

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-070**

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**Date:** September 12, 2018

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

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 15 - Emily

**Subject:** An application to amend the Township of Emily Zoning By-law 1996-30 to rezone the land surrounding 791 Cottingham Road to Rural Residential Type One (RR1) Zone and rezone the land on the balance of the property (795 Cottingham Road) to permit only one single detached dwelling (Fife)

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**That** Report PLAN2018-070, respecting Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road – Application D06-2018-020, be received;

**That** a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix “D” to Report PLAN2018-070, 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:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

The subject property is an agricultural lot that contains two single detached dwellings. The owners sought to sever one of the two dwellings off from the balance of the agricultural land. On April 20, 2018, the Committee of Adjustment granted provisional consent to application D03-17-033 to sever an approximately 0.72 hectare (1.78 acre) residential lot containing a single detached dwelling and shed (791 Cottingham Road), and retain approximately 39.75 hectares (98.2 acres) of agricultural land with a dwelling (795 Cottingham Road).

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit more than one single detached dwelling. The A1 Zone currently permits two.

Owners:	Hugh and Shirley Fife
Applicant:	Becky Fife
Legal Description:	Part of Lot 21, Concession 3, geographic Township of Emily
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone, in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	Severed – 0.72 hectares Retained – 39.75 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural East: Agricultural, Rural Residential South: Agricultural, Rural Residential West: Agricultural, Rural Residential

## **Rationale:**

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a condition of provisional consent that limits the number of residential dwelling units, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition.

## **Provincial Policies:**

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

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas

identified within official plans. The rezoning as a condition of consent to sever one of two dwellings from the agricultural land is consistent with the intent of these policies to protect agricultural lands.

The Agricultural System for the Greater Golden Horseshoe, a document providing supplementary direction to the Growth Plan, also identifies the subject property as prime agricultural area. This document recognizes the importance of the agri-food sector to regional and provincial economies, and provides for increased land use planning consistency across municipalities.

Therefore, this application does not conflict with the policies of the Growth Plan as the Zoning By-law Amendment ensures the long term protection of 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.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use by restricting the number of dwelling units to one, recognizing the existing dwelling on the proposed retained lands. 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 does not conflict with the PPS.

### **Official Plan Conformity:**

The subject land is designated Prime Agricultural 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 proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, 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 be rezoned to prohibit any residential use.

While the consent application does not propose the consolidation of farm land, the zoning by-law amendment ensures that the agricultural land to be retained is treated in the same manner. Therefore, this application is consistent with the Committee of Adjustment's decision and does not conflict with the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30. The lot to be retained exceeds the minimum lot frontage (120 metres) and area (25 hectare) requirements of the A1 Zone by proposing about 525 metres and 39.75 hectares respectively. An Agricultural Exception Thirty-Two (A1-32) Zone is proposed on the retained land. The purpose of the zone change is to protect the agricultural use of the land to be retained by restricting the permitted residential uses to one single detached dwelling to: (1) reflect the existence of the dwelling at 795 Cottingham Road, and (2) meet the intent of provincial and municipal policy. Dwellings on land within the A1 Zone are subject to the setback requirements of the Rural Residential Type One (RR1) Zone. The dwelling on the retained agricultural lot will comply with the RR1 Zone setbacks. The shed on the proposed retained lot will also comply with the setbacks specified within the General Provisions.

Section 7.2.1.7 specifies that lots not exceeding 1 hectare that are created within the A1 Zone do not need a zone change, as they are deemed to automatically be subject to the requirements of the Rural Residential Type One (RR1) Zone even though they formally retain the A1 Zone category on the zone schedule. In order to minimize future confusion over how 791 Cottingham Road is to be used, the amendment also proposes to formally change the zoning on the lot to be created (severed) from A1 to RR1. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements of the Rural Residential Type One (RR1) Zone by proposing about 65 metres and 0.72 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

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

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendation(s) 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 does not specifically align with any component of the Strategic Plan.

## **Servicing Comments:**

The dwelling on the agricultural land to be retained is serviced by a private sewage disposal system and well. The single detached dwelling on the land to be severed is also serviced by a private 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. The Building Division raised no concerns as a result of circulation. No comments were received from the public.

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

The application is consistent with the Committee of Adjustment's decision. The application does not conflict with the Growth Plan nor with the Provincial Policy Statement. The application also does not conflict with the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural is preserved for agricultural use by introducing the A1-32 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures 791 Cottingham Road is zoned RR1 to avoid any future confusion as to how the parcel is to be used.

## **Conclusion:**

The application is consistent with the Committee of Adjustment's decision. The application does not conflict with the provincial policies concerning prime agricultural areas. The application also does not conflict with the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of August 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## Attachments:

### Appendix 'A' – Location Map



Appendix A to  
PLAN2018-070.pdf

### Appendix 'B' – Sketches for Consent Application



Appendix B to  
PLAN2018-070.pdf

### Appendix 'C' – Aerial Photograph



Appendix C to  
PLAN2018-070.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-070.pdf

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**Department Head:** Chris Marshall

**Department File:** D06-2018-020