

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN 2020-038

Meeting Date: **September 2, 2020**

Public Meeting

Title: **Zoning By-law Amendment - 438 St. Mary's Road,
Manvers (Shea)**

Description: 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 an Agricultural Exception Zone to prohibit residential uses. The application will also change the zoning surrounding the dwelling from Agricultural (A1) Zone to the Rural Residential Type One (RR1) Zone to recognize the existing residential use on the property and prohibit agricultural uses. The rezoning is a condition of provisional consent.

Ward Number: **8 - Manvers**

Author and Title: **Kent Stainton, Planner II**

Recommendation(s):

That Report PLAN2020-038, respecting Part Lot 17, Concession 13, geographic Township of Manvers, and identified as 438 St. Mary's Road – Application D06-2020-013, be received;

That a Zoning By-law Amendment respecting application D06-2020-013, substantially in the form attached as Appendix "D" to Report PLAN2020-038, 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 detached dwelling. The owner sought to sever a 0.43 hectare (1.06 acres) parcel containing the single detached dwelling and retain approximately 39.57 hectares (97.8 acres) of agricultural land to be consolidated with a non-abutting farm parcel to the south identified as Part of lot 17, Concession 12, 374 St. Mary's Road owned by the Shea family. The dwelling is deemed surplus to the needs of the farm operation.

As a condition of the provisional consent decision (File No. D03-2019-032), the agricultural land to be retained is to be rezoned to prohibit residential uses. To acknowledge the existing residential use, the proposed severed lands are to be rezoned to a rural residential type one zone category, which prohibits agricultural uses.

Owner:	Randy Shea
Applicant:	Bob Clark, Clark Consulting Services
Legal Description:	Part Lot 17, Concession 13, geographic Township of Manvers
Official Plan:	Rural with a Watercourse and Significant Woodlands within the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	Severed – 0.43 hectares Retained – 39.57 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Woodlot, Watercourse (Pigeon Creek) South: Pigeon Creek Road, Agricultural, Rural Residential East: St. Mary's Road, Agricultural, Woodlot West: Agricultural, Rural Residential

Rationale:

Rural areas are important to the economic success and overall quality of life within a given area. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural lands and to rezone the proposed severed lot to a rural residential type one use that acknowledges the existing single detached dwelling, the applicant has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. An adjacent agricultural operation will farm the retained lands in conjunction a non-abutting agricultural parcel to the south. The single detached

dwelling is deemed surplus to the needs of the farm operation, as the residence is not required for use by a family member or an employee.

Provincial Policies:

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

Section 2.2.9(3) c. states that development outside of settlement areas may be permitted on rural lands provided: a) the uses are compatible with the rural landscape and surrounding local land uses; b) the uses will be sustained by rural service levels, and; c) the uses will not adversely affect the protection of agricultural uses and other resource-based uses.

The rezoning as a condition of consent to sever the single detached dwelling deemed surplus to the needs of the agricultural operation is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape. The residential use is existing and located on private well and septic systems. The location of the single detached dwelling will not adversely impact the adjacent agricultural land uses.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.5.2 of the Provincial Policy Statement provides that locally appropriate lot creation is permitted within rural areas. Section 2.3.4.1(c) pertaining to prime agricultural lands provides for the severance of a dwelling deemed surplus to the needs of a farm operation as a result of the consolidation of farm land, provided that the lot is limited in size to that needed to accommodate appropriate water and wastewater services, and that the retained agricultural lands be rezoned to prohibit future residential development.

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 severed is of sufficient area accommodate existing water and wastewater services. Minimum Distance Separation (MDS I) is not applied as the dwelling exists and there are no structures designed for or used as a livestock facility on the proposed retained lands.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated Rural, Environmental Protection for the Watercourse and Significant Woodlands in the City of Kawartha Lakes Official Plan (Official Plan).

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.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

Since there are no proposed structures on either the severed or retained lands and the application is administrative in nature, no impacts will be posed to the watercourse or the Significant Woodlands on the severed or retained lands. Kawartha Conservation reviewed the associated Consent application and had no concerns with the proposal.

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 in the Township of Manvers Zoning By-Law 87-06. The A1 zone category permits a single detached dwelling and agricultural uses amongst other permitted uses. Section 10.3 (a) of the A1 Zone provides that a lot created by consent must have a minimum lot frontage of 38 metres and a lot area between a minimum of 0.2 hectares and a maximum of 1 hectare, and the lot shall comply with the Rural Residential Type One (RR1) Zone requirements. The lot to be severed meets this requirement.

A Rural General Exception 42 (A1-S42) Zone is proposed to replace the A1 Zone on the proposed retained land. The A1-S42 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy. The lot to be retained exceeds the minimum lot area and lot frontage requirements for the A1 zone and conforms to the remaining provisions of the Rural General Zone category.

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 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment

- Priority 4 – Good Government

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 single detached dwelling on the land to be severed is serviced by a private sewage disposal system and a well. The agricultural land is un-serviced.

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, Engineering and Corporate Assets Department and Community Services 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 applicable 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 Exception 42 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. The Zoning By-law Amendment also ensures that the rural residential lot is zoned Rural Residential Type One (RR1) Zone to acknowledge the existing residential use on the property and prohibit future agricultural uses.

The effect of the rezoning will allow for separate ownership of the lands. The retained agricultural land will be consolidated with the aforementioned non-abutting farm operation, while the residential dwelling is considered surplus to the farm operation will be brought to conformity as a standalone use.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning Rural areas. The application also conforms to the Rural 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 19, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2020-038.pdf

Appendix 'B' – Sketch for Consent Application



Appendix B to
PLAN2020-038.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2020-038.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2020-038.pdf

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Department Head: Chris Marshall

Department File: D06-2020-013