL 44 EXCEPT HWY663H; PT LT 22 CON 7 OPS AS IN R256290 EXCEPT PT 1, 57R7418, PT 2, 57R6746, PT 1 & 5, 57R6745; LT 48 PL 44 EXCEPT PT 3, 57R6784 & PT 1, 57R6745; PT BERTRAM ST PL 44 N OF COUNTY RD 17; PT LT 61-62 PL 44 AS IN R256290; S/T INTEREST OF THE MUNICIPALITY; S/T R295268; KAWARTHA LAKES.

We would appreciate if you could co-ordinate a meeting for us at your earliest convenience.

Thank you kindly,

John Passalacqua
President
Zemer Holdings Ltd.

cc: Ron Taylor, Director of Development Services, City of Kawartha Lakes
cc: Michelle Hendry, Director of Public Works, City of Kawartha Lakes

Enclosure: Preliminary Storm Water Management Concept, Sanchez Engineering Inc.

ZEMER HOLDINGS LTD.

**PRELIMINARY STORM WATER MANAGEMENT
CONCEPT FOR 116 ACRE PARCEL
EAST OF HIGHWAY 36, LINDSAY
CITY OF KAWARTHA LAKES, ONTARIO**

PRELIMINARY REPORT

JANUARY 20, 2014



SANCHEZ ENGINEERING INC.

PRELIMINARY STORM WATER MANAGEMENT CONCEPT FOR 116 ACRE PARCEL EAST OF HIGHWAY 36, LINDSAY CITY OF KAWARTHA LAKES, ONTARIO

PROPERTY DESCRIPTION

This report presents the results of a preliminary storm water management concept commissioned by Zemer Holdings for a 116 acre (46.8 ha) development parcel on the east side of Lindsay. The location of the subject property is shown on *Appendix I – Subject Property Location*¹. The subject property is bound by Highway 36 to the west, Pigeon Lake Road to the south and directly across from Colborne Street East. The front 16 acres in the north-west corner of the property directly opposite Colborne Street East are currently included within the Lindsay settlement boundary and designated as commercial lands while the remaining 100 acres of the property to the east and south are currently being considered for inclusion for residential purposes under the CKL Secondary plan review process.

PROJECT SCOPE

This review examined storm water management, including storm sewer servicing. The report presents a preliminary storm water management concept developed to confirm the feasibility of storm water management for the property.

The preliminary lot fabric for the development is shown in *Appendix II – Lot Fabric*. It is proposed that the development will contain 251 50-ft detached lots, 216 40-ft detached lots, 142 30-ft semidetached lots and 60 20-ft townhome lots. Based on an average density of 28 persons per acre, the overall area is projected to house 3,250 persons.

The storm water management concept was developed using contour information for the property and field topographic surveys of the areas that were proposed for storm water management in the previously completed Preliminary Internal Servicing Concepts report, dated July 2013.

EXISTING CONDITIONS

Appendix III – Storm Water Management shows the existing drainage catchments; their properties are summarized in Table 1.

¹ Figures are provided in the Appendices.

Table 1 - Existing Catchment Properties

Catchment	Area	Slope	C	Time to Peak	Curve Number
	ha	%		hr	CN
10	6.81	1.51%	0.38	2.4	85.5
11	5.37	1.55%	0.31	2.4	79.5
12	6.80	1.21%	0.40	2.3	87
13	3.35	1.67%	0.40	1.6	87
21	17.53	1.27%	0.27	3.5	76.5
22	7.32	1.81%	0.26	2.7	75
23	15.99	1.14%	0.40	2.6	87
24	15.68	0.74%	0.36	2.5	84
25	2.07	0.78%	0.40	2.0	87

It is noted that catchments 13, 22, 24 and 25, as well as parts of catchment 10, are external areas that currently drain into the property.

Peak flows for existing conditions were computed using the computer program Visual Otthymo V1.02, with rainfall data for Lindsay. The calculated peak flows for the 2 year, 5 year, 50 year, and 100 year return periods are summarized in Table 2 for the outflow at the outlets shown on Appendix III.

Table 2 - Existing Flows (m³/s)

Return Period	SWS 1 (Outlet A) (m ³ /s)	SWS 2 (Outlet B & C) (m ³ /s)
2 yr	0.15	0.29
5 yr	0.22	0.42
50 yr	0.58	1.15
100 yr	0.67	1.35

PROPOSED CONDITIONS

The proposed land uses in the property are as shown on *Appendix II*. The catchment characteristics are summarized in Table 3. It is noted that the external catchments (part of 10, 22, 24 and 25) are assumed to remain undeveloped in this study.²

Table 3 - Urbanized Catchment Properties

Catchment	Area	Slope	Total Imperviousness	L Impervious
	ha	%		m
10A	3.76	1.51%	0.60	
11	5.37	1.55%	0.40	189
12	6.80	1.21%	0.40	213
21	17.53	1.27%	0.40	342
23	15.99	1.14%	0.40	326

The projected peak flows that would be generated under developed conditions are summarized in Table 4.

Table 4 - Developed Conditions Flows (m³/s)

Return Period	SWS 1 (Outlet A) (m ³ /s)	SWS 2 (Outlet B) (m ³ /s)	SWS 2 (Outlet C) (m ³ /s)
2 yr	1.32	1.40	1.15
5 yr	1.81	1.94	1.64
50 yr	3.19	3.45	2.99
100 yr	3.61	3.90	3.40

It can be noted that the peak flows are larger than under existing conditions. Therefore, storm water management measures will be necessary, as discussed below.

² If the external catchments are developed in the future, that developer will be required to control the outflows from them to not exceed those generated under existing land uses.

STORM WATER MANAGEMENT CONCEPT

At this stage the efforts were directed at establishing the feasibility of providing storm water management systems for the proposed development. In particular, issues related to required storage and availability of land were addressed.

In developing the storm water management concepts it was assumed that the following criteria would be applied, based on the criteria that is usually applied for similar developments:

Storm water quantity	Provide runoff control to reduce post-development peak flows to the equivalent values for pre-development conditions (existing conditions).
Storm water quality	Provide water quality measures consistent with Level 1 (Enhanced) water quality control per the MOE Storm Water Management Planning and Design Manual, 2003.

It is noted that these criteria must be confirmed by the City of Kawartha Lakes and the Kawartha Region Conservation Authority for the preliminary and final design.

For the storm water management concept it was assumed that storm water management facilities will be provided at the Conservation Regulated Areas, as shown on *Appendix III – Storm Water Management*.

SWM Area A will receive the runoff from Catchments 10, 11, and part of 12. Catchment 10 includes the post-development flows from the Commercial area, plus the external areas that are presently located in Catchment 10.

SWM Area B will receive the runoff from the east part of Catchment 12 plus Catchments 23, 24, and 25 and the external area 13. As noted previously, Catchments 24 and 25 comprise external drainage in pre-development conditions.

SWM Area C will receive the runoff from Catchments 21 and 22. The latter is an external area assumed to remain in its existing land use conditions. It is noted that a small triangle adjacent to Catchment 21 will also drain to this SWM Area.

In table format, the drainage patterns area as follows:

Table 5 - Storm Water Management Areas

SWM Area	Catchments
A	10, 11, part of 12
B	East part of 12, 13, 23, 24, and 25
C	21 and 22

Based on the SWM criteria and the assumed drainage pattern, it was determined that the following storage volumes will be necessary, as summarized in Table 6.

Table 6 – Storage Volumes Required

SWM Area	Storage Volume Required for Quantity Control (m³)	Storage Volume Required for Quality Control (m³)
A	5,600	1,800
B	7,400	2,000
C	6,300	1,800

The approximate limits of the Storage areas are shown on Appendix III. It is noted that the area shown for SWM Areas B and C provide substantially more storage volume than the minimum required in Table 6. Therefore, the limits of the storm water management facilities need to be refined during the preliminary and detail design.

PHASING

For phasing of the development, this configuration of storm water management will permit development to proceed from west to east.

Phase 1 could comprise SWM Area A plus the development that will drain to it (SWS 10, 11 and the west part of SWS 12, including external drainage. This will permit development of the commercial area more or less simultaneously with Phase 1 of the subdivision.

Phase 2 and subsequent phases could be undertaken in several formats. SWM Areas B and C would be constructed as phases proceed. In addition, the configuration shown permits that Areas B and C be constructed as a single SWM Area, with one outlet, or as two separate SWM Areas with separate outlets, depending on how development is ultimately phased.

A suggested phasing would be to construct SWM Area B in conjunction with development of the east part of SWS 12, 13, 23, 24, and 25. SWM Area C could be constructed as an expansion of SWM Area B, using the same outlet structure, or as an independent SWM facility with a separate outlet structure.

OUTLET CONDITIONS

As part of this analysis, the field survey data collected was used to determine whether the watercourse located north of the site (the receiving watercourse) would have flooding effects on the storm water management system for the subject property.

The watershed to the culvert at Verulam Road is shown on *Appendix IV – Watershed*, which covers 612.4 ha. Using similar calculations as for the remainder of the report, it is estimated that the 100 year peak flow at the culvert is about 10 m³/s.

It was determined based on hydrologic analysis of the watershed and calculations of water surface profiles, that the 100 year flood line will be contained north of the trail.

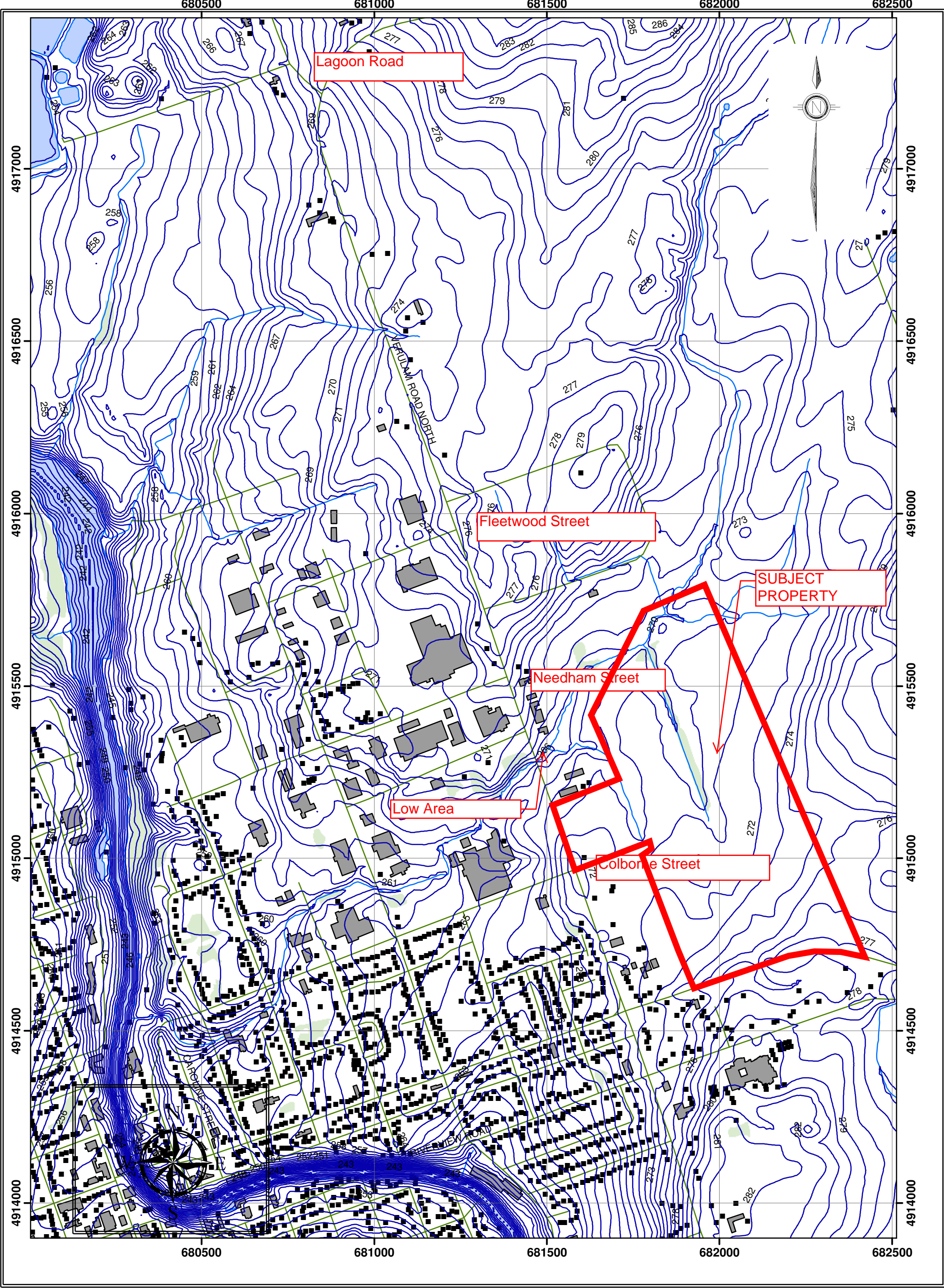
CONCLUSIONS

The following are our conclusions:

- a. The proposed development will create sufficient increase in peak flows that will require storm water management measures.
- b. It is feasible to use the conservation regulated areas within the property to provide storm water quality and quantity management.
- c. Flooding in the receiving watercourse will not affect the outlet capacity of the hydraulic structures necessary to control flows from the subdivision.
- d. There is sufficient area and depth that will permit outletting the subdivision storm sewers to the proposed conceptual storm water management facilities.

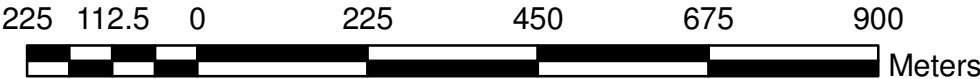
RECOMMENDATIONS

We recommend that this report be used as a basis for the functional design of the storm water management system when development of the subdivision proceeds to the draft plan of subdivision. It is noted that the ultimate configuration of the storm water management system could change to accommodate design and phasing matters.



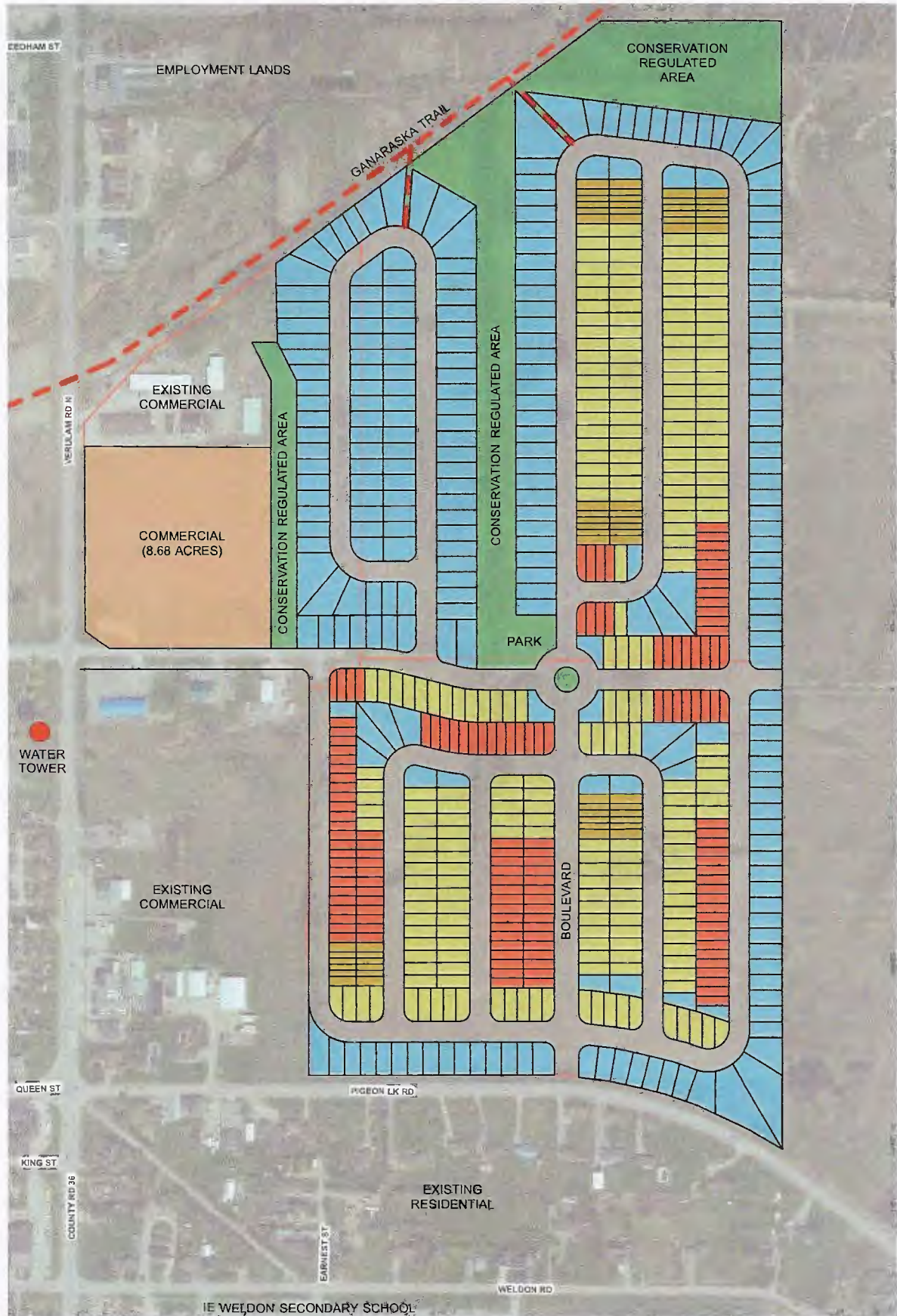
SANCHEZ ENGINEERING INC.

Scale: 1:10,000



Contour Interval 5 Metres

BLOCK PLANNING FOR SUBJECT PROPERTY



50' X 105' LOTS & IRREGULAR
DETACHED
251 LOTS

40' X 105' LOTS
DETACHED
216 LOTS

30' X 105' LOTS
SEMI-DETACHED
142 LOTS

20' X 105' LOTS
TOWNHOMES
60 LOTS



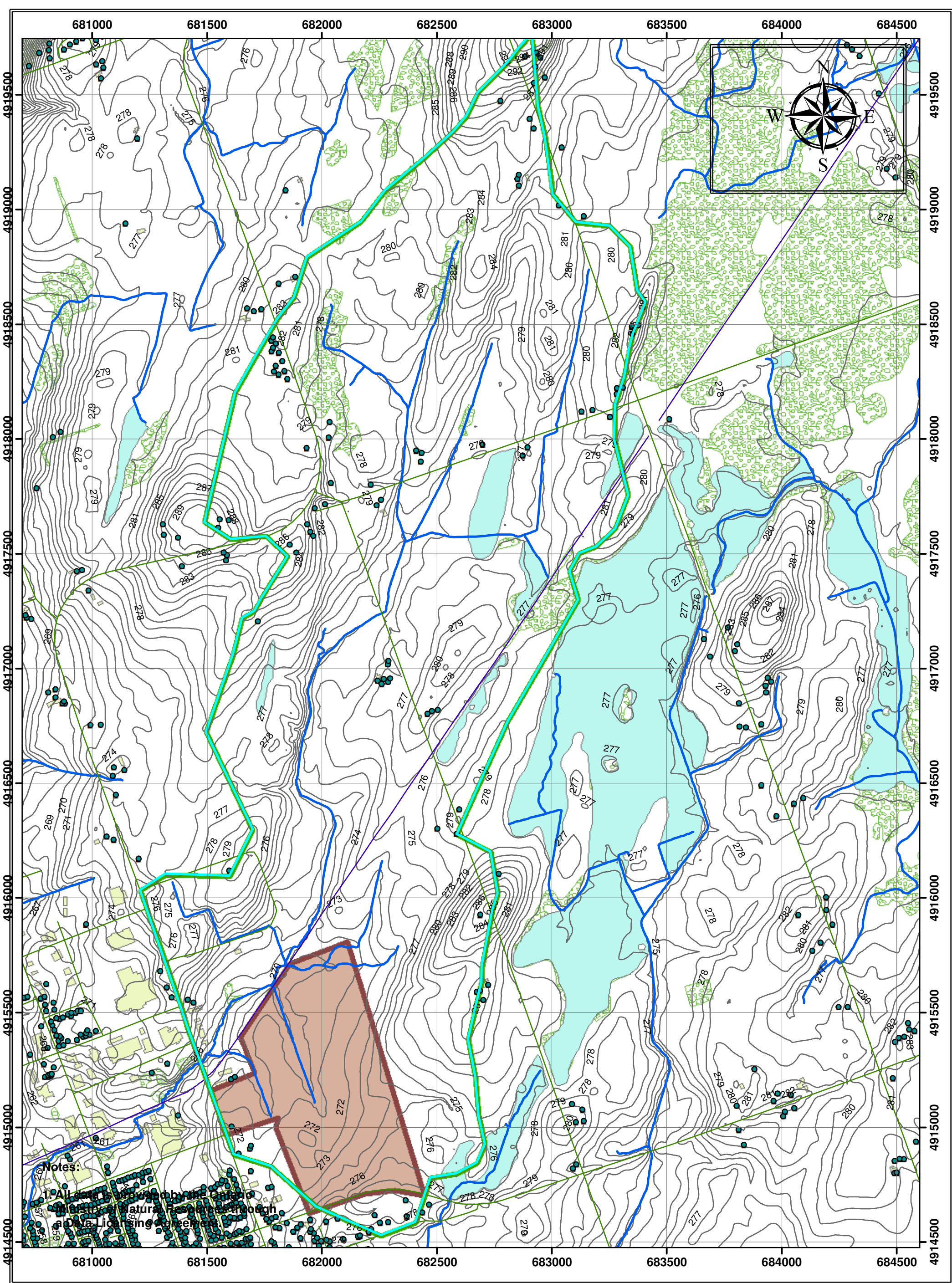


SANCHEZ ENGINEERING INC.

DRAWN BY:	LSC
PROJECT No.:	SN0277
DATE:	November 2013
SCALE:	N.T.S.

ZEMER HOLDINGS INC.
LINDSAY, ONTARIO

APPENDIX III - STORM WATER MANAGEMENT



Scale: 1:4,000



SANCHEZ ENGINEERING INC.

Watershed Boundary
Unnamed Watercourse
Zemer Properties
Lindsay, Ontario

ZEMER HOLDINGS LTD.

ADDENDUM TO

**REVIEW OF SANITARY SERVICING OPTIONS
FOR 116 ACRE PARCEL EAST OF HIGHWAY 36,
LINDSAY CITY OF KAWARTHA LAKES,
ONTARIO (May 17, 2013)**

JANUARY 21, 2015



SANCHEZ ENGINEERING INC.

ADDENDUM TO:

REVIEW OF SANITARY SERVICING OPTIONS FOR 116 ACRE PARCEL EAST OF HIGHWAY 36, LINDSAY CITY OF KAWARTHA LAKES, ONTARIO (May 17, 2013)

INTRODUCTION

This Addendum presents an additional sanitary servicing option for the 116 acre development parcel on the east side of Lindsay owned by Zemer Holdings Ltd. Please refer to the May 2013 report for the details on the property, its location and the context of the development.

DESCRIPTION

The sanitary servicing options presented in the May 2013 report proposed to begin the sewer system from the west side of the development onto Highway 36. The system would then proceed north along Highway 36 and then west on Needham or Fleetwood or entirely up Highway 36 to the sewage treatment plant.

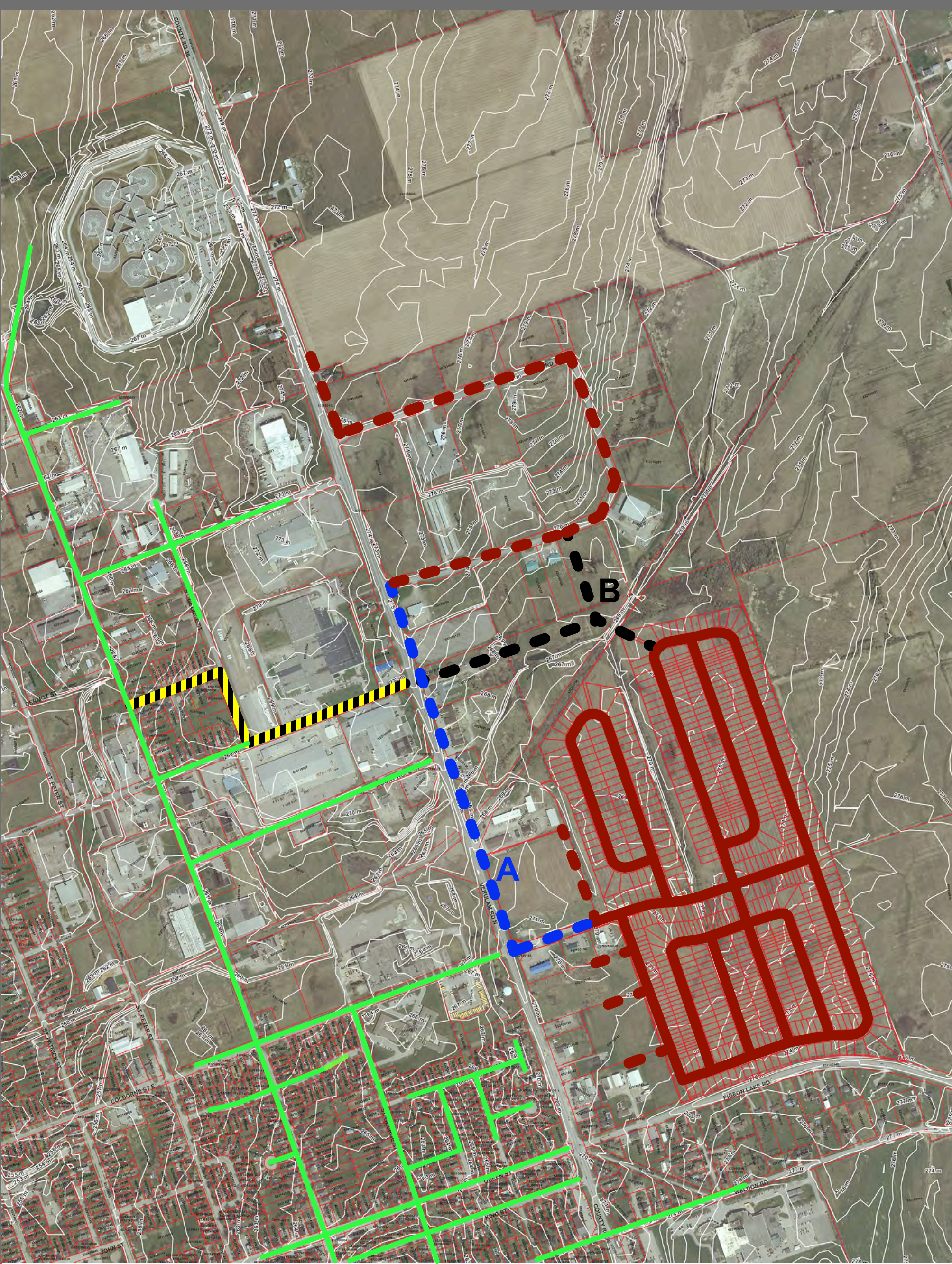
The sanitary servicing option presented in this Addendum takes advantage of the possibility of directing all sanitary sewers for the development to the northeast corner of the property. The sewer line would then cross under the existing watercourse with adequate cover and flow westward by gravity alone to Needham. It would cross underneath Highway 36 and travel along Needham toward St. David Street. To by-pass the segment of sewer at Needham and St. David that is expected to be surcharged in 2016 (per the Water and Wastewater Infrastructure Capacity Review by CKL dated October 2014), the sewer would then turn north at St. George Street and west again at Beverly Street, to connect to the main trunk sewer on St. David Street. Feasibility is based on the invert information provided by the CKL engineering department taking into account that all invert and sewer size data must be confirmed by field survey in due course. To see a diagram of this route, please refer to Appendix VII in this report- Needham - Beverley - St. David Sewer Servicing Option.

The benefits of proceeding with this option are as follows:

- a. Eliminates the need to provide a pumping station at the Sinister Creek crossing at Highway 36. This lowers costs and reduces maintenance onus for the municipality.
- b. Allows for entire north east side of Lindsay to be serviced through gravity sewer over time which is also the easiest option for the municipality to maintain for future. This would allow for simple implementation of the sanitary design for Highway 36 as envisioned in Water and Wastewater Infrastructure Capacity Review by CKL dated October 2014.
- c. Eliminates the need to construct the trunk sewer system along Highway 36 with the associated traffic implications. This option would require one simple bore hole underneath Highway 36 at Needham

ESTIMATED COST

The Estimated Cost of this option is \$3.4 Million, including engineering and contingencies, versus a cost of \$5.0 Million associated with connecting from the west side of the development and running north along Highway 36 (Options 5 and 6 as detailed in the May 17, 2013 report).



SANITARY SEWER LEGEND

- NEW SANITARY SEWER
- REPLACEMENT OF EXISTING SANITARY SEWER
- FUTURE SANITARY SEWER EXPANSION
- EXISTING SANITARY SEWER
- FUTURE SANITARY SEWER EXPANSION OPTION 'A'
- FUTURE SANITARY SEWER EXPANSION OPTION 'B'



CITY OF KAWARTHA LAKES
D38-470 - FINAL PRECONSULTATION COMMENTS

Preconsultation Meeting Date:	Thursday, August 14, 2014 at 3:30 pm in the Lindsay Library Meeting Room, Library Services Building, 190 Kent Street, Lindsay
File No.	D38-470
City and Agency Staff who may have an interest:	Michelle Hendry, Director of Public Works Craig Shanks, Director of Community Services Richard Holy, Planning Coordinator Juan Rojas, Manager of Engineering Bryan Robinson, Manager of Capital Projects Susanne Murchison, Chief Building Official Leah Stephens, Resources Planner, Kawartha Region Conservation Authority
Applicant and Consultants Present:	Joseph and John Passalacqua Leo Sanchez (Sanchez Engineering Inc.)
Owner / Applicant:	Zemer Holdings Ltd. Tel: 416-551-1130
Site Address / Location:	East of Highway 36, North of Pigeon Lake Road and Colborne Street East, Ops
Roll No.:	1651 006 006 04500 0000 1651 006 006 04400 0000 1651 006 006 03375 0000
Project Description:	The applicant proposes to develop the subject lands with a subdivision consisting of 467 single detached units, 142 semi-detached units, parkland, and 3.5 hectares of commercial floor space.
Method of Servicing:	Municipal water and sanitary sewers and storm sewers
Official Plan Designation:	"Highway Commercial" and "Prime Agricultural" in the City of Kawartha Lakes Official Plan "Highway Commercial" and "Future Development Area (Potential)" in the Draft Lindsay Settlement Area Secondary Plan

Official Plan Comments:	While highway commercial uses are permitted along the CKL Road 36 frontage subject to zoning, residential uses are not permitted on the balance of the property that is currently outside of the urban boundary. The City is considering including the residential portion of the property within the urban area as a Future Development designation. These lands would not be contemplated to be used for development at this time and will only be considered for development purposes through a comprehensive municipal review. Given the proposed land use designation of the balance of the property, the residential portion of the proposal would be premature at this time.
Zoning:	“Highway Commercial (CH) Zone” and “Agricultural (A) Zone” in the Township of Ops Zoning By-law 93-30
Zoning Comments:	While highway commercial uses are permitted along the CKL Road 36 frontage subject to zoning, residential uses are not permitted on the balance of the property.
Source Water Protection Status:	Not Applicable
Heritage Designation Status:	No
Planning Act Applications required for the proposal to proceed:	Draft Plan of Subdivision Rezoning

Comments:

Planning Division

In advance of considering the land for development purposes, a comprehensive municipal review would consist of an update of the land use designations in the future Lindsay Settlement Area Secondary Plan. The City’s Growth Management Strategy would need to be updated to allocate some population to the subject lands and a comprehensive servicing strategy would be necessary to service the east side of CKL Road 36.

Once the future development lands have been designated for urban development, the applicant must submit the applications listed above accompanied by a planning report outlining and justifying the proposal with respect to the Growth Plan, 2014 Provincial Policy Statement, and City of Kawartha Lakes Official Plan and Lindsay Settlement Area Secondary Plan.

Until such time, staff would consider any development outside the current development boundary as being premature.

A preliminary Environmental Impact Study (EIS) could be done to delineate net development areas on the subject lands, which would be updated once the area would be considered for development purposes.

A noise study is required to ensure that the proposal is not impacted by the adjacent road network, adjacent commercial uses, or does not impact adjacent sensitive uses.

A traffic study will be required to assess traffic volumes generated by the proposal as well as assess the need for growth-related road improvements in the area.

The appropriate cash-in-lieu of parkland dedication will be required for the development: 5% for the low density residential uses, 1 hectare per 300 dwelling units for medium and high density residential uses, and 2% for the commercial and industrial uses. Additional discussions will need to be held with Community Services to develop a parks strategy for the area.

Engineering Division and Public Works Department

A comprehensive servicing strategy for the lands east of CKL Road 36 needs to be developed by the City to align with future development plans. The Development Charges study must also be updated to include the development costs for this area. Development Charges and a servicing funding strategy for this area would be determined through this review.

Kawartha Region Conservation Authority

The Kawartha Region Conservation Authority is working on floodplain mapping for Sinister Creek. The applicant has advised that the drainage ditches will be left in place but would need to be cleaned out. The KRCA requires the applicant to submit an Environmental Impact Study to address the impact of development on the fish habitat and significant wildlife identified on the property. The study must also address the ecological footprint, fisheries habitat, and review the impact of development on an existing unevaluated (portion evaluated) locally significant wetland on site and demonstrate that there will be no negative impact. The location and layout of the proposed lots may be affected by the location of the floodline. A sediment control plan is required.

Building Division

The Building Division has no concerns with the proposal provided that all necessary building permits are obtained for all new construction and that the appropriate Development Charges are paid prior to issuance of the building permits.

Follow-up:

The applicant must submit draft plan of subdivision and rezoning applications with the necessary supporting documentation outlined below for consideration of the proposed use. Staff would note that the traffic and noise studies may be subject to a peer review to be paid for by the applicant.

Application Fees:

The application forms, process guides, and application fees are available from the Planning Department counter or on the City website at:

<http://www.city.kawarthalakes.on.ca/property-development-by-law/planning/guides-forms>

The Conservation Authority fees are found at the end of the Planning Application fee document.

Supporting Reports or Studies Required to Process and Evaluate the Proposal

Reports, Studies, Plans	Study/Report Requirements	Contact for additional comments or clarification
Planning Justification Report (3 copies)	Review application with respect to the 2014 Provincial Policy Statement, Growth Plan, Official Plan policies, and zoning by-law. Provide an overview of all other background reports as a basis for planning support and land use compatibility.	Richard Holy
Conceptual Site Plan Layout (10 large scale copies and 10 reduced scale copies)	Site layout to illustrate existing and new buildings, entrance(s), parking lot location and number of spaces, loading areas, and landscaping.	Richard Holy
Preliminary Building Elevations (5 copies)	Prepare elevation drawings that illustrate the building(s) from each direction.	Richard Holy
Draft Plan of Subdivision (20 large scale copies and 10 reduced scale copies)	Provides detailed dimensioned lot fabric, roads, road widenings, site triangles, reserves, and blocks.	Richard Holy

Functional Servicing Report (Water, Sewage, Storm Water Management, and Functional Grading Plan) (3 copies)	Provide a functional design illustrating how the proposed development will be serviced with water, sanitary and stormwater management services.	Juan Rojas, Leah Stephens, and Anne Elmhirst
Storm Water Management Report (3 copies)	Report detailing the amount of stormwater generated by development, how the flows are managed and contained on-site, and how water quantity and quality is controlled.	Juan Rojas and Leah Stephens
Lot Grading and Drainage Plan (3 copies)	Topographical survey with elevations and/or directional arrows indicating direction of stormwater flow.	Juan Rojas and Leah Stephens
Sedimentation and Erosion Control Plan with Construction Management Plan (3 copies)	Demonstrate how siltation run-off is controlled.	Leah Stephens and Juan Rojas
Traffic Impact Study with Road Improvements (3 copies)	Report detailing traffic generated by a proposal and outlining mitigation measures and entrance configuration and location. Works may require an environmental assessment and pavement design report.	Richard Holy and Juan Rojas
Noise Study (3 copies)	Report identifying noise impacts of the proposal on surrounding sensitive receptors such as residential areas or environmental features.	Richard Holy
Record of Site Condition (3 copies)	Report files with MOE and based on an environmental site assessment (Phase 1 and/or 2) with mitigation measures.	Richard Holy
Environmental Impact Study (3 copies)	Review of potential impacts to surrounding Provincially Significant Wetlands, locally significant wetlands, significant woodlands, fish habitat, wildlife habitat.	Leah Stephens and Juan Rojas
Landscaping Plan (3 copies)	Identify type and number of plant species and location of plantings.	Leah Stephens

Floodplain Study/Floodline Delineation (3 copies)	Hydrologic and hydraulic analyses with detailed topographic mapping and modelling.	Leah Stephens
Topographical Survey for Floodline Assessment (3 copies)	A survey identifying the high water mark and defining the flood plain based on regional storm or the 100 year flood as a baseline.	Leah Stephens
Development Permits	Building Permits Conservation Authority Permit	Susanne Murchison Leah Stephens

NOTES:

1. The above noted comments are based on the proposal as reviewed by the Preconsultation Committee. If significant changes are made, the comments may require amending or require a further Preconsultation meeting to review the revised proposal.
2. It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application or subsequent revisions that have been made to an application.
3. The purpose of the above comments is to identify the information required to commence processing of this development application, as well as any information required during the processing of the application.
Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Kawartha Lakes to support or refuse the application.
4. The comments are based on the existing official plans and zoning by-laws that existed when the Committee considered this matter. The City is in the process of preparing a new official plan, secondary plans, and a consolidation of the existing zoning by-laws. If passed by Council, these documents could change the comments as they relate to this proposal. If passage of these documents is imminent, then this will be noted in the comments. The final preconsultation comments are typically current for three months from the date of the preconsultation meeting. You may wish to contact the Development Services office and request to be notified of any meetings or approval of these documents. It should be noted that they are also subject to the Provincial Legislation, Regulations, Policies or Plans that were in effect at the time the comments were made. These are also subject to change and may result in changes to the comments.
5. An application submitted without the information identified in this Preconsultation Agreement may be recommended for refusal based on insufficient information to properly evaluate the application.

<p>Mr. Craig Shanks Acting Director of Community Services City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1307 Fax: (705) 324-9280 cshanks@city.kawarthalakes.on.ca</p>	<p>Ms. Michelle Hendry Director of Public Works City of Kawartha Lakes 12 Peel Street Lindsay ON K9V 3L8 Tel: (705) 324-9411 x1125 Fax: (705) 324-2147 mhendry@city.kawarthalakes.on.ca</p>
<p>Mr. Richard Holy Planning Coordinator Planning, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1246 Fax: (705) 324-4027 rholy@city.kawarthalakes.on.ca</p>	<p>Mr. Juan Rojas Manager of Engineering Engineering Division, Development Services Department City of Kawartha Lakes 12 Peel Street Lindsay ON K9V 3L8 Tel: (705) 324-9411 x1151 Fax: (705) 324-2982 jrojas@city.kawarthalakes.on.ca</p>
<p>Mr. Bryan Robinson Manager of Capital Projects Public Works Department City of Kawartha Lakes 12 Peel Street Lindsay, ON K9V 3L8 Tel: (705) 324-9411 x 1143 Fax: (705) 328-2147 brobinson@city.kawarthalakes.on.ca</p>	<p>Ms. Susanne Murchison Chief Building Official Building Inspection, Development Services Department City of Kawartha Lakes 180 Kent Street West Lindsay, ON K9V 2Y6 Tel: (705) 324-9411 x1200 Fax: (705) 324-5514 smurchison@city.kawarthalakes.on.ca</p>
<p>Ms. Leah Stephens Resources Planner Kawartha Region Conservation Authority 277 Kenrei Road RR 1 Lindsay, ON K9V 4R1 Tel: (705) 328-2271 x216 Fax: (705) 328-2286 lstephens@kawarthaconservation.com</p>	

LIST OF DEVELOPMENT CONSULTANTS

The development consultant lists provided below represents those commonly seen in the City of Kawartha Lakes Planning Division applications and is provided for information purposes only. The City of Kawartha Lakes Planning Division does not recommend individuals or firms.

While we endeavor to keep the information up to date and correct, we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to the information, products, or services provided by the individuals and firms listed above. Any reliance you place on such information is therefore strictly at your own risk. Applicants are required to satisfy themselves as to the suitability of the individual or firm they choose.

LIST OF PLANNING CONSULTANTS

Heather Sadler EcoVue Consulting Services Inc. 25 Reid Street, P.O. Box 129 Lakefield, ON K0L 2H0 Tel: (705) 652-8340 Fax: (705) 652-1607 Cell: (705) 927-6235 hsadler@ecovueconsulting.com	Kevin Duguay Kevin M. Duguay Community Planning & Consulting Inc. 560 Romaine Street Peterborough, ON K9J 2E3 Tel: (705) 749-6710 Fax: (705) 741-0975 Cell: (705) 931-0975 kevin@kmdplanning.com
Peter Josephs Peter A. Josephs & Associates Planning Consultants 4 Daleview Avenue Peterborough, ON K9J 1L5 Tel: (705) 748-2109 Fax: (705) 748-2519 pajosephs@nexicom.net	Darryl Tighe Landmark Associates Limited Planners and Engineers Time Square (West Entrance) 380 Armour Road, Suite 140 Peterborough, ON K9H 7L7 Tel: (705) 742-3881 Fax: (705) 740-2473 landmark@landmarkassociates.ca
Glenn Genge D.G. Biddle & Associates Limited Consulting Engineers and Planners 96 King Street East Oshawa, ON L1H 1B6 Tel: (905) 576-8500 Fax: (905) 576-9730 glenn.genge@dgbiddle.com	Tom Robinson T.M. Robinson Associates Planning Consultants P.O. Box 221 Peterborough, ON K9J 6Y8 Tel: (705) 741-2328 Fax: (705) 741-2329 tmrplan@bellnet.ca

<p>Margaret Walton Planscape 104 Kimberley Avenue Bracebridge, ON P1L 1Z8 Tel: (705) 645-1556 Cell: (705) 645-0276 mw Walton@planscape.ca</p>	<p>Bob Clark Clark Consulting Services 52 John Street Port Hope, ON L1A 2Z2 Tel: (905) 885-8023 Fax: (905) 885-4785 bob@clarkcs.com</p>
<p>Michelle Cutts and Angela Rudy RUDY & Associates Ltd. 3595 Fairgrounds Road R.R. #2 Orillia, ON L3V 6H2 Tel: (705) 327-2070 Fax: (705) 327-2434 michelle.rudy.associates@sympatico.ca rudy.associates@sympatico.ca</p>	<p>Celeste Phillips Celeste Phillips Planning Inc. 85 Bayfield Street, Suite 500 Barrie, ON L4M 3A7 Tel: (705) 797-8977 Fax: (705) 730-1059 Cell: (705) 730-8850 celeste@cplan.ca</p>
<p>Les C. Selby Consulting Services 41 Victoria Avenue North Lindsay, ON K9V 4E8 Tel: (705) 878-4267 les.selby3@gmail.com</p>	<p>Dennis C. Simmons Development and Land Management Consulting Services P.O. Box 41 Irondale, ON K0M 1X0 Tel: (705) 447-2394 Fax: (705) 447-1117 wolfsimmons@aol.com</p>
<p>Joshua Morgan Morgan Planning & Development Inc. P.O. Box 834 Orillia, ON L3V 6K8 Tel: (705) 327-1873 jmorgan@morganplanning.ca</p>	<p>Bob Martindale Martindale Planning Services Urban Planning and Development Consultants 23 Elizabeth Street Ajax, ON L1T 2X1 Tel: (905) 427-7574 Fax: (905) 427-2328 martplan@sympatico.ca</p>

<p>Kris Menzies MHBC Planning, Urban Design, and Landscape Architecture 13 Poyntz Street Barrie, ON L4M 3N6 Tel: (705) 728-0045 Ext. 30 Fax: (705) 728-2010 Cell: (416) 505-1249 kmenzies@mhbcplan.com</p>	<p>Trudy Paterson Skelton, Brumwell & Associates Inc. Engineering Planning Environmental Consultants 93 Bell Farm Road, Suite 107 Barrie, ON L4M 5G1 Tel: (705) 726-1141 Toll Free: (877) 726-1141 tpaterson@skeltonbrumwell.ca</p>
<p>Michael Smith Michael Smith Planning Consultants: Development Coordinators Limited 461 The Queensway South, Suite 3 Keswick, ON L4P 2C9 Tel: (905) 989-2588 Fax: (905) 989-2488 michael@msplanning.ca</p>	<p>Kevin J. Tunney Tunney Planning Inc. 340 Byron Street South, Suite 200 Whitby, ON L1N 4P8 Tel: (905) 666-9735 Fax: (905) 666-2468 ktunney@tunneyplanning.com</p>
<p>Bryce Jordan GHD 110 Scotia Court, Unit 41 Whitby, ON L1N 8Y7 Tel: (905) 686-6402 Fax: (905) 432-7877 bjordan@sernas.com</p>	<p>Dennis Bryan Barry Bryan & Associates Architects, Engineers, Project Managers 250 Water Street, Suite 201 Whitby, ON L1N 0G5 Tel: (905) 666-5252 Toronto Line: (905) 427-4495 Fax: (905) 666-5256 dbryan@bba-archeng.com</p>
<p>Brian Goodreid Goodreid Planning Group 274 Burton Avenue, Suite 1201 Barrie, ON L4N 5W4 Tel: (705) 331-5717 Fax: (705) 722-5660 Cell: (705) 331-5717 goodreidplanninggroup@gmail.com</p>	

LIST OF ENGINEERING CONSULTANTS

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<p>Bruno Dobri Dobri Engineering Limited P.O. Box 441 205 Peter Street Port Hope, ON L1A 3Z3 Tel: (905) 885-2881 Fax: (905) 885-7426 dobrieng@bellnet.ca</p>	<p>Ron Howieson Stantec Consulting 300 - 675 Cochrane Drive West Tower Markham, ON L3R 0B8 Tel: (905) 944-7777 Fax: (905) 474-9889 ron.howieson@stantec.com</p>
<p>Mark Wilson M.V. Wilson Engineering Inc. 245 Kent Street West Lindsay, ON K9V 2Z3 Tel: (705) 324-8335 Fax: (705) 328-1268 mark@mvwconstruction.com</p>	<p>Joe Voisin Pinestone Engineering Limited 110 Kimberley Avenue, Unit 1 Bracebridge, ON P1L 1Z8 Tel: (705) 645-8853 Fax: (705) 645-7262 Cell: (705) 641-8301 jvoisin@pel.ca</p>
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LIST OF TRAFFIC CONSULTANTS

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<p>Jeffrey Mark Mark Engineering Excellence in Transportation & Traffic Engineering Problem Solving 250 Bristol Road Newmarket, ON L3Y 7X7 Tel: (905) 836-4410 Toll Free: (877) MARKENG Fax: (905) 836-9744 jmark@markeng.com</p>	<p>David Angelakis R.J. Burnside & Associates Limited 1465 Pickering Parkway, Suite 200 Pickering, ON L1V 7G7 Tel: (905) 420-5777 Ext. 832 Fax: (905) 420-5247 david.angelakis@rjburnside.com</p>
<p>Carl Wong HDR 100 York Boulevard, Suite 300 Richmond Hill, ON L4B 1J8 Tel: (289) 695-4634 Fax: (905) 882-1557 carl.wong@hdrinc.com</p> <p>Note that HDR is used by the City for traffic study peer reviews.</p>	

LIST OF NOISE CONSULTANTS

<p>John Emeljanow Valcoustics Canada Ltd. 30 Wertheim Court, Unit 25 Richmond Hill, ON L4B 1B9 Tel: (905) 764-5223 Fax: (905) 764-6813 solutions@valcoustics.com</p>	<p>Rob Stevens HGC Engineering 2000 Argentia Road Meadowvale Business Centre Plaza 1, Suite 203 Mississauga, ON L5N 1P7 Tel: (905) 826-4044 Fax: (905) 826-4940 rstevens@hgcengineering.com</p>
<p>John Swallow Swallow Acoustical Consultants 366 Revus Avenue, Unit 23 Mississauga, ON L5G 4S5 Tel: 905-271-7888 Fax: 905-271-1846 jswallow@acoustic.ca</p>	<p>Aercoustics Engineering Limited 50 Ronson Drive, Suite 165 Toronto, ON M9W 1B3 Tel: (416) 249-3361 Fax: (416) 249-3613 aercoustics@aercoustics.com</p>
<p>Dalila C. Giusti Jade Acoustics Inc. 411 Confederation Parkway Unit 19 Concord, ON L4K 0A8 Tel: (905) 660-2444 Fax: (905) 660-4110 dalila@jadeacoustics.com</p> <p>Note that Jade is used by the City for noise study peer reviews.</p>	

LIST OF ONTARIO LAND SURVEYORS

<p>Herman Wimmelbacher Coe, Fisher, Cameron Ontario Land Surveyors 257 Kent Street West Lindsay, ON K9V 2Z3 Tel: (705) 324-4152 Fax: (705) 324-8406 herman@coefishercameron.com</p>	<p>Ralph Grander H. F. Grander Co. Ltd. Ontario Land Surveyor 1575 Highway 7A West, Unit 2A P.O. Box 616 Port Perry, ON L9L 1A6 Tel: (905) 985-3600 Fax: (905) 985-2347 ralph@hfgols.ca</p>
<p>Steve Lougheed C.T. Strongman Surveying Ltd. Ontario Land Surveyors 4145 Burnside Line Orillia, ON L3V 6H4 Tel: (705) 329-0765 Fax: (705) 329-0424 info@ctssurveys.ca</p>	<p>Shawn O'Connor Elliot and Parr (Peterborough) Ltd. Ontario Land Surveyors 211 Sherbrooke Street P.O. Box 1116 Peterborough, ON K9J 7H4 Tel: (705) 745-8444 Fax: (705) 745-5314 shawn@epsurveyors.ca</p>
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<p>Greg Bishop Surveying and Consulting Ltd. 121 Mallard Road P.O. Box 309 Haliburton, ON K0M 1S0 Tel: (705) 457-2811 Fax: (705) 457-5300 info@gregbishopsurveying.com</p>	<p>Chris Musclow J.B. Fleguel Surveyors 44 Clementi Street Lakefield, ON K0L 2H0 Tel: (705) 652-6198 Fax (705) 652-1647 jbflegual@kawarthasurveyor.com</p>

<p>Chester Stanton Dearden and Stanton Limited 89 Coldwater Street East Orillia, ON L3V 1W8 Tel: (705) 326-2360 Fax: (705) 325-0241 d.s@ncode.com</p>	
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AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416-865-3424
E-mail: pharrington@airdberlis.com

May 29, 2017

Our File No. 132860

BY EMAIL

Mayor and Members of City Council
City of Kawartha Lakes
P.O. Box 9000
26 Francis Street
Lindsay, ON, K9V 5R8

Dear Madame Clerk:

**Re: City of Kawartha Lakes Official Plan
Secondary Plan for Lindsay
Special Council Meeting Pursuant to Section 26 of the *Planning Act*
Meeting Date: May 30, 2017**

I am counsel to Lindbrook Development Inc. ("Lindbrook"), the owner of the commercial plaza located at 449 Kent Street West in the former Town of Lindsay. Please accept this letter as a written submission made on Lindbrook's behalf pursuant to subsection 26(5) of the *Planning Act*.

I have reviewed the Notice of Special Council Meeting posted online by the City (the "Notice"). The Notice indicates that the "revisions" being considered by City Council on May 30 are to "repeal" a number of Official Plan Amendments, including OPA No. 16, which was the Secondary Plan for Lindsay endorsed by Council in December 2015.

The Notice indicates that materials for the special meeting will be available by May 12. However, my office has reviewed the "Planning" section of the City's website, as well as the agendas for the May 30 meeting, and we cannot locate any updates, revisions or alternative versions of the Lindsay Secondary Plan that are proposed for Council's consideration. Without access to the updated/revised Lindsay Secondary Plan, it is difficult to provide Council with appropriate, meaningful feedback as part of the section 26 process.

In terms of the endorsed version of the Lindsay Secondary Plan (i.e. the version proposed to be "repealed" pursuant to the Notice), Lindbrook notes that 449 Kent Street West is proposed to be included within a new *Commercial* designation to be applied to a number of sites within the Kent Street West corridor. Lindbrook supports the initiative to re-designate commercial sites within the Kent Street West corridor to a common land use category.

However, the endorsed version of the Lindsay Secondary Plan indicates that "professional office" will be one of the permitted uses within the new *Commercial*. Other land use categories under the endorsed Lindsay Secondary Plan indicate that a more general "office" permission is being provided. The endorsed Lindsay Secondary Plan does not define "professional office", so it is not clear whether "professional office" is a subset of "office" or a different category altogether. Lindbrook submits that there are currently a number of "offices" permitted within the Kent Street West corridor such that there is no planning justification to limit the future permitted uses within the *Commercial* designation to "professional office". Lindbrook accordingly requests that "professional office", as shown in proposed policy 31.2.3.2.4 to the endorsed Lindsay Secondary Plan, be revised to "office".

Lindbrook reserves a right to provide further submissions to Council as part of the section 26 process in light of the unavailability of an updated/revised version of the Lindsay Secondary Plan. To assist, our office would appreciate being provided with notice of all future Committee and Council meetings pertaining to the City's updates to the City of Kawartha Lakes Official Plan – specifically, any proposed plans or policies for the former Town of Lindsay. We would also appreciate receiving all Notices of Decision issued in respect of same.

Yours truly,

AIRD & BERLIS LLP



Per: Patrick J. Harrington

PJH/np

cc. Lindbrook Development Inc.

J. STOLLAR CONSTRUCTION LIMITED

219 Dunlop Street W., Barrie, Ontario L4N 1B5

Phone: (705) 728-7204

Fax: (705) 728-6118

29-May-2017

To: The Mayor & Members of Council,
City of Kawartha Lakes

Re: May 30, 2017 Special Council Meeting - Agenda Item 4.1.1

On or about April 20th – being more than five (5) weeks ago -- a *Notice* was posted on the City's website (a version of which I have appended to this letter).

According to that *Notice*:

- A *Special Council Meeting* ("SCM") would be held at 10:00 am on Tuesday, May 30th.
- This *SCM* was being convened pursuant to Section 26 of the *Planning Act*.
- The purpose of this *SCM* was "*to consider any revisions that may be required to the City of Kawartha Lakes Official Plan to be consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe*".

As you will note, that *Notice* further specified that "*the revisions being considered*" at this *SCM* would be:

Firstly, to repeal:

- Official Plan Amendment No.15 – being the *Secondary Plan for Fenelon Falls* that was adopted by Council on July 7, 2015
- Official Plan Amendment No.18 – being the *Secondary Plan for Woodville* that was also adopted by Council on July 7, 2015
- Official Plan Amendment No.17 – being the *Secondary Plan for Omemee* that was adopted by Council on December 8, 2015

Additionally, to "repeal" three further documents also identified as being "Official Plan Amendments" – being, however, documents that were never actually adopted by Council – namely:

- "OPA No.14" (the so-called "Secondary Plan for Bobcaygeon")
- "OPA No.16" (the so-called "Secondary Plan for Lindsay")
- "OPA No.13" (the so-called "General Amendment to the Official Plan")

And finally, to "*implement a new Official Plan Amendment to collectively address growth planning, the hierarchy of the five urban and rural settlement areas, and secondary plans for these settlement areas*".

The *Notice* then went on to inform members of the public that:

- Council "*shall have regard to any written submissions about what revisions may be required*".
- Any person who attends the May 30th *SCM* shall be given "*an opportunity to be heard on that subject*".

I should also point out that the *Notice* that was originally issued on April 20th had specifically led members of the public to believe that “*additional information regarding ... the proposed work*” could be obtained either from the Planning Department or by visiting the City's website.

As it turned out, however, no such information was actually available at that point. Accordingly a revised Notice¹ was subsequently issued (on or about May 4th, I believe) which included the following addition in bold:

“Please be advised that the materials referenced on our Notice for the May 30, 2017 Public Meeting will be available by May 12, 2017.”

May 12, 2017 has long since arrived and passed, of course; and to date, the only additional posting to the City's website has been a Memo entitled “*Interpretation of Employment Areas*” (to which I will be making passing reference below).

On May 15th I submitted a written inquiry asking whether there were “*going to be any other documents released prior to the May 30th Special Council Meeting*”. In the response I received on May 22nd I was assured that:

“There will be an urban area memo released as well in advance of the meeting. A staff report will also be available for the May 30th meeting.”

For the record:

- It is now the morning of May 29th.
- The *Special Council Meeting* to which members of the public have been invited to make written submissions -- and at which they have been promised to the “*opportunity to be heard on that subject*” -- is therefore less than 24 hours away.
- Nevertheless, neither of these promised documents has yet materialized on the City's “Secondary Plans” webpage.

Based on the assurances I had been given, my assumption had been that -- at the very least -- those documents would be supplied as part of the Agenda Package for the May 30th SCM. Accordingly, beginning this past Wednesday afternoon I'd begun checking the “Council Meetings” webpage every few hours so as to ensure that I could begin my review of these materials as soon as they became available.

As it turned out, however, the Agenda for this meeting (appended hereto) was not posted until the mid-late part of the afternoon of Friday, May 26th. And to my disappointment (albeit not to my surprise) neither of the promised documents -- nor any other documents, for that matter -- was included with it. Instead the Agenda advised that staff Report PLAN2017-036 would be “*circulated with Amended Agenda*”.

What this means, of course, is that that Report won't be available for review (be it by members of Council or the public) until some time Monday afternoon ... or possibly not until Tuesday morning (i.e., just before the SCM begins).

More to the point: That staff Report will not be released until after the deadline for written submissions has passed.

*

¹ This being the version of the Notice that I have appended hereto

Let's put this into perspective:

- Consistent with the enormously consequential nature of the matters at issue, Director Marshall made a point of appearing to go out of his way to ensure that the public was given adequate *Notice* of this *SCM* -- having issued it almost fully six (6) weeks ahead of time.
- That *Notice* further advised that the information regarding "*the proposed work*" was already available. That turned out not to be the case, of course. And, as it now turns out, less than 24 hours before the commencement of that meeting that material is still not available.
- Members of the public and potentially-affected stakeholders have been explicitly invited to make written and oral submissions at this *SCM* – submissions to which they have been assured that "*Council shall have regard*". But it now turns out that they being expected to formulate those submissions in a vacuum – being essentially the same vacuum in which Council now also finds itself.

To an outsider, of course, all this would seem, at the very least, bizarre – if not completely incomprehensible. The questions such an outsider would inevitably ask would include:

- Why would City staff have issued the *Notice* before having their ducks lined-up?
- Why would that *Notice* have directed people to review information that was not yet actually available?
- Why, having subsequently promised that that information would be available by May 12th, did staff not produce that information by that date?
- Why is the staff Report being withheld until less than 24 hours before the Public Meeting?
- Above all: Why bother going ahead with this Potemkin-Village-like charade of pretending that this "public meeting" constitutes a *bone fides* attempt to obtain input from the public?

As for those of us who are not outsiders²: All we can do is shrug our shoulders and sigh. If I may paraphrase Yogi Berra:

"It's like déjà vu all over again ... all over again ... all over again."

Worse still, we know that more *déjà vu* is coming.

The *Notice* that Director Marshall issued on April 20th advises that the schedule for processing what he terms "*the future Official Plan Amendment*" will be as follows:

- The Statutory Public Open House will be held on June 22, 2017.
- The Statutory Public Meeting will be held on July 12, 2017.
- It's the City's intention to have "*the future Official Plan Amendment*" approved at the August 23, 2017 Council Meeting.

² i.e., those of us who've had the misfortune of becoming all-too-familiar with the way these sorts of planning matters have been processed at the City of Kawartha Lakes since 2010 (above all in connection with the secondary planning exercise).

In order for such a ridiculously ambitious timetable to have already been established, one surely has to assume that that “*future Official Plan Amendment*” already exists – at the very least in preliminary draft form. And yet the City, in now claiming to be soliciting input, apparently remains committed to keeping the public (and presumably Council as well) in the dark as to its contents.

I have no doubt that, when the time comes, both Director Marshall and C.A.O. Taylor will advise Council that there is an urgency to proceeding with the adoption of this as-yet-unseen “*future Official Plan Amendment*”; and I equally have no doubt that numerous members of Council will echo this, claiming that there is a need to put these planning amendments in place as quickly as possible in order to facilitate future growth and development in the City.

We’ve all heard this before, of course. And it will be nonsense now, just as it was nonsense then. The proof is to be found in the fact very fact that you are once again being asked to repeal ill-advised and hastily-adopted Official Plan Amendments. What’s equally been proven, therefore, is the accuracy of a dictum that I have repeatedly cited to you over the years:

“The most effective way to slow something down is to try to speed it up.”

Those of you who were on Council in the summer of 2014 will recall my have stated this in response to then-Director Taylor’s claim that it was urgent that Council proceed with the adoption of *Official Plan Amendment No.8* (being the first set of Secondary Plans for Fenelon Falls, Omemee and Woodville). Council did as it was told of course ... and eight months later ended up having to repeal *Official Plan Amendment No. 8*.

And I gave precisely the same advice to the current Council in 2015 when then-Director Taylor again impressed upon you the urgency of proceeding with the adoption of OPA Numbers 15, 17 and 18 (being Council’s second stab at formulating Secondary Plans for Fenelon Falls, Omemee and Woodville). As a result of Council’s having been persuaded to precipitously adopt those Official Plan Amendments, it’s now almost two years later ... and staff are (once again) asking you to repeal Official Plan Amendments that you had rammed-through at their insistence.

Evidently nothing has been learned from this. To the contrary (and seemingly without embarrassment) Director Marshall has already given formal *Notice* of an intention to mirror these past errors on a go-forward basis – not only by already scheduling the adoption of an as-yet-unseen “*future Official Plan Amendment*”, but also by now convening a “public meeting” in an information vacuum.

As the current accelerated process unfolds I have little doubt that Council will end up being reminded that this secondary planning exercise began in 2011 ... and will be told that it’s time to bring it to its consummation. This, of course, would merely be an echo of the corresponding statements that were made in 2013, 2014 and 2015. And there will of course be no acknowledgement that most of these past six years have simply been squandered – largely as a result of Council’s having repeatedly been persuaded to proceed headlong with the adoption of half-baked planning documents without allowing sufficient time and opportunity for input and/or feedback.

Then-Director Taylor had been adamant, of course, that there was no need or time for the sort of stakeholder engagement for which I and others had been pressing from the very outset of the secondary planning exercise. I’d respectfully suggest that, insofar as you now find yourself faced with (once again) having to repeal the previously-adopted planning documents, history has (once again) proven him to have been wrong.

What becomes especially tragic at this point, of course, is the thought of how much constructive work and engagement could have been undertaken and completed in a systematic fashion had

Council allowed even a fraction of the past two wasted years to be used for that purpose -- rather than having instead repeatedly elected to cut off that process. More tragic still, however, is the fact that staff seem to be pushing Council in the direction of repeating those same mistakes.

Rather than continuing to go through these cycles of adopt-then-repeal, Council could instead now choose to put on the brakes and direct staff to go through a proper secondary planning process (including the outreach to sector-stakeholders that had been incorporated into the consultant's original Workplan but never actually materialized).

Having already offered a Yogi Berra paraphrase (as well as a reminder of my own oft-repeated dictum) let me also remind you of two quotations that I've also cited on previous occasions:

"Those who cannot remember the past are condemned to repeat it." (George Santayana)

"Maybe if people started to listen, history would stop repeating itself." (Lily Tomlin)

*

With respect to the May 30th Special Council Meeting itself, I find myself in the position – given the vacuum in which I am compelled to labour -- of being able to make only a few passing comments:

- It's not clear, on its face, why staff are choosing to kick off the current process under the authority of Section 26 of the *Planning Act* – all-the-more-so, insofar as proceeding under Section 26 triggers certain additional obligations that the City will thereby be taking-on. I have no way of knowing, of course, whether this question will end up being addressed in the as-yet-unseen staff Report.
- In addition to repealing Official Plan Amendment Numbers 15, 17 & 18, the Notice issued by Director Marshall indicated an apparent intention to also repeal what it terms "Official Plan Amendment No.13", "Official Plan Amendment No.14" & "Official Plan Amendment No.16". This truly left me dumbfounded. I have no idea how Council can possibly repeal those three "Official Plan Amendments" – given that they were never adopted by Council to begin with. Nor can I begin to fathom what it would mean – or what purpose it could possibly serve – to repeal alleged OPAs that were never actually adopted.³
- Insofar as the Notice indicates that part of the current purpose is to update the Official Plan to "*Conform to the Growth Plan for the Greater Golden Horseshoe*": With which version of the Growth Plan does staff regard itself as seeking to achieve conformity? (Again, I would hope that this would be addressed and clarified in the staff Report.)

Earlier in this letter I had promised to make passing reference to the one document that did in fact end up being posted to the City's website on May 12th – being the Memo entitled "*Interpretation of Employment Areas*". While I expect to provide a more substantive and detailed response to it at a

³ Council will recall that Council had been advised by staff that it was precluded from adopting them – and that therefore all it would be doing is "endorsing" them and requesting that the OMB incorporate them into the Kawartha Lakes Official Plan. Council will also recall that I had assured Council that this attempt to circumvent the Planning Act (*inter alia*, by attempt to deprive impacted parties of their appeal rights) would not succeed – and that, in the end, for these amendments to take effect they would have to be adopted.

I can only wonder, therefore, whether the still-unseen staff Report – in apparently now proposing the actual adoption of Secondary Plans for Lindsay and Bobcaygeon – will acknowledge that Council had been led astray back in 2015.

later point in the process, for the moment I would simply offer some observations on the position it takes in relation to the potential conversion of the former Trent Rubber site on Mary Street.

To begin with, in the chart on page 14 the Memo characterizes that site as being “*surrounded by residential and institutional (Fleming College Frost Campus) uses*”. However, as even a quick glance at the land-use maps in both the existing Town of Lindsay Official Plan and the existing Town of Lindsay Zoning By-law make clear, that description is not in any way accurate. In point of fact, the site directly abuts a handful of industrial properties; and it is directly across the street from a number of others.

The memo goes on to include the following footnote:

“We wish to note that we have treated the Trent Rubber site as employment lands in our analysis even though they might not necessarily form part of an employment cluster. We have past correspondence from the Province suggesting that the site “would appear to be a stand-alone parcel designated for industrial uses and would therefore not meet the definition of an employment area or be subject to the employment land conversion requirements set out in the Growth Plan”. An excerpt of this correspondence is included in Appendix A to this memo.”

I am obliged to point out that, in addition to having supplied only an excerpt from the referenced “past correspondence from the Province”, the Memo also only excerpts part of the statement it chooses to quote. As you yourself can confirm, what the Ministry official actually said in the third paragraph was:

“Based on the description of the site provided, it would appear to be a stand-alone parcel designated for industrial uses and would therefore not meet the definition of an employment area or be subject to the employment land conversion requirements set out in the Growth Plan.”

The question then arises: What was the “*description of the site*” on which the Ministry official was relying? The answer is to be found in the first paragraph, in which the author indicates that the site had been described to the Ministry as being “*surrounded by predominantly residential and institutional uses*”.

Again: Your own eyes will tell you that that description is completely inaccurate.

In case you are reluctant to rely on your own eyes, let me refer you to a legal opinion that the City had solicited and received from its own lawyer (a copy of which I have appended hereto). As you will note therein, on page 2 the City’s own lawyer, Mr. Veldboom, stated the following:

“We have reviewed the Land Use schedule and it would appear that there are 11 separate parcels of land (around the intersection of James Street and Mary Street) that are in the Employment Lands Designation (either General Employment or Prestige Employment).”

“Considering the common meaning of the word cluster and the Board’s assessment of that term, it is our opinion the Trent Rubber lands are an ‘employment area’ as defined in the provincial policies.”

“We can see no valid reason to suggest that the ‘conversion’ of this site (from the General Employment Designation) is exempt from the requirement of ... a municipal comprehensive review (addressing the items identified [in] section 2.2.6.5) pursuant to the Growth Plan.”

In sum: As well as confirming that the conversion of the Trent Rubber site to non-Employment uses would be subject to the requirements of the Growth Plan, Mr. Veldboom’s letter also confirms that the site-description that had been supplied to the Ministry – on which the conclusion cited in the Memo had in turn relied – was simply not accurate.

One has to wonder, of course, why the Memo posted to the City's website would have chosen to ignore this correspondence from the City's own lawyer – just as one has to wonder why it would instead have chosen to rely on a partial quotation taken from a partial extract of a Ministry letter that had been based on inaccurate information.

In any case, suffice it to say that this matter – along with the other claims made by the authors of this Memo – will inevitably be revisited in far more detail either as this process unfolds or at the Board.

Sincerely yours,

Marty Stollar

Martyn Stollar
Managing Director

P.S.: With reference to the City's "Secondary Plans" webpage itself:

- I won't bother commenting on the fact that the City continues to convey the false impression that the following are "Documents before the Board":
 - the "Lindsay Secondary Plan"
 - the "Bobcaygeon Secondary Plan"
 - the "General Amendments"

They aren't.

- Nor will I dwell on the fact that for the past 16 months staff Reports generated by the Planning Department continue to falsely claim that "*the Lindsay Secondary Plan is under appeal*". It isn't – and can't be.⁴
- I will, however, bother to point out that certain rather important documents that are actually "Documents before the Board" are not included under that heading (or anywhere else on the "Secondary Plans" webpage) – namely the *Notices of Appeal* filed with the Board in relation to OPAs 15, 17 & 18.
- Completeness and accuracy alone would suggest that they should be there.
- More to the point: Given that the City is now proposing to repeal those particular OPAs, one would think that it would be, at minimum, appropriate to allow the both the public and members of Council to familiarize themselves with the grounds on which those OPAs had been challenged in those Notices of Appeal.

⁴ If, in response to this letter, staff's response is that the Lindsay Secondary Plan is indeed under appeal, I'd suggest that you ask two questions:

1. What is the OMB file number for that appeal?
2. Who is/are the appellant/appellants?

Notice of Special Council Meeting - Updating of Official Plan - May 30, 2017

City of Kawartha Lakes

Notice of Special Council Meeting

**Updating of Official Plan to Be Consistent With the Provincial Policy
Statement and Conform to the Growth Plan for the Greater Golden
Horseshoe**

TAKE NOTICE that, pursuant to Section 26 of the *Planning Act*, the Council of the Corporation of the City of Kawartha Lakes will hold a Special Council Meeting, open to the public, on:

Tuesday, May 30th, 2017 at 10:00 a.m. at

**Council Chambers
City of Kawartha Lakes
26 Francis Street
Lindsay, ON, K9V 6H7**

The Special Council Meeting is to consider any revisions that may be required to the City of Kawartha Lakes Official Plan to be consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe.

The Official Plan, which sets out Council's policies for the physical growth and development of the municipality, affects all lands within the City of Kawartha Lakes and therefore no key map has been provided. The revisions being considered are to repeal the following:

- Official Plan Amendment No. 13 – General Amendment to the Official Plan;
- Official Plan Amendment No. 14 – Secondary Plan for Bobcaygeon;
- Official Plan Amendment No. 15 – Secondary Plan for Fenelon Falls;
- Official Plan Amendment No. 16 – Secondary Plan for Lindsay;
- Official Plan Amendment No. 17 – Secondary Plan for Omemee; and,
- Official Plan Amendment No. 18 – Secondary Plan for Woodville.

Additionally, the revisions being considered are to implement a new Official Plan Amendment to collectively address growth planning, the hierarchy of five urban and rural settlement areas, and secondary plans for these settlement areas.

Council shall have regard to any written submissions about what revisions may be required and shall give any person who attends the special meeting an opportunity to be heard on that subject.

Additional information regarding the existing Official Plan, the previous amendments, and the proposed work are available for public inspection at the City's Planning Department during regular office hours between 8:30 am and 4:30 pm., Monday to Friday, by speaking with Richard Holy (ext. 1246, rholy@city.kawarthalakes.on.ca), Manager of Policy Planning, or Linda Russell (ext. 1367, lrussell@city.kawarthalakes.on.ca), Planner II, 2nd Floor, 180 Kent Street West, Lindsay, ON, K9V 2Y6, telephone (705) 324-9411. Materials are also available for inspection by visiting the City's website at:

<http://www.city.kawarthalakes.on.ca/property-development-by-law/planning/secondary-plans>

Please be advised that the materials referenced on our Notice for the May 30, 2017 Public Meeting will be available by May 12, 2017.

It is the City's intention that the Statutory Public Open House and Statutory Public Meeting for the future Official Plan Amendment would be held on June 22, 2017, and July 12, 2017, respectively. Formal notice for these meetings will be served in accordance with

Planning Act requirements. It is also the City's intention to have the future Official Plan Amendment approved at the August 23, 2017 Council meeting.

Dated at the City of Kawartha Lakes this 20th day of April, 2017.

Chris Marshall, Director of Development Services

180 Kent Street West
Lindsay, ON, K9V 2Y6

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The Corporation of the City of Kawartha Lakes

AGENDA

SPECIAL COUNCIL INFORMATION MEETING

CC2017-16

Tuesday, May 30, 2017

Closed Session Commencing at 9:30 a.m. and Open Session Commencing at 10:00 a.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:

Mayor Andy Letham
Councillor Isaac Breadner
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Gord James
Councillor Gerard Jilesen
Councillor Brian S. Junkin
Councillor Rob Macklem
Councillor Mary Ann Martin
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor John Pollard
Councillor Kathleen Seymour-Fagan
Councillor Heather Stauble
Councillor Stephen Strangway
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. PUBLIC INFORMATION
 - 4.1 Presentations
 - 4.1.1 CC2017-16.4.1.1
Timed Appointment: 10:00 a.m.

Public Meeting - Secondary Plans to Official Plan 2012 - Growth Plan Conformity
 - 4.1.1.1 CC2017-16.4.1.1.1

Robyn Carlson, City Solicitor
Richard Holy, Manager of Policy Planning
Secondary Plans to Official Plan 2012 - Growth Plan Conformity Overview
 - 4.1.1.2 PLAN2017-036

Richard Holy, Manager of Policy Planning
Robyn Carlson, City Solicitor
Planning Act S.26 Special Meeting of Council for the General Amendment and Community Secondary Plans
(Report to be circulated with Amended Agenda)
 - 4.1.1.3 CC2017-16.4.1.1.3

Correspondence Received
 - 4.1.1.4 CC2017-16.4.1.1.4

Public Meeting
5. REPORTS

6. CLOSED SESSION

6.1 CC2017-16.6.1

Timed Appointment: 9:30 a.m.

Robyn Carlson, City Solicitor

Secondary Plans to Official Plan 2012 - Ontario Municipal Board Case

PL120217 - Growth Plan 2017 Implications

Municipal Act, 2001 s.239(2)(f)

Advice that is subject to Solicitor-Client Privilege

7. MATTERS FROM CLOSED SESSION

8. CONFIRMING BY-LAW

9. ADJOURNMENT

Russell, Christie, LLP

Barristers & Solicitors

505 Memorial Avenue
P.O. Box 158
Orillia, Ontario, L3V 6J3
Telephone: (705) 325-1326
Facsimile: (705) 327-1811
Email: rcmkw@russelchristie.com

W.D. (Rusty) Russell, Q.C., Counsel
Douglas S. Christie, B.A., LL.B.
Michael M. Miller, B.Sc. in Comm., LL.B.
William S. Kouphan, LL.B.
David M. Winnitoy, B.A. (Hons), LL.B.
Edward D. Veldboom, MSc, Ph. D., LL.B.
Michael F. Sirdevan, B.A. (Hons), LL.B.

Please reply to
Edward B. Veldboom (Ext. 237)
Email: eveldboom@russelchristie.com
June 19, 2008

Richard Danziger, Director
Development Service
City of Kawartha Lakes
Lindsay, ON

by fax: 705 324-4027

**Re: Conversion of Industrially Designated Lands for Other Purposes
Town of Lindsay, City of Kawartha Lake**

We received your letter of May 22nd, 2008 and the attachments which included excerpts of the Town of Lindsay Official Plan and the Planning Justification Report for 100 Albert Street South (the "Trent Rubber lands"). We have reviewed the Provincial Policy Statement (the "PPS") and the Growth Management Plan for The Greater Toronto Area (the "Growth Plan") in connection with this matter.

The Issue

You have enquired whether the Trent Rubber lands are within an "employment area" and subject to the policies governing the conversion of these lands for residential uses in the PPS and the Growth Plan (collectively referenced as the "provincial policies").
If subject to these policies the conversion would require a (municipal) comprehensive review as defined in the provincial policies.

Background

As we understand, the Trent Rubber lands are designated as "General Employment" in the Town of Lindsay Official Plan. This designation is one of two designations under the broader heading of "Employment Lands". The introductory paragraph of the Employment Lands section indicates that "Two employment land use designations...and associated policies apply to the employment areas of the town".

The Official Plan was adopted in 2000, well before the PPS and the Growth Plan.

A portion of the Trent Rubber Lands were used for industrial purposes, but now, the entire site is vacant. As such a portion of the site would be considered a "brownfield site".

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The PPS and the Growth Plan

It would appear that the PPS and the Growth Plan are consistent in the approach to the conversion of lands in "employment areas" to uses which do not generate "long term employment". This includes residential land uses. Under either of the provincial policies, the conversion of lands within a employment areas must be conducted in the context of a "comprehensive review" or "municipal comprehensive review". The requirements of such review, under either of the provincial policies, are essentially the same.

Analysis

In our opinion, a plain reading of the PPS, the Growth Plan and the Official Plan should be utilized when determining the applicability of provincial policies to the Trent Rubber lands. In this regard, notwithstanding the fact that the Official Plan predates the PPS and the Growth Plan the language concerning employment areas used in the OP, the PPS and Growth Plan is similar and appears to be premised on the common principle of promoting and protecting the designation of land for employment generating uses.

We would also note that the provincial policies apply to any current application to amend an Official Plan. Thus, whether or not there was an express intention on behalf of the former Town of Lindsay to identify the Trent Rubber lands as part of an "employment area" as defined in the provincial policies, is irrelevant to the analysis. Instead one must simply determine whether the Trent Rubber lands are within an employment area as defined in those Provincial Policies.

The definition of employment areas in the PPS and Growth Plan are identical and are as follows:

"Areas designated in an official plan for clusters of business and economic activities including but not limited to manufacturing, warehousing, offices and ~~associated retail and ancillary features~~".

We have reviewed the Land Use Schedule and it would appear that there are 11 separate parcels of lands (around the intersection of James Street and Mary Street) that are in the Employment Lands Designation (either General Employment or Prestige Employment). Although there is no definition of the word "cluster" in either of the provincial policies, we would suggest that the common meaning of the word cluster (a group of similar things positioned or occurring closely together) would encompass this "grouping" of lands designated as Employment Lands. Furthermore, we are aware of an OMB decision wherein the meaning of the word "cluster" was addressed. The Board, in that case, indicated that a "cluster...conjures up a batch, an array, a collection or group and also does convey an understanding of some commonality among the things or objects referred to...".

Considering the common meaning of the word cluster and the Boards assessment of that term, it is our opinion the Trent Rubber lands are an "employment area" as defined in the provincial policies. We can see no valid reason to suggest that the "conversion" of this site (from the General Employment Designation) is exempt from the requirement of a comprehensive review under the PPS or a municipal comprehensive review (addressing the items identified section 2.2.6.5) pursuant to the Growth Plan.

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Implications of the Application of the PPS and Growth Plan: Justifying the Conversion

Although both provincial policies require the conversion of lands in an employment area (to uses that do not generate long term employment) to be considered in a comprehensive review, and the required elements of such review are similar, there is one significant difference between the nature of the review to be conducted under each provincial policy.

The comprehensive review required in the PPS, based on its definition, could occur in connection with the adoption of an official plan amendment initiated by a private landowner provided that such Official Plan Amendment satisfies the five criteria (elements) set out later in the definition. In contrast, the definition of a "municipal comprehensive review" in the Growth Plan only contemplates such a review occurring through initiation by the municipality. In other words, a justification report submitted in conjunction with an application for an official plan amendment by a private landowner would not constitute a "comprehensive municipal review" under the Growth Plan. It would appear that the municipality must commence a review of its OP or perhaps an evaluation of the policies that affect specific land use designations or geographic areas within the municipality before it could contemplating changing land use designations in its employment areas.

Which Provincial Policy Applies or has Priority?

The PPS (section 4.9) and the Growth Plan (section 1.4) clearly state that the Growth Plan prevails over the PPS (with some exceptions that do not apply in this case). Accordingly, in our opinion, any official plan amendment that would change the designation of the Trent Rubber lands from General Employment to any designation other than Prestige Employment would not be consistent with the Growth Plan and could only occur if the municipality initiated a municipal comprehensive review as defined in the Growth Plan.

If you have any questions or comments please contact me.

Yours very truly,



Edward B. Veldboom



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File No: D01-18-235

May 22, 2008

Mr. Ed Veldboom
Russell Christie
505 Memorial Avenue
P.O. Box 158
Orillia, ON L3V 6J3

Dear Mr. Veldboom:

Re: Conversion of Industrially Designated Lands to other purposes
Town of Lindsay, now City of Kawartha Lakes

We have recently received an application for an Official Plan Amendment and rezoning for a 60.5 acre site at the southeast corner of Albert Street and Mary Street West in Lindsay. Enclosed with this letter is a copy of the Planning Justification Report related to the proposed amendment, and rezoning.

The lands in question are currently designated General Employment and the applicants wish to convert part of the lands for residential purposes. There is a plan showing the proposed development following page 4 of the enclosed Planning Justification Report.

The question at hand is what steps have to be taken to redesignate a substantial portion of the property from General Employment to Residential or any other uses.

Under Section 4.4 of the Lindsay Official Plan, a copy of which is attached to this letter, the General Employment category falls under a policy section entitled Employment Lands. In the general introduction it states:

Two employment land use designations (Prestige Employment and General Employment) and associated policies apply to the employment areas of the Town. Each Employment Land use designation fills a unique role in providing opportunities for employment and economic activity for the business and residents of the Town. The policies provide for a broad and flexible range of employment uses, including industrial developments, and commercial and office uses.

The term employment areas is underlined in the preceding paragraph. I assume that term is not a designation of the lands as an employment area and is certainly not a reflection of the 2005 and the PPS and the Places to Grow Plan, since those documents were created by the Province long after the adoption of the Lindsay Official Plan in the year 2000.

In turning to the PPS, Section 1.3.2 states:

Planning authorities may permit conversions of lands within employment areas to non employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

The PPS defines an "employment area" as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

The Growth Plan for the Greater Golden Horseshoe for 2006 states under Section 2.2.6.5:

Municipalities may permit conversions of lands within employment areas, to non employment uses, only through a municipal comprehensive review where it has been demonstrated that:

- a) there is a need for the conversion
- b) the municipality will meet the employment forecast allocated to the Municipality pursuant to this plan
- c) the conversion will not adversely affect the overall viability of the employment area and achievement of the intensification target, density targets and other policies of this plan
- d) there is an existing or planned infrastructure to accommodate the proposed conversion
- e) the lands are not required over the long term for employment purposes for which they are designated
- f) cross jurisdictional issues have been considered

In speaking to representatives of the Ministry of Municipal Affairs and Housing and the Provincial Infrastructure Ministry there seems to be some confusion in relation to this policy. In my discussions it appears that the two Ministries are saying the conversion of employment lands which are in a designated employment area need the major study. If the lands are not within an employment area, then justification studies mentioned previously are not required.

This brings us to the crux of the problem. Based on the Lindsay Official Plan, is the area in question an employment area within the definition of the PPS and Growth Plan or is the area simply a parcel of employment land which is not part of an employment area?

I have been told by the consultant for the applicant that the decision as to whether or not this is an employment area is a municipal decision. The use of the term "employment areas" in Section 4.4.1 of the Lindsay Official Plan might be argued to suggest that they are, although the general title for this section is Employment Lands.

I raise this issue because, given the size of this undertaking, we may end up at an OMB Hearing. I suspect that one point of attack on this application may be this whole employment area/employment land question.

Could you please review the issue and provide an opinion on the status of the subject lands, i.e. is it an employment area or is it simply "employment lands".

Given the complexity of the question, I would be pleased to meet with you to discuss this matter in more detail at your earliest convenience.

Yours truly,

A handwritten signature in black ink, appearing to read 'Richard D.', with a stylized flourish at the end.

Richard Danziger
Director

RD/kr