



Planning Advisory Committee Report

Report Number:	PLAN2024-058
Meeting Date:	November 6, 2024
Title:	Zoning By-law Amendment, 220 Linden Valley Road, Part Lot 4, Concession 14, Geographic Township of Mariposa, City of Kawartha Lakes, Holcrest Farms Ltd.
Description:	Rezone portions the Subject Lands from the 'Agricultural (A1)' Zone to 'Agricultural Exception 44 (A1-44)' Zone and 'Environmental Protection (EP)' Zone in order to facilitate a surplus farm dwelling severance and lot deficiencies, prohibit residential development, and protect existing wetlands and woodlands
Type of Report:	Public Meeting
Author and Title:	Raphael Romeral, Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

Recommendation(s):

That Report PLAN2024-058, Zoning By-law Amendment, 220 Linden Valley Road, Part Lot 4 Concession 14, Township of Mariposa, City of Kawartha Lakes, be received for information;

That a Zoning By-law Amendment respecting application D06-2024-021, substantially in the form attached as Appendix D to Report PLAN2024-058, be approved and adopted by Council; and,

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Holcrest Farms Ltd.
Applicant:	Michael Smith Planning Consultants; Development Coordinators Ltd. c/o Gord Mahoney
Legal Description:	Part Lot 4, Concession 14, Geographic Township of Mariposa, City of Kawartha Lakes, municipally known as 220 Linden Valley Road
Official Plan:	'Prime Agricultural' and 'Environmental Protection' in Schedule 'A-2'; 'Significant Woodlands' in Schedule 'B-2' of the City of Kawartha Lakes Official Plan (2012)
Zoning:	'Agricultural (A1)' Zone ('Schedule A') in the Township of Mariposa Zoning By-Law 94-07
Area:	56.37 ha. (139.29 ac.)
Site Servicing:	Private well and septic
Existing Uses:	Agricultural
Adjacent Uses:	North – Environmental Protection, Agricultural East – Agricultural South – Agricultural West – Agricultural

The applicant is proposing to rezone the property at 220 Linden Valley Road (Subject Lands) as a condition of consent approval for the severance of a surplus farm dwelling under File No. D03-2024-004. To fulfill a condition of the consent, that being to prohibit future residential development on the retained agricultural lands, the applicant proposes to rezone a portion of the Retained Lands to a 'Agricultural Exception 44 (A1-44)' Zone. Further, through the review of the application and in discussion with planning staff, the applicant is also proposing to rezone a portion of the Retained Lands to 'Environmental Protection (EP)' Zone on areas designated Environmental Protection in the Official Plan and areas identified as Significant Woodlands.

Through the consent process, the existing watercourse and woodland areas were identified as significant environmental features. The Lake Simcoe Region Conservation Authority has required the applicant to protect these areas through the 'Environmental Protection (EP)' Zone, consistent with the natural heritage policies in the Official Plan.

The Severed Lands will continue to contain the existing dwelling and driveway. There are two barns on the Severed Lands that are proposed to be removed.

Rationale:

This amendment will prohibit future residential development while preserving the agricultural use and protecting the existing natural features, including the watercourse and Significant Woodlands identified on the Retained Lands. The Severed Lands comply with the provisions of the Township of Mariposa Zoning By-law and therefore, the Severed Lands will remain as an 'Agricultural (A1) Zone'.

Policy Conformity

Provincial Planning Statement 2024 (PPS 2024)

The PPS 2024 provides a policy framework for land use planning within the Province of Ontario. The 'Subject Lands' are serviced by a private well and septic system, are within the Lake Simcoe Region Conservation Authority (LSRCA) Regulated Area and lie in prime agricultural areas.

Under Section 4.3.2 of the PPS, a principal dwelling associated with an agricultural operation is permitted. As per Policy 4.3.3.1(c), when a surplus dwelling results from farm consolidation, a new residential lot may be created provided it remains small and no new homes are permitted on the retained agricultural land. In this case, no new development is being proposed. The existing residential dwelling will remain, and the Zoning By-law Amendment seeks to align the land use with PPS policies by prohibiting future residential development on the remaining agricultural parcel. This amendment supports the protection of farmland by preventing fragmentation and maintaining its long-term agricultural viability.

Furthermore, Section 4.1.1 of the PPS emphasizes protecting natural features. A portion of the Retained Lands, containing a watercourse and significant woodlands, will be rezoned to an 'Environmental Protection (EP)' Zone to safeguard these features. Since farmland abuts these areas, no buffer is required.

The Zoning By-law Amendment proposes to rezone a portion of the Retained Lands to an 'Agricultural Exception 44 (A1-44)' Zone and a portion of the Retained Lands to an 'Environmental Protection (EP)' Zone, aligning with the PPS 2024 to protect both agricultural and environmental resources.

City of Kawartha Lakes Official Plan (2012)

The Subject Lands are designated 'Prime Agricultural' and 'Environmental Protection' according to Schedule A-2 of the City of Kawartha Lakes Official Plan (CKLOP).

Additionally, Schedule B-2 indicates the presence of Significant Woodlands on a portion of the Subject Lands. The woodlands fall within the area between the Carden Plain and the Oak Ridges Moraine (ORM), which is predominantly agricultural and rural in nature. The proposed severance does not occur within 120 meters of the significant woodland. The CKLOP contains policies similar to those in the Lake Simcoe Protection Plan (LSPP) for lands within the watershed. An Environmental Impact Study (EIS) or Natural Heritage Evaluation (NHE) is not required, as the severance and existing uses comply with these policies.

In accordance with Section 15 of the CKLOP regarding the Prime Agricultural Designation, the City supports the consolidation of farms, allowing severances of surplus dwellings under certain conditions. Section 15.3.4 states that, "The City recognizes as generally desirable the consolidation of farms wherever possible. Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that:

- a) the residential lot does not exceed 1 hectare in area and is not less than 4,000 sq.m. in area;
- b) the residential lot meets the Minimum Distance Separation criteria;
- c) the dwelling is not required for farm employees; and
- d) the farm land is merged into a single lot."

As per Policy 15.3.5, "Dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria of 15.3.4 a, b and c above are met and that the retained agricultural land be zoned to prohibit any residential use."

The proposed severance meets these conditions, as the lot is approximately 0.6 hectares in size, which is within the required range. The Severed Lot is over 500 meters from the nearest livestock barn, and the dwelling is not needed for farm employees. Furthermore, Policy 15.3.5 specifies that when non-abutting farm parcels are consolidated, the retained agricultural land must be zoned to prohibit any new residential development, which the applicant is proposing to do.

Section 17 of the CKLOP outlines that the Environmental Protection Designation applies to areas subject to flooding, Provincially Significant Wetlands (PSW), or other physical hazards. The Severed Land itself does not contain any such designated areas; however, the Retained Land includes an area aligned with the location of the watercourse, which falls under the Environmental Protection Designation. A review of regulation mapping confirms that the Subject Lands are outside the Lake Simcoe Region Conservation

Authority (LSRCA) regulated areas and is not subject to floodplain, meander belt, or erosion hazards. Therefore, the proposed development conforms to the City of Kawartha Lakes Official Plan (2012).

Township of Mariposa Zoning By-law 94-07

The Subject Lands are currently zoned Agricultural (A1) in the City of Kawartha Lakes Zoning By-law 94-07. According to the provisions of the A1 Zone, a single detached dwelling, along with agricultural uses and accessory buildings and structures, are permitted. However, according to the PPS 2024 and City of Kawartha Lakes Official Plan, the Retained Land must not be developed with a single detached dwelling. Consequently, a Zoning By-Law Amendment (ZBA) is necessary. Furthermore, the policies also require the long-term protection of environmental features on the property.

Accordingly, the zoning for a portion of the Retained Land will be amended to a 'Agricultural Exception 44 (A1-44)' Zone, which will explicitly prohibit any residential development, in accordance with the requirements established by Provincial and City planning policies.

Furthermore, areas designated as Environmental Protection and those identified as Significant Woodlands will be rezoned to an 'Environmental Protection (EP)' Zone to ensure the preservation of these critical natural features.

Planning staff support the proposed Zoning By-Law Amendment as it aligns with the City's planning framework and fulfills the requirements of the consent approval process while safeguarding the environmental integrity of the retained lands.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

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

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

4. Good Government

In alignment with the strategic priorities, the proposed rezoning would facilitate lot severance that would further protect and preserve natural areas such as wetlands and woodlands, in addition to protecting and supporting agricultural land and agri-business; this supports a healthy environment.

Financial/Operation Impacts:

Not applicable.

Consultations:

Development Services – Planning Division reviewed the proposal and has no further comments.

Building and Septic – reviewed the proposal and has provided no comments.

Engineering and Corporate Assets Department reviewed the proposal and has provided no comments.

Lake Simcoe Region Conservation Authority - reviewed the proposal and has no concerns regarding the proposed Zoning By-law Amendment.

Kawartha Conservation - has reviewed the proposal with respect to natural hazards and water quantity and expressed no concerns with the Zoning By-law Amendment. It was noted that the property is located completely outside of a vulnerable area for municipal drinking water system where policies apply.

Enbridge - reviewed the proposal and has provided no comments.

Conclusion:

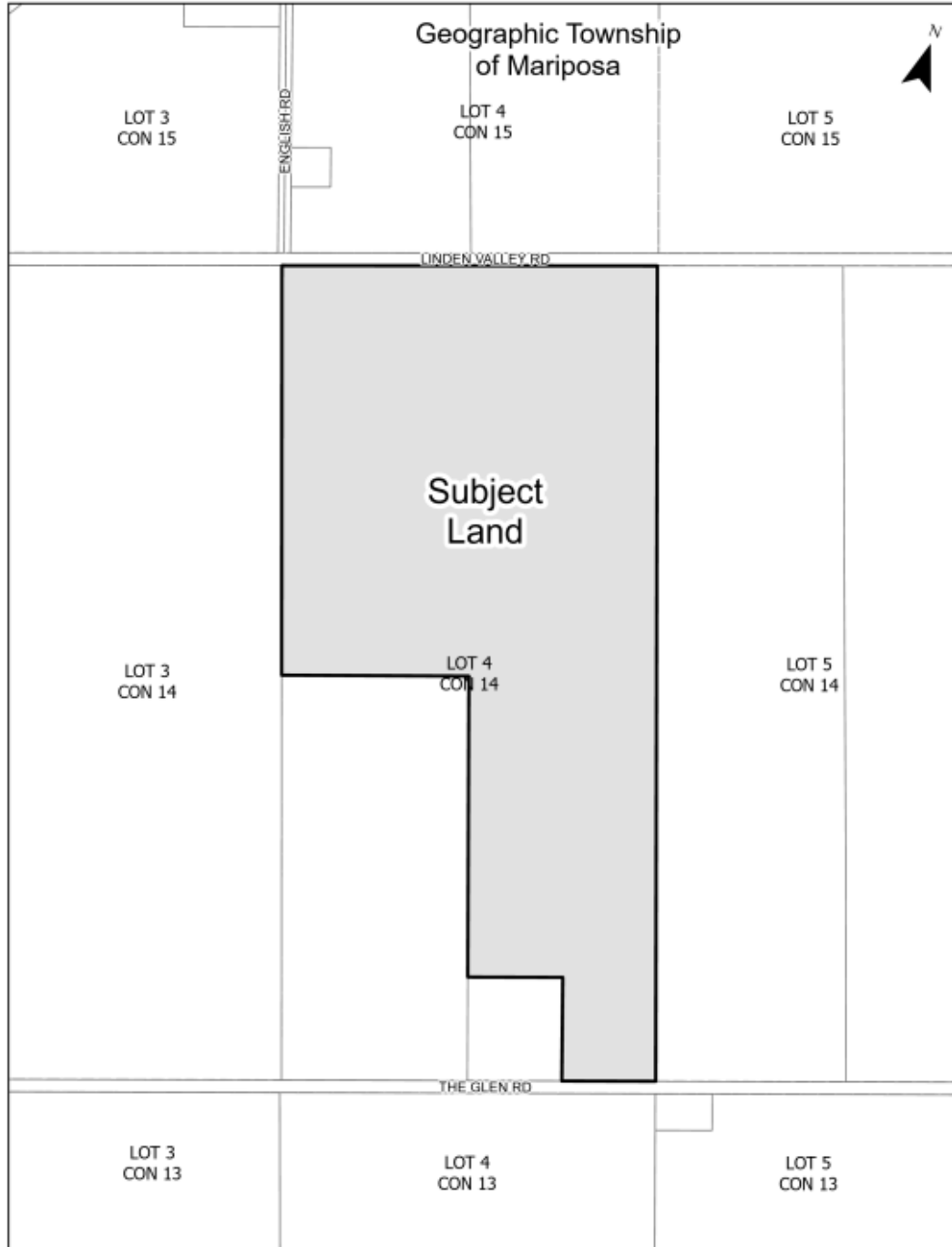
The proposal represents good land use planning by facilitating the severance of a surplus farm dwelling in accordance with policies of the PPS, Kawartha Lakes Official Plan, and Township of Mariposa Zoning By-law 94-07.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-021, substantially in the form attached as Appendix 'D' to Report PLAN2024-058, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Raphael Romeral at dillonplanning@kawarthalakes.ca

Attachments:

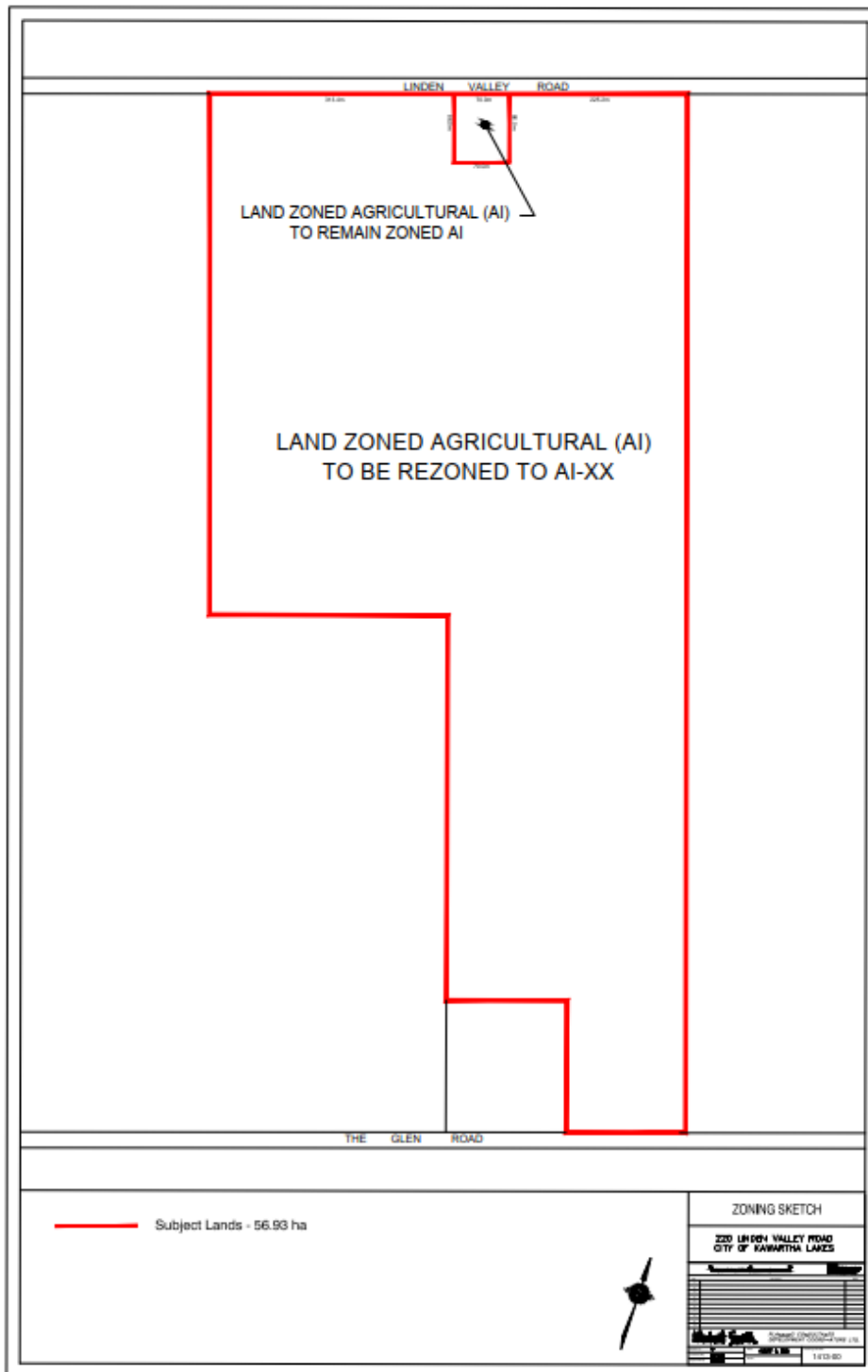
Appendix A – Site Mapping – Location Map



Appendix B – Aerial



Appendix C – Concept Plan (Consent)



Appendix D – Draft Zoning By-law Amendment & Schedule

The Corporation of the City of Kawartha Lakes

By-Law 2024 - ■

**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 D06-2024-021, Report PLAN2024-058, respecting Part Lot 4, Concession 14,
Geographic Township of Mariposa, identified as 220 Linden Valley Road – Holcrest]

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 rezone the 'Subject Lands' from 'Agricultural' (A1) Zone to 'Agricultural Exception 44 Zone (A1-44)'; and 'Environmental Protection' (EP) Zone. This would fulfill a condition of provisional consent for application D03-2024-004.
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 2024-■.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 4 Concession 14, 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 section to Section 8.3
 - 8.3.44 **Agricultural Exception 44 (A1-44) Zone**
 - '8.3.44.1 Notwithstanding the zone provisions for the A1 zone, on land zoned A1-44, the following shall apply:
 - a. Residential uses shall not be permitted.
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category from the 'Agricultural' (A-1) Zone to the 'Agricultural Exception 44 Zone (A1-44)' for a portion of the 'Subject Lands', as shown on Schedule 'A' attached to this By-law.
- 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 from the 'Agricultural'

(A-1) Zone to the 'Environmental Protection' (EP) Zone' for a portion of the
'Subject Lands', as shown on Schedule 'A' attached to this By-law.

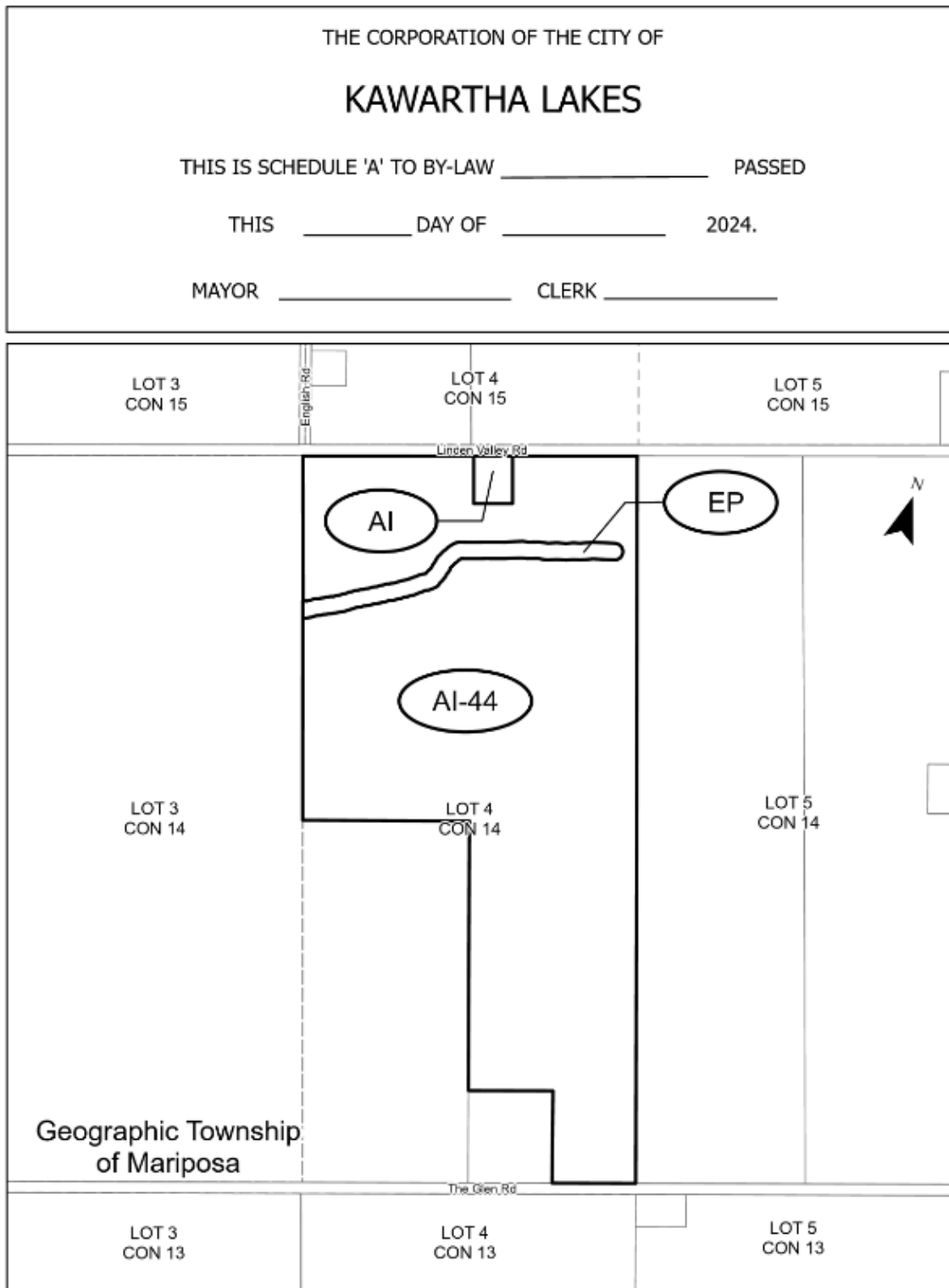
Section 2:00 Effective Date

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 ***, 2024

Douglas J.F. Elmslie, Mayor

Cathie Ritchie, City Clerk



Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director

Department File: D06-2024-021