



Council Report

Report Number:	PLAN2022-027
Meeting Date:	May 17, 2022
Title:	Removal of Holding Provision, Deborah and Fraser Wilson
Description:	An application to amend the Township of Manvers Zoning By-law to remove the Holding symbol from the Rural General Exception Thirty-Seven Holding [A1-S37(H)] Zone to permit on-farm diversified and agri-tourism uses at 804 Highway 7A, geographic Township of Manvers
Type of Report:	Public Meeting
Author and Title:	Sherry L. Rea, Development Planner Supervisor, MCIP, RPP.

Recommendations:

That Report PLAN2022-027, **Part Lot 13, Concession 7, geographic Township of Manvers, City of Kawartha Lakes, identified as 804 Highway 7A, Manvers, Deborah and Fraser Wilson - D06-2022-009**, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix C to Report PLAN2022-027, be referred to Council for approval and adoption; and;

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	This application proposes to remove the Holding (H) symbol from the Rural General Exception Thirty-Seven Holding [A1-S37(H)] Zone. The effect of the amendment is to permit on-farm diversified and agri-tourism uses at 804 Highway 7A, Manvers.
Owner:	Deborah and Fraser Wilson
Applicant:	Phil Aldrich of LLF Lawyers LLP
Legal Description:	Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes
Official Plan:	'Prime Agricultural and Environmental Protection' on Schedule 'A-1' of the City of Kawartha Lakes Official Plan
Zone:	Rural General Exception Thirty-Seven Holding [A1-S37(H)] Zone on Schedule A of the Township of Manvers Zoning By-law No. 87-06
Total Area:	39 ha.
Site Servicing:	Existing individual wells and private sewage disposal systems
Existing Use:	Existing farm with field crop operations together with a barn hosting wedding and corporate events and a single detached dwelling which includes a bed and breakfast use
Adjacent Uses:	North, South, East and West – Large agricultural parcels with a number of residential properties fronting Highway 7A

Rationale:

The subject property is located on the south side of Highway 7A just west of Bethany and is developed with a single detached dwelling which includes a bed and breakfast use with 34 parking spaces, a barn which includes 90 parking spaces to accommodate activities in the barn and several small un-serviced cabins. The balance of land is cropped with soybeans and forested on the south side of the farm. Farming activities also include an apiary, an apple orchard with meadow and a goat shed. The former owner operated Iron Horse Ranch which in addition to being an operating farm, included a bed and breakfast facility and events that occurred in the barn on a seasonal basis with the storing of straw, hay and farm implements during the fall, winter and spring seasons. See Appendix A and B attached.

The former owner filed official plan and zoning by-law amendments to permit the on-farm diversified and agri-tourism uses. On July 18, 2018, Council passed By-law 2018-118, being OPA No. 30 and By-law 2018-119 to zone the property Rural General Exception Thirty-Seven (A1-S37) to permit on-farm diversified uses and agri-tourism uses in addition to the permitted uses in the Rural General (A1) Zone. Council's decision was appealed to the Ontario Municipal Board (OMB) with the Local Planning Appeal Tribunal (LPAT) confirming Council's decision. The Holding (H) symbol was placed in Zoning By-law 2018-119 to ensure that the following criteria was met:

- The Owner shall enter into a Site Plan Agreement with the City.
- The Owner shall upgrade the existing entrance to the satisfaction of the Ministry of Transportation.

The property has been sold to the current owners, Deborah and Fraser Wilson and through their solicitor have advised that these requirements have been addressed. The Site Plan Agreement between Deborah and Fraser Wilson and the City of Kawartha Lakes was registered on December 8, 2021 as receipted document KL186310 and the City is in receipt of correspondence from the Ministry of Transportation confirming that the entrance has been constructed to a commercial entrance standard. It is now appropriate for Council to consider removal of the Holding (H) provision.

Applicable Provincial Policies:

The application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (2020 Growth Plan) and is consistent with the Provincial Policy Statement, 2020 (PPS).

Official Plan Conformity:

The land is designated 'Prime Agricultural and Environmental Protection' on Schedule A-1 of the City of Kawartha Lakes Official Plan and was the subject of OPA No. 30 which applied a Special Provision that permits the on-farm diversified and agri-tourism uses. The proposed development conforms to the applicable policies of the designation.

Zoning By-Law Compliance:

The property being considered by this application is zoned 'Rural General Exception Thirty-Seven Holding [A1-S37(H)]' Zone, which will permit the on-farm diversified and agri-tourism uses.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted 2020-2023 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 aligns with A Vibrant and Growing Economy Strategy as it provides for on-farm diversified and agri-tourism uses that support the innovation and diversification of local agriculture to increase farm revenues.

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 Ontario Land Tribunal (OLT).

Servicing Comments:

The property is serviced by existing individual wells and private sewage disposal systems.

Consultations:

Notice of this application was given in accordance with the Planning Act and at the time of writing this report, no comments were received.

Review of Accessibility Implications of Any Development or Policy:

Any accessibility implications for the City will be reviewed by the Building Division prior to the issuance of building permits for the property.

Development Services – Planning Division Comments:

Staff support this application based on the information contained in this report and as such, respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Sherry L. Rea, Development Planning Supervisor 705.324.9411 x1331.

Appendix A – Location Map



Appendix A –
Location Map.pdf

Appendix B – Site Plan



Appendix B – Site
Plan.pdf

Appendix C – Draft Zoning By-law



Appendix C – Draft
Zoning By-law.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-009