



Planning Advisory Committee Report

Report Number:	PLAN2022-047
Meeting Date:	August 10, 2022
Title:	Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa
Description:	To amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law to permit the creation of 44 residential lots.
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2022-047, **Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa**, be received for information; and

That Report PLAN2022-047, **Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision – King’s Bay, 27 Stub Road, Mariposa**, be referred back to staff for processing until review of the technical studies has been completed and comments from the public have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The land known as 27 Stub Road in the former Township of Mariposa operated as the King’s Bay Golf & Country Club until 2019 (Appendix A and Appendix B). Under the City of Kawartha Lakes Official Plan (Official Plan), the lands are identified as Development Plan Area 3 (DP-3). DP-3, which carries forward land use designations applied under the Victoria County Official Plan (VCOP), applies Nature Reserve and Shoreline designations (Appendix C). The Township of Mariposa Zoning By-law (Zoning By-law) zones these lands as Community Facility Exception Three (CF-3) Zone, Community Facility Exception Four (CF-4) Zone, Environmental Protection Exception Five (EP-5) Zone, and Environmental Protection Exception Six (EP-6) Zone (Appendix D). The currently applied Exception Zones permit the golf course and related accessory uses that are no longer operating.

Owner:	King’s Bay Golf Club Limited
Applicant:	Matthew Cory, Malone Given Parsons Ltd.
Legal Description:	All of Block 111, 113 & 114, Pt Block 107, 108 & 112, 57R8284 & 57R8288
Official Plan:	City of Kawartha Lakes Official Plan – Development Plan Area Three (DP-3) Victoria County Official Plan – Shoreline and Nature Reserve
Zoning:	Tourist Commercial Exception Three (C3-3) Zone; Tourist Commercial Exception Four (C3-4) Zone; Environmental Protection Exception Five (EP-5) Zone; and, Environmental Protection Exception Six (EP-6) Zone.
Area:	Approximately 51.68 hectares
Site Servicing:	Municipal water, sanitary and storm sewer services
Existing Uses:	Former golf course.
Adjacent Uses:	North: Agricultural and Residential East: Residential and Lake Scugog South: Residential and Lake Scugog/Nonquon River West: Residential and Nonquon River

Rationale:

Proposal:

By way of an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision, the applicant is proposing to redevelop the existing golf course into 44 residential lots and green space. The residential lots would front three new streets that extend from Southcrest Drive. There are currently 107 residential lots along Southcrest Drive. To accommodate the subdivision and residential development, the applicant is proposing to amend the Official Plan and rezone the subject lands. The following materials were submitted in support of these applications:

- 1) Planning Opinion Report (with Addendum), prepared by Malone Given Parsons Ltd. This Report provides an outline of the proposed development and evaluates conformity with the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan (2012) and Township of Mariposa Zoning By-law. The Addendum provides an urban design analysis of the development. Staff are currently reviewing this report and addendum.
- 2) Environmental Impact Study (incl. Species at Risk Assessment) (December 2021) prepared by Beacon Environment Limited. The purpose of this Study is to: identify any natural heritages features and their ecological functions as they pertain to the area of development and influence; assess potential impacts and recommend mitigation measures for such impacts to significant natural heritages features and functions; and, evaluate the proposed development in the context of applicable natural heritage legislation, regulations and policies. This study is currently being reviewed.
- 3) Arborist Report (December 2021), prepared by Beacon Environmental Limited. The purpose of this report is provide an inventory and assessment of the trees on and adjacent to the subject lands within the proposed residential lot limits and to identify trees that are recommended for removal to accommodate the proposed development, and to provide recommendations for tree preservation measures and mitigation. This study is currently under review.
- 4) Phase One and Phase Two Environmental Site Assessments (December 2021 and April 2022, respectively), prepared by Golder Associates Ltd. Environmental Site Assessments. Phase One Assessments provide a review of the site and proposal and identify areas of potential environmental concern. These areas were further studied in Phase Two Assessments. The Assessments are currently being reviewed.
- 5) Geotechnical and Hydrogeological Investigations (December 2021), prepared by Golder Associates Ltd. This report details the field work and testing that

- was undertaken for the proposed development and provided engineering comments, recommendations and parameters for the geotechnical aspects of the development. This report is currently being peer-reviewed.
- 6) Water Supply Investigation (February 2022), prepared by Golder Associates Ltd. The purpose of this work is to investigate an additional municipal well that may serve to add additional source capacity to the existing municipal water system and support the proposed development. This report is currently being reviewed.
 - 7) Water Budget Assessment (December 2021), prepared by Golder Associates Ltd. This report provides pre and post development water budgets for the study area and is currently under review.
 - 8) Functional Servicing and Stormwater Management Report (December 2021), prepared by SCS Consulting Group Ltd. The purpose of this report is to demonstrate that the proposed development can be serviced and graded in compliance with municipal and provincial design criteria and is currently being reviewed.
 - 9) Phosphorus Budget (December 2021), prepared by Hutchinson Environmental Sciences Ltd. This report describes the current and future phosphorous budget for the proposed development and is currently under review.
 - 10) Transportation Impact Study (December 2021), prepared by BA Group. The study reviews all required transportation-related aspects of the proposed development and is currently under review.
 - 11) Stage 1 Archaeological Assessment (November 2021), prepared by Golder Associates Ltd. The Assessment documents an archaeological review of the subject lands and is currently under review.
 - 12) Draft Plan of Subdivision (December 2021), prepared by Malone Given Parsons.
 - 13) Conceptual Lot Layout with Constraints (January 2022), prepared by Malone Given Parsons.
 - 14) Boundary Survey (May 2000), prepared by H.F. Grander Co. Ltd.
 - 15) Topographic Survey (January 2022), prepared by R-PE Surveying Ltd.
 - 16) Landscape Concept Plan (December 2021), prepared by Schollen & Company Inc.
 - 17) Sample Elevations and Floor Plans, prepared by Hunt Design/RN Design

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

The subject lands are considered a Rural Settlement Area and policies prescribed by Section 1.1.3 Settlement Areas and Section 1.1.4 Rural Areas in Municipalities apply. These policies address land use considerations such as mixes of land uses, intensification of settlement areas and acknowledgement of rural characteristics should a rural settlement area be intensified.

Section 1.2 Coordination of the PPS prescribes policies that address coordination among agencies and jurisdictions. The proposed development contemplates a new well which requires acceptance and approval from the Kawartha Region Conservation Authority and the Ministry of Environment and Climate Change.

In Section 1.6 Infrastructure and Public Service Facilities, servicing of water, sewer and stormwater as well as transportation is contemplated. The proposed development has implications for source water and the materials submitted in support of these applications that address these considerations are currently under review. The proposed development includes 44 new lots with three extensions off of Southcrest Drive. The Transportation Impact Study submitted is currently under review.

These applications also have strong considerations under Section 2.1 Natural Heritage, 2.2 Water, and 2.6 Cultural Heritage and Archaeology due to the environmental and archaeological features that have been identified to be adjacent to and within the subject lands.

From solely a land use perspective, the proposed redevelopment of the existing golf course into multiple residential lots can be contemplated under Sections 1.1.3 and 1.1.4, however, this is a complex application with numerous technical studies that must be reviewed before full conformity with the PPS can be determined. Final PPS conformity will be determined once review of the application is complete.

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

In order to plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As described above, the subject lands are within a settlement area. Section 2.2.9 Rural Areas permits the creation of new multiple lots or units for residential development provided they are within a settlement area. From a land use perspective, there is contemplation for the proposed development however, water and wastewater systems (Section 3.2.6) and Stormwater management (3.2.7) must have adequate capacity.

Until review of the application and submitted materials is complete, full review of the policies prescribed by the Growth Plan cannot be completed. Full conformity with the Growth Plan will be determined once review of the applications are complete.

City of Kawartha Lakes Official Plan

The subject site is labelled as Development Plan Area Three (DP-3) under the City of Kawartha Lakes Official Plan. Within DP-3, the subject lands are designated Shoreline and Nature Reserve. The designations and corresponding policies within DP-3 were adopted under the Victoria County Official Plan (VCOP) and have been carried forward. It is important to note that Development Plan Area policies do not represent the policy framework established under the current Official Plan and, as such, are not to be taken as precedent or as an acceptable form of development under this Official Plan.

Under the DP-3 Shoreline designation, a maximum of 107 single detached residential lots, a resort containing 25 units, a nine-hole golf course, parks and recreational facilities and infrastructure shall be developed on full communal sewer and water services. Policies also prescribe a 15-30m naturalized buffer between the 249.8 metres Canadian Geodetic Datum highwater mark of Lake Scugog and the Shoreline designation. Only boat docking and boat launching facilities and infrastructure to serve the lands designated Shoreline will be permitted within this setback. In order to accommodate the proposed 44 residential lots, an amendment to the DP-3 is required.

The Nature Reserve designation within the DP-3 are intended to be retained in their natural state. This mirrors the current policies prescribed by the DP-3 for this designation. Staff note that no changes to the land use designation boundaries are proposed.

In the absence of policy to guide a review of the specific DP-3 area as it pertains to the proposal, amendments can be made provided that sufficient background materials and supporting studies have been submitted. Staff are in receipt of required studies as described earlier in this report and review is underway. Evaluation of intent to conform with City of Kawartha Lakes Official Plan will be determined once reviews are completed.

Township of Mariposa Comprehensive Zoning By-law 94-07

The subject lands are zoned Tourist Commercial Exception Three (C3-3) Zone; Tourist Commercial Exception Four (C3-4) Zone; Environmental Protection Exception Five (EP-5) Zone; and, Environmental Protection Exception Six (EP-6) Zone with permitted uses described below:

	C3-3	C3-4	EP-5	EP-6
Permitted uses	Lodge or Hotel and accessory retail use, meeting rooms, conference rooms and restaurant; clubhouse, pro shop, administrative offices and parking areas accessory to a golf course on an abutting lot; a business office located within the lodge or hotel; dwelling unit in a building containing another permitted use; a golf course.	Golf course.	Conservation uses; Bird or Wildlife Sanctuaries; Flood and Erosion Control Works; Forestry; Infrastructure inclusive of a water pumping station; boat docking facilities but excluding a commercial marina; passive recreation	Conservation uses; Bird or Wildlife Sanctuaries; Flood and Erosion Control Works; Forestry; Passive recreation

To permit the development as described, the applicant is proposing to apply Rural Residential Type Three Exception (RR3-XX) Zone, Community Facility (CF) Zone, Environmental Protection Exception Five (EP-5) Zone, and Environmental Protection Exception Six (EP-6) Zone. The RR3-XX Zone would prescribe zone provisions and development standards that are similar to those that are applied to the existing King’s Bay development while the CF, EP-5 and EP-6 Zones would be applied to the open

space and parkland that currently exists. The proposed rezoning would affect portions of the existing C3-3 and C3-4 Zones.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs may be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 500m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

At the time of report writing, staff have received correspondence from six residents. Concerns raised pertain to water system capacity, roadway capacity, presence of archaeological artifacts within the project area and proposed uses of the green space/open space.

Staff advised residents that as part of the application, technical studies were submitted and are currently being peer-reviewed. Staff are aware of the concerns as outlined above and await the completion of these peer-reviews.

The lands shown as green space/open space/park land will be used as such.

Agency Review Comments:

Conseil Scolaire Catholique MonAvenir (April 28, 2022): no comments on the proposed development.

Canada Post (May 3, 2022): no objections to the proposed development. Community mailboxes will be required to service new homes.

Hydro One (May 12, 2022): no comments or concerns.

Trillium Lakelands District School Board (May 10, 2022): We note that, at this time, our records show Southcrest Drive as a private road and school transportation is offered from the corner of Stub Road and Southcrest Drive. Should the road become a municipal road through the development process, school transportation services may be required to travel to the end of Southcrest Drive. Should this be the case, the Board requests that a turn around large enough for a full-sized school bus in winter be included in the planning and development of this subdivision.

Fire Prevention (July 15, 2022): Design of roads to ensure the ability maneuver fire apparatus would be our biggest concern – ensuring courts have a minimum 12m centerline radius at the ends.

Durham Region, Manager of Plan Implementation (July 19, 2022): no comments on the development proposal.

Development Services – Planning Division Comments:

This is a complex application with many technical studies requiring review and comment. As the satisfaction of technical requirements is a key component of staff’s recommendation as illustrated through the policy analysis sections in this report, full policy conformity cannot be determined until these reviews are complete.

Conclusion:

Staff recommends that this report for the proposed Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision be referred back to staff for review until all technical reviews are complete and comments from both agencies and the public are addressed.

Attachments:

Appendix 'A' – Aerial Photo



Appendix A Report
PLAN2022-047.pdf

Appendix 'B' – Location Plan



Appendix B Report
PLAN2022-047.pdf

Appendix 'C' – Development Plan Area Three (DP-3) Schedule



Appendix C Report
PLAN2022-047.pdf

Appendix 'D' – Zoning Map



Appendix D Report
PLAN2022-047.pdf

Appendix 'E' – Draft Plan of Subdivision (High Resolution)



Appendix E Report
PLAN2022-047.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D01-2022-003, D05-2022-001, and D06-2022-001