



## Council Report

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**Report Number:** PLAN2024-035  
**Meeting Date:** May 21, 2024  
**Title:** Proposed Rural Zoning By-law  
**Description:** To bring forward the Proposed Rural Zoning By-law for adoption  
**Author and Title:** Jonathan Derworiz, Senior Planner, RPP, MCIP (WSP)

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### Recommendation(s):

**That** Report PLAN2024-035, **Proposed Rural Zoning By-law**, be received;

**That** the Rural Zoning By-law, substantially in the form attached as **Appendix B** to Report PLAN2024-035 be approved for adoption by Council; and

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

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

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

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

## **Background:**

At the April 10, 2024, Special Planning Advisory Committee Meeting, a second statutory public meeting for the proposed Rural Zoning By-law (RZBL) was held. The Project Team presented an overview of the project and its timeline, purpose and effect, and described the changes made to the RZBL since the first statutory public meeting in August 2023. At the meeting held on April 10, 2024, the project team received correspondence from nine individuals. Comments received from these individuals have been tracked with detailed responses provided in Appendix A of this Report. Following the statutory public meeting, the Planning Advisory Committee passed the following recommendation:

### **PAC2024-030**

**Moved By** M. Barkwell

**Seconded By** P. O'Reilly

**That** Report PLAN2024-025, **Proposed Rural Zoning By-law**, be received;

**That** the Proposed Rural Zoning By-law, substantially in the form attached as Appendix F to Report PLAN2024-025 be approved for adoption by Council at the May 21, 2024 Regular Council Meeting; and

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

**Carried**

This report highlights themes from commentary received at the April 10, 2024 statutory public meeting, provides context and rationale for the intent and effect of the RZBL and explains the changes made to the RZBL since the April 10, 2024, meeting.

## **The Agriculture Zoning Framework**

The project team has received correspondence from the City's Economic Development Department, the Agricultural Development Advisory Committee (ADAC), speakers at the April 10, 2024, statutory Public Meeting, and the public on the proposed agricultural zoning framework of the Rural Zoning By-law. The project team has received comments stating that the zoning framework does not adequately implement the policies of the Prime Agricultural and Rural land use designations of the City of Kawartha Lakes Official Plan and is not permissive enough regarding On-farm diversified uses (OFDUs).

It has been communicated at consultation events, in responses to comments, and at the April 10, 2024 statutory Public Meeting that the proposed Agriculture Zones have been established to implement the policies of the City of Kawartha Lakes Official Plan.

The Official Plan defines the Prime Agricultural Area as, “areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils.” Effectively, through this definition, the Official Plan couples Prime Agricultural (Class 1-3 lands) with Rural (Class 4-7 lands) into Prime Agricultural Areas.

This Prime Agricultural Area has been implemented through the proposed Rural Zoning By-law’s Agricultural Zones. The zoning approach of combining Prime Agricultural Lands and Rural Lands is supported by the Official Plan, which combines Prime Agricultural Lands and Rural Lands into Prime Agricultural Areas. At a high-level, a more conservative approach to the Agricultural Zones has been taken with the understanding that the municipality wishes to exercise a discretionary approach when it comes to what types of OFDU are permitted as-of-right. There may be some instances where a proposed use requires technical evaluation and analysis to confirm that its proposed location is justified and represents good planning practice. Such analysis is generally undertaken through an amendment to either (or both) the City’s Official Plan and Zoning By-law. Section 16.3 of the Official Plan includes language that contemplates the review and evaluation of new uses in the Rural designation, “The primary use will be agriculture in the form of ranching and forestry. When farming uses exist, new uses that are compatible with and not hindering the agricultural use will be permitted. These could include uses that produce value-added agricultural products from the farm operation. “It is important to note the use of “could” in the above excerpt as it frames new uses as being potential, not as-of-right.

The project team has consistently communicated that amendments to the Official Plan should occur before the agricultural zoning framework is overhauled. The proposed framework works within the Official Plan policies as they exist today and will need to be amended following an update to the City’s Official Plan. Suggestions of updating the Official Plan to support agricultural zoning, as well as background to the Rural Zoning By-law’s agricultural zoning framework is described in the Discussion Paper that was published in January 2020. As per the Discussion Paper, “The Official Plan contains limited criteria, and the existing policies are difficult to ‘zone’ as-of-right (e.g., the need to consolidate agriculture-related commercial/industrial uses in the rural area cannot be easily regulated by zoning which is highly site-specific). “It is important to note that the groundwork for a comprehensive update to the Official Plan is present and that the significance of a new consolidated Rural Zoning By-law for the City should not be delayed.

## **Agriculture in Wetlands**

The City's Environmental Advisory Committee (KLEAC), as well as deputations made at the April 10, 2024, Statutory Public Meeting, have identified comments and concerns regarding the permission of agriculture uses in the Environmental Protection (EP) Zone as described in the proposed Rural Zoning By-law. As discussed in the Discussion Paper and previous Staff Reports, a key consideration in developing the Rural Zoning By-law is confirming its conformity with the City's Official Plan. The City's Official Plan permits agricultural uses, except buildings and structures, within the Environmental Protection designation. The delineation of the EP Zone is based on that of the Environmental Protection designation of the Official Plan and mapped wetlands are generally within this designation. To prohibit all agricultural uses within the EP Zone would be in direct opposition to Section 17.3.1. of the City's Official Plan and is not supported. The project team has advised that an update to the Official Plan be undertaken to address permitted uses within both delineated and non-delineated wetlands.

## **Changes Made Since Publishing the Notice of Statutory Public Meeting**

**Appendix A** is a comment-response matrix that details the comments received since publishing the Notice of Statutory Public Meeting, which was held April 10, 2024. The matrix also details changes incorporated and how the response was provided. Summary of changes includes:

- 1) Definitions for select terms were refined to be more consistent with provincial legislation and guidelines.
- 2) Additional uses have been permitted as-of-right within the Agricultural Zones including Farm Greenhouse, Sawmill and Ancillary Retail.
- 3) Exception Zone numbering errors were identified, and have been corrected.
- 4) Refinements to language and corrections to spelling.
- 5) Corrections to schedules and zone labels have been made where identified.

## **Site-Specific Zoning Requests**

There have been numerous requests submitted to the project team to amend the zoning for specific sites as part of the proposed Rural Zoning By-law. Generally, these requests have not been supported through this process as they are related to ongoing Planning Act applications with the Municipality, or they require review and assessment of technical studies and requirements (i.e., Environmental Impact Study or Traffic

Impact Study). It is not within the scope of this project to undertake technical reviews on a site-specific basis.

**Other Alternatives Considered:**

No other alternatives have been considered at this time.

**Alignment to Strategic Priorities:**

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

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

This project directly supports all of the strategic priorities by implementing a framework for environmental protections, helping to build complete communities, support new businesses and an agricultural economy, and by consolidating 14 zoning by-laws into one document that clarifies zoning regulations and supports development.

**Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs associated with defending the Rural Zoning By-law at the Ontario Land Tribunal.

**Consultations:**

As part of the RZBL project, the project team hosted the following consultations and engagements:

<b>Public Open Houses</b>	<b>Workshops</b>	<b>Task Force</b>	<b>Technical Advisory Committee</b>	<b>Council and Committee</b>
September 14, 2019	Waterfront Zoning – March 5, 2021	July 25, 2019	September 25, 2019	City Council – February 19, 2020
September 18, 2019	Agriculture-related Use & On-Farm Diversified Use	December 19, 2019		Committee of the Whole – May 3, 2022

<b>Public Open Houses</b>	<b>Workshops</b>	<b>Task Force</b>	<b>Technical Advisory Committee</b>	<b>Council and Committee</b>
September 25, 2019	Workshop – March 11, 2021	November 23, 2020		
April 6, 2021		January 24, 2022		
March 1, 2022		October 7, 2022		
March 3, 2022		April 12, 2023		
March 9, 2022				
Woodville – June 22, 2022		March 15, 2024		
April 11, 2023				
				Planning Advisory Committee (Statutory Public Meeting) – August 9, 2023
				City Council – August 29, 2023
				Planning Advisory Committee (Statutory Public Meeting) – April 10, 2024

In addition to the structured engagement described above, there have been ongoing consultations and discussions with the following groups:

- Kawartha Region Conservation Authority
- CKL Development Services
- CKL Engineering
- CKL Economic Development
- Registered Professional Planners on behalf of property owners, businesses and operations in the municipality
- Property owners and the general public

The project team has undertaken topic-specific workshops, one-on-one meetings and larger roundtable discussions with these groups in order to address comments and concerns and respond to questions.

**Development Services – Planning Division Comments:**

Since 2001, the municipality has been challenged with administering 18 zoning by-laws. This has not been an easy feat and has come with a host of difficulties for staff, the general public, landowners and developers. Having a single Rural Zoning By-law that consolidates 14 of the in-effect zoning by-laws with standardized zoning, terminology and development standards that apply to all rural areas in the municipality is a key advancement. Staff anticipate that the Rural Zoning By-law will allow for quicker

responses to general inquiries, easier interpretation of provisions and greater certainty of development requirements.

Staff also note that with a consolidated Rural Zoning By-law, the process for administering and incorporating amendments that effect the entire municipality will be streamlined to a single Zoning By-law instead of 14 separate Zoning By-laws. In this regard, the proposed Rural Zoning By-law is a significant advancement in process improvement.

**Conclusion and Next Steps:**

The Rural Zoning By-law Review has been a significant undertaking for the City of Kawartha Lakes, reflecting the first comprehensive review of the 14 existing rural area zoning by-laws since they were first enacted. The new Rural Zoning By-law will streamline and modernize zoning regulations across the City's rural area and provide greater harmony across the rural area.

Staff are, respectfully, recommending that the Rural Zoning By-law be approved.

**Attachments:**

Appendix A – Comment-Response Matrix

Appendix B – Rural Zoning By-law

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**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D06-2022-006