

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2020-06**

**Wednesday, October 7, 2020**

**Commencing at 1:00 p.m. - Electronic Public Participation**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Patrick O'Reilly**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Mike Barkwell**

**Jason Willock**

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca) if you have an accessible accommodation request.

To request to speak to public meeting reports on this agenda please email [clerks@kawarthalakes.ca](mailto:clerks@kawarthalakes.ca) and reference the report number in your email. Following receipt of your email you will receive instruction from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to [agendaitems@kawarthalakes.ca](mailto:agendaitems@kawarthalakes.ca) and reference the report number in the subject line

As no public access to Council Chambers is permitted, members of the public are invited to watch the meeting live on YouTube at [www.youtube.com/c/CityofKawarthaLakes](http://www.youtube.com/c/CityofKawarthaLakes)

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	PLAN2020-046	5 - 18
	Kent Stainton, Planner II	
	An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 10, Concession 9, geographic Township of Emily, identified as 1179 Tracey's Hill Road - Downey	
3.1.1	Public Meeting	
3.1.2	Business Arising from the Public Meeting	
	<b>That Report PLAN2020-046, respecting Part Lot 10, Concession 9, geographic Township of Emily, and identified as 1067 Tracey's Hill Road – Application D06-2020-022, be received;</b>	
	<b>That a Zoning By-law Amendment respecting application D06-2020-022, substantially in the form attached as Appendix D to Report PLAN2020-046, be approved and adopted by Council; and</b>	
	<b>That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.</b>	
3.2	PLAN2020-047	19 - 37
	Ian Walker, Planning Officer - Large Developments	
	An application to amend the Township of Ops Zoning By-law 93-30 on land described as Part of Lot 15, Concession 5, geographic Township of Ops, identified as 2197 Little Britain Road - Bob Mark Tractor Holdings Inc.	
3.2.1	Public Meeting	

### 3.2.2 Business Arising from the Public Meeting

**That** Report PLAN2020-047, **Part of Lot 15, Concession 4, Geographic Township of Ops, Bob Mark Tractor Holdings Inc. – Application D06-2020-019**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2020-047, be referred to Council for approval and adoption; and

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

### 3.3 PLAN2020-050

38 - 49

Mark LaHay, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Block C, Plan 507, geographic Township of Emily identified as Westview Drive - Rowles

#### 3.3.1 Public Meeting

#### 3.3.2 Business Arising from the Public Meeting

**That** Report PLAN2020-050, **respecting Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes, Application No. D06-2020-016**, be received; and

**That** Zoning By-law Amendment Application D06-2020-016, Block C, Plan 507 geographic Township of Emily, City of Kawartha Lakes, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and any other concerns or issues have been addressed.

### 4. Deputations

### 5. Correspondence

### 6. City of Kawartha Lakes Reports

#### 6.1 PLAN2020-045

50 - 70

Jonathan Deworiz, Planner II

Applications to amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30 on land described as Part of Lot 22, Concession 2, geographic Township of Ops, identified as 1590 Elm Tree Road - MacLeish

**That** Report PLAN2020-045, **respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018**, be received;

**That** an Official Plan Amendment By-law, respecting Application D01-2020-004, substantially in the form attached as Appendix C to this report be approved for adoption by Council;

**That** a Zoning By-law Amendment By-law, respecting Application D06-2020-018, substantially in the form attached as Appendix D to this report be approved for adoption by Council; and

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

## 6.2

### PLAN2020-051

71 - 82

David Harding, Planner II

An application to amend the Township of Mariposa Zoning By-law 94-07 on land described as Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, geographic Township of Mariposa, identified as 1013 Eldon Road, Oakwood - Vandenberg

**That** Report PLAN2020-051, **Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road, Vandenberg – D06-2020-017**, be received;

**That** a Zoning By-law Amendment respecting application D06-2020-017, substantially in the form attached as Appendix D to Report PLAN 2020-051, be approved and adopted by Council; and

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

## 7.

### Adjournment



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN 2020-046**

---

**Meeting Date:**       **October 7, 2020**

### **Public Meeting**

**Title:**               **Zoning By-law Amendment – 1067 Tracey’s Hill Road,  
Emily (Downey)**

**Description:** An application to amend the Township of Emily Zoning By-law 1996-30 to change the zoning on a portion of the land from Agricultural (A1) Zone to Agricultural Exception 36 (A1-36) Zone to recognize a reduced minimum lot area and permit specific agricultural uses. The application will also change the zoning surrounding the woodlands on the property from Agricultural (A1) Zone to an Environmental Protection Exception 4 (EP-4) Zone to acknowledge the existing natural heritage features and permit passive, recreational activities. The rezoning would facilitate a future Consent application for a lot addition with an abutting property (1179 Tracey’s Hill Road).

**Ward Number:**       **6 - Emily**

**Author and Title:**   **Kent Stainton, Planner II**

---

### **Recommendation(s):**

**That** Report PLAN2020-046, respecting Part Lot 10, Concession 9, geographic Township of Emily, and identified as 1067 Tracey’s Hill Road – Application D06-2020-022, be received;

**That** a Zoning By-law Amendment respecting application D06-2020-022, substantially in the form attached as Appendix “D” to Report PLAN2020-046, be approved and adopted by Council; and

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

**Department Head:**

---

**Legal/Other:**

---

**Chief Administrative Officer:**

---

## Background:

The subject property consists primarily of agricultural lands with a detached dwelling, pond and wetlands. To facilitate a future consent application, the owner is seeking to sever a 22.22 hectare (54.9 acres) parcel of agricultural lands and retain approximately 16.83 hectares (41.6 acres) comprised of agricultural land and woodlands. The proposed severed lands will be consolidated with an abutting farm parcel to the east identified as Part of lot 11, Concession 9, 1179 Tracey's Hill Road owned by the Gingrich family. Should the zoning by-law amendment and subsequent consent application be approved, the benefitting lands at 1179 Tracey's Hill Road will be 62.28 hectares (153.9 acres) in size.

The proposed retained agricultural lands containing the detached dwelling are to be rezoned to acknowledge a reduced minimum lot area, while continuing to allow agricultural and agricultural-related uses. The wetlands to the east of these lands will be rezoned to an environmental protection zone, protecting the natural heritage features by allowing limited uses including passive, recreation activities. The proposed severed lands to be added to the abutting property will remain under the agricultural zone category.

Owner:	Peter Downey
Applicant:	Emma Drake, D.M Wills Consulting Services
Legal Description:	Part Lot 10, Concession 9, geographic Township of Emily
Official Plan:	Prime Agricultural and Environmental Protection with Evaluated Wetlands and Significant Woodlands within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	39.1 Hectares
Site Servicing:	Private individual well and septic system
Existing Uses:	Agricultural, Residential
Adjacent Uses:	North: Agricultural South: Tracey's Hill Road, Rural Residential, Wetlands Woodlot East: Agricultural, Wetlands, Rural Residential West: Agricultural, Wetlands, Rural Residential

## Rationale:

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or

future agricultural operations. To allow for the long-term ownership of agricultural lands, a zoning by-law amendment is required that will facilitate a lot addition, whereby a portion of the subject lands will be consolidated with an abutting agricultural operation. The retained agricultural lands containing the detached dwelling and portions of cultivatable land will be rezoned to permit a refined list of small-scale agricultural activities. The woodlot consisting of swamp lands will be rezoned to protect the environmental feature in perpetuity. The farm operation that owns the property to the east will continue to farm the lands once the Consent application is processed.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Section 4.2.6 of the Growth Plan provides for the protection of prime agricultural areas identified within official plans. The retention of existing lots of record for agricultural uses is encouraged and the use of these lots for non-agricultural uses is discouraged.

The rezoning to enable the lot addition maintains the agricultural system through providing opportunity to maintain agricultural and agricultural-related uses on the arable sections of the proposed retained lands. No incompatibilities with the agricultural system are created through this application.

Under the Section 4.2.4 of the Growth Plan, natural heritage evaluations or hydrologic evaluations are typically required in order to demonstrate no negative impacts on features such as wetlands and woodlands or their ecological functions. No development, as defined by the Province, will occur within natural heritage or hydrologic features. Moreover, the change in use proposed through the application will provide a benefit to the features as determined by Kawartha Conservation, the governing body having authority over the wetland features, through the imposition of a protective zoning surrounding the features. The subsequent lot addition is recognized as 'technical' in nature and does not pose detrimental impacts to the features.

Therefore, this application conforms to the Growth Plan.

#### **Provincial Policy Statement, 2020 (PPS):**

Section 2.3.3.2 of the Provincial Policy Statement states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. There is no anticipated loss of arable land or potentially productive land as a result of the proposed rezoning.

Section 2.3.4.2 pertaining to prime agricultural lands provides for lot adjustments for technical reasons. The agricultural use of the land will not change and no new lot is being created. The consolidation of farmlands with the abutting parcel

facilitates the transfer of the larger agricultural fields to the adjacent active farming operation. The result is a net benefit for the agricultural system. Farming operations are able to take greater care over the long-term through ownership of land as opposed to short-term rental.

Sections 2.1.5 & 2.1.8 of the Provincial Policy Statement maintain that development and site alteration shall be restricted within and adjacent to significant woodlands. Moreover, the intent of the Provincial Policy Statement is to limit development within natural heritage features. Natural features shall be protected for the long term with ecological function being maintained, restored or improved. The wetlands subject to the rezoning application have been identified as 'locally significant' by the Ontario Ministry of Natural Resources and Forestry. Kawartha Conservation has provided commentary to the effect that the tree line associated with the locally significant wetlands and significant woodlands satisfactorily delineates the extent of the natural heritage features present on the proposed retained lands. Digital mapping was provided, which reflects the boundary of the features and corresponding zone boundary. Since there is no fragmentation of the features and the future lot addition is technical in nature, no Natural Heritage Evaluation or Environmental Impact Study was required to support the application.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated Prime Agricultural and Environmental Protection with Evaluated Wetlands and Significant Woodlands in the City of Kawartha Lakes Official Plan (Official Plan).

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farms wherever possible. Section 15.3.7 provides for minor lot line adjustments provided a separate building lot is not created. Both of the proposed benefitting and retained lands already contain single detached dwellings and no new lot is being created through the application.

The lands to be severed will remain in production as part of the abutting lands currently under cultivation. The Agricultural Exception Zone on the proposed retained parcel still enables small-scale agricultural activities to occur.

The Environmental Protection Designation prevents development and site alteration in hazard lands and within significant natural heritage features. Section 17.3.1 f) of the Official Plan allows for recreation or park purposes, exclusive of buildings and structures, within the Environmental Protection Designation. The Environmental Protection Exception 4 Zone reflects these uses within the proposed zone category.

Therefore, this application conforms to the applicable policies of the Official Plan.

## **Zoning By-law Compliance:**

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30. The A1 zone category permits a single detached dwelling and agricultural uses amongst other permitted uses. The proposed A1-36 Zone will permit a subset of the uses currently permitted in the A1 Zone including:

- Agricultural Use;
- Agricultural produce storage facility or seasonal fruit, flower or farm produce outlet for goods grown or produced on the farm;
- Home Occupation;
- Bed and Breakfast Establishment; and
- Single Detached Dwelling.

The intent behind the refined list of permitted uses is to maintain smaller scale agricultural opportunities. Any new agricultural structures would need to comply with MDS criteria. A Seasonal Farm Residential Use will not be permitted within the A1-36 Exception Zone.

Section 7.2.2.1 of the A1 Zone states that lands shall have a minimum lot area of 25 hectares. The proposed A1-36 Zone will be comprised of 4.2 hectares (10.5 acres) and contain the dwelling, pond and cleared area west of the woodlands. While the lot area of the A1-36 Zone is less than the requirements of the A1 Zone, the lands within the A1-36 zone meet or exceed all other development standards of the Zoning By-law.

An Environmental Protection Exception 4 (EP-4) Zone is proposed to replace the A1 Zone on the portion of the retained lands containing the wetlands. The EP-4 Zone will protect the locally significant wetlands by prohibiting large-scale development. While no development currently exists within the EP-4 Zone, trails and boardwalks are permitted provided the necessary permissions are obtained from Kawartha Conservation prior to construction.

The future lot addition does not affect ownership of the natural heritage features present on the subject lands. In fact, through introducing the Environmental Protection Zone, the wetlands and significant woodlands are placed within a protective boundary, where no such protection previously existed.

## **Other Alternatives Considered:**

No alternatives have been considered at this time.

## **Financial/Operation Impacts:**

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

## **Relationship of Recommendations to the 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

### **Servicing Comments:**

The single detached dwelling on the subject lands is serviced by a private sewage disposal system and a well.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division raised no concerns as a result of the circulation. The Agricultural Officer of the Economic Development Division is supportive of the application as the ability to conduct agricultural activities is maintained on the proposed rezoned portion of the retained lands. No comments were received from the public.

Kawartha Conservation had no concerns with the application since the Environmental Protection Exception 4 Zone is being imposed in order to protect the environmental features in perpetuity. Digital mapping of the feature was provided to identify and delineate the extent of the features present.

### **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the applicable policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix E will ensure specific agricultural-related activities can occur by introducing the A1 Exception 36 Zone. The Zoning By-law Amendment also ensures the protection of the locally significant wetlands through the introduction of the Environmental Protection Exception 4 (EP-4) Zone. While the intent of the zoning is to prevent development from occurring in the wetlands, passive recreational activities through trails and boardwalks are permitted. Such activities are also permissible within wetlands through the policies of Kawartha Conservation.

The effect of the rezoning will allow for separate ownership of the A1 zoned lands in the north and acknowledge the undersized lands within the A1-36 Zone category. The retained agricultural land will enable small-scale agricultural activities to continue with the lands in the north be consolidated with the aforementioned abutting farm operation.

## **Conclusion:**

The application conforms to and is consistent with the provincial policies concerning the protection of Prime Agricultural lands and natural heritage preservation. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of September 25, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

## **Attachments:**

### **Appendix 'A' – Location Map**



Appendix A to  
PLAN2020-046.pdf

### **Appendix 'B' – Zone Sketch for Application**



Appendix B to  
PLAN2020-046.pdf

### **Appendix 'C' – Proposed Severance Sketch**



Appendix C to  
PLAN2020-046.pdf

### **Appendix 'D' – Aerial Photograph of Property**



Appendix D to  
PLAN2020-046.pdf

### **Appendix 'E' – Draft Zoning By-law Amendment**



Appendix E to  
PLAN2020-046.pdf

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

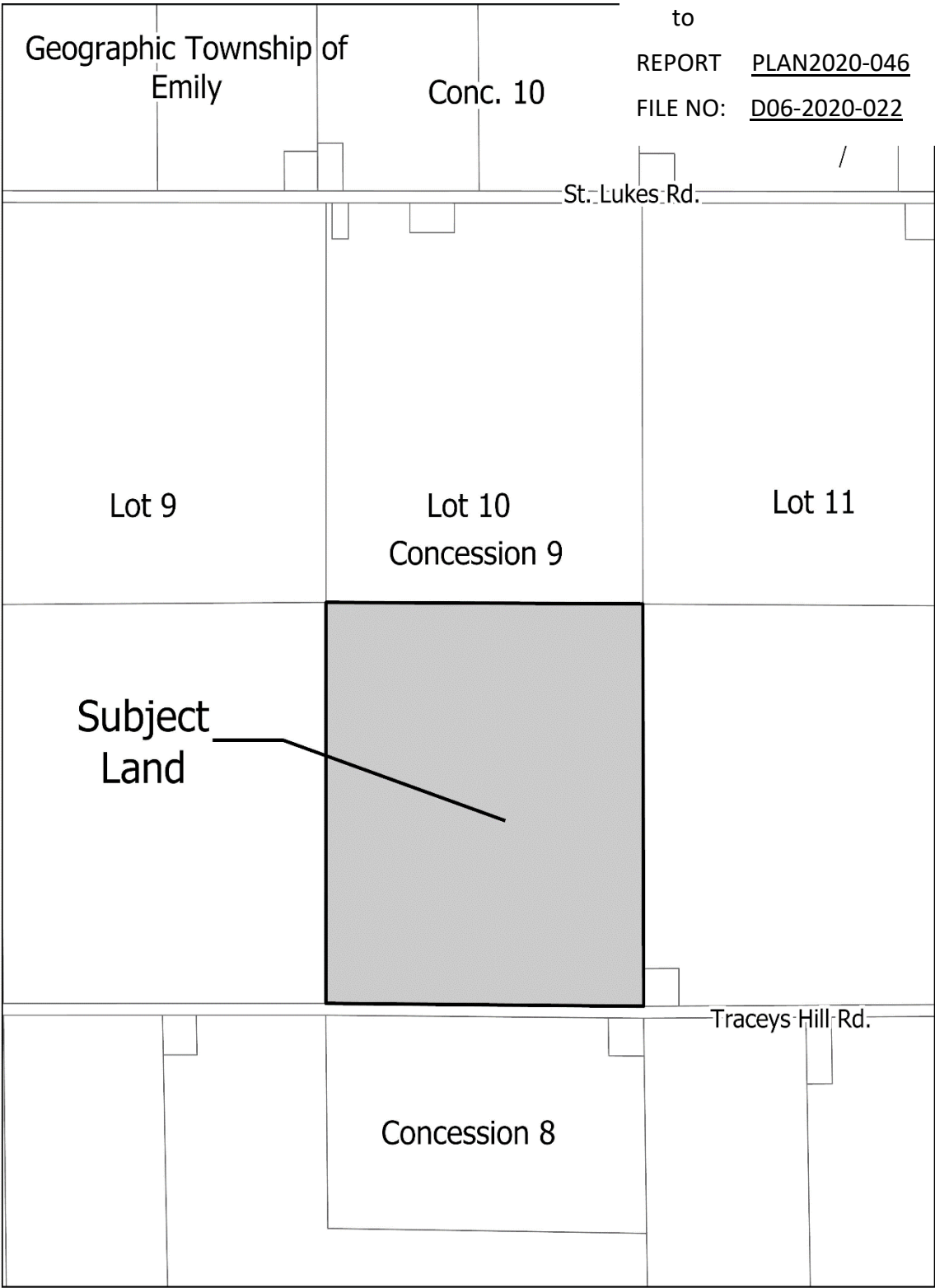
**Department File:** D06-2020-022

APPENDIX “ A ”

to

REPORT PLAN2020-046

FILE NO: D06-2020-022





APPENDIX “ B ”

to

REPORT PLAN2020-046

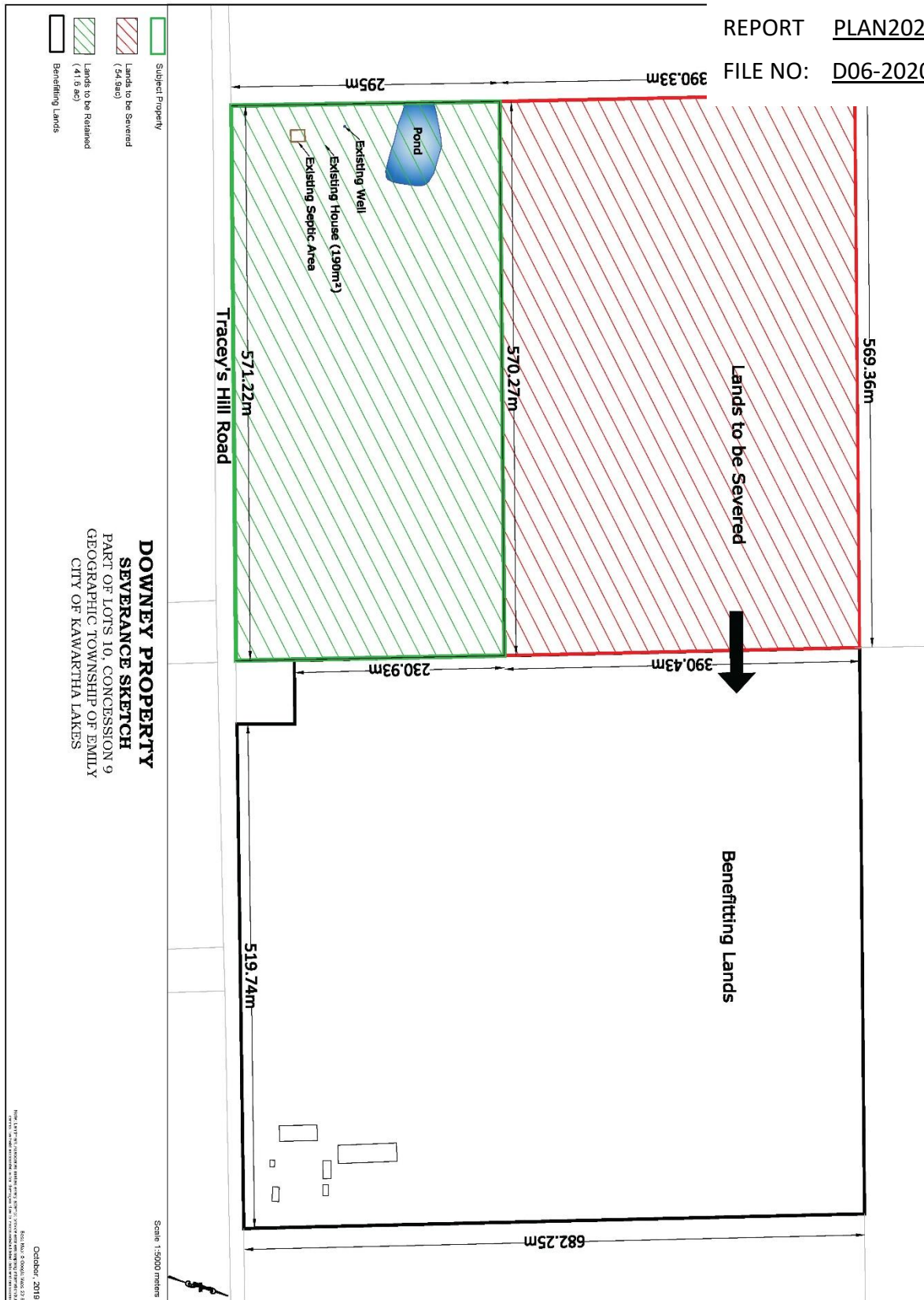
FILE NO: D06-2020-022



to

REPORT PLAN2020-046

FILE NO: D06-2020-022







Legend

☐

Property Roll Number

☐

Lots and Concessions

☐

Lower Tier Municipalities

Notes

Notes

The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law To Amend The Township of Emily Zoning By-Law 1996-30 To Rezone Land Within The City Of Kawartha Lakes

APPENDIX " E "

to

REPORT PLAN2020-046

FILE NO: D06-2020-022

File D06-2020-022, Report PLAN2020-046, respecting Part Lot 10, Concession 9, geographic Township of Emily, identified as 1067 Tracey’s Hill Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:  
  
(a) rezone the land containing the dwelling to an agricultural exception zone category and establish applicable development standards;  
  
(b) rezone the balance of the lands containing the woodlands to an environmental protection zone and establish applicable development standards,  
  
in order to facilitate a future Consent application
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-\_\_.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 9, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding the following subsections to Sections 5.3 and 7.3:  
  
“5.3.4 ENVIRONMENTAL PROTECTION EXCEPTION FOUR (EP-4) ZONE  
  
5.3.4.1 Notwithstanding Sections 5.1 & 5.2, land zoned “EP-4” may also be used for passive, recreational uses specific to recreational trails and boardwalks.  
  
7.3.36 AGRICULTURAL EXCEPTION THIRTY SIX (A1-36) ZONE  
  
7.3.36.1 Notwithstanding subsections 3.21, 7.1.1, 7.2.1.7, 7.2.1.9, 7.2.1.10 and 7.2.1.11, on land zoned “A1-36” the permitted uses are limited to the following:  
  
a) Agricultural Use;  
b) Agricultural produce storage facility or seasonal fruit, flower or farm produce outlet for goods grown or produced on the farm;  
c) Home Occupation;  
d) Bed and Breakfast Establishment; and,  
e) Single detached dwelling.  
  
7.3.36.2 Notwithstanding 7.2.1.1, 7.2.1.7, 7.2.1.9, 7.2.1.10 and 7.2.1.11, land zoned “A1-36” shall have a minimum lot area of 4.2 hectares.
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the

property from Agricultural (A1) Zone to Agricultural Exception Thirty Six (A1-36) Zone for the land referred to as A1-36, as shown on Schedule 'A' attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A1) Zone to Environmental Protection Exception Four (EP-4) Zone for the land referred to as EP-4, as shown on Schedule 'A' attached to this By-law.

**Section 2:00      Effective Date**

2.01    **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 20th day of October, 2020.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

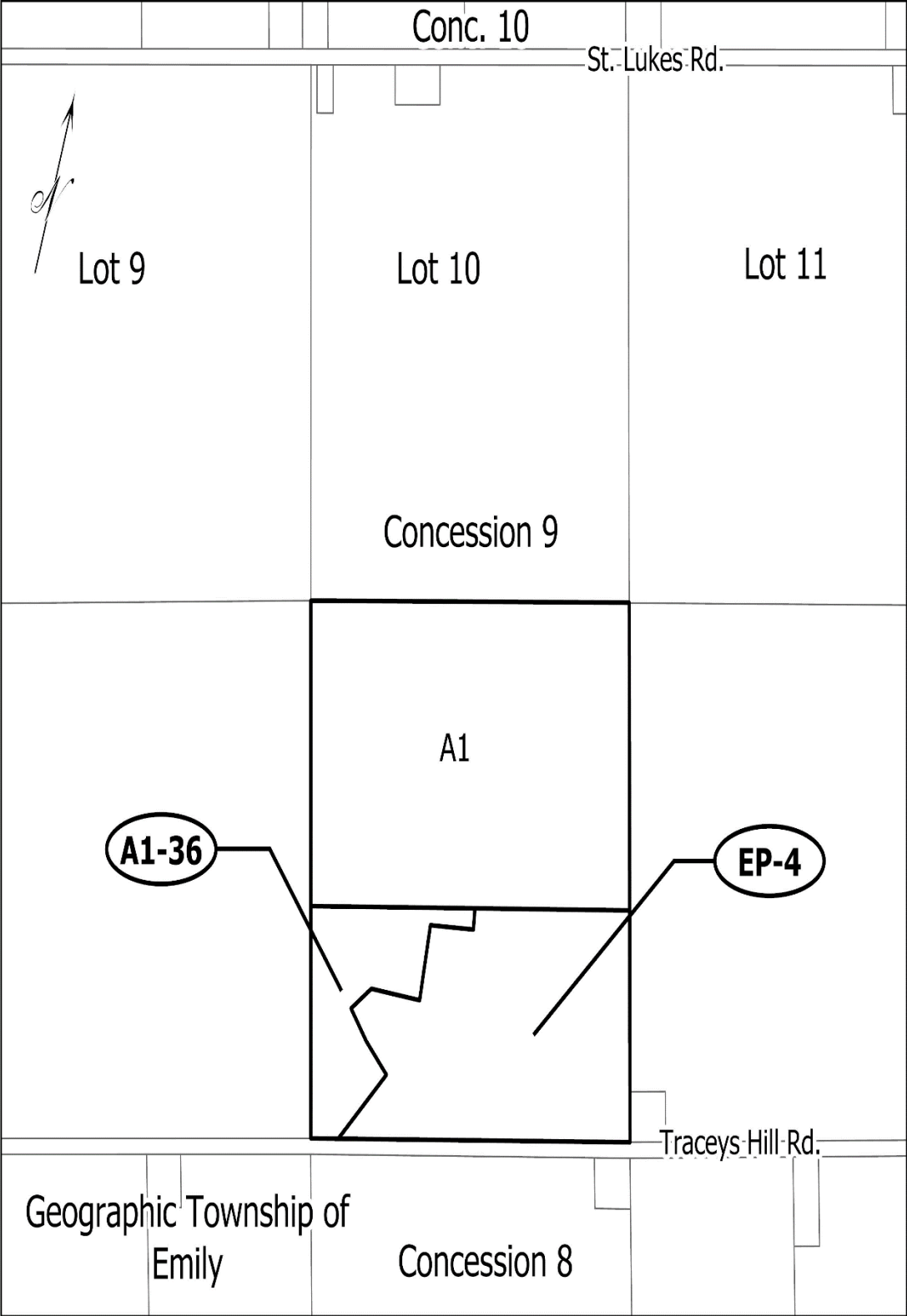
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-047**

---

**Meeting Date:**       **October 7, 2020**

**Public Meeting**

**Title:**               Zoning By-law Amendment for Industrial Uses

**Description:**       An application to amend the Township of Ops Zoning By-law to permit various types of light, medium, and heavy industrial uses permitted in the 'M' zone as permitted uses, and to amend the development standards to allow the redevelopment of the property identified as 2197 Little Britain Road, Ops (Bob Mark Tractor Holdings Inc.)

**Ward Number:**       **Ward 7 – Ops**

**Author and Title:**   **Ian Walker, Planning Officer – Large Developments**

---

**Recommendations:**

**That** Report PLAN2020-047, **Part of Lot 15, Concession 4, Geographic Township of Ops, Bob Mark Tractor Holdings Inc. – Application D06-2020-019**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2020-047, be referred to Council for approval and adoption; and

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

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

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

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

## Background:

The applicant has submitted an application for a zoning by-law amendment. The proposal is to change the zone category from the 'Agricultural Support (AS) Zone' to the 'General Industrial Exception \*\* (M-\*\*) Zone' to permit various types of the light, medium, and heavy industrial uses permitted in the 'M' zone; and to recognize specific site development standards for the lot.

Owner:	Bob Mark Tractor Holdings Inc. c/o Andy Svetec & Darryl Buttar
Applicant:	Kevin M. Duguay Community Planning c/o Kevin Duguay
Legal Description:	Part of Lot 15, Concession 4, Geographic Township of Ops
Designation:	'Industrial' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	'Agricultural Support (AS) Zone' on Schedule 'A' of the Township of Ops Zoning By-law Number 93-30
Lot Area:	8,053 square metres [1.99 acres]
Site Servicing:	Private well, on-site sewage holding tank, and swales
Existing Uses:	Farm Implement Dealership (Bob Mark New Holland)
Adjacent Uses:	North: Highway 7/35; Agricultural; Rural Residential East: Little Britain Road; Rural Residential; Agricultural South: Little Britain Road; Rural Residential; McLean Auctions Consignment Yard West: Car Dealer (Race Toyota); McLean Auctions

## Rationale:

The property is located at the southwest intersection of Highway 7/35 and Little Britain Road, to the southwest of Lindsay. See Appendix 'A'. The subject property is located in a mixed use area with agricultural parcels and rural residential properties to the north, east and south; the McLean Auctions consignment yard and auction buildings to the south and southwest; and the Race Toyota car dealer to the immediate west, with other commercial and industrial uses beyond (self storage, abattoir, etc.).

The property is currently developed with two metal-clad buildings, and consists of approximately 0.8 hectares. See Appendix 'B'. The applicant is applying on behalf of the owner to rezone the property to permit various types of the light, medium, and heavy industrial uses permitted in the 'M' zone considered appropriate for the site based on existing constraints, including servicing, property area, and traffic. Site specific development standards will also be incorporated into the zoning, based on the existing built form.



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

1. Planning Justification Report prepared by Kevin M. Duguay Community Planning and Consulting Inc., dated May 13, 2020. The report discusses and assesses the proposal in context of the 2020 Provincial Policy Statement (PPS, 2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan); the City of Kawartha Lakes Official Plan, and the Township of Ops Zoning By-law 93-30.
2. Site Servicing Constraints Review prepared by D.M. Wills Associates Limited, dated August 6, 2019. The report discusses and assesses the proposal in context of services, including water, sewage, and stormwater management.
3. Traffic Brief prepared by Asurza Engineers Ltd., dated June 14, 2019. The report discusses and assesses the proposal in context of the existing development on the property.
4. Topographic Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated January 18, 2018.

All the reports have been circulated to the applicable City departments and commenting agencies for review and comment, with no major concerns or issues raised. The Ministry of Transportation Ontario (MTO) has noted that any future traffic issues will be addressed through a Site Plan Control application, once a specific use is proposed.

## **Provincial Policies:**

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The 2019 Growth Plan provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. The policies in Section 2.2.9 of the 2019 Growth Plan relate to development in the Rural Areas.

The Growth Plan states that economic development and competitiveness will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. The proposed land uses are typical of a rural setting, and not entirely appropriate for an urban area.

On this basis, the applications conform to the Growth Plan in that they serve to permit a variety of dry industrial uses. The applications will also create full and part-time employment opportunities.

### **Provincial Policy Statement, 2020 (PPS, 2020):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. Where municipal services are not available, private services must be confirmed. A Site Servicing Constraints Review report has been submitted, to confirm that the private water and on-site sewage holding tank will be sustainable, feasible, and protect human health and the natural environment, in accordance with the policies.

On this basis, the application is consistent with the PPS, 2020.

### **Official Plan Conformity:**

The lands are designated 'Industrial' on Schedule 'A-3' of the City of Kawartha Lakes Official Plan (Official Plan). Permitted uses in the 'Industrial' designation include agricultural industries; business service establishments; corporate offices; light, medium, and service industries; manufacturing, processing and assembly establishments; repair service establishments; research and development facilities; retail and wholesale outlets that sell products manufactured on the site; Construction or trade establishments; truck or transportation terminals; utility and transportation functions; and warehousing and indoor or outdoor storage establishments.

The following applicable criteria apply to lands designated 'Industrial':

- Be located on or near main transportation routes;
- Be directed away from residential areas and areas with high potential for recreational and/or tourist development;
- Not result in truck traffic which would adversely affect sensitive land uses;
- Be separated from sensitive land uses;
- Industrial uses on private services should be restricted to ones that are dry and low water users; and
- Adequate off street parking and loading facilities shall be provided, including employee and visitor parking.

Development on individual services would typically require a hydrogeological study, to confirm there is an adequate supply of water. Given this proposal will include 'dry' industrial uses with similar water demands to the existing

development, a hydrogeological study is not necessary. A Site Servicing Constraints Review was completed, which assessed well records, and published geological and physiographic maps and reports for the area. No concerns were raised based on a review of these reports. In addition, any future re-development of the property will be subject to Site Plan Control, in accordance with the Official Plan policies, and the Site Plan By-law, as amended.

On this basis, conformity with the policies of the Official Plan have been demonstrated.

### **Zoning By-Law Compliance:**

The lot is zoned 'Agricultural Support (AS) Zone' in the Township of Ops Zoning By-law 93-30 (Zoning By-law). The applicant has requested to change the zone category to the 'General Industrial Exception Nine (M-9) Zone' to permit various types of the light, medium, and heavy industrial uses permitted in the 'General Industrial (M) Zone' considered appropriate for the site based on the existing constraints, including servicing, property area, and traffic (in **bold** below). The Exception provision would also permit for the re-development of the site based on site-specific development standards.

The 'M' zone permitted uses includes the following:

#### **Residential:**

- **prohibited**, except for accessory sleeping accommodation for security, medical or maintenance staff.

#### **Non Residential Uses:**

##### **Light Industrial:**

- **an assembly plant**
- **an equipment storage building**
- **a printing or publishing establishment**
- **a warehouse**
- a provincial correctional facility (B/L 96-29)

##### **Medium Industrial:**

- **a body shop**
- **a commercial garage**
- **a contractors yard**
- **a machine shop or welding shop**
- **a maintenance garage**
- **a manufacturing plant**
- **a private gasoline pump island**
- **a processing plant**
- a recycling transfer centre
- a sawmill or planing mill

- a tradesman's shop
- a public works yard
- a truck terminal or depot
- an open storage area accessory to an M use
- a provincial correctional facility (B/L 96-29)

**Heavy Industrial:**

- a bulk storage tank
- a concrete batching or mixing plant
- a railroad use
- a provincial correctional facility (B/L 96-29)

**Other Industrial Uses:**

- a building supply outlet
- a farm implement sales and supply establishment
- a light or heavy equipment sales and rental outlet
- a factory outlet
- a merchandise service shop
- a parking lot
- a storage lot for recreational vehicles

**Exception Zone:**

The 'M-9' zone as proposed would permit only the **bolded** uses in the 'M' zone listed above. In addition, the site-specific development standards are as follows:

<b>Zone Standard:</b>	<b>'M' Zone:</b>	<b>Proposed 'M-9' Zone:</b>
Minimum Lot Area	4,000 square metres	7,500 square metres
Minimum Lot Frontage	45 metres	22 metres
Definition of 'Lot Line, Front' (Section 19.116 of By-law)	In accordance with Section 19.116	The easterly lot line along Little Britain Road shall be deemed to be the 'Lot Line, Front'
Minimum Front Yard Setback (East – Along Little Britain Road)	12 metres	12 metres
Minimum Exterior Side Yard Setback (North – Along Highway 7/35)	12 metres	14 metres for all new development; and 12 metres for the existing development
Minimum Exterior Side Yard Setback (South – Along Little Britain Road)	12 metres	9 metres or the existing, whichever is less

<b>Zone Standard:</b>	<b>‘M’ Zone:</b>	<b>Proposed ‘M-9’ Zone:</b>
Minimum Landscaped Area	20%	20% or the existing, whichever is less
Open Storage Area	No open storage area shall be located: (a) in a front yard or a exterior yard;	Shall be permitted in any yard other than the South Exterior Side Yard

The Planning Justification Report identifies that the proposal is not changing any of the existing buildings, structures, driveways and/or site parking. The property fronts onto a Provincial Highway, and as such, a 14 metre setback is required along Highway 7/35 by the Ministry of Transportation Ontario (MTO), for any new development, including buildings or structures.

On this basis, the application will comply with the provisions of the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council’s decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal (LPAT). In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations to The 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Vibrant and Growing Economy priority by attracting new business and expanding local employment opportunities.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented through the appropriate Site Plan Agreement, and permits issued under the Ontario Building Code (OBC).

## **Servicing Comments:**

The property is currently serviced by a private well, on-site sewage holding tank, and swales. No changes to the existing servicing are proposed.

## **Consultations:**

Notice of this application was circulated to agencies and City Departments which may have an interest in the applications; to persons within a 500 metre radius of the property; and a sign was posted on the property. As of September 25, 2020, we have received the following comments:

### **Public Comments:**

To date, no public comments have been received.

### **Agency Review Comments:**

- |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| September 11, 2020 | The Building Division has no concerns with the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| September 11, 2020 | The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| September 22, 2020 | The Ministry of Transportation Ontario (MTO) advised they support the proposal in principle, however note that they can not complete the review of the application, as the future use of property is not known at this time. If a new business moves into the site as is, then a site plan will not be required. If any changes are proposed to the site, a Site Plan, Stormwater Management Plan, and revised Traffic Study will be required. In the future, MTO will require a small sliver of the property for future highway improvements. A 14 metre MTO setback applies to any new structures or facilities. A full copy of the MTO comments is included as Appendix 'C'. |
| September 25, 2020 | The Economic Development Division advised they are supportive of this application, as the existing use of agricultural equipment sales are to be permitted to continue as a permitted use in the rezoning. This will support the agricultural community, should another business looking to serve the agricultural community                                                                                                                                                                                                                                                                                                                                                    |

seeks to locate on this property. This aligns well with the Kawartha Lakes Strategic Plan; the Economic Development Strategy; and the Agriculture and Food Action Plan by providing additional opportunities for employment and increased businesses across a broad range of uses.

## **Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2019 Growth Plan, and is consistent with the 2020 PPS. Conformity with the City's Official Plan has also been demonstrated, and the rezoning will establish the site-specific development standards based on the existing development of this property, to permit the new uses. Any future traffic issues will be addressed through the subsequent Site Plan Control application to establish the future new use of the property.

## **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be **Approved**.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

### **Appendix 'A' – Location Map**



PLAN2020-047  
Appendix A.pdf

### **Appendix 'B' – Existing Plan of Survey, dated January 18, 2018**



PLAN2020-047  
Appendix B.pdf

### **Appendix 'C' – MTO Comments, dated September 22, 2020**



PLAN2020-047  
Appendix C.pdf

## Appendix 'D' – Proposed Zoning By-law Amendment

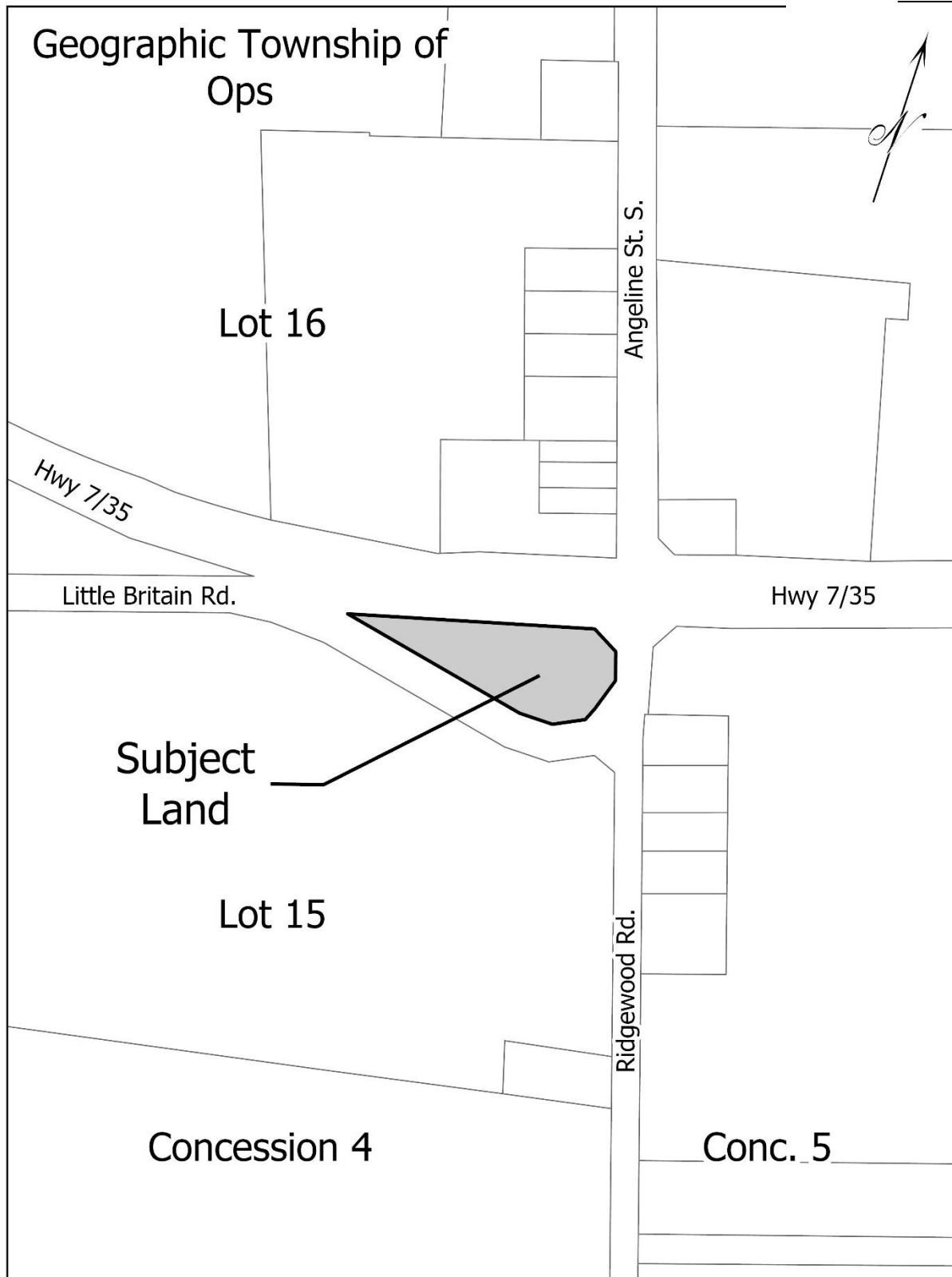


PLAN2020-047  
Appendix D.pdf

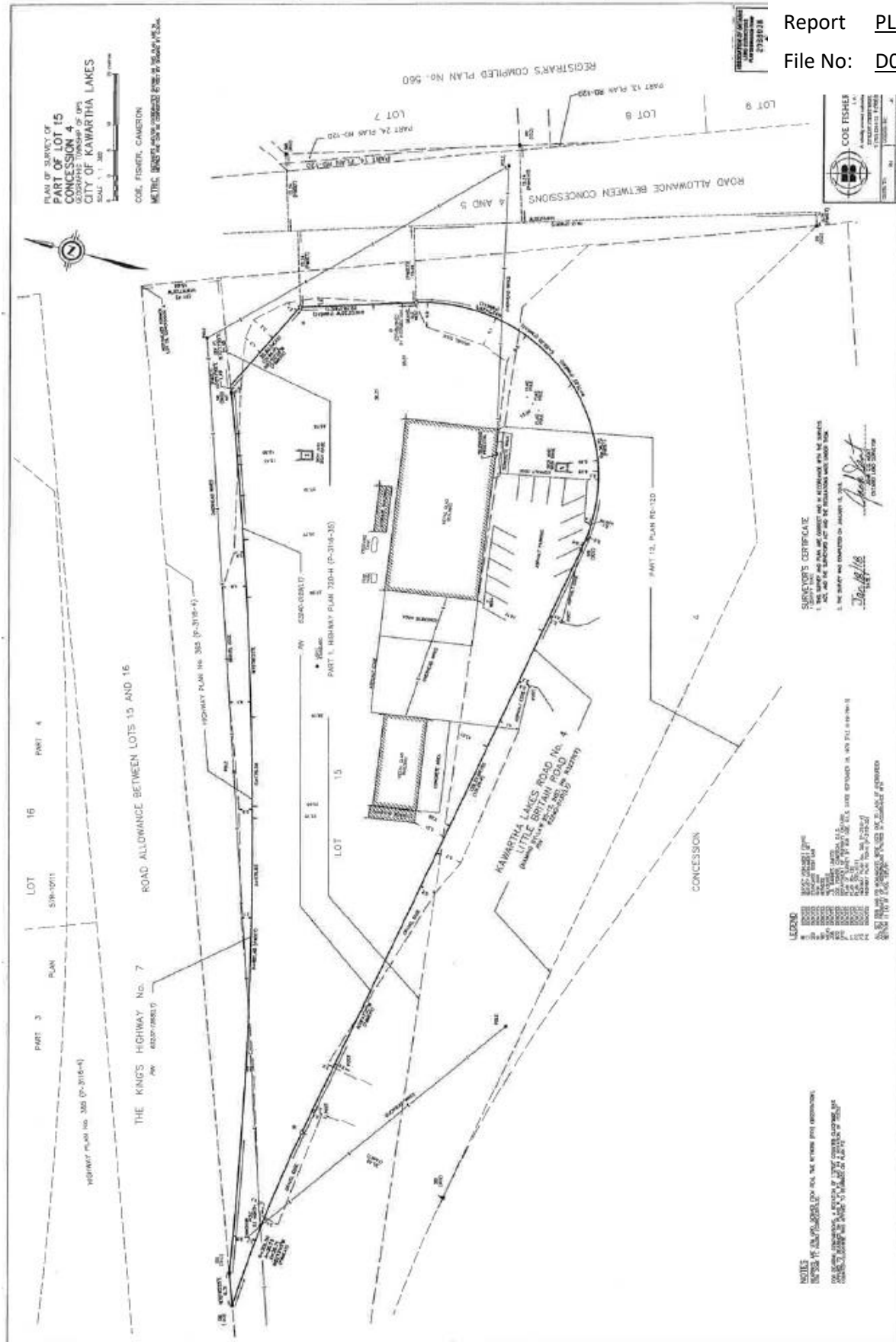
---

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)  
**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D06-2020-019





to

Report PLAN2020-047File No: D06-2020-019

to

Report PLAN2020-047File No: D06-2020-019**Ministry of Transportation**

Corridor Management Section  
1355 John Counter Boulevard  
Postal Bag 4000  
Kingston, Ontario K7L 5A3  
Tel.: 613 544-2220 ext. 4119  
Fax: 613-540-5106  
Prabin.Sharma@ontario.ca

**Ministère des Transports**

Section de gestion des couloirs routiers  
1355, boulevard John Counter  
CP/Service de sacs 4000  
Kingston (Ontario) K7L 5A3  
Tél.: 613 544-2220 ext. 4119  
Téléc: 613 540-5106



September 22, 2020

Ian Walker  
Planning Officer – Large Developments  
City of Kawartha Lakes  
180 Kent Street West  
Lindsay, ON K9V 2Y8

Via email: [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca)

**Re: New Holland – Existing. Zoning By-law Amendment, Municipal File no. D06-2020-019  
2197 Little Britain Road, Pt. Lot 15, Con. 4, Geographic Township of Ops  
City of Kawartha Lakes, Highway 7**

---

Thank you for circulating to the Ministry of Transportation (MTO) the Zoning By-law Amendment application affecting above referenced lands to permit industrial uses. The ministry has reviewed the proposal in accordance with the *Public Transportation and Highway Improvement Act (PTHIA)* and Highway Access Management Guideline and offers the following comments:

The ministry supports the proposal in principle to rezone the subject lands to allow for an industrial use. However, please advise the proponent that MTO could not complete the review of the application as the future use is unknown at the time. However, we are providing the following comments based on the information submitted.

**Site Plan:** No site plan was submitted together with the re-zoning application. If any change to the site is proposed, such as addition or demolition of buildings, change of grading, re-surfacing, or change in drainage or parking a Site Plan needs to be submitted for MTO's review and approval. If a new business is simply moving in without any changes whatsoever to the site, then a site plan will not be required.

**Stormwater Management Report:** Similar to the site plan requirement, if any change to the drainage or elements that affect drainage is contemplated, a stormwater management report will be required for MTO's review and approval. As a general rule, the post-construction flows to the highway drainage system must be equal to or less than pre-construction flows. The Ministry generally does not accept rooftop or parking lot storage of storm water, in conjunction with orifice plates. The proponent should be advised that MTO will require that the owner will be liable for any maintenance costs that are incurred as a result of damages caused to the highway right-of-way, where the damage can be attributed to the drainage works associated with the proposed land development. As well, any drainage works located within the proposed land development are to remain in place, be a requirement

.../2

that is binding on all future heirs and successors of the land development, and be a requirement that is enforceable through the courts. The owner will agree to put in place necessary erosion and sediment control works for the proposed development area prior to removal of soil cover, so that sediment does not accumulate in the highway drainage system. The owner will bear any costs associated with the clean out of sediment within the highway drainage system resulting from the construction of the proposed land development. These conditions should be addressed in the Stormwater Management Report and will be conditions on the MTO permit.

MTO has an extensive drainage website located at [www.mto.gov.on.ca/english/publications/drainage-management.shtml](http://www.mto.gov.on.ca/english/publications/drainage-management.shtml). I would urge your drainage engineer to consult this MTO website prior to proceeding as it will provide detailed information on the MTO requirements for the Stormwater Management Report submission to the ministry. When submitting, please ensure you send MTO three full copies of the SWM report package for review as well as copies of any document referenced such as a Master Drainage Plan.

**Traffic Study:** A Traffic Brief was submitted as a part of the re-zoning application. MTO did not complete the review of the Brief as the future use is currently unknown. Once the future use is known, please submit a revised Traffic Study. The study should identify any potential impacts the new business may have on the Highway 7 and recommend improvements needed mitigate those impacts. If improvements are required, the proponent will be solely responsible, financially or otherwise, for the highway improvement works.


**Property Requirements:** Please advise the proponent that MTO has a designation in place along part of the Angeline St South to allow for the future Highway improvement works. I have copied a snippet of the designation (area in red) below. Part of the designation overlaps with the subject parcel; therefore, the proponent should be advised that MTO will need the sliver around the corner for future highway improvements, and that any future re-development of the land should satisfy MTO's property concerns. The proponent should also be advised that the 14m setback for any new structures or facilities will be measured from the limits of the new designation (red). If municipal setback requirement is greater, then the municipal setback will apply.



.../3

We look forward to reviewing the revised submission. If you have further questions relating to these matters, please contact [Cheryl.tolles@ontario.ca](mailto:Cheryl.tolles@ontario.ca).

Sincerely,



Prabin Sharma  
Corridor Management Planner  
Ministry of Transportation  
Kingston, ON

c. Jazmine Etchells  
Corridor Management Officer  
[Jazmine.etchells@ontario.ca](mailto:Jazmine.etchells@ontario.ca)  
Ministry of Transportation, East Operations

Cheryl Tolles  
Sr. Project Manager  
[Cheryl.tolles@ontario.ca](mailto:Cheryl.tolles@ontario.ca)  
Ministry of Transportation, East Operations

**The Corporation of the City of Kawartha Lakes**Report PLAN2020-047**By-Law 2020 -**File No: D06-2020-019**A By-law to Amend the Township of Ops Zoning By-law No. 93-30 to  
Rezone Land within the City Of Kawartha Lakes**

[File D06-2020-019, Report PLAN2020-047, respecting Part of Lot 15, Concession 4, Geographic Township of Ops, identified as 2197 Little Britain Road – Bob Mark New Holland Inc.]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a range of dry industrial uses on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 15, Concession 4, Geographic Township of Ops, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following section to Section 12.3:

'12.3.9 General Industrial Exception Nine (M-9) Zone

Notwithstanding Subsection 2.22 or the permitted uses and zone provisions in the General Industrial (M) Zone to the contrary, within the General Industrial Exception Nine (M-9) Zone, the following shall apply:

- a. Notwithstanding subsection 12.1, on land zoned M-9 only the following uses are permitted:

Residential:

- prohibited

## Non Residential Uses:

### Light Industrial:

- an assembly plant
- an equipment storage building
- a printing or publishing establishment
- a warehouse

### Medium Industrial:

- a body shop
- a commercial garage
- a contractors yard
- a machine shop or welding shop
- a maintenance garage
- a manufacturing plant
- a private gasoline pump island
- a processing plant
- a tradesman's shop
- a public works yard
- a truck terminal or depot
- an open storage area accessory to an M use

### Heavy Industrial:

- a bulk storage tank

### Other Industrial Uses:

- a building supply outlet
- a farm implement sales and supply establishment
- a light or heavy equipment sales and rental outlet
- a factory outlet
- a merchandise service shop
- a parking lot
- a storage lot for recreational vehicles

- b. Notwithstanding subsection 2.22 and 12.2, and the definition of 'Lot Line, Front' in subsection 19.116; on land zoned M-9 the following zoning provisions shall apply to the subject lands:

- Lot Area (minimum): 7,500 square metres
- Lot Frontage (minimum): 22 metres
- The easterly lot line along Little Britain Road shall be deemed to be the 'Lot Line, Front'
- Front Yard, East (minimum): 12 metres
- Exterior Side Yard, North (minimum): 14 metres for all new development; and 12 metres for the existing development
- Exterior Side Yard, South (minimum): 9 metres or the existing, whichever is less

- Landscaped Area (minimum): 20% or the existing, whichever is less
- Open Storage Area: Shall be permitted in any yard other than the Exterior Side Yard, South

1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category from the 'Agricultural Support (AS) Zone' to the 'General Industrial Exception Nine (M-9) Zone' for the land referred to as 'M-9', as shown on Schedule 'A' attached to this By-law.

## **Section 2:00      Effective Date**

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2020.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk



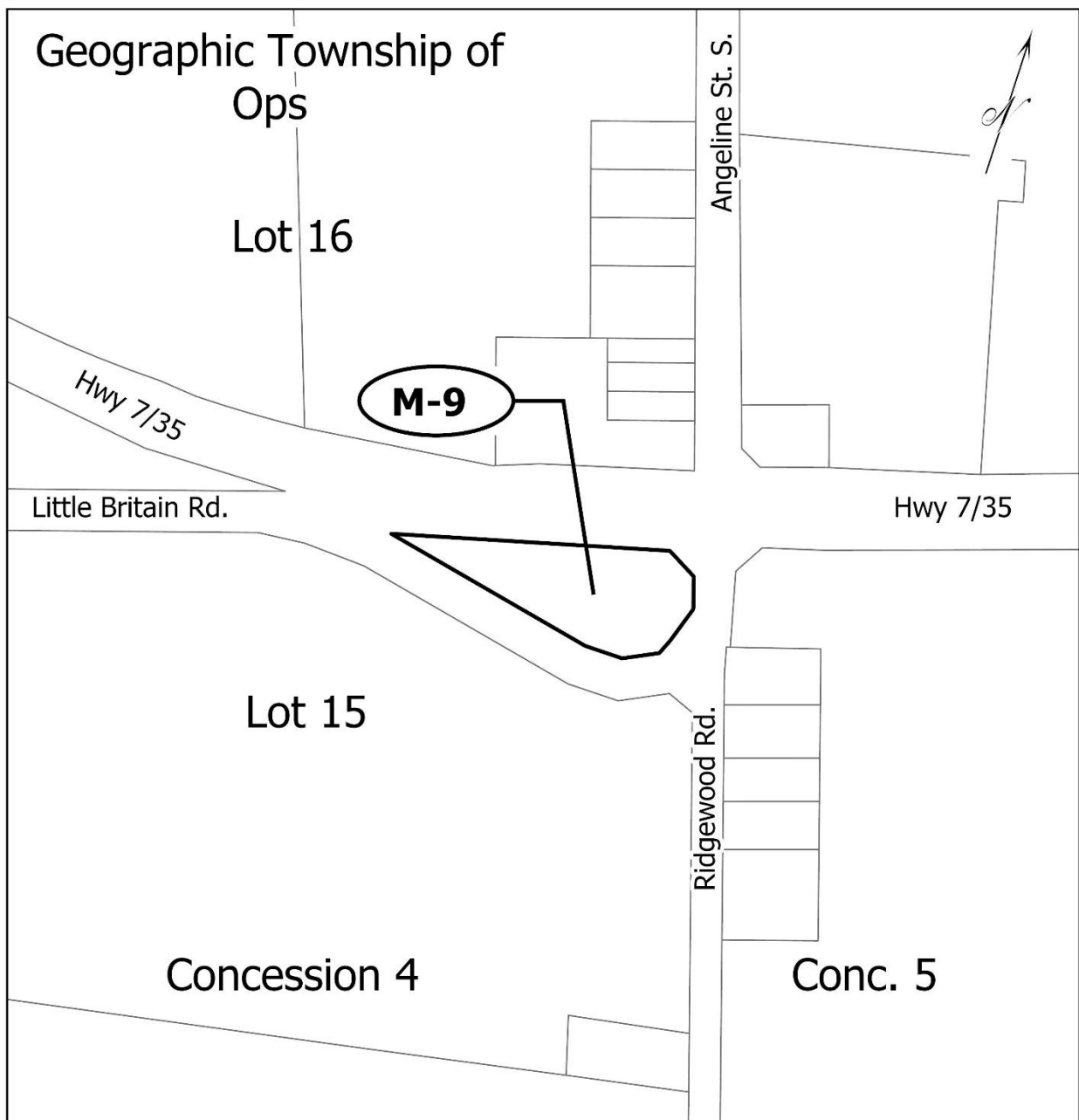
THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-050**

---

**Meeting Date:** October 7, 2020

**Public Meeting**

**Title:** An application to amend the Township of Emily Zoning By-law 1996-30

**Description:** To change the Community Facility Exception One (CF-1) Zone to an appropriate Rural Residential Type Three (RR3-\*) Exception Zone to permit a residential use on the subject property identified as Block C, Plan 507, Westview Drive (Rowles)

**Author and Title:** Mark LaHay, Planner II, MCIP, RPP

---

**Recommendation(s):**

**That** Report PLAN2020-050, respecting Block C, Plan 507, geographic Township of Emily, City of Kawartha Lakes, Application No. D06-2020-016, be received; and

**THAT** Zoning By-law Amendment Application D06-2020-016, Block C, Plan 507 geographic Township of Emily, City of Kawartha Lakes, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and any other concerns or issues have been addressed.

**Department Head:**

---

**Legal/Other:**

---

**Chief Administrative Officer:**

---

## **Background:**

Owner:	Sabrina Rowles
Applicant/Agent:	Richard J. Taylor, Barrister and Solicitor
Legal Description:	Block C, Plan 507, geographic Township of Emily
Official Plan:	Waterfront and Environmental Protection in the City of Kawartha Lakes Official Plan
Zone:	Community Facility Exception One (CF-1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	0.482 ha. (1.190 acres - MPAC)
Site Servicing:	Private Well and Private Septic System proposed
Existing Uses:	Vacant land
Adjacent Uses:	North: Rural and Waterfront Residential/Pigeon Lake South: Environmental Protection/Potash Creek/Agricultural East: Pioneer Road (portion unimproved)/Rural/Agricultural West: Westview Drive/Waterfront Residential/Pigeon Lake

The subject property was part of the Glen's green spaces as part of the original plan of subdivision that was registered in the early 1970s and was not originally assessed by MPAC. More recently in 2015, this property has been the subject of a sale by the City of Kawartha Lakes relating to the non-payment of property taxes in accordance with municipal procedures. It has been sold twice, since it was originally under the ownership of the Glen Cottage Owners Association.

## **Rationale:**

The subject property is located within an existing rural residential subdivision within a Waterfront designated community, which is situated adjacent to Pigeon Lake. The subject land is presently vacant. The current owner who purchased the property in 2016 proposes to rezone the property to change the previous community facility use to permit a single detached dwelling, which would also include permitted residential accessory uses.

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Zoning By-law Amendment Application received February 18, 2020 and deemed complete June 8, 2020.
2. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated December 4, 2019 and supplementary confirmation dated September 23, 2020 that the conclusions of the Planning Justification Report related to the relevant sections of the PPS are still valid as the

proposed Zoning By-law amendment is consistent with the policy changes resulting from the 2020 Provincial Policy Statement (PPS).

3. Proposed Concept Site Plan prepared by EcoVue Consulting Services Inc., dated June 1, 2020.
4. Topographic Survey prepared by Elliott and Parr, Ontario Land Surveyors, dated April 26, 2016.
5. Desktop Hydrogeological and Servicing Assessment prepared by Oakridge Environmental Ltd., dated October 2019. The report concludes there is an adequate supply of groundwater to service the single residential development and that there is sufficient area to support a private (conventional) Class 4 sewage system, with the expectation that a partially or fully raised tile bed will be required to accommodate site conditions. This will need to be assessed at the time of applying for a permit to construct the system.
6. Natural Heritage Evaluation (NHE) prepared by Oakridge Environmental Ltd., dated October 2019 in relation to potential natural heritage impacts associated with the proposed development.
7. Stage 1 & 2 Archaeological Assessment (with the involvement of Curve Lake First Nation) prepared by York North Archaeological Services Inc., dated June 25, 2019.
8. Stage 1 & 2 Archaeological Assessment Supplementary Document - First Nation (Curve Lake) Engagement prepared by York North Archaeological Services Inc., dated June 21, 2019.

In order to fully evaluate this application, Staff is further reviewing the applicable policy objectives that are relevant to this application. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City Departments and commenting agencies have not been received.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019:**

The Growth Plan provides policies for managing growth and development while supporting economic prosperity, protecting the environment and helping communities achieve a high quality of life. Section 2.2.1 d) directs development to settlement areas except where policies permit otherwise, and Section 2.2.1 e) generally direct development away from hazardous lands. Within rural areas, subject to the policies of Section 4, Section 2.2.9.3 permits development outside of settlement areas on rural lands provided the uses are compatible with the rural landscape and surrounding local land uses; will be sustained by rural service levels; and, will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.

The subject land is within the Natural Heritage System according to Provincial mapping, although this mapping does not apply until adopted into the applicable Official Plan. However, the policies would apply to natural heritage systems outside of settlement areas that are identified in the Official Plan. No significant wetland, wildlife habitat or woodland natural heritage features have been mapped on or within 120 metres of the subject property within the Official Plan but a key hydrologic feature, including permanent streams and an inland lake with potential fish habitat is within 120 metres and is subject to the relevant policies.

Relevant 2019 Growth Plan policies from Sections 4.2.2, 4.2.3 and 4.2.4 apply, which include provisions to protect key natural heritage and hydrologic features, maintain connectivity between such features, limit the amount of total developable area disturbance and identify a vegetation protection zone surrounding these features. The Natural Heritage Evaluation submitted with the application outlines a number of recommended mitigation measures to protect the natural features and address the natural heritage provisions of the Growth Plan and other policy documents. These include: excluding development activities within the 30 m. vegetation protection zone from Potash Creek/ unevaluated wetland; limiting the total area of disturbance and the development area; ensuring that all necessary vegetation removal is completed outside primary bird nesting periods; and erosion and sediment control. Staff has not yet received comments from the Kawartha Region Conservation Authority which will assist to confirm this application demonstrates conformity with the policies of the Growth Plan.

### **Provincial Policy Statement, 2020 (PPS):**

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

Section 1.1.4, Rural Areas in Municipalities, recognizes the importance of rural lands, natural heritage features and areas and other resource areas and building upon rural character and leveraging rural amenities and assets.

Section 1.1.5 of the PPS provides policy with respect to rural lands and permitted uses, which include resource-based recreational uses (including recreational dwellings) and limited residential development which is compatible with the rural landscape and can be sustained by rural service levels.

Section 1.6.6 of the PPS provides policy for how and where sewage and water systems may be developed. In this regard, individual on-site sewer and water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impact. A Desktop Hydrogeological Study was submitted to determine if a private well and private septic system could be accommodated on the subject property. It is recommended that site conditions be verified by excavating test pits at the time of applying for a permit to construct the sewage system. Comments are required from the Building

Division – Part 8 Sewage Systems Program, which will assist with the review of this application.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features, which does not permit development in certain significant natural heritage features nor within the habitat of endangered species and threatened species. The Kawartha Region Conservation Authority (KRCA) confirmed a Terms of Reference and scope for an Environmental Study, which is required to demonstrate that the proposed application would not result in negative impacts to the natural environment. Based on this, the submitted Natural Heritage Evaluation was circulated to KRCA; however, at this time Staff has not received review comments on the circulation of the application.

Section 2.6 pertaining to cultural heritage and archaeology does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved. Although the Stage 1 & 2 Archaeological Assessment has been completed and filed with the Ministry of Tourism, Culture and Sport (MTCS) advising that in the absence of archaeological resources with cultural heritage value and interest that no further assessment is warranted or required, we have not yet received confirmation from the MTCS that the report has been entered into the provincial register, which will be required prior to proceeding with any development.

Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion or human-made hazards. The entire property is within the regulated area of KRCA. The Conservation Authority permitting policies direct development outside of flood hazards.

The submitted Natural Heritage Evaluation outlines a number of recommended mitigation measures to address the natural heritage provisions of the PPS; however, Staff has not yet received comments from the Kawartha Region Conservation Authority, which will assist to confirm this application demonstrates consistency with the PPS.

### **Official Plan Conformity:**

The subject property is designated “Waterfront” with the exception of a small sliver along the southeast side of the property, which is designated “Environmental Protection” in the City of Kawartha Lakes Official Plan (CLKOP) and it is adjacent to and follows a watercourse. The Waterfront land use designation provides for low density seasonal and permanent residential uses and accessory uses adjacent to lakes.

The natural heritage policies of the CKLOP in Section 3.5 apply. This includes the preparation of an Environmental Impact Study (EIS), also known as a Natural

Heritage Evaluation (NHE), for development and site alteration within 120 metres of certain natural heritage features including a wetland and/or fish habitat, development and site alteration within 120 metres adjacent to significant habitat of Threatened and Endangered species, which will be subject to the discretion of the Ministry of Natural Resources and Forestry, and development and/or site alteration within or adjacent to significant wildlife habitat may only be permitted subject to an EIS demonstrating no negative impacts to the natural features or their ecological functions.

The submitted Natural Heritage Evaluation outlines a number of recommended mitigation measures to address the natural heritage policies within the CKLOP; however, Staff has not yet received comments from the Kawartha Region Conservation Authority, which will assist to confirm this application demonstrates conformity with the CKLOP.

### **Zoning By-law Compliance:**

The property is zoned “Community Facility Exception One (CF-1) Zone” in the Township of Emily Zoning By-law 1996-30, as amended. The CF-1 Zone only permits a public or private park with no buildings or structures other than picnic shelters, gazebos and docks, which are not fully enclosed, playground equipment, a storage shed with a maximum floor area of 10 square metres and two change rooms, with no plumbing or washroom facilities, having a maximum total floor area of 25 square metres. As residential uses are not permitted, a rezoning is required.

The effect of the zoning amendment is to permit a portion of the land to be used for a single residential dwelling and associated accessory uses with appropriate development standards. This includes recognition of the reduced frontage, being approximately 8 metres, along Westview Drive and any required yard setbacks to be determined through more detailed design. A 30 metre vegetative protection area setback is required to be maintained from the edge of Potash Creek to meet the requirements of the Growth Plan for sensitive hydrological features, and to meet the environmental setback requirements for all buildings, structures and septic systems specified in the City’s Official Plan. A minimum 30 metre water setback requirement in the Township of Emily Zoning By-law applies to the location of buildings and structures.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Alignment to Strategic Priorities**

The 2020-2023 Kawartha Lakes Strategic Plan identifies these Strategic Priorities:

- A Healthy Environment
- An Exceptional Quality of Life
- A Vibrant and Growing Economy
- Good Government

This application appears to align with the healthy environment strategic goal as proposed application promotes sustainable development through setbacks and design that protect and preserve natural areas.

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

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

### **Servicing Comments:**

The lot is proposed to be serviced by a private individual well and a private septic system. Additional information is required by the Building Division, Part 8 Sewage System Program to properly evaluate the proposed septic system design.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. As of September 25, 2020, we have received the following comments:

### **Public Comments:**

On September 17, 2020, J. Anderson and J. Jamieson, the new owners of 100 Westview Drive requested information regarding the application. These owners posed follow up questions on September 21, 2020 regarding driveway location, septic system setback requirements, addressing, boundary trees and outbuilding location. Planning Staff have responded to most of the questions and are following up with respect to the septic system setbacks.

On September 21, 2020, S. Mason expressed his disappointment with having received notice of the application and provided correspondence relating to a previous meeting held with City Officials in February 2016 regarding the sale of this piece of parkland that was owned the Glen Home Owners Association and that it was unlikely to be rezoned. The City's Chief Administrative Officer has further clarified that the Council at the time (and particularly the area Councillor) was not supportive of a zoning change. Nevertheless, the minutes capture the caution he provided that the City cannot reject a zoning amendment application,



and that any application would be reviewed on its planning merits by a future council/administration.

On September 21, 2020, E. Bloom, a resident on Westview Drive outside the 500 metre circulation range requested information and instructions for sending a written submission and to participate remotely on-line. Planning Staff provided her with a copy of the Notice of Public meeting with the instructions attached.

On September 22, 2020, B. Putman of 117 Westview Drive asked for more specific information relating to the location of the subject land in relation to his property and whether it was near the natural forest adjacent to his property.

### **Agency Comments:**

On September 11, 2020, the Building Division advised it has no concerns with the zoning by-law amendment application.

On September 15, 2020, the Engineering and Corporate Assets Department advised that further to their review of the application, they advised they have no objection or comments to the proposed Zoning By-law Amendment to permit a single detached dwelling on the north central portion of subject land.

### **Development Services – Planning Division Comments:**

The application for Zoning By-law Amendment is subject to further confirmation from relevant commenting Agencies to demonstrate consistency with the Provincial Policy Statement and conformity to the Growth Plan and CKLOP. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Conclusion:**

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2020-050.pdf



Appendix 'B'  
PLAN2020-050.pdf



Appendix 'C'  
PLAN2020-050.pdf

Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photograph  
Appendix 'C' – Zoning By-law Amendment Concept Site Plan

---

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

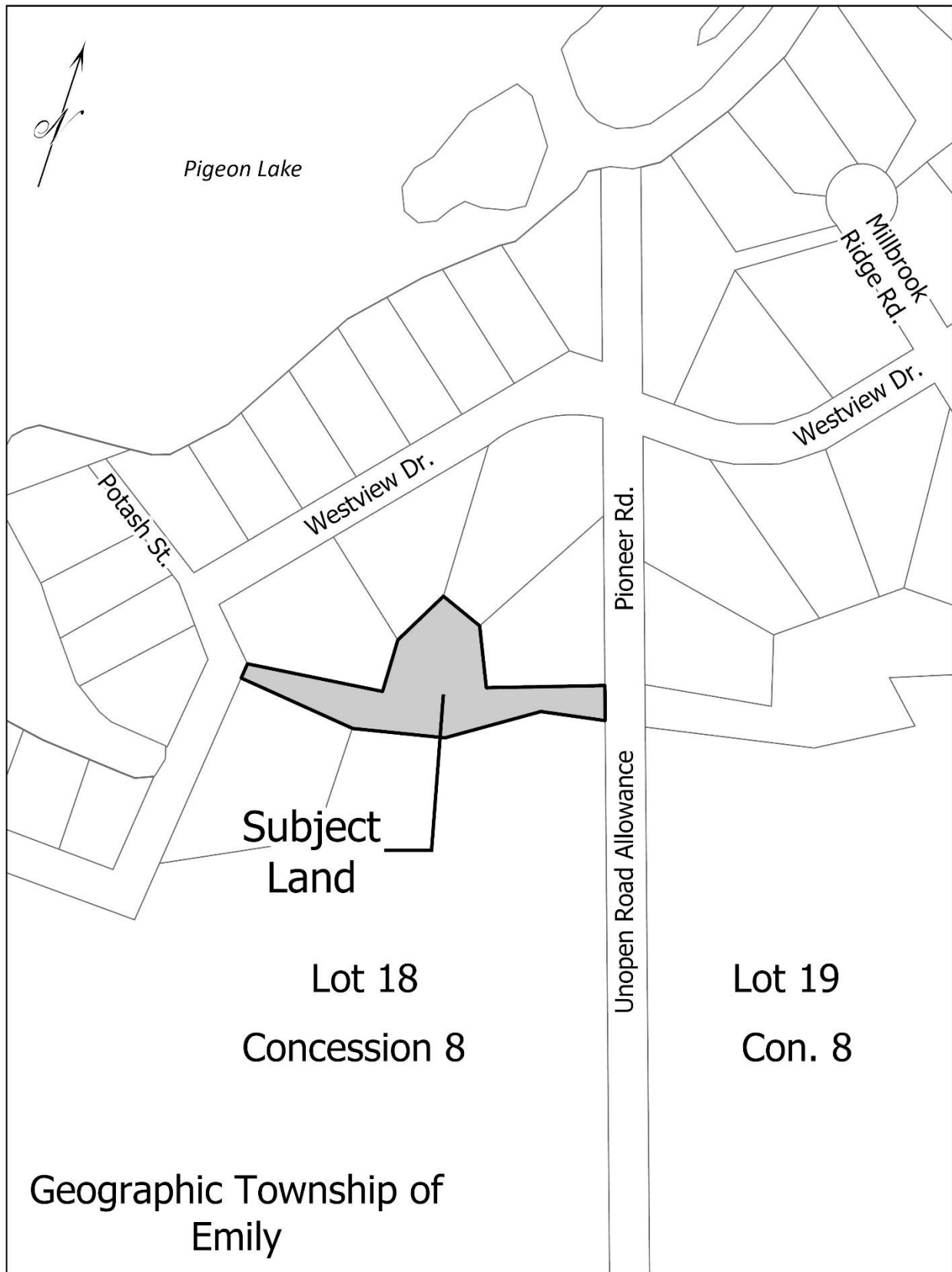
**Department File:** D06-2020-016

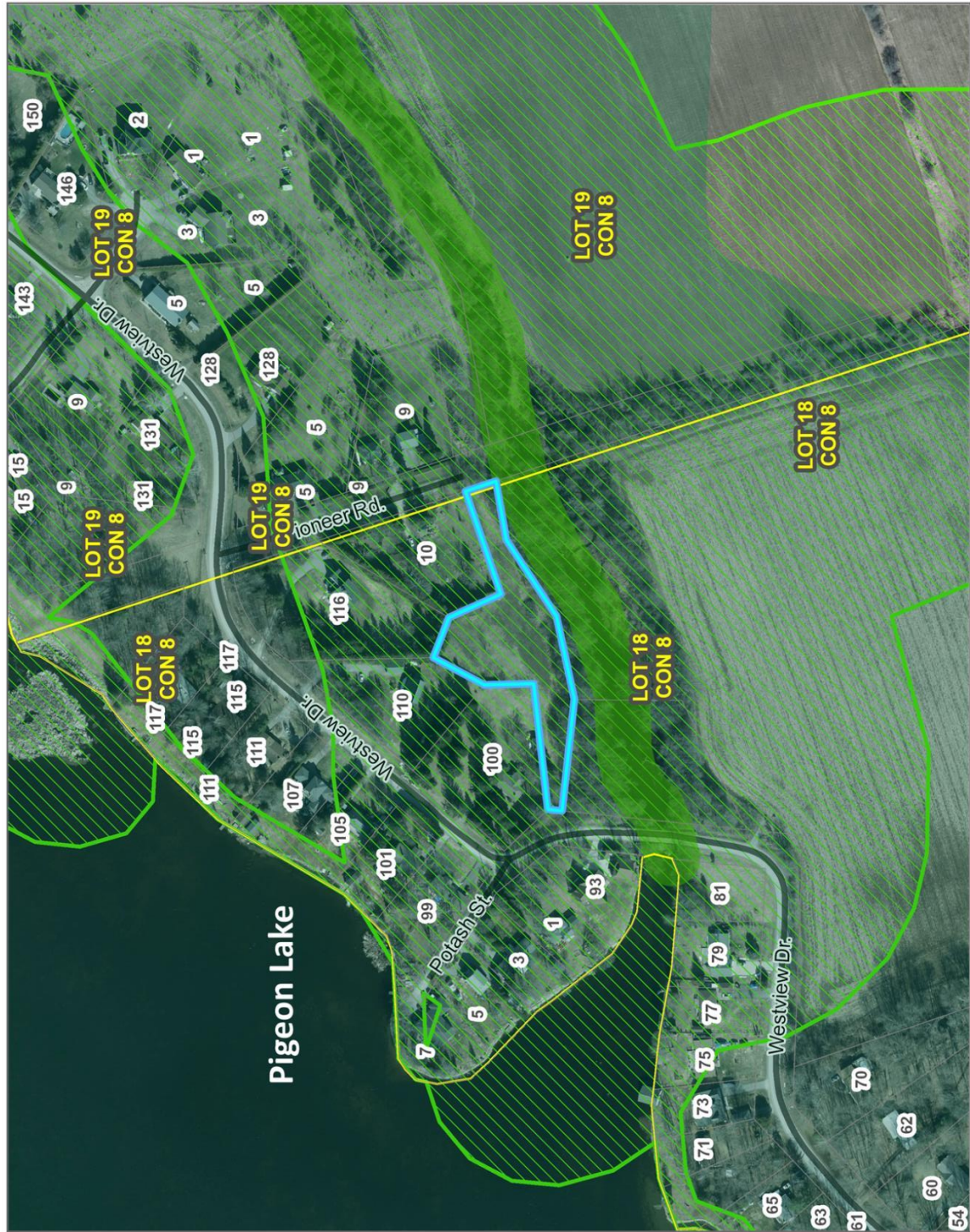
APPENDIX " A "

to

REPORT PLAN2020-050

FILE NO: D06-2020-016





- Legend**
- Property Roll Number
  - Lots and Concessions
  - CKL\_River\_Buff15m
  - Prime\_Agricultural
  - Natural\_Heritage\_System\_Are
  - Road\_Centreline (2016 Needs)
  - Upper Municipalities
  - Lower Tier Municipalities
  - KRCA Regulated Areas

APPENDIX " B "

to

REPORT PLAN2020-050

FILE NO: D06-2020-016

**Notes**

This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may not be accurate, current, or otherwise reliable.

**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

0.22 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

© City Of Kawartha Lakes

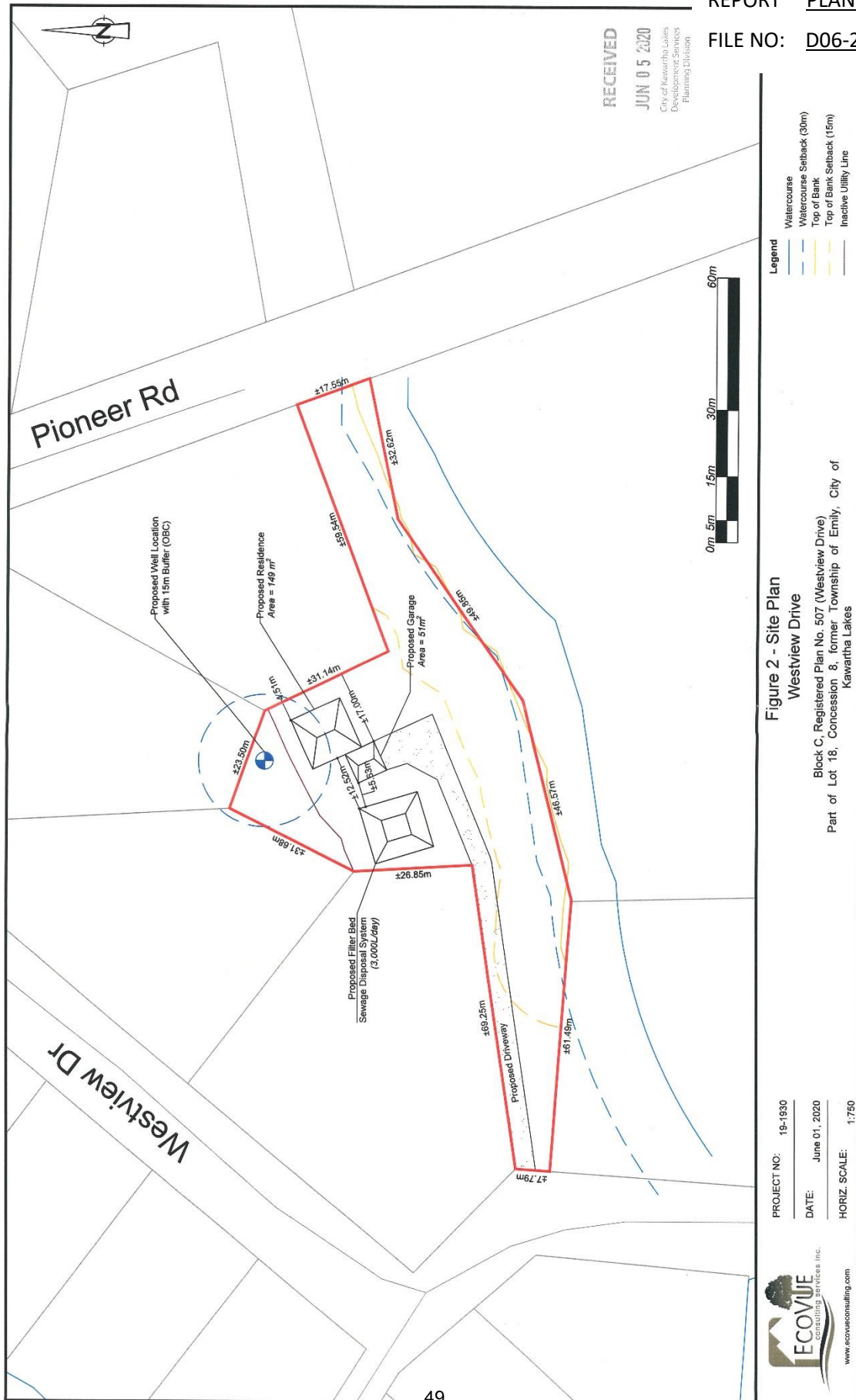


to

REPORT PLAN2020-050

FILE NO: D06-2020-016

RECEIVED  
JUN 05 2020  
City of Kawartha Lakes  
Development Services  
Planning Division



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-045**

---

**Meeting Date:** October 7, 2020

### **Regular Meeting**

**Title:** Official Plan Amendment and Rezoning Applications for MacLeish, Lindsay, Part of Lot 22, Concession 2, geographic Township of Ops.

**Description:** To amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law for the site located at 1590 Elm Tree Road

**Ward Number:** Ops – Ward 3

**Author and Title:** Jonathan Derworiz, Planner II

---

### **Recommendations:**

**That** Report PLAN2020-045, respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018, be received;

**That** an Official Plan Amendment By-law, respecting Application D01-2020-004, substantially in the form attached as Appendix 'C' to this report be approved for adoption by Council;

**That** a Zoning By-law Amendment By-law, respecting Application D06-2020-018, substantially in the form attached as Appendix 'D' to this report be approved for adoption by Council; and

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

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

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

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

## **Background:**

The statutory public meeting pertaining to the proposed amendment applications was held by the Planning Advisory Committee on September 2, 2020 where the following recommendations were adopted:

### **PAC2020-035**

**Moved By** Councillor Dunn

**Seconded By** Councillor Veale

**That** Report PLAN2020-039, respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018, be received; and

**That** Report PLAN2020-039 respecting Applications D01-2020-004 and D06-2020-018 be referred back to staff to address issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

**Carried**

This report addresses the direction above.

The lands known as 1590 Elm Tree Road in the former Township of Ops (Ops) are owned by Wayne and Ann MacLeish. Currently, the site is designated Prime Agricultural under the Official Plan and zoned Agricultural (A) Zone under the Zoning By-law. The site is approximately ten hectares and is used for residential and agricultural purposes. A single detached dwelling, a livestock building and detached accessory building are on site.

The proposed trucking terminal would be operated by Jamie Marquis Trucking Inc. (Marquis Trucking) which is a well-established business in the Lindsay area. Marquis Trucking is currently operating at 82 Zion Road in Little Britain and is seeking facility and operation expansion and following an assessment of possible locations, the subject site was selected.

Owner:	Wayne and Ann MacLeish
Applicant:	D.M. Wills Associates Ltd. (c/o Emma Drake)
Legal Description:	Part Lot 22, Concession 2, Part 1, 57R1619, geographic Township of Ops
Official Plan:	Prime Agricultural – City of Kawartha Lakes Official Plan
Zone:	Agricultural (A) Zone on Schedule 'A' of the Township of Ops Zoning By-law No. 93-30
Lot Area:	Retained – 5.9 hectares Severed – 4.1 hectares
Site Servicing:	Retained – Private sewage, Municipal water

Severed – Private sewage, Municipal water

Existing Uses: Single detached dwelling and agricultural uses

Adjacent Uses: North: Agricultural  
East: Commercial  
South: Highway 7; Residential; Woodland; Agricultural  
West: Elm Tree Road; Residential

## **Rationale:**

### **Proposal:**

The proposal consists of severing approximately six hectares from the approximately 10-hectare site to facilitate development of a trucking terminal with eight bays, ancillary offices and related uses, including truck or tractor repair and sales, bulk agricultural and/or seed storage, and nursery or greenhouse uses. To note, a nursery use is currently permitted in the Agricultural (A) Zone. The proposed trucking terminal would include a fleet of approximately 20 transport trucks and five to seven employees at any given time. The site would be used for maintenance and parking of the tractor trailer vehicles. The current residential and agricultural uses on the retained parcel of approximately four hectares would remain as is.

Section 15.3.3(b) of the Official Plan states that new Prime Agricultural lots are to have a minimum lot size of 40 hectares. As a result of the proposed development, the lands will not comply with this provision and an Official Plan amendment is required. By way of a site-specific Special Provision amendment, the applicant is proposing to permit severance of a 4.1-hectare parcel maintaining the Prime Agricultural designation.

In conjunction with the Official Plan amendment application, a rezoning application has been submitted to implement the proposed amendment. The site is currently zoned Agricultural (A) Zone, which does not permit the proposed truck terminal facility, truck or tractor repair and sales, bulk agricultural/seed storage, or greenhouse uses. By way of a rezoning of 'A' Zone to 'AS-11' Zone, the applicant has applied to permit these uses.

In support of these applications, the applicant has submitted the following documentation and studies which have been referred to City departments and outside Agencies for review:

1. Official Plan Amendment and Zoning By-law Amendment Applications received May 15, 2020.
2. Planning Justification Report with Agricultural Impact Assessment prepared by D.M. Wills Associates Limited March 2020. This report describes the subject lands, Marquis Trucking operations, and frames the proposed amendments in context of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), the City of Kawartha Lakes Official Plan (2012), and By-law 93-30, Township of Ops



Comprehensive Zoning By-law. In summary, this Report justifies the applicant's rationale for the proposed amendments.

3. Sewage Brief prepared by D.M. Wills Associates Limited. March 2020. This report concludes that an on-site sewage disposal system on the proposed severance is required and outlines the technical requirements.
4. Functional Servicing Report prepared by D.M. Wills Associates Limited. March 2020. This report details water, sewage and stormwater servicing for the proposed severance.
5. Stormwater Management Report prepared by D.M. Wills Associates Limited March 2020. This report details the requirements for a stormwater management system on the proposed severance.
6. Lot Grading and Drainage Plan prepared by D.M. Wills Associates Limited April 2020.
7. Sedimentation and Erosion Control Plan by D.M. Wills Associates Limited April 2020.
8. Wetland Compensation Plan prepared by Niblett Environmental Associates Inc. January 2019. This report details wetland compensation measures as the proposed severance contains a wetland that cannot be wholly retained with development of the proposed use.
9. Environmental Impact Study prepared by Niblett Environmental Associates Inc. August 2018. This study examines the proposed development and potential associated environmental impacts associated. Recommendations to protect the natural heritage features on-site are prescribed in this report.
10. Traffic Impact Study prepared by Tranplan Associates. February 2020. This study evaluates traffic implications of this development on intersections and roadways in the immediate area and concludes that traffic and nearby intersections will continue to operate at the current level.

## **Provincial Policy Conformity**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Official Plan and Zoning By-law amendments pertaining to 1590 Elm Tree Road demonstrate conformity with the PPS in the following manner:

#### **1.7 Long-Term Economic Prosperity:**

The PPS prescribes mechanisms by which long-term economic prosperity should be supported and the amendments proposed in these applications are conducive to these objectives. The described amendments would permit expansion and relocation of an existing international trucking operation that serves the agri-food network both at a local and provincial level. Marquis Trucking currently operates in the City of Kawartha Lakes and is situated along a local road. Permitting the described amendments would allow Marquis Trucking to locate along a major transportation corridor outside of a settlement area thus improving their access to the larger agri-food network. Their relocation is coupled with an expansion which increases their service capacity.

### 2.1 Natural Heritage:

The northeast corner of the subject site contains part of the Lindsay Airport Wetland Complex which is designated as a significant wetland. The PPS places great significance on natural heritage features and prescribes policies prohibiting development or site alteration for such features in Section 2.1. As part of the rezoning application, a rezoning of the area designated as significant wetland from Agricultural (A) Zone to Hazard Land (HL) Zone is proposed. This zoning designation is restrictive and permits only conservation. Application of the Hazard Land (HL) Zone in this manner aligns with Natural Heritage policies prescribed by the PPS.

Additionally, as required by Section 2.1.8, an evaluation of the ecological features of the lands adjacent to the significant wetland was conducted and submitted as the Environmental Impact Study in support of this application. This study, demonstrates that there will be no negative impacts on the significant wetland or ecological function of the surrounding area.

### 2.3 Agriculture:

Protection of Prime Agricultural areas is a fundamental directive in the PPS. Section 2.3 outlines measures that ensure development, where appropriate, is supplementary or complementary in nature to agricultural uses and does not harm Prime Agricultural lands. This includes lands identified or used for specialty crops. The proposed Official Plan amendment maintains the Prime Agricultural designation on both the severed and retained lots. Given the significance of Prime Agricultural lands, the appropriateness of the proposed severance and use as it relates to the Prime Agricultural designation has been scrutinized by Staff. Generally, Staff considers this use to be an agriculture-related use as it pertains to the PPS.

Section 2.3.4 provides for lot creation in Prime Agricultural areas. In this designation, lot creation is generally discouraged unless it can be demonstrated that the new lot will provide for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, or infrastructure where the facility or corridor cannot be accommodated through easements or a right-of-way. This application consists of a new lot creation through a severance of the subject lands. Staff consider this use to be an agriculture-related use as it aligns with the definition prescribed by the PPS: "Agriculture-

related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.” This location would allow Marquis Trucking to increase capacity to serve farming operations in the area and benefits from being near to agricultural operations.

The retained lot will continue to function as is with a single detached dwelling, livestock building and detached accessory building. Keeping and pasturing of horses as a hobby will also continue. The PPS enforces that areas designated as Prime Agricultural remain as such to sustain agricultural uses. As the uses on the retained parcel are not proposed to change with these amendments, the Prime Agricultural designation is appropriate.

Section 2.3.6. guides the provision of non-agricultural uses in this designation and includes criteria for such uses including demonstrating that the land does not comprise a specialty crop area and alternative locations have been evaluated.

An Agricultural Impact Assessment (AIA) inclusive of an alternative location evaluation was completed in April 2017 by Landmark Associates Limited (now D.M. Wills Associates Ltd.) for the proposed development and was submitted as part of the Planning Justification Report in support of this application. The AIA included an on-site examination of the site to verify soil conditions as classes assigned by the Canada Land Inventory (CLI) are done so on a broad level without local analysis. The on-site examination concluded that while the CLI considers these soils Class 2, existing rough terrain makes tilling difficult and poor soil conditions would decrease possible crop yields. The subject site has never operated as a livestock operation nor has it been tilled. It is also a low lying area and was previously treed. Given these factors, the AIA concluded that the subject site is short of expected growing capabilities. The AIA also concluded that neither the subject site nor the surrounding area are specialty crop areas.

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

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan). The applications submitted generally demonstrate alignment with directions prescribed by this plan.

#### **3.2.4 Moving Goods:**

This site is located along Highway 7; a provincial roadway. Inherently, this location offers valuable access to a major goods movement corridor. In support of these applications, a Traffic Impact Study was submitted that concluded traffic and intersections in the vicinity would function at the same levels as they do currently. No negative impacts are expected as result of this development proposal.

4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features and 4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features:

With regard to the key hydrologic feature in the northeast corner of the subject site (Lindsay Airport Wetland Complex), this application and supporting documentation demonstrate compliance with applicable policies within Section 4.2.4. Through the Environmental Impact Study submitted in support of this application, the requisite 30 metre vegetation protection zone was recommended. To conform with the applicable PPS policies, the applicant is proposing to rezone the wetland area and vegetation zone to Hazard Land (HL) Zone to ensure conservation.

#### 4.2.6 Agricultural System:

Section 4.2.6.4 indicates the significance placed on the relationship between agricultural lands and the functional and economical vitality of the agri-food network. Marquis Trucking operates as an agriculturally-focused transportation business which promotes the area's agri-food network. This operation serves agri-food businesses both locally and throughout the province thus facilitating both existing and future economic connections within the agri-food network. The proposed use aligns with this policy.

#### **City of Kawartha Lakes Official Plan, 2012:**

##### Strategic Direction – Environment:

The Official Plan contains various policies pertaining to the protection and conservation of Natural Heritage Features identified within the City of Kawartha Lakes. As identified on Schedule B of the Official Plan, the subject site contains a Locally Significant Wetland and Significant Wildlife Habitat in the northeast corner of the site. An Environmental Impact Study submitted in support of this application concludes that there will be no net loss of significant natural heritage features, provided that both a wetland compensation process and Endangered Species Act compensation process are administered at the site plan stage in consultation with the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry. The wetland compensation process will be negotiated to result in a net gain in wetland and related features and functions.

##### Strategic Direction – Economic Development:

Policies in this section inform decision making with regard to the economic element of land use planning for agriculture. The proposed application and development aligns with this section in that the proposed use will offer an increased capacity to a long-standing trucking business in the City. Inherently, this expansion will continue to support the agricultural industry as the use is a transportation terminal inherently contributing to the agri-food network on both a local and provincial level.

##### Land Use Designations – Prime Agricultural Designation:

A key goal of the Official Plan Prime Agricultural designation is to protect Class 1-3 lands as identified by the Canada Land Inventory. As described in the above section pertaining to the Agriculture in the PPS and Growth Plan, the subject lands contain Class 2 soils, however a local analysis of the site concluded that because of existing conditions and site history, crop production on this site would be deficient as compared to typical Class 2 soils. Section 15.3.15 notes that even soils with lower production are to be preserved to protect the agricultural economy from

incompatible uses that may inhibit production. The AIA submitted in support of this application concluded that the use of this site for the proposed use will not inhibit typical farm practices or inconvenience farms of adjacent agricultural operations. Given the soil condition and that the proposed amendments are to facilitate an agriculture-related use, development on this site under the Prime Agricultural designation can be supported.

Section 15.3.3. of the Official Plan states new lots may be permitted where the severed and retained lots are intended for agricultural use and that the minimum lot size is to be 40 hectares. The Official Plan amendment proposes to permit severance of the subject lot that would result in both the severed and the retained lands being less than 40 hectares; approximately 4.1 hectares and 5.9 hectares, respectively. Currently, the site is not being used for agricultural production given the aforementioned soil conditions. This, coupled with the limited farmable area as determined by current site uses, suggests that proposed severance creating two smaller lots is reasonable. The intended use of the severed lot is for agri-business uses to support the broader agricultural sector. Staff sees merit in the proposed Official Plan amendment to permit the aforementioned severance.

**Township of Ops Comprehensive Zoning By-law 93-30:**

The subject site is currently zoned Agricultural (A) Zone as per the Zoning By-law, which does not permit the proposed trucking terminal, truck and tractor repair/sales, bulk agricultural/seed storage uses or greenhouse uses. The intent of the Agricultural (A) Zone is to facilitate direct agriculture uses as well as select secondary uses agricultural in nature. Under this current zoning, the proposed use does not comply with the Zoning By-law. Additionally, the current zoning does not acknowledge the presence of the wetland in the northeast corner of the site. Proposed by the applicant is a rezoning of the site to 'AS' Exception Zone and Hazard Land (HL) Zone. A Holding Provision will also be applied to this site to ensure a site plan review process and will be removed upon site plan approval.

**From A Zone to AS-11 Zone:**

The current Agricultural (A) Zone does not permit the proposed uses of: trucking terminal; truck and tractor repair/sales; bulk agricultural/seed storage; or greenhouse. To accommodate these uses, the (AS) Exception zone is proposed. In order to align with the Prime Agricultural Official Plan designation, the zoning applied to the site must be agricultural in nature. Given that the proposed uses are generally similar to those currently permitted in the (AS) Zone and are inherently agriculturally supportive, this zone is an appropriate selection.

**From A Zone to HL Zone:**

A significant wetland is located in the northeast corner of the site. In order to conserve the wetland and implement the 30 metre natural vegetation protection zone outlined in the Growth Plan for the Greater Golden Horseshoe and prescribed by the Environmental Impact Study submitted in support of this application, application of the 'HL' Zone to this select area is supported. This proposed

rezoning of 'A' Zone to 'HL' Zone aligns with the Zoning By-law as the 'HL' Zone permits only conservation uses.

A preliminary review of the proposed site plan indicates that the development appears to exceed the Zone Provisions prescribed by the 'AS' Zone pertaining to Lot Frontage, Setbacks, Building Height and Area, and Landscaped Open Space. The table below contains this analysis:

<b>Zone Provision</b>	<b>By-law Requirement</b>	<b>Proposed</b>
Lot Frontage (minimum)	45 metres	147 metres
Front Yard Setback (south)	15 metres	129 metres
Interior Side Yard Setback (west) (minimum)	4.5 metres	48.6 metres
Interior Side Yard Setback (east) (minimum)	4.5 metres	36.4 metres
Rear Yard Setback (north) (minimum)	15 metres	117.0 metres
Building Height (maximum)	10.5 metres	9.1 meters
Building Area (maximum)	30%	4.3%
Landscaped Open Space (minimum)	20%	49.5%

As per the Zoning By-law, a total of 57 parking spaces are required with 43 spaces for the trucking terminal and 14 spaces for the office component. The applicant is proposing 42 spaces with four of those demarcated as accessible parking spaces which results in a deficiency of 14 parking spaces. A justification of the proposed deficiency was requested by staff and submitted by the applicant in an addendum. Considering the addendum, the nature of the proposed uses and the anticipated employee and customer numbers, staff feels the parking spaces proposed are adequate to service the needs of the operation.

From a land use planning perspective, and in relation to a key objective of this Official Plan, this application demonstrates compatibility with adjacent land uses. The Agricultural Zone is applied on three of the four sides of the subject site (north, south, and west) and, to the east is Highway Commercial Zone. The proposed is compatible with the surrounding zones.

The application appears to comply with all other relevant provisions of the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

## **Financial/Operation Impacts:**

There are no financial or operational impacts pertaining to the proposed amendments. In the event of an appeal to the decision made by Council, costs would be incurred, some of which may be recovered from the applicant.

## **Relationship of Recommendation to the 2020-2023 Strategic Plan:**

The proposed amendments promote the Strategic Priority of a Healthy Environment. Through maintaining the Prime Agricultural Land Use Designation and operating as an agri-business that is complementary to the area's agricultural network, Progress Indicator 5: "Protect and preserve natural areas and prime agricultural land" is achieved. Additionally, as part of natural heritage conservation, the application proposes a restrictive zone on a significant wetland located on the property. To compensate for removal of part of the site's wetland, through consultation with the City, the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry, function will be restored at a greater rate in an alternative location preventing a net loss in function.

The Strategic Priority of a Vibrant and Growing Economy is demonstrated in these applications as the proposed primary use is agriculturally supportive. Approval of the described amendments would facilitate expansion of a long-standing agricultural support operation from a local road to a major transportation corridor in the City of Kawartha Lakes.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

## **Review of Accessibility Implications of Any Development or Policy:**

Site and building accessibility will be reviewed through the site plan and Building Permit applications.

## **Servicing Comments:**

The property is currently serviced with municipal water, however, the municipal water supply does not have capacity for firefighting purposes. This matter will be addressed at the site plan stage.

Municipal sewage is not available at this site and the documents submitted in support of these amendments acknowledge that private sewage disposal is required. This will be addressed at the site plan stage.

Regarding stormwater, existing surface water runoff patterns will be maintained with the proposed development and discharge off site will be controlled to peak pre-development flows. This matter will be addressed at the site plan stage.

## **Consultations:**

Notice of this application was circulated to property owners within a 500 metre radius, the Ward Councillor and external agencies and City Departments which may have an interest in the application.

At the time of report writing, the following comments have been received:

### **Public Comments:**

At the time of writing this report, two letters in support of the proposed amendments have been received.

### **Agency Review Comments:**

Building Division (August 4, 2020): Given the size of the proposed building, an on-site firefighting system is required. The water main that services the site does not have capacity for fire suppression and an alternative solution must be provided.

Canada Post (August 10, 2020): Canada Post indicated they have no comments with regard to the proposed amendments.

Development Engineering Division (August 14, 2020): Advised that they have no objection to the proposed Official Plan amendment or the proposed Zoning By-law amendment. A detailed Engineering review and comments will be provided at the time of site plan approval.

Chippewas of Rama First Nation (August 18, 2020): Indicated no comments at this time.

Economic Development Division (August 27, 2020): The Agricultural Development Officer in the Economic Development Division Office reviewed the Planning Justification Report and accompanying Agricultural Impact Assessment for the application. The proposed amendments and uses are supported.

Ministry of Transportation of Ontario (September 9, 2020): MTO noted that they are satisfied with the findings and recommendations within the Stormwater Management Report and Traffic Impact Study submitted in support of these applications. Before municipal permits or approvals for construction can be issued, an MTO permit is required. Additionally, if any revisions to submitted materials or plans are made to satisfy comments from other agencies, MTO requested review of amended materials.

Kawartha Region Conservation Authority (September 14, 2020): KRCA reviewed the application and supporting materials and reported that concerns regarding natural heritage features and natural hazards have been addressed in the Wetland Compensation Plan and Environmental Impact Study. The KRCA reports no objection to the proposed amendments provided that the proposed



application of Hazard Land zone is approved, wetland compensation follows conditions within the permit, and all recommendations in the Environmental Impact Study are followed.

### **Development Services – Planning Division Comments:**

This application generally conforms with the PPS, the Growth Plan, the Official Plan and the Zoning By-law. While the proposed severance creates a lot deficient of the minimum size for Prime Agricultural lands, the existing site conditions, low agricultural production potential, nature of the proposed uses, and other items identified in this report, provide a reasonable justification for the proposed Official Plan amendment and subsequent Zoning By-law amendment.

### **Conclusion:**

In consideration of the comments and evaluations contained within this report, and provided there are no further issues or concerns raised, Staff recommends that the proposed Official Plan and Zoning By-law Amendment applications be referred to Council for approval.

### **Attachments:**



Appendix A.pdf



Appendix B.pdf



Draft OCP  
Bylaw\_MacLeish\_JD.



Draft Zoning  
Bylaw\_MacLeish\_JD.

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Draft City of Kawartha Lakes Official Plan Amendment

Appendix 'D' – Draft Zoning By-law Amendment

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** DO1-2020-004 and D06-2020-018

Geographic Township of  
Ops

Lot 23

Lot 22

Subject  
Land

Elm Tree Rd.

Green Forest Dr.

Hwy 7

Unopen

Elm Tree Rd.

Conc. 1

Lot 21

Concession 2



- ☐ Property Roll Number
- ☐ Upper Municipalities
- ☐ Lower Tier Municipalities
- ☒ KRCA Regulated Areas

## Notes

## Notes

0.45

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2020-\_\_**

### **A By-Law to Amend the City of Kawartha Lakes Official Plan to permit the severance of a 4.1 hectare parcel of Prime Agricultural land**

[File D01-2020-004, Report PLAN2020-045, respecting Part of Lot 22, Concession 2, geographic Township of Ops – Wayne and Ann MacLeish]

#### **Recitals:**

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to permit the severance of Prime Agricultural land located at 1590 Elm Tree Road. The severed parcel is proposed to be approximately 4.1 hectares and the retained is proposed to be approximately 5.9 hectares. The intent of the severance is to facilitate use of the severed land as an agriculturally supportive trucking terminal use. The lot will be subject to site plan control.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 40

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-0XX.

#### **Section 1:00 Official Plan Amendment Details**

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 22, Concession 2, Geographic Township of Ops, now in the City of Kawartha Lakes, 1590 Elm Tree Road.
- 1.02 **Amendment:** Amendment No. 40 to the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

#### **Section 2:00 Effective Date**

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this XX day of October, 2020.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk



## **Schedule 'A' to By-law No. 2020-\_\_**

The Corporation of the City of Kawartha Lakes

### **Amendment No. 40 To The City of Kawartha Lakes Official Plan**

#### **Part A – The Preamble**

##### **A. Purpose**

The purpose of the Official Plan Amendment is to permit the severance of the Prime Agricultural land located at 1590 Elm Tree Road. The lands are also subject to a Zoning By-Law Amendment application.

The effect of the change would permit the severance of lands resulting in a retained lot of approximately 5.9 hectares and a severed lot of approximately 4.1 hectares.

##### **B. Location**

The land to be severed is approximately 10 hectares and located at 1590 Elm Tree Road in the Geographic Township of Ops.

##### **C. Basis**

Council has enacted this Official Plan Amendment in response to an application submitted by D.M. Wills & Associated Limited on behalf of the property owner to permit the severance of the land and facilitate the development of an agricultural-supporting trucking terminal on the severed lot. The retained lot would continue operating as residential and agricultural with a single detached dwelling, livestock building and detached accessory building.

1590 Elm Tree Road is designated "Prime Agricultural" as shown on Schedule "A-3" of the City of Kawartha Lakes Official Plan and this designation will be maintained. This land is also subject to a Zoning By-law Amendment application.

The proposed use and amendment to the City of Kawartha Lakes Official Plan are justified and represent good planning for the following reasons:

1. The proposed development conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed development conforms to the goals and objectives of the "Prime Agricultural" designation as set out in the City of Kawartha Lakes Official Plan.
3. The proposed site concept is compatible and integrates well with the surrounding area.

4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed development with respect to servicing and the protection of the environment.

## **Part B - The Amendment**

### **D. Introductory Statement**

All of this part of the document entitled Part B – The Amendment, consisting of the following text and the attached map constitutes Amendment No. 40 to the City of Kawartha Lakes Official Plan.

### **E. Details of the Amendment**

1. Section 32 of the City of Kawartha Lakes Official Plan is hereby amended to include the following provision:  
  
“32.1.54 Prime Agricultural lands at Part of Lot 2, Concession 22 in the Former Township of Ops may be severed resulting in a retained parcel of approximately 5.9 hectares and a severed parcel of approximately 4.1 hectares. The severed lot is to be used in accordance with Prime Agricultural policies as outlined in the City of Kawartha Lakes Official Plan.”

### **F. Implementation and Interpretation**

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2020-\_\_\_\_**

### **A By-Law To Amend The Township of Ops Zoning By-Law No. 93-30 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2020-018, Report PLAN2020-045, respecting Part of Lot 22, Concession 2, geographic Township of Ops – Wayne and Ann MacLeish]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:
  - (a) rezone part of the severed land to an agricultural support exception zone with holding provision and establish applicable development standards;
  - (b) permit use of the site as follows: trucking terminal; truck and tractor repair and sales; bulk agricultural/seed storage; or greenhouse. The nature of the permitted uses shall be agriculturally-supportive;
  - (c) rezone the balance of the severed land to hazard lane zone to prohibit development within a natural heritage feature,in order to fulfill a condition of provisional consent
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-0XX.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 22, Concession 2, Geographic Township of Ops, now in the City of Kawartha Lakes, 1590 Elm Tree Road.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended by adding the following subsections to Section 17.3:
  - “17.3.11 AGRICULTURAL SUPPORT EXCEPTION ELEVEN (AS-11) ZONE



- 17.3.11.1 Notwithstanding the permitted uses and zone provisions in the Agricultural Support (AS) Zone, to the contrary, within the Agricultural Support Exception Eleven (AS-11) Zone, the following uses shall also be permitted:

Non-Residential Uses

- Trucking Terminal
- Truck and Tractor Repair and Sales
- Bulk Agricultural/Seed Storage
- Nursery

- 17.3.11.2 Notwithstanding 2.17, land zoned “AS-11” shall have a minimum of 42 parking spaces of which four are demarcated as accessible.

- 17.3.11.3 On lands zoned AS-11(H), the removal of the Holding Symbol (H) shall be considered by Council once the owner has entered into a site plan agreement to the satisfaction of the City of Kawartha Lakes.

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the property from Agricultural (A) Zone to Agricultural Support Exception Eleven - Holding (AS-11(H)) Zone for the land referred to as AS-11(H), as shown on Schedule ‘A’ attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A) Zone to Hazard Land (HL) Zone for the land referred to as HL, as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00      Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this XX day of October, 2020.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

## KAWARTHA LAKES

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-051**

---

**Meeting Date:** October 7, 2020

**Regular Meeting**

**Title:** An application to amend the Township of Mariposa Zoning By-law 94-07

**Description:** An amendment to facilitate the severance of three residential lots from the balance of the agricultural land. The property is described as Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road

**Ward Number:** 4

**Author and Title:** David Harding, Planner II, RPP, MCIP

---

**Recommendation:**

**That** Report PLAN2020-051, Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road, “Vandenberg – D06-2020-017”, be received;

**That** a Zoning By-law Amendment respecting application D06-2020-017, substantially in the form attached as Appendix “D” to Report PLAN 2020-051, be approved and adopted by Council; and

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

**Department Head:**

---

**Legal/Other:**

---

**Chief Administrative Officer:**

---

## Background:

The subject property is an agricultural lot that contains a single detached dwelling, and agricultural buildings.

The owner is applying to rezone a strip of land abutting Eldon Road to residential use in order to facilitate the creation of three rural residential lots. One of the lots will contain the existing farmhouse. Each residential lot is proposed to be approximately 4,300 square metres.

In order to reduce conflicts between the new residential lots and the established agricultural use on the property, the use of the existing agricultural buildings is also proposed to be changed to prevent the keeping of livestock. Manure storage is also proposed to be prevented around said buildings.

The owners have submitted the following documentation in support of their proposal which was circulated for comment and review:

1. Functional Servicing and Stormwater Management Brief dated February 2020 prepared by M.V. Wilson Engineering Inc.
2. Hydrogeologic Investigation Report dated February 7, 2020 prepared by GHD.
3. Topographic Plan prepared by Coe Fisher Cameron Land Surveyors dated September 28, 2019.
4. Erosion & Sediment Control Plan dated February 19, 2020 prepared by M.V. Wilson Engineering Inc.
5. Site/Grading Plan dated February 19, 2020 prepared by M.V. Wilson Engineering Inc.

Owners:	Bruce and Sharon Vandenberg
Legal Description:	Part of Lots 14 and 15, Concession 9; Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa
Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan 2012
Zone:	Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Severed 1 – 4,309.4 square metres Severed 2 – 4,322 square metres Severed 3 – 4,315.3 square metres Retained – 70.7 hectares (approx.)
Site Servicing	Severed 1 – Municipal water, and private individual septic system

Severed 2 – Private individual well, municipal water, and private individual septic system  
Severed 3 – Municipal water, and private individual septic system  
Retained – Unspecified

## **Rationale:**

Residential lot creation is to be directed towards the City's urban settlement and hamlet settlement areas.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The Growth Plan directs growth to settlement areas. Growth in rural settlement areas that is not on full municipal services is to be limited. Focus on these areas is on more compact built form.

Such development is to be compatible with the rural landscape, not conflict with the protection of agricultural uses and be sustained by rural service levels.

The proposal is to add additional dwellings to the hamlet, and round out development along the Eldon Road corridor.

The proposal conforms to the Growth Plan as it is directing development to a rural settlement area.

### **Provincial Policy Statement, 2020 (PPS):**

Rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy.

Within rural areas, the PPS directs most development to rural settlement areas. Development is to efficiently utilize rural infrastructure. The proposal is within the Oakwood hamlet area and has access to municipal water.

The proposal is consistent with the PPS as it is directing development to a hamlet settlement area.

## **Official Plan Conformity:**

The majority of the subject land is designated 'Prime Agricultural' within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Hamlet Settlement Area. Development is solely proposed within the Hamlet Settlement Area.

This application proposes no change to the existing land uses outside of the hamlet designation, save to prohibit livestock and the manure store within and around the existing agricultural buildings in order to avoid conflict with the residential lots to be created. The agricultural land will be preserved and protected for future agricultural use.

An access route from the agricultural buildings to Eldon Road is to be retained to the north of the three lots to be severed.

The City, through its Official Plan, recognizes the importance of small scale development within its hamlets that maintains the character of the community. Low density residential in the form of single detached dwellings is one of the built forms anticipated within this designation. Further, there are additional criteria laid out in the designation to ensure the development proposal is compatible with the hamlet. The proposal exceeds the minimum area requirement of 4,000 square metres. The applicant has submitted a hydrogeologic investigation report and functional servicing and stormwater report demonstrating there is sufficient groundwater for neighbouring wells, wells which are not utilized for potable drinking water purposes, and that drainage impacts can be mitigated through site grading works.

The application conforms with the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned 'Agricultural (A1) Zone' in the Township of Mariposa Zoning By-Law 94-07.

An exception is proposed to the agricultural zone to ensure odor conflicts do not arise if residential lots are created nearby.

The lands along Eldon road within the hamlet area are also proposed to be rezoned for residential use in order to facilitate the future severance of land into three lots for single detached dwellings.

Two exception zones are proposed for the three residential lots to recognize the proposed single detached dwelling use. The middle residential lot is to have a separate exception zone to recognize the existing single detached dwelling use as well as to recognize the placement of an accessory building (pool house/shed) closer to the dwelling than typically required. A 'Hamlet Residential Exception 11 (HR-11) Zone' is proposed for the middle residential lot to address the existing accessory building. The 'Hamlet Residential Exception Eight (HR-8) Zone' is an existing exception zone which is appropriate for the site, which will permit a single detached dwelling, bed and breakfast establishment, and public park. These zone categories are in keeping with the established residential uses within the hamlet.

The lots to be created comply with the lot area and frontage requirements of the 'HR' Zone.

The retained agricultural lot will comply with the minimum area and frontage requirements of the A1 Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

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

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

### **Relationship of Recommendation(s) to the 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy and exceptional quality of life as it provides opportunity to provide employment to trades involved in home construction and to provide additional housing opportunities within a hamlet.

### **Servicing Comments:**

The services on the agricultural land are unspecified. The single detached dwelling on one of the parcels to be severed should the zoning on the property be amended is serviced by a private sewage disposal system. The existing dwelling is connected to the municipal water system and municipal water service is proposed for the other two residential lots.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Development Engineering Division, Ministry of Transportation and Agriculture Development Officer raised no concerns as a result of the circulation. No comments were received from the public.

### **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and Official Plan and is consistent with the Provincial Policy Statement.

### **Conclusion:**

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms with the Official Plan. Staff supports the application based on the information contained within the report. Staff respectfully recommends that the application be referred to Council for Approval.

## Attachments:

### Appendix 'A' – Location Map



Appendix A to  
PLAN2020-051.pdf

### Appendix 'B' – Aerial Photograph



Appendix B to  
PLAN2020-051.pdf

### Appendix 'C' – Grading Plan



Appendix C to  
PLAN2020-051.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2020-051.pdf

---

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

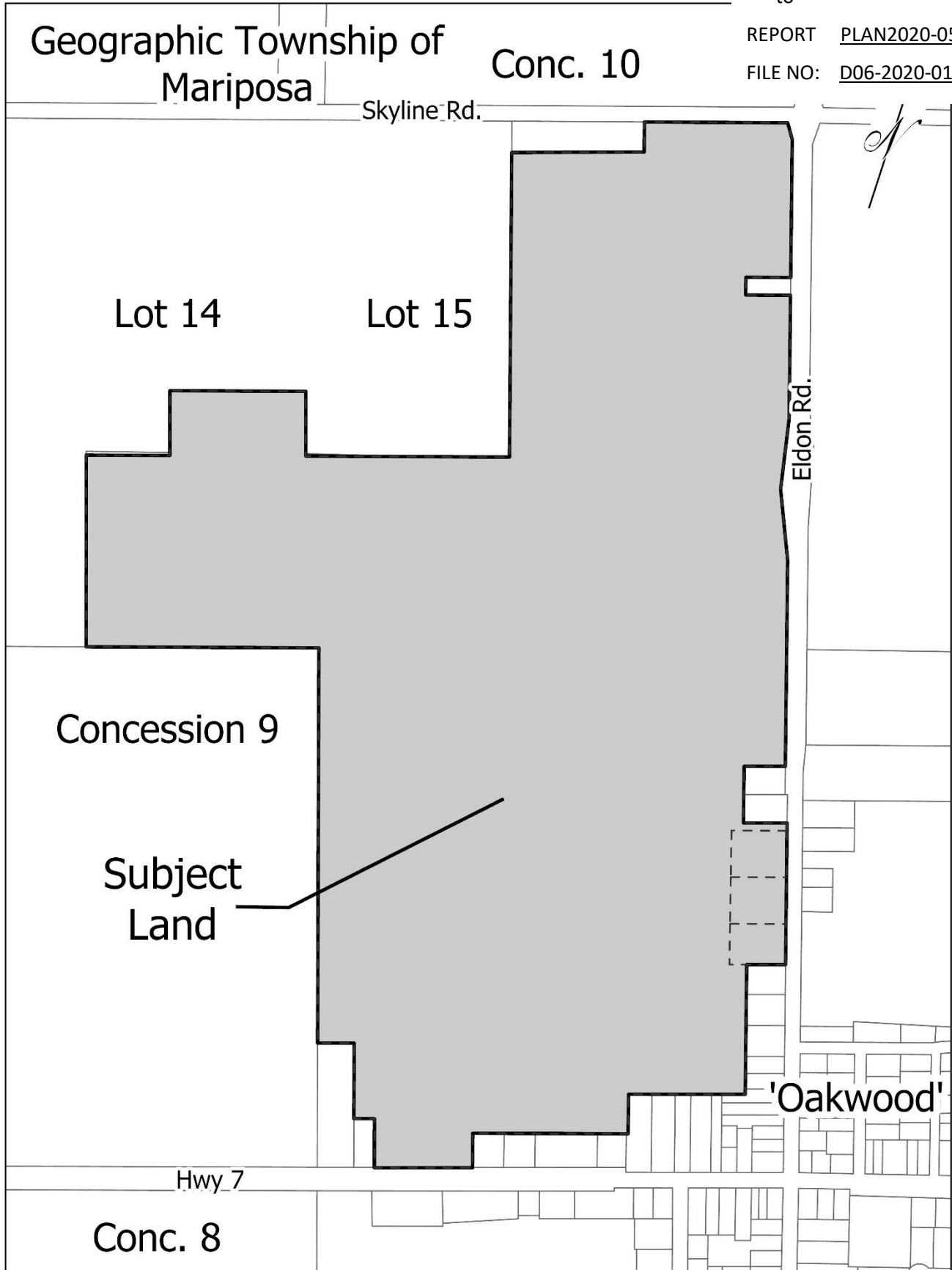
**Department File:** D06-2020-017



to

REPORT PLAN2020-051

FILE NO: D06-2020-017





ENGINEER:  
**M.V. Wilson Engineering Inc.**  
 245 Kent Street West, Lindsay  
 Ontario, Canada  
 K9V 2Z3  
 Tel: (705) 324-5335  
 Fax: (705) 328-7288



NO.	DESCRIPTION	DATE	BY
1.	ISSUED FOR SUBMISSION	1402.20 SC	
2.	ISSUED FOR REVIEW	2012.19 SC	
3.			
4.			
5.			
6.			
7.			



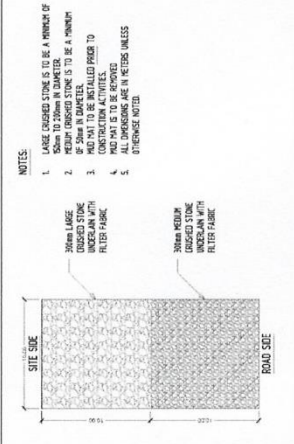
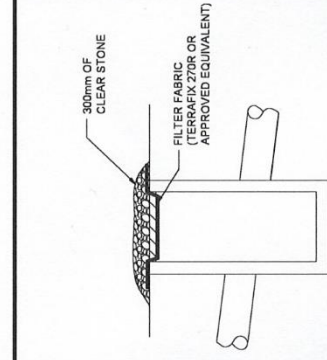
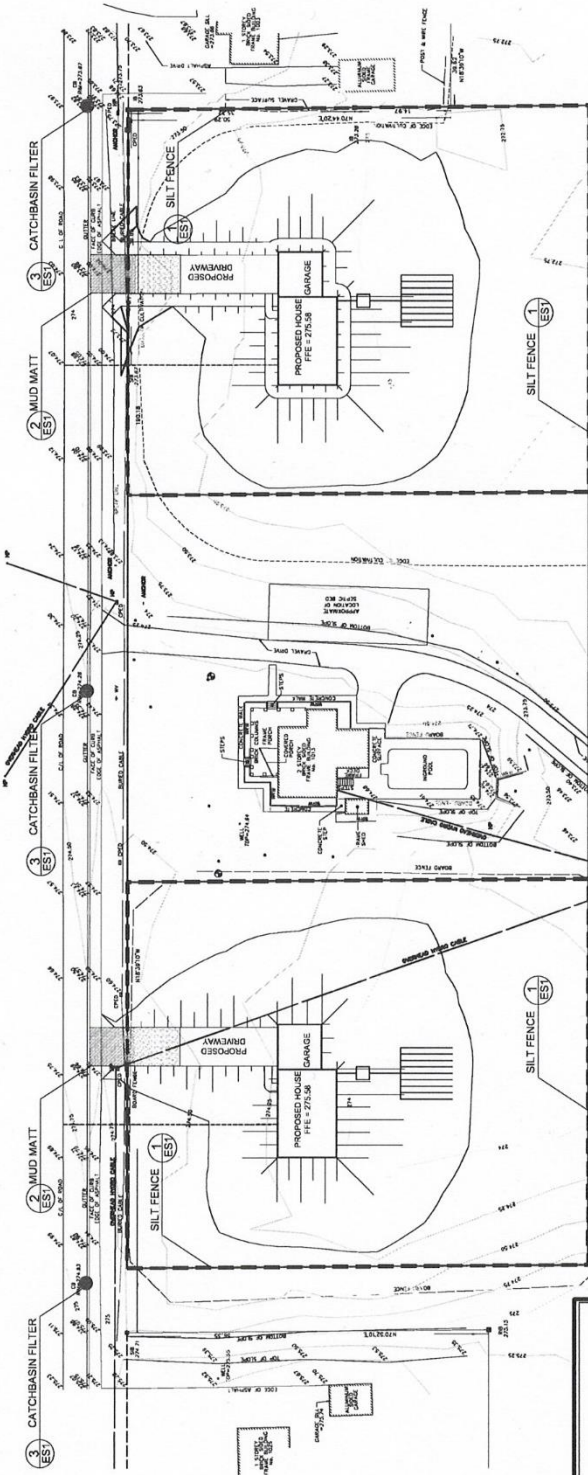
APPENDIX " C "

to

REPORT PLAN2020-051

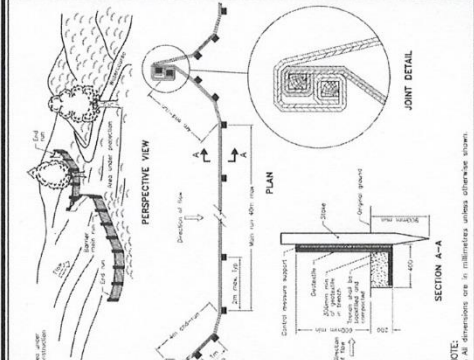
FILE NO: D06-2020-017

PROJECT	BR	1013	DATE
DRAWN BY	EF	SCALE	PROJ
CHECKED BY	CC	SCALE	PROJ
APPROVED BY	CC	SCALE	PROJ



NOTES:

1. LARGE DENSED STONE IS TO BE A MINIMUM OF 50mm TO 250mm IN DIAMETER.
2. MUD MAT IS TO BE INSTALLED PRIOR TO THE INSTALLATION OF STONE IN DRAINAGE.
3. MUD MAT IS TO BE REMOVED PRIOR TO THE INSTALLATION OF STONE IN DRAINAGE.
4. MUD MAT IS TO BE REMOVED PRIOR TO THE INSTALLATION OF STONE IN DRAINAGE.
5. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.



NOTE:  
 A. All dimensions are in millimeters unless otherwise stated.

ONTARIO PROFESSIONAL STANDARD DRAWINGS  
 HEAVY-DUTY  
 SILT FENCE BARRIER  
 OPD-219-130  
 SCALE: 1:50  
 DRAWN BY: [Signature]  
 DATE: [Date]

PROJECT	BR	1013	DATE
DRAWN BY	EF	SCALE	PROJ
CHECKED BY	CC	SCALE	PROJ
APPROVED BY	CC	SCALE	PROJ



**The Corporation of the City of Kawartha Lakes**

to

**By-Law 2020 -**REPORT PLAN2020-051FILE NO: D06-2020-017**A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2020-017, Report PLAN2020-051, respecting Part of Lots 14 and 15, Concession 9, Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes, identified as 1013 Eldon Road - Vandenberg

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:
  - (a) rezone a portion of the land to a rural residential zone category; and
  - (b) prohibit livestock and manure storage within and nearby the agricultural buildings on the agricultural land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lots 14 and 15, Concession 9, Block J, Part Lots 8-17, Plan 80; Part 1, 57R-6577, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following subsection to Section 8.3:
 

“8.3.36 Agricultural Exception Thirty-Six (A1-36) Zone

  - 8.3.36.1 Notwithstanding subsections 8.1.1.1 and 8.1.1.6, livestock is not permitted within the agricultural buildings existing on the date of passing of this By-law.
  - 8.3.36.2 Manure is not permitted to be stored within 30 metres of the agricultural buildings existing on the date of passing of this By-law.”

- 1.03 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following subsection to Section 11.3:

“10.3.11 Hamlet Residential Type Exception Eleven (HR-11) Zone

10.3.11.1 Notwithstanding subsection 10.1.1, on land zoned HR-11 the only permitted uses shall be a single detached dwelling, a bed and breakfast establishment, a home occupation, and a public park.

10.3.11.2 Notwithstanding subsection 3.1.2.2, one accessory building may be erected 1 metre from a residential building located on the same lot.”

- 1.04 **Schedule Amendment:** Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the property from Agricultural (A1) Zone to Hamlet Residential Exception Eight (HR-8) Zone for the land referred to as HR-8, as shown on Schedule ‘A’ attached to this By-law; to change the zone category on a portion of the property from Agricultural (A1) Zone to Hamlet Residential Exception Eleven (HR-11) Zone for the land referred to as HR-11, as shown on Schedule ‘A’ attached to this By-law; and to change the zone category on the balance of the land from Agricultural (A1) Zone to Agricultural Exception Thirty-Six (A1-36) Zone for the land referred to as A1-36, as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00      Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2020.

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

## KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_

