

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-039

Date: July 3, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 8 - Manvers

Subject: An application to amend the Township of Manvers Zoning By-law 87-06 to change the zoning on a portion of the land from Rural General (A1) Zone to a Rural General Special Zone to prohibit residential use and to change the zoning surrounding the dwelling from Rural General (A1) Zone to a Rural Residential Type One Special Zone to recognize the existing residential use on land described as Lot 2, Concession 12, geographic Township of Manvers, City of Kawartha Lakes, identified as 91 Fleetwood Road (Youngfield Farms Ltd.)

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2019-039, respecting Lot 2, Concession 12, geographic Township of Manvers, and identified as 91 Fleetwood Road – Application D06-2019-013, be received;

That a Zoning By-law Amendment respecting application D06-2019-013, substantially in the form attached as Appendix “D” to Report PLAN2019-039, 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 property is an agricultural lot that contains a single detached dwelling and some outbuildings. The agricultural buildings will be demolished. The owners sought to sever the dwelling and two accessory buildings from the balance of the agricultural land. On April 11, 2019, the Director of Development Services granted provisional consent to application D03-2018-024 to sever an approximately 0.75 hectare (1.86 acre) residential lot and retain approximately 84.25 hectares (208.2 acres) of agricultural land to be consolidated with other non-abutting lands owned by the farming operation.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use. To further clarify how the lot containing the dwelling is to be used and permit an accessory building within the front yard, said lot is also being rezoned to a rural residential zone category.

Owner:	Youngfield Farms Ltd.
Applicant:	Kristen Soutar, Youngfield Farms Ltd.
Legal Description:	Lot 2, Concession 12, geographic Township of Manvers
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	Severed – 0.75 hectares Retained – 84.25 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural, Forest, East Cross Creek
Adjacent Uses:	North: Forest, East Cross Creek, Agricultural East, South, West: Forest, Agricultural

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 proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with other non-abutting agricultural parcels. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

Provincial Policies:

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

Section 2.2.9 states that 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 lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The rezoning as a condition of consent to sever the dwelling from the agricultural land is consistent with the intent of these policies to protect agricultural lands.

Therefore, this application conforms to the Growth Plan.

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. 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 majority of the subject land is designated Prime Agricultural in the City of Kawartha Lakes Official Plan (Official Plan). A smaller portion of the property is designated Environmental Protection, which appears to correspond with the wetland and forest area near East Cross Creek. No development is proposed near the Environmental Protection designation.

Section 15.1 of the Official Plan provides that agricultural land which 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.

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

Zoning By-law Compliance:

The subject land is zoned Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-Law 87-06. No changes are proposed to the O1 Zone. The lot to be retained exceeds the minimum lot frontage (183 metres) and area (38 hectare) requirements of the A1 Zone by proposing about 360.48 metres and 85.25 hectares respectively. A Rural General Special Twenty Six (A1-S26) Zone is proposed to replace the A1 Zone on the retained land. The A1-S26 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

Section 10.3(a) specifies that lots not exceeding 1 hectare 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. Such lots formally retain the A1 Zone category on the zone schedule. In order to minimize future confusion over how the severed lands containing the surplus residential dwelling are to be used and to permit an accessory building within the front yard, the application also proposes to formally change the zoning on the lot to be created from A1 to Rural Residential Type One Special Twenty Two (RR1-S22) Zone. The severed lot exceeds the minimum lot frontage (38 metres) and area (2,045 square metre) requirements of the Rural Residential Type One (RR1) Zone by proposing about 54 metres and 7,500 square metres 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 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 single detached dwelling on the land to be severed is 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, Enbridge Gas Inc., Community Services Department, and Engineering and Corporate Assets Department raised no concerns 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 agricultural land is preserved for agricultural use by introducing the A1-S26 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures that the rural residential lot is zoned RR1-S22 to avoid any future confusion as to how the parcel is to be used and to recognize the accessory building within the front yard. The accessory building is modest in scale and is set well back from the road, closer to the dwelling.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also does conform to 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 June 21, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2019-039.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2019-039.pdf

Appendix 'C' – Sketch from Consent Application



Appendix C to
PLAN2019-039.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2019-039.pdf

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Department Head: Chris Marshall

Department File: D06-2019-013