

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2019-034

Date: June 5, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 1 - Eldon

Subject: An application to amend the Township of Eldon Zoning By-law 94-14 to rezone a portion of the subject lands from Agricultural (A1) Zone to an environmental protection zone and a residential zone on land described as Part of Lots 39-42, South of Portage Road, geographic Township of Eldon, City of Kawartha Lakes, and partially identified as 1561 Kirkfield Road (Victor Webster Farms Ltd. and Leach)

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2019-034, respecting Part of Lots 39-42, South of Portage Road, geographic Township of Eldon, and part of which is partially identified as 1561 Kirkfield Road – Application D06-2019-010, be received;

That a Zoning By-law Amendment respecting application D06-2019-010, substantially in the form attached as Appendix “D” to Report PLAN2019-034, 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:

The subject proposal is composed of two properties. One is a landlocked parcel owned by Victor Webster Farms Ltd. and the second an agricultural lot addressed as 1561 Kirkfield Road owned by Kevin and Jennifer Leach.

On November 29, 2018, the Committee of Adjustment granted provisional consent to application D03-2018-010 to sever approximately 3 hectares of agricultural land owned by Kevin and Jennifer Leach and add it to the lands owned by Victor Webster Farms Ltd. The purpose of the application is to provide the landlocked parcel owned by Victor Webster Farms Ltd. access to Kirkfield Road.

As a condition of provisional consent, the agricultural land to be added to the landlocked parcel is to be rezoned to permit one single detached dwelling and the benefitting lands are to be rezoned to an environmental protection zone to protect significant woodland as per the policies of the Lake Simcoe Protection Plan.

Owners:	Victor Webster Farms Ltd., and Kevin and Jennifer Leach
Applicant:	Alan Webster
Legal Description:	Part of Lots 39-42, South of Portage Road, geographic Township of Eldon
Official Plan:	Rural, Environmental Protection, Development Plan Area Nine within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone, in the Township of Eldon Zoning By-law 94-14, as amended
Site Size:	Severed – 3 hectares Retained – 96 hectares
Site Servicing:	Severed – None Retained – Private individual well and septic system
Existing Uses:	Agricultural, Forest
Adjacent Uses:	North: Agricultural, Forest, Rural Residential South: Agricultural, Rural Residential East: Agricultural, Forest, Rural Residential West: Agricultural, Forest

Rationale:

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.

Policy 4.2.3 identifies that development is not permitted within key natural heritage features, which includes significant woodlands. As per this policy and Lake Simcoe Region Conservation Authority's comments that were submitted as part of the circulation of the consent application, an environmental protection zone is being imposed on the portion of the subject lands which contain the significant woodlands.

Policy 2.2.9 permits development of residential uses in rural areas outside of rural settlement areas where such uses have been specified within an Official Plan. Within the City of Kawartha Lakes Official Plan, the area which is proposed to be rezoned to a rural residential zone is designated for estate residential style development.

Therefore, this application conforms to the Growth Plan.

Lake Simcoe Protection Plan (LSPP)

The property is located within the Lake Simcoe Watershed. The LSPP contains a series of policies to protect the long term health of the watershed.

Policy 6.23-DP of the LSPP states that development or site alteration is not permitted within a key natural heritage feature, which includes significant woodlands, unless it was permitted under Policy 6.45-DP. Policy 6.45-DP states that development or site alteration is permitted within the LSPP area if development was permitted upon the existing lot of record.

As the benefitting lot has no access to an improved street, development on the lot is not permitted. Therefore, Policy 6.45-DP does not permit development within the significant woodland feature once legal access to the landlocked parcel is provided.

Sufficient space exists on the lands to be added to the landlocked parcel to accommodate a building envelope. While the lands to be added were not originally intended to contain the building envelope, these lands are designated for development (see Official Plan section below), and are therefore a more appropriate location for development, especially given the presence of significant woodland. The protection of significant woodlands is reinforced by Policy 2.1.5 of the PPS.

The proposed zoning by-law amendment application conforms to the LSPP as development is proposed to be directed away from the significant woodlands.

Provincial Policy Statement, 2014 (PPS)

As stated in Policy 1.1.5, development within Rural Areas, particularly upon Rural Lands must be compatible with the rural landscape and sustained by rural service levels.

As a single detached dwelling is being proposed as a result of a lot line adjustment, the lot line adjustment is proposed to sever land at the northern edge of an agricultural operation, the rural landscape is being maintained and little change in demand for service would occur.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The majority of the subject land is designated Rural within the City of Kawartha Lakes Official Plan (Official Plan), with portions designated Development Plan Area Nine and Environmental Protection. The Environmental Protection portions appear to reflect the locations of watercourses. The application proposes no change to the lands with the Environmental Protection designation.

The Development Plan Area Nine (DP-9) designations are present within the eastern portion of the land to be added to the landlocked parcel. The DP-9 designation recognizes the historic anticipation of the lands to be used for development, primarily in the form of single detached homes on large lots. It is within this area where most of the land to be rezoned to a rural residential zone is found.

The balance of the two properties is within the rural designation. The linear access proposed to the landlocked parcel is within this designation. The designation permits lot line adjustments provided a new lot is not created. As a result of the proposed lot line adjustment, a minimum amount of land within the rural designation is proposed to be removed from agricultural production to facilitate access to the landlocked parcel. The proposed access route is at the north edge of the cultivated fields abutting a forest.

The Official Plan also contains policies pertaining to applications for land development within the Lake Simcoe Watershed as determined by the LSPP. The Official Plan recognizes that development and site alteration is not permitted within a natural heritage feature as per the LSPP if construction upon an existing lot of record was not permitted prior to the date the LSPP took effect. A building envelope close to Kirkfield Road, contained on the land to be added to the lot, exists. This area closer to the road, away from significant environmental features, is outside of the required buffer to the significant woodland feature and sited within an area which has been recognized within the City's Official Plan for potential future development. As such the building envelope closer to the road is a more appropriate location for future residential development.

The application conforms to the Official Plan.

Zoning By-law Compliance:

The subject lands are zoned Agricultural (A1) Zone within the Township of Eldon Zoning By-law 94-14.

The lot to be retained exceeds the minimum lot frontage (230 metres) and area (25 hectares) requirements of the A1 Zone by proposing about 1,110 metres and 96 hectares respectively.

The proposed zoning by-law amendment will, in part, re-zone the landlocked parcel owned by Victor Webster Farms Ltd. from A1 Zone to Environmental Protection (EP) Zone to protect the significant woodland from development. The zoning by-law amendment will also rezone the lands which shall be added to the landlocked parcel from A1 Zone to Rural Residential Type One (RR1) Zone to permit the construction of a single detached dwelling.

The section of the consolidated lot to be zoned Rural Residential Type One (RR1) Zone exceeds the minimum lot frontage (38 metres) and area (4000 square metre) requirements of the RR1 Zone by proposing about 45 metres and 3 hectares (30,000 square metres) respectively.

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 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 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. A future single detached dwelling on the proposed consolidated lot would be 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, Community Services Department, and Engineering and Corporate Assets Department raised no concerns as a result of circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan, LSPP, and the Official Plan and is consistent with the PPS. The application will permit the development of a single detached dwelling while also protecting a significant woodland feature from development. The application is appropriate and represents good planning.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2019-034.pdf

Appendix 'B' – Sketches for Consent Application



Appendix B to
PLAN2019-034.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2019-034.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2019-034.pdf

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Department Head: Chris Marshall

Department File: D06-2019-010