

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-026**

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**Date:** July 3, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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**Ward Community Identifier:** Ward 3

**Subject:** Request by James Robert Webster, Charles Arthur Webster, Isabel Anne Luce, and David William Luce to enter into a Subdivision Agreement for Phase 4 of Plan of Subdivision 16T-04505, File No. D05-29-026, Elysian Fields, being Part of Lot 30, Concession 6, former Township of Fenelon, now City of Kawartha Lakes

**Authors:** Richard Holy, Manager of Planning

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### **Recommendations:**

**That** Report PLAN2019-026, respecting Part of Lot 30, Concession 6, former Township of Fenelon, Application No. D05-29-026, Elysian Fields, Phase 4 – 16T-04505, be received;

**That** Schedule D Summary of Estimated Costs, in Appendix C to Report PLAN2019-026 shall list 100% of the cost of all works to the satisfaction of the Director of Development Services and the Director of Engineering and Corporate Assets;

**That** the Subdivision Agreement for File No. D05-29-026 substantially in the form attached as Appendix C to Report PLAN2019-026, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and subsequent Agreement(s) required by the approval of this Agreement.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

On June 28, 2006, Council granted draft plan of approval to Plan of Subdivision 16T-04505 to create 20 residential lots for single detached dwellings, a 0.3 metre reserve on the southern side of the proposed road, and the extension of the Elysian Fields road to serve this development. Subsequently, the Director of Development Services extended the draft plan approval a number of times on April 22, 2009, August 17, 2012 and September 30, 2014, and October 24, 2017 with a final lapsing date of June 30, 2021.

On February 16, 2010, Council directed that Subdivision Agreements shall be reviewed by the Planning Committee, for recommendation to Council (CR2010-233). The purpose of this report is to present the staff endorsed draft Subdivision Agreement, attached as Appendix "C" respecting the draft plan attached as Appendix "B". This Agreement complies with Council's policies and by-laws applicable to the development of land and incorporates engineering standards and land-use planning requirements.

## **Rationale:**

James Webster, as primary contact for James Roberts Webster, Charles Arthur Webster, Isabel Anne Luce, and David William Luce, has requested that the City prepare the required Subdivision Agreement for Phase 4 of the draft approved plan of subdivision.

Phase 4 represents the creation of 12 residential building lots (Lots 9 through 20 of the draft approved plan of subdivision) together with a 0.3 metre reserve on the southern side of the proposed road and the extension of the Elysian Fields road to serve this development. The initial 8 lots of 16T-04505 were created in Phase 3 through plan of subdivision 57M-791. There are 23 conditions of draft plan approval and most of these have already been fulfilled, and others will be fulfilled in accordance with the requirements and obligations set out in the Subdivision Agreement. Each person in the development group must sign the Subdivision Agreement before the Mayor and City Clerk sign the Subdivision Agreement. The Director of Development Services will subsequently sign the final plan and each of these documents will then be sent to the City solicitor for final review and registration and residential lots will be created with the registration of the M-Plan.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

As this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement conforms to the 2019 Growth Plan.

**Provincial Policy Statement (PPS):**

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan, this plan and implementing Subdivision Agreement are consistent with the 2014 Provincial Policy Statement.

**Official Plan Conformity:**

The property is designated “Waterfront” in the City of Kawartha Lakes Official Plan. This subdivision plan and implementing Subdivision Agreement conforms to the policies and designations in both the City of Kawartha Lakes Official Plan.

**Zoning By-law Compliance:**

The land is zoned “Rural Residential Type Three Exception Eighteen (RR3-18) Zone” in the Township of Fenelon Zoning By-law 12-95. The site specific exception zoning permits a minimum lot size of 4,400 sq.m., minimum water setback of 30 metres, location and maximum size of a boathouse, and uses within the 30 metres water setback buffer area. The proposed residential use and subdivision layout contained in the Subdivision Agreement comply with the relevant provisions of the Zoning By-law.

**Servicing Comments:**

The lots will be serviced through individual well and septic systems. Stormwater management will be handled through existing roadside ditches.

**Accessibility Implications:**

Not Applicable

**Consultations:**

Consultations involved staff from the City’s Engineering and Corporate Assets Department and external agencies in drafting the Subdivision Agreement.

**Development Services – Planning Division Comments:**

City staff has completed their review of the Phase 4 draft Plan of Subdivision 16T-04505, Elysian Fields and endorses Appendices “B” and “C”. We support the recommendations set out in this Report PLAN2019-026. It is now appropriate that the matter be considered by Council.

**Other Alternatives Considered:**

No other alternatives have been considered as this application conforms to the Provincial Policies, City of Kawartha Lakes Official Plan, and Township of Fenelon Zoning By-law 12-95.

## **Financial Considerations:**

The draft Subdivision Agreement requires the owner to pay all of the City's reasonable legal costs incurred in the preparation and registration of the Agreement, together with the City Engineering Fee. The owner is also required to provide a Letter of Credit for 100% of the Estimated Cost of Works to the satisfaction of the Director of Development Services and the Director of Engineering and Corporate Assets.

The City requires that 100% of the securities for the works contained in Schedule "D" be posted with the City as part of the execution of the Subdivision Agreement. The standard Subdivision Agreement requires that all development charges follow the Council approved policy of September, 2016.

Staff has received the email from the Owner's planning representative requesting that payment of these Development Charges be deferred to the Occupancy stage (attached as Appendix "D").

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application aligns with the Exceptional Quality of Life Goal as it provides a range of residential development options, namely waterfront development.

## **Attachments:**

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Richard Holy, Manager of Planning at 705.324.9411 x 1246.

### **Appendix "A" – Location Map**



Appendix A -  
PLAN2019-026.pdf

### **Appendix "B" – Draft M-Plan**



Appendix B -  
PLAN2019-026.pdf

## Appendix “C” – Draft Subdivision Agreement



Appendix C -  
PLAN2019-026.pdf

## Appendix “D” – Request for Development Charge Deferral



Appendix D -  
PLAN2019-026.pdf

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**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D05-29-026