

Planning Justification Report

**1702 Cedar Valley Road
Township Cavan Monaghan**

**Official Plan Amendment and
Zoning By-law Amendment
Application**

D.M. Wills Project Number 21-85002

D.M. Wills Associates Limited

Partners in Engineering,
Planning & Environmental Services

Peterborough

October 2024

**Prepared for:
Jerrold Paxton**



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1.0 Introduction and Objectives

D.M. Wills Associates Limited (Wills) has been retained by Baxter Creek Golf Club care of Jerrold Paxton (Client) to prepare this Planning Justification Report (Report) in support of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications to permit the creation of one new lot and one retained lot. The proposed OPA and ZBA is to apply to the lands municipally known as 1702 Cedar Valley Road (Subject Property) in the Township of Cavan Monaghan (Township), in the County of Peterborough (County).

1.1 Project Objectives

Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications are required to permit the creation of a new lot for residential use.

The OPA will provide relief from the Minimum Distance Separation (MDS) setback requirement and amend the current recreational designation to a residential designation on the lands where the new lot is proposed. The ZBA will apply to both the retained and severed parcels; for the retained lands, it will remove the single detached dwelling as a permitted use under the existing zoning. The proposed severed parcel is proposed to be rezoned to an appropriate residential zone to permit the existing single detached dwelling.

The lands subject to the future consent application have an existing single detached dwelling, and private individual septic and well water services; therefore, no new construction or site alteration is proposed. The proposed amendments are intended to allow for the future proposed severance on the Subject Property, for residential use.

1.2 Purpose of Planning Justification Report

The purpose of this Report is to outline the nature of the proposed OPA and ZBA while evaluating the applications in the context of provincial and municipal policy including the Provincial Policy Statement, 2024 (PPS), the County of Peterborough Official Plan, 1994 (COP) the Cavan Monaghan Official Plan, 2015 (MOP); and the Cavan Monaghan Comprehensive Zoning By-law, 2018-58 (ZBL).

2.0 Property Description

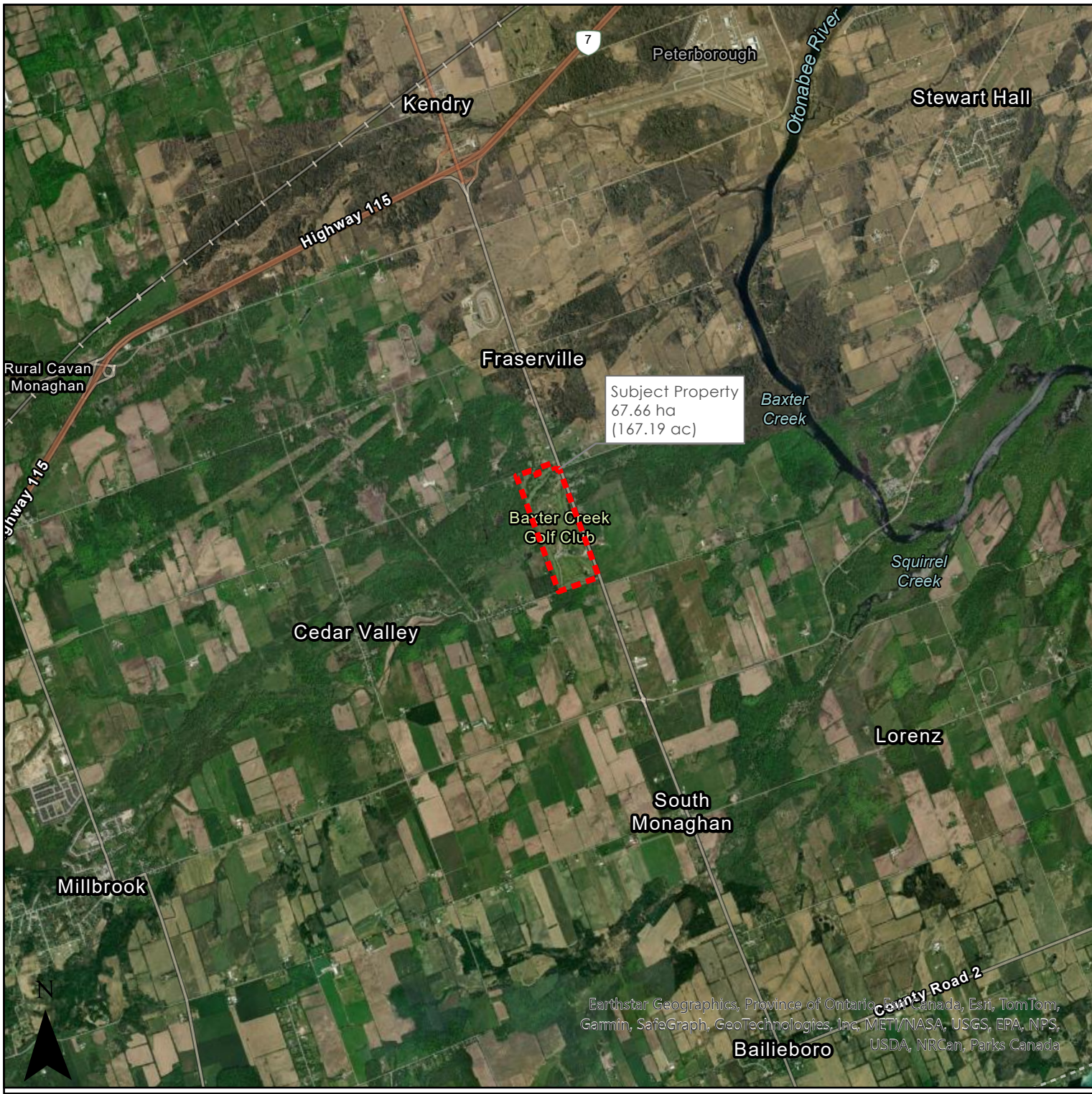
2.1 Site Location

The Subject Property is located at 1702 Cedar Valley Road, and legally described as Part Lot 23, Concession 6 in the Township of Cavan Monaghan (Cavan Ward), in the County of Peterborough (County). The property comprises an area of approximately 167.2 acres, with a frontage of approximately 465 m on Cedar Valley Road, 1275 m on County Road 28 and 371 m on Larmer Line. The Subject Property is located 3.35 km west from the Wallace Point Bridge on the Otonabee River.

At present, the property is developed for use as an 18-hole championship golf course, Baxter Creek Golf Club. There are several existing buildings associated with the golf course on the Subject Property, including a Clubhouse, Single Detached Dwelling, Maintenance Buildings, and several small accessory structures. The main access to the Subject Property is provided by an existing entrance from Cedar Valley Road. Additionally, the property can also be accessed by several accessory driveways from Highway 28 located to the east and off Larmer Line to the north.

A desktop review of the Subject Property identified some natural heritage features, including a creek that runs through the property, several small sized water bodies as well as an unevaluated wetland on the northern part of the property.

The use of the property as a golf course was established through a Zoning By-law Amendment and subsequent Site Plan, approved by the Township in 2002. However, plans for development of the property as a golf course date back to the 1980s, and original plans for development of the property also included a resort residential community. Prior to the establishment of the golf course, the Subject Property was an agricultural farm. The original farm house associated with the agricultural operation was preserved and still remains on the golf course. Refer to **Figure 1 – Key Map**.



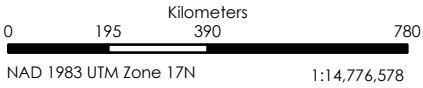
KEY MAP

988 County Road 28 (Fraserville)
 Part Lot 23, Concession 6, Ward 6
 Township of Cavan Monaghan
 County of Peterborough

Figure 1


Legend

 Subject Property



Data Sources
 County of Peterborough, Ministry of Natural Resources and Forestry

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Checked By:	MS
Map Date:	2024-09-23
Project Number:	85002



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Earthstar Geographics, Province of Ontario, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, USDA, NRCam, Parks Canada

2.2 Surrounding Land Uses

The lands in the immediate vicinity of the Subject Property are primarily characterized by rural and rural residential land uses, including a mix of agricultural activities, rural lands, open space and single detached dwellings. To the north, east, and west, there are areas of low-density residential development interspersed with large expanses of rural land and open spaces. The landscape is generally less developed, contributing to a predominantly rural character. Additionally, several natural features are present in the surrounding area. These include both Provincially Significant Wetlands and other non-evaluated wetland areas, which are primarily concentrated to the east and west of the property. Refer to **Figure 2 – Surrounding Land Use**.



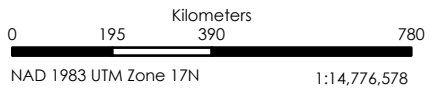
SURROUNDING USES

988 County Road 28 (Fraserville)
 Part Lot 23, Concession 6, Ward 6
 Township of Cavan Monaghan
 County of Peterborough

Figure 2

Legend

- Subject Property
- Roads



Data Sources
 County of Peterborough, Ministry of Natural Resources and Forestry, Maxar

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2.3 Proposed Development

The applicant is proposing to sever a lot with frontage on County Road 28 to remove an existing underutilized residential dwelling on the Subject Property. The proposed severed lot will have an approximate area of 0.63 hectares (1.55 acres) with an 80 m frontage on County Road 28. The retained land will have an approximate area of 67.04 hectares (165.64 acres) and will maintain all other existing frontages. The proposed severed lot is currently developed with a single detached dwelling and is serviced by existing well and septic systems. One of the family members will reside in the house once the lot is created.

There is no development or site alteration proposed as part of the severance as the rural residential use and single detached dwelling are existing on the Subject Property and will be maintained. Accordingly, no additional driveway access, services or construction is proposed as part of the proposed consent.

A preliminary severance review was undertaken with the County of Peterborough in 2020 and indicated the County of Peterborough would support the severance given justification for a reduced MDS calculation from livestock barn across County Road 28, contingent on obtaining approvals for proposed OPA and ZBA applications. Refer to **Figure 3 – Consent Sketch**.









CONSENT SKETCH

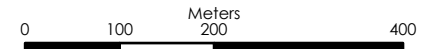
Figure 3

988 County Road 28 (Fraserville)
Part Lot 23, Concession 6, Ward 6
Township of Cavan Monaghan
County of Peterborough

The subject property is located 3.35 km west from the Wallace Point Bridge on the Otonabee River.

Legend

-  Existing Buildings
-  Lot to be Severed
-  Lot to be Retained
-  Subject Property
-  River
-  Lake
-  Existing Well
-  Existing Septic Area




PCS: NAD83 CSRS98 UTM zone 17N Scale: 1:8,000

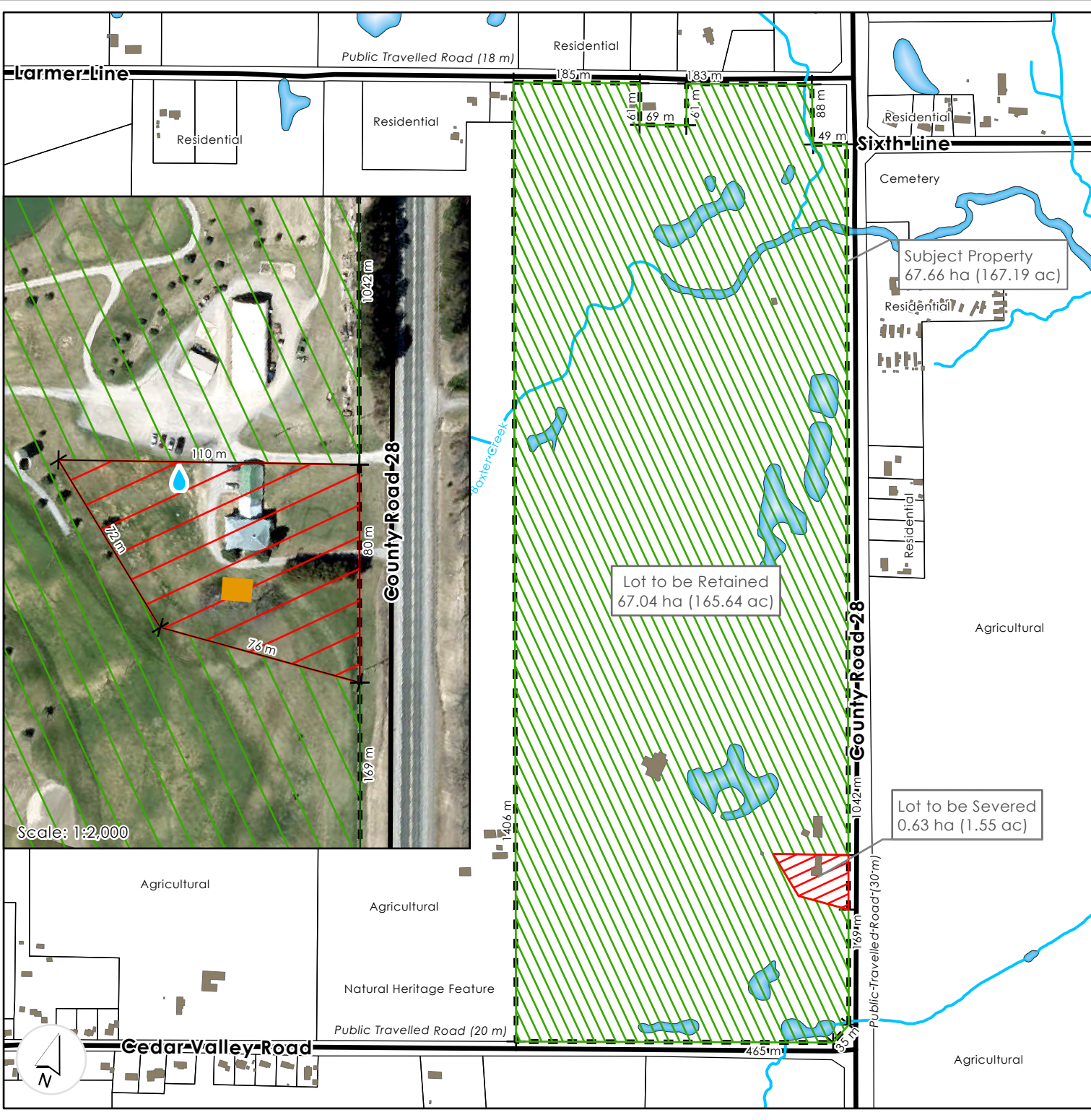
Data Sources

County of Peterborough, Ministry of Natural Resources and Forestry, Maxar, Microsoft

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2.4 Pre-Consultation

The mandatory Pre-consultation meeting was held in July 2024 with Township staff to discuss the project, required studies and consultation efforts. In August 2024, a Summary Report was provided by the Township. The following key items were identified during the meeting:

- Township Planning:
 - An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) are required for the lot creation and proposed residential use.
 - The OPA needs to address a reduced Minimum Distance Separation (MDS) and permit residential use on land currently designated for recreational purposes.
- County Planning:
 - It is recommended that the ZBA provide relief for the reduced MDS setback.
- Public Works:
 - Waste pickup services will be available for the residential lot.
 - Road widening is required, with 18 m to be conveyed to the County for County Road 28.
- Building:
 - There is enough space on the proposed lot to replace the existing sewage system, when necessary.
- Otonabee Conservation (ORCA):
 - The property is within the Otonabee Conservation Watershed.
 - The severed lot is outside any hazardous areas, though the property includes an unevaluated wetland and Baxter Creek.
 - No additional studies are required for the severance application.
 - A minor severance review fee of \$455 applies.

3.0 Policy Framework

The following provincial and municipal land use policy documents contain policies that relate to the proposed OPA and ZBA and future development of the Subject Lands. The policy documents include the Provincial Policy Statement, 2024 (PPS), the County of Peterborough Official Plan, 1994 (COP), the Cavan Monaghan Official Plan, 2015 (MOP); and the Cavan Monaghan Comprehensive Zoning By-law, 2018-58 (ZBL).

3.1 Provincial

3.1.1 Provincial Policy Statement (2024)

The 2024 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. In general, the PPS seeks to promote the development of communities that are socially, economically, and environmentally resilient. The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the PPS, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents.

Applicable policies of the PPS 2024 as they relate to the Subject Property and proposed development are provided below.

The Subject Property is located in a Rural Area. Section 2.5.1 of the PPS speaks to the permitted uses of Rural Areas, noting that *“Healthy, integrated and viable rural areas should be supported by:*

- “a) building upon rural character, and leveraging rural amenities and assets;*
- b) promoting regeneration, including the redevelopment of brownfield sites;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h) conserving biodiversity and considering the ecological benefits provided by nature; and...*

2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*

b) resource-based recreational uses (including recreational dwellings);

c) residential development, including lot creation, that is locally appropriate;

d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;

e) home occupations and home industries;

f) cemeteries; and

g) other rural land uses.

2. Development that can be sustained by rural service levels should be promoted.

3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.

4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."

Sections 4.1 of the PPS establishes policies regarding the protection of Natural Heritage Features and Water, respectively:

"4.1 Natural Heritage

1. Natural features and areas shall be protected for the long term.
2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
4. Development and site alteration shall not be permitted in:
 - a) Significant wetlands in Ecoregions 5E, 6E and 7E¹;
5. Development and site alteration shall not be permitted in: ...
 - d) significant wildlife habitat; ...

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

6. *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
7. *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
8. *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

Section 5.2 of the PPS provides the following policy direction regarding development and Natural Hazards:

"5.2 Natural Hazards

1. *Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.*
2. *Development shall generally be directed to areas outside of:*
 - b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
 - c) *hazardous sites.*
3. *Development and site alteration shall not be permitted within:*
 - c) *areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
 - d) *a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*
8. *Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:*
 - a) *development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;*
 - b) *vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
 - c) *new hazards are not created and existing hazards are not aggravated; and*
 - d) *no adverse environmental impacts will result."*

3.2 Municipal

3.2.1 Peterborough County Official Plan (1994, consolidated 2020)

The Peterborough County Official Plan (COP) directs and guides the actions of local municipalities and the County in policy planning and physical planning on a very broad basis. The COP “establishes a vision in which planning and stewardship protect and enhance a diverse landscape, lifestyle and sense of community for the County”. As a requirement of the *Planning Act*, the COP must conform to the PPS and the Growth Plan. Additionally, local official plans shall conform to the COP and be one of the primary means of implementing its policies.

The Subject Property is described as Rural and Cultural Landscape under the COP. The COP policies applicable to the Subject Property are also provided below.

“4.3 RURAL AND CULTURAL LANDSCAPE

4.3.1 - Goal

- to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry.

4.3.2 - Objectives

- to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape;
- to reinforce the historical relationship between settlement areas and the surrounding farm community to which the settlement areas provide basic services;
- to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water;
- to ensure that the agricultural industry remains viable;
- to preserve prime agricultural soils and protect farms, where possible, from activities and land uses which would limit productivity or efficiency;
- to encourage compatible economic diversification including greater flexibility for on-farm activities, home-based businesses and agri-tourism;
- to preserve the farm community as an important social resource;
- to encourage local municipalities within similar watersheds to participate, coordinate and carry out sound land use and environmental management practices.

4.3.3.1 – General

- Rural areas will generally be the focus of resource activity, resource based recreational activity and other rural land uses. The County, recognizing the need for growth on a limited basis, will permit non-agricultural related uses in the rural community outside prime agricultural areas and other agricultural areas designated in local plans in accordance with Section 4.3.3.2 which reflect the cultural and rural character of the area, promote a variety of living and employment opportunities for the rural community and do not negatively impact on the natural environment that cannot be located in settlement areas;
- Development shall be appropriate to the infrastructure which is planned or available, and shall avoid the need for unjustified and/or uneconomical expansion of this infrastructure;
- **New land uses, including the creation of lots, and new or expanding land use facilities, shall comply with the minimum distance separation formulae.**
- New land uses, including the creation of lots, shall comply with the Source Water Protection policies of Section 5.7 where applicable;

The Subject Property is also defined as 'Recreational and Open Space' in the County of Peterborough Official Plan.

4.5 RECREATION AND OPEN SPACE

4.5.1 Goal

- to ensure that the residents and visitors of the County have access to parkland, natural areas and a range of recreational activities;

4.5.2 – Objectives

- to establish an integrated system of areas and corridors across the County for recreation and open space functions;
- to recognize and promote linkages between natural areas within a watershed and adjacent watershed areas.

4.5.3 – Policies

- The County encourages local municipalities in establishing open space linkages between local municipalities in similar and adjacent watersheds via parks, trail systems and natural environment areas;
- Local municipalities will be encouraged to prepare and implement comprehensive recreation and open space plans;

4.6 ECONOMIC DEVELOPMENT

Economic development is of vital interest to the County of Peterborough. The County will support economic growth through means where possible such as provision of infrastructure, transportation and public facilities and through protection of natural resources vital to the continued success of key sectors including agriculture, aggregates and tourism. The County will direct and guide development in keeping with economic goals as established from time to time and will promote and market economic development accordingly.

4.6.1 - Goal

- to fully develop Peterborough County's economic potential by ensuring the continuing expansion of economic opportunities and diversification of the economic base.
- to support and promote the creation of wealth through a sustained effort of marketing, planning and development accomplished in partnership with local municipalities and businesses, the City of Peterborough, and economic development or tourism agencies among other means."

3.2.2 Cavan Monaghan Official Plan (2015, Amended 2021)

The Subject Property is designated 'Recreational', 'Natural Core Area' and 'Natural Linkage Area' in the Official Plan for the Township of Cavan Monaghan. **Refer to Figure 4 – TOP Official Plan Schedule 'A'.**

Section 5.3 of the CMOP outlines policies related to recreational designation.

5.3.1 Objectives It is the objective of this designation to:

- a) Identify areas where major recreation and cultural facilities may develop in the Township;
- b) Provide criteria on which to consider new major recreation facilities; and,
- c) Ensure that new major recreational uses are compatible with other lands uses, agriculture and the environment.

5.3.2 Permitted Uses

Uses permitted within the Recreation designation are primarily oriented to activities related to recreation and conservation.

Uses may also include cultural or social retreats that focus on natural themes. Uses may include, but shall not be limited to conservation, recreation, forestry, agriculture or similar uses, such as private or public parks, existing race tracks, golf courses, ski resorts, shooting ranges, **limited lodges** and associated recreational activities. Recreational activities shall be of an extensive nature such as hiking trails, camps, and may include **accessory uses such as tent and trailer**

camps, lodges and chalets together with accessory uses which may include the residence of the owner or caretaker.

New Recreational uses will only be permitted through an amendment to the Official Plan.

5.3.3 General Development Policies

b) The following may be required in support of any application to amend the Official Plan;

- i) a justification for the proposed use which identifies any potential impacts on other similar uses in the Township or in adjacent municipalities;*
- ii) a traffic impact and site access analysis which addresses the additional vehicular traffic and turning movements generated by the proposed land-uses;*
- iii) an agricultural impact report including Minimum Distance Separation Formulae (MDS) as outlined in Section 3.27;*
- iv) a conceptual site development plan in support of an Official Plan amendment; and*
- v) a detailed site development plan in support of a Zoning By-law amendment."*

Section 3.27 of the CMOP outlines policies related to Minimum Distance Separation (MDS):

"3.27 Minimum Distance Separation (MDS) Formulae

New land uses, including the creation of lots, and new or expanding livestock operations, shall comply with the Minimum Distance Separation I (MDS I) and the Minimum Distance Separation II (MDS II) Formulae contained in the publication Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853, Ministry of Agriculture, Food and Rural Affairs, as amended from time to time (the MDS Document). Unless specifically identified, the default approach to the application of MDS as outlined in the MDS Document shall apply.

a) For clarity, (MDS I) shall not apply in the following situations: to lands designated as Hamlet or Millbrook Urban Settlement Area on Schedules "A" and "A-1" of this Plan; to lots that existed prior to March 1, 2017 subject to the provisions of the implementing Zoning By-law. for a severed or retained lot for agriculture-related uses;

b) For clarity, (MDS I) is always required in the following situations:

i) for all proposed amendments to rezone or redesignate land to permit development in prime agricultural areas and rural lands presently zoned or designated for agricultural use.

c) For clarity, (MDS II) is applicable:

i) to all existing cemeteries. However, certain cemeteries may be treated as a Type A land use. These cemeteries, if any exist, will be clearly identified in the implementing Zoning By-law. All other cemeteries will be treated as Type B land uses.

d) MDS setbacks should not be reduced except in limited site specific circumstances that meet the intent of the MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards. If deemed appropriate by the Township, the processes by which a reduction to MDS may be considered include a minor variance to the local zoning by-law provisions, a site-specific zoning by-law amendment or an official plan amendment introducing a site-specific policy area.

e) The implementing Zoning By-law may establish regulations for the application of the Minimum Distance Separation I (MDS I) Formulae to existing lots, from surrounding livestock facilities that are already on different lots than a residence proposed to be severed as surplus to a farming operation, and from proposals, including lot creation, to permit certain types of new or expanding agriculture-related uses and on-farm diversified uses.

f) The implementing Zoning By-law may establish regulations for the application of the Minimum Distance Separation II (MDS II) Formulae to permit certain types of first or altered livestock facilities or anaerobic digesters and certain types of existing agriculture-related uses and on farm diversified uses, and by treating specified cemeteries as Type A land uses, rather than Type B land uses."

Section 6 of the CMOP outlines policies related to the Natural Heritage System, including Natural Core Areas (Section 6.3), and Natural Linkage Areas (Section 6.4).

Objectives of the Natural Heritage System include:

- a) *Establishing a balanced relationship between development and the environment, by preserving natural features and ecological systems;*
- b) *Maintaining, and improving the health, diversity size and connectivity of natural heritage features;*
- c) *Maintain natural stream form and integrity of watercourses;*
- d) *Ensure that only land uses that maintain, improve or restore the ecological and hydrological functions of the Natural Heritage System;*

- e) *Ensure that the Natural Heritage System is maintained as a series of interconnected natural features for the benefit of present and future generations;*
- f) *Encouraging acquisition of land with natural heritage features for conservation purposes;*
- g) *Provide policies to assess development applications located in close proximity to natural heritage features;*
- h) *Ensuring that development is appropriately set back from significant natural heritage features;*
- i) *Eliminate potential loss and fragmentation of wetlands and habitats;*
- j) *Provide opportunities for passive outdoor recreational activities;*
- k) *Prevent development on hazardous lands, including floodplains and organic soils.*

General development policies for natural heritage systems under Section 6.2 include:

- a) *Development will not be approved until an Environmental Impact Study, Natural Heritage Evaluation or a Hydrogeological evaluation. The EIS may identify a Vegetative Protection Zone (VPZ).*

Section 6.3 of the Official Plan outlines policies for Natural Core Areas. It emphasizes that this designation applies to lands that form part of the 30 metre vegetative protection zone, and that the following are included within the Natural Core Areas:

- *Significant habitat of endangered species, threatened species and special concern species;*
- *Fish habitat and fish spawning area;*
- *Wetlands;*
- *Life Science Areas of Natural and Scientific Interest (ANSIs);*
- *Significant valley lands;*
- *Earth Science Areas of Natural and Scientific Interest (ANSI);*
- *Significant woodlands;*
- *Significant wildlife habitat;*
- *Sand barrens, savannahs and tall grass prairies; and alvars;*
- *Permanent and intermittent streams;*
- *Lakes;*
- *Seepage areas and springs, and wetlands; and*

- A 30 metre vegetative buffer around these features

The objectives of the Natural Core designation as per Section 6.3.1 is to:

- Prohibit development and site alteration in Key Natural Heritage Features and Key Hydrologic Features; and;*
- Preserve and maintain environmental features and functions of the 30 metre vegetative protective buffer area.*

The permitted uses within the Natural Core Area, as per Section 6.3.2 include:

- Existing agricultural operations;*
- Forest, wildlife and fisheries management;*
- Watershed management and flood and erosion control projects carried out or supervised by a public agency but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered;*
- Transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative;*
- Passive low intensity recreational uses, such as nature viewing and pedestrian trail activities;*
- Archaeological activities;*
- Single detached dwellings and accessory uses on existing lots of record if it is demonstrated that:*
 - There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible;*
 - The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible; and;*
 - The expansion or alteration is not located in a floodplain or erosion hazard area.*
- Home-based business as an accessory use; and;*
- Existing agricultural operations and expansions to existing agricultural buildings and structures and accessory uses within Key Natural Heritage Features and Key Hydrologic Features if it is demonstrated that:*
 - There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and,*
 - The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.*

Policies of the Natural Linkage Area are outlined in Section 6.4 of the Cavan Monaghan Official Plan. Objectives are outlined in Section 6.4.1 and include:

- a) *Preserving and maintaining the environmental features and functions of the linkages;*
- b) *Continue with stewardship, remediation and appropriate park and trail initiatives that maintain and enhance ecological features and functions;*
- c) *Prohibit development unless an EIS is conducted and approved by the Township and Conservation Authority."*

Permitted uses are outlined under Section 6.4.2, and include:

- a) *Agriculture, agriculture related and secondary uses;*
- b) *Forest, wildlife and fisheries management;*
- c) *Watershed management and flood and erosion control projects carried out or supervised by a public agency but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered;*
- d) *Transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative;*
- e) *Passive low intensity recreational uses, such as nature viewing and pedestrian trail activities;*
- f) *Archaeological activities;*
- g) *Single-detached dwellings and accessory uses on existing lots of record if it is demonstrated that:*
 - a. *There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible;*
 - b. *The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible; and,*
 - c. *The expansion or alteration is not located in a flood plain or erosion hazard areas.*
- h) *Home-based business as an accessory use;*
- i) *Small-scale home industry as an accessory use; Township of Cavan Monaghan Official Plan Note Sections Under Appeal Page 114;*
- j) *Bed and breakfast establishments as an accessory use to a single-detached dwelling;*
- k) *Farm vacation homes as an accessory use within a single-detached dwelling;*
- l) *Existing agricultural operations and expansions to existing agricultural buildings and structures and accessory uses if it is demonstrated that:*
 - a. *There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and,*

- b. The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.*
- m) New aggregate operations and wayside pits by Official Plan Amendment only as outlined in Section 5.5.3."*

CAVAN MONAGHAN OFFICIAL PLAN SCHEDULE 'A'






















988 County Road 28 (Fraserville)
Part Lot 23, Concession 6, Ward 6
Township of Cavan Monaghan
County of Peterborough

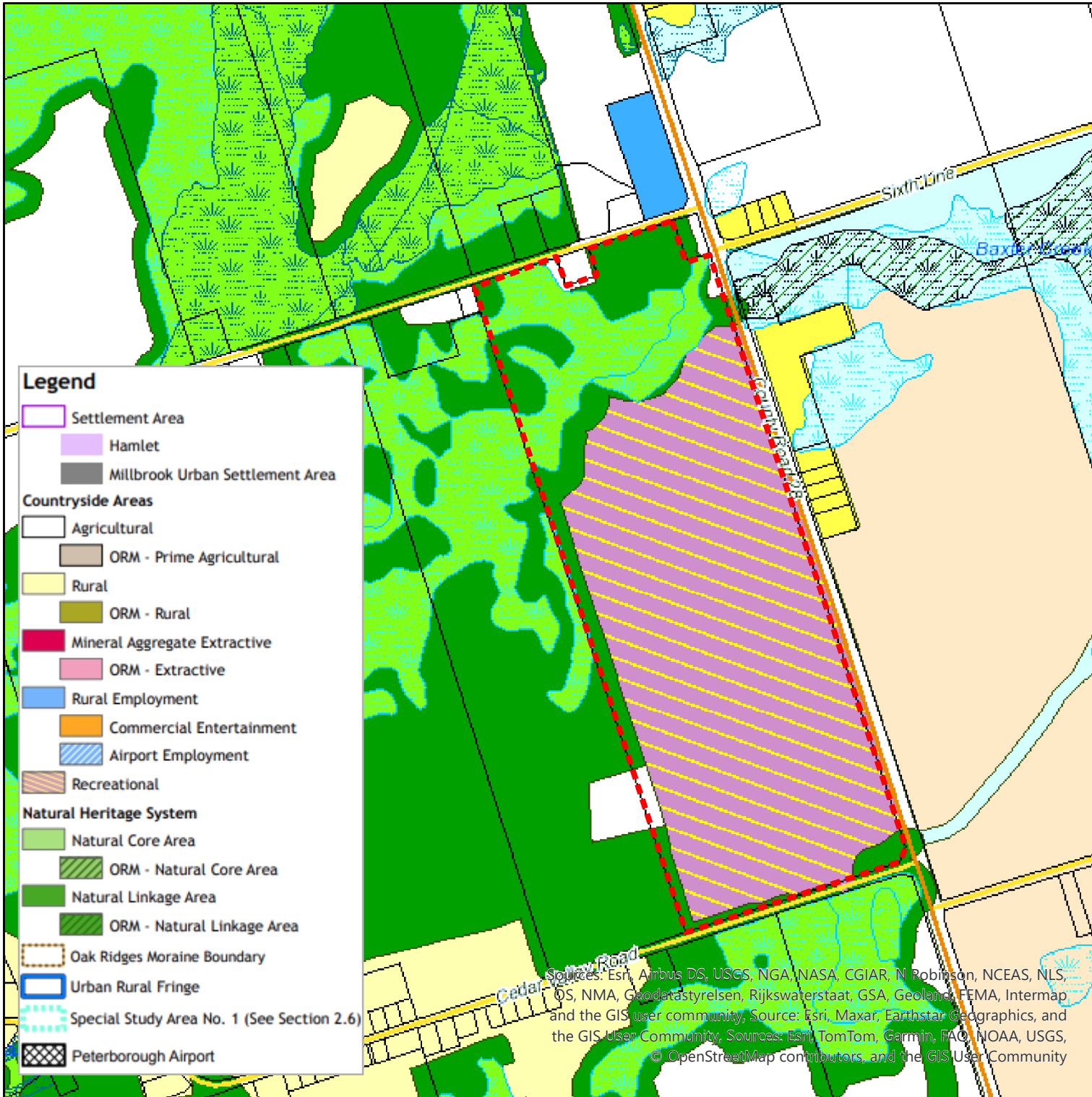
Figure 4

Legend

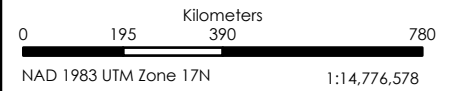
 Subject Property

Legend

-  Settlement Area
-  Hamlet
-  Millbrook Urban Settlement Area
- Countryside Areas**
-  Agricultural
-  ORM - Prime Agricultural
-  Rural
-  ORM - Rural
-  Mineral Aggregate Extractive
-  ORM - Extractive
-  Rural Employment
-  Commercial Entertainment
-  Airport Employment
-  Recreational
- Natural Heritage System**
-  Natural Core Area
-  ORM - Natural Core Area
-  Natural Linkage Area
-  ORM - Natural Linkage Area
-  Oak Ridges Moraine Boundary
-  Urban Rural Fringe
-  Special Study Area No. 1 (See Section 2.6)
-  Peterborough Airport




Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Data Sources
County of Peterborough GIS

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Map Date:	2024-09-23
Project Number:	85002



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3.2.3 Township of Cavan Monaghan Zoning By-law No. 2018-058

Within the Comprehensive Zoning By-law for the Township of Cavan Monaghan, the subject property is zoned 'Agricultural (A) Zone', 'Natural Core (NC) Zone', 'Natural Linkage (NL) Zone' and 'Commercial (C3-2) Zone'. A 'Flood prone Overlay' also applies to portions of the Subject Property. The portion of the Subject Property to be severed is zoned C3-2. **Refer to Figure 5 – Township of Cavan Monaghan Zoning Map E-4.**

In accordance with Section 4.4.8 of the Zoning By-law, permitted uses within the Commercial (C3-2) Zone are limited to:

- "An accessory single detached dwelling
- A golf course, miniature golf course, golf driving range, and any buildings and structures accessory thereto.

5.3 Zone Standards

- Minimum Lot Area (m²) - 6000
- Minimum Lot Frontage (m)- 30
- Minimum Front Yard (m) - 12
- Minimum Interior Side Yard (m) - 6
- Minimum Interior Side Yard if adjacent to a Residential Zone Boundary (m)- 15
- Minimum Exterior Side Yard (m) - 15
- Minimum Rear Yard (m)- 9
- Minimum Rear Yard if adjacent to any Residential Zone boundary (m) - 15
- Maximum Building Height (m) - 10
- Maximum Lot Coverage (%)- 40"

The retained lot is proposed to be rezoned to remove an accessory single detached dwelling as a permitted use, restricting the permitted uses to a golf course, miniature golf course, golf driving range, and any buildings and structures accessory thereto. The severed lot is proposed to be rezoned from Commercial (C3-2) to Rural Residential (RR) to allow for residential use.

In accordance with Section 3.2 of the Zoning By-law, permitted uses within the Rural Residential (RR) include a single detached dwelling. Residential Zone Standards are as follows:

"3.3 Zone Standards

- Lots Serviced by a Private Water and Private Sanitary Sewer System – 4000
- Lots Serviced by a Private Water and Private Sanitary Sewer System – 35
- Minimum Front Yard (m)- 9
- Minimum Interior Side Yard (m)- 6
- Minimum Exterior Side Yard (m)- 6
- Minimum Rear Yard (m)- 9
- Maximum Lot Coverage (%) - 35
- Maximum Building Height (m)- 11"

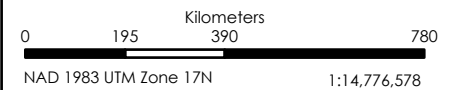
CAVAN MONAGHAN ZONING BY-LAW MAP E-4

988 County Road 28 (Fraserville)
Part Lot 23, Concession 6, Ward 6
Township of Cavan Monaghan
County of Peterborough

Figure 5


Legend

 Subject Property

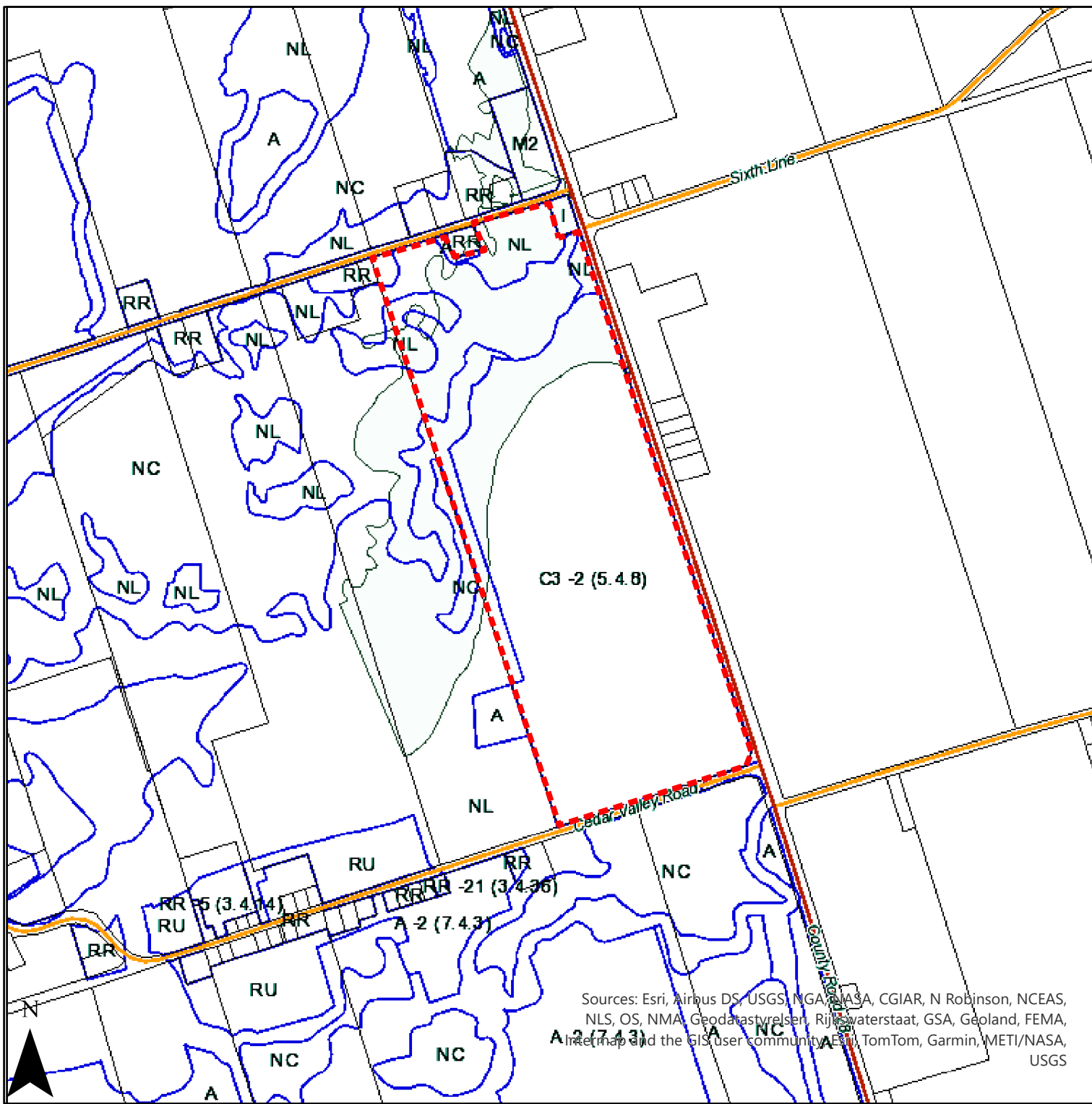


Data Sources
County of Peterborough, GIS

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Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri, TomTom, Garmin, METI/NASA, USGS

4.0 Planning Rationale

The Official Plan Amendment and Zoning By-law Amendment proposed for 1702 Cedar Valley Road are necessary to facilitate the creation of one new residential lot and one retained lot, while ensuring the retained parcel remains dedicated to its existing use as a golf course.

This proposed amendments are consistent with the Provincial Policy Statement (PPS) 2024 which emphasizes efficient land use and development compatible with rural and recreational character. The severance of the underutilized residential dwelling from the golf course promotes efficient use of existing rural residential infrastructure, while conforming to the goals of protecting rural character, as outlined in the PPS Section 2.5.

Environmental considerations have been addressed in the report. The proposed severance does not involve any site alteration nor does it affect significant natural heritage features such as Baxter Creek or the unevaluated wetland on the northern part of the property. The severance is outside any hazardous areas, and the retention of the golf course use ensures that there will be no further encroachment on these sensitive areas. The OPA and ZBA comply with the PPS Section 4.1, which emphasizes the protection of natural heritage features over the long term.

The County of Peterborough Official plan allows for the creation of lots in the Rural area, where it complies with the minimum distance separation formulae. The Official Plan Amendment (OPA) to the Township OP is essential for addressing the Minimum Distance Separation (MDS) setback requirement, which pertains to the proximity of the proposed residential lot to a livestock barn across County Road 28. The current MDS setback is 248 m, which cannot be achieved with the proposed lot severance. Through the OPA, relief from the required MDS will be recognized. This relief ensures that the development does not impede agricultural operations, while also enabling the severance of the underutilized dwelling from the rest of the property. There is no negative impact anticipated by this relief as no new development is being proposed on the Subject Property.

The OP allows the reduction of MDS setbacks in limited site-specific circumstances, where the intent of the MDS Document is met. If deemed appropriate by the Township, the processes by which a reduction to MDS may be considered include a site-specific zoning by-law amendment and/or an official plan amendment introducing a site-specific policy area. Both the Township and The County of Peterborough have indicated support for this modification given that it maintains a balance between rural residential and agricultural uses.

The proposed OPA will also redesignate the lands subject to the proposed severance to allow for the residential use of the lands and remove the commercial recreational designation from the proposed new lot. The proposed amendments are therefore consistent with the policies of the County and Township Official Plans.

The ZBA, on the other hand, is required to rezone the severed parcel from its current "Commercial C3-2" designation to "Rural Residential (RR)," allowing for the proposed residential use. The retained parcel will continue to be zoned for recreational use, ensuring that the golf course remains the primary activity on the lands. By removing the accessory residential use from the retained lands, the ZBA provides clarity in land use and ensures that the golf course remains a distinct and protected recreational asset for the community. The proposed residential use will not alter the existing rural landscape or character of the area, thereby aligning with the Official Plan's objectives to protect and preserve rural land uses.

From a municipal services perspective, the proposed development is aligned with the Township's infrastructure capabilities. The severed lot is already serviced by existing well and septic systems, and no additional driveway access is required. The Township's public works department has confirmed that waste pickup services will be available for the severed lot, and a road widening on County Road 28 will be provided as a condition of consent. These provisions ensure that the development is fully integrated with the existing rural infrastructure, as required by both provincial and municipal planning policies.

The proposed amendments align with the Township of Cavan Monaghan's Official Plan, which aims to protect rural character while encouraging appropriate development. The OPA and ZBA will formalize the existing residential use on the severed parcel while safeguarding the integrity of the retained golf course. This balance between recreational and residential uses aligns with the Official Plan's objectives of supporting rural amenities without undermining the viability of recreational or agricultural lands.

5.0 Proposed Official Plan Amendment

Purpose and Effect: The purpose and effect of this Amendment is to amend the Township of Cavan Monaghan Official Plan to include a special policy area for the property known municipally as 1702 Cedar Valley Road. The effect of this change would permit a reduction in Minimum Distance Separation (MDS) setbacks.

Location: The Subject Property has a lot area of approximately 167.2 acres and is located at 1702 Cedar Valley Road, in Cavan Monaghan, and legally described as Part Lot 23, Concession 6 in the Township of Cavan Monaghan (Cavan Ward), in the County of Peterborough.

Basis: Council has enacted this Official Plan Amendment in response to an application submitted by Wills on behalf of the Owner to reduce the Minimum Distance Separation (MDS) Setbacks. The land subject to this amendment is designated currently "Recreational" as shown on Schedule A of the Township of Cavan Monaghan Official Plan Official Plan. The designation of these lands is proposed to be amended to the Rural Designation.

Details of the Amendment: The Township of Cavan Monaghan Official Plan and hereby amend Schedule A by redesignating the Subject Property from Recreational as illustrated on Schedule A to Rural and amend the following section:

3.27 XX - Notwithstanding any policies to the contrary, on lands located in Part Lot 23, Concession 6 in the Township of Cavan Monaghan (Cavan Ward), County of Peterborough, not required to meet the required Minimum Distance Separation (MDS) setback of 248 metres.

Implementation: The provisions set forth in the Township of Cavan Monaghan Official Plan, as amended, regarding the implementation of the Plan shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the Township of Cavan Monaghan Official Plan, as amended, regarding the interpretation of the Plan shall apply in regard to this Amendment.

Refer to Figure 6 for the proposed Schedule Amendment to the Township of Cavan Monaghan Official Plan.

6.0 Proposed Zoning By-law Amendment

A By-law to amend the Township of Cavan Monaghan Zoning By-law 2018-58 for the lands known as 1702 Cedar Valley Road.

Whereas Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities;

The Township of Cavan Monaghan by the Council thereof hereby enacts as follows:

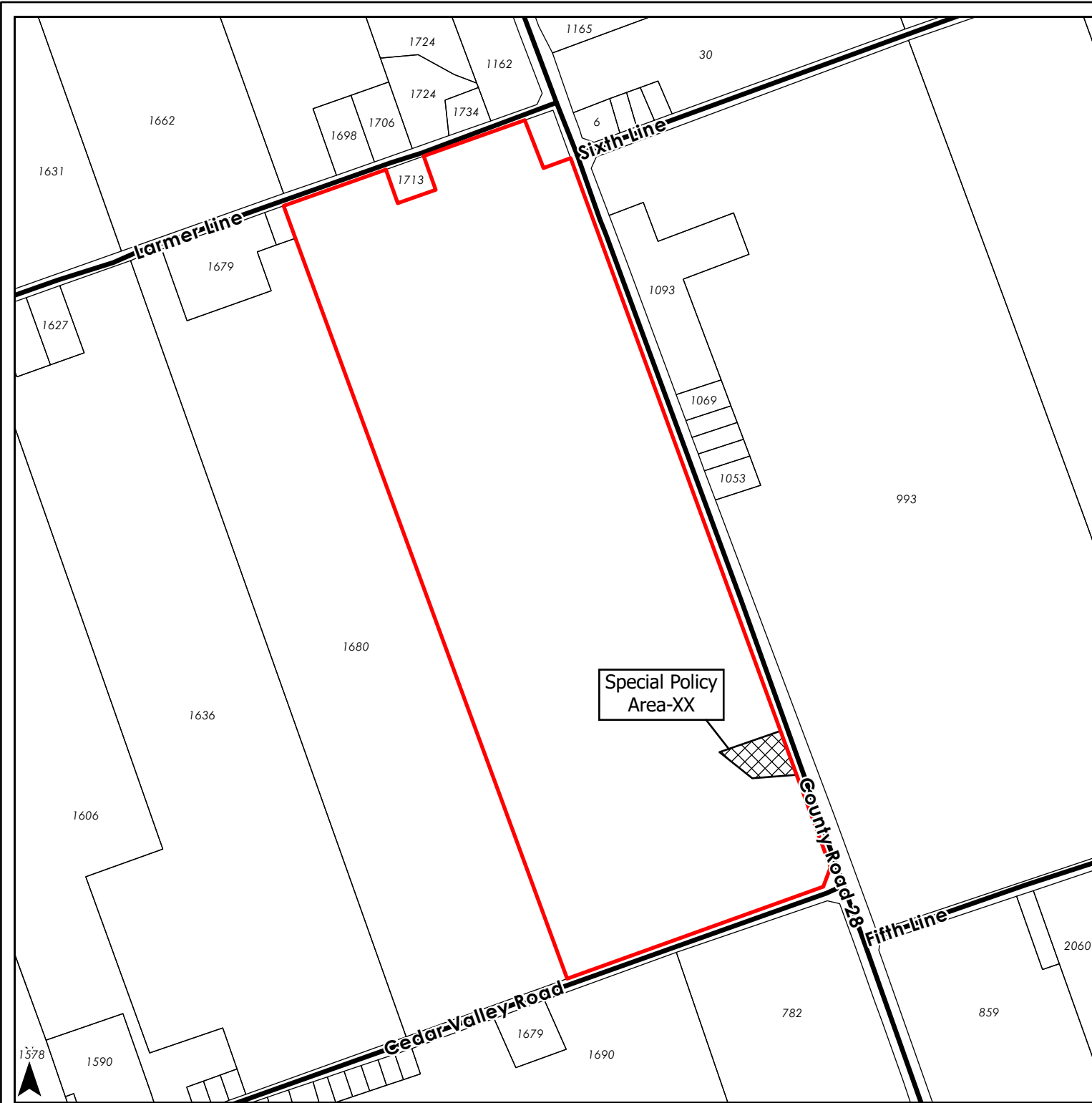
1. Zoning Map E-4 to By-law 2018-58 is hereby amended as shown on Schedule "1" attached hereto.
2. That the lands zoned on Map E-4 attached hereto are hereby rezoned from "C3-2" to "RR.XX".
3. That By-law Number 2018-58, as amended, is hereby further amended by:
 - a) Amending Sections 4.4.8 Commercial (C3-2), to maintain existing zoning and removing 'accessory single detached dwelling' as a permitted use.

Permitted Uses:

No person shall within an C3-2 use any land or erect, alter or use any building or part thereof for any reason other than:

- (i) a golf course, miniature golf course, golf driving range, and any buildings and structures accessory thereto.





Refer to Figure 7 – Proposed Schedule Amendment to the Township of Cavan Monaghan Zoning By-law.

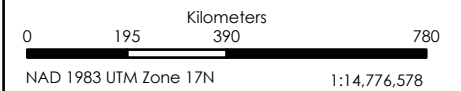


PROPOSED OPA SCHEDULE

988 County Road 28 (Fraserville)
 Part Lot 23, Concession 6, Ward 6
 Township of Cavan Monaghan
 County of Peterborough


Legend

-  Special Policy Area
-  Subject Property
-  Parcel Fabric
-  Roads

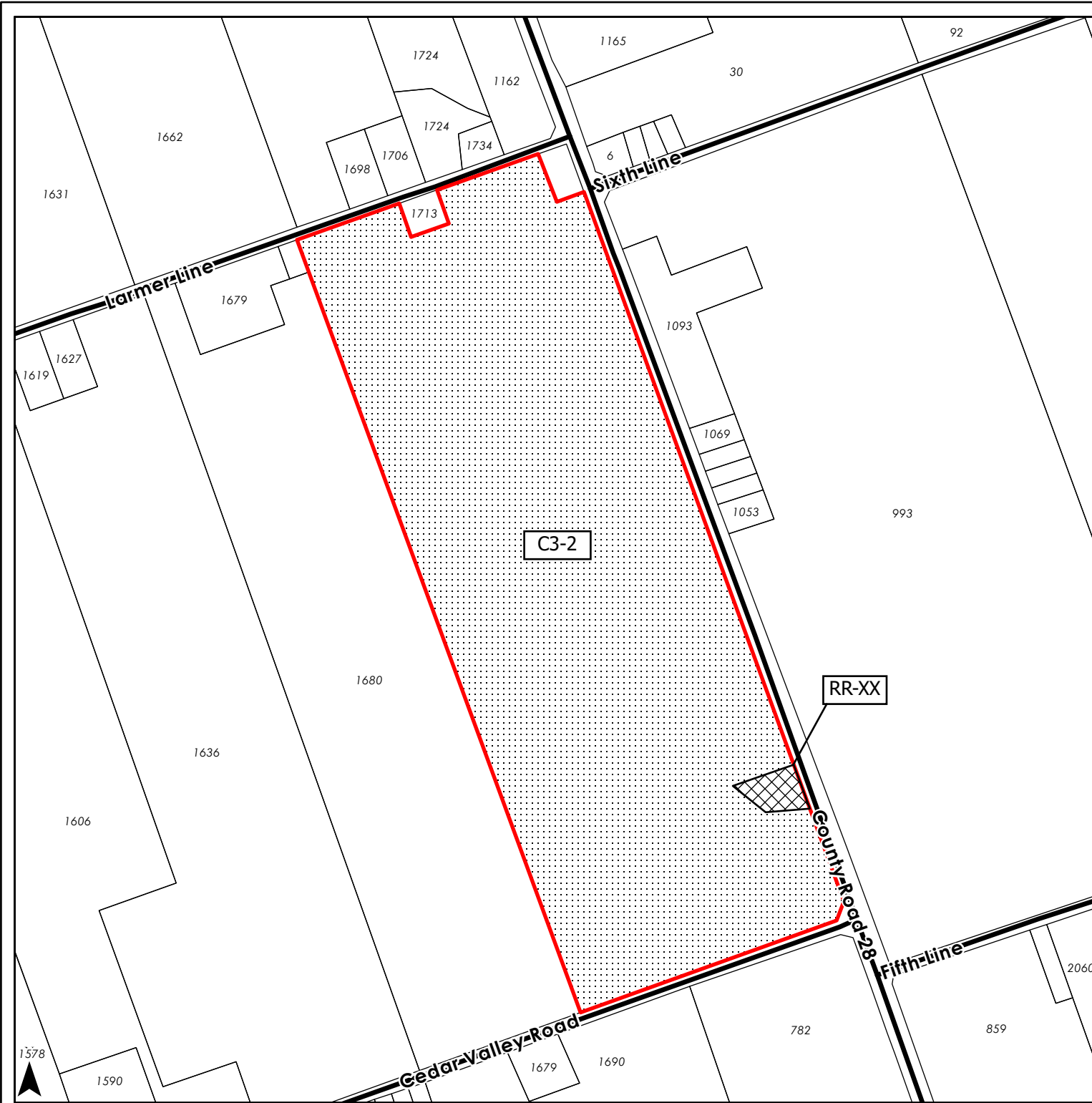


Data Sources
 County of Peterborough, Ministry of Natural Resources and Forestry

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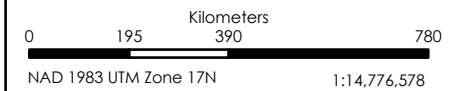


PROPOSED ZBA SCHEDULE

988 County Road 28 (Fraserville)
 Part Lot 23, Concession 6, Ward 6
 Township of Cavan Monaghan
 County of Peterborough

Legend

- Lands to be Rezoned to Rural Residential (RR)
- Lands to be Rezoned to C3-2
- Subject Property
- Parcel Fabric
- Roads



Data Sources
 County of Peterborough, Ministry of Natural Resources and Forestry

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7.0 Closing

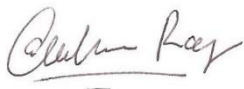
The proposed OPA and ZBA for 1702 Cedar Valley Road are consistent with provincial and municipal policies, ensuring the responsible use of rural land while preserving its recreational character. The OPA addresses the necessary reduction in the MDS setback, allowing the severance of the residential lot without compromising nearby agricultural operations. It also redesignates the Subject Property as from Recreational to Rural in order to permit the existing single detached dwelling and implement the appropriate OP designation for the residential use of land.

Meanwhile, the ZBA ensures the proper zoning of both the severed and retained lands, maintaining the recreational use of the golf course on the retained lands, while formalizing the residential use on the severed lot. These amendments are an appropriate balance between rural residential development and recreational land use.

The proposed amendments support the long-term sustainability of the Subject Lands by efficiently utilizing existing infrastructure and avoiding unnecessary expansion. Additionally, they contribute to the economic vitality of the area by preserving the recreational use of the golf course, a key asset to the community, while providing a modest residential opportunity that complements the surrounding rural landscape. As such, the OPA and ZBA are both practical and consistent with sound planning principles, representing good land use planning in the Township of Cavan Monaghan.

Respectfully Submitted,

Reviewed by:



Aishwarya Roy, B.URPI
Junior Land Use Planner



Marnie Saunders, BES, CPT
Senior Land Use Planner

AR/jh