



Planning Advisory Committee Report

Report Number:	PLAN2024-026
Meeting Date:	April 10, 2024
Title:	Update Memo City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-Law Amendments for Block 18, Peller Court
Description:	To amend the City of Kawartha Lakes 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
Type of Report:	Referral Back Update Memo
Author and Title:	Matt Alexander, Practice Lead, WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2024-026, **Update Memo City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-Law Amendments for Block 18, Peller Court**, be received for information;

That an Official Plan Amendment respecting application D01-2023-003, substantially in the form attached as Appendix D to Report **PLAN2024-026**, be approved and adopted by Council;

That a Zoning By-law Amendment respecting application D06-2023-027, substantially in the form attached as Appendix E to Report **PLAN2024-026**, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Proposal:

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 are 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.

The applicant is seeking to amend the City of Kawartha Lakes Official Plan to recognize the placement of six (6) existing docks and to permit the development of three (3) additional docks within the shoreline area. To facilitate this request, the applicant is proposing to amend the City of Kawartha Lakes Official Plan Development Plan Area Five (DP-5), Nature Reserve, which is identified as containing Provincially Significant Wetland and Fish Habitat. The subject site is zoned 'Open Space Special Exception Ten (OS-10) Zone' in the Township of Verulam Zoning By-law 6-87, as amended. Amending the Official Plan and Zoning By-Law will have the effect of permitting the placement of the existing and future docks on the site. The Zoning By-law Amendment will also remove the beach as a permitted use.

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 designated as 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

Background:

The application was deemed complete on October 25, 2023, and was circulated to internal City Departments and external agencies for comment on November 8, 2023. A Statutory Public Meeting was held on November 29, 2023. The Planning Advisory Committee passed a motion to refer the application back to staff due to outstanding technical reviews from commenting agencies.

Comment Summary:

The following section provides a summary of the comments received since the Planning Advisory Committee motion, and how the outstanding issues are addressed, demonstrating conformity with planning policy.

Development Services – Planning Division Comments:

Provincial Policy Statement, 2020:

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 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.

A comprehensive Environmental Impact Study (EIS), Shoreline Restoration Plan and Concept Plan, inclusive of a Constraints Map, was reviewed by municipal departments and commenting agencies. Comments received have generally indicated that the proposed development of the site will have no negative impacts on the natural features or on their ecological functions insofar as the approach to mitigation and constraints as noted in the EIS and Plan are followed.

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

The Growth Plan requires a vegetation protection zone for key hydrologic features, fish habitat, and significant woodlands, that is no less than 30 meters wide. The EIS indicates the "15 m already present and included as Block 18 on the approved subdivision, will be maintained and enhanced as per the restoration plan. As such the restored buffer will be of a sufficient width to protect the key hydrologic features and their ecological functions while not to be 30 meters in width, will provide a sufficient buffer." Overall, as long as proposed mitigation measures and restoration plans are adhered to the proposed amendments to the Official Plan and Zoning By-Law and the proposed development achieve compliance with the Growth Plan.

City of Kawartha Lakes Official Plan, 2012:

Staff note that based on the findings of the Environmental Impact Study (EIS), the historic disturbance of the shoreline has not resulted in any negative impacts to surrounding ecological features or fish habitat. Further, review of the EIS as well as the Shoreline Restoration Plan and Concept Plan by the Chippewas of Rama First Nation and Kawartha Region Conservation Authority have determined the mitigation measures outlined within the EIS and Restoration Plan will satisfy requirements for development within the Nature Reserve designation. The applicant will be required to obtain a permit from the Conservation Authority prior to starting any work. Staff support the Official Plan Amendment.

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

The applicant's proposal to rezone the subject land to an Open Space Exception Zone to permit the installation of the docks and to remove the beach as a permitted use supports the preservation of the natural and vegetation features of the site. The applicant proposes a narrower main trail, and additional dedicated access pathways for the future docks will ensure future access to the shoreline is restricted to pathway access only, ensuring that there will be no additional disturbances to the natural and vegetation features. Staff feel that the zoning by-law amendment is appropriate and maintains the goals and objectives of the Zoning By-law.

Chippewas of Rama First Nation Comments:

During the installation phase we will ask you to inform the nearby communities if you are removing any wild rice from the shoreline, if there is no vegetation removal needed, then we have no concerns.

Kawartha Conservation Comments:

Kawartha Conservation has reviewed the EIS completed by GHD in February 2023 for the Rolling Hills Estates and has no concerns with the approval of the Zoning Bylaw Amendment Application (D06-2023-027) and Official Plan Amendment Application (D01-2023-003) to allow the placement of six docks (and access pathways) in the historical location and an additional three docks (and access pathways) within the Provincially Significant Wetland (PSW) along the shoreline area and removal of the beach as a permitted use provided that:

- both the restoration plan (sec 6.2) and the recommendations (sec 8) are followed, then any dock installations should have minimal impacts on the shoreline area. The TSW dock guidelines will provide the appropriate guidance for dock installations.
- to minimize any future impacts to the shoreline area, one additional requirement is that residents do not install any structures (sheds/garages/cement pads/patios, etc.) in the shoreline area. The shoreline area is to be restored to a natural state and remain in that way for the foreseeable future.
- the restoration plan in the EIS is implemented and completed and all 12 points in the recommendations are followed, as well as the additional requirement of no future alteration to the shoreline area once the dock work is completed.

The subject property is entirely regulated by Kawartha Conservation. The applicant will be required to obtain a permit from Kawartha Conservation for the proposed project which may require the submission of an Erosion and Sediment Control (ESC) Plan. The permit application may require approval from our Board of Directors. Please contact our permitting department at permits@kawarthaconservation.com or 705.328.2271 ext. 231 for more details.

Other Comments:

The City of Kawartha Lakes Building and Septic Division and Engineering Division as well as Enbridge Gas have indicated that they had no concerns with the proposed Official Plan and Zoning By-Law amendments.

Conclusion and Recommendation:

Based on the comments contained in this report, the applicant has demonstrated conformity with requirements for development within Provincially Significant Wetlands as prescribed by the Provincial Policy Statement and within "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' of the City's Official Plan.

Assessment of the EIS provided by the client demonstrates that the proposed development of three additional docks and the removal of the beach as a permitted use will have no negative impact provided the mitigation measures in the environmental studies are implemented during construction. Further, the shoreline restoration plan was deemed satisfactory to the Kawartha Region Conservation Authority. The applicant will be required to obtain a permit from Kawartha Conservation prior to completing any work on site.

Staff feel that comments provided by the Chippewas of Rama First Nation and Kawartha Conservation support the mitigation measures detailed in the EIS. Staff support the applications as it has been demonstrated that subject to implementation of the mitigation measures proposed in the EIS, there will be no adverse impacts to the shoreline, natural or ecological features.

Staff respectfully recommends that the Official Plan Amendment respecting application D01-2023-003, substantially in the form attached as Appendix 'D' and the Zoning By-law Amendment respecting application D06-2023-027, substantially in the form attached as Appendix 'E' to Report **PLAN2024-026**, be approved and adopted by Council.

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

Appendix 'B' – Aerial Photo



Appendix B

Appendix 'C' - Concept Plan



Appendix C

Appendix 'D' – Draft Official Plan Amendment Text



Appendix D

Appendix 'E' – Draft Zoning By-law Amendment Text



Appendix C

Department Head email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D01-2023-003(D06-2023-027)