



Staff Report to Council

Department: Planning Department
Staff Name: Sean O'Callaghan, Planner
Date: 29 May 2025
Report Number: Report PL-050-25
Subject: Zoning By-law Amendment Application – Kegel.
AH-ZBA-009/24
Part of Lot 15, Concession 8
Geographic Township of Stanhope

Purpose:

The purpose of this report is to provide Council with information on Zoning By-law Amendment application AH-ZBA-009/24.

Background:

The subject lands are approximately 5.8ac (2.3 ha) with 110m (360ft) of frontage via an unnamed right-of-way.

The surrounding uses are generally Shoreline Residential, Rural, recreational Commercial and Industrial. The lands are currently developed with a several accessory structures and a hobby farm. The principle dwelling recently was razed by fire and the applicants are in the process of rebuilding.

A By-law complaint regarding the hobby farm was received and staff investigated the matter accordingly. The applicants believed their property to be Zoned Rural and were in compliance with the Township Zoning By-law. Staff investigation into the matter determined the property was in fact Zoned Shoreline Residential Two and a hobby farm is not a permitted use.

The applicant is proposing to rezone the subject lands to Rural - Exception (RU-Exception). The exception would eliminate the following permitted uses of the Rural Zone Portable Asphalt Plant, Commercial Kennel and Group Home. The RU-Exception Zone would allow for the Hobby Farm use to remain limiting the total Nutrient Units a to 1.5 and for an accessory dwelling to be constructed in the future.

Council at a public meeting of September 5th, 2024 passed the following resolution:

That Council receives Report [PL-079-24](#) regarding the rezoning of lands located at Part of Lot 15, Concession 8, geographic Township of Stanhope (Kegel);

And that Council defers the application and requests the applicants to have an environmental impact study be completed by a qualified professional and brought back to Council for further consideration.

Carried.

An environmental impact study has been completed by the applicant and reviewed by staff. The applicant has also provided a nutrient management strategy, nutrient management plan and a Ministry of the Environment, Conservation and Parks Inspection Report A copy of each are attached to this report.

Staff have also received revised comments from the County of Haliburton in objection to the proposal:

The following are the County's revised comments pertaining to Zoning By-law Amendment Application number ZBA 009. These comments are to replace those provided to Township staff on August 22, 2024.

The County Official Plan provides policies for development in the Rural Area, which include the following:

Section 3.3.3 states the following: "Although the County of Haliburton does not contain prime agricultural lands, planning considerations must be given to the agricultural uses, agriculture-related uses and on-farm diversified uses that exist in the County. New agricultural development will be supported. In order to protect and optimize these operations, and reduce any adverse impacts these operations may have on adjacent uses, local official plans shall have policies that establish Minimum Distance Separation (MDS) guidelines as specified by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). These guidelines will be used for new land uses, the creation of new lots, and new or expanding livestock facilities."

With respect to providing access to development on lands within the Rural Area, Section 3.3.6.5 states, "Access to the development may be permitted from a public highway open and maintained on a year round basis and which is appropriate for the use proposed." Further, Section 7.9.5 states that "New development along [private roads] will not be permitted". As the subject lands front on Carey Cl and Deacons Tr, both being private roads, the proposal would not meet the intent of the County's Official Plan. Direct access to a municipally maintained road is necessary to ensure that adequate access to rural properties can be achieved in times of emergency or for other purposes such as solid waste collection.

Taking into consideration the above, should Township staff wish to consider recommending approval of the proposed amendment, they should be satisfied that the proposal conforms to the policies of the County Official Plan (as well as any other policies and regulations), however it is County staff's opinion that the proposal does not.

Notice of decision is requested.

With the revised County comments now being received staff are of the opinion that the application should be refused.

Discussion:

The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject property from the “Shoreline Residential Two (SR2) Zone to Rural - Exception (RU-Exception) Zone” to allow for a Hobby Farm and an accessory dwelling.

Notice of the of the September 5th 2024 public meeting was posted on the property, circulated to all property owners within 120 metres of the subject lands, posted on the Township’s website, and circulated to all prescribed agencies. Several letters of objection were received and attached to my original staff report. Additional letters of objection received since the public meeting are attached to this report.

Provincial Planning Statement 2024

The subject lands are considered Rural within the Provincial Planning Statement, 2024 (PPS).

The Application for a Zoning By-law Amendment is consistent with the PPS.

Township of Algonquin Highlands Official Plan

The Official Plan designates the property as Rural and Waterfront.

Section 5.2.1.1 notes The Waterfront designation applies to those properties that front on, are adjacent to, or have an influence on any lake or river, and generally includes patented property within 150 metres of the shoreline of a waterbody, as shown on Schedule “A”, but does not include lands located within a Settlement Area.

The subject lands do not front onto Halls Lake but are within 150m of the Highwater mark. They are separated by a private road and a linear development of waterfront shoreline residential lots along the entire length of the subject property.

Section 5.3.2.1 details the permitted uses within the Rural Designation:

5.3.2.1 Permitted uses include:

- a single detached dwelling;
- a semi-detached or duplex dwelling;
- a hunt camp;
- accessory businesses including home occupations, home industries, and bed and breakfast establishments;
- agricultural uses;
- extractive operations;
- forestry uses;
- kennels;
- low intensity recreational activities;
- resource management uses;
- uses in connection with government utilities or departments, and,
- institutional and public uses.

Section 5.3.4 speaks to Agricultural Land uses:

5.3.4 Agricultural Land Uses

5.3.4.1 Agriculture is recognized as a traditional rural use which contributes to the character and landscape of the rural designation and supports a local food system. For the purpose of this Plan, agriculture is considered in a broad sense, and includes traditional agricultural uses as well as specialized or alternative operations such as maple sugar operations or hobby farms.

5.3.4.3 New agricultural operations will be encouraged in the rural area where:

- they are on a parcel of land which is of sufficient size; and,
- environmentally sensitive areas and heritage areas will be protected;

5.3.4.4 New land uses and lot creation will comply with the Provincial Minimum Distance Separation I formulae, however will not apply to the following:

- existing vacant lots;
- lots within a Rural Settlement Area;
- surplus farm dwellings; and
- agricultural-related uses.

5.3.4.5 New or expanding livestock operations will comply with the Provincial Minimum Distances Separation II formulae.

The proposed farm use will be required to adhere to provincial standards which given the area of land would restrict the number of livestock permitted on site to that of a hobby farm (1.5 Nutrient Units).

The subject lands are surrounded by a substantial natural buffer to adjacent lands.

Township of Algonquin Highlands Zoning By-law 2022-49

The subject lands are zoned Shoreline Residential Type Two (SR2) according to the Zoning By-law 2022-49, Schedule M3.

The applicants are proposing to rezone the subject lands to a Rural – Exception RU-Exception) Zone to permit the existing hobby farm and to allow for the construction of an accessory Dwelling. The applicant has further revised their application to remove the following permitted uses from the RU zone:

- Portable Asphalt Plant;
- Commercial Kennel; and,
- Group Home.

Strategic Plan

This report has a direct link to the following point of Council's Corporate Strategic Plan:

- **Growth and Development**
 - Provision of Attainable Housing.

Financial Impact:

There is no financial impact associated with this report.

Recommendation:

That Council acknowledges receipt of Report PL-050-25 regarding the rezoning of lands located at Part of Lot 15, Concession 8, geographic Township of Stanhope (Kegel) submitted by Sean O'Callaghan dated May 29th, 2025;

And That Council refuse the proposed Zoning By-law Amendment.

Respectfully submitted by:

Sean O'Callaghan, B.U.R.PI, MCIP, RPP
Planner

Attachments:

[ZBA-009 - Key Map](#)

[Ag Inspection Cover Letter_Tim Kegel](#)

[AES-24036 Kegel EIS Algonquin Highlands_Oct 2024 FINAL](#)

[Tim Kegel Farm inspection report November 28, 2023](#)

[Kegel NMP Combined Jan 17](#)

[Kegel NMS Combined Jan 17](#)

[ZBA-009-24- Kegel - Comments from County - Nov 25 2024](#)

[ZBA-009-24 -Objections received after public meeting__Redacted](#)

[ZBA-009-24 - Objection from Environmental Sumac Planning Redacted](#)

[ZBA 009 - Zoning By-law](#)

[ZBA 009 - Schedule A to By-law](#)