



Planning Advisory Committee Report

Report Number: PLAN2022-042
Meeting Date: July 6, 2022
Title: Amend the Township of Fenelon Zoning By-law 12-95 at 1491 Glenarm Road – Victor Webster Farms Ltd.
Description: Rezoning to facilitate the severance of two rural residential lots from the retained agricultural land - D06-2022-017
Type of Report: Public Meeting
Author and Title: Sherry L. Rea RPP, MCIP

Recommendations:

That Report PLAN2022-042, **Amend the Township of Fenelon Zoning By-law 12-95 at 1491 Glenarm Road – Victor Webster Farms Ltd.**, be received;

That a Zoning By-law, respecting application D06-2022-017, substantially in the form attached as Appendix 'C' to Report PLAN 2022-042 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 applications D03-2020-001 and D03-2020-002 on October 12, 2021 and September 28, 2021 respectively. The consent applications propose to sever two rural residential lots in the hamlet of Glenarm. Specifically, consent application D03-2021-001 proposes a severed lot of approximately 5,500 sq.m. with frontage on Fenel Road and retaining approximately 40.16 ha. of agricultural land and consent application D03-2021-002 proposes a severed lot of approximately 16,700 sq.m. with frontage on Glenarm Road and retaining approximately 39.3 ha. of agricultural land. See Appendix 'A' and 'B'.

As a condition of provisional consent in both applications, the proposed rural residential lots are to be rezoned to reflect the proposed residential use and larger lot areas. In addition, the proposed lot in consent application D03-2020-002 requires a rezoning to permit a lesser minimum lot frontage of 15 metres, being the amount of frontage within the Hamlet Settlement boundary.

Owner:	Victor Webster Farms Ltd.
Applicant:	Alan Webster
Legal Description:	Part of Lot 21, Concession 1, geographic Township of Fenelon
Official Plan:	Hamlet Settlement and Prime Agricultural within the City of Kawartha Lakes Official Plan (2012)
Zones:	Agricultural (A1) Zone in the Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	Severed lot on Fenel Road – .55 ha. (1.4 ac.) Severed on Glenarm Road – 1.67 ha (4.1 ac.) Retained – 39.3 ha. (97 ac.)
Site Servicing:	Severed lots – Proposed private individual wells and septic systems Retained – Existing private well and septic system

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 severed lots to reflect the proposed residential use, the owner submitted an application

to amend the Zoning By-law that will, if granted, fulfill the conditions of provisional consent. The request also addresses the lot frontage deficiency with respect to the proposed lot fronting Glenarm Road. The proposed lot on Glenarm Road is limited to a 15 m. frontage to conform to the Hamlet Settlement boundary of the City's Official Plan.

Provincial Policies:

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

Policy 2.2.1.2(b) of the Growth Plan permits the limited growth of rural settlement areas and 2.2.1.4 encourages more compact built form. Policy 2.2.9 of the Growth Plan protects for the economic opportunities of rural settlement areas. The consent applications propose to round out the northeastern side of the Glenarm hamlet. Both lots are proposed to infill within the Hamlet Settlement boundary of the City's Official Plan.

Policy 4.1 of the Growth Plan 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. While Policy 4.2.6 lays out the framework for the long-term protection of prime agricultural areas identified within official plans for agricultural uses.

The proposed lots are identified as Hamlet Settlement within the City's Official Plan. The Hamlet Settlement designation identifies long-standing small rural communities and recognizes uses that are and will continue to be small-scale, reflecting the level of available services and the needs of the surrounding rural area. The retained lands are identified as Prime Agricultural within the City's Official Plan. With the rezoning as a condition of provisional consent to reflect the proposed residential use for the two lots being created and the retained agricultural land remaining in an Agricultural zone, the proposal is consistent with the intent of these policies to allow for limited growth in rural settlement areas and to protect agricultural lands.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS)

Policy 1.1.1 of the PPS encourages efficient land use patterns. Policy 1.1.3 recognizes the need to protect and promote the long term vibrancy and vitality of settlement areas through objectives such as intensification. Policy 1.1.4 further expands on this by identifying that Rural Areas, including rural settlement areas, are important to the

economic success of the province and their long term success be supported by approaches such as building upon existing rural character. Such development must be compatible with the rural landscape and sustained by rural service levels. This application proposes two additional dwellings which may access rural businesses, and the proposed lots can be sustained by a well and sewage system. Policies 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.

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. No development is proposed within the Prime Agricultural designation. The proposed lots are located in the Hamlet Settlement designation. The proposed lot with frontage on Glenarm Road will be reduced to ensure conformity with the Official Plan and is part of the request for rezoning.

As previously stated, the Hamlet Settlement designation identifies long-standing small rural communities and recognizes uses are and will continue to be small-scale, reflecting the level of available services and the needs of the surrounding rural area. Within these communities, low density residential uses are anticipated to be the primary form of future residential development.

The Hamlet Settlement designation permits the creation of lots provided they front onto a municipal road in accordance with Policies 19.3.5 of the Official Plan. Policy 33.3 of the Official Plan requires the proposed parcel be sufficiently sized, and Policy 19.3.13 within the Hamlet Settlement designation stipulates that 4,000 square metres is the minimum lot size permitted to ensure the adequate provision of individual services. The Building Division - Part 8 Sewage Systems has commented that the proposed severed parcels are sufficiently sized to accommodate a system and the lot creation will not impact the viability of the farmhouse sewage system on the proposed retained parcel.

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.

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 Fenelon Zoning By-Law 12-95. The proposed lots are being rezoned Hamlet Residential (HR) to reflect the proposed residential use. The HR Zone has a minimum lot area of 2,000 sq.m. The proposed lots will be zoned Hamlet Residential Exception Six (HR-6) and Hamlet Residential Exception Seven (HR-7) to recognize the increased lot areas of proposed both lots at .55 ha. and 1.67 ha. The HR-7 Zone will also address a reduction in the minimum lot frontage from 30 m. to 15 m. to conform with Official Plan policy in that the proposed lot remains within the Hamlet Settlement boundary. The eastern boundaries of the HR-6 and HR-7 Zones represent the eastern limit of the Hamlet Settlement boundary in the Official Plan.

The retained agricultural parcel will lose its frontage along Fenel Road and become a corner lot on Elm Tree Road and Glenarm Road. By definition in the Zoning By-law, Elm Tree Road will become the front of the lot, being the shortest distance on a publically maintained road. The retained parcel exceeds the minimum lot area and frontage requirements of the A1 Zone of 25 ha. and 230 m. by proposing approximately 39.3 ha. and 302 m. of respectively.

Other Alternatives Considered:

No other alternatives have been considered at this time.

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 the exceptional quality of life and a vibrant and growing economy strategic priorities as it provides opportunity to create two additional

rural residential lots having access to local business opportunities in the hamlet of Glenarm.

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 single detached dwelling on the land to be retained is serviced by a private sewage disposal system and well. The Building Division - Part 8 Sewage Systems has commented that the proposed severed parcels are sufficiently sized to accommodate a system and the lot creation will not impact the viability of the farmhouse sewage system on the proposed retained parcel.

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. Economic Development – Agriculture, Enbridge and Engineering and Corporate Assets Department raised no concerns as a result of the circulation. Staff received one enquiry from Ms. Tish Black and provided the enquirer with clarification of the application for rezoning. No additional 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 City of Kawartha Lakes Official Plan.

The subject property is currently zoned Agricultural (A1) Zone, which permits a variety of rural land uses, including agricultural activities.

The proposed Zoning By-law Amendment contained in Appendix 'C' will ensure the lots to be severed reflect the proposed residential use, regulate the size of the proposed lots and address the deficiency in the minimum lot frontage on the Glenarm Road proposed lot.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS. 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 June 22, 2022. Staff respectfully recommends the draft zoning by-law be referred to Council for approval.

Attachments:

Appendix A – Location Map



PLAN2022-042
Appendix A Location M

Appendix B – Surveyors Sketch



PLAN2022-042
Appendix B Surveyors

Appendix C – Draft Zoning By-law Amendment



PLAN2022-042
Appendix C Draft Zoni

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Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-017