



Planning Advisory Committee Report

Report Number: PLAN2022-016
Meeting Date: March 9, 2022
Title: Amend the Emily By-law 1996-30 at 67 Valley Road – R.H.S. Farms Inc.
Description: D06-2022-001
Type of Report: Public Meeting
Author and Title: Kent Stainton, Planner II

Recommendations:

That Report PLAN2022-016, **Amend the Emily By-law 1996-30 at 67 Valley Road – R.H.S Farms Inc.**, be received;

That a Zoning By-law, respecting application D06-2022-001, substantially in the form attached as Appendix 'D' to Report PLAN 2022-016 be approved for adoption 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 Director of Development Services, as delegated by Council, approved consent application D03-2020-003 on September 14, 2021. The application proposes to sever a farmhouse on approximately 0.94 hectares of land deemed surplus to the needs of the farming operation, resulting in the consolidation of approximately 122.63 hectares of retained agricultural land with a non-abutting agricultural lot.

As a condition of provisional consent, the retained agricultural land is to be rezoned to prohibit residential use. To clarify how the severed lot containing the dwelling is to be used, the lot is also being rezoned to the rural residential zone category.

Owner:	Ryan Svendsen – R.H.S. Farms Inc.
Applicant:	Doug Carroll – DC Planning Services
Legal Description:	Part of Lots 13 and 14, Concession 6, geographic Township of Emily
Official Plan:	Prime Agricultural and Environmental Protection with Significant Woodlands within the City of Kawartha Lakes Official Plan (2012)
Zone:	Agricultural (A1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	Total – Approximately 123.3 hectares (304.7 acres) Severed – 0.94 hectares (2.32 acres) Retained – 122.63 hectares (303 acres)
Site Servicing:	Severed – Private individual well and septic system Retained – Un-serviced

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 another non-abutting agricultural parcel. The single detached dwelling on the subject land is surplus to the needs of the farming operation.

Provincial Policies:

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

Section emphasizes the principle of Ontario's Agricultural System by supporting the viability and long-term protection of the agricultural land base along with inter-connected businesses, services, and infrastructure.

Section 4.2.6 lays out the framework for the long-term protection of prime agricultural areas identified within official plans for agricultural uses.

The lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The rezoning as a condition of consent to prohibit the future residential use on the retained 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, 2020 (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.

Residential lot creation within a prime agricultural area may only be permitted for a residence surplus to a farming operation as part of a farm consolidation provided further residential use is not permitted on the retained agricultural land. 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.

City of Kawartha Lakes Official Plan (Official Plan):

The majority of the subject land is designated Prime Agricultural in the Official Plan. A smaller portion of the property is designated Environmental Protection, which appears to correspond with a watercourse or headwater drainage feature near the middle-

section of the property. No development is proposed near the Environmental Protection designation.

Section 15.1 of the Official Plan, which contains the Prime Agricultural designation policies, provides that agricultural land which is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. Some of the objectives of the Prime Agricultural designation are to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

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 to protect the long-term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit residential uses.

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

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

Zoning By-law Review:

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30. The lot to be retained exceeds the minimum lot frontage (183 metres) and area (38 hectare) requirements of the A1 Zone by proposing approximately 1,072.03 metres and 122.36 hectares, respectively. The Agricultural Exception Thirty-Eight (A1-38) Zone is proposed to replace the A1 Zone on the retained land. The A1-38 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

Section 7.2.1.7 specifies that lots not exceeding 1 hectare created via consent 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, the application also proposes to change the zoning on the lot to be created from A1 to Rural Residential Type One (RR1) Zone. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

Other Alternatives Considered:

No other alternatives were considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
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.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

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 private 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 Director of Development Services, Building and Septic Division – Plans Examiner, Building and Septic Division – Part 8 Sewage Systems Supervisor, Economic Development Division, 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 using the A1-38 Zone. All other A1 Zone provisions will be maintained as a result of this amendment.

The Zoning By-law Amendment also ensures that the lot containing the surplus farmhouse is zoned RR1 to avoid any future confusion as to how the parcel is to be used. The rectangular lot configuration can accommodate the single detached dwelling, associated services and any future built form in the form of accessory buildings and/or an addition to the dwelling.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 21, 2022. Staff respectfully recommends that the application be referred to Council for approval.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2022-016.pdf

Appendix B – Sketch



Appendix B to
PLAN2022-016.pdf

Appendix C – Aerial Photograph



Appendix C to
PLAN2022-016.pdf

Appendix D – Draft Zoning By-law Amendment



Appendix D to
PLAN2022-016.pdf

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Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-001