

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-011

Date: June 5, 2019
Time: 1:00 p.m.
Place: Council Chambers
Regular Meeting

Ward Community Identifier: Ward 7 – Ops

Title: Rezoning for Deer Run Golf Course

Description: An application to amend the Township of Ops Zoning By-law to add a restaurant use, modify the golf course use and amend the development standards of the 'Tourist Commercial Exception Two (CT-2) Zone' for the property identified as 35 Brook Street, Ops (BATL Management Inc.)

Author and Title: Ian Walker, Planning Officer – Large Developments

Recommendations:

That Report PLAN2019-011, **Part of Lots 9 and 10, Concession 2, Geographic Township of Ops, BATL Management Inc. – Application D06-17-011**, be received;

That the zoning by-law amendment respecting application D06-17-011, substantially in the form attached as Appendix 'C' to Report PLAN2019-011, be approved and adopted by Council;

That in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on May 3, 2017 and the following resolution was passed:

PC2017-014

Moved By Mayor Letham

Seconded By Councillor Macklem

Recommend That Report PLAN2017-018, respecting Concession 2, Part Lots 9 and 10, geographic Township of Ops, “BATL Management Inc. – Application D06-17-011, be received; and

That Report PLAN2017-018 respecting Application D06-17-011 be referred back to staff to address the issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

CARRIED

This report addresses that direction.

The existing Tourist Commercial Exception Two (CT-2) Zone for the site currently permits a tourist camp with up to 125 camp sites, a management office and recreation facility, a 9-hole golf course, a golf driving range, a marine facility, and an accessory convenience store and laundry facility. The site has been developed with a 12-hole golf course, a driving range, a clubhouse with ancillary restaurant, and 26 trailer sites.

The proposal will amend the permitted uses and development standards in the ‘CT-2’ zone to facilitate an expansion of the existing tourist camp to a maximum of 102 campsites, by:

- a) Changing the 9-hole golf course use to a 12-hole golf course use to recognize the current golf course configuration;
- b) Adding an accessory restaurant use to the existing golf course;
- c) Reducing the minimum campsite area from 450 square metres per site to 180 square metres per site; and
- d) Reducing the minimum front yard setback from 106 metres to 75 metres.

Although the current By-law permits up to 125 camp sites, this proposal would result in a maximum of 102 camp sites in total. A Holding (H) provision will be applied to the zone category, to be removed upon the applicant successfully entering into a secured site plan agreement with the City. The site plan agreement will contain the appropriate provisions to ensure compliance with the

requirement for a minimum sixty (60) consecutive day shutdown each year, as the camp site use is not permitted year-round.

Owner:	BATL Management Inc. c/o Pina and Mario Santacroce
Applicant:	EcoVue Consulting Services Inc. – Kent Randall
Legal Description:	Concession 2, Part Lots 9 and 10, geographic Township of Ops
Designation:	Tourist Commercial and Environmental Protection on Schedule A-3, City of Kawartha Lakes Official Plan
Zone:	'Tourist Commercial Exception Two (CT-2) Zone' and 'Hazard Land (HL) Zone' on Schedule 'A' of the Township of Ops Zoning By-law No. 93-30
Lot Area:	44.8 ha. [105.0 ac. – MPAC], of which 3.16 ha. are contemplated for the tourist camp development
Site Servicing:	Private communal well and septic systems which includes approvals from the Ministry of the Environment, Conservation and Parks (MECP) in the form of an Environmental Compliance Approval (ECA) for systems greater than 10,000 Litres per day (L/day). Stormwater management approvals may also require MECP ECA approvals if there is direct discharge into a receiving waterbody.
Existing Uses:	The property is currently developed with a 12-hole golf course, driving range, a 26 site tourist camp, and ancillary uses including a clubhouse and restaurant
Adjacent Uses:	North: Mariposa Brook; Agricultural East: Mariposa Brook Provincially Significant Wetland (PSW); Mariposa Creek Trailer Park South: Vacant Land; Mariposa Brook PSW; Driveway for Mariposa Creek Trailer Park West: Elm Tree Road; Vacant Land; Rural Residential

Rationale:

The property is located on the east side of Elm Tree Road to the south of the Mariposa Brook. See Appendix 'A'. The site is developed with a 12-hole golf course, a driving range, a clubhouse with ancillary restaurant, and 26 trailer camp sites. The proposed re-development would remove the driving range, and create an additional 76 trailer camp sites for a total of 102 camp sites, representing a reduction of 23 sites from the number currently permitted by the By-law. See Appendix 'B'. The portion of the lot subject to this proposal is located in the 'Tourist Commercial' designation of the City of Kawartha Lakes Official Plan (Official Plan), which allows a tourist resort; resource based recreational

uses, recreational vehicle park, and accessory uses for the exclusive use of the travelling or vacationing public within the development.

The applicant submitted a number of reports and plans in support of the application, which were circulated to various City Departments and commenting agencies for review.

Provincial Policies:

Staff reviewed the Planning Justification Report and addendum letters prepared by EcoVue Consulting Services Inc. in support of the zoning by-law amendment and accepts the planning rationale with respect to conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan) and consistency with the 2014 Provincial Policy Statement (PPS). The application serves to permit a resource based recreational/commercial use that depends on a rural setting. The applicant has submitted the appropriate background information to justify the development.

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

The 2019 Growth Plan provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. The policies in Section 2.2.9 of the 2019 Growth Plan relate to development in the Rural Areas. The applicant has submitted addendum updates to the original Planning Justification Report for conformity with first the 2017 Growth Plan updates, and recently the 2019 Growth Plan, which came into effect on May 16, 2019. Staff agrees with the interpretation of the policies relating to 2019 Growth Plan conformity.

Therefore, this application conforms to the 2019 Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses.

Development and site alteration shall be directed in accordance with the policies of Section 2 (natural heritage and hydrologic features) and Section 3 (natural and man-made hazards) of the PPS. An Environmental Impact Study (EIS) was submitted and circulated to Kawartha Region Conservation Authority (Kawartha Conservation) for review and comment. Kawartha Conservation has confirmed

they have no objection to the proposed zoning by-law amendment as all proposed development will be a minimum of 30 metres from the wetland boundary.

Planning for sewage, water, and stormwater services shall be in accordance with Section 1.6.6 of the PPS. A hydrogeological report has been submitted and reviewed, confirming that the private communal systems will be sustainable, feasible, and protect human health and the natural environment, in accordance with the policies.

On this basis, the application is consistent with the policies of the PPS.

Official Plan Conformity:

The lot is designated Tourist Commercial and Environmental Protection on Schedule 'A-3' of the City of Kawartha Lakes Official Plan (Official Plan). Schedule B-3 of the Official Plan identifies Significant Woodlands and Provincially Significant Wetlands (PSWs) on and in the vicinity of the property. The Environmental Protection designation corresponds with the PSWs.

The portion of the property subject to this application is designated Tourist Commercial in the Official Plan. This designation permits the uses proposed in this application. No development is contemplated on land designated Environmental Protection.

Section 34.7 of the Official Plan established the entire City of Kawartha Lakes as a Site Plan Control Area applying to all uses except for agricultural, aggregate extraction, forestry, open space and single detached residential uses. Staff recommends that only the developable area be subject to site plan approval. A holding (H) provision is proposed for the developable area of the site, to be removed subject to entering into a site plan agreement with the City.

Therefore, this application conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The lot is zoned 'Tourist Commercial Exception Two (CT-2) Zone' and 'Hazard Lands (HL) Zone' in the Township of Ops Zoning By-law 93-30. The portion of the lot subject to this application is in the 'CT-2' zone. The zoning by-law amendment will add an ancillary restaurant use and change the 9 hole golf course use to a 12 hole golf course use, to recognize the 2 already established uses. In addition, the development standards will be amended to reduce the minimum front yard setback to 75 metres and the minimum campsite area to 180 square metres per site, to allow an expansion of the existing permitted campsite use. The total number of permitted sites will be reduced from 125 campsites to 102 campsites, based on the proposal. See Appendix 'C'. All other provision of the 'CT-2' zone would continue to apply.

For clarity, the proposed changes are shown in the following table:

Development Standard	Current: 'CT-2' zone	Revised: 'CT-2(H)' zone
Permitted Uses	<ul style="list-style-type: none"> • 9 hole golf course 	<ul style="list-style-type: none"> • 12 hole golf course • Accessory restaurant
Minimum front yard setback	106.0 metres	75.0 metres
Minimum campsite area	400 square metres	180 square metres
Maximum Number of Campsites	125 campsites	102 campsites
Holding (H) Provision	None	Subject to entering into a site plan agreement with the City

The applicant has submitted the appropriate technical reports and background studies to demonstrate compliance with the Zoning By-law and the proposed amendments. The original advertisement noted the requested change for the front yard setback was a minimum of 79 metres. In order to ensure the proposed development will provide an appropriate buffer to the environmental features, the proposed front yard setback is now 78.1 metres. The revised proposal is therefore now 75 metres, to ensure the development can be accommodated. To offset this reduction, an enlarged planting area will be required to establish a vegetated buffer between the development and the municipal road.

As previously noted above, staff recommends that the developable area be subject to site plan approval to address the details of development such as any access/entrance upgrade requirements (if necessary), parking, lighting (including dark sky initiatives), waste management, fire routes, timing of the minimum 60 consecutive day shutdown period, and landscaping. The owner will enter into an agreement with the City, to be registered on title, which will ensure that the development is properly constructed in accordance with the plans, and the recommendations in the reports and studies. Once the site plan agreement has been registered, the owners would apply to remove the Holding (H) zone, pay the prescribed fee, and a By-law to remove the holding (H) symbol would be prepared for Council's consideration.

The proposed concept of the new development has not changed since the application was submitted. Through a full zoning compliance review, additional minor development standards have been identified which require relief in the proposed respective zone category. Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor; a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the Vibrant and Growing Economy and the Healthy Environment strategic goals as it provides to enhance the City's tourism and recreational base; and can utilize Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreements and permits issued under the Ontario Building Code (OBC).

Servicing Comments:

The lot is serviced by a private communal well and septic system. The required expansion to the sewage disposal system has received an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP). Stormwater management ponds and drainage swales are proposed to accommodate stormwater and may also require MECP ECA approvals if they discharge directly into a receiving water body. The applicant will explore opportunities to incorporate Low Impact Development (LID) features through the detailed design at site plan control.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius of the property, agencies, and City Departments which may have an interest in the application. As of May 24, 2019, we have received the following comments:

Public Comments:

March 21, 2019 Ken Christie had previously advised that he and other neighbours were concerned the proposal could permit year round use of the tourist camp on the property and requested additional information. The most recent comments question that various hydrogeologists have claimed there is adequate water, but not provided any reasons for their conclusions. In addition, he notes several wells in the area went dry in the past summer.

Agency Review Comments:

April 7, 2017 The Building Division – Sewage System Program has no comments on the application, as the property generates greater than 10,000 Litres per day (L/day) sewage flow.

April 27, 2017 The Engineering and Corporate Assets Department has no comment for this amendment, as all concerns can be captured through the site plan review and agreement.

May 3, 2017 The Community Services Department has no concerns or comments.

May 4, 2017 Curve Lake First Nation identified that they are not currently aware of any issues that would cause concern with respect to their Traditional, Aboriginal and Treaty rights, however would like to be involved if any evidence of a native burial site is discovered through redevelopment of the site.

May 5, 2017 Chippewas of Rama First Nation identified that they received our notice, and shared it with their band Council.

November 16, 2018 Public Works – Environmental Sciences advised that the review of the hydrogeological reports indicates that the proposal will not impact on groundwater resources.

March 29, 2019 Kawartha Conservation advised they do not foresee an issue with approval of the zoning by-law, in principle, subject to ensuring that the development is shifted to bring all features (i.e. stormwater pond, etc.) away from the features.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application was circulated to the appropriate agencies and City Departments for review and comment. This application conforms to the 2019 Growth Plan; is consistent with the 2014 Provincial Policy Statement, and conformity with the City's Official Plan has been demonstrated. The rezoning will permit the accessory restaurant use, recognize the 12 hole golf course use, and ensure the future development of the land complies with the Zoning By-law. All other zoning provisions within the 'CT' zone will be maintained.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends the proposed Zoning By-law Amendment application be referred to Council for **Approval**.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2019-011
Appendix A.pdf

Appendix 'B' – Proposed Concept Plan, dated April 2019



PLAN2019-011
Appendix B.pdf

Appendix 'C' – Proposed Zoning By-law Amendment



PLAN2019-011
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-011