



Planning Advisory Committee Report

Report Number: PLAN2022-044

Meeting Date: July 6, 2022

Title: Amend the Township of Manvers Zoning By-law 87-06 at 397 Fleetwood Road - Carchidi

Description: To rezone a portion of the property from the Open Space (O1) Zone to an appropriate exception zone to permit a proposed hay and equipment storage building (shed) that will not contain livestock as well as recognize the existing dwelling and surrounding area that does not presently permit buildings or structures

Type of Report: Public Meeting

Author and Title: Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2022-044, **Part Lot 7, Concession 12, Part 1, RP 9R1404, geographic Township of Manvers, City of Kawartha Lakes, identified as 397 Fleetwood Road, "Carchidi – D06-2022-016"**, be received; and;

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

| | | | |
|--------------------|--|---|--|
| Proposal: | To rezone a portion of the property from the Open Space (O1) Zone to an appropriate exception zone to permit a proposed hay and equipment storage building (shed) that will not contain livestock as well as recognize the existing dwelling and surrounding area that does not presently permit buildings or structures. The effect of the amendment will facilitate the construction of an agricultural storage building to support a livestock operation on the subject land and recognize the area where the proposed agricultural storage building is to be located and the existing dwelling, which is on a portion of the subject land not currently zoned to permit buildings or structures. | | |
| Owner/Applicant: | Nick Carchidi | | |
| Legal Description: | Part Lot 7, Concession 12, Part 1, RP 9R1404, geographic Township of Manvers | | |
| Official Plan: | Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan | | |
| Zoning: | Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, as amended | | |
| Site Size: | 37.78 hectares (93.36 acres – MPAC) | | |
| Site Servicing | Private individual well and septic system | | |
| Existing Uses: | Rural residential and agricultural | | |
| Adjacent Uses: | North: | Agricultural | |
| | East: | Rural Residential/Woodland | |
| | South: | Fleetwood Road/Rural Residential/Woodland | |
| | West: | Rural Residential/Agricultural | |

Rationale:

The owner has applied to permit a new agricultural use, being a building for hay storage on an open space zoned portion of the subject land, which is located southeast of the Hamlet of Janetville on the north side of Fleetwood Road between Janetville Road and Highway 35. The subject property is located within a rural and agricultural area and is considered an agricultural lot that is part of a beef cow/calf operation, which contains a barn and a single detached dwelling. A portion of the remaining property contains a woodland and wetland area. The hay storage building is proposed in close proximity in an area to the northwest of the existing dwelling (see Appendix 'C').

A Zoning By-law Amendment application has been submitted to change the zone category on a portion of the property in order to permit a proposed hay and equipment storage building (shed) with a floor area of approximately 492 sq. m. that will not contain livestock as well as recognize the existing dwelling and surrounding area that does not presently permit buildings or structures. It appears this dwelling was legally constructed in 1984 in accordance with the Township of Manvers 1972 Zoning By-law. However, in 1987 when the current Township of Manvers Zoning By-law was enacted, it applied the O1 Zone to the land around the dwelling. Consequently, the existing dwelling is considered legal non-conforming.

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Application for Zoning By-law Amendment
2. Planning Letter submitted with the application (undated) prepared by Nick Carchidi, outlines the purpose of and reasons for the proposed zoning by-law amendment. As the proposed agricultural hay and equipment storage shed will not house livestock, no nuisance or MDS compatibility issues are anticipated.
3. Site Plan (SP1) dated March 17, 2020 prepared for Nick Carchidi illustrates the location of the proposed storage shed and nearby dwelling, existing barn and servicing and access. It also illustrates the extent of the A1 and O1 zones.
4. Enlarged Site Plan (SP2) dated March 17, 2020 prepared for Nick Carchidi illustrates the size and location of the proposed storage shed and nearby dwelling, servicing and access and the approximate extent of the subject land affected by the proposed rezoning.
5. Response from the Ministry of the Environment Conservation and Parks (MECP) Species at Risk (SAR) Branch dated February 13, 2020 confirmed that the application will likely not contravene the Endangered Species Act (ESA) as the

proposed building will be built on an existing gravel parking area and no habitat (trees/fields) will be removed and the habitat immediately adjacent to the proposed building location is unsuitable for the SAR birds that are listed nearby.

Staff has reviewed the Planning Letter and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all applicable City departments and commenting agencies have not been received.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. As the Provincial mapping does not apply until implemented in the Official Plan, the prime agricultural areas that are identified in the City's Official Plan are considered the agricultural land base for the purposes of the Growth Plan, which lands are protected for long term use for agriculture.

This application has been evaluated to demonstrate conformity with the Growth Plan taking into consideration that the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses.

Section 4.2.4 provides policies for development within 120 metres of a key natural heritage feature or a key hydrologic feature. Section 4.2.4 b) does not require new buildings for agricultural or agricultural-related uses to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation buffer is provided. It appears that the proposed development is not within 120 metres of these subject features.

In consideration of the above, it appears that the application conforms with the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Section 2.1 of the PPS provides for natural heritage protection of natural features and areas for the long term and Section 2.1.7 does not permit development or site alteration in habitat of endangered and threatened species except in accordance with provincial and federal requirements.

Section 2.3.1 of the PPS protects agriculture for long-term use. Section 2.3.3.1 specifies that permitted uses in prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses. Section 2.3.3.2 states that all types, sizes

and intensities of agricultural uses and normal farm practices shall be promoted and protected. Section 2.3.3.3 specifies that new land uses in prime agricultural areas shall comply with the minimum distance separation formulae.

On farm buildings and structures that are used for agricultural purposes and that are integral to the farm operation are agricultural uses. The applicant has advised that the proposed agricultural hay storage and equipment building will not house any livestock and therefore MDS calculations were not submitted or required, as no potential impacts are anticipated. The MECP has also provided confirmation regarding Species at Risk indicating that the proposed use will not contravene the Endangered Species Act.

In consideration of the above, it would appear that the application is consistent with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). The southeastern portion of the property designated Environmental Protection applies to the Provincially Significant Wetland and also follows a watercourse. The key natural heritage features are Provincially Significant Wetlands and Significant Woodlands. The proposed use is within the Prime Agricultural designation, which permits agricultural uses and a dwelling and not within 120 metres of significant woodland or wetlands. Portions of the subject property are located within an area regulated by Kawartha Conservation. Kawartha Conservation previously advised through the preconsultation process that the location of the proposed development appears to be outside of natural heritage features and hazards but within their regulated area, which would require a permit for development.

Sections 15.1 and 15.2 state the goals and objectives of the Prime Agricultural Designation. The goals promote growth and development of agricultural resources and protect prime agricultural land from non-farm related uses. The objectives strengthen the viability of the agricultural industry sector, and support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

Based on the above, it appears that the application generally conforms with the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-Law 87-06, as amended. The A1 Zone permits agricultural uses and a single detached dwelling, among other uses. Both the proposed storage building and the existing dwelling are located within the O1 Zone, which typically permits only golf courses, parks, erosion and flood control structures and agricultural uses exclusive of buildings or structures. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the O1 Zone to permit the proposed storage building and recognize the existing dwelling. Staff are reviewing whether any other amendments to zoning provisions are required to facilitate the construction of the proposed agricultural hay storage building and to recognize the existing single detached dwelling in an appropriate exception zone. The site specific amendment will also not permit livestock or manure storage in the proposed storage building and recognize non-applicable zoning provisions relating to setbacks on a lot having two or more zone categories.

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 the Vibrant and Growing Economy and Exceptional Quality of Life priorities as it provides opportunities and support for the agricultural farming operation and rural way of life.

Financial/Operation Impacts:

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

Servicing Comments:

The land is serviced by a private sewage disposal system and well. The proposed agricultural storage building will adhere to the requirements of the Ontario Building Code for clearance distances. The proposal would not impact existing servicing capacity.

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. To date, we have received the following comments:

Public Comments:

There were no comments at the time of writing this report.

Agency Review Comments:

On June 10, 2022, the Alderville First Nation advised that this application being in Treaty 20, they have no comment on this municipal action.

On June 13, 2022, the Engineering and Corporate Asset Department advised that they have no objection to the proposed Zoning By-law Amendment.

On June 13, 2022, the Building and Septic Division advised that as the zoning will also allow the recognition of the area of the existing dwelling for purposes of residential occupancy, which in turn supports the private on-site sewage disposal system serving the property, they have no issue with the proposed zoning amendment as it relates to private on-site sewage disposal.

On June 15, 2022, the Building and Septic Division provided building comments and advised they have no concerns.

On June 16, 2022, Enbridge Gas Inc. advised that it does not object to the proposed application however, they reserve the right to amend their development conditions.

Development Services – Planning Division Comments:

Planning Staff have reviewed the policies of the Growth Plan, PPS, and the City's Official Plan in the evaluation of the application.

The background information, which has been submitted in support of the application, has been circulated to the appropriate agencies and City Departments for review and

comment. At this time, comments have not been received from all relevant circulated agencies and City Departments.

Conclusion:

As a result of continuing evaluation, Staff respectfully recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.

Appendix 'A' – Location Map



Appendix 'A'
PLAN2022-044.pdf

Appendix 'B' – Aerial Map



Appendix 'B'
PLAN2022-044.pdf

Appendix 'C' – Proposed Site Plans (SP1 & SP2) for Zoning By-law Amendment



Appendix 'C'
PLAN2022-044.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-016