
Zoning By-law Amendment Application

Planning Opinion Report

**Kawartha Bay Resort
Long Beach Road and Ranchers Road, Cameron
Kawartha Lakes, ON**

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Executive Summary

Malone Given Parsons Ltd. (“MGP”) represents Golf Course Community One Inc., Golf Course Community Two Inc., Golf Course Community Three Inc., and Kawartha Lakes Marina Community Inc., (subsidiaries of Flato Developments Inc. and collectively referred to herein as “Flato”) with respect to the proposed development of a resource-based recreational facility based on a new golf course along with a marina located near Long Beach Road by the Sturgeon Lake waterfront in the City of Kawartha Lakes (the “Subject Lands”). The Subject Lands are approximately 156 hectares (387 acres) in size and have frontage along Long Beach Road and Ranchers Road, with the existing marina on the Subject Lands having direct water access to Sturgeon Lake. The immediate surrounding area is comprised of agricultural lands to the west and low-density rural residential/cottage uses to the south and east.

The purpose of this report is to provide a planning opinion with respect to the proposed development that includes lake access through a marina, a golf course, club house, and 423 recreational dwelling units in both ownership and rental tenures, all serviced by a network of proposed private local roads on the Subject Lands (the “Proposed Development”). A Zoning By-law Amendment (“ZBA”) application is required to facilitate the Proposed Development and rezone the Subject Lands to site-specific Tourist Commercial and site-specific Environmental Protection zones.

The location of the Subject Lands presents a unique opportunity to capitalize on the proximity to natural resources and establish a resource-based recreational use that diversifies the economic base and provides additional employment opportunities through resource- and recreation-based tourism, supporting the sustainable management and use of resources. The Proposed Development contemplates a private communal water and wastewater servicing solution which aligns with the preferred form of servicing for multi-unit/lot development within rural areas as per the City’s Official Plan. The Proposed Development will be serviced through a communal lake water intake and private water treatment and pumping system, while sanitary servicing will involve gravity sewers that drain to three separate private pumping stations to a private communal treatment plant.

The Proposed Development has been reviewed against the Provincial Policy Statement 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, and the City of Kawartha Lakes Official Plan 2012 policies on matters related to the development of resource-based recreational uses in rural areas. The technical studies completed to date, and submitted as part of the initial submission, support the Proposed Development and demonstrate that any proposed site alteration will not have adverse impacts on the surrounding environmental and hydrologic features. A future submission that includes a Cultural Heritage Evaluation Report, Archaeological Assessment Report, and Landscape



Plan will address the Subject Lands' cultural heritage and archaeological context as required by the City.

It is our opinion that the Proposed Development and the ZBA are consistent with or conform to the policies of the above noted planning policy documents and implements good planning in the public interest.

1.0

Site Context

This application is for a Zoning By-law Amendment to rezone 156 hectares (386 acres) of land located on the west side of Sturgeon Lake in Cameron, within the City of Kawartha Lakes to permit the development of a resource-based recreational development including a marina, cottages, recreational dwelling units, and a golf course. This section describes the Subject Lands, the surrounding land uses, and the development context.

1.1 Introduction

Malone Given Parsons Ltd. (“MGP”) is the planning consultant for Golf Course Community One Inc., Golf Course Community Two Inc., Golf Course Community Three Inc., and Kawartha Lakes Marina Community Inc., (subsidiaries of Flato Developments Inc. and collectively referred to herein as “Flato”) who own the lands east of Ranchers Road, north of Long Beach Road, and west of Sturgeon Lake in the City of Kawartha Lakes (herein referred to as the “Subject Lands”).

Flato is proposing a resource-based recreational development based on a new golf course along with a marina located near Long Beach Road and the Sturgeon Lake waterfront. The proposed development will offer both active and passive recreational amenities, including lake access through a marina, a golf course, club house, and 423 recreational dwelling units in the form of 84 rental dwelling units and 339 ownership dwelling units (the “Proposed Development”). The Proposed Development will play a key role in promoting recreational tourism in the City of Kawartha Lakes. A Zoning By-law Amendment is required to facilitate the Proposed Development.



The purpose of this report is to provide background information and a planning opinion on the Proposed Development and describe how the proposed Zoning By-law amendment application is appropriate and represents good planning for the public interest. This includes consideration of the applicable Provincial and municipal planning policies. In rendering this opinion, the report relies on and summarizes the supporting studies prepared by expert consultants in accordance with the requirements set out by the City of Kawartha Lakes Official Plan.

1.2 Site Location and Characteristics

The Subject Lands consists of five (5) parcels which totals approximately 156 hectares (387 acres) in size located north of Long Beach Road, east of Ranchers Road in Cameron within the City of Kawartha Lakes (the “City”). Four (4) parcels are contiguous on the north side of Long Beach Road while the existing marina is on a fifth and separate parcel south of Long Beach Road. The Subject Lands have approximately 1,060 m of frontage along Long Beach Road and 1,514 m of frontage along Ranchers Road. The majority of the Subject Lands abut residential/cottage waterfront properties toward the east as shown in Figure 1.1 below.

The Subject Lands are predominately vacant; there is a wooded area in the southwest corner (Parcel 3) with trees sparsely located throughout the remainder of the Subject Lands. A farmhouse and associated farm structures, which are proposed to be demolished to facilitate the Proposed Development, are located in the northwest portion of the Subject Lands fronting onto Ranchers Road. Five (5) cottages are currently under construction on Parcel 4 (previously and recently also occupied by a cottage establishment), which is intended to be incorporated into the remainder of the Proposed Development once fully constructed.

Figure 1.1: Subject Lands Location



Source: Google Earth (2018), MGP (2022)

Table 1: Legal Description of Subject Lands

Parcel #	Registered Owner	Legal Description	Municipal Address	PIN	Area
1	GOLF COURSE COMMUNITY THREE INC	PT W PT LT 11 CON 8 FENELON; PT E PT LT 11 CON 8 FENELON AS IN R324556 LYING E OF R269336; KAWARTHA LAKES	144 RANCHERS ROAD, CAMERON	631610130	68.5 hectares (169.25 acres)
2	GOLF COURSE COMMUNITY ONE INC.	W PT LT 10 CON 8 FENELON CITY OF KAWARTHA LAKES	N/A	631610174	39.34 hectares (97.21 acres)
3	GOLF COURSE COMMUNITY ONE INC.	PT E PT LT 10 CON 8 FENELON; PT LT 9 CON 8 FENELON AS IN R463393 LYING N OF PT 25 & 27, 57R2209 CITY OF KAWARTHA LAKES	N/A	631610173	48.18 hectares (119.06 acres)
4	GOLF COURSE COMMUNITY TWO INC.	PT E PT LT 10 CON 8 FENELON AS IN R353311; T/W R147470; KAWARTHA LAKES	429 LONG BEACH ROAD CAMERON	631610161	0.41 hectares 1 acre
5	KAWARTHA LAKES MARINA COMMUNITY INC.	PT LAKEVIEW PK PL 152 FENELON AS IN R450515 EXCEPT EASEMENT THEREIN CITY OF KAWARTHA LAKES	432 LONG BEACH RD CAMERON	631440096	0.25 hectares 0.6 acres
Total:		156.68 hectares (387.12 acres)			

1.3 Surrounding Land Uses

The following summarizes the surrounding land uses:

To the **North:**

- Agricultural lands
- Victoria Rail Trail – North Corridor

To the **East:**

- Single detached homes/cottages fronting on Long Beach Road
- Sturgeon Lake

To the **South:**

- Single detached homes/cottages fronting on the south side of Long Beach Road
- Agricultural lands
- Bogar Farms

To the **West:**

- Agricultural lands
- A farmhouse with associated farm-related structures (35 Ranchers Road)

2.0

The Proposed Development

This section summarizes the Proposed Development: a resource-based recreational development including a marina, cottages, recreational dwelling units, and a golf course.

2.1 Overview

As described above, the Proposed Development consists of a marina, 18-hole golf course, clubhouse as well as 423 recreational dwelling units in the form of 84 rental recreational dwelling units and 339 ownership recreational dwelling units for seasonal accommodation.










A Conceptual Development Plan (Figure 2.1) has been prepared to illustrate the Proposed Development, which includes the protection and zoning of environmental features on the Subject Lands into an Environmental Protection zone, with the remainder of the non-sensitive and non-significant natural heritage features to be zoned as Tourist Commercial.

The Conceptual Development Plan has been designed as a comprehensive recreational facility, comprised of an 18-hole golf course interwoven with the marina and recreational dwellings serviced by a network of curvilinear private roads in the northern portion of the Subject Lands. The ownership recreational dwelling units are proposed on lots ranging from 18.3 m to 25.1 m. The Subject Lands contain environmental features such as watercourses and wetlands that make up 55.2 ha (approximately 35%) and are proposed to be preserved in the Proposed Development to maintain the natural features and functions, and to contribute to the views and rural character of the community. The southern portion of the Subject Lands is the proposed location of shared recreational facilities and amenities on the Subject Lands including the golf course clubhouse, parking, and the rental recreational dwelling units.

Access to the Subject Lands is proposed along both Ranchers Road and Long Beach Road; there are 4 new proposed access points along Ranchers Road leading to the recreational dwelling units and 3 new access point along Long Beach Road. The proposed roads provide access to the main entrance and clubhouse, cottages, and the golf course. The marina maintains its existing location and access and is currently being renovated/reconstructed as part of a separate building permit application.

Figure 2.1: Conceptual Development Plan



- | | | |
|--|--|--|
|  GOLF COURSE |  OWNERSHIP RECREATION DWELLINGS |  STORMWATER MANAGEMENT PONDS |
|  ENVIRONMENTAL LANDS / WETLANDS |  RENTAL RECREATION DWELLINGS |  MARINA |
|  POTENTIAL ENVIRONMENTAL COMPENSATION LANDS |  CLUBHOUSE |  UTILITY FACILITIES |

Source: MGP (2023)

The Proposed Development is proposed to be primarily serviced by a private communal water and wastewater facility. The marina and the 5 cottages currently under construction at the southeast corner of the Subject Lands, which are serviced by a separate private water and wastewater servicing system.

The Proposed Development is anticipated to be built in phases, with a specific phasing plan to be determined at a later stage. Future planning applications (such as a draft plan of condominium) will be required to establish the relationships and responsibilities between the various uses, roads, and servicing. The Proposed Development is intended to offer residents and visitors a secondary or vacation style accommodation. The inherent seasonal nature of the resources and recreational facilities proposed (being the lake and the golf course) will have limited access, usability, or recreational value during the winter months and it is not expected that visitors will stay on the Subject Lands during those months.



Flato is proposing a Zoning By-Law Amendment (“ZBA”) to the Township of Fenelon Zoning By-law 12-95 (“ZBL 12-95”) to re-zone the Subject Lands from Agricultural (A1), Agricultural (A1-1), Tourist Commercial (C3), and Rural Residential Type Three (RR3) to a site-specific Environmental Protection (EP) zone to protect all significant environmental features on the Subject Lands and site-specific Tourist Commercial (C3) zones for the remainder of the lands in order to permit the Proposed Development. A summary of the proposed ZBA is provided in Section 5.0 of this report and a copy of the Draft ZBA is provided as part of this submission.

3.0

Development Considerations

This section provides a brief overview of the accompanying technical studies for the proposed development.

A pre-consultation application was submitted to the City of Kawartha Lakes on April 30, 2021. City Staff provided a comment report and application submission checklist on August 6, 2021. Flato has prepared the following technical studies based on the checklist of required studies for the ZBA application. The conclusions of these studies are summarized in the subsections below. For details, please refer to the full documents submitted in conjunction with this Report.

3.1 Comprehensive Design Analysis and Shadow Casting Analysis

All buildings proposed are low rise and therefore shadow casting is not a planning concern in determining the zoning of the Subject Lands. Further, in our opinion, it is premature to provide any comprehensive design analysis until more detailed plans for the proposed buildings have been prepared. As such, although identified as required studies on the City's checklist, these studies have not been prepared.

3.2 Scoped Environmental Impact Study

An Environmental Impact Study ("EIS") has been prepared by Beacon Environmental Ltd. ("Beacon") which provides an overview of the existing conditions, natural heritage features, and their functions present on the Subject Lands, and to determine how the Proposed Development could impact these features. Through several field investigations, Beacon identified various natural features and functions on the Subject Lands and provides a detailed account of these in the EIS, along with any species and habitats, within the Subject Lands. Notably, the Subject Lands contain 4 separate headwater drainage features, significant wetlands and woodlands throughout the Subject Lands, concentrated in the southwest quadrant and along the northern property limit, habitat of fish and the endangered Eastern Meadowlark and the Bobolink. The EIS delineates these features, as well as their recommended buffers, in order to establish a development limit, as shown on Figure 3.1 below.

features is anticipated as a result of the Proposed Development, the EIS recommends a series of mitigative measures, along with future investigations related to amphibians and bats. The EIS also addresses *Endangered Species Act* (“ESA”) and the federal *Fisheries Act* and provides a compensation plan for the removal of wetlands and trees. A monitoring program is proposed for evaluating changes to the features and verify the success and implementation of the proposed mitigation measures.

Regarding the removal of habitat for wildlife related to the loss of agricultural lands, cultural meadows, and hedgerows, the EIS recommends that vegetation clearing or disturbance to nesting bird habitats should not occur between mid-April and mid-July. If vegetation clearing is necessary outside of this period, an ecologist should confirm the lack of nesting in the area.

Flato proposes to address the requirements of the provincial ESA for Bobolink and Eastern Meadowlark habitat (requiring 51 ha) using other lands owned by Flato in the vicinity. If necessary, this permit application will also address habitat for regulated bat species if they are found to occur in some of the small areas of treed habitat that will be removed.

Regarding the removal of wetlands and treed areas, the EIS proposes the creation of wetland areas to mitigate the loss of non-significant woodland and/or regulated bat habitat on the Subject Lands. The EIS suggests creating approximately 1.6 ha of wetland and incorporating the planting of treed habitats, which are trees adapted to wetter conditions in conjunction and to the satisfaction of Kawartha Region Conservation Authority (KRCA) and the City.

Environmental monitoring is recommended to evaluate changes to the biophysical environment over time, verify that proposed mitigation measures and environmental management systems are implemented and performing as designed, and evaluate potential effects of development. The monitoring program will include surface water, groundwater, and natural heritage resource monitoring prior to, during, and after development. The program will be refined as the application moves forward, and appropriate measures will be implemented based on the results of the monitoring program.

The EIS concludes that, with the recommended mitigation measures, compensation and appropriate permissions, the Proposed Development will not adversely impact the natural heritage resources and ecological functions of the natural heritage features associated with the Subject Lands and conforms to the applicable provincial and local natural heritage policies.

3.3 Functional Servicing and Stormwater Management Report

A Functional Servicing and Stormwater Management Report (“FSSR”) has been prepared by Counterpoint Engineering Inc. (“CPE”) dated March 2023. The FSSR outlines the functional design for the Proposed Development to demonstrate how the proposed ZBA

can be supported with a feasible and responsible private servicing solution. The Subject Lands are currently undeveloped and do not have any municipal water supply or sanitary servicing. Surrounding cottages and businesses are serviced by private wells or individual water intakes from Sturgeon Lake and private septic systems which are typically raised beds.

The Proposed Development will be serviced by a communal lake water intake and a private water treatment and pumping system. The water distribution strategy for the Proposed Development will have a dedicated domestic supply loop and a separate combined irrigation and fire flow loop, with local roads expected to be serviced by 150mm to 200mm PVC watermains. To calculate the water demand for the development, average daily design flows of 450 L/cap/day were used, and the maximum day demand was determined by the City of Kawartha Lakes Infrastructure Guidelines for Water. The estimated fire flow requirements for the clubhouse were calculated using the Fire Underwriter's Survey guidelines, and the governing Maximum Day + Fire Flow demands for the development is approximately 9,000 L/min. The pump design for the domestic line will target the above normal operating pressures, and the combined irrigation and fire flow line will have a low-pressure pump for typical irrigation use and a secondary higher lift pump to accommodate fire flow conditions.

The Proposed Development will have a communal treatment plant for its sanitary servicing, with gravity sewers draining to three separate private pumping stations. The southern residential area adjacent to Ranchers Road will drain north by gravity to the northeast corner of the site, while the northeast residential quadrant will drain to Pump Station No. 1, located adjacent to Pond No. 4. A forcemain will convey sanitary flows to the Northwest quadrant of the site which in turn drains to Pump Station No. 2, located adjacent to Pond 5. The forcemain from Pump Station No. 2 will convey flows to the Sequential Batch Reactor (SBR) treatment plant.

The Subject Lands has four primary drainage areas; North, Northeast, South and Southeast Outlets. The pre-development peak flow rates for these areas have been summarized in Table 6.1 of the FSSR and are used to establish allowable release rates for each storm event. The proposed drainage strategy involves a rural cross-section through the portions of the site that the ownership recreational dwelling units occupy, and private roads are proposed with curbs and curb inlets to swales within the boulevard and private storm sewer networks with underground storage are proposed within the club house and cottage areas.

Low Impact Development ("LID") technologies such as enhanced grass swales, bioretention or infiltration galleries are proposed in the ownership recreational dwelling unit areas to reduce stormwater runoff. LIDs proposed within drainage areas that contribute to retained wetlands will need to be considered in detailed design updates to the feature-based water balance modeling. The FSSR discusses quantity control criteria in more detail. Despite the site's proximity to Sturgeon Lake and the fact that four outlets from the site eventually flow through swales or watercourses next to existing residential dwellings, the development will pursue post to pre controls for the 2 through 100-year



events. Drainage from road and lot in residential areas will be directed towards six proposed ponds throughout the development. In addition, the golf course's irrigation program will contribute to most of the water balance targets matching annual pre-development infiltration.

The Proposed Development does not materially change the phosphorus loading runoff co-efficient or drainage. The FSSR also concludes that the water quality and quantity continues to be protected in accordance with approved provincial stormwater management policies. On the basis of the FSSR, the Proposed Development can proceed with adequate servicing that will have no negative impact on the existing natural heritage and hydrologic features and their functions or on Sturgeon Lake's water quality.

3.4 Geotechnical Report

A Geotechnical Report has been prepared by Soil Engineers Ltd. ("Soil Engineers") dated August 2021 to investigate the subsurface conditions and determine engineering properties of the soils for the design and construction of the Proposed Development.

The Geotechnical Report has determined that beneath the topsoil veneer, the Subject Lands are underlain by strata of glacial till deposits, overlying shale bedrock at depths between 0.25 m and 5.9 m below grade. Groundwater was recorded between ground surface to 5.8 m below grade, or between El. 273.0 m and 251.6 m in 12 of the boreholes. The report identifies that there may be continuous groundwater within the overburden, which flows towards Sturgeon Lake and is subject to seasonal fluctuation.

Based on the geotechnical findings, there are several recommendations for the Proposed Development. First, the compressible topsoil must be removed before site grading, although it can be reused for general landscaping purposes. Second, an engineered fill is recommended for building footings, underground services, and pavement construction where cut and fill is required for the development. Third, the subgrade must be inspected by a geotechnical engineer or senior geotechnical technician prior to and during the site grading operation to assess its suitability.

Other important considerations include the presence of occasional boulders in the till, with those larger than 15 cm in size not suitable for structural backfill and/or construction of engineered fill. Basement structures must be founded at least 1.0 m above the highest groundwater level and provided with perimeter subdrains, or alternatively, an underfloor drainage system or waterproofing of the basement can be considered. A Class 'B' bedding is recommended for the construction of underground services, although in water-bearing soils or where dewatering is necessary, a Class 'A' concrete bedding should be used. In areas where groundwater movement is expected in the sand fill mantle, anti-seepage collars should be provided.

It is important to note that subsurface conditions may vary between boreholes, and if this becomes apparent during construction, a geotechnical engineer must be consulted to determine whether the recommendations require revision. Overall, the geotechnical

report provides the necessary background data and requirements to support the safe and effective development of the site given the particular groundwater and soil conditions.

3.5 Preliminary Hydrogeology and Functional Servicing Report

A Preliminary Hydrogeology and Functional Servicing Assessment has been prepared by Azimuth Environmental Consulting Inc. (“Azimuth”) dated March 2023 that evaluated the existing soil and ground water regime underlying the Site and the potential for the proposed development to impact existing conditions. The report also discusses conceptual private servicing options with respect to development feasibility.

The Hydrogeology report indicates that the Subject Lands are not located in any relevant source water protection areas, and therefore no additional assessment, mitigation nor conformance measures are required. Soil data suggests that the native soils have limited infiltration opportunities due to their low permeability. To integrate LID technologies into the site's development, additional field testing of soil is required during the detailed design phase.



The groundwater elevation data collected between June 2021 and January 2023 suggests a high-water table condition seasonally, particularly in the spring. However, further analysis of underlying soil, bedrock, and groundwater conditions may require further evaluation if proposed excavation activities require construction dewatering to install the proposed services. In addition, the Paleozoic limestone bedrock surface was contoured and suggests shallow bedrock across the site. As such, excavation or trenching may be required to accommodate servicing, grading, or other design elements to support the development concept.

The water balance model completed for pre-development, post-development, and post-development with mitigation concluded that in the post-development with mitigation scenario, there may be a 25% reduction in infiltration, which represents a conservative estimate. The use of best practices and the incorporation of LID technology can improve infiltration. However, due to the impermeable soils and shallow bedrock conditions at the site, the natural setting may limit the type of technologies that can be used. Therefore, an overall best-efforts approach to improving infiltration should be employed, if and where possible.

As demonstrated in the report, the Proposed Development can be appropriately accommodated on the Subject Lands from a hydrogeological perspective, provided that LID technologies are implemented to mitigate the reduction in water infiltration conditions post-development. From an overland flow perspective, the location and design of the stormwater management ponds will capture and control the flows to the environmental features while also maintaining the required environmental setbacks. Proposed sewage works can be designed and operated so that there is no negative impact on water quality or quantity in the natural environment, provided sufficient treatment that meets the effluent limits of the MECP is utilized.

The Hydrogeology report acknowledges that several wetlands and other sensitive environmental features exist on-site, which are expected to receive nearly all flows from surface water, with ground water making up less than 1%. The report notes that most overland run-off will be captured and conveyed to nearby detention ponds on the site. As part of the design, the ponds will direct controlled flows at a design rate to environmental features while also maintaining the required environmental setbacks. The report concludes that a new sewage works, and potable water treatment works at the proposed development will not have a negative impact on the natural environment if adequate treatment that meets the effluent limits approved by the MECP is utilized. A MECP Environmental Compliance Approval permit will be required for the approval, construction, and operation of the sewage works.

3.6 Cultural Heritage Evaluation Report

The assessment of cultural heritage resources will occur as part of an imminent future submission.

3.7 Stage 1 Archaeological Assessment

A two-part Stage 1 Archaeological Assessment has been prepared by AMICK Consultants Limited dated March 2023 that assess the archeological context and evaluate the archaeological potential of the Subject Lands.

The Stage 1 Archaeological Assessment was conducted following the criteria outlined by the Ministry of Citizenship and Multiculturalism (“MCM”) (2011) for determining archaeological potential. The study area has been identified as a property that exhibits potential to yield archaeological deposits of Cultural Heritage Value or Interest (CHVI).



Based on the results of the investigation, the report recommends that a Stage 2 Archaeological Property Assessment be undertaken, and that no soil disturbances or removal of vegetation shall take place within the study area prior to the MCM acceptance of a report into the Provincial Registry of Archaeological Reports that recommends all archaeological concerns for the proposed undertaking have been addressed and no further archaeological investigations are required. These recommendations have been made to ensure the preservation of any potential archaeological resources and to comply with the regulations and guidelines set out by MCM Standards and Guidelines for Consultant Archaeologists and the Ontario Heritage Act.

3.8 Agricultural Impact Assessment (MDS calcs)

An Agricultural Impact Assessment (“AIA”) has been prepared by DBH Soil Services Inc. (“DBH”) dated March 2023 to document the existing agricultural character and identify agricultural impacts (potential or real) to provide avoidance or mitigative measures as necessary to offset any impacts.

The AIA established a Study Area which is comprised of the Subject Lands and a



Secondary Study Area which is comprised of lands 1.5 km beyond the boundary of the Study Area. The majority of the lands in the AIA's Study Area are used for agricultural production, including common field crop and forage/pasture areas, with the remaining areas comprising built-up areas, open fields, scrublands, and woodlots.

The Proposed Development will result in the loss of approximately 25.2 percent (40.8 hectares) Canada Land Inventory (CLI) capability Class 1 – 3 lands. **The northern portion of the Study Area lands is designated as Prime Agricultural area, while the central portion is considered a Candidate Area. A review of the four provincial land use plans, including the Greenbelt Plan (2017), Oak Ridges Moraine Conservation Plan (2017), Niagara Escarpment Plan (2017), and Growth Plan for the Greater Golden Horseshoe (GGH) (2019), indicates that the Study Area lands are located within the Growth Plan boundary, with the northern portion designated as Prime Agricultural area.** No lands within the Study Area or Secondary Study Area are located within any Provincially designated Specialty Crop areas or in any municipally zoned specialty crop area.

A total of 40 agricultural facilities or areas where facilities are located were identified within the Study Area and Secondary Study Area. Three agricultural facilities were observed in the Study Area. The remaining 37 agricultural facilities were observed in the Secondary Study Area. **There is no investment in artificial tile drainage or irrigation in the Study Area. There is no investment in landforming for agricultural purposes in either the Study Area or the Secondary Study Area.**

Minimum Distance Separation 1 (MDS 1) calculations were completed for any agricultural facility that was capable of housing livestock. **There are agricultural facilities located within the Study Area with overlapping MDS 1 arcs that are proposed to be removed as part of the Proposed Development.** Further, the Proposed Development will be outside the identified MDS arcs within the Secondary Study Area that overlap onto the Subject Lands, as those MDS arcs fall within areas with existing significant natural heritage features, which are protected from development.

A review of the online Agricultural System Portal (OMAFRA) indicated that there were no nurseries, specialty farms (crop or livestock), frozen food manufacturing, refrigerated warehousing/storage, livestock assets or abattoirs in the Study Area or Secondary Study Area. **There are no agricultural services within the Study Area or Secondary Study Area.**

The AIA concludes that the Proposed Development is an appropriate form of development given the surrounding context and **would have minimal impact on the surrounding agricultural activities.**



3.9 Traffic Impact Study

A Traffic Impact Study ("TIS") has been prepared by D.M. Wills Associates Ltd. ("DM Wills") dated March 2023, which details the existing traffic conditions and assesses the impact of the Proposed Development on traffic operations of the adjacent traffic intersections for future conditions. The analysis has covered the a.m. and p.m. peaks, as

well as the current (i.e., 2022) and horizon years (i.e., 2027 and 2032) scenarios.

Assuming a full build-out, the development is anticipated to generate about 123 entering and 216 exiting trips during the a.m. peak, and 318 and 214 entering and exiting trips during the p.m. peak, respectively.

Based on the analysis completed in this study, the new trips generated by the development will not have a significant impact on most of the intersections within the study area except the intersection of Highway 35 and CR 34. The level of service (“LOS”) on CR 34 at its intersection with Highway 35 will reach LOS “F” and will operate over capacity. However, a traffic signal is not fully warranted for the 2032 scenario according to Ontario Traffic Manual OTM Book 12 assuming a restricted flow condition. Therefore, it is recommended to consider a review of a traffic signal installation at this intersection in the future after the full buildout of the development. It should be noted that the intersections between CR34/Long Beach Road and the proposed internal roads will have acceptable traffic operation levels of LOS “A” or “B” over the study horizon.

The TIS concludes that there is no need for auxiliary lane extensions on CR 121 at its intersection with Long Beach Road as part of the Proposed Development. However, even without the Proposed Development, the TIS concludes that there is a need for a northbound right turn lane at the intersection of Highway 35 and CR 34 based on the 2022 scenario. Further, CKL should revise the posted speed limits on CR 34/Long Beach Road. Based on the desktop review, the speed limit changes from 40 km/hr to 80 km/hr about 115 m to the west of Jones Avenue, which is not recommended according to the TAC guidelines for posted speed limits. It is recommended that a transition area of 60 km/hr should be considered starting from approximately 130 m to the west of Jones Avenue and to the end of the horizontal curve to the west of Ranchers Road.

4.0

Planning Policy Context

This section of the report addresses applicable Provincial and Municipal planning policies. Pertinent policies addressed relate to development within rural areas, resource-based recreational development, compatibility with surrounding uses, the availability and provision of infrastructure, and environmental protection.

4.1 Planning Policy Considerations

This section analyzes the consistency and/or conformity of the Proposed Development concerning significant planning matters and the related policies that require specific attention and explanation. These matters include development within rural areas, resource-based recreational development, the availability and provision of infrastructure, and environmental protection. Other applicable policies within the Provincial and City planning documents have been reviewed. We have concluded that the Proposed Development is consistent with and conforms to these policies, as described in each subsection below.

4.1.1 Development within Rural Areas

The Subject Lands are located within a rural area outside a settlement area and on rural lands, as defined by the provincial policy documents (discussed in detail below). The Provincial Policy Statement 2020 (“PPS”) promotes efficient development and land use patterns that protect the ecological integrity and conserve the biodiversity of the natural environment areas (Policy 1.1.1 c & e). Rural areas, in particular, should support the diversification of the economic base and provide additional employment opportunities through sustainable and diversified tourism and sustainable management or use of resources (Policy 1.1.4.1 f & g). Growth within rural lands can be achieved through management use of resources, resource-based recreational uses (including dwellings), locally appropriate residential development, and rural and agricultural/ agri-related uses (Policy 1.1.5.2).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “Growth Plan”), provides direction for how and where the Greater Golden Horseshoe area should grow. Similar to the PPS, the Growth Plan provides that development outside of settlement areas on rural lands can accommodate resource management, resource-based recreation, rural, and agricultural/ agri-related uses (Policy 2.2.9.3). The Growth

Plan recognizes that rural lands are suitable for resource-based recreational uses that are tourism-related; Policy 2.2.9.4 provides that recreational uses should be compatible with the scale, character, and capacity of the resource and rural landscape while also permitting commercial uses that serve the needs of visitors and recreational dwellings for seasonal accommodation.

The City of Kawartha Lakes Official Plan 2012 (“CKLOP”) implements Growth Plan policies and provides that by 2031, the City of Kawartha Lakes will have a population of 100,000 and employment of 27,000 (Section 4.1.1). In addition, while the growth management policies of the CKLOP are under appeal, they recognize that settlement areas are not appropriate for resource-based recreational activities (Section 4.1i). The CKLOP policy direction is similar to that of the PPS and Growth Plan; that rural lands be used for the management of resources and provision of resource-based recreational activities (Section 16.2).

The Subject Lands presents an opportunity to develop lands located in proximity to Sturgeon Lake with resource-based recreational uses that can capitalize on access to the water while protecting environmental features in and around the site. The provincial and local policies recognize that resource-based recreational uses may not be appropriate within settlement areas and therefore permits such developments within rural lands. The permitted uses under the CKLOP for the Rural designation are in keeping with the general policy intent of the PPS and Growth Plan, which allows for active and passive recreation use and facilities (Section 16.3). The proposed ZBA allows for resource-based recreational uses in an appropriate location that will diversify the local economy through tourism and provide new employment opportunities in the City.

It is our opinion that the Proposed Development is consistent with the PPS and conforms to the Growth Plan and CKLOP 2012 on matters related to the development of resource-based recreational uses in rural areas. Furthermore, the location of the Subject Lands is ideal for providing resource-based recreational uses with accompanying recreational dwelling units that will complement the scale and character of the surrounding neighbourhood and integrate into the existing rural community.



4.1.2 Resource-based Recreational Development

Section 1.3 of the PPS promotes economic development and competitiveness by:

- *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; (1.3.1.a)*
- *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; (1.3.1.b)*
- *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and, (1.3.1.d)*

- *ensuring the necessary infrastructure is provided to support current and projected needs. (1.3.1.e)*

The proposed recreational uses on the Subject Lands provides additional employment opportunities to residents in the City and diversifies the economic base allowing for a greater choice of employment options (Policy 1.3.1b). It should be noted that the Proposed Development is located outside of the City's employment areas and will not impact the range of suitable sites or opportunities for other employment uses within the municipality.

The City recognizes the importance of tourism as a component of its economic growth and has implemented several policies to promote its development as a tourist destination (Sections 6.1.2, 6.1.3, and 6.2 Tourism a). To increase tourism retention, the City is focused on generating more tourism activities that make use of local facilities, including four-season tourism (Section 6.2 Tourism c). The location of the Subject Lands presents an opportunity to capitalize on the proximity to natural resources and establish a resource-based recreational use that will diversify the type of commercial activity in the City and contribute to economic growth by promoting tourism and additional employment opportunities that serve the residents and vacationing public to this area (Section 6.2 Tourism e).

4.1.3 Infrastructure

The PPS requires infrastructure and public service facilities to be provided in an efficient manner that is coordinated and integrated with land use planning and growth management (Policy 1.6.1). The PPS outlines a servicing hierarchy, with municipal sewage services and municipal water services being the preferred form of servicing for settlement areas (Policy 1.6.6.2); however, given that the Subject Lands are located outside of the settlement area and in a location where municipal service connections are unavailable, the Proposed Development contemplates a private communal water and wastewater servicing solution which aligns with the preferred form of servicing for multi-unit/lot development (Policy 1.6.6.3). The PPS also promotes green infrastructure to complement infrastructure and water conservation, and water use efficiency. Developments are encouraged to consider opportunities for adaptive reuse wherever feasible (Policy 1.6.3 b).

The Growth Plan similarly requires development to be serviced either by a municipal servicing system or a private communal water and wastewater servicing system (Policy 3.2.6.1). In order to safeguard the quality and quantity of water from watersheds to ensure a sustainable private communal servicing, a comprehensive water or wastewater master plan, or equivalent, informed by watershed planning or equivalent must be prepared to ensure that the system's effluent discharges and water takings will not negatively impact the quality and quantity of water (Policy 3.2.6.2ci & d).

Section 28 of the CKLOP sets out policies for the provision of infrastructure and services, including private communal water and waste systems such as in the Proposed

Development. The construction of new private communal water and wastewater systems shall only be considered provided that the following conditions are met (Section 28.5.1): strategies for water conservation and other water demand management initiatives are being implemented (Section 28.5.2); plans for new services are to serve growth in a manner that supports the achievement of intensification and density targets in the CKLOP (Section 28.5.3).

The potential for water conservation and other water demand management initiatives will be considered during the draft plan of subdivision/site plan stage of the development proposal, including the potential for water demand management on the golf course, and water conservation within the dwellings. As the plan is not within a settlement area, the proposed development will not impact the achievement of either the intensification or density targets of the plan, in accordance with Section 28.5.3.

As detailed in the FSSR and Hydrogeology Report, the Proposed Development will be serviced through a communal lake water intake and private water treatment and pumping system, while sanitary servicing will involve gravity sewers that drain to three separate private pumping stations to a communal treatment plant.

4.1.4 Environmental Protection

Policy 2.1 of the PPS provides direction with respect to the protection, conservation and enhancement of natural heritage features for the long term (Policy 2.1.1). The PPS provides that natural heritage systems' ecological function and biodiversity shall be maintained, restored, and improved where possible (Policy 2.1.2). Development and site alteration is strictly prohibited in fish habitats and endangered or threatened species habitat except in accordance with provincial and federal requirements (Policies 2.1.6 & 2.1.7).

Regarding water, the PPS provides that developments shall protect, improve or restore the quality and quantity of water by employing efficient and sustainable practices for water conservation (Policy 2.2.1 g). Development that may impact nearby water bodies must consider the environmental lake capacity and ensure that stormwater management practices minimize stormwater volumes and contaminant loads while also maintaining (or increasing) the extent of vegetative and pervious surfaces (Policy 2.2.1 h & i).

Section 3 of the CKLOP provides policy direction to ensure the enhancement and protection of the natural environment. The conservation of the natural environment within the Natural Heritage System is a priority of the City (Policy 3.2.c). Development is encouraged outside of areas that are environmentally sensitive (Policy 3.2.e). Wetlands and forest resources are identified as important habitats and resources to be protected (Policies 3.2.f and 3.2.g). Development should also provide a pleasing environment through proper management of man-made and natural environmental features (Policy 3.2.h).

As noted by the accompanying technical studies, the Proposed Development has been

demonstrated to conform with provincial and local natural heritage policies by locating development outside of the natural heritage features on the Subject Lands and providing the required mitigation for any adverse impacts to significant wetlands, significant woodlands, habitats, and watercourses. The EIS submitted concurrent with this report concludes that with the recommended mitigation measures, compensation, and permissions in place, the Proposed Development will not adversely impact the natural heritage resources and ecological functions of the natural heritage features on the Subject Lands. The Proposed Development has also been demonstrated to be outside the proposed floodplain mapping, which meets the natural hazard protection policies of the PPS, Growth Plan, and CKLOP.

The proposed ZBA establishes an Environmental Protection zone on portions of the Subject Lands, which includes the notable watercourses and wetlands and their associated buffers. As such, the proposed ZBA adequately provides the protection of these significant features and the Proposed Development conforms with the environmental protection policies in the PPS, Growth Plan, and CKLOP.

4.2 Policy Analysis

4.2.1 Provincial Policy Statement (2020)

The PPS is administered under Section 3 of the Planning Act. The PPS came into effect on May 1, 2020, replacing the 2014 PPS and is applicable to all planning decisions made on or after May 1, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development. In particular, the PPS provides long-term guidance for the development of healthy, liveable, and safe communities, a clean and healthy environment, a strong economy, as well as appropriate provision of recreational opportunities to meet the community’s long-term needs. All planning decisions must be consistent with the policies of the PPS.

Section 1 provides policy direction on Building Strong Healthy Communities. The Subject Lands are located within a rural area, defined as “a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas”. Rural areas may contain important rural assets and amenities that are supportive of the Province’s economic success, protection of environment, and quality of life. Policy 1.1.4 of the PPS states that healthy, integrated and viable rural areas are supported by:

- a) *“building upon rural character, and leveraging rural amenities and assets;*
- c) *accommodating an appropriate range and mix of housing in rural settlement areas;*
- e) *using rural infrastructure and public service facilities efficiently;*
- f) *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) *providing opportunities for sustainable and diversified tourism, including*

leveraging historical, cultural, and natural assets;”

The Subject Lands are identified as rural lands, which are defined as lands “located outside settlement areas and which are outside prime agricultural areas”. Permitted uses on rural lands include the following (Policy 1.1.5.2):

- a) *the management or use of resources;*
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *residential development, including lot creation, that is locally appropriate;*
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *home occupations and home industries;*
- f) *cemeteries; and*
- g) *other rural land uses.*

Policy 1.1.5.3 states that recreational, tourism, and other economic opportunities should be promoted. The economic opportunities should support the protection of agricultural and resource-related uses that will minimize constraints on surrounding uses (Policy 1.1.5.7). Policy 1.7.1 states that long-term economic prosperity should be supported by promoting opportunities for sustainable tourism development. The Proposed Development meets the intent of the PPS to encourage recreational, tourism and other economic opportunities and provides a resource-based recreational use on rural lands in accordance with the permissions of Policy 1.1.5.2.b) through the provision of a unified development that shares in the access, management, and enjoyment of the marina, Lake Sturgeon, golf course, and other associated facilities.

The Proposed Development is proposed to be serviced by a private communal water and wastewater servicing solution in accordance with Policy 1.6.6.3, as private communal water and wastewater servicing is the preferred servicing option for multi-lot developments in rural areas in order to support protection of the environment and minimize potential risks to human health and safety. As demonstrated by the FSSR, the Proposed Development can be appropriately serviced and will support the long-term economic prosperity of the City.

The PPS provides policies related to natural heritage features and requires their protection for the long term under Section 2.1. In particular, development and site alteration are not permitted in areas of significant natural features unless it has been demonstrated that there will be no negative impacts on the natural features or functions (Policy 2.1.5). Policies 2.1.6 and 2.1.7 state that development and site alteration shall not be permitted in the habitat of fish or endangered or threatened species, except in accordance with provincial and federal requirements. The Subject Lands contain a number of natural heritage features and fish habitats as noted in the EIS. In accordance with Policies 2.1.7, 2.1.8, and 2.2.2, an environmental impact assessment has been completed to evaluate the ecological features and functions on the Subject Lands and demonstrate how any negative impacts have been avoided or mitigated and that appropriate buffers to the natural heritage and hydrologically sensitive features will be

provided.

The EIS confirms the boundaries for significant natural features and concludes that the proposed uses on the Subject Lands as proposed to be zoned in the ZBA will not have a negative impact on natural heritage features or their functions through avoidance of such features, or the recommended mitigation measures contained in the EIS. With the recommended mitigation measures described in the EIS, the habitat of fish and endangered or threatened species will also be addressed to meet the requirements of the federal *Fisheries Act*, the Ministry of the Environment, Conservation and Parks, the provincial *Endangered Species Act*, and any relevant regulations.

It is our opinion that the proposed ZBA and Proposed Development are consistent with the PPS.

4.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan, as amended by Amendment 1, came into effect on August 28, 2020. It is intended to guide regional and municipal decision making on issues including transportation, infrastructure planning, land use planning, urban form, housing and natural heritage and resource protection within the Greater Golden Horseshoe region. Guiding principles of the Growth Plan include the development of compact, complete communities, the optimization of infrastructure to support efficient growth and the protection, conservation and enhancement of natural resources.

Similar to the PPS, the Growth Plan contains policies regarding development within rural areas in Section 2.2.9. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses (Policy 2.2.9.1). Policy 2.2.9.3 permits the development of resource-based recreational uses on rural lands outside of settlement areas. Where permitted on rural lands, the Growth Plan directs that resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape and may include commercial uses to serve the needs of visitors and recreational dwellings for seasonal accommodation (Policy 2.2.9.4). The Proposed Development is both-resource-based, relying on direct water access to Sturgeon Lake, and recreational providing active recreational uses such as the marina and golf course.

In accordance with Policy 2.2.9.4.b), the proposed recreational dwelling units will be seasonal in nature due to the inherent seasonality of the resources and recreational facilities proposed as part of the Proposed Development. The resources (being the lake, with the associated recreational facilities like the marina and golf course) have limited access, usability, or recreational value during the winter months. Moreover, the area is characterized by cottage type development with a lack of the additional amenities and services associated within a settlement area; the lack of public services (e.g.: schools, commercial shopping areas, etc.) is a planned deterrent for permanent residence in the dwellings.



The Proposed Development is compatible with the scale, character and capacity of Sturgeon Lake and the surrounding landscape of rural residential dwellings along the shoreline of Lake Sturgeon in accordance with Policy 2.2.9.4.a) by providing large separation distances between the recreational dwelling units and integrating wetlands, stormwater management ponds, protected natural features, and the golf course holes with the recreational dwellings.

Regarding infrastructure, Policy 3.2.1 of the Growth Plan requires the coordination of infrastructure planning, land use planning and infrastructure investment while also mandating that planning for growth considers the availability and location of existing and planned community infrastructure so that it can be provided both efficiently and effectively. The Subject Lands are located in an area where municipal water and wastewater infrastructure is not available, and as such, will be providing a private communal water and wastewater servicing solution. The Hydrogeology and Functional Servicing Assessment states that treated and disinfected effluent will be directed to an on-site irrigation pond to satisfy the irrigation demand of the golf course and mitigate impacts to environmental features. The EIS confirms that the proposed effluent treatment solution ensures that discharges and water takings associated with the servicing solution will not negatively impact the quality and quantity of water (Policy 3.2.6.2c i).

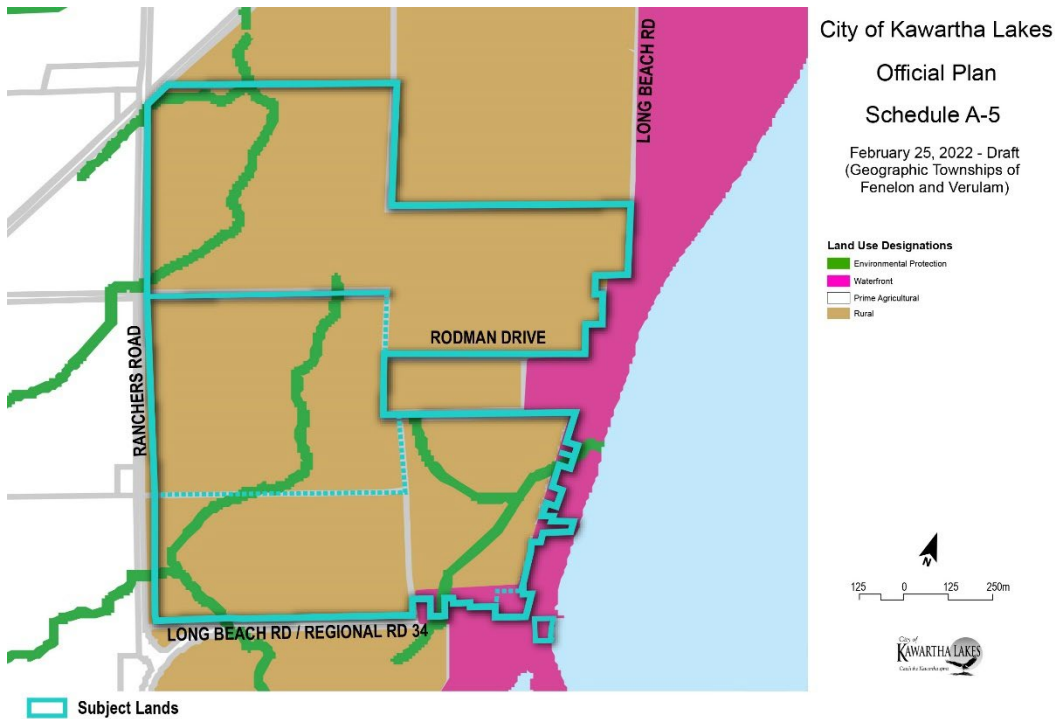
It is our opinion that the proposed ZBA and the Proposed Development conforms with the Growth Plan.

4.2.3 City of Kawartha Lakes Official Plan (2012)

The CKLOP was adopted on September 21, 2010 and was subsequently appealed to the Ontario Land Tribunal (the “Tribunal”). The CKLOP was further amended by the adoption of a number of official plan amendments relating to proposed Secondary Plans (OPAs 13 through 18) in 2017 but remains partially under appeal.

The Subject Lands are primarily designated Rural, with small portions in the east and south designated Waterfront, and select watercourses designated Environmental Protection, as illustrated in Schedule A-5 of the CKLOP 2012 and Figure 4.1 below.

Figure 4.1: City of Kawartha Lakes Official Plan Schedule A-5



Source: City of Kawartha Lakes (2022), MGP (2022)

Section 16 of the CKLOP outlines policies for the Rural designation, which protect the agricultural economy and operations and the rural character of these areas of the City. Policy 16.2g establishes an objective to “provide for the wise use and management of resources and resource-based recreational activities”. The CKLOP permits active and passive recreation uses and facilities as per Section 16.3. The Proposed Development is a resource-based recreational facility centered around the marina with associated golf course (which is also listed as a permitted use under Policy 16.3), clubhouse, and recreational dwelling uses. The proposed uses support active and passive recreational opportunities on the Subject Lands and as such conform to the policies in Section 16 of the CKLOP.

Golf courses are permitted within the Rural designation provided that the lands have frontage on an arterial road or provincial highway, have an entrance permit, exhibit no adverse effects on surrounding uses, be compatible with agricultural operations, and demonstrate no adverse impact to natural significant features and have minimal impact on watercourses, groundwater resources, agriculture or other environmentally sensitive features (Section 16.3.4). The proposed golf course can be accommodated on the Subject Lands for the following reasons: Long Beach Road is identified as a County Road (arterial) as per Schedule D of the CKLOP; an entrance permit from Kawartha Region Conservation Authority will be obtained at the building permit stage of development; and as demonstrated by the supporting technical studies, the Proposed Development will have no adverse impacts on significant natural features, groundwater resources, and

watercourses.

The proposed resource-based recreational uses also conform with the tourism policies of Section 6.2 of the CKLOP, Economic Development Objectives, by encouraging new high quality tourism attractions, accommodations, facilities and service to the City and promoting the use of natural heritage resources.

doesn't talk about the use of natural heritage resources

Portions of the Subject Lands contain watercourses which are designated Environmental Protection (“EP”) on Schedule A5. Section 17 provides that development and site alteration on lands designated EP should maintain the unique natural characteristics of the lands and environmental features such that erosion, flooding, polluting and deterioration of the environment are avoided (Section 17.3.1). A number of conservation, agricultural, recreation or park uses, excluding buildings or structures, are permitted on lands designated EP (Section 17.3.1). The Proposed Development does not propose any buildings or structures within the EP designation as to preserve the ecological integrity and functions of the watercourses and associated wetlands.

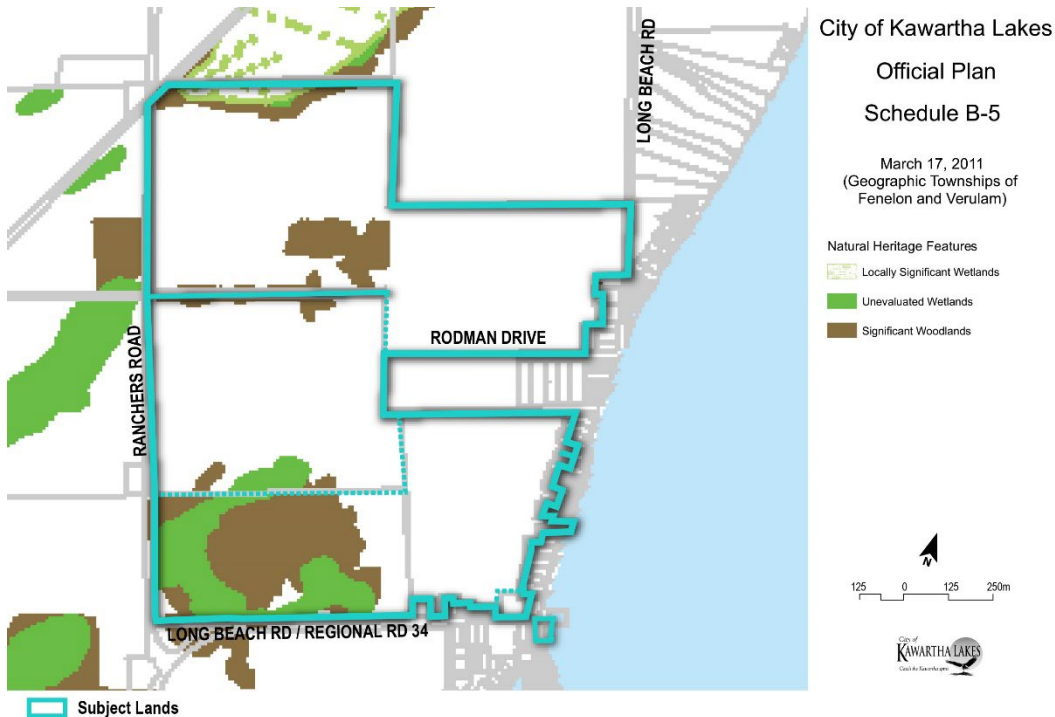
There are other instances of golf course uses located within the EP lands (most of which would be golf course-related recreational uses and not buildings). According to Section 17.3.4, adjustments to the EP designation boundary will require an environmental evaluation to demonstrate the limits of flooding or physical hazard, which has been satisfied by the analysis completed in the EIS. Beacon has delineated the true extent and boundaries of all natural features and watercourses in the EIS and demonstrates that development is occurring outside the watercourses on the Subject Lands. Therefore, no amendments to the EP designation or boundaries are required to permit the Proposed Development.

A small portion of Subject Lands on the eastern boundary, including the marina and some of the recreational dwellings in the southeast corner, are designated Waterfront. These uses conform to the Waterfront use permissions in Section 20.3.2 of the CKLOP and do not significantly alter the shoreline character or ecosystem in accordance with Section 20.3.3. No new lots, additional massing, or additional density is being sought for any of the lands within the Waterfront designation as there are existing cottages and a marina on the Subject Lands. As such, the portion of the Proposed Development within the Waterfront designation conforms to those policies and do not require any amendments.

The Natural Heritage System is shown in Schedule B-5 of the CKLOP and Figure 4.2 below. Significant woodlands and unevaluated wetlands are shown in the southwestern portion of the Subject Lands and a small portion of a Locally Significant Wetland is located along the northernmost property line. Development and site alteration within 120 metres of significant woodlands or wetlands may be permitted if an environmental impact study is prepared demonstrating that there are no negative impacts on natural features or ecological functions (Sections 3.4.4 and 3.5.18). Similarly, an environmental impact study is also required for development within 120 metres of fish habitat (Section 3.5.10), significant wildlife habitat (Section 3.5.31), and habitat of endangered or threatened species (Section 3.5.28). As seen in the Conceptual Development Plan, the environmental

features on Schedule B5, namely the wetlands and woodlands in the southwestern and northern portions of the Subject Lands, have been preserved and protected by concentrating development and site alteration outside of these areas. As confirmed by the EIS, there are no negative impacts on natural features or ecological functions within the Proposed Development and as such conforms to Natural Heritage System policies of the CKLOP.

Figure 4.2: City of Kawartha Lakes Official Plan Schedule B-5



Source: City of Kawartha Lakes (2022), MGP (2023)

The Proposed Development conforms with Policy 3.3.1, which states that development and site alteration that maintains the hydrological functions and minimizes direct alteration to groundwater flows shall be encouraged. Groundwater flows will continue to be directed ultimately to Sturgeon Lake, while surface water flows will be directed to the six proposed stormwater management ponds, which will ultimately direct flows (at a controlled design rate) to the environmental features and wetlands. The Proposed Development also conforms with Policy 3.3.4, which requires a hydrogeological study to be prepared to ensure that there is sufficient quality and quantity of potable water to service the development and the land is suitable for the disposal of sewage without impacting on the groundwater supply and causing cross contamination with the water source. The proposed private communal water and wastewater system to service the Proposed Development has been demonstrated through the FSSR and the Hydrogeology and Functional Servicing Assessment to not negatively impact water quality or quantity.

The Proposed Development contemplates a water and wastewater treatment solution

that reuses treated and disinfected effluent for golf course irrigation purposes, encouraging cost-effective and efficient use of services (Sections 28.2 & 28.5.2), and avoids the discharge of raw, untreated surface water (Policy 3.3.6). Section 28.4.3 of the CKLOP provides that developments that are seasonal in nature may have a communal system if it is held under single ownership and units or vacation dwellings have a limitation on the length of stay within the development. The Proposed Development, collectively a unified development where the recreational dwelling units, the golf course, and the marina, will be tied together through a shared responsibility and ownership of the servicing components, satisfies the criteria of Section 38.4.3. The inherent seasonal nature of the resources on which the Proposed Development relies on, being water access and the golf course, and the lack of amenities required by full time residents in a settlement area, means that residents and visitors will not stay at the Proposed Development during the course of the entire year.

the resources here are not seasonal, and there are year-round school and shopping amenities, school and shopping are less than 10 minutes by car; 20 minutes by bike



The CKLOP requires the preparation of a “recreation water use plan” that has to address a certain criterion with respect to establishing a major recreational use as per Section 3.3.13. At this stage of the development approval process, the City has not identified the need for a recreation water use plan. However, the Proposed Development and the accompanying technical studies have considered the criteria in principal through the following:

- minimizing of stream and environmental land crossings in the layout and design of the Proposed Development;
- preservation and protection of environmental lands and watercourses;
- proposed reuse of treated and disinfected effluent water for golf course irrigation purposes; and the
- capture and reuse of stormwater through the proposed stormwater management system.

The Proposed Development will be serviced by a network of private roads internal to the Subject Lands with access onto Long Beach Road and Ranchers Road. The proposed road network conforms with Sections 28.6.6 and 28.6.7 of the CKLOP by providing 20 m width roads that may form part of a plan of condominium (to be confirmed through detailed design stage and future applications to follow separately).

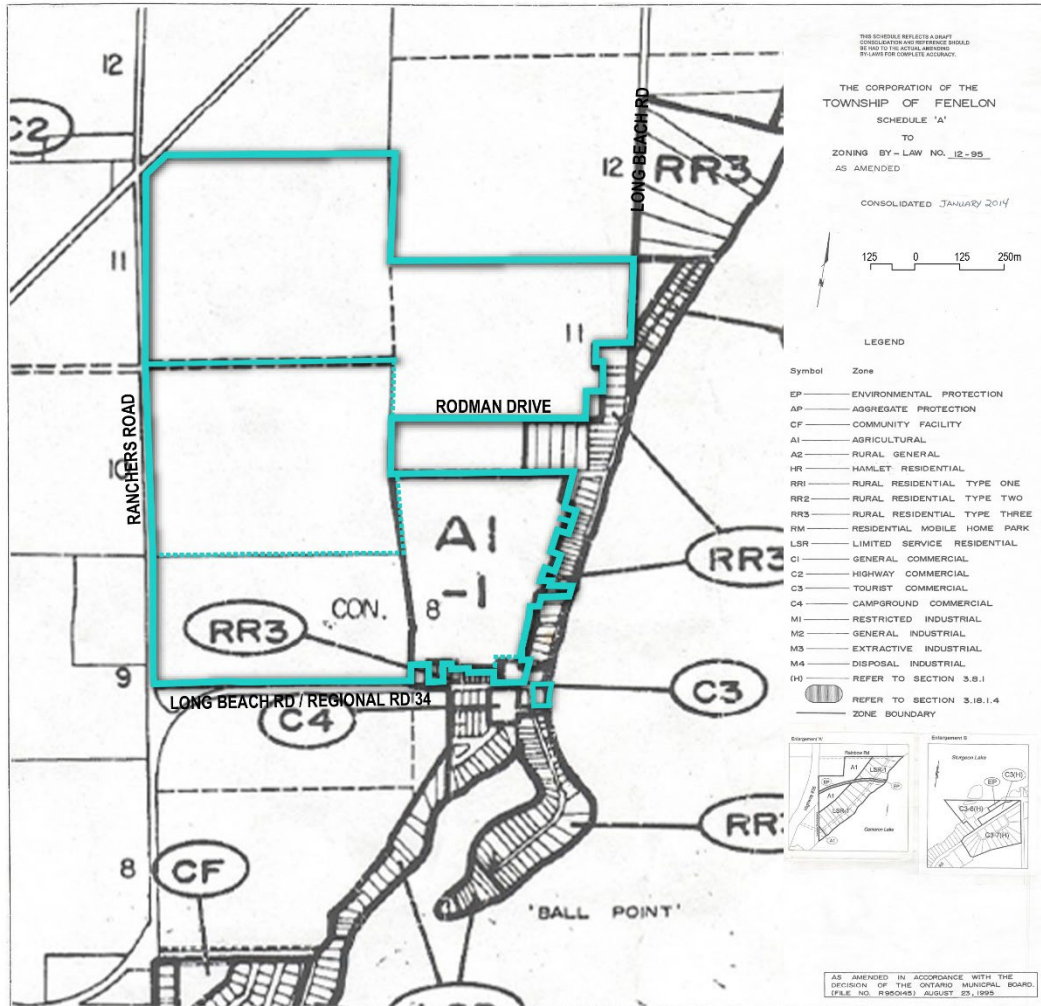
In our opinion, the Proposed Development conforms with the intent and policies of the Rural, Waterfront, and Environmental Protection designations by providing a resource-based recreational use that does not create any adverse impacts to the natural heritage or hydrologic features within the Subject Lands.

4.3 Township of Fenelon Zoning By-law 12-95

The Subject Lands are primarily zoned Agricultural (A1) and Agricultural Exception 1 (A1-1), with small portions along the eastern section of the Subject Lands zoned Rural Residential Three (RR3) and portions along the south section zoned Tourist Commercial (C3) as per Schedule A of the Township of Fenelon Zoning By-law 12-95 (“ZBL 12-95”),

as shown in Figure 4.2 below.

Figure 4.3: Township of Fenelon Zoning By-law 12-95 Schedule A



Subject Lands

Source: City of Kawartha Lakes (2012), MGP (2022)

Both the parent and site-specific Agricultural Zones primarily permit rural, agriculture-related and agri-business uses (Section 8.1). The Rural Residential Three Zone permits residential and vacation dwellings, home occupations, and public park uses (Section 13.1). The Tourist Commercial Zone permits a range of commercial and recreational uses including a marina, cottage establishments, golf course and club, restaurants, and boat rentals and sales.

A ZBA is required in order to re-zone the Subject Lands to site-specific Environmental Protection and Tourist Commercial Zones to permit the Proposed Development.

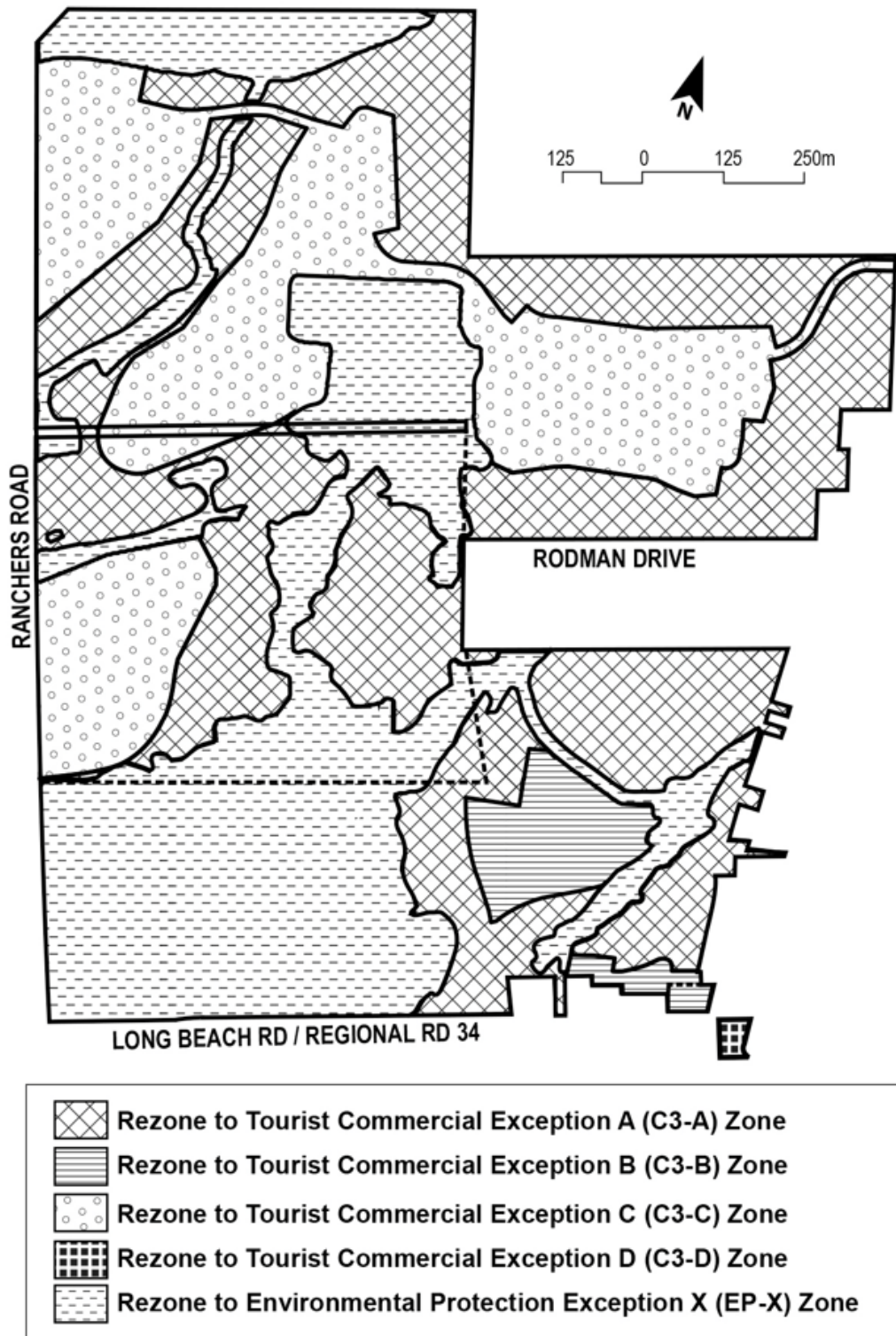
5.0 Proposed Zoning By-law Amendment

The proposed ZBA seeks to rezone the Subject Lands under ZBL 12-95 from Agricultural (A1), Agricultural Exception 1 (A1-1), Tourist Commercial, and Rural Residential Three (RR3) Zone to:

- Tourist Commercial Exception A (C3-A) respecting the proposed golf course and associated uses and lands;
- Tourist Commercial Exception B (C3-B) respecting the rental recreational dwellings;
- Tourist Commercial Exception C (C3-C) respecting the ownership recreational dwellings;
- Tourist Commercial Exception D (C3-D) respecting the marina; and
- Environmental Protection Exception X (EP-X) Zone respecting the remainder of the lands for the preservation of environmental features;

to facilitate the Proposed Development, as shown in Figure 5.1 below.

Figure 5.1: Proposed ZBA Schedule



Source: MGP (2023)

5.1 Proposed Site-Specific Tourist Commercial Zones

The parent Tourist Commercial zone permits most of the proposed uses within the Proposed Development, however in order to establish specific areas and zoning standards for each of the individual uses within the Subject Lands, the proposed ZBA re-zones each area to a site-specific exception zone as follows:

- Tourist Commercial Exception A (C3-A), which permits the proposed golf course and associated uses such as the clubhouse, restaurant, boat house, recreational establishments, infrastructure and utility uses (for the private communal servicing systems), and a parking lot;
- Tourist Commercial Exception B (C3-B), which permits the rental recreational dwellings, defined as a “cottage establishment” under ZBL 12-95;
- Tourist Commercial Exception C (C3-C), which permits the ownership recreational dwellings, defined as a “vacation dwelling” under ZBL 12-95; and
- Tourist Commercial Exception D (C3-D), which permits the marina.

The addition of vacation homes as a permitted use will increase the range of recreational accommodation and dwelling units offered and permitted on the Subject Lands, while the list of recreational and commercial uses permitted in the proposed C3-A zone will implement the vision of a future resources-based resort where a range of recreational amenities are available to visitors and residents.

Zoning standards have been proposed for each of the site-specific Tourist Commercial zones. The proposed zoning standards for the recreational dwelling units allow for the development of both rental and ownership dwelling units in their proposed areas. The proposed zone standards allow for the development of a wide range of building forms (such as one-storey bungalows or 2 storey cottages) on generously landscaped and sized lots that will provide sufficient separation distances between each dwelling unit.

The proposed ZBA also includes separate zoning standards for the reconstructed marina, which reconstruction is currently underway through an approved building permit. The proposed ZBA legalizes the existing conditions of the marina, which has reduced zone standards for setbacks, lot area, parking, and lot coverage than the parent C3 zone standards and are appropriate given that the building is existing.

Currently these uses are not legal

The proposed ZBA also includes additional general zone standards for each component of the Proposed Development such as modified parking rates generally consistent with the parent ZBL 12-95 and allows for the provision of parking spaces on lots other than the one on which the use is proposed for the recreational and golf course uses. This provides the flexibility for additional parking spaces to be located near the marina, clubhouse, or cottages, while serving all uses, even if there are future lot divisions. The proposed ZBA also provides for lots to obtain access and front onto private roads, as is proposed in the Conceptual Development Plan.

Increased parking?

5.2 Proposed Site-Specific Environmental Protection Zone

The Subject Lands currently do not contain any Environmental Protection zoning despite the presence of significant wetlands and woodlands. In order to bring ZBL 12-95 into conformity for the Subject Lands, the ZBA proposes to zone the existing significant woodlands, significant wetlands, watercourses, and all recommended buffers from the current agricultural zones to a site-specific Environmental Protection zone.

A site-specific Environmental Protection Zone for the Subject Lands which will permit a golf course in addition to the uses permitted in the parent Environmental Protection Zone. While a significant majority of the golf course remains outside of any natural features or their buffers, there is the potential for certain areas of the golf course (particularly the grassed areas) to encroach into lands that have been zoned for Environmental Protection. It is the intent of the ZBA application and Proposed Development to respect the limits of those features, wherever possible and as delineated by the supporting technical studies.

In our opinion, the proposed ZBA establishes appropriate zones and zoning standards for the Proposed Development, providing the necessary regulations to develop the recreational uses while protecting the natural heritage features on the Subject Lands.

6.0

Planning Opinion

6.1 Statement of Consistency and Conformity with Policy Documents

As discussed in this report, the PPS, the Growth Plan, the CKLOP, as amended, and ZBL 12-95 have been reviewed in assessing the appropriateness of the Proposed Development and the Proposed ZBA. It is our opinion that the Proposed Development and the Proposed ZBA are consistent with and conform to the policies of these documents and implements good planning in the public interest.

6.2 Planning Act, Section 2 – Provincial Interest

Section 2 of the *Planning Act* provides guidance on matters of Provincial Interest that councils of a municipality must consider when carrying out responsibilities under the *Planning Act*. The policies in Section 2 aim to promote the protection of ecological systems, conservation and management of natural resources, mitigation of greenhouse gas emissions and adaptation to a changing climate, promotion of sustainable development, and orderly development of safe and healthy communities, among other considerations.

The Proposed Development conforms to the policies in Section 2 of the *Planning Act* as it has been designed to safeguard ecological systems, conserve natural resources, and promote sustainable development, while adequately catering to the recreational needs of the public, as demonstrated by the sections discussed above and the technical studies submitted concurrently with this report.

6.3 Conclusion

The proposed ZBA represents good planning and is in the public interest as it allows for the development of a resource-based recreational facility that diversifies the type of commercial activity in the City within an area appropriate for these types of uses and contributes to economic growth by promoting tourism and additional employment opportunities that serve the residents and vacationing public to this area. Further, the Proposed Development provides for the wise use and management of natural resources and protects notable environmental features within the Subject Lands. All required technical studies have been completed to support the Proposed Development and demonstrate that any proposed site alteration will not have adverse impacts on

surrounding environmental features. The Proposed ZBA is consistent with or conforms to relevant provincial and municipal policy and implements the policies of the CKLOP.