

The Corporation of the City of Kawartha Lakes

Committee of Adjustment Report – Ross

Report Number COA2022-095

Public Meeting

Meeting Date: December 1, 2022

Time: 1:00 pm

Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 1 – Geographic Township of Eldon

Subject: The purpose of the application is to sever a surplus farm dwelling. The land intended to be severed is +/- 1.43 hectares for non-farm residential use; the land intended to be retained is +/- 63.0 hectares for agricultural use.

The variance is requested at **915 Lorneville Road** (File D03-2022-006).

Author: Leah Barrie, RPP Manager of Planning

Signature: 

Recommendations

That Report COA2022-095 – Ross, be received;

That Consent application D03-2022-006 be denied, as the application fails to represent good planning, and is not in accordance with Section 53(12) and 51(24) of the Planning Act¹.

Application Summary

Proposal: To sever a +/- 1.43 ha surplus farm dwelling

Owner: Ron Ross (Charles William Ronald Ross)

Applicant: Same as Owner

Legal Description: Part Lots 6 and 7, Concession 7

Official Plan²: Prime Agricultural, Environmental Protection, Bedrock resource (City of Kawartha Lakes Official Plan, 2012)

Zone³: Agricultural 'A1' (Township of Eldon Zoning By-law 94-19)

¹ See Schedule 1

² See Schedule 1

³ See Schedule 1

Site Size:	64.43 ha
Site Access:	Year-round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Agricultural; single detached dwelling with attached garage, metal shed, shed, pool (lands to be severed); frame drive shed (lands to be retained)
Adjacent Uses:	Agricultural

Rationale

Policy Conformity:

The owner is a bona-fide farmer and registered member of the Ontario Federation of Agriculture, who owns and operates a beef cattle business on 125 ha across #855, #915 and #938 Lorneville Road, being the home farm. As a result of the consolidation of farm lands, the dwelling at #915 is deemed surplus to the needs of the farmer.

The farm operation is subject to the prime agricultural policies of the Provincial Policy Statement, 2020 and the Prime Agricultural designation of the City's Official Plan, 2012. Applicable natural features policies (PPS) and Environmental Protection designation policies (OP) apply to the watercourses on the property, though no development is proposed in or near the features. Applicable mineral aggregate resources policies (PPS) and Bedrock Resource overlay policies (OP) apply to the entirety of the property, though the existing residential use has an established compatibility, and does not change the resource protections in place.

Section 2.3.4.1 of the PPS provides that lot creation in prime agricultural areas is discouraged and may only be permitted for [amongst other reasons]: c) a residence surplus to a farming operation⁴ as a result of farm consolidation, provided that: 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

The OP implements direction set by the PPS. Section 15.3.5 of the OP requires that the retained agricultural land be zoned to prohibit any residential use. This can

⁴ An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation)

be achieved through a Zoning By-law Amendment application to be submitted by the proponent.

Section 15.3.4 of the OP sets the size of surplus farm dwelling lots to between 4,000 sq m and 1.0 ha to accommodate the well, septic system, room for a replacement system if needed, amenity space, and sufficient lands to ameliorate the impacts of surrounding agricultural operations (i.e. noise, dust, odours).

The proposed lot area exceeds the limits contemplated by the OP by 0.43 ha (1.06 ac). Approval of the consent application would contravene the intent of the OP. The merits of exceeding size limits set out by the OP should be evaluated and tested through an Official Plan Amendment application submitted by the proponent. The Approval Authority for amendments to the City's OP is Council. The proposed severance should only proceed within a permissive policy framework as a result of a successful Official Plan Amendment.

The OP provides that any reference to quantities such as lot areas should be regarded as approximate. This is intended to allow for a reasonable degree of flexibility when a modest increase to size is necessary to capture a natural feature or to improve functionality, for example. An increase of 0.43 ha (1.06 ac) for aesthetic purposes falls outside of this threshold.

Zoning By-law Conformity:

The 'A1' zone permits non-farm residential uses however an amendment is needed to sterilize the retained agricultural lands to prohibit new residential uses.

Other Alternatives Considered:

Staff suggest that by shifting and straightening the existing driveway, that excess lands can instead be kept with the agricultural operation to reduce the size of the lands to be severed. Though this may necessitate a relocation of the existing stone gates in order for them to remain with the lands to be severed, the result upholds the intent of the OP and the PPS.

Consultation Summary

Notice of this application was circulated in accordance with the requirements of the Planning Act.

Agency Comments:

Kawartha Conservation: "Kawartha Conservation has no concern with the approval of D03-2022-006, based on our consideration for natural heritage, natural hazards, and water resources provided the development and all the related activities will not impact the natural features present on the property."

Hydro One Networks Inc.: "No comments or concerns at this time."

Bell Canada: “No comments or concerns regarding the application.”

ECA-Development Engineering Division: “A maximum widening of 2.0 metres on Kirkfield Road is required to provide for the City’s standard 26.0 metre arterial road right of way; a sight triangle of 9 metres by 12 metres at the corner of Kirkfield Road and Lorneville Road is required.”

PW-Roads Division: “The application will require an entrance review and/or entrance permit application to ensure the entrance meets the current bylaw 2017-151.”

Public Comments:

No comments received as of the writing of the staff report.

Attachments

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch

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Department Head: Richard Holy, Director of Development Services
Division File: D03-2022-006

Schedule 1

Relevant Planning Policies and Provisions

The Planning Act

Consents

53

Powers

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

Plan of subdivision approvals

51

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(b) whether the proposed subdivision is premature or in the public interest;

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

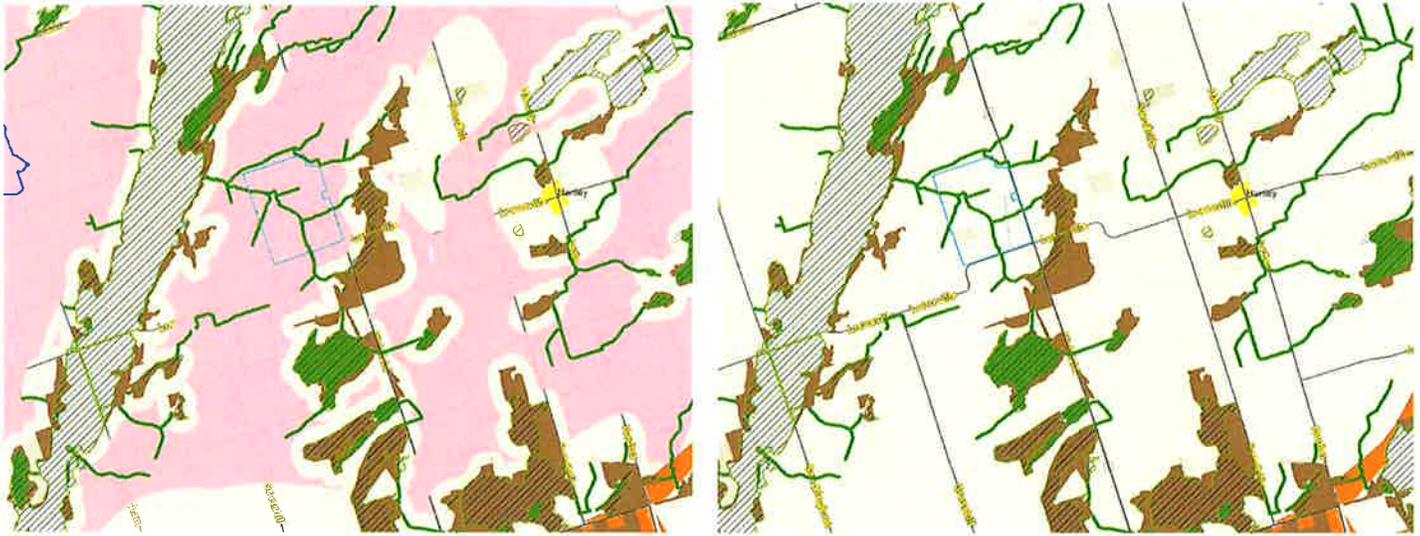
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

City of Kawartha Lakes Official Plan



15. Prime Agricultural Designation

15.3. Policies

15.3.4. The City recognizes as generally desirable the consolidation of farms wherever possible. Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that:

- a) the residential lot does not exceed 1 hectare in area and is not less than 4,000 sq.m. in area;
- b) the residential lot meets the Minimum Distance Separation criteria;
- c) the dwelling is not required for farm employees; and
- d) the farm land is merged into a single lot.

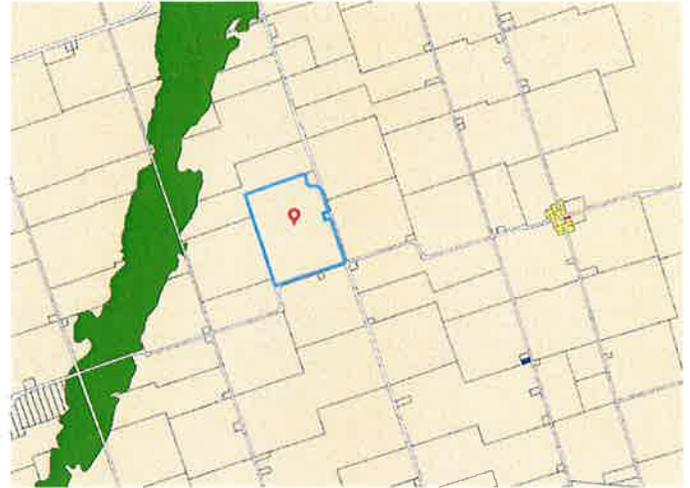
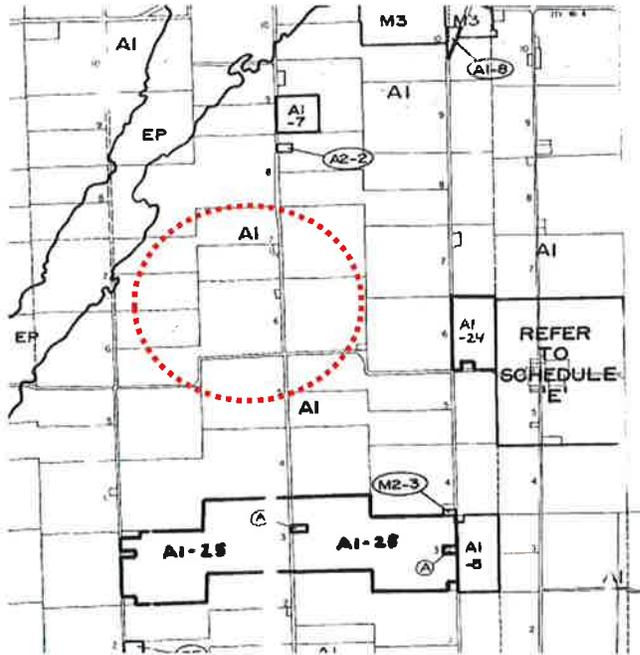
15.3.5. Dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria of 15.3.4 a, b and c above are met and that the retained agricultural land be zoned to prohibit any residential use.

29. Interpretation And Definitions

29.1. Interpretation

29.1.3. Any reference to quantities such as lot areas or density of development should be regarded as approximate. All measurements in this Plan are in metric form with the approximate non metric equivalent provided in the Appendix I, for reference purposes only.

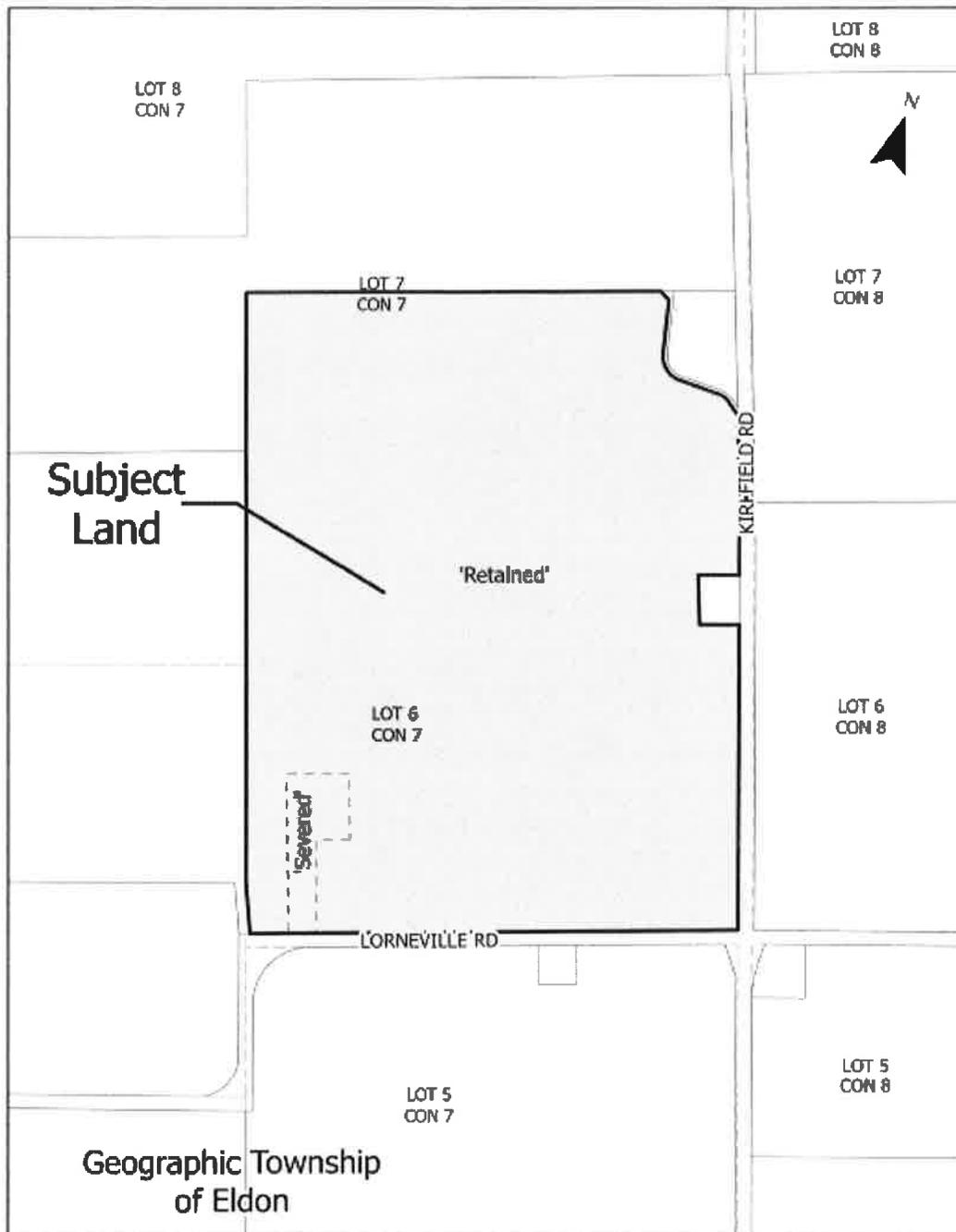
Township of Eldon Zoning By-law 94-14



Part 7 – Agricultural (A1) Zone

to

LOCATION MAP



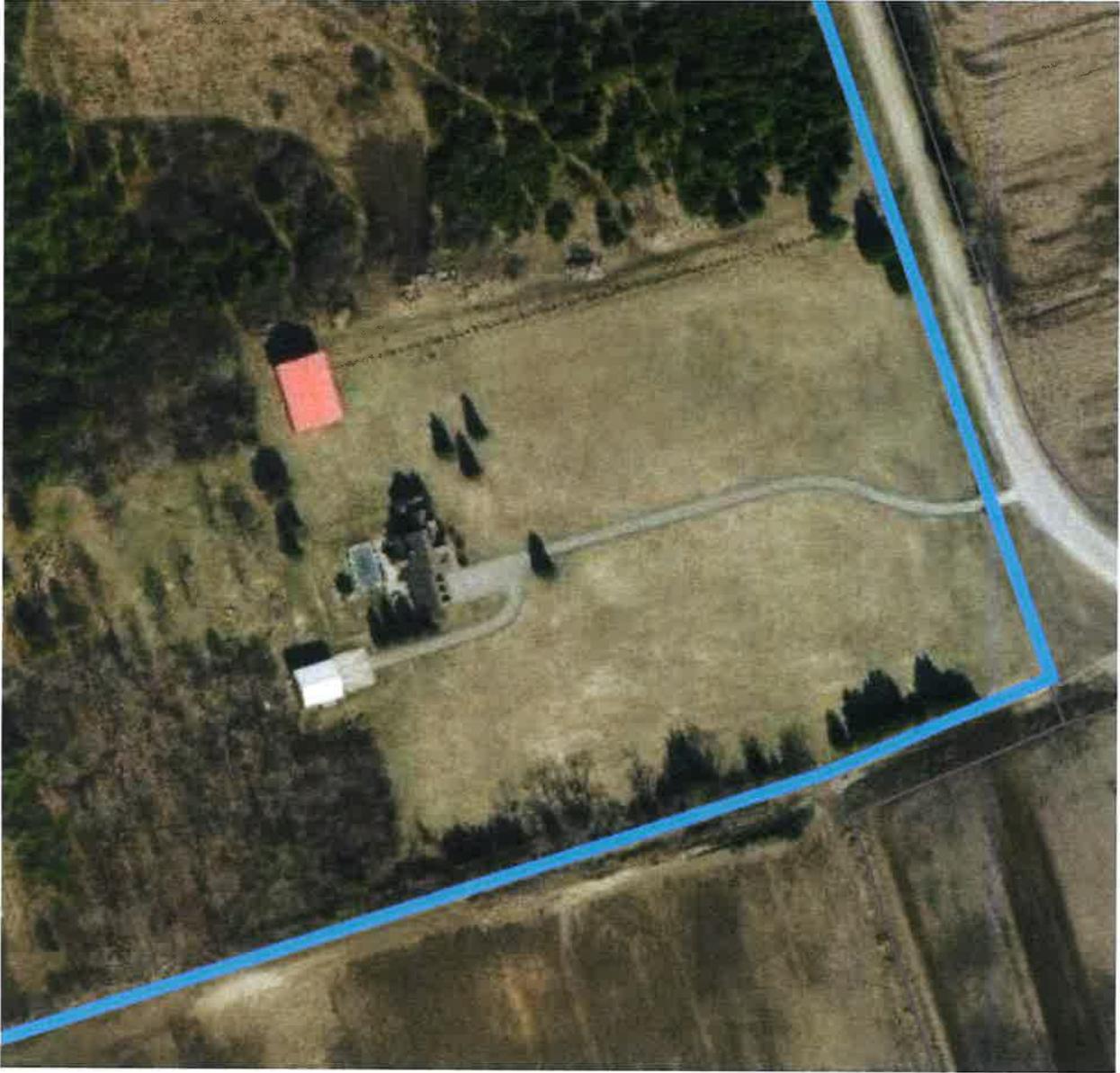
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REPORT COA2022-095

FILE NO: D03-2022-006

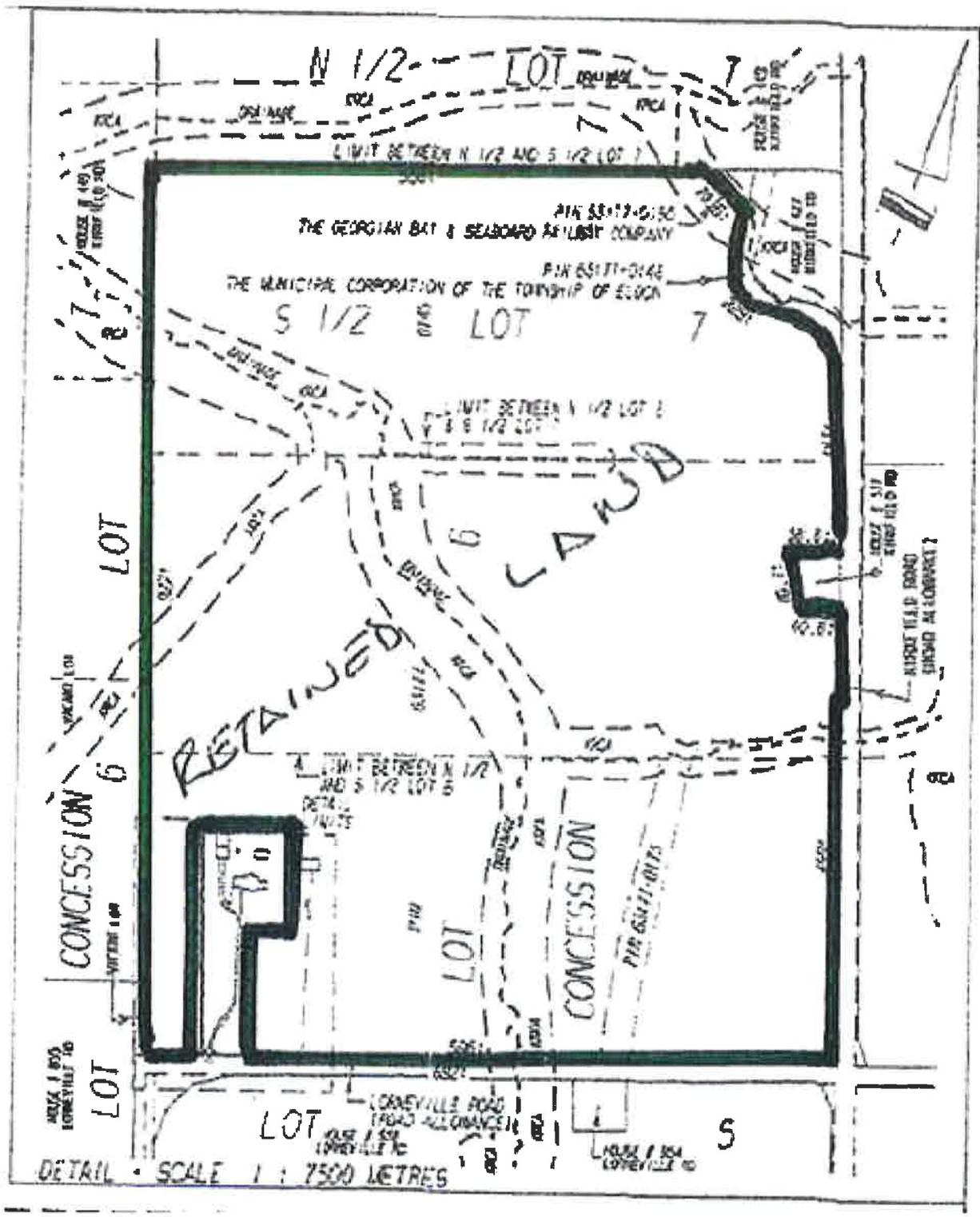
AERIAL PHOTO

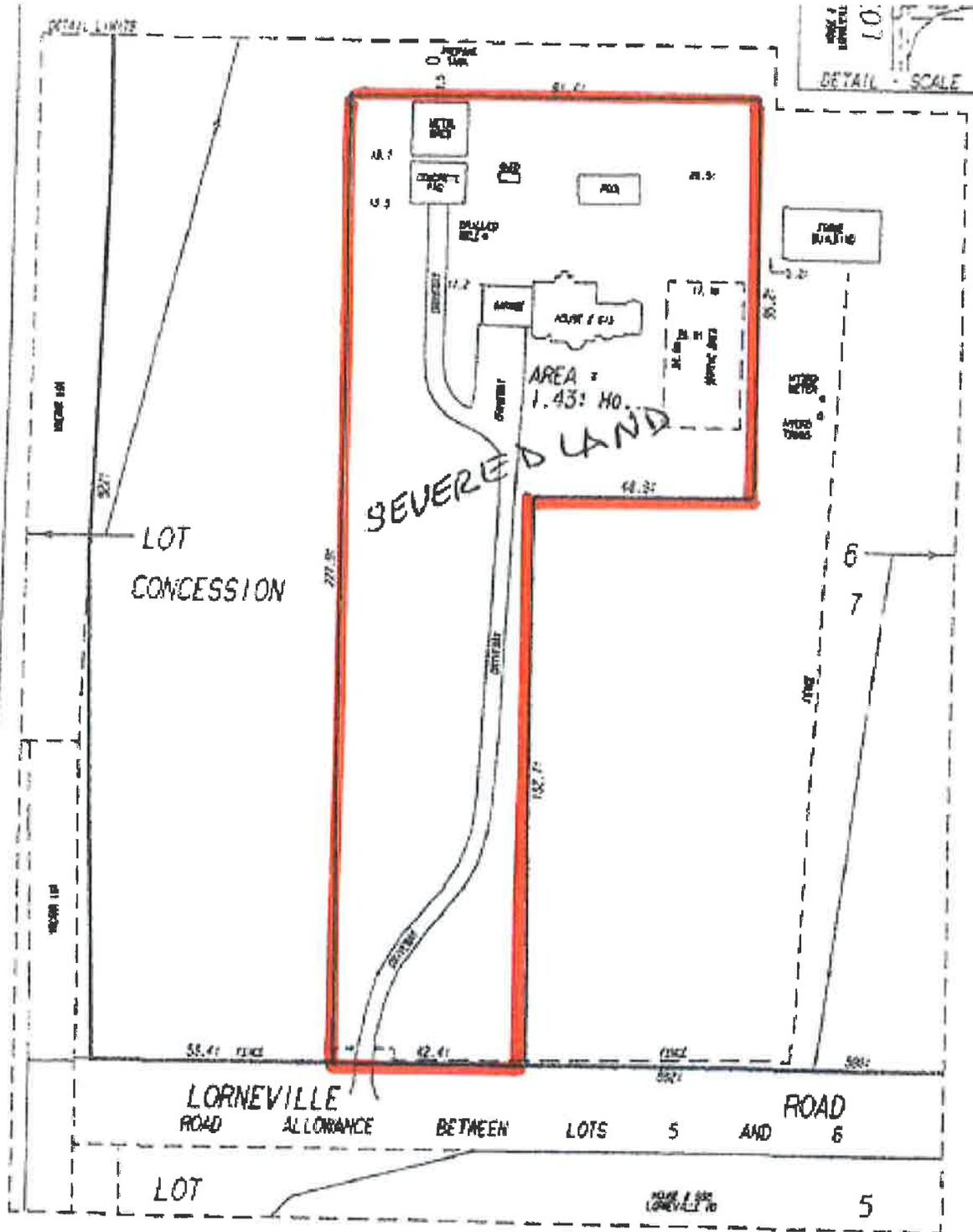




to

APPLICANT'S SKETCH





DETAIL SCALE
 1:07

SEVERED LAND

AREA = 1.43 HO.

LOT CONCESSION

LORNEVILLE ROAD ALLOWANCE BETWEEN LOTS 5 AND ROAD 6

LOT

ROAD 6 1/2
 LORNEVILLE RD

5