

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-076

Date: November 7, 2018

Time: 1:00 p.m.

Place: Victoria Room

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 the agricultural portion of the retained part of the property from a Rural General (A1) Zone to prohibit residential use, and to amend General Provision requirements for two zones on one (1) lot on the proposed retained portion on land described as Part of Lot 6, Concession 8, geographic Township of Manvers, City of Kawartha Lakes, identified as 40 Janetville Road (Kevin Kerr) – Planning File D06-2018-023).

Author and Title: Quadri Adebayo, Planner II

Recommendations:

RESOLVED THAT Report PLAN2018-076, respecting Part of Lot 6, Concession 8, geographic Township of Manvers, and identified as 40 Janetville Road; Application No. D06-2018-023, be received;

THAT a Zoning By-law Amendment respecting application D06-2018-023, substantially in the form attached as Appendix “D” to Report PLAN2018-076, 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 February 26, 2018, a notice provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-16-019 to sever an approximately 0.49 hectare (98.22 acre) residential lot containing a single detached dwelling, and retain approximately 39.51 hectare (98.22 acre) of agricultural land. The retained land will be consolidated with non-abutting agricultural land. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

As a condition of provisional consent, the land to be retained is to be rezoned to:

1. prohibit residential use on the agricultural lands;
2. to have the retained lands be considered one lot for lot area requirements where there are two zones; and
3. the zone boundary shall be considered a lot line for the purposes of interpreting and applying all other requirements of the Zoning By-law.

Owner:	Kevin Kerr
Applicant:	Angus McNeil, Staples & Swain Professional Corporation
Legal Description:	Part of Lot 6, Concession 8, geographic Township of Manvers
Designation:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone within the Township of Manvers Zoning By-law 87-06
Lot Area:	Total – 40 hectares (approximate) – Coe Fisher Cameron Severed – 0.49 hectares, Retained – 39.51 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North and East: Agricultural and Wetland South and West: Agricultural

Rationale:

The property is located on the south side of Highway 7A (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. A watercourse is also present. Pigeon River No. 20 Provincially Significant Wetland is associated with Pigeon River and located north of the subject lands. The river buffer traverses part of the northwest boundary of the subject lands. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the

owner has submitted the required application to amend the Zoning By-law that will, if granted, fulfil this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel at 431 Highway 7A West (Part Lot 8, Concession 9). The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

The applicant submitted an Aggregate Study Report prepared by Bernie Fuhrmann of WSP, dated December 14, 2017 in support of the application. This document discusses the insignificance of the sand and gravel resource designation on the subject lands, and the appropriateness of the proposed consent.

Staff has reviewed the Report and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

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 severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies. The subject lands will be maintained for agricultural uses unfettered by additional rural residential uses.

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

Provincial Policy Statement, 2014 (PPS):

Section 1.1.5 of the PPS provides that uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Section 2.1.4 states that development and site alteration shall not be permitted in Provincially Significant wetlands and Section 3.1 directs development to areas outside the flood plain or wetland.

The application to rezone the proposed agricultural lands to preclude a residential dwelling 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 agricultural uses.

The northerly abutting open space lands to be recognized in conjunction with the subject land through this rezoning will provide for the long term protection of this natural area for its economic, environmental and social benefits. It will also limit buildings and structures which by their nature are required not to be in the flood plain.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land which is designated Prime Agricultural, Aggregate and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan) has been demonstrated to not have suitable quality or quantity of material for potential commercial extraction. Whereas the Official Plan directs that such lands be required to conform with the abutting designation policies. As the abutting designation is Prime Agricultural, the Prime Agricultural policies shall apply. Section 15.1 of the Official Plan provides that agricultural land that 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 being required 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.

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 and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06. The A1 Zone permits residential use. The Zoning By-law amendment would prohibit the residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

The O1 Zone permits golf courses, parks, and agricultural uses. The O1 Zone does not permit buildings or structures except for erosion or flood control purposes. The proposed amendment would ensure that agricultural use will remain compatible with the long term protection of the O1 Zone.

The General Provisions Section 20.16 has requirements where there are multiple zones on a lot. When a lot is created by consent the retained lot must comply with the minimum lot area and lot frontage of the applicable zones. The O1 Zone does not have lot area or lot frontage requirements. The retained lot will comply with the A1 minimum lot frontage requirement of 183 m. The property was

created after the current Zoning By-law, thus is required to meet the A1 lot area minimum requirement. The retained lot will have about 37.31 hectare of agricultural lands, which does not meet the minimum 38 hectare lot area requirement for the A1 Zone. However, the retained lot as a whole will exceed the minimum lot area requirement at 39.51 hectares. The proposed amendment would allow the two zones to be considered as one lot and the minimum lot area requirements of the A1 Zone would apply to the lot as a whole. For clarity, the proposed amendment should specify that the zone boundary shall be considered to be a lot line for the purposes of applying all other requirements of the Zoning By-law. This will ensure that there are adequate setbacks from the watercourse buffer for 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. It also will maintain the health and integrity of the wetland and floodplain.

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, Economic Development Division (Agriculture), Development Engineering, Community Services and Enbridge Gas Distribution raised no concerns or objections as a result of the 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 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 September 17, 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 July 28, 2018



Appendix C.pdf

Appendix D – Draft Zoning By-law Amendment



Appendix D.pdf

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department File: D06-2018-023