

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Moore

Report Number COA2024-114

Public Meeting

Meeting Date: November 28, 2024

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Somerville

Subject: The applicant is proposing to create three (3) new severed waterfront lots as well as a private road on the Subject Land. The balance of the lands, which front Baseline Road, will comprise the retained lot.

The consents are requested at **Baseline Road** (Files D03-2024-055, D03-2024-056, D03-2024-057, and D03-2024-058).

Author: Lindsay Nooren, MCIP, RPP

Urban Planner, Dillon Consulting Limited (on behalf of the City of Kawartha Lakes)

Signature:

Recommendations

That Report COA2024-114 – Craig Moore, be received:

That applications D03-2024-055 to D03-2024-057 for consent to sever new residential building lots be GRANTED in accordance with the conditions of provisional consent noted in Appendix E. The proposed application represents good planning, and is in accordance with Section 53(1) of the Planning Act, provided the conditions of provisional consent are approved.

That application D03-2024-058 for consent to create a private road be **DENIED**. The proposed application does not represent good planning. It is further recommended that a Common Element Condominium application be filed with the City of Kawartha Lakes to create the proposed private road.

Conditions of Provisional Consent

See Appendix E

Should Report COA2024-111 be approved by Committee, fulfillment of all conditions is required for the consents to be completed.

Application Summary

Proposal:	The applicant is proposing to create three (3) new severed waterfront lots as well as a private road. The balance of the lands fronting Baseline Road will be retained.
Owner:	Craig Moore
Applicant:	Craig Moore
Legal Description:	Part Lot 52 Concession on Front Range Parts 1-5, 57R6496; S/T R341642; S/T Beneficiaries Interest in R297581; Former Township of Somerville, City of Kawartha Lakes
Official Plan ¹ :	Waterfront: lands along Silver Lake; Rural: east of the Waterfront designation; Environmental Protection: follows the watercourse that transverses the site north/south in the City of Kawartha Lakes Official Plan
Zone ² :	Rural General (RG) Zone in Schedule 'A' to the Township of Somerville Zoning By-Law 78-45, (TSZBL).
Site Size:	Total Subject Land: approx. 10.74 ha Proposed severed lot 1: approx. 0.62 ha Proposed severed lot 2: approx. 0.52 ha Proposed severed lot 3: approx. 0.52 ha Proposed private right-of-way: approx. 0.195 ha (1,957.4 m ²) Proposed retained lot: approx. 8.88 ha
Site Access:	Proposed creation of a new private access road, and shoreline access for the proposed severed lots; public road access for retained lot
Site Servicing:	Private wells and septic systems proposed per building lot
Existing Uses:	Vacant (with abandoned structure on retained lot)
Adjacent Uses:	Rural Residential and Waterfront Residential

¹ See Schedule 1

² See Schedule 1

Rationale

The Subject Land is approximately 10.74 hectares. The consent applications would create three new severed waterfront lots and a new right-of-way for a private road. Severed lot 1 would have approximately 56.2 metres of shoreline frontage on Silver Lake and a lot area of approximately 0.62 hectares (1.52 acres). Severed lot 2 would have approximately 37.6 metres of shoreline frontage on Silver Lake and a lot area of approximately 0.52 hectares (1.28 acres). Severed lot 3 would have approximately 33.7 metres of shoreline frontage on Silver Lake and a lot area of approximately 0.52 hectares (1.28 acres). The three severed parcels are designed to accommodate single detached residential homes, each with its own private septic system and well. The three severed lots would have access via a proposed private right-of-way (to be created through consent) over the retained lot, which would connect to Shadow Lake Road 20.

The proposed retained lot contains an existing abandoned detached residential structure and would have approximately 215 metres of frontage onto Baseline Road (CKL Road 42), where the retained lot will continue to be accessed from. No development is proposed on the retained lot.

Provincial Plan Conformity

The Provincial Planning Statement, 2024 (PPS 2024) is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The 2024 PPS came into force on October 20, 2024.

The Subject Land is not located within a settlement area. As per Section 2.6 (Rural Lands in Municipalities), policy 2.6.1 states that, on rural lands, permitted uses include: c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewer and water services, is a permitted use.

Sewage, Water and Stormwater:

The proposal includes on site private septic and well systems. Section 3.6.4 of the PPS 2024 states, "Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts."

Furthermore, as per Section 3.6.7, "Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity".

As part of the circulation of the application, the City's Building and Septic Division noted, "The proposed lots to be severed will be serviced by lake water supply. Servicing through a lake water draw provides less restrictions for lot development with a private on-site sewage system. Based on the proposed lot sizes, and the existing natural land features, the properties can support development through private on-site sewage disposal".

Further, while not proposed at this time, the City's Building and Septic Division noted, regarding the retained lot, "... there is adequate space outside these areas, particularly adjacent to Baseline Road, to construct a sewage system to service a single detached dwelling".

Accordingly, the Building and Septic Division noted no issues with the proposed consent applications as they relate to private on-site sewage disposal.

Provided these systems are appropriately designed and located to prevent nutrient and pollutant runoff into adjacent water bodies, the proposal would conform to policies contained in Section 3.6. Furthermore, so long as on-site water and sewage systems are thoroughly assessed to ensure they won't impact the environment or require future expansion, the proposal would meet Policy 3.6.4.

An Environmental Impact Study (EIS) was conducted by GHD Limited as part of the companion Official Plan Amendment and Zoning By-law Amendment application, which would follow the consent applications. The report noted that the applicant is buffering the most sensitive features, providing mitigation measures, and that these systems can manage wastewater without affecting nearby water resources.

Natural Heritage:

Section 4.1 of the PPS speaks to Natural Heritage. The Subject Land is situated within the Mixedwood Plains Ecozone: Lake Simcoe – Rideau Ecoregion 6E. Policy 4.1.5 of the PPS 2024 notes, "Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 4.1.4.b)

Unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”.

Further, as per policies 4.1.6 and 4.1.7, development and site alteration shall not be permitted in fish habitat or in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Furthermore, as per policy 4.1.8, “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 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 EIS was undertaken by GHD for the proposed development, which identified the following natural heritage features on the Subject Land:

1. Significant woodlands located on the Subject Land and throughout the 500-metre adjacent area;
2. Non-significant wetlands located on the Subject Land;
3. Fish habitat (Silver Lake, unnamed watercourse/tributary and pond on the retained land);
4. Confirmed significant wildlife habitat for three bird species: veery, overbird and blue-headed vireo, associated with the woodlands, as well as significant wildlife habitat (high potential) for amphibian breeding habitat within the wetlands; and
5. Endangered species (Black Ash) within the wetlands.

However, it was noted in the EIS that construction within the proposed severance envelopes will result in no significant negative impacts on the functions of identified natural features provided the recommendations outlined in the Report are implemented.

A preliminary review of the EIS was conducted as part of this consent review by an ecologist at Dillon Consulting Limited. It was noted that there are sensitive features, but the impacts can be mitigated. A detailed peer review would occur at the Official Plan and Zoning By-law Amendments stage.

Water:

Policy 4.2.2 states, “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches”.

As long as the mitigation measures outlined in the EIS report are followed, the proposal would conform to the policies in Chapter 4.2 which speak to the quality, quantity, and appropriate development and site alteration policies near sensitive water features.

Natural Hazards:

Because of the locational characteristics of the severed lots, flood and erosion risks will need to be considered, with appropriate setbacks and measures to prevent increased hazards (such as shoreline stabilization techniques), for the proposal to conform to the natural hazards policies within Section 5.2.

Kawartha Conservation reviewed the proposal and noted no concerns with the approval of consent applications. Further, it was recommended that the applicant adhere to all recommendations outlined in Section 7 of the Environmental Impact Study (EIS) prepared by GHD, dated December 21, 2023, including maintaining a 30m no-development buffer around the wetland, as identified in the EIS.

Ultimately, the proposal generally appears to conform to the PPS 2024 policies, provided that the applicant adheres to the recommendations outlined in the EIS, which thoroughly address natural hazards, water quality, and ecological impacts. This will be further reviewed during the Zoning By-law Amendment and Official Plan Amendment process to ensure adherence prior to any construction.

Official Plan Conformity

The Subject Land is designated Waterfront, Rural, and Environmental Protection in Schedule A-7 of the City of Kawartha Lakes Official Plan.

The majority of the lands to be severed are within the Waterfront designation. However, a portion of the severed lots appear to be within the Rural designation in Schedule A-7.

As per the interpretation policy 29.1.1, “[...] It is intended that the boundaries of the land use designations shown on Schedules A and Sub-Schedules ‘A’, ‘B’ and ‘SP’, be considered as approximate and absolute only where bounded by roads, railways, rivers, lakes or other similar geographical barriers. Boundaries of natural feature areas and Aggregate Areas shown on Schedules ‘A’ and ‘B’ are to be interpreted by the City as approximate subject to precise study and measurement”.

Accordingly, the proposed severed lots can be considered within the Waterfront designation, and the retained lands would be considered within the Rural designation, with Environmental Protection designated land identified over a portion of the land.

Further, the Subject Land also contains unevaluated wetlands and significant woodlands, as identified in Schedule B-7. The natural features identified in Schedule B-7 will be protected as per the EIS recommendations and conditions of consent approval.

Waterfront designation:

The Waterfront designation permits vacation single detached dwellings and single detached dwellings, as per policy 20.3.2. As per policy 20.3.6, “New development will be developed on individual services at a low density. Single unit residential lots are the preferred form of development. Limited new multi lots and units for residential development may be permitted in the Waterfront designation in keeping with the scale of the resource. Such development shall be compatible with the surrounding character and not result in adverse environmental impacts”.

Further, as per policy 20.3.7, “Within the Waterfront designation, natural form and function shall dominate. Naturalized and/or naturally vegetative shorelines shall be retained and restored wherever possible”.

The proposal demonstrates, through the EIS, that the proposed development would maintain a 30 metre ‘no development’ buffer around the wetland identified around the shoreline, to the satisfaction of Kawartha Conservation. As a condition of consent approval, a Zoning By-law Amendment to rezone the 30-metre buffer zone around the wetlands to Environmental Protection to provide protection for the function and form of the wetlands will be included. It has been noted in Appendix E as a condition of approval.

Policy 20.4.1 states that the creation of lots within the Waterfront designation will be limited to the following: “20.4.2 With the exception of island lots, the minimum lot area for lots abutting the water of a lake or river will be 4,000 sq. m. with a minimum lot frontage of 60 metres. Notwithstanding, infilling residential lots will be permitted provided the lots are not less than 3,000 sq. m. in area with a minimum lot frontage of 30 m”.

The proposed severed lots abut water and meet the minimum lot area of 4,000 square metres, but do not meet the minimum lot frontage of 60 metres. However, they would meet the minimum lot frontage of 30 metres for infilling residential lots.

As per the Official Plan, the definition of infilling “means the development along the frontage upon one side of a public highway or existing right of way for a distance of not greater than 100 metres. This distance is measured between two buildings used for commercial, industrial and/or non-farm related residential uses but does not include farm related buildings or structures”.

While this definition refers to a public highway or existing right-of-way, it is understood that this definition would include waterfront lots, as there are infilling policies within the Waterfront designation section of the Official Plan. Nevertheless, the applicant has noted that the distance between the existing structures north and south of the proposed severances exceeds 100 metres (approximately 160 metres). While the size and scale of the proposed waterfront lots generally fit within the existing area and are large enough to be serviced by private septic, the proposed severed lots would not qualify under the definition of infilling. Accordingly, an Official Plan Amendment is required to recognize the deficient lot frontages. Planning staff can support the consents for lot creation if an Official Plan Amendment to recognize the proposed waterfront lots as infilling lots is a condition

of consent approval. Accordingly, this has been included as a condition of approval in Appendix E.

Consent for Private Right-of-Way:

As per Policy 33.3.3 of the Official Plan, “Consents may be considered only when the land fronts on an assumed public road that reflects a reasonable standard of pavement or gravel construction and is maintained year-round by the City or Province. Notwithstanding, a Consent may be considered in the Waterfront Designation where the parcel abuts an unassumed municipal road or private road if it qualifies under the definition of infilling”.

Should Council approve the companion Official Plan Amendment application to address the definition of ‘infilling’ based on the site-specific circumstances exceeding the maximum separation distance of 100 metres, the proposed consents for new lot creation would still need to satisfy the policy requiring that they abut an existing private road. Creating a new private road is not in keeping with the intent of the Official Plan, as per Policy 33.3.3. The Official Plan does not contain policy to support the creation of new private roads and private roads would only typically meet the City’s standard operating practice through a condominium. This provides the City with a level of security in perpetuity with a condominium corporation and is authorized under the Planning Act.

Accordingly, Planning Staff can only support the consent application for the proposed right-of-way with the condition of approval that the private right-of-way be created through a Common Element Condominium. This was further noted in the Pre-consultation Report (circulation date October 28, 2022) that was provided to the applicant prior to the consent applications submission. This has been included as a condition of consent approval in Appendix E.

Rural designation:

The retained lot is within the Rural designation in the Official Plan and would continue to front Baseline Road. As per policy 16.3 of the Official Plan, the primary use of Rural designated lands would be agriculture in the form of ranching and forestry, however, limited, low density single detached dwellings are permitted.

As per policy 16.3.8, “New agricultural lots may be permitted only where the severed and retained lots are intended for agricultural use. The lots shall: a) have a minimum lot size of 40 hectares”.

The whole of the Subject Land is approx. 10.74 ha and the proposed retained portion that would remain Rural designated land would be approx. 8.88 ha. This is below the minimum lot size of 40 hectares. However, the Subject Land contains Waterfront designated land as well, so the policy intention for the lands is not agricultural in nature as the Subject Land is not wholly within the Rural designation. Furthermore, the lands are not currently used for farming operations and, like the

adjacent properties between Baseline Road and Silver Lake, would be considered undersized for agricultural operations. The retained lands currently contain an abandoned residential structure and are otherwise vacant. No development is proposed on the retained lands.

Environmental Protection:

The Environmental Protection designation follows the watercourse that transverses the site north/south, approximately 15 metres from either side of the watercourse, over the retained lot.

As per policy 17.3.2, “The creation of lots within the Environmental Protection designation will not be permitted for the purpose of development”.

Policy 17.3.3 states, “If a lot is to be created that is partially designated as Environmental Protection, sufficient lot area based on the abutting land use designation outside of the Environmental Protection designation must be maintained for the proposed use”.

The proposed development recognizes the approximately 15 metres from either side of the watercourse on the retained lot and no development is proposed in the vicinity of the EP designation.

Zoning By-law Conformity

The Subject Land is zoned Rural General (RG) Zone in the Somerville Zoning By-law 78-45. As per Section 9.1 of the Zoning By-law, a single detached dwelling is permitted within this zone. The proposed consents would create three severed lots that do not comply with the lot area and lot frontage requirements in the RG zone. Accordingly, a Zoning By-law Amendment to rezone the proposed new severed lots would need to be included as a condition of consent approval.

The applicant has proposed to rezone the proposed severed lots to the Limited Service Residential (LSR) zone to create the three residential waterfront lots. The LSR zone is in keeping with the character of adjacent waterfront properties abutting existing private roads. Within the LSR zone, both vacation dwellings and single detached dwellings are permitted uses, with specific provisions related to individual water supply and sewage disposal. The LSR zone would require a minimum lot area of 2,000 square metres and a minimum lot frontage of 30 metres (with shore lot line) for the lots. The three severed lots would meet these provisions. Planning staff can support the consent applications subject a rezoning of the proposed severed lot to LSR. This is included in Appendix E.

Furthermore, a 30-metre buffer around the existing wetlands on the proposed severed lots near the shoreline was identified in the EIS as a mitigation measure. As a condition of consent approval, the applicant will also rezone the 30-metre buffer around the existing wetlands on the Subject Land to the Environmental Protection (EP) Zone to provide protection for the function and form of the wetlands.

The retained lot would remain zoned as Rural General but would be deficient in lot area and lot frontage. The lot frontage requirement is a minimum of 230 metres, whereas the proposed retained lot would be 215 metres. However, this is the existing frontage of the property on Baseline Road, which was deficient prior to the consent applications. The consent applications would create a lot area of approximately 8.88 hectares for the retained lot, which is also deficient from the minimum lot area requirement of 10 hectares. Accordingly, the retained lot would also need to be rezoned to a Rural General Special Exception (RG-X) Zone to recognize the deficiencies as a condition of consent approval.

Overall, as noted, the proposed consent applications do not comply with the current zoning on the Subject Land and therefore, as a condition of consent approval, Zoning By-law Amendments for the proposed severed lots and the retained lot would be required to facilitate the proposed development. Accordingly, Planning Staff can support the proposed consent applications from a zoning perspective subject to the applicant securing the Zoning By-law Amendments noted in Appendix E as conditions of consent approval.

Other Alternatives Considered:

In the applicant's Pre-consultation Report from the City (circulation date October 28, 2022), the City advised the applicant of the need for a Common Element Condominium application for the creation of a private right-of-way to access the proposed waterfront lots. The applicant noted in correspondence with City staff that this is not something that they wish to pursue due to the potential costs incurred (citing \$50,000 to \$70,000 plus annual accountant costs for CRA reporting) and proposed a private road with a Mutual Easement and Cost Sharing Agreement between owners. However, as discussed in the Official Plan Conformity section of this report, this is not in keeping with the policies for lot creation and staff cannot support the creation of the private road without the Common Element Condominium.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Building and Septic Division (Building): No comments or objections.

Part 8 Septic and Sewage Systems: The proposed lots to be severed were evaluated for servicing through private on-site sewage disposal. The property to be severed is gradually sloping, with some rock outcroppings and treed. There are some low lying, wet deposit areas within the property boundaries of the new lots. However, this area is generally located along the waterfront. The proposed lots to be severed will be serviced by lake water supply. Servicing through a lake water draw provides less restrictions for lot development with a private on-site sewage

system. Based on the proposed lot sizes, and the existing natural land features, the properties can support development through private on-site sewage disposal. The sewage systems will be required to be constructed as partially to fully raised systems to accommodate water table and rock.

The retained lot was evaluated for private on-site sewage disposal for redevelopment purposes. The property has some limitations for development in areas where there is natural water drainage/flow and low-lying wet deposits. However, there is adequate space outside these areas, particularly adjacent to Baseline Road, to construct a sewage system to service a single detached dwelling.

As such, the Building and Septic Division has no issue with the proposed consent applications as they relate to private on-site sewage disposal.

Kawartha Conservation: Kawartha Conservation has no concerns with the approval of Consent Applications - D03-2024-055 to D03-2024-058 to create three (3) new severed waterfront lots and a proposed right-of-way from Shadow Lake Road 20 over the retained lot to access the three new lots.

We recommend that the applicant adhere to all recommendations outlined in Section 7 of the Environmental Impact Study (EIS) prepared by GHD, dated December 21, 2023, including maintaining a 30m no-development buffer around the wetland, as identified in the EIS.

A permit pursuant to Ontario Regulation 41/24 will not be required prior to any future development on the severed parcel of the property.

Engineering and Corporate Assets Division: Development Engineering Division staff provided that from an engineering perspective, we have no comments for this consent application.

Public Works (Roads Division): From a Roads Operations perspective no real concern, the lot that would be retained on Baseline Road is able to obtain an entrance via the entrance permit process. The lots off of Shadow Lake Road 20 (access via ROW) would be exempt from the entrance bylaw as the entrances will be located on private property. This application, if approved, will create parcels that have no frontage on an assumed and maintained public road which could complicate other applications associated with lot development.

Realty Services: No comments to add.

Enbridge: Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development. Please always call before you dig. It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an

existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner.

Hydro One: We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.

Ecology (Dillon Consulting): The scope of work completed is typical for a proposal like this one, albeit usually it's for one severance/house, not three. They are buffering the most sensitive features and there is potential for selective tree clearing within the woodland since they are only single dwellings and driveways that would be proposed. I would have some specific comments on this related to bat habitat, etc. but overall, no big showstoppers from an environmental standpoint. Yes, there are sensitive features, but the impacts can be mitigated.

Public Comments:

The Consent was originally circulated in October 2024. Comments were received from several residents in the area. The comments received at the time of the preparation of the staff report have been summarized below and have been included in the Appendix.

Members of the public have expressed opposition to the proposed severances (D03-2024-055, D03-2024-056, and D03-2024-057) along Silver Lake, citing concerns about preserving wildlife habitats in the bay and adjacent wetlands. These comments emphasize that the area supports diverse species, including loons, turtles, herons, frogs, ducks, and geese. Observations include loons nesting on Mud Turtle Island, turtles frequently seen on logs in the bay, and herons and frogs inhabiting the shoreline.

Commenters are worried that waterfront development could disturb this habitat, one of the last wildlife refuges on Silver Lake. They question if enforceable protections are in place to prevent habitat disruption. Further, they highlight potential impacts from increased human presence, including noise, vegetation clearing, and shoreline modifications, which could lead to wildlife displacement. They raised the question if studies or assessments have been conducted on the impact of this development on local wildlife and inquire about the planned proximity of new homes to existing cottages.

Concerns were also noted regarding the proposed right-of-way to the three new lots and how it has already been completed. Confirmation has been requested that the construction of the right-of-way was executed in accordance/in consultation with the Ministry of Natural Resources and the City.

Lastly, concerns included increased traffic off of Shadow Lake Road 20, as well as the type and tenure of the homes that would be developed if approved.

Comments have been responded to by Planning Staff.

Attachments

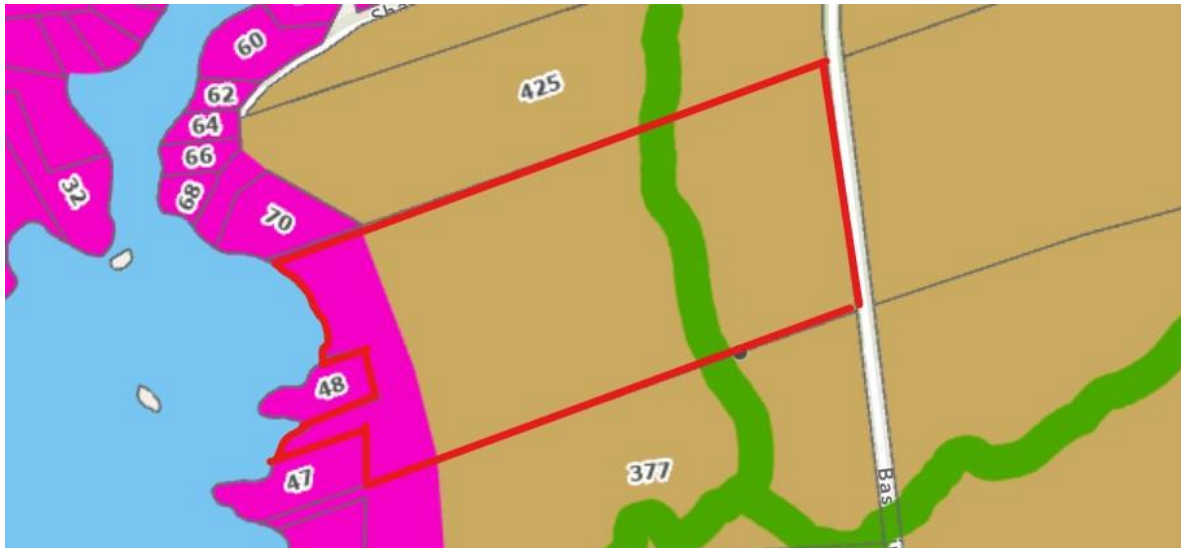
Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Proposed Conditions of Provisional Consent
Appendix E – Public Comments

E-Mail:	dillonplanning@kawarthalakes.ca
Department Head:	Leah Barrie, Director of Development Services
Division File:	D03-2024-055 to D03-2024-058

Schedule 1

Relevant Planning Policies and Provisions

City of Kawartha Lakes Official Plan



Township of Somerville Zoning By-law 78-45



LOCATION MAP

APPENDIX " A "

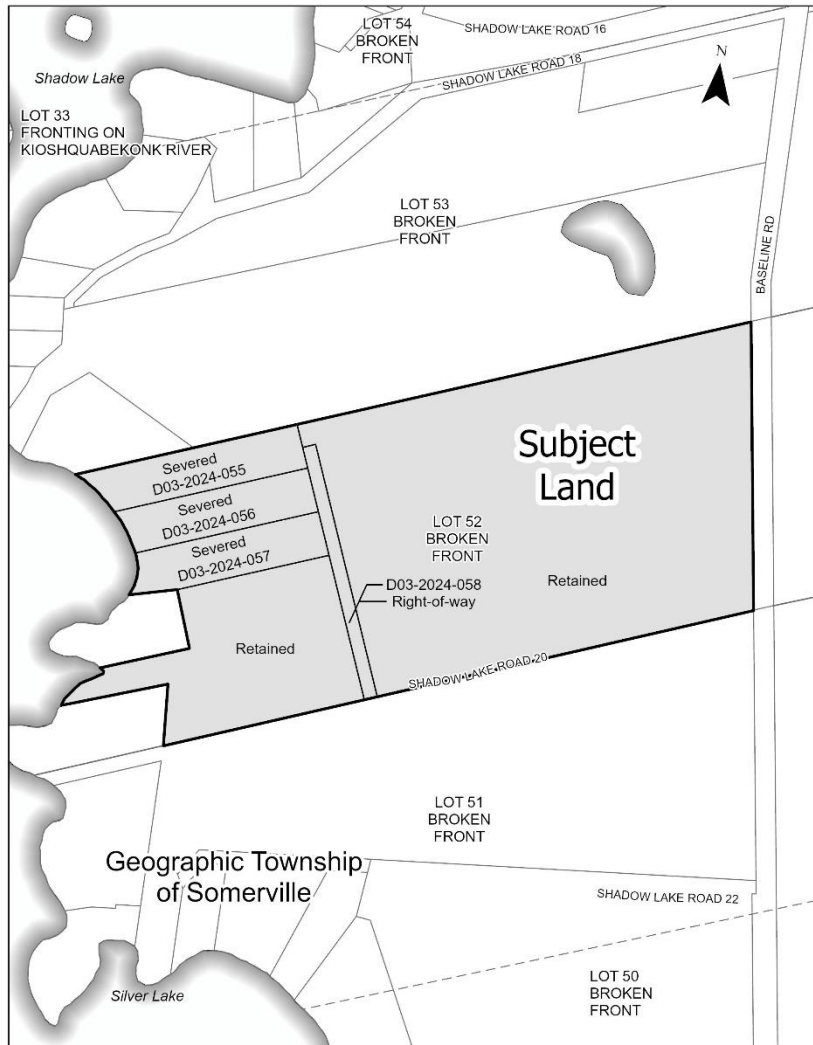
to

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to D03-2024-058

D03-2024-055-058



TSK-20739

AERIAL PHOTO

APPENDIX " B "

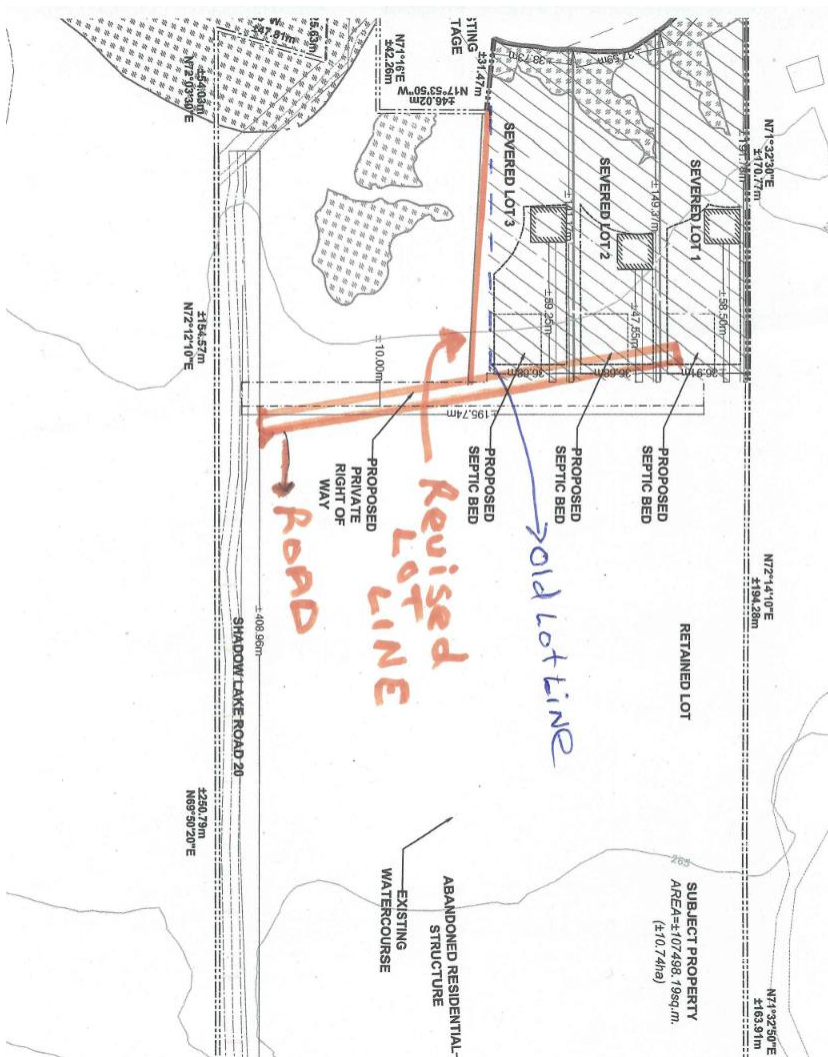
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REPORT COA2024-114

FILE NO: D03-2024-055

to D03-2024-058





Public Comment No.1

APPENDIX " D "

Our family is opposed to the severances D03-2024-055, D03-2024-056, and D03-2024-057 primarily because we are concerned with the preservation of the wildlife habitat in the wetlands and the bay surrounding the island we know as Mud Turtle Island. We have been spending spring, summer and autumn at our cottage property since 1959. We have mostly stayed away from the bay and the shallow water between Mud Turtle Island and the wetlands on the shore of the property in the severance application. A quiet paddle with the kayak or canoe once or twice late in the season when nests have emptied are the only times we go into the bay. Are there enforceable constraints on developing the waterfront in the wetlands that we know hosts turtles, frogs, ducks, geese, herons and loons?

to
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to D03-2024-058

Loons have nested for a few years on the NE shore of Mud Turtle Island. Turtles have often been seen on the end of semi-submerged logs in the bay. Great Blue Herons occasionally stand on the shoreline among the reeds of the property. Bullfrogs have been heard from this bay on most spring and summer nights. It is one of the last wildlife refuges on Silver Lake. Even if residents of the proposed homes do not develop the shoreline, is there a concern of the proximity of humans to the wildlife habitat on a fairly permanent basis causing the wildlife to leave in search of a new habitat? If future residents' clear trees, bushes and bulrushes attempting to get a better view of Silver Lake, will that compromise the wildlife habitat? What is the distance separating our existing cottage and the planned home on Severed Lot 1? We are wondering if noise could become an issue if the proximity is close.

Public Comment No.2

As there are very few natural swampy areas remaining on the water system between Norland and Coboconk, I feel we should be preserving as many of these areas as possible. I do believe there are a few areas on the system where future development could take place, without a major disruption to the local wildlife, but this area currently supports a significant amount of wildlife. As such I am against any changes to the shoreline, and/or swamp in this area. I understand the desire for people to own lakefront properties. If they want to build 3 homes in this area, the construction alone may have an impact on the wildlife. However, after the construction, the property owners would probably want access to the lake and this would result in damage to the shore, and the natural swamp that is supporting a very wide variety of wildlife. I am concerned that the development of this parcel of land will have negative impacts on the wildlife that utilizes this area. Have there been any studies done, or consideration given, to the effects this development could have on the wildlife in this area?

**PROPOSED CONDITIONS OF PROVISIONAL
CONSENT FOR EACH CONSENT APPLICATION TO
SEVER A NEW LOT**

APPENDIX “ E ”

to

REPORT COA2024-114

FILE NO: D03-2024-055

to D03-2024-058

1. Approval of consent application D03-2024-055 is contingent on approval of companion applications -056 and -057.
2. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer one (1) copy of the preliminary reference plan of survey of the parcel to be severed, for review and endorsement, and the subsequent registered reference plan of survey; or, alternatively, the applicant's solicitor or an Ontario Land Surveyor shall provide a legal description that can be tendered for registration and meets the intent of the consent as applied for.
3. The owner shall apply for, pay the prescribed fee and obtain a Draft Plan of Condominium approval for a Common Element Condominium for the proposed private road.
4. The owner shall apply for, pay the prescribed fee and obtain an amendment to the City of Kawartha Lakes Official Plan respecting a special waterfront policy area to recognize the proposed waterfront lots as infilling lots, and that the Official Plan Amendment and subsequent By-law be in effect.
5. The owner shall apply for, pay the prescribed fee and obtain an amendment Zoning By-law respecting the lot to be retained, such that it be rezoned from RG to RG-X to recognize any zoning deficiencies, such as lot area and frontage, and the lots to be severed for the three waterfront lots, such that it be rezoned from RG to LSR, and RG to EP for the 30 metre buffer identified around the existing wetlands.
6. The owner shall apply for and pay the prescribed fee to obtain an Entrance Review Approval Letter for all existing and proposed entrances and submit it to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as written confirmation from the City's Manager of Roads Operations (or his/her designate) to confirm that the existing entrance complies with By-Law 2017-151.
7. Payment of cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.
8. The owner shall submit to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer written

confirmation of payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.

9. The owner shall submit payment to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer the stamping fees prevailing at the time the Transfer/deed is stamped for the review and clearance of these conditions. The current fee is \$500.00 per lot or parcel. Payment shall be by certified cheque, money order, or from a lawyer's trust account.
10. The owner's solicitor shall provide to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer a transfer/deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel(s) of land described in the decision.
11. The owner's solicitor shall provide a written undertaking to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
12. The owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Planning Administration (cofa@kawarthalakes.ca) and including the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
13. All of these conditions shall be fulfilled within a period of two (2) years after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.