



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2025-041</b>
<b>Meeting Date:</b>	July 9, 2025
<b>Title:</b>	<b>Applications to Amend the Kawartha Lakes Official Plan and Township of Emily Zoning By-Law 1996-30 at 54 Loop Line, Omemee - Maridean Acres Inc. (c/o David Wellman)</b>
<b>Description:</b>	Applications to amend the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-Law 1996-30 at Part Lot 20, Concession 4, Township of Emily, Diana Keay of D.M.Wills Associates Limited. (David Wellman) to facilitate a future consent application to sever land to create a new lot
<b>Type of Report:</b>	Regular Meeting
<b>Author and Title:</b>	Harane Jegatheswaran, Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

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### Recommendation(s):

**That** Report PLAN2025-041, **Applications to Amend the Kawartha Lakes Official Plan and Township of Emily Zoning By-Law 1996-30 at 54 Loop Line, Omemee - Maridean Acres Inc. (c/o David Wellman)** be received;

**That** an Official Plan Amendment respecting application D01-2024-010, substantially in the form attached as Appendix D and E to Report PLAN2051-041, be approved and adopted by Council;

**That** a Zoning By-law Amendment respecting application D06-2024-025, substantially in the form attached as Appendix F and G to Report PLAN2025-041, 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>	Maridean Acres Inc. (c/o David Wellman)
<b>Applicant:</b>	D.M. Willis Associates Limited (c/o Diana Keay)
<b>Property Description:</b>	Legal Description: Part Lot 20, Concession 4, Geographic Township of Emily, City of Kawartha Lakes Municipal Address: 54 Loop Line
<b>Official Plan:</b>	'Rural', 'Sand and Gravel Resource' and 'Environmental Protection' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan
<b>Zoning By-law:</b>	'Agricultural (A1)' Zone, 'Agricultural Exception Twenty-Three (A1-23)' Zone and 'Environmental Protection (EP)' Zone ('Schedule A') in the Township of Emily Zoning By-Law 1996-30
<b>Lot Area:</b>	Total area of subject lands: 35.1 ha. (86.75 ac.)
<b>Servicing:</b>	Water: Individual private well Sanitary: Individual private septic system
<b>Access:</b>	Municipal – Local (Loop Line)
<b>Existing Uses:</b>	Residential, Agricultural
<b>Adjacent Uses:</b>	North: Agricultural  East: Agricultural, Waterfront, Natural Heritage Feature, Rural  South: Agricultural, Rural, Natural Heritage Feature, Residential  West: Agricultural, Rural, Natural Heritage Feature, Residential

**Rationale:**

The applicant is seeking to amend the City of Kawartha Lakes Official Plan to support a future consent application. The request is to create special policies that permit agricultural lands that are less than the minimum lot size of 40 hectares.

The request also includes amendments to the Zoning By-law to rezone the property to 'Agricultural Exception Forty-Five Holding (A1-45(H))' and 'Agricultural Exception Forty-Six (A1-46)' to facilitate the severance to create a new lot intended for the purpose of a detached residential dwelling and agricultural use – to permit the proposed reduced lot frontage and area of the retained lot; and, the proposed deficiencies in the minimum lot area, minimum lot frontage and minimum front setback of the severed lot.

The holding symbol would be removed once an archaeological assessment is completed and any cultural heritage concerns are resolved, thereby safeguarding the area's historical significance.

**Rationale**

The applicant has submitted the requisite reports and plans in support of the applications, which have been circulated to various City departments and commenting agencies for review and clearance.

**Policy Conformity****Provincial Planning Statement, 2024 (PPS 2024)**

The Provincial Planning Statement, 2024 (PPS 2024) provides a policy framework for land use planning within the Province of Ontario. The 'Subject Land' is located outside of settlement areas, and are subject to Section 2.5.1 of the PPS, which recognizes the importance of rural areas to the economic success of the province. The proposed severance is located on lands which are not designated Prime Agricultural and as such the PPS does not discourage this proposed application. Additionally, technical nature of the application will ensure that the existing farm use will continue.

The proposed application is also in alignment Section 2.6.1.c which permits lot creation where site conditions are suitable for the provision of appropriate sewage and water services, which both the proposed retained and proposed servicing have. The application is also proposing development that can be sustained by rural service levels which ensures alignment with Section 2.6.2.

The subject land is located in Ecoregion 6E as there is a wetland that bisects the property, creating a natural divide. As directed by the PPS 2024, development and site alteration is not permitted in Ecoregion 6E (Section 4.1.4) which has forced the two sections of the property to act as two separate parcels. The parcels cannot function as one property, as travel between the south and north sides must be completed through Loop Line.

### **City of Kawartha Lakes Official Plan (CKLOP, 2012)**

The subject land is designated 'Rural', 'Sand and Gravel Resources' and 'Environmental Protection' (EP) on Schedule 'A-3' of the CKLOP. The CKLOP aims to support farming operations in the City as it is recognized as an important component of the economy, a source of employment and a way of life for many rural residents (section 16.2.c). While the proposed severed and retained lots are intended to maintain their agricultural use, neither will meet the minimum lot size of 40 hectares (Section 16.3.8) and as such, relief from this provision is required.

The CKLOP allows consideration for consents when the property fronts on an assumed public road like Loop Line and where access may not create a traffic hazard due to limited sight lines which is accurate for the subject lands (section 33.3.3 and 33.3.4).

The proposed severance is intended to ensure that part of the subject land that is designated 'Environmental Protection' will not be affected as the retained lot will absorb the entirety of the EP designated area. This ensures the application is in compliance with section 17.3.2.

Section 24.3.1. permits agriculture as a use in the 'Sand and Gravel' designation which is the intent of the proposed severance.

The proposed Official Plan Amendment aligns with the goals and objectives of the City of Kawartha Lakes Official Plan. The redesignation and policy exception facilitate economic development by encouraging the existing agricultural use and respecting the intent of the 'Rural' designation. Therefore, the proposed amendment is consistent with the CKLOP's vision for sustainable agricultural economic growth.

### **Township of Emily Zoning By-law 1996-30**

The Subject Lands are currently zoned Agricultural Exception 23 (A1-23) Zone in the Township of Emily Zoning By-law. The Zoning By-law Amendment seeks to rezone the property to 'Agricultural Exception 45 Holding (A1-45(H))' and 'Agricultural Exception 46 (A1-46)' to permit the proposed deficiencies resulting from a future severance.

The zoning by-law exception would be added to the A1 zone to allow for a reduced lot frontage of 80.1m and reduced lot area of 31.4 hectares on the retained lot as well as a reduced lot area of 3.7 hectares, reduced lot frontage of 114.7m and a reduced front setback of 21 metres on the severed lot. This modification supports the existing use of the lot while maintaining compatibility with the existing zoning framework.

Additionally, the proposed zoning for the Subject Lands will require a Holding (H) provision due to identified archaeological potential. Development or site alteration is prohibited until this provision is lifted. To remove the Holding symbol, an archaeological assessment must be completed by a licensed archaeologist, following the Standards and Guidelines for Consultant Archaeologists. The report must be submitted to the City and entered into the Ontario Public Register of Archaeological Reports, with recommendations confirming no further cultural heritage concerns or detailing conservation measures. Additionally, the application must demonstrate that the archaeologist engaged with the Williams Treaties First Nations to their satisfaction.

The proposed Zoning By-law Amendment, including the site-specific exception and the Holding provision, aligns with the intent of the Township of Emily Zoning By-law while addressing the unique characteristics of the proposed severance. The proposed severance though deviating from the dated by-law, are justified based on contemporary standards and the technical nature of the severance. The required archaeological assessment ensures the protection of cultural heritage resources. Therefore, the amendments are considered appropriate and support the orderly development of the Subject Lands.

### **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

This application aligns with the Kawartha Lakes Strategic Plan 2024-2027 by contributing a healthy environment as it aims to protect and preserve the natural areas on the property including the wetland and the existing farmland.

**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 which included the following reports and plans in support of the application:

- Signed and Completed Zoning By-Law Amendment Application Form dated November 4, 2024 (Severed);
- Signed and Completed Zoning By-Law Amendment Application Form dated November 4, 2024 (Retained);
- Completed Official Plan Amendment Application Form;
- Site Plan, prepared by D.M Wills Associates Limited, dated October 31, 2024; and
- Planning Justification Report, inclusive of an Agricultural Impact Brief, Minimum Distance Separation calculations, Draft Official Plan and Zoning By-law schedules, prepared by D.M Wills Associates Limited, dated November 2024.
- Zoning By-law Amendment - Response Memo and Zoning Addendum, prepared by Michelle Duong, DM Willis, dated February 6, 2025;
- Notice of Request to Consult – Summary Statement, by Michelle Duong, DM Willis, dated February 10, 2025
- Comment Response Matrix – Transmittal Sheet, prepared by Michelle Duong, DM Willis, dated March 10, 2025; and,
- Planning Advisory Committee Information Report, prepared by Dillon Planning on behalf of the City of Kawartha Lakes dated January 15, 2025;

Staff deemed the application number D06-2024-025 'complete' under the requirements of the Planning Act on November 28, 2024, and initiated Agency consultation on December 2, 2024 with a requested review period of the application submission package by December 16, 2024. All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment.

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

**Dillon Planning** – dated April 28, 2025

It is recommended that the Agricultural zoning is maintained for the proposed severed lot, with an exception to accommodate any lot deficiencies. This approach will allow for the desired continued Agricultural use and proposed severance while addressing several concerns raised by the Economic Development Officer (Agriculture).

The proposed zoning on the Subject Lands would be subject to a Holding provision as the lands have been identified as having archaeological potential. No development or site alteration shall be undertaken on the subject property until the Holding provision is removed. The following shall be required in order to remove the holding symbol:

- a. An archaeological assessment of the property has been completed by a licensed archaeologist in compliance with the Standards and Guidelines for Consultant Archaeologists and a report has been submitted to the City and entered into the Ontario Public Register of Archaeological Reports with a recommendation of one of the following:
  - i. No archaeological site of cultural heritage value or interest has been identified and no further archaeological assessment is required;
  - ii. Any identified archaeological site is of no further cultural heritage value or interest and any impacts have been successfully mitigated;
  - iii. Any identified archaeological site of further cultural heritage value or interest is conserved and protected in a manner as detailed in the archaeological assessment.
- b. A complete application to remove the holding provision shall include documentation to confirm that the licensed archaeologist engaged with the Williams Treaties First Nations to their satisfaction in preparing and finalizing the archaeological report.

Should the applicant not wish to pursue a holding symbol on the zoning, an archaeological assessment report would be needed prior to a formal decision being made on the application.

### **City of Kawartha Lakes: Economic Development**

#### **Economic Development (Agricultural) – Dated April 24, 2025**

Concerns include the potential impacts from fragmentation of agricultural lots and agricultural operations. Questions were raised regarding the intent of Zoning by-laws that permit two dwellings, and whether the intent was to prohibit their severance from one another. Agricultural zoning should be maintained on this piece of agricultural land.

Planning staff acknowledge the comments and concerns raised, and note that given the Official Plan Rural designation, the permissive PPS, 2024 land use framework, and the natural feature that effectively creates two (2) distinct parcels, that the application has technical merit without hindering the existing agricultural operation.

**Alderville First Nation** – dated April 7, 2025

There should be an archaeological assessment completed here – the proximity of the creek and wetland associated with Chemong Lake.

After further discussions between Dillon Planning staff and Dr. Julie Kapyrka, it has been determined that a Holding symbol can be placed on the property in place of conducting an archaeological assessment. This will ensure no development or site alteration shall be undertaken on the subject property until the Holding provision is removed and an archaeological assessment is completed.

**Development Engineering Comments** – dated March 14, 2025

No comments

**Otonabee Conservation Comments** – dated March 21<sup>st</sup> 2025

Otonabee Conservation mapping indicates that the subject property is traversed by hazardous lands due to the presence of Chemong Lake 25 Provincially Significant Wetland and a permanent unnamed watercourse. The existing building locations appear to be outside of the mapped natural hazards.

The revised Environmental Protection (EP) rezoning would have the effect of recognizing the hazards for the severed lot and is therefore consistent with Chapter 5 of the Provincial Planning Statement (PPS), referencing Natural Hazards.

Provincial policies dictate that development shall not create new or aggravate existing natural hazards. Otonabee Conservation has reviewed this application through our mandated responsibility under Ontario Regulation 686/21 and provide the following comments, technical support or information, and advice. Based on the information provided the proposed development will not create new or is proposing to aggravate existing hazards.

Otonabee Conservation has reviewed the application through a regulatory lens. Ontario Regulation 41/24 prohibits any development, interference with, or alteration within a flooding hazard, erosion hazard, hazardous lands, watercourse, wetland and/or their adjacent lands/areas of interference unless a permit has been issued by Otonabee Conservation under Section 28 of the Conservation Authorities Act.

Otonabee Conservation mapping indicates that the lands are partially subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. No new development is currently being proposed but future development may require Otonabee Conservation permits prior to any site alteration or construction in those areas regulated by Otonabee Conservation.



Otonabee Conservation has reviewed the application to assess the applicability of the Trent Source Protection Plan (SPP) prepared under the Clean Water Act (CWA). The SPP came into effect on January 1, 2015, and contains policies to protect sources of municipal drinking water from existing and future land use activities that pose a significant drinking water threat.

It was determined that the subject property is not located within a vulnerable area that is subject to SPP policies. The subject property is located within the vulnerable area(s) listed below. Significant drinking water threats are not possible, and a Restricted Land Use Notice is not required.

- Intake Protection Zone 3
- Significant Groundwater Recharge Area
- Highly Vulnerable Aquifer

## **Conclusion and Recommendation:**

The proposal represents good land use planning by preserving existing agricultural uses, fostering agricultural growth within the rural economy, and safeguarding environmentally sensitive areas in accordance with policies of the PPS 2024, City of Kawartha Lakes Official Plan, and Township of Emily Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment and Official Plan Amendment respecting applications D01-2024-010 and D06-2024-025, substantially in the form attached as Appendix 'D', Appendix 'E', Appendix 'F', and Appendix 'G' to Report PLAN2025-041, 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 Dillon Planning at [dillonplanning@kawarthalakes.ca](mailto:dillonplanning@kawarthalakes.ca).

## **Attachments:**

Appendix A – Location Map – see following pages

Appendix B – Aerial Map – see following pages

Appendix C – Site Plan – see following pages

Appendix D – Draft Official Plan Amendment & Schedule



Appendix D  
OPA.docx

#### Appendix E – Draft Zoning By-law Amendment & Schedule



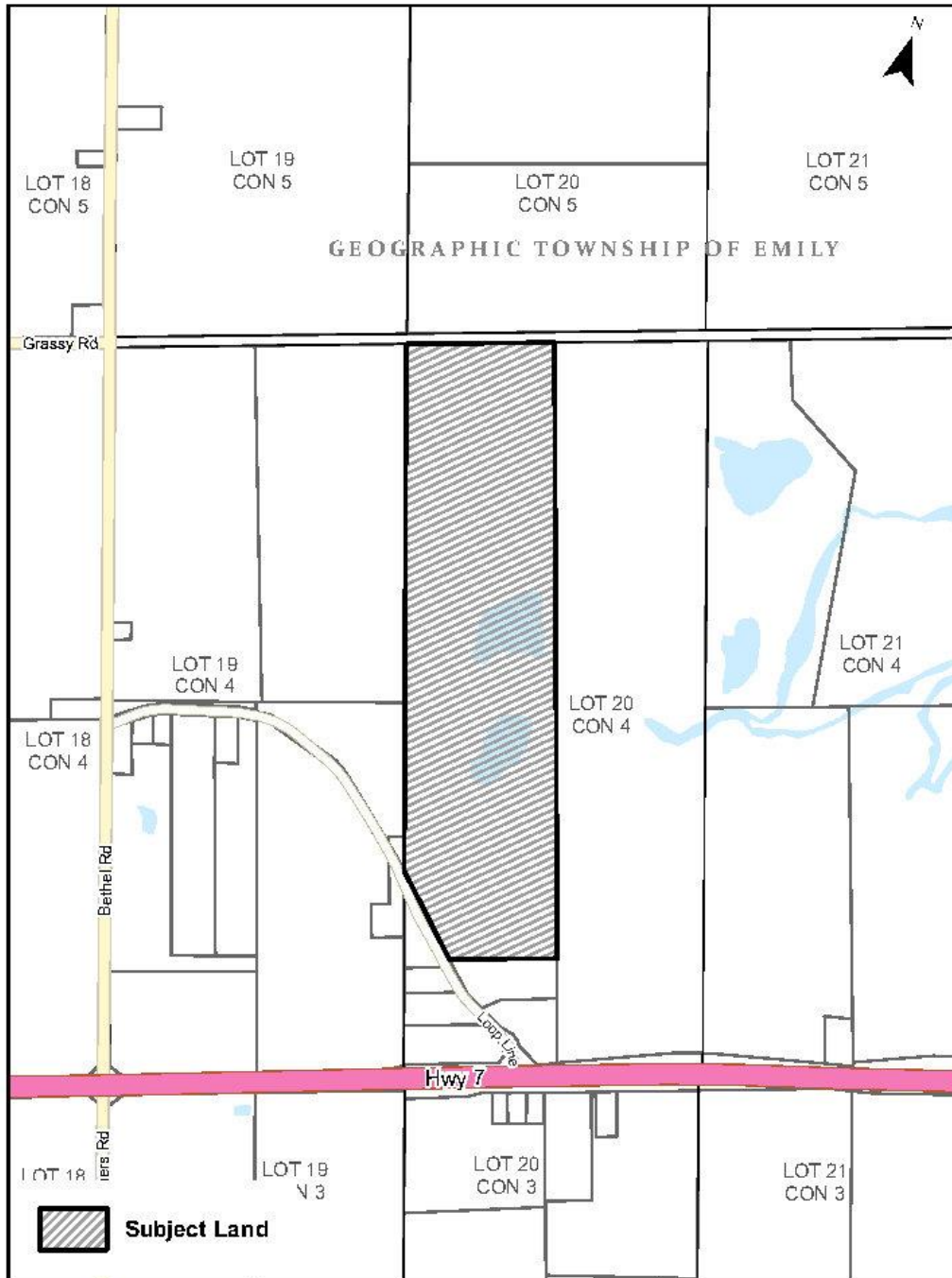
Appendix E  
ZBA.docx

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

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

**Department File:** D01-2024-10 and D06-2024-025

Appendix A – Location Map



Appendix B – Aerial



## Appendix C – Site Plan

