

The Corporation of the City of Kawartha Lakes
Minutes
Planning Advisory Committee Meeting

PC2019-10
Wednesday, October 9, 2019
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Councillor Patrick O'Reilly
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Mike Barkwell
Tammy Smith
Jason Willock

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1. Call to Order and Adoption of Agenda

Chair O'Reilly called the meeting to order at 1:02 p.m. Mayor A. Letham, Councillor K. Seymour-Fagan, M. Barkwell, and J. Willock were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Policy Planning Supervisor L. Barrie, Supervisor of Development Engineering C. Sisson, Senior Engineering Technician R. Perdue, and Planners II Q. Adebayo, D. Harding, A. Kalnina, and M. LaHay were also in attendance.

Absent: T. Smith

Late Arrival: Councillor A. Veale at 1:29 p.m.

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

PAC2019-063

Moved By J. Willock

Seconded By Mayor Letham

That the agenda for the Wednesday, October 9, 2019 Planning Advisory Committee Meeting be adopted as circulated.

Carried

2. Declarations of Pecuniary Interest

M. Barkwell declared a pecuniary interest on Item 3.6 on the Agenda as he represents the developer of the project as the sales representative with Re-Max All Stars Brokerage Inc.

There were no other declarations of pecuniary interest disclosed.

3. Public Meeting

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2019-052

Leah Barrie, Policy Planning Supervisor

Aggregate Policy Review - Official Plan Amendment Number 11

The Chair requested staff to advise on the proposed Official Plan Amendment for this statutory public meeting.

Ms. Barrie and Ms. Kalnina presented an overview of their report, and the proposed Official Plan Amendment to the Kawartha Lakes Official Plan. They stated that Official Plan Amendment No. 11 is intended to identify, protect and manage mineral aggregate resources, and to mitigate social, environmental and human health impacts of existing and future mineral aggregate operations and associated haul routes. Highlights of their presentation included:

- The City's and Provincial role with aggregates
- Legislation reform, and policy review
- A brief history of Official Plan Amendment No. 11 included changes and audits
- A summary of community consultation to date

In conclusion, Ms. Barrie noted that the staff recommendation is to refer the proposed amendment back to staff, pending the public consultation, and that future revisions to the Official Plan Amendment be brought back to the committee. She responded to questions from the committee members.

The Chair inquired if anyone wished to speak to the proposed amendment.

Kerry Doughty noted the various previous proposals and iterations of the aggregate policy review over the past number of years, and stated that it has been difficult with the number of ups and downs from the process. He stated that they are looking forward to a positive outcome, and are more than open to discuss changes.

Jim Webster thanked and introduced David Johnston who worked on the previous policy prepared by Victoria County.

David Johnston thanked staff for their dedicated work, and emphasized the need to separate the responsibilities of the Province with the City, as this can lead to duplication of work. He also stated that he intends to provide written comments with respect to depth of extraction of aggregates in relation to their licensed approvals.

Anne Guiot, from Skelton Brumwell, representing Miller Paving Ltd., stated that they have been involved in promoting a balanced policy that reflects the requirements of the Provincial Policy Statement, and the Aggregate Resources Act. She stated that while more fine tuning is required on the proposed policy, she is encouraged to see dedicated staff.

Doug Lowles, former member of the Aggregate steering committee, and member of the Head and Rush Lake Stewardship Committee expressed concern with the deletion of the 1km buffer from waterfront areas. He stated that the buffer zone, while small in respect to the total aggregate area, provides peace and quiet to the waterfront areas. He also noted a study that identified lower property values in proximity to aggregate operations. Overall he requested that the buffer be re-introduced in the final documents.

Doug Carroll provided a number of items on specific sections for staff to consider changing. Overall, he stated that he was impressed with the improvements of this draft amendment. The Chair requested that he provide the list of proposed changes to staff for their consideration.

No other persons spoke to the proposed Official Plan Amendment.

3.2 PLAN2019-053

Quadri Adebayo, Planner II

An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, identified as 305 Glenarm Road - D.S. and B. Farms Inc.

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Adebayo confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres, and a sign was posted on the subject property. He summarized the application, explaining that as a condition of provisional consent, the land to be retained is to be rezoned to prohibit residential use on the agricultural lands while the land to be severed is to be rezoned in order to restrict the use on the lot to residential and residential accessory uses. The application conforms to the 2019 Growth Plan, the City of Kawartha Lakes Official Plan, and is consistent with the 2014 Provincial Policy Statement. Mr. Adebayo summarized the comments received to date, as detailed in his report. Staff are recommending that the application be referred to Council for approval.

The Chair inquired if the applicant wished to speak to the application.

Robert Clark spoke as applicant, and stated that they agree with the staff recommendation and appreciated their work on the application. He noted that Scott Brown, owner of the lands, and himself are available for any questions.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.3 PLAN2019-054

Mark LaHay, Planner II

An application to amend the Township of Ops Zoning By-law 93-30 on land described as Part Lots 18 to 20, Concession 11, geographic Township of Ops, identified as 1082 Lilac Road - Martin

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to rezone the subject land from the Agricultural (A) Zone to the Agricultural Exception (A-**) Zone. The effect of the zoning amendment would be to permit a second dwelling unit attached to the main single detached dwelling as an accessory dwelling unit on the property which is accessory to a main permitted agricultural use. The application conforms to the Growth Plan and the Kawartha Lakes Official Plan and is consistent with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from Community Services with no concern, and Building Part 8 Division noting that the property can handle the on-site sewage system with upgrades. Also, letters were received from neighbouring residents at 704, 643 and 610 Pigeon Lake Road expressing no objection to the proposed rezoning. Providing that no additional comments are made, staff are recommending revising the original recommendation to forward the application to Council for approval.

The Chair inquired if the applicant wished to speak to the application.

Robert Clark, the applicant, stated that they are appreciative of the change of the recommendation and made himself and the owners, Landis and Alice Martin, available for any questions.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.4 PLAN2019-055

David Harding, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 on land

described as Part Lot 21, Concession 2, geographic Township of Emily, identified as 1109 Meadowview Road - 2324784 Ontario Ltd.

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500 metres, and a sign was posted on the subject property. He summarized the application, explaining that as a condition of the provisional consent decision, the agricultural land to be retained is to be rezoned to prohibit residential use and the keeping of livestock in the existing buildings. To further clarify how the lot containing the dwelling is to be used and to set out specific development standards, the land to be severed is to be rezoned to a rural residential zone category. The application conforms to the 2017 Growth Plan and the City of Kawartha Lakes Official Plan, and is consistent with the 2014 Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the Community Services Department and Building Division - Part 8 Sewage Systems, both with no concerns. Staff are recommending that the application be forwarded to Council for approval. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

James Newlands, from MHBC Planning, spoke on behalf of the applicant thanking the committee for hearing the application and made himself available for any questions.

The Chair inquired if anyone wished to speak to the application.

Bill Shipman, of 65 Maple Ridge Drive, questioned what the difference is between the current agricultural zone and the proposed agricultural exception zone, and was satisfied with the response from Mr. Harding.

No other persons spoke to the application.

3.5 PLAN2019-056

David Harding, Planner II

Applications to amend the Kawartha Lakes Official Plan and the Township of Ops Zoning By-law 93-30 on land described as Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 - Mike Redmond Septic Service Ltd.

The Chair requested staff to advise on the manner of giving notice for the proposed official plan and zoning by-law amendments. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120m, and a sign was posted on the subject property. He summarized the application, explaining that it proposes to: (1) change the land use designation from Highway Commercial to a Highway Commercial Special Policy and (2) amend the Township of Ops Zoning By-law 93-30 to change the zone category from Highway Commercial (CH) Zone to a Highway Commercial Exception Zone to add a self-storage facility use to the list of permitted uses and apply any applicable development standards. The applications appear to conform to the 2017 Growth Plan and further comments are required to demonstrate consistency with the 2014 Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report, noting that comments were still outstanding from various agencies. Staff are recommending that the application be referred back to staff until such time as commenting groups have submitted comments, any concerns have been addressed, and a full analysis of the proposal concluded. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Robert Clark, of Clark Consulting Services, spoke as the applicant and stated that this is an appropriate use of the land, and will complete the development of the property. He made himself and owner Mike Redmond available for any questions the members of the Committee might have.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.6 PLAN2019-057

Mark LaHay, Planner II

Applications to amend the Kawartha Lakes Official Plan and the Township of Fenelon Zoning By-law 12-95 on lands described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as West Street North, Fenelon Falls - Muskoka D & M Corp.

M. Barkwell left Council Chambers as per his previously declared pecuniary interest at 2:21 pm.

The Chair requested staff to advise on the manner of giving notice for the proposed official plan and zoning by-law amendments. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. LaHay confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 120m, and a sign was posted on the subject property, and that the initial public meeting was held on March 6, 2019. He summarized the revised application, explaining that it proposes to re-designate the lands from the Urban Settlement – Fenelon Falls Fringe area designation in the City of Kawartha Lakes Official Plan to an Urban Settlement – Fenelon Falls Fringe area designation with a Special Policy to permit residential development in the form of townhouses, including waterfront townhouses with a 15 metres water setback and apartment dwelling units with an overall density of approximately 44 dwelling units per gross hectare and to rezone the lands from the Future Residential Development (FRD) Zone, Rural Residential Type Three (RR3) Zone and Rural Residential Type Three Exception Fifteen (RR3-15) Zone to a Hamlet Residential Exception (HR-*) Zone or other appropriate residential zone category with site specific residential zone provisions. The revised proposal consists of 26 townhouse dwellings, all with internal driveway access in four 3-unit townhouse blocks, one 4-unit townhouse block, two 5-unit waterfront townhouse blocks and two 30-unit apartment buildings consisting of 4 residential floors with a level of parking below for a total of 86 dwelling units, without a private stormwater management pond. The proposal will be developed on full municipal water and sewer services. The application appears to conform to the Growth Plan however further comments are required to demonstrate consistency with the Provincial Policy Statement. Mr. LaHay summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments with various concerns relating to building height, increased number of dwelling units including proximity of townhomes adjacent to the waterfront, traffic, site access, construction noise, existing site hazards, environmental impact on lake, lake access, and water/sewer capacity were received from the following members of the public:

- C. & J. Traill of 66 West Street North
- M. McFarland of 35 King Street
- D. Mainella of 7 West Street North
- D. Gospodaric of 12 Oriole Road
- K. & S. Sparkes of 4 Oriole Road
- J. Laffin of 8 Bass Street

Additionally comments were received from Community Services with no concerns, the Ministry of the Environment recommending a 30m setback from the high water mark, and Curve Lake First Nation requesting an archeological study. Staff are recommending that the application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and concerns have been addressed. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Beverly Saunders of EcoVue Consulting spoke as the applicant identified the site as an existing brownfield site that has adequate servicing for the proposed development in line with Provincial Policy. She stated that there has been a lot of community consultation including the previous public meeting, a sales office, and a public open house. She noted the application was revised due to the applicant purchasing additional land. Addressing some concerns, she stated that a Traffic Impact Study (TIS), Environmental Impact Study (EIS), and Shadow Study have been submitted to address concerns. Overall she stated that the design of the buildings will match the neighbourhood, and she responded to questions from committee members.

The Chair inquired if anyone wished to speak to the application.

D. Strasbourg of 68 West Street North, who also owns 56 West Street North, spoke against the proposal stating that over 250 people could live in this development, and that this would be too many for the dead end of West Street North. He identified other possible locations that this development could be built, and questioned whether this application was already a foregone conclusion based off of the amount of money spent by this corporation.

D. Gospodaric of 12 Oriole Road noted that she was more supportive with the original proposal, stating that the increase of density will change Fenelon Falls. She stated that traffic is already backed up in Fenelon Falls, and questioned what the developer might give back to the community, whether it be developing parks, or upgrading roads and services. In conclusion she recommended scaling back the development.

B. Ward of 16 West Street North spoke in support of the development, and noted the various uses of the land over the past 63 years. He stated even though his property is directly across from the proposed entrance to the development, that moving forward with the proposal is a positive thing.

J. Laffin of 8 Bass Street presented noise concerns about the potential for blasting into the bedrock to create the foundations for the buildings.

No other persons spoke to the application.

The Chair permitted Ms. Saunders to respond to the public concerns presented today. She stated that this development has worked hard to address all comments and concerns by submitting various studies. She stated that the TIS notes that West Street North does not need to be upgraded, and that Kawartha Conservation is reviewing the EIS noting the species at risk as general impacts have been addressed. She noted that she did not know what noise impact there might be from the construction.

The Public Meeting concluded at 2:49pm and M. Barkwell returned to the Council Chambers.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2019-064

Moved By Councillor Veale

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-052, **Aggregate Policy Review – Official Plan Amendment No. 11**, be received; and

That Draft OPA 11 be referred back to staff pending the outcome of the public consultation component, and that any revisions to draft OPA 11 be brought back to a subsequent Planning Advisory Committee meeting.

Carried

4.2 Item 3.2

PAC2019-065

Moved By Councillor Veale

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, and identified as 305 Glenarm Road; Application No. D06-2019-017, be received;

That a Zoning By-law Amendment respecting application D06-2019-017, substantially in the form attached as Appendix E to Report PLAN2019-053, be approved and adopted by Council; and

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

Carried

4.3 Item 3.3

PAC2019-066

Moved By Mayor Letham

Seconded By J. Willock

That Report PLAN2019-054, respecting Part Lots 18 to 20, Concession 11, geographic Township of Ops, Application D06-2019-021, be received; and

That a Zoning By-law Amendment respecting application D06-2019-021 be prepared, approved and adopted by Council; and

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

Carried

4.4 Item 3.4

PAC2019-067

Moved By J. Willock

Seconded By Councillor Seymour-Fagan

That Report PLAN2019-055, respecting Part Lot 21, Concession 2, geographic Township of Emily, and identified as 1109 Meadowview Road – Application D06-2019-022, be received;

That a Zoning By-law Amendment respecting application D06-2019-055, substantially in the form attached as Appendix D to Report PLAN2019-055, be approved and adopted by Council; and

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

Carried

4.5 Item 3.5

PAC2019-068

Moved By Councillor Seymour-Fagan

Seconded By M. Barkwell

That Report PLAN2019-056, respecting being Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 – Applications D01-2019-002 and D06-2019-023, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

4.6 Item 3.6

M. Barkwell left the Council Chambers at 2:53pm due to his previously declared pecuniary interest.

PAC2019-069

Moved By Mayor Letham

Seconded By J. Willock

That Report PLAN2019-057, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

M. Barkwell returned to the Council Chambers at 2:54pm.

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

8. Adjournment

Prior to adjournment, the Chair permitted Ms. Barrie to make a congratulatory announcement. She stated that D. Harding has passed all required exams and now holds the professional designation of Registered Professional Planner.

PAC2019-070

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That the Planning Advisory Committee Meeting adjourn at 2:55 p.m.

Carried