



Planning Advisory Committee Report

Report Number:	PLAN2022-064
Meeting Date:	November 29, 2023
Title:	City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-Law Amendments for Block 18, Peller Court
Description:	To amend the Official Plan and Township of Verulam Comprehensive Zoning By-law 6-87 to acknowledge the placement of existing docks and to allow permissions for the development of future docks on the site. - D01-2023-003 and D06-2023-027
Type of Report:	Public Meeting
Author and Title:	Matt Alexander, Practice Lead, RPP, MCIP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2022-064, **City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-Law Amendments for Block 18, Peller Court**, be received for information; and

That Report PLAN2022-064, **City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-Law Amendments for Block 18, Peller Court**, be referred back to staff to address public and agency comments and for further review of the technical studies.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject lands, known as Block 18, Peller Court in the former Township of Verulam is a shoreline property which abuts Pigeon Lake. The subject lands have approximately 295 metres of shoreline frontage on Pigeon Lake and is approximately 1.43 acres in size. The current zoning permits a single communal dock for the area. Notwithstanding, there are six existing docks that have been identified as historic accessory structures, which the applicant is seeking to have recognized through this application process (Appendix A). Under the City of Kawartha Lakes Official Plan (Official Plan), the property is designated as Development Plan Area Five (DP-5), Nature Reserve, Provincially Significant Wetland and Fish Habitat. The subject lands are zoned Open Space Special Exception Ten (OS-10) under the Township of Verulam Zoning By-law.

Owner:	1570194 Ontario Inc. c/o Keith Morrallee
Applicant:	D.M. Wills Associates Limited. c/o Keith Morrallee (Rolling Hills Residents Association)
Legal Description:	Block 18 Plan 57M-759, Part of Lot 1, Concession 19 and Part of Lot 2, Concession 10, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	Development Plan Area Five (DP-5) in the City of Kawartha Lakes Official Plan Nature Reserve with Provincially Significant Wetlands (PSW) and Fish Habitat
Zoning:	Open Space Special Exception Ten (OS-10) in the Township of Verulam Comprehensive Zoning By-law 6-87
Area:	Approximately 1.43 hectares
Site Servicing:	Not applicable
Existing Uses:	Foot paths, docks
Adjacent Uses:	North and East – Residential West – Natural Heritage Features and Provincial Wetland with Significance South – Environmental Protection and Open Space Exception 3 East – Residential

Rationale:

Proposal:

The applicant is seeking to amend the Official Plan designations "Development Plan Area Five" (DP-5) on Schedule 'A-5', and "Nature Reserve" on Schedule 'E' with Provincially Significant Wetlands (PSW) and Fish Habitat identified on Schedule 'B-5', to recognize the placement of existing docks and to allow permissions for the development of future docks on the site. To facilitate this docking request, the applicant is proposing to amend the Township of Verulam Zoning By-Law from "Open Space Special Exception Ten" (OS-10) to "Open Space Special Exception XX" (OS-XX) to permit the placement of docks on the site. The following materials were submitted in support of these applications:

- 1) Planning Rationale Report (May 2023), prepared by the D.M. Wills Associates Limited.
- 2) Comprehensive Environmental Impact Study (February 2023), prepared by GHD Limited.
- 3) Concept Plan (Inclusive of Constraints Map) (May 2023), prepared by Pinchin Ltd.
- 4) Stage 1 & 2 Archaeological Assessment (March 2023), prepared by Northeastern Archaeological Associates Ltd.
- 5) Conceptual Site Plan Layout (May 2023), prepared by D.M. Wills Associates Limited.
- 6) Survey (April 2003), prepared by DFP Surveyors.

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 health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document.

Policy 2.1 of the PPS does not permit development or site alteration in Provincially Significant Wetlands, and only permits development or site alteration in Fish Habitat except in accordance with provincial and federal requirements. Development and Site Alteration is not permitted on adjacent lands to Fish Habitat unless the ecological

function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

An Environmental Impact Study was submitted by the applicant in support of the proposal and is under review. Consistency with the PPS will be determined once reviews of the technical materials are complete.

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

The Growth Plan prescribes policies specific to the conservation of Natural Heritage Features. Mitigation and conservation policies also pertain to endangered species and species at risk. The Environmental Impact Study (EIS) included a Species at Risk Assessment. The Study states that there is no habitat of a threatened or endangered species at risk and that the construction of individual docks will not have negative impact on the shoreline, wetland or fish. The EIS is currently under review.

Following review of technical studies, staff will evaluate complete Growth Plan conformity.

City of Kawartha Lakes Official Plan:

The subject lands are designated as Development Plan Area Five (DP-5) under the City's Official Plan.

Staff note that the lands designated as Nature Reserve under DP-5 area were to remain undisturbed. This is evident through sections 31.13.3 of the Official Plan which prescribe the Nature Reserve policies of the Official Plan. There are limited criteria to be considered should a development application be received. The criteria include the following:

- Land shown as Nature Reserve (NR) on DP-5 shall remain undisturbed in order to protect and preserve its ecological functions and processes and there shall be no dredging, filling, removal of vegetation or installation of walkways except under management practices deemed necessary or compatible with the preservation and protection of the ecological functions or processes on the lands within the Nature Reserve area.

A Comprehensive Environmental Impact Study and Concept Plan which identified Constraints were submitted in support of this application. These materials are currently under review by the appropriate authorities. At the pre-consultation

stage, staff requested that an archaeological review of the site be completed to assess impacts to natural or cultural heritage.

- A Stage 1 and Stage 2 Archaeological Assessment was completed and submitted in support of this application was completed in March 2023. Staff note that there were no materials of cultural significance, value, or interest was found in the Assessment.

Staff note that based on the findings of the EIS, the historic disturbance of the shoreline has not resulted in any impact to the Nature Reserve which encompasses Wetlands and a Fish Habitat. Once review of supporting materials is complete, staff will determine conformity with the City's Official Plan.

Township of Verulam Comprehensive Zoning By-law 6-87:

The property is currently zoned Open Space Special Exception Ten (OS-10) Zone which does not permit the proposed uses. The OS-10 zone permits passive recreation uses and a beach. A walkway or path is permitted, but no buildings or structures are permitted. The abutting lands are zoned OS-3, which only permits a floating type of boat docking and mooring facility during the boating season.

The applicant proposes to rezone the subject land as Open Space Special Exception XX (OP-XX) Zone to permit the installation of the docks and to remove the beach as a permitted use. Citing the historic disturbance of the site through the placement of six docks on the shoreline, the applicant has stated that the removal of the beach as a permitted use would have the following effect:

"significant reduction in the disturbance of the Subject Property by narrowing the main trail and restricting the access pathways to the docks and rehabilitating the remainder of the property with native species through the implementation of the restoration plan."

However, the applicant has not conveyed how passive human-scale activity such as the accessing and using the beach is incompatible with the proposed use. They have also not conveyed how the beach poses a greater potential to disturb the shoreline than the development of new docks.

Further review of the internal operation of the site, including investigation into the beach function, is required before a final zoning by-law can be brought forward for approval.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

For reference, the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. A Healthy Environment
2. Exceptional Quality of Life
3. Vibrant and Growing Economy
4. Maintaining Good Government

This application would align with Healthy Environment by providing appropriate protection for natural features on the property.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would 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 as close as practical to the site.

The Development Engineering Division raised no concerns because of the circulation.

Public Comments:

No public comments have been received at the time of report writing.

Agency Review Comments:

At the time of report writing, no comments have been received from commenting agencies/departments.

Development Services – Planning Division Comments:

Conformity with the PPS, Growth Plan and Official Plan will continue to be evaluated while comments from reviewing agencies are received.

Conclusion:

Given the comments contained in this report, Staff respectfully recommends that the application to amend the Official Plan and Zoning By-law for Block 18, Peller Court be referred back to staff until technical reviews have been completed and comments from the public have been addressed.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at Matt.Alexander@wsp.com.

Attachments:

Appendix 'A' – Location Plan



Appendix A -
Location Map

Appendix 'B' – Aerial Photo



Appendix B - Aerial
Image

Appendix 'C' - Concept Plan



Appendix C -
Concept Plan

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D01-2023-003 and D06-2023-027