



Planning Advisory Committee Report

Report Number:	PLAN2021-014
Meeting Date:	April 7, 2021
Title:	Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily
Description:	To amend By-law 1996-30, Township of Emily Zoning By-law, to decrease Minimum Distance Separation (MDS) setbacks for the subject lands.
Type of Report:	Statutory Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendation:

That Report PLAN2021-014, **Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily**, be received for information; and

That Report PLAN2021-014, **Zoning By-law Amendment for 67, 73, 79 & 85 Lakeview Crescent, Township of Emily**, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The lands known as 67, 73, 79 & 85 Lakeview Crescent in the former Township of Emily are owned by 2594441 Ontario Inc and currently zoned Rural Residential Three (RR3) Zone with Exception Zones. Exception Zone 9 applies to 85 Lakeside Crescent and Exception Zone 10 applies to 67, 73 and 79 Lakeside Crescent. The Exception Zones implement a Minimum Distance Separation (MDS) setback of 188.0 metres from the livestock facility located to the west across Pigeon Lake Road that is located at 2217 Pigeon Lake Road. MDS is a planning tool developed by the Province to mitigate potential land use conflicts between livestock facilities and residential land uses with regard to odour. Factors taken into account include intensity of the livestock operation and number of animals kept. The setback applies like that of yard setback within a Zoning By-law where the distance is taken from the livestock facility to the building line of the residential use. During the subdivision process of the subject lands and Lakeview Crescent, the livestock operation at 2217 Pigeon Lake Road warranted a MDS setback of 188.0m. The subject land is comprised of approximately 17.25 hectares and is currently undeveloped.

Owner:	2594441 Ontario Inc, Paul Charron
Applicant:	TD Consulting Inc, Tom deBoer
Legal Description:	Concession 13, Part of Lot 21
Official Plan:	Waterfront – City of Kawartha Lakes Official Plan
Zoning:	As per Schedule 'A' of the Township of Emily Zoning By-law 1996-30 (Zoning By-law):
	67 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	73 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	79 Lakeview Crescent – Rural Residential Type Three Exception Zone 10
	85 Lakeview Crescent – Rural Residential Type Three Exception Zone 9
Area:	Approximately 17.25 hectares
Site Servicing:	Private water and private septic
Existing Uses:	Undeveloped lands

Adjacent Uses: North: Residential
 East: Residential
 South: Residential
 West: Agricultural

Rationale:

Proposal:

The Exception Zones currently applied to the subject lands prescribe a 188.0m MDS setback from the agricultural building located on 2217 Pigeon Lake Road. Since that time, farming operations on site have changed and a decreased setback of 162.0m is being proposed to acknowledge this. In order to implement this setback, an amendment to the Zoning By-law is required. In support of this amendment application, the following materials were submitted:

- 1) Zoning By-law Amendment Application dated December 20, 2020
- 2) Minimum Distance Separation (MDS) Calculation and Analysis dated December 21, 2020. This document provided an analysis of the MDS and rationale for the proposed decrease in setback from 188.0m to 162.0m. Staff accepts the analysis described in the report.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Zoning By-law amendment pertaining to lands along Lakeview Crescent demonstrate conformity with the PPS in the following manner:

The intent of this amendment is to allow for an update to the MDS setbacks currently applied through Exception Zones due to changes in the farming operation at 2217 Pigeon Lake Road. As per PLAN2012-22, the report outlining the Lakeview Crescent subdivision, MDS calculations considered the farming operations at the time which warranted that, "the rear face of a single detached dwelling including enclosed or unenclosed decks, porches, and verandahs attached thereto, and above-ground or in-

ground pools...shall not be located within a minimum arc distance of 188.0 metres from an agricultural building housing livestock located at 2217 Pigeon Lake Road." Since the writing of that report and approval of above zone requirements, farming operations at 2217 Pigeon Lake Road have changed. The Minimum Distance Separation Report submitted in submission of the amendment application states that existing livestock barns have since been repurposed and the primary use of the buildings are for the sales and service of small engines with one barn still fit to house livestock. Staff feels that the intent of the MDS setbacks is maintained and that provisions within the PPS, such as Section 1.1.5.8 that speaks to Rural Lands and land use compatibility, are satisfied.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

The location of the proposed amendment is within a Rural Area and subject to applicable policies within the Growth Plan, including 2.2.9.3, which contains the conditions that a development outside of settlement areas must meet. Given that the proposed amendment is text-based and is not a change in land use, like residential to commercial, a high level alignment with the Growth Plan can be applied. The proposed reduction in setbacks was determined using MDS formulae from the Province and the Zoning By-law amendment would formalize this requirement. Implementation of Provincially-developed measures would demonstrate compatibility with the rural landscape, surrounding land uses and mitigate potential affects to nearby agricultural uses.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides policies and direction on the growth and development of the municipality. While echoing and supporting the policies within Provincial Plans, the Official Plan provides Kawartha Lakes-specific policy direction.

Lakeview Crescent lands are designated Waterfront under the Official Plan. The intent of this designation is to facilitate limited seasonal and permanent residential uses adjacent to the City's lakes and rivers. The lots will remain as low density residential and supported by the Waterfront designation.

Within the subject lands is a watercourse. During the subdivision process of Lakeview Crescent, studies and materials in support of the application provided mitigation methods for potential impacts on natural heritage features. The proposed amendments will not facilitate a change or increase in land use thus meeting policies prescribed by Section 3.3 Water Resources of the Official Plan.

Zoning By-laws:

The subject lands are zoned Rural Residential Three (RR3) Zone under the Township of Emily Zoning By-law, 1996-30. 85 Lakeview Crescent is applied Exception Zone Nine and Exception Zone Ten is applied to 67, 73 & 79 Lakeview. Both Exception Zones prescribe a 188.0m setback from the livestock buildings on 2217 Pigeon Lake Road. The application proposes to reduce this setback to 162.0m considering a change in farming operations at 2217 Pigeon Lake Road. Staff feels that the proposed amendments meet the Zoning By-law's intent to minimize conflicts between land uses by way of setbacks. With regards to land use specifically, the residential uses will remain and are permitted within the RR3 Zone thus inherently conform with the Zoning By-law.

The proposed amendment will not create any situations of legal non-compliance.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendment permits the development of rural housing options that are sensitive to nearby agricultural operations. Through implementation of MDS setbacks, these two uses can coexist with potential concerns regarding odour being mitigated.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 500m of the subject lands. In alignment with Public Notice procedure, signage detailing the amendment was also placed on the site.

Public Comments:

At the time of report writing, no public comments have been received.

Agency Review Comments:

Building and Septic Division (March 10, 2021): No concerns with the proposed amendment.

Engineering Department (March 17, 2021): No concerns with the proposed amendment.

Staff are awaiting comments from the Kawartha Region Conservation Authority and Curve Lake First Nation.

Development Services – Planning Division Comments:

The proposed rezoning would permit the decrease of MDS setbacks from the livestock facility at 2217 Pigeon Lake Road. Given the change in farming operations since the implementation of the 188.0 m setback and the MDS report submitted in support of this application, staff feels that there is merit to the decrease of 162.0m. That being said, clarification regarding the uses of the other structures on the site is required as current capacity may influence the MDS calculations. Once comments from agencies are received and evaluated, and clarification on other structures is received, a recommendation will be made.

Conclusion:

Staff recommends that this report for the amendment to the Township of Emily Zoning By-law 1996-30 respecting lands along Lakeview Crescent be referred back to staff for further review and consideration until comments from the public meeting and agencies have been reviewed.

Attachments:

Appendix 'A' – Location Plan



Appendix A.pdf

Appendix 'B' – PLAN2012-022



Appendix B.pdf

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy

Department File: D06-2021-004