

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2017-024

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**Date:** May 3, 2017

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 14 – Fenelon

**Subject:** An application to amend the Township of Fenelon Zoning By-law 12-95 to change the zone category on a portion of the property from “Agricultural (A1) Zone” to “Agricultural Exception Twenty One (A1-21) Zone” to prohibit residential use and also prohibit the existing buildings from housing livestock on land identified as 1435 County Road 36 (Inverlochy Capital Group Ltd.) – Planning Application D06-17-010.

**Author/Title:** David Harding, Planner I

**Signature:**



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**Recommendations:**

**RESOLVED THAT** Report PLAN2017-024, Part Lot 4, Concession 10, geographic Township of Fenelon, “INVERLOCHY CAPITAL GROUP LTD. – Application D06-17-010”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-17-010, substantially in the form attached as Appendix “D” to Report PLAN2017-024, be approved and adopted by Council; and

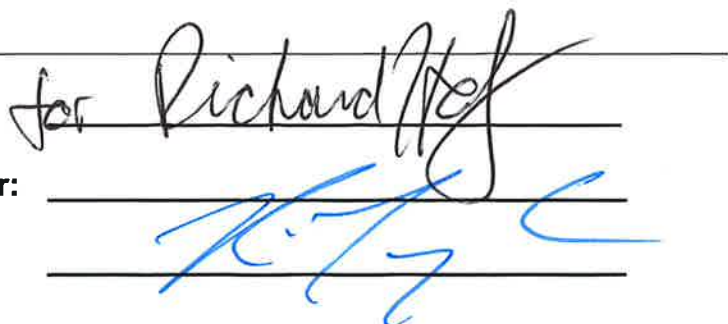
**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



## **Background:**

On November 7, 2016, the Director of Development Services granted provisional consent to Application D03-15-018 to sever an approximately 0.7 ha. (1.7 acres) residential lot containing a single detached dwelling, and retain approximately 60.9 ha. (150.5 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land. There are agricultural buildings 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 and prohibit the existing buildings from housing livestock.

Owner:	Inverlochy Capital Group Ltd. – Glen Morrison & Tanya Willis
Applicant:	Clark Consulting Services Inc. – Bob Clark
Legal Description:	Part Lot 4, Concession 10, geographic Township of Fenelon
Designation:	"Rural" - City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone", Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	Severed 1 – 0.7 ha. Retained – 60.9 ha.
Site Servicing:	Severed – none Retained – private individual septic system and private individual well
Existing Uses:	Agricultural
Adjacent Uses:	Rural Residential/Agricultural

## **Rationale:**

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 the condition that residential use of the retained agricultural land be prohibited and livestock not be housed in the existing buildings. The farm operation acquired the subject property in 2014, and farms it in conjunction with another non-abutting agricultural parcel. The farm house on the land is deemed surplus to the needs of the farm operation.

The applicant had submitted a Planning Justification Report prepared by Clark Consulting Services Inc dated December 21, 2016 in support of the application, which was circulated to various City Departments for review.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2006:**

This application conforms to the Growth Plan (GP). Sections 2.2.9.2 and 2.2.2 (i) provides for development in Rural Areas when it is necessary for the management and use of a resource. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

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

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

This application is consistent with the Provincial Policy Statement (PPS). Sections 1.1.4 and 1.1.5 provide that: residential development is to be directed away from rural lands, rural land uses and uses related to the management/use of resources should predominate, opportunities should be retained to accommodate uses which require separation from other uses, and agricultural uses should 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. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

## **Official Plan Conformity:**

The subject land is designated “Rural” in the City of Kawartha Lakes Official Plan. Section 16.1 of the Official Plan provides that agricultural land that is primarily class 4-7 shall be protected for agricultural protection 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 proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through Section 16.3.5 of the 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. One of the criteria is that the agricultural land must be rezoned to prohibit any residential use.

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

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

The majority of the subject property is zoned “Agricultural (A1) Zone” in the Township of Fenelon Zoning By-law 12-95. The land to be severed is zoned A1. The Zoning By-law provides that where a lot not exceeding 1 ha. (2.5 ac.) is created (severed) by consent in the A1 Zone, the minimum lot frontage shall be 38 metres, and the lot must comply with all other provisions of and used in accordance with the “Rural Residential Type One (RR1) Zone”. The lot to be severed complies with the RR1 Zone requirements.

The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the portion of the lands to be retained from “A1” to “Agricultural Exception Twenty One (A1-21) Zone” to prohibit residential use and prohibit any of the buildings from being used to house livestock to ensure there are no Minimum Distance Separation (MDS) conflicts. The land to be retained lot meets the requirements of the A1 Zone, mainly that the lot maintains a frontage of 230 m. and area of 25 ha. (61.8 ac.).

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial Considerations:**

There are no financial considerations unless Council’s decision 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 Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

### **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 persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Agency Review Comments:

April 5, 2017 – The Building Division has no objection to the application.

April 7, 2017 – The Building Division – Part 8 Sewage Systems advised there is no concern with the application.

April 17, 2017 – The Engineering and Corporate Assets Department has no objection to the application.

**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 Agricultural Zone will be maintained.

**Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the “Rural” 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 April 19, 2017. Staff respectfully recommends that the application be referred to Council for APPROVAL.

**Attachments:**

Appendix ‘A’ – Location Map



Appendix A to  
PLAN2017-024.pdf

Appendix ‘B’ – Site Plan



Appendix B to  
PLAN2017-024.pdf

Appendix ‘C’ – Aerial Photo



Appendix C to  
PLAN2017-024.pdf

Appendix ‘D’ – Draft Zoning By-law



Appendix D to  
PLAN2017-024.pdf

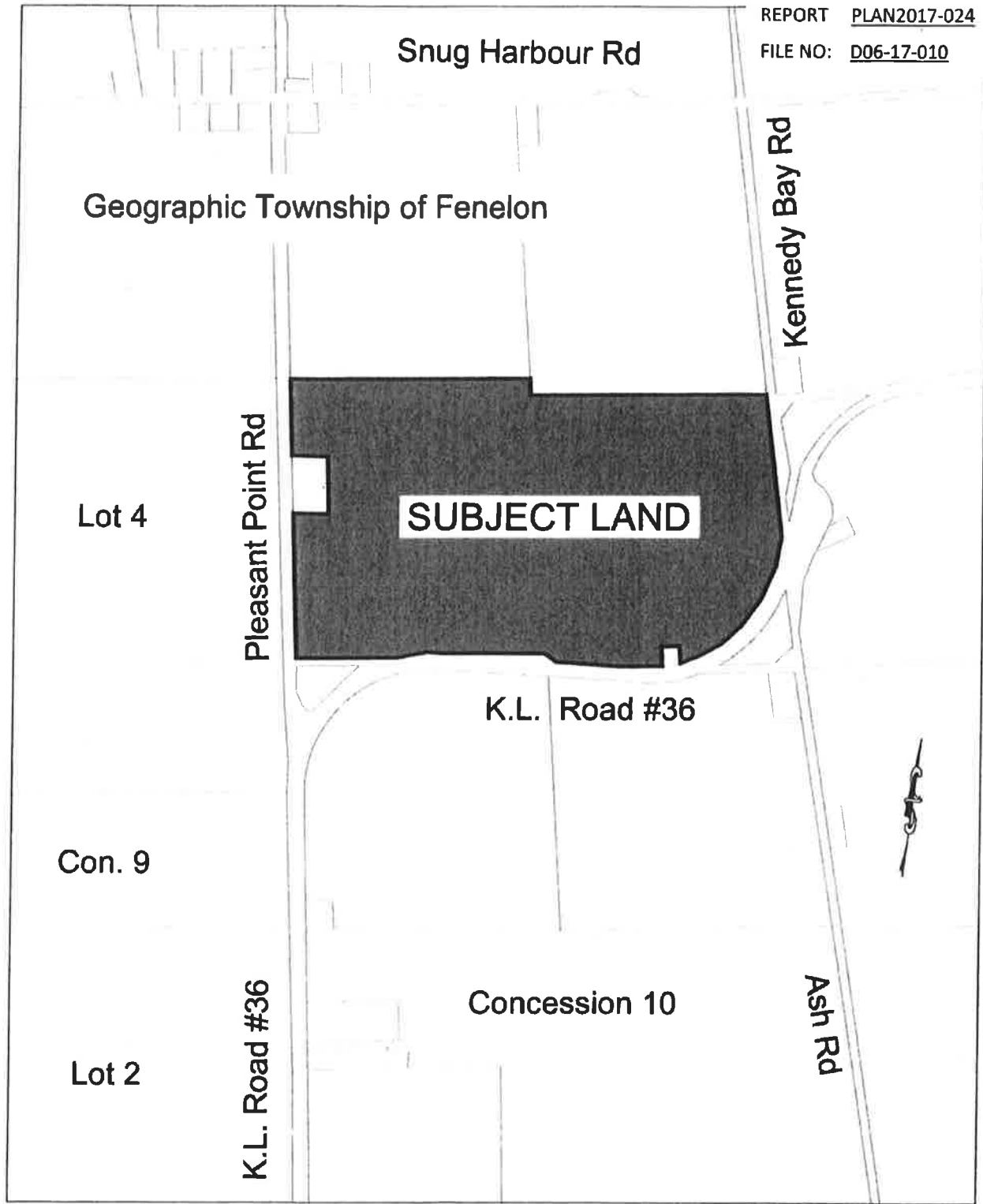
**Phone:** 705-324-9411 or 1-888-822-2225 ext. 1206  
**E-Mail:** [deharding@city.kawarthalakes.on.ca](mailto:deharding@city.kawarthalakes.on.ca)  
**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D06-17-010

APPENDIX " A "

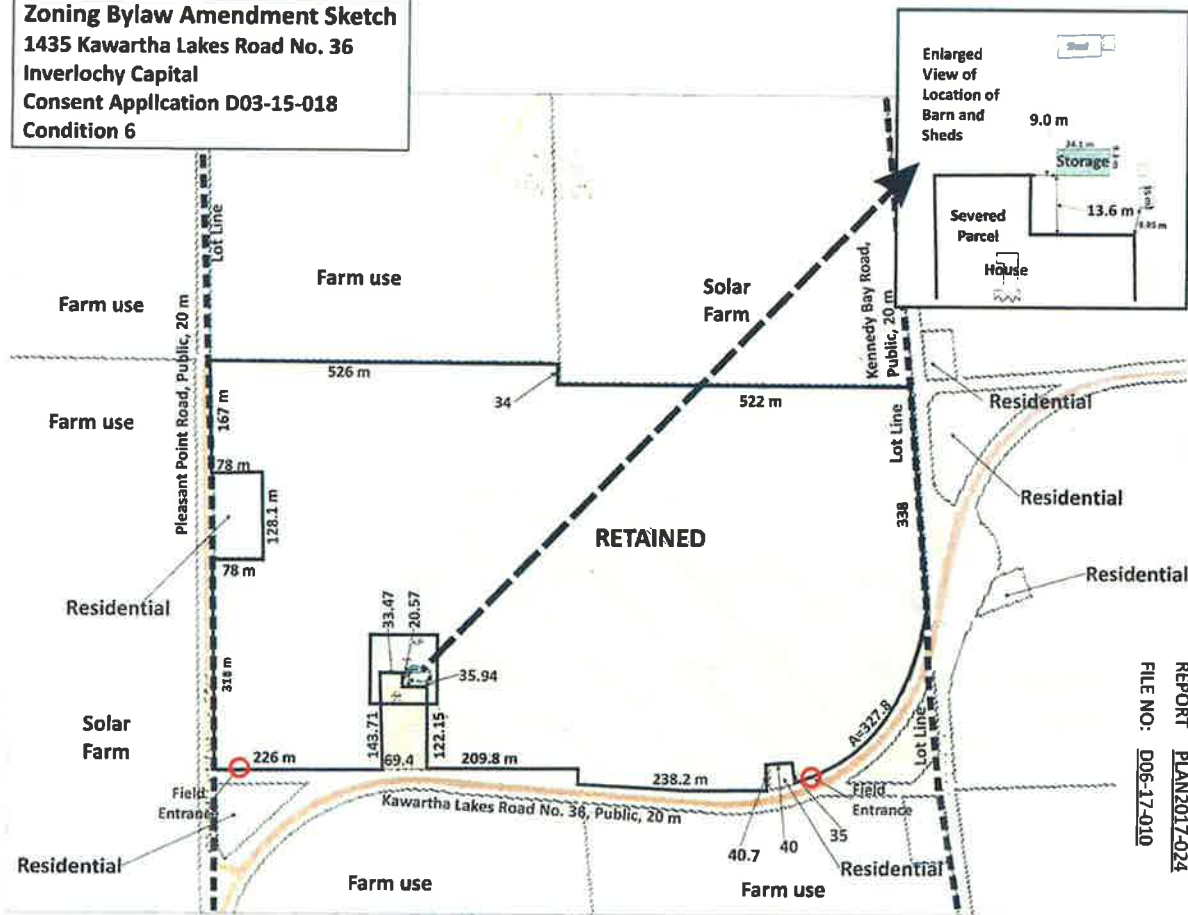
to

REPORT PLAN2017-024

FILE NO: D06-17-010



**Zoning Bylaw Amendment Sketch**  
**1435 Kawartha Lakes Road No. 36**  
**Inverlochy Capital**  
**Consent Application D03-15-018**  
**Condition 6**



REPORT PLAN2017-024  
 FILE NO: D06-17-010

APPENDIX " B "



# 1435 County Road 36, geographic Twp. of Fenelon



0.55

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "  
to  
REPORT PLAN2017-024  
FILE NO: D06-17-010

## THE CORPORATION OF THE CITY OF KAWARTHA LAKES

REPORT PLAN 2017-024

## BY-LAW 2017 -

FILE NO. D06-17-010**A BY-LAW TO AMEND THE TOWNSHIP OF FENELON ZONING BY-LAW NO. 12-95  
TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

File D06-17-010, Report PLAN2017-024, respecting Part Lot 4, Concession 10, geographic Township of Fenelon, identified as 1435 County Road 36 – INVERLOCHY CAPITAL GROUP LTD.

**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 and prohibit the existing buildings from housing livestock.
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 2017-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 4, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes, 1435 County Road 36.

- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Part 8:

**"8.3.21 AGRICULTURAL EXCEPTION TWENTY ONE (A1-21) ZONE**

Despite section 8.1, on land zoned "A1-21" residential uses are not permitted and the buildings existing on the date of the passing of this by-law may not be used to house livestock."

- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category on a portion of the Property from Agricultural (A1) Zone to Agricultural Exception Twenty One (A1-21) Zone for the land referred to as 'A1-21', 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 \*\*\*, 2017.

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Andy Letham, Mayor

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Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

