

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-053

Date: **October 9, 2019**
Place: Council Chambers
Public Meeting

Ward Community Identifier: 4 - Eldon

Subject: An application to amend the Township of Eldon Zoning By-law 94-14 to change the zone category on the retained agricultural area of the property from Agricultural (A1) Zone to Agricultural Exception (A1-**) Zone; as well as to rezone the residential portion to be severed from Agricultural (A1) Zone to Rural Residential Type One (RR1) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, now City of Kawartha Lakes, identified as 305 Glenarm Road (D.S. and B. Farms Inc.) – Planning File D06-2019-017)

Author and Title: Quadri Adebayo, Planner II

Recommendations:

That Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, and identified as 305 Glenarm Road; Application No. D06-2019-017, be received;

That a Zoning By-law Amendment respecting application D06-2019-017, substantially in the form attached as Appendix E to Report PLAN2019-053, 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 September 9, 2019, a Notice of Provisional Consent was granted by the Director of Development Services, as delegated by Council, for application D03-2019-023 to sever an approximately 0.92 hectare (2.3 acres) of rural residential lot containing a two-storey dwelling with two (2) outbuildings (a frame shed, and a barn), and retain approximately 76.43 hectares (191.07 acres) of vacant agricultural lands. The retained land is to be consolidated with a non-abutting agricultural property. The dwelling on the land to be severed is considered surplus to the farming operation as a result of a farm consolidation.

As a condition of provisional consent, the land to be retained is to be rezoned to prohibit residential use on the agricultural lands while the land to be severed is to be rezoned in order to restrict the use on the lot to residential and residential accessory uses.

Owner:	D.S. and B. Farms Inc.
Applicant:	Robert Clark, Clark Consulting Services
Legal Description:	Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon
Designation:	Prime Agricultural, Hamlet, Bedrock Resource and Environmental Protection in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone within the Township of Eldon Zoning By-law 94-14
Lot Area:	Total – 77.35 hectares (approximate) – Coe Fisher Cameron Severed – 0.92 hectare, Retained – 76.43 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Unserved
Existing Uses:	Residential (to be severed) Agricultural (to be retained)
Adjacent Uses:	North: Agricultural, Rural Residential and Environmental Protection East and South: Agricultural and Rural Residential West: Hamlet Residential, Agricultural and Environmental Protection

Rationale:

The property is located on the Southside of Grass Creek wetland with the surrounding lands being primarily agricultural lands with some rural residential lots that appear to have been created from the larger farm parcels they abut. The prime agricultural lands are to be protected and preserved from new residential development or any other incompatible land use(s) that may hinder existing or

future agricultural operations. As well, a separate road entrance exists for the farming operation. To fulfill a 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 in the same ownership name and identified as 279 Glenarm Road.

Minimum Distance Separation (MDS) respecting livestock activities has been demonstrated to be non-existent as there are no buildings on the retained lands that would trigger any MDS issues. The frame shed straddling the southeast corner of the severed lot formerly used to house livestock is identified for removal and a condition of consent was placed to facilitate this.

Lake Simcoe Conservation (LSRCA) has advised that the proposed lot configuration in relation to the watercourse that traverses the lands is satisfactory from a water management perspective and conforms to the Lake Simcoe Protection Plan (LSPP).

The applicant submitted a Planning Justification Report prepared by Clark Consulting Services, dated December 2018 in support of the application. This document discusses the appropriateness of the proposed consent in keeping with the provincial policy for the protection of agricultural lands.

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

Provincial Policies:

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

Section 2.2.9 indicates development outside of settlement areas may be permitted where compatibility with the rural landscape is assured, and where agricultural uses and other resource-based uses will not be adversely affected. Section 4.2.6 provides for the retained lands and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

The residential dwelling is an established land use that appears to be compatible with the surrounding land uses. The location of the existing servicing (well and septic) and the proposed lot configuration ensures that the adjacent farmland will be unfettered and maintained for agricultural uses.

Therefore, this application conforms to the policies of the GP.

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.

The application to rezone the retained agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use.

The proposed rezoning for the severed residential lot meets the lot creation policy in prime agricultural areas [Section 2.3.4.1(c)] as the parcel size complies with the maximum 1 hectare allowed and has also been demonstrated to be able to accommodate for sewage and water services. Minimum Distance Separation Formulae (MDS1) is not applied as the potential odour conflict already exists between the dwelling and any nearby barn or livestock facility within 500 metres of the subject lands.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land designated 'Hamlet, Prime Agricultural and Environmental Protection' with 'Significant Woodland' and 'Bedrock Resource' in the City of Kawartha Lakes Official Plan (Official Plan). The Environmental Protection designation follows a water course that traverses the property from west to east while the hamlet designation is located along the westerly boundaries of the subject land, part of which is currently being farmed. Also, the bedrock designation is located on the east side of the subject land whereas the limit of the proposed residential lot is to be contained wholly within the prime agricultural designation.

Section 15.1 of the Official Plan provides that agricultural lands 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.

Although the portion of the subject land included in the retained lands and designated as Hamlet establishes the principle for hamlet residential development, staff is of the opinion that rezoning this area to prohibit residential

use at this time does not prohibit future hamlet residential development in accordance with the hamlet residential development policies.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The proposed severed and retained lots are zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14. The A1 Zone permits single detached dwellings and agricultural uses. 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 lot to be severed is deemed to also exceed the minimum lot frontage and area requirement for the RR1 Zone in the By-law. As such, no land use compatibility issues are anticipated. In fulfillment of the RR1 zoning provisions, the proposed amendment from A1 Zone to RR1 Zone would recognize the severed lot as a stand-alone residential use lot.

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 Local Planning Appeal 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 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 a 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. As of September 25, 2019, we have received the following comments:

Public Comments:

No comments were received.

Agency Comments:

On September 13, 2019, the Engineering and Corporate Assets Department advised they have no objections or comments to the proposed application.

On September 13, 2019, the Building Division advised that a change of use permit is required for the former agricultural buildings on the property to confirm their suitability as accessory structures to residential use. A condition of consent is already in place to ensure the frame shed that is to remain on the severed lot conforms to the Ontario Building Code.

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 E will ensure that the severed lot is dissociated from the farming operation and that the retained land will be preserved for agricultural use whilst implementing both 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 25, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C – Applicant Sketch

Appendix D – Official Plan Schedule, Land Use



Appendices A-D to
PLAN2019-053.pdf

Appendix E – Draft Zoning By-law Amendment



Appendix E to
PLAN2019-053.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-017