

# The Corporation of the City of Kawartha Lakes

## Planning Advisory Committee Report

Report Number PLAN2018-009

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: 16 - Manvers**

**Subject:** An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on the agricultural portion of the property from a "Rural General (A1) Zone" to prohibit residential use on the proposed retained portion of land described as Part of Lot 16, Concession 12, geographic Township of Manvers, City of Kawartha Lakes, identified as 359 St. Mary's Road (2264768 Ontario Limited) – Planning File D06-2018-004)

**Author and Title: Janet Wong, Planner II**

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### Recommendations:

**RESOLVED THAT** Report PLAN2018-009, respecting Part of Lot 16, Concession 12, geographic Township of Manvers, and identified as 359 St. Mary's Road; Application No. D06-2018-004, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-004, substantially in the form attached as Appendix "D" to Report PLAN2018-009, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

On January 25, 2018, provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-17-024 to sever an approximately 0.4 ha. residential lot containing a single detached dwelling and retain approximately 84.5 ha. of agricultural land. The retained land will be consolidated with non-abutting agricultural land.

As a condition of provisional consent the land to be retained is to be rezoned to prohibit residential use on the agricultural lands.

Owner:	2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 16, Concession 12, geographic Township of Manvers
Designation:	“Prime Agricultural” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“Rural General (A1) Zone” on Schedule ‘A’ of the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 85 ha.(approximate) – Coe Fisher Cameron Severed – 0.4 ha., Retained – 84.6 ha.
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North, East, South and West: Agricultural and Rural Residential

## **Rationale:**

The property is located on the west side of St. Mary’s Road (refer to Appendix “A”). The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of consent approval.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This

application will maintain the subject lands for agricultural uses unfettered by additional rural residential uses.

**Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for the long term use of all types, sizes and intensities of agricultural uses. As well, normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use as required by Sections 2.3.4.1a) and 2.3.4.1c)2. The lot to be retained has sufficient area to sustain agricultural uses and will have residential use prohibited. The residence is surplus to the farming operation and the lot size has been minimized taking into account the agricultural use in accordance with Section 2.3.4.1c)1.

Section 3.1 of the PPS Natural Hazard policy is to generally direct development to areas outside of the flood and erosion hazards. There are two headwater tributaries crossing the retained lands: one crossing about 26 m. south of the existing dwelling on the severed lands and connecting with the other stream flowing northerly across the south half of the retained lands. Based on the limited upstream drainage area and intended agricultural use there is sufficient area for any development and site alteration, which would not include dwellings, to occur outside the hazard lands as identified through the Kawartha Region Conservation Authority (KRCA) Ontario Regulation 182/06. The KRCA has not identified concerns with the lot creation, but has indicated that any development will require a permit under Ontario Regulation 182/06.

Therefore, this application is consistent with the PPS.

**Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm

operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as necessary for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

The “Environmental Protection” designation applies to the two headwater streams on the retained lands. The “Environmental Protection” policies of the Official Plan seek to prevent development or site alteration that would be adversely affected by flooding and erosion hazards. The KRCA has indicated the severed lands are not within the flood or erosion hazard lands, however are within the regulated limit of Ontario Regulation 182/06. There is sufficient area on the retained lands for agricultural use outside of the “Environmental Protection” designation.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The land is zoned “Rural General (A1) Zone” in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits a residential use. The Zoning By-law amendment would prohibit a residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies. The proposed lot exceeds the Zoning By-law 87-06 lot frontage and lot area requirements of the A1 Zone.

The Manvers Zoning By-law has applied the Open Space Zone to major wetlands and watercourses. As development will be restricted to agricultural uses and specifically no residential use on the retained lands, applying an Open Space Zone to the headwater streams has not been recommended. It is noted that the watercourses are regulated by the Kawartha Region Conservation Authority for any site alteration or development.

### **Other Alternatives Considered:**

No other alternatives have been considered.

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

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

## **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

## **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Building Division-Building Inspection, Building Division-Sewage System Inspection, Development Engineering, and Chippewas of Rama First Nation raised no issues as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix "D" will ensure the subject land is preserved for agricultural use and will implement Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural lands and natural heritage. The application also conforms to the "Prime Agricultural" and "Environmental Protection" designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

Appendix 'A' – Location Map



Appendix A.pdf

Appendix 'B' – Orthoimage



Appendix B.pdf

Appendix 'C' – Applicant Sketch – received January 10, 2018



Appendix C.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D.pdf

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**Department Head:** Chris Marshall

**Department File:** D06-2018-004