



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2025-011</b>
<b>Meeting Date:</b>	February 5, 2025
<b>Title:</b>	<b>Application to Amend the Township of Mariposa Zoning By-law 94-07 at 14657 Simcoe Street, Manilla - McPhaden</b>
<b>Description:</b>	Amend the Township of Mariposa Zoning By-law 94-07 to facilitate two new rural residential lots as conditions of previous consent applications D03-2023-039 and D03-2023-069
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Julio Sarti Caldeira, Planning Technician, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

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### Recommendation(s):

**That** Report PLAN2025-011, **Application to Amend the Township of Mariposa Zoning By-law 94-07 at 14657 Simcoe Street, Manilla - McPhaden**, be received for information;

**That** a Zoning By-law Amendment respecting application D06-2024-026, substantially in the form attached as Appendix D to Report PLAN2025-011, 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:**

<b>Owner:</b>	Tracy Michele McPhaden
<b>Applicant:</b>	Doug Carroll, DC Planning Services Inc.
<b>Property Description<sup>1</sup>:</b>	Legal Description: Concession 6, North Half and South Half Part of Lot 1, Township of Mariposa, City of Kawartha Lakes
	Municipal Address: 14657 Simcoe Street
<b>Official Plan:</b>	'Hamlet Settlement Area', 'Prime Agricultural' and 'Environmental Protection' in Schedule 'A-2' of the City of Kawartha Lakes Official Plan
<b>Zoning By-law:</b>	'Agricultural (A1)' Zone ('Schedule A' and Schedule 'I') in the Township of Mariposa Zoning By-Law 94-07
<b>Lot Area:</b>	82.10 ha. (202.87 ac.)
<b>Servicing:</b>	Private individual well, private individual septic tank, ditches/swales
<b>Access:</b>	Municipal – Arterial (Simcoe Street), Local (Cresswell Road, Salem Road)
<b>Existing Uses:</b>	Agricultural
<b>Adjacent Uses:</b>	North: Residential, Agricultural East: Residential, Agricultural South: Agricultural West: Agricultural

The applicant is seeking to rezone approximately 0.78 ha from the Subject Land to facilitate the creation of two new rural residential lots<sup>2</sup> in lands currently designated 'Hamlet Settlement Area' in the City of Kawartha Lakes Official Plan and zoned 'Agricultural (A1)' Zone in the Township of Mariposa Zoning Bylaw. As part of the proposed conditions of provisional consent for applications D03-2023-039 and D03-2023-069, an amendment to the Township of Mariposa Zoning Bylaw respecting the lots

<sup>1</sup> See Appendix A – Location Map

<sup>2</sup> See Appendix C – Concept Plan

to be severed is required, such that they be rezoned from the 'Agricultural (A1)' Zone to the 'Hamlet Residential (HR)' Zone, to permit the proposed hamlet residential uses.

## **Rationale:**

Through the consent process for lot severance, a Zoning By-Law Amendment application was deemed required as a condition of consent approval to rezone the proposed Severed Lands to the 'Hamlet Residential (HR)' Zone. The amendment will permit low-density residential uses on the Severed Lands, which are designated 'Hamlet Settlement Area' and abuts existing development. The Retained Lands will remain zoned as an 'Agricultural (A1)' Zone, as it complies with the provisions of the Township of Mariposa Zoning By-law 94-07. No development is being proposed on this application.

## **Policy Conformity**

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

On August 20, 2024, the Province of Ontario released the updated Provincial Planning Statement. The Provincial Planning Statement, 2024 (PPS 2024) is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents.

Under Section 2.2 of the PPS 2024, housing options should meet the needs of current and future residents by permitting and facilitating all types of residential intensification, including development and introduction of new housing options in the proximity of existing development. As per Policy 2.3.1, Settlement areas shall be the focus of growth and development, and land use patterns within settlement areas should be based on a mix of land uses which efficiently use land and resources. Section 2.5 of the PPS 2024 states that healthy, integrated and viable rural areas should be supported by accommodating a mix of housing in settlement areas.

The Zoning By-law Amendment proposes to rezone the Severed Lands to the 'Hamlet Residential (HR)' Zone, aligning with PPS 2024 goals by offering a variety of housing types and directing growth to settlement areas.

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

The Subject Land is currently designated as 'Hamlet Settlement Area', 'Environmental Protection' and 'Prime Agriculture' according to Schedule A-2 (Land Use Designations) of the City of Kawartha Lakes Official Plan (CKLOP). The lands subject to rezoning are entirely contained on the 'Hamlet Settlement Area' designation. According to Schedule B-2 (Natural Heritage Features) of the CKLOP, portions of the Subject land are within Hamlets, Locally Significant Wetlands and Significant Woodlands; however, the proposed lands to be rezoned are entirely contained on a Hamlet, and considerably distant from Locally Significant Wetlands and Significant Woodlands.

In accordance with Section 19.1 of the CKLOP regarding the Hamlet Settlement Designation, the City's goal is to accommodate small-scale residential development within existing settlement areas. Section 19.3.1 recognizes single-detached residential dwellings as a permitted use in the Hamlet Settlement designation, and Section 19.3.2 states that development should occur adjacent and where possible contiguous to existing development and shall be in keeping with the existing character of the area.

As per Section 33.3 of the CKLOP, consents may be considered in land fronting on a public road that is maintained year-round by the City or Province.

The proposed Zoning Bylaw Amendment aims to facilitate the creation of two residential lots adjacent to existing development, in lands with frontage on an existing public road that is maintained on a year-round basis; therefore, Planning Staff consider the proposed Zoning Bylaw Amendment compatible with the existing land use framework already established along this area.

**Township of Mariposa Zoning By-law 94-07**

The Subject Lands are currently zoned as 'Agricultural (A1)' on Schedules A and I of the Township of Mariposa Zoning Bylaw 94-07. The proposed severed lands will comply with the applicable provisions of Township of Mariposa Zoning By-law 94-07, in particular Section 10 – 'Hamlet Residential (HR)' Zone. As per Section 10.1.1.1, single detached dwellings are a permitted use on the 'Hamlet Residential (HR)' Zone. The proposed lands to be severed complies with the provisions specified on Section 10.2 of the Township of Mariposa Zoning By-law 94-07 regarding minimum lot area (2,800m<sup>2</sup>) and minimum lot frontage (38m). No development is being proposed at this time; however, any proposed building should comply with provisions specified on Section 10.2 regarding for example yard setbacks, lot coverage, building height, gross floor area, landscaped open space and density.

Rezoning portions of the Subject Lands where the severed lands are located from 'Agriculture (A1)' Zone to 'Hamlet Residential (HR)' Zone was as a condition of consent. Planning staff support the proposed Zoning By-Law Amendment as it aligns with the intent of the Official Plan designation, supporting the overall vision for this area and fulfills the City's planning framework and fulfills the requirements of the consent approval process.

### **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 enhances an exceptional quality of life by providing new housing opportunities and demonstrates good government by thoughtfully integrating development with existing community.

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

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

### **Consultations:**

The Planning Division received the application submission package on November 27, 2024 which included the following reports and plans in support of the application:

1. Planning Application, prepared by Doug Carroll, dated November 22, 2024
2. Sketches, including:

- a. Sketch for Severance, prepared by IRW Surveyors, dated December 10 2022;
  - b. Parcel Register and Property Index Map, dated October 17 2022;
3. Cover Page Memo, prepared by DC Planning Services Inc., dated November 22, 2024.

Staff deemed the application 'complete' under the requirements of the Planning Act on December 23, 2024, and initiated Agency consultation on January 6, 2025, with a requested review period of the application submission package by January 20, 2025. All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. The public has been notified of the application through circulation of the Notice of Public Meeting on January 15, 2025.

The following comments were provided by agencies during the consultation period:

**Economic Development** – Economic Development reviewed the proposal and has no objections.

**Development Engineering** – Development Engineering Division reviewed the proposal and has no objections.

**Building and Septic** – The Building and Septic Division from the Development Services Department has reviewed the proposal and has noticed that the properties to be severed were deemed adequate for residential Class 4 Sewage Systems. As such, the Building and Septic Division has no issue with a zoning amendment to zone the portion of the properties detailed in the Consent proposal for residential use as it relates to private on-site sewage disposal.

**Ministry of Transportation** - reviewed the proposal and have no comments to offer this application.

**Kawartha Conservation** - reviewed the proposal and recognized that the subject property is within Kawartha Conservation's jurisdiction, but the area proposed for the zone change for the new severed lots is outside of our area regulated for natural hazards. Kawartha Conservation has no concerns with the approval of the ZBA application.

**Enbridge** - reviewed the proposal and has no objections.

**Region of Durham** - reviewed the application and has no comments.

## **Conclusion:**

The proposal represents good land use planning by facilitating the severance of two residential lots in accordance with policies of the PPS 2024, Kawartha Lakes Official Plan, and Township of Mariposa Zoning By-law 94-07. Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-026, substantially in the form attached as Appendix D to Report PLAN2025-011, 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 Julio Sarti Caldeira at [dillonplanning@kawarthalakes.ca](mailto:dillonplanning@kawarthalakes.ca).

## **Attachments:**

Appendix A – Location Map (see below)

Appendix B – Aerial Map (see below)

Appendix C – Concept Plan (see below)

Appendix D – Draft Zoning By-law Amendment & Schedule



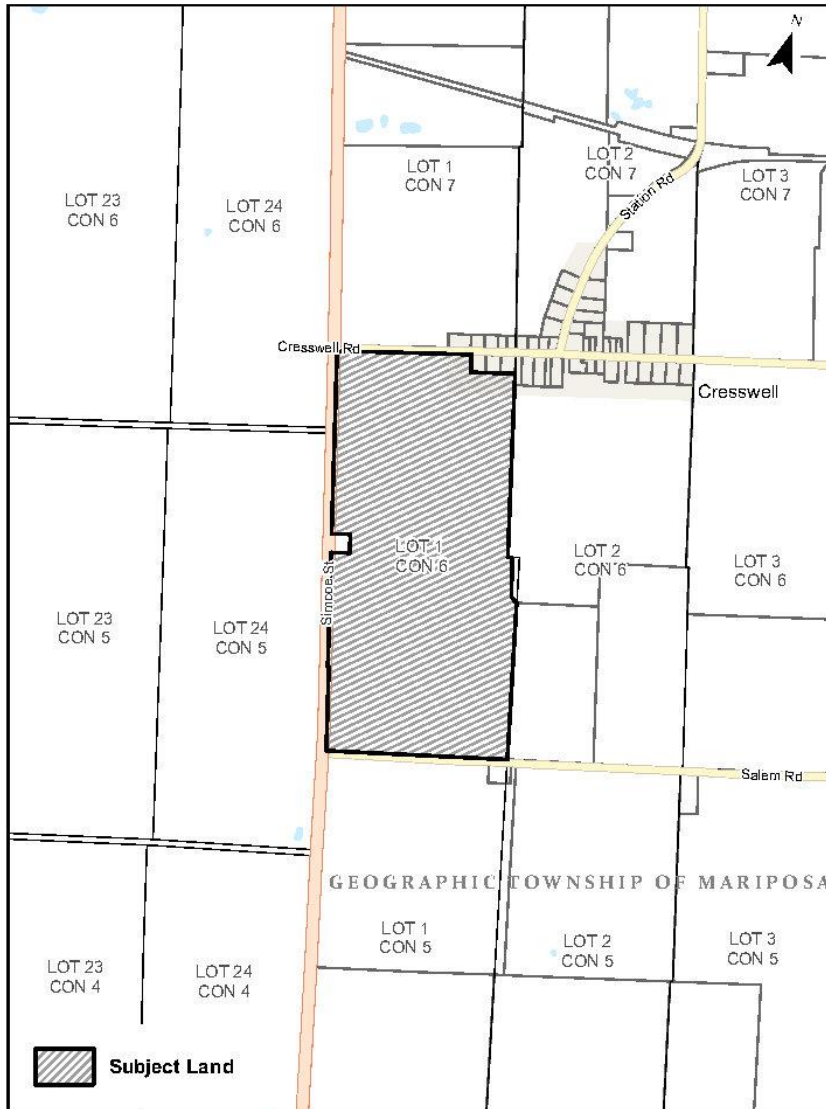
Appendix D  
PLAN2025-011 - 146!

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

**Department Head:** Leah Barrie Director

**Department File:** D06-2024-026

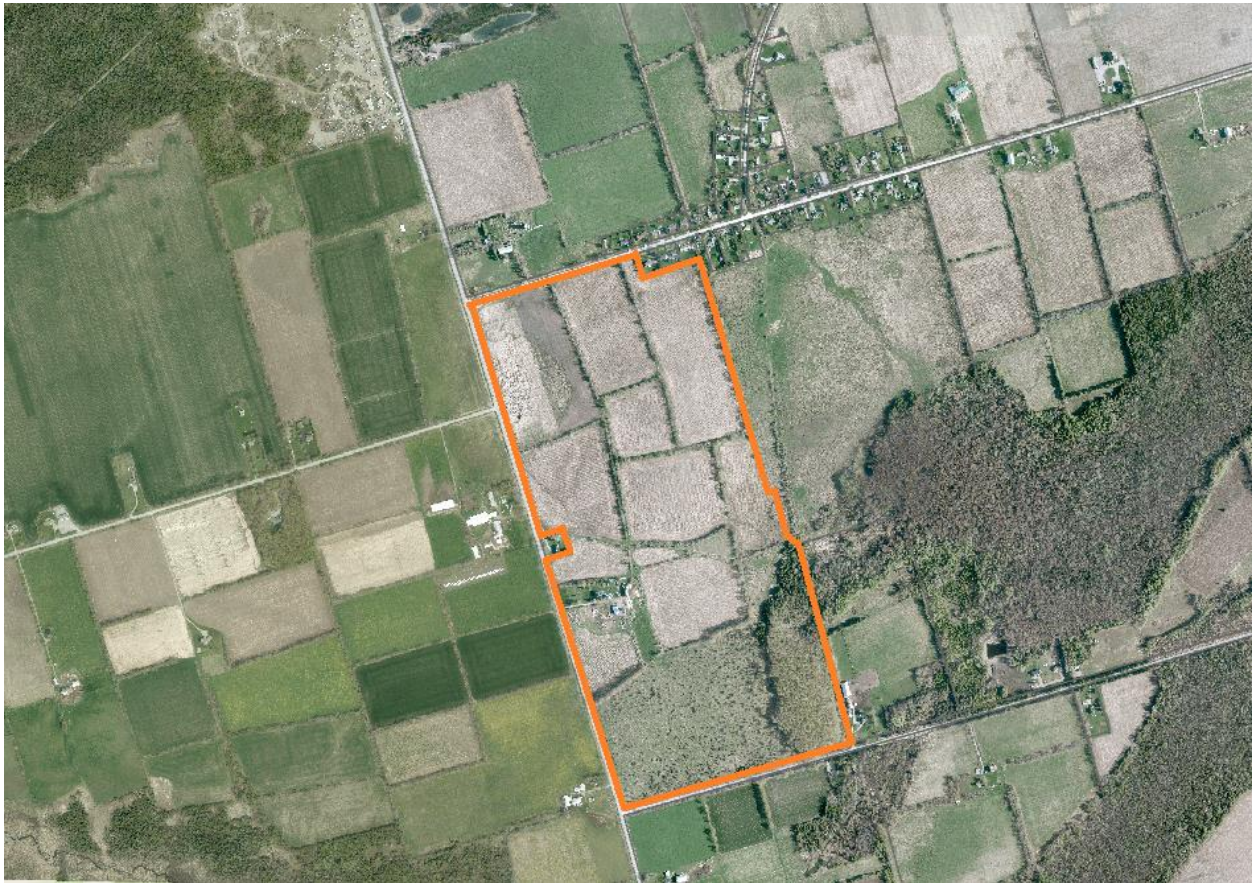
Appendix A – Location Map



D06-2024-026



Appendix B – Aerial Map



Zoning By-law Amendment, Application to Amend the Township of Mariposa Zoning By-law 94-07 at 14657 Simcoe Street, Manilla - McPhaden

Appendix C – Concept Plan

