



Planning Advisory Committee Report

Report Number: PLAN2022-017
Meeting Date: March 9, 2022
Title: Amend the Manvers Zoning By-law 87-06 at 288 Bethany Hills Road – Youngfield Farms Ltd.
Description: D06-2022-002
Type of Report: Public Meeting
Author and Title: David Harding, RPP, MCIP

Recommendations:

That Report PLAN2022-017, **Amend the Manvers Zoning By-law 87-06 at 288 Bethany Hills Road – Youngfield Farms Ltd.**, be received;

That a Zoning By-law, respecting application D06-2022-002, substantially in the form attached as Appendix 'D' to Report PLAN 2022-017 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 Acting-Director of Development Services, as delegated by Council, approved consent application D03-2020-023 on October 29, 2021. The application proposes to sever a farmhouse on approximately 3.83 hectares of land deemed surplus to the needs of the farming operation because of the consolidation of farmland and consolidate approximately 55.67 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, recognize existing building placement, and recognize the lot configuration. To clarify how the severed lot containing the dwelling is to be used and recognize the lot configuration, said lot is also being rezoned to a rural residential zone category and the existing open space zone is being adjusted.

Owner:	Youngfield Farms Ltd.
Applicant:	Kristen Soutar – Youngfield Farms Ltd.
Legal Description:	Part of Lot 15, Concession 10, geographic Township of Manvers
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zones:	Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	Total – Approximately 59.5 hectares (147.02 acres) Severed – 3.83 hectares (9.46 acres) Retained – 55.67 hectares (137.56 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 conditions of provisional consent that require the prohibition of residential uses on the proposed retained agricultural land, the owner 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 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 4.1 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)

Section 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. Two smaller portions of the property are designated Environmental Protection. These portions are located at the north and south ends. The north end of the property

contains ponds, wetlands, and a watercourse. The south end of the property contains a wetland. The Environmental Protection designation identifies lands that are unsuitable for development due to natural hazards and/or unique natural characteristics.

The Environmental Protection designation permits a lot to be created that is partially within that designation provided there is sufficient space outside of it for the proposed use. The severed and retained lands both have sufficient land outside of the Environmental Protection designation for their proposed respective residential and agricultural uses.

Both parcels are accessed via the same driveway entrance off of Bethany Hills Road. The driveway travels through the Environmental Protection designation. No new development is proposed within the Environmental Protection designation. No new access to either the severed or retained lands are proposed through either Environmental Protection designation feature.

Section 15.1 of the Official Plan contains the Prime Agricultural designation policies. It identifies that prime agricultural lands, which are comprised primarily of Class 1-3 soils, 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. Section 15.3.4 outlines that the residential lot is not exceed 1 hectare. Topographical and natural feature constraints in conjunction with the Kawartha Region Conservation Authority's request to keep the natural feature (wetland and watercourse) on one parcel to prevent feature fragmentation requires the total lot area to exceed 1 hectare. However, less than 1 hectare of land within the Rural General (A1) Zone is being removed from agricultural production as a result of the creating the residential lot. Therefore, the intent of the 1 hectare policy is met.

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 Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-Law 87-06. The land is currently a through-lot, having frontage on Bethany Hills Road and Lifford Road. The proposed severed lot will occupy all of the Bethany Hills Road frontage, leaving the retained lands with frontage on Lifford Road. Therefore, the proposed retained lot will only have frontage on Lifford Road.

The lot to be retained does not meet the A1 Zone's minimum lot frontage requirement of 183 metres, as there is only 133 metres of frontage on Lifford Road. The proposed retained lot proposes an area of 55.67 hectares, exceeding the A1 Zone's minimum 38 hectare requirement.

The Rural General Special Forty-Three (A1-S43) Zone is proposed to replace the A1 Zone on the retained land. The A1-S43 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy, identify the reduced setbacks to the shed, and recognize the reduced frontage on Lifford Road. A small portion of O1 Zone to the east of the proposed residential zone is proposed to be rezoned to A1-S43 to standardize applicable zoning in the area after the residential lot is created.

Portions of the proposed severed lot are within the O1 Zone. The O1 Zone permits agricultural uses without buildings or structures. The intent of the consent application is to sever off a farmhouse that is not needed to sustain agricultural operations. Provincial and municipal policy identifies that the lot containing the surplus dwelling is to be reserved for residential use. Therefore, the O1 Zone must be adjusted to an exception zone that removes the potential to establish agricultural uses on the new residential lot. An Open Space Special Eight (O1-S8) Zone is proposed for this purpose.

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. However, the severed lot exceeds the 1-hectare requirement, and the residential lands are separated from the front lot line by the O1-S8 Zone. A Rural Residential Type One Special Twenty-Four (RR1-S24) Zone is proposed to recognize the residential use on the proposed severed and clarify the applicable development standards for the lot with split zoning.

Other Alternatives Considered:

No other alternatives have been 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 unserviced. 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 Director of Development Services, Building and Septic Division – Chief Building Official, Building and Septic Division – Part 8 Sewage Systems Supervisor, Economic Development Division – Agricultural Development Officer, 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 on the proposed retained lot is preserved for agricultural use by introducing the Rural General Special Forty-Three (A1-S43) Zone, which will prohibit residential use. The A1-S43 zone will also recognize the reduced setback of an existing small frame shed to the proposed lot lines, and recognize the reduced lot frontage on Lifford Road. The metal clad garage and barn are being removed as they could not comply with the Ontario Building Code and Minimum Distance Separation Formulae respectively. All other A1 Zone provisions will be maintained as a result of the zone change. On the proposed retained lands, there are two small segments of Open Space (O1) Zone between the A1 Zone and the residential zone category on the proposed severed lands. The two small O1 segments are proposed to be rezoned to A1-S43 as well. The rezoning of these two segments is appropriate as it will:

- (1) standardize the number and location of zone categories on the subject property,
- (2) create consistency when applying the yard requirements, and
- (3) recognize that the two O1 Zone fragments do not serve a functional purpose since a residential zone category is proposed between the fragments and the natural feature of interest.

Lands zoned O1 that remain within the proposed retained lands are not affected by this application.

The proposed severed lands will contain two zone categories. The Zoning By-law Amendment also proposes to change the zoning on the portion of the proposed severed containing the surplus farmhouse and its surrounding lands from O1 and A1 to Rural Residential Type One Special Twenty-Four (RR1-S24) Zone. The residential zone change will identify the existing residential use, avoid any future confusion as to how the parcel is to be used, and identify the zone standards that apply to the unique lot configuration. To this end, a provision is proposed to be added to Section 20.16, being the portion of the General Provisions regulating the application of the by-law when a lot contains multiple zones, to clarify the development standards for the proposed severed lot since it will have two zones. The lands with the residential zoning are sufficiently sized to support a residential use on private services. The balance of the severed lands is to be rezoned from A1 and O1 to Open Space Special Eight (O1-S8) Zone. The O1

Zone permits agricultural uses without buildings and structures. The O1-S8 Zone ensures agricultural use is not permitted, as a residential lot is proposed. Further, the portion of A1 Zone to be added to the O1-S8 Zone category reflects the updated natural feature mapping that informed the shape of the proposed severed lot.

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
PLAN2022-017

Appendix B – Aerial Photograph



Appendix B to
PLAN2022-017

Appendix C – Sketch



Appendix C to
PLAN2022-017

Appendix D – Draft Zoning By-law Amendment



Appendix D to
PLAN2022-017

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Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-002