



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-072

**Meeting Date:** November 30, 2022

**Title:** **Amend the Oak Ridges Moraine Zoning By-law 2005-133 at 851 Ballyduff Road, Manvers – McKim and Garsonnin**

**Description:** An application to amend the Oak Ridges Moraine Zoning By-law to facilitate the conveyance of a portion of the property to the Kawartha Land Trust (KLT) for natural heritage protection purposes on the property identified as 851 Ballyduff Road, Manvers (McKim and Garsonnin)

**Type of Report:** Public Meeting

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### Recommendations:

**That** Report PLAN2022-072, **Amend the Oak Ridges Moraine Zoning By-law 2005-133 at 851 Ballyduff Road, Manvers, McKim and Garsonnin – Application D06-2022-028**, be received;

**That** provided that there are no substantive public concerns raised at the Public Meeting, the zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2022-072, 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:**

The applicant has submitted an application for a zoning by-law amendment. The proposal is to change the zoning to the 'Oak Ridges Moraine Country Side Area Exception Two (ORMCS-S2) Zone' and 'Exception Three (ORMCS-S3) Zone' to facilitate the future severance of the eastern portion of the property for natural heritage purposes. The severed lands will be consolidated on title with the adjacent land to the east of the unimproved road allowance. The lands to the east have previously been conveyed to the Kawartha Land Trust (KLT) for stewardship and natural heritage appreciation purposes.

Owner:	Charles McKim and Jean Garsonnin
Applicant:	EcoVue Consulting Services Ltd. c/o Beverly Saunders
Legal Description:	Part of Lot 15, Concession 6, geographic Township of Manvers
Designation:	'Countryside Area' on 'Schedule 2' of the Oak Ridges Moraine Official Plan
Zone:	'Oak Ridges Moraine Country Side Area (ORMCS) Zone' on 'Schedule A' of the Oak Ridges Moraine Zoning By-law Number 2005-133
Lot Area:	41.71 hectares [103.06 acres]
Site Servicing:	Private individual services: well and on-site sewage system
Existing Uses:	Conservation Easement; Agricultural with Residence
Adjacent Uses:	North: Aggregate Pit (City of Kawartha Lakes); Gray Road East: Unimproved Road Allowance (Pit Road); Fleetwood Creek Natural Area (KLT) South: Ballyduff Road Unimproved Road Allowance; Fleetwood Creek Natural Area (Ontario Heritage Trust); Agricultural West: Wild Turkey Road; Agricultural; Rural Residential

## **Rationale:**

The property is located at the northeast intersection of Ballyduff Road and Wild Turkey Road to the southwest of Bethany in the Geographic Township of Manvers. See Appendix 'A'. The entire subject property is located within the Oak Ridges Moraine Conservation Plan (the 'Conservation Plan') area, near the northern boundary of the Conservation Plan area. The property is currently developed with a single detached

dwelling with associated solar panels, a shed, a wind turbine, and a network of walking trails. See Appendix 'B'.

The entire property is approximately 42.4 hectares. The property to be retained is approximately 14.0 hectares of this, and contains the dwelling and accessory structures, along with the wind turbine. The applicant is applying on behalf of the owners to amend the zoning to facilitate the conveyance of approximately 28.4 hectares of the property to KLT, to be consolidated on title with their previously acquired 64.0 hectare parcel to the immediate east (the 'Benefitting Lands'). There is a City owned unimproved road allowance between the Benefitting Lands and the 'Lands to be Severed'. As a result, this application will technically facilitate the creation of a new lot. However, the newly created parcel will be required to merge on title with the Benefitting Lands as a condition of provisional consent. On that basis, this application will not create a new development lot, and as a result, the transaction will function similar to a lot boundary adjustment. See Appendix 'B' and 'C'.

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

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated July 6, 2022. The report discusses and assesses the proposal in context of the Provincial Policy Statement, 2020 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan); the Oak Ridges Moraine Conservation Plan, 2017 (the 'Plan'); the City of Kawartha Lakes Official Plan, and the Township of Manvers Zoning By-law 87-06. A draft Zoning By-law has also been included.
2. Consent Sketch prepared by EcoVue Consulting Services Inc., dated May 13, 2022.

The report and sketch has been circulated to the applicable City Departments and commenting agencies for review and comment.

## **Provincial Policies:**

### **Oak Ridges Moraine Conservation Plan, 2017 (Conservation Plan):**

The property is entirely located within the Oak Ridges Moraine and therefore subject to the policies contained in the following documents:

- The Oak Rides Moraine Conservation Plan, 2017 (Conservation Plan);
- City of Kawartha Lakes Official Plan and Oak Ridges Moraine Official Plan; and
- The Oak Ridges Moraine Zoning By-law 2005-133 (By-Law 2005-133).

Section 32(1)(4) of the Conservation Plan permits the addition of adjacent land to an existing lot if the adjustment does not result in the creation of an undersized lot for the purpose for which it is or may be used. There is an existing Conservation Easement Agreement (CEA) on the subject property, which restricts agricultural and residential uses to the proposed retained lot, and prohibits new non-conservation based development on the proposed severed lot.

This application does not serve to create a new development lot, and does not conflict with the Conservation Plan. On this basis, the application conforms with the policies of the Conservation Plan.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):**

Section 2.2.9 3. of the Growth Plan provides that development outside of settlement areas may be permitted on rural lands for: a) the management or use of resources; b) resource-based recreational activities; and c) other rural land uses that are not appropriate in settlement areas, provided they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Section 2.2.9 4. of the Growth Plan provides that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape.

The Growth Plan should be read in conjunction with relevant Provincial Plans, including the Conservation Plan. The policies of the Growth Plan prevail, except where there is a conflict in policies relating to the natural environment or human health.

This application will serve to maintain the existing recreational uses, will not constitute development, and does not conflict with the Conservation Plan. On this basis, the application conforms to the Growth Plan.

**Provincial Policy Statement, 2020 (PPS):**

The Provincial Policy Statement, 2020 (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. The PPS

provides that in rural areas, permitted uses and activities shall relate to the management or use of resources; resource-based recreational uses; limited residential development; and other rural land uses.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Similar to the Growth Plan, the PPS should be read in conjunction with the Conservation Plan.

This application does not serve to create a new development lot, and does not conflict with the Conservation Plan. On this basis, the application is consistent with the policies of the PPS.

### **Official Plan Conformity:**

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the entire subject property within the Oak Ridges Moraine Official Plan area, which is subject to the policies of the Oak Ridges Moraine Official Plan (ORM Official Plan).

The applicant has provided a Planning Justification Report (PJR), which assesses the proposal in the context of the consent policies of the City Official Plan and the land use policies of the ORM Official Plan. The PJR concludes that this application will not facilitate new development, and that it conforms with the intent of the Official Plan policies of both documents. Planning staff are accepting of this rationale.

The applicant has submitted the appropriate technical report to demonstrate conformity with the City Official Plan and ORM Official Plan. On this basis, conformity with the policies of the respective Official Plans has been demonstrated.

### **Zoning By-Law Compliance:**

The lot is zoned 'Oak Ridges Moraine Country Side Area (ORMCS) Zone' in the Oak Ridges Moraine Zoning By-law 2005-133 (the 'Zoning By-law'). The minimum lot area in the 'ORMCS' zone is 32 hectares. The applicant has requested to amend the existing development standards to recognize a reduced lot area of 14 hectares for the proposed retained lot and 28.4 hectares for the proposed severed lot. The Zoning By-law Amendment (ZBA) would be required to fulfill a condition of provisional consent. The applicant has recently filed a companion consent application, which has now been deemed complete, and will be considered through the City's Committee of Adjustment (C of A).

### **Special (Exception) Zones:**

The 'ORMCS' zone permits a limited range of uses, including agricultural uses; fish, wildlife and forest management; low intensity recreational uses; conservation projects and flood and erosion control projects; transportation, infrastructure and utilities; home business; home industries; bed and breakfast establishments; farm vacation homes; wayside pits; agriculture-related uses; one single detached dwelling (subject to criteria); and accessory uses to the above uses.

The 'ORMCS-S2' zone will continue to permit all uses listed above, and in addition will recognize the minimum lot area of 14 hectares. The 'ORMCS-S3' zone will limit the uses by precluding any residential or residential-related uses, and in addition will recognize site-specific development standards for minimum lot area and frontage:

<b>Zone Standard:</b>	<b>Proposed 'ORMCS-S2' Zone (Retained Lands):</b>	<b>Proposed 'ORMCS-S3' Zone (Severed Lands):</b>
Permitted Uses	No changes proposed	<b>Not permit the following:</b> <ul style="list-style-type: none"> <li>• Agricultural or agriculture-related uses;</li> <li>• Single detached dwelling or farm vacation home;</li> <li>• Home business or home industries;</li> <li>• Bed and breakfast establishments</li> </ul>
Minimum Lot Area	<b>14.0 hectares</b>	<b>28.0 hectares</b>
Minimum Lot Frontage	No changes proposed	<b>Not Required</b> (the lands will not front directly on an improved public street)

The applicant has submitted the appropriate technical report to demonstrate compliance with the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment

2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the 'Healthy Environment' and 'Exceptional Quality of Life' priorities by protecting a portion of the lands in perpetuity for the purposes of natural heritage appreciation and conservation protection.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there may be costs, some of which may be recovered from the applicant.

### **Servicing Comments:**

The dwelling on the property is currently serviced by individual private services. No changes to servicing are proposed.

### **Consultations:**

Notice of this application was circulated to agencies and City Departments, which may have an interest in the application; to persons within a 500 metre radius of the property; and a sign was posted on the property. As of November 18, 2022, we have received the following comments:

#### **Public Comments:**

To date, no public comments have been received.

#### **Agency Review Comments:**

November 9, 2022      The Engineering and Corporate Assets Department advised they have no objection to the proposed Zoning By-law amendment.

### **Development Services – Planning Division Comments:**

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. The application conforms to the Conservation Plan and Growth Plan, and is

consistent with the Provincial Policy Statement, 2020. Conformity with the Oak Ridges Moraine Official Plan has also been demonstrated.

The rezoning will amend the development standards for the proposed severed and retained lots to facilitate the conveyance of the lands for the purpose of natural heritage protection, in accordance with the Conservation Plan.

## **Conclusion:**

In consideration of the comments and issues contained in this report, and provided that there are no substantive public concerns raised at the Public Meeting, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred to Council for **Approval**.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Ian Walker, Planning Officer – Large Developments, [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

### Appendix A – Location Map



PLAN2022-072  
Appendix A.pdf

### Appendix B – McKim-Garsonnin Property Features Map, dated 2011



PLAN2022-072  
Appendix B.pdf

### Appendix C – Proposed Consent Sketch, dated May 13, 2022



PLAN2022-072  
Appendix C.pdf



Appendix D – Draft Zoning By-law Amendment



PLAN2022-072  
Appendix D.pdf

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department File:** D06-2022-028