



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2025-014</b>
<b>Meeting Date:</b>	February 5, 2025
<b>Title:</b>	<b>4544 Highway 35, 57R-6073 Part 1; 57R-7996 Part 1; Part of Lot 14 Concession 7, Geographic Township of Fenelon, Official Plan Amendment &amp; Zoning By-law Amendment</b>
<b>Description:</b>	Amend the 'Highway Commercial' designation to permit a self-service storage use and redesignate a portion of the Subject Land to 'Environmental Protection' to protect wetlands; and, Rezone to 'EP-9' for an existing well and amend 'C2-2' Zone for self-service storage use and lot deficiencies
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Raphael Romeral, Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

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### Recommendation(s):

**That** Report PLAN2025-014, **Applications to Amend the Kawartha Lakes Official Plan and the Township of Fenelon Zoning By-law 12-95 at 4544 Highway 35, Cameron - Thibert** be received;

**That** a Zoning By-law Amendment respecting application D06-2024-018, substantially in the form attached as Appendix D to Report PLAN2025-014, be approved and adopted by Council;

**That** an Official Plan Amendment respecting application D01-2024-006, substantially in the form attached as Appendix E to Report PLAN2025-014, be approved and adopted by Council; and

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

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

**Background:**

Owner:	Michael Thibert
Applicant:	EcoVue Consulting Services Inc.
Property Description:	Legal Description: 57R-6073 Part 1; 57R-7996 Part 1; Part of Lot 14 Concession 7, Geographic Township of Fenelon
	Municipal Address: 4544 Highway 35
Official Plan:	'Highway Commercial' (Schedule A-5) of the City of Kawartha Lakes Official Plan
Zoning By-law:	'Highway Commercial Exception Two (C2-2) Zone' (Schedule 'A') in the Township of Fenelon Zoning By-Law 12-95
Lot Area:	2.17 ha. (5.37 ac.)
Servicing:	Water and Sewage: Individual private well, septic system
	Stormwater: Ditches/Swales
Access:	Provincial – Highway (35)
	Municipal – Local (Ranchers Road)
Existing Uses:	Commercial (Retail – Hot Tub Sales)
Adjacent Uses:	North: Commercial (Retail sales and service establishment with outside display or storage)
	East: Commercial (Vacant)
	South: Commercial (Vacant)
	West: Agricultural (Vacant)

The applicant is proposing to rezone and redesignate the property at 4544 Highway 35 (Subject Land) to permit the addition of a self-service storage facility. The proposed development will retain the existing commercial building as a retail showroom for hot tubs and the addition of a self-service storage facility, separated by fencing with a gate for vehicular access, and an additional entrance/exit point is proposed along Ranchers Road. The concept includes 24 parking spaces, including two accessible spaces.

An amendment to the City of Kawartha Lakes Official Plan is required to permit the proposed self-service storage use within the 'Highway Commercial' designation. An amendment to the Township of Fenelon Zoning By-law 12-95 is required to change the 'Highway Commercial Exception Two (C2-2) Zone' regarding the minimum front yard setback, minimum interior yard setback, minimum exterior yard setback, rear yard setback and maximum lot coverage, and parking provisions.

Additionally, the applicant is also proposing to rezone and redesignate a portion of the Subject Land to an 'Environmental Protection Nine (EP-9)' Zone and an Environmental Protection designation respectively, to protect the identified wetlands on the property.

### **Rationale:**

The applicant has submitted the following reports and plans in support of the applications, which have been circulated to various City departments and commenting agencies for review:

- Planning Justification Report, prepared by EcoVue Consulting Services Inc., dated July 12, 2024;
- Concept Sketch, prepared by EcoVue Consulting Services Inc., dated May 01, 2024;
- Plan of Survey of Part Lot 14, Concession 7, Township of Fenelon, prepared by E. G. Gurnett Limited, dated August 21, 1998;
- Stormwater Management Report, prepared by Tatham Engineering, dated June 25, 2024;
- Natural Heritage Technical Brief, prepared by Cambium Inc., dated November 10, 2023;
- Plan of Survey of Part Lot 14, Concession 7, Township of Fenelon, prepared by E. G. Gurnett Limited, dated July 25, 1990; and
- Planning Application, prepared by Michael Thibert, dated July 23, 2024
- Environmental Impact Study, prepared by Cambium Inc., dated December 4, 2024

### **Policy Conformity**

### **Provincial Planning Statement 2024 (PPS 2024)**

The PPS 2024 provides a policy framework for land use planning within the Province of Ontario. The 'Subject Land' is located outside of settlement areas, and are subject to Section 2.5.1 of the PPS, which emphasizes the importance of rural areas to the economic success of the province. The proposed self-service storage facility seeks to revitalize an underutilized site along Highway 35 for commercial purposes, ultimately promoting economic diversification in the area.

Section 2.6.1, permits rural land uses and the proposed self-service storage facility qualifies as such. Designed to serve the public and seasonal residents, the facility is land-intensive, appropriate for a rural area, and will not require new infrastructure, as Seacans will be used for all storage units. The Official Plan Amendment and Zoning By-law Amendment proposes to permit the self-service storage use while protecting rural uses on the Subject Land. These amendments support a diversified rural economy while protecting agricultural uses, making it consistent with the Rural policies of the PPS.

Section 4.1 of the PPS emphasizes the protection of natural features and areas. A Natural Heritage Technical Brief identified non-significant wetlands, surface water features, and potential habitat for Species at Risk on the Subject Land. The site plan has been revised to ensure development is outside the 30-metre Vegetation Protection Zone (VPZ). This portion of the Subject Lands will be a redesignated to an Environmental Protection designation and be rezoned to a site-specific 'Environmental Protection Nine (EP-9) Zone' to protect the identified wetlands.

Further, site plan control is required for the proposed development to ensure compliance with the approved site layout, mitigation measures for natural heritage features, and compatibility with surrounding uses.

### **City of Kawartha Lakes Official Plan (2012)**

The Subject Land are designated Highway Commercial according to Schedule A-5 of the City of Kawartha Lakes Official Plan (CKLOP). A site-specific Official Plan Amendment is required to permit the additional use of a self-service storage facility within this designation & redesignate part of these lands as Environmental Protection.

The Highway Commercial designation permits uses that require large areas for outdoor storage or display of goods. The proposed self-service storage facility is similar in nature and scale to these uses. Although an Official Plan Amendment is required, the proposed development meets the intent and purpose of the Highway Commercial policies.

The CKLOP aims to promote and enhance commercial activities to serve residents and the vacationing public. The proposed self-service storage facility supports this goal by providing a commercial use that caters to local and seasonal residents, and is located along a major roadway being Ontario Highway 35. The development aligns with several economic development objectives outlined for commercial uses in Section 6.2 of the CKLOP:

- **Objective a:** The Subject Land offers an opportunity for commercial growth and supports tourism-related industry, requiring a proactive and flexible approach to land use.
- **Objective b:** The development contributes to the adequate supply of land for commercial activities in the City.
- **Objective c:** The facility provides a new commercial service, diversifying regional commercial opportunities.
- **Objective d:** The facility creates employment opportunities and supports local businesses.
- **Objective e:** Located on Ontario Highway 35, the facility serves the travelling public and supports tourism-related industry. The Ministry of Transportation supports relocating the main access to Ranchers Road to minimize traffic conflicts.

Policy 21.2.3 of the CKLOP requires a hydrogeological report to identify the method of servicing if communal services are not practical. The hydrogeological assessment confirms that the existing water supply well has sufficient capacity, and the On-site Sewage System Review demonstrates that the existing sewage system meets Ontario Building Code requirements. The proposed self-service storage facility is a dry use, and the existing private servicing is adequate, satisfying Policy 21.2.3.

Sections 3.5.28 and 3.5.29 of the CKLOP state that new development or site alteration is not permitted within significant habitat of threatened and endangered species but may be permitted in adjacent areas if an Environmental Impact Study (EIS) demonstrates no negative impact. The Environmental Impact Study (EIS) identified the presence of Bobolink and Eastern Meadowlark, but the habitat on the Subject Land is too small to support nesting. Provided that vegetation removals occur outside the

breeding season (April 1 to August 31), no negative impacts are anticipated. Therefore, the proposal complies with the CKLOP policies on threatened and endangered species.

Additionally, a portion of the 'Subject Land' is to be redesignated 'Environmental Protection.' Section 17.2 of the CKLOP prevents development or site alteration on hazardous lands. The applicant has committed to protecting the identified wetlands with no works proposed on the lands to be redesignated as 'Environmental Protection.'

The proposed Official Plan Amendment meets the intent, goals, and objectives of the City of Kawartha Lakes Official Plan (2012). It supports economic development, protects natural heritage, and ensures adequate servicing for the proposed self-service storage facility, while safeguarding environmentally sensitive lands. The site plan control process will ensure that the natural heritage features and any additional mitigation measures identified are implemented as conditions of approval.

### **Township of Fenelon Zoning By-law 12-95**

The Subject Land is currently zoned 'Highway Commercial Exception Two (C2-2)' Zone in the Township of Fenelon Zoning By-law 12-95. The proposed development requires an amendment to the existing C2-2 Zone to permit a self-service storage facility and requests to rezone the natural features to the 'Environmental Protection Nine (EP-9) Zone to protect the existing wetlands.

The C2-2 Zone permits a maximum of two uses within Section 17.1, excluding hotels, motels, or motor hotels. The proposed development requires relief from the minimum front yard setback, minimum interior yard setback, and maximum lot coverage provisions. The proposed self-service storage containers are located outside the 14-metre MTO setback, and the existing hedgerow and trees provides a visual barrier to adjacent lands. The storage containers are temporary, dry structures that can be moved if required. Therefore, the Subject Land will be rezoned to include a self-service storage facility as a permitted use and address zoning deficiencies.

As it relates to parking Section 3.14.1 of the Zoning By-law requires parking spaces for every building and structure. For the existing retail commercial space, 10 parking spaces are required. The proposed development includes 24 parking spaces, with two accessible spaces. However, the public storage use requires 80 parking spaces. The owner seeks a reduction in parking requirements due to the following reasons:

1. The wetland feature and 30-metre VPZ reduce developable land.

2. The arrangement of storage containers provides ample space for loading and unloading.
3. Parking for public storage is not for extended periods.
4. Loading and unloading require vehicles to station next to storage units.

Planning staff support the proposed parking reduction, as the additional 14 parking spaces allocated to the retail commercial use can effectively accommodate overflow parking if necessary.

Within the EP-9 Zone, no building, structure, or land alteration is permitted except for conservation and forestry uses, bird or wildlife sanctuaries, and flood and erosion control works. The EP-9 Zone protects the existing wetlands, and no additional zoning provisions are required.

Section 3.13 of the Zoning By-law states that if a lot is located within two or more zones, the provisions of the applicable zone apply to each portion of the lot, provided the lot has a minimum frontage of 15 metres. The zone boundary is considered a lot line for interpreting and applying the provisions of the By-law.

Planning staff are of the opinion that the Zoning By-law Amendment is appropriate as it permits uses that are compatible with the C2-2 zone while safeguarding the environmental integrity of the lands. The site plan control requirement will ensure compliance with zoning provisions and that mitigation measures are implemented effectively. The amendments will permit the proposed self-service storage facility and protect the existing wetlands on the property.

### **Other Alternatives Considered:**

The Pre-Consultation Report dated July 22, 2022, proposed the same self-service storage use while retaining the existing commercial use on the site, but altered the configuration of the proposed self-service storage use.

### **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment



2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

In alignment with these strategic priorities, the proposed Official Plan Amendment and Zoning By-law Amendment would not only promote and preserve existing natural heritage wetlands—thereby supporting a healthy environment—but also contribute to a vibrant and growing economy through the proposed commercial use.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Consultations:**

**Development Services – Planning Division** reviewed the proposal and have no further comments. The requirement for site plan control will ensure that natural heritage features, zoning compliance and other mitigation measures are addressed appropriately during the detailed design phase.

**Natural Heritage** – Staff have reviewed the Natural Heritage Technical Brief and Environmental Impact Study and have no objections with the proposed amendment to the Official Plan or the Zoning By-law.

**Engineering and Corporate Assets Department – Development Engineering** reviewed the proposal and have no further comments.

**Development Services - Building and Septic Division** reviewed the proposal and have no further comments.

**Kawartha Lakes Conservation Authority** reviewed the proposal and have no further comments.

**Ministry of Transportation** reviewed the proposal and has no concerns with the proposed amendment to the Official Plan or the Zoning By-law. The Ministry provides the following comments:

- The Ministry looks forward to being circulated on the Site Plan Application. The Ministry will offer comments on the Technical Reports once the Site Plan application is received.
- The Ministry advises that once the review of the technical reports commences this review can take up to 4 – 6 weeks to complete.
- The Ministry requests that once the municipality makes a final decision on the Official Plan Amendment and Zoning By-law Amendment applications, that the City of Kawartha Lakes provide a copy of the decision to the Ministry for its records.
- Once the Site Plan Application has been completed and Ministry approvals have been secured, the Ministry will then instruct the property owner or their designate to apply for a Ministry Building and Land Use and Signage permits. Please advise the property owner to not apply for any Ministry permits until directed to do so.
- The Ministry stands by its previous preconsultation comments, that a Traffic Impact Study is not warranted. However, it is the Ministry's position regarding access to the subject land from Hwy 35 that this access will be closed in the future and access must be gained via the municipal roadway. All costs associated with the cost of the access from the municipal road will fall to the proponent. The Ministry has stated: The property owner is required to enter into a separate agreement with MTO for removal of the entrance. Through that agreement the owner understands and agrees that when MTO is undertaking highway improvement work at this location, this agreement will allow MTO permission to enter onto the property, if required, to conduct the entrance removal. In addition, if the property is sold prior to MTO removing the entrance, the owners are responsible for disclosing this agreement and subsequent entrance removal to the new owners, including any potential new owners looking to purchase the property. We will provide you the agreement to sign during the site plan approval by MTO.
- Please note that the Ministry reserves the right to modify and expand on these preliminary comments as further information is submitted to MTO for review.

## **Conclusion and Recommendation:**

The proposal represents good land use planning by promoting the development of underutilized land, fostering economic growth within the rural economy, and safeguarding environmentally sensitive areas in accordance with policies of the PPS 2024, City of Kawartha Lakes Official Plan, and Township Fenelon Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment and Official Plan Amendment respecting application D01-2024-006 & D06-2024-018, substantially in the

form attached as Appendix 'D' and Appendix 'E' to Report **PLAN2025-014**, 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 Dillon Planning at [dillonplanning@kawarthalakes.ca](mailto:dillonplanning@kawarthalakes.ca).

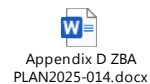
### **Attachments:**

Appendix A – Location Map (see below)

Appendix B – Aerial Map (see below)

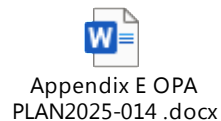
Appendix C – Site Plan (see below)

Appendix D – Draft Zoning By-law Amendment & Schedule



Appendix D ZBA  
PLAN2025-014.docx

Appendix E – Draft Official Plan Amendment & Schedule



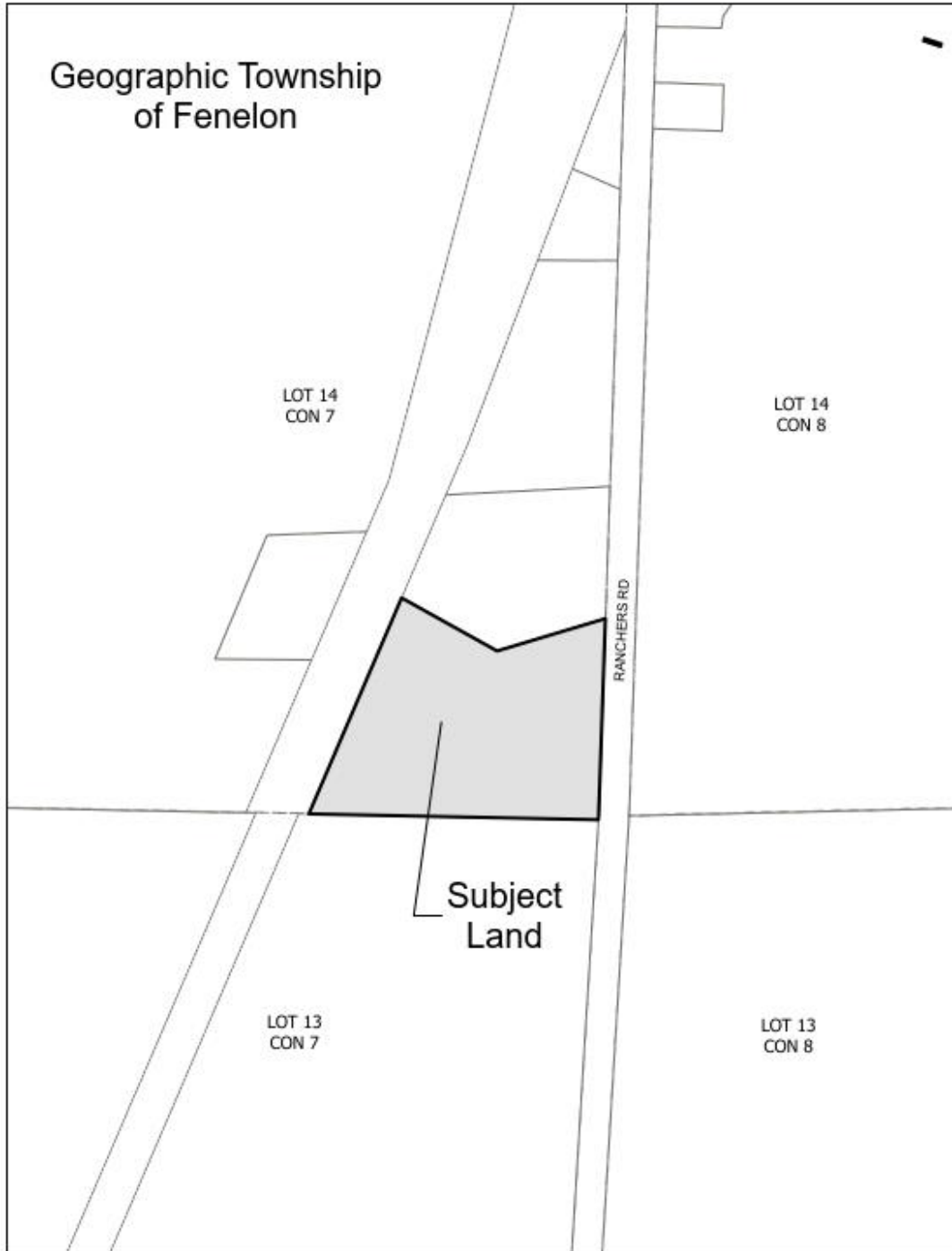
Appendix E OPA  
PLAN2025-014 .docx

**Department Head email:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)

**Department Head:** Leah Barrie, Director

**Department File:** D01-2024-006 & D06-2024-018

Appendix A – Location Map



Appendix B – Aerial Map





