

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-028

Date: April 6, 2016
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

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 a portion of the property from Rural General (A1) Zone to Rural General Special Twenty-Six (A1-S26) Zone on land described as Part of Lot 6, Concession 12, former Township of Manvers, City of Kawartha Lakes, identified as 323 Fleetwood Road (CEDARDALE FARMS LIMITED – Planning File D06-16-012).

Author/Title: David Harding, Planner I

Signature:



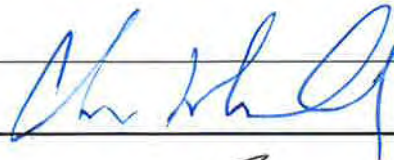
Recommendations:

RESOLVED THAT Report PLAN2016-028, respecting Part of Lot 6, Concession 12, geographic Township of Manvers, and identified as 323 Fleetwood Road, Application No. D06-16-012, be received;

THAT a Zoning By-law Amendment respecting application D06-16-012, substantially in the form attached as Appendix "C" to Report PLAN2016-028, 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:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

On January 12, 2016, The Committee of Adjustment granted provisional consent to Application D03-15-013 to sever an approximately 0.59 ha. (1.5 acre) residential lot containing a single detached dwelling with residential accessory buildings, and retain approximately 40.1 ha. (99.1 acres) of agricultural land and open space. The retained land will be used (consolidated) in conjunction with other non-abutting agricultural land owned by Cedardale Farms Limited. There are no agricultural buildings or structures on the retained portion of the property.

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

Owner:	Cedardale Farms Limited	
Applicant:	Robert Clark, Clark Consulting Services	
Legal Description:	Part of Lot 6, Conc. 12, geographic Township of Manvers	
Designation:	Prime Agricultural and Environmental Protection, City of Kawartha Lakes Official Plan	
Zone:	Rural General (A1) Zone and Open Space (01) Zone on Schedule 'A' of the Township of Manvers Zoning By-law No. 87-06	
Lot Area:	Total – 40.7 ha. (100.6 ac.) Severed – 0.59 ha. (1.5 ac.), Retained – 40.1 ha. (99.1 ac.)	
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserved	
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)	
Adjacent Uses:	North:	Agricultural, Rural Residential
	South:	Agricultural, Rural Residential, Aggregate Extraction
	West:	Agricultural, Rural Residential, Cemetery
	East:	Agricultural, Rural Residential, Decommissioned Landfill

Rationale:

Cedardale Farms Limited acquired the subject property to expand their agricultural operations. Severing the dwelling from the agricultural lands enables Cedardale Farm Limited to remain focused on agriculture rather than becoming landlords.

The subject property is located northeast of the Fleetwood Road and Janetville Road intersection (refer to Appendix "A"). The subject property and the surrounding lands are primarily prime 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 the condition that residential use of the retained agricultural land be prohibited.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

This application conforms to the Growth Plan (GP). Section 4.2.2 indicates that Ministers, in consultation with municipalities, are to develop additional policies for protection of areas identified as prime agricultural land.

Provincial Policy Statement, 2014 (PPS):

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.4.1 (a) and 2.3.4.1 (c) 2 permits the severance of dwellings from agricultural land that is managed as part of a larger farm operation provided that the agricultural lot is of sufficient size to accommodate future change in the type or size of agricultural operation and that new dwellings are prohibited on the remaining agricultural land.

Section 2.3.3.3 requires the creation of new lots to be subject to minimum distance separation (MDS) formulae. The applicant has submitted a calculation from a qualified Agrologist that the severed lot exceeds MDS 1 and 2 criteria.

Rezoning the remaining agricultural land ensures the agricultural use of the property and surrounding agricultural practices is protected from further development of incompatible residential uses. As the severance is proposed within the manicured lawn surrounding the existing dwelling, no land is being removed from agricultural production. As no land is being removed from production the lot is of sufficient area to operate an assortment of agricultural uses.

The 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). The Environmental Protection designation is confined to and the area surrounding a pond and watercourse to the northwest. No change is proposed to the area within the Environmental Protection designation. 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.

The City, through its Official Plan and in accordance with provincial policy, permits the severance of dwellings that are surplus to a farm operation. Where the farm operation acquires non-abutting lands, one of the criteria of both policy documents is that the agricultural use of the land be protected from further residential development. Rezoning the land to prohibit residential development ensures this protection.

This application proposes no change to the existing land uses, no land will be removed from production as a result of the severance, and the agricultural land, through rezoning, will be preserved and protected for future agricultural use.

Therefore, this application conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The majority of the land is zoned Rural General (A1) Zone and a small portion is zoned Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, see Appendix "B". The A1 Zone permits the severance of a lot in that zone to be subject to the Rural Residential Type One (RR1) Zone provisions provided it does not exceed 1 ha. The lot to be created exceeds the minimum lot area (2,045 sq. m.) and frontage (38 m.) requirements of the RR1 Zone. The buildings on the lot to be severed comply with the RR1 setbacks.

The lot to be retained meets the requirements of the A1 and O1 Zones, mainly that the lot maintains a frontage of 183 m. and area of 38 ha. (93.9 ac.). The purpose of the zoning by-law amendment is to prohibit residential use on the land to be retained and maintain the agricultural use of the land to comply with provincial and municipal policy. The application complies with the relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

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.

Servicing Comments:

The agricultural land is unserviced. 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, Community Services Department and the Engineering and Assets Department raised no issues as a result of circulation.

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 rezoning will ensure the subject land is preserved for agricultural use. All other zone provisions within the Rural General Zone will be maintained. The Open Space Zone category on the subject land will not be changed by the proposed zoning by-law amendment.

Conclusion:

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural 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 March 22, 2016. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2016-028.pdf

Appendix 'B' – Applicant Sketch – dated January 2016



Appendix B to
PLAN2016-028.pdf

Appendix 'C' – Draft Zoning By-law Amendment



Appendix C to
PLAN2016-028.pdf

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E-Mail:	deharding@city.kawarthalakes.on.ca
Department Head:	Chris Marshall
Department File:	D06-16-012

Con 13

'JANETVILLE'

William Ave

Janet Dr

Manvers Dr

APPENDIX " A "
to
REPORT PLAN 2016-028
FILE NO. D06-16-012

Con 12

Janetville Rd

**SUBJECT
LAND**

Fleetwood Rd

Lot 4

Lot 5

Lot 6

GEOGRAPHIC TOWNSHIP OF MANVERS

Con 11

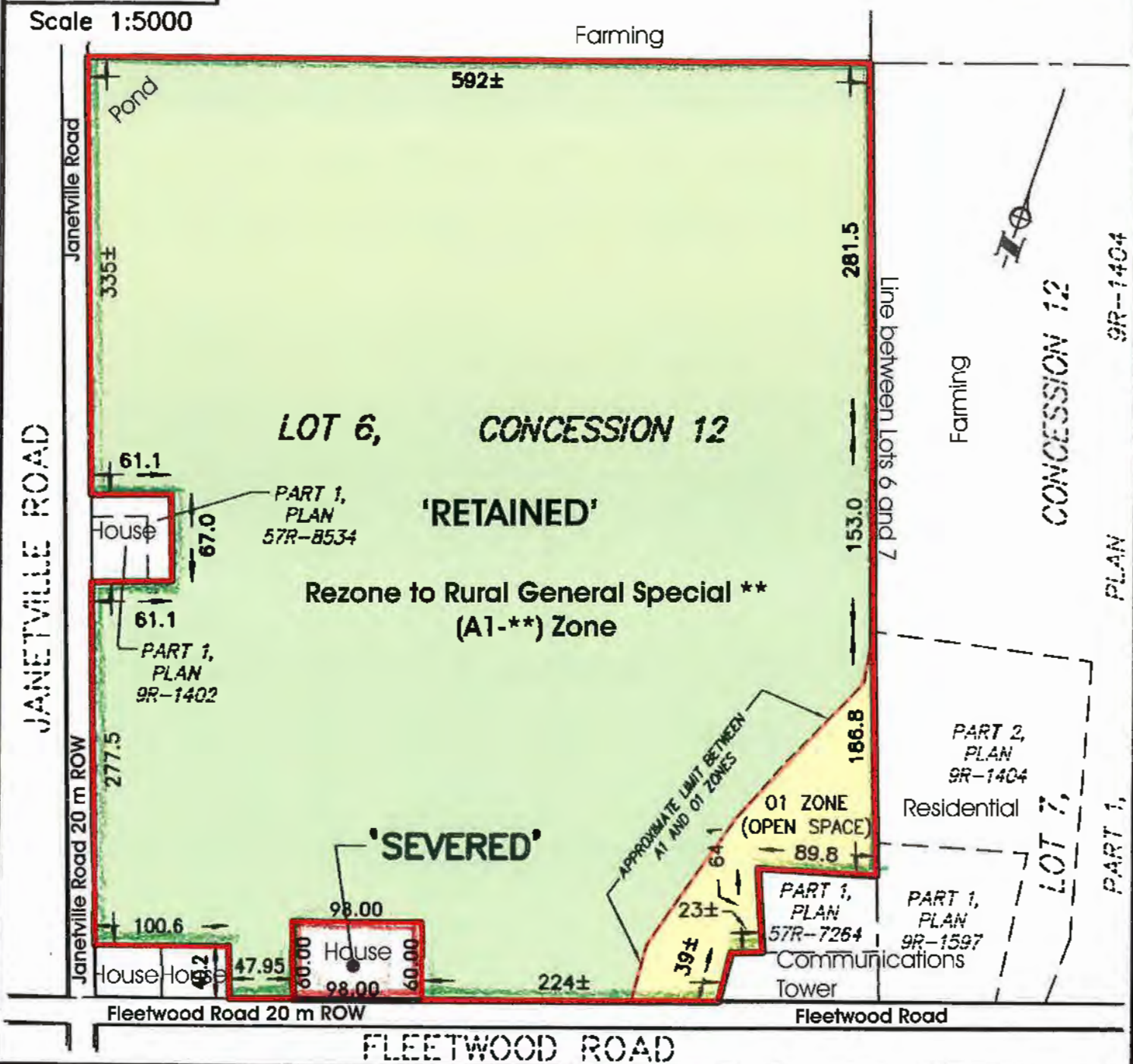
Zoning Sketch, Cedardale Farms Ltd.
 323 Fleetwood Road, Lot 6 Con 12 Manvers
 City of Kawartha Lakes

APPENDIX B
 to
 REPORT PLAN 2016-028

FILE NO. D06-16-012

KEY MAP

Scale 1:5000



Boundaries and Dimensions of subject land
 and abutting land
 No buildings on subject land
 No easements over subject land
 Entrance Permit required - Condition 6
 MDS Report - Separate submission - Condition 2

- Rezone to General Rural Special **
(A1-**) Zone
- Maintain as Open Space
(O1) Zone

NTS



to
THE CORPORATION OF THE CITY OF KAWARTHA LAKES
REPORT PLAN2016-028
BY-LAW 2016 -

FILE NO

D06-16-012

**A BY-LAW TO AMEND THE TOWNSHIP OF MANVERS ZONING BY-LAW NO. 87-06
TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

File D06-16-012, Report PLAN2016-028, respecting Part of Lot 6, Concession 12, identified as 323 Fleetwood Road – CEDARDALE FARMS LIMITED.

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Concession 12, Part of Lot 6, geographic Township of Manvers, City of Kawartha Lakes, 323 Fleetwood Road.
- 1.02 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from Rural General (A1) Zone to Rural General Special Twenty-Six (A1-S26) Zone for the land referred to as 'A1-S26', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

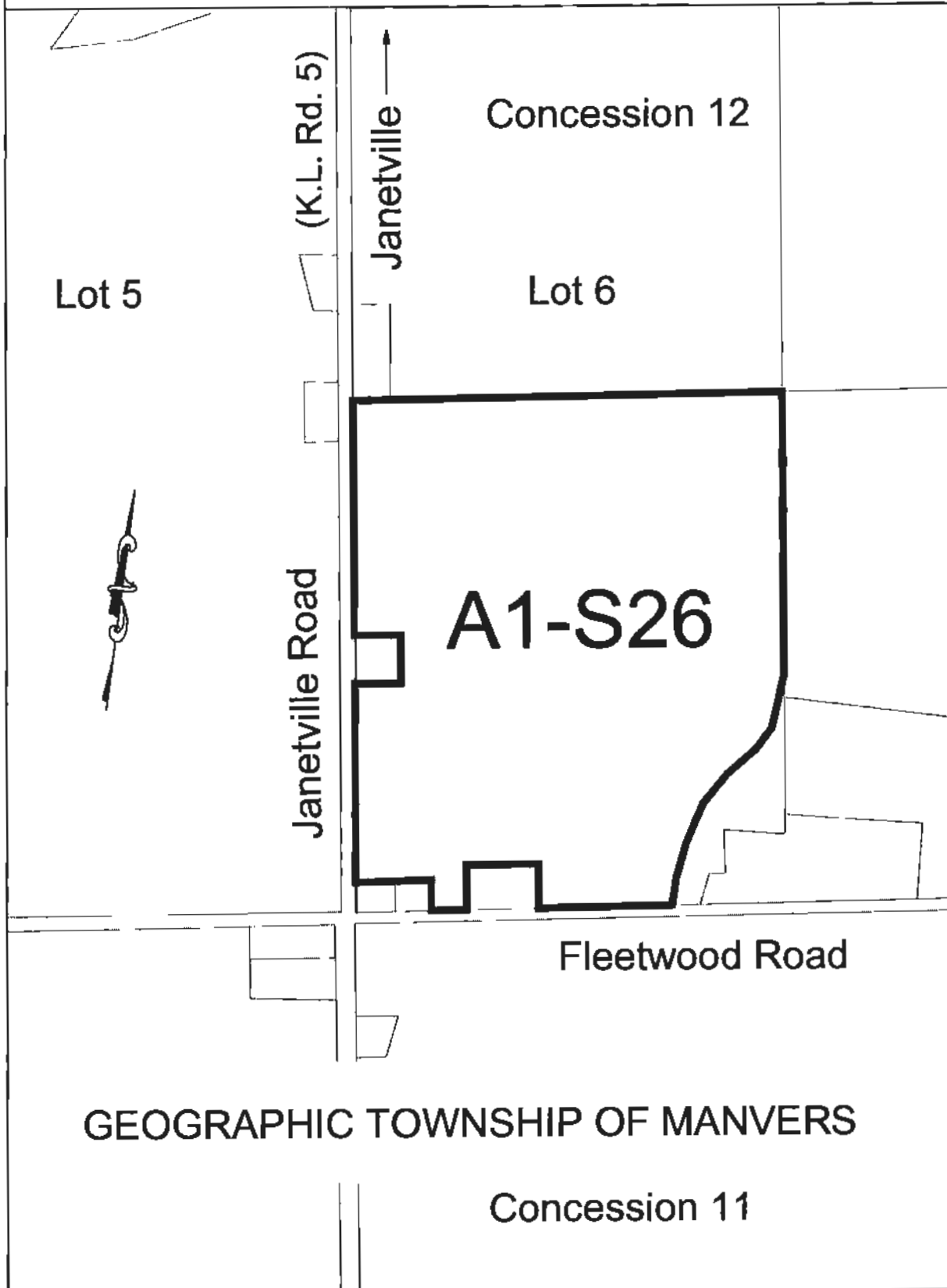
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____



GEOGRAPHIC TOWNSHIP OF MANVERS

Concession 11