

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-011

Date: March 8, 2017

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: 16 - Manvers

Subject: An application to amend the Township of Manvers Zoning By-law 87-06 to change the zone category on a portion of the property from a "Rural General (A1) Zone" to "Rural General – Special 35 (A1-S35) Zone" on the proposed retained portion of the property on land described as Part of Lot 2, Concession 10, geographic Township of Manvers, City of Kawartha Lakes, identified as 90 St. Alban Road (BERNICE AND ERIC WILSON) – Planning File D06-17-004.

Author/Title: Janet Wong, Planner II

Signature: 

Recommendations:

RESOLVED THAT Report PLAN2017-011, respecting Part of Lot 2, Concession 10, geographic Township of Manvers, and identified as 90 St. Alban Road, Application No. D06-17-004, be received;

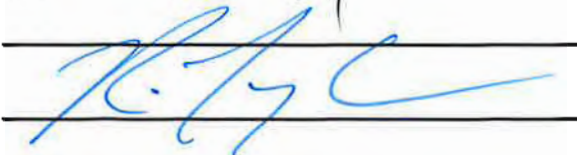
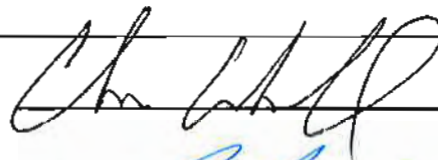
THAT a Zoning By-law Amendment respecting application D06-17-004, substantially in the form attached as Appendix "D" to Report PLAN2017-011, be approved and adopted by Council; and

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

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



Background:

On October 17, 2016, provisional consent was granted by the Director of Development Services, as delegated by Council, for application D03-16-010 to sever an approximately 0.62 ha. (1.5 acre) residential lot containing a single detached dwelling and retain approximately 20.3 ha. (50 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land.

As a condition of provisional consent the agricultural land to be retained is to be rezoned to prohibit residential use and recognize the reduced lot area.

Owners:	Bernice and Eric Wilson
Applicant:	Heather Richardson, Staples & Swain Professional Corporation
Legal Description:	Part of Lot 2, Concession 10, geographic Township of Manvers
Designation:	"Prime Agricultural", City of Kawartha Lakes Official Plan
Zone:	"Rural General (A1) Zone" on Schedule 'A' of the Township of Manvers Zoning By-law No. 93-30
Lot Area:	Total – 21 ha. (52 ac.) – Coe Fisher Cameron Severed – 0.6 ha. (1.5 ac.), Retained – 20.3 ha. (50 ac.)
Site Servicing:	Residential – Private individual on-site sewage disposal and well Agricultural – Unserviced
Existing Uses:	Residential (to be severed) / Agricultural (to be retained)
Adjacent Uses:	North and West: Agricultural East and South: Agricultural, Wetland, Woodland

Rationale:

The property is located on the south side of St. Alban Road, east of the Municipal boundary (refer to Appendix "A"). The subject property and the surrounding lands are primarily prime agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of consent approval.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

This application conforms to the applicable policies of the Growth Plan (GP). Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as prime agricultural areas.

Provincial Policy Statement, 2014:

This application is consistent with the Provincial Policy Statement (PPS). Sections 2.3.1 and 2.3.3.2 which provide that prime agricultural areas shall be protected for long term use, as well as all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use as required by Section 2.3.4.1 (a) and 2.3.4.1 (c) 2. The lot to be retained is of sufficient area to sustain agricultural uses and will prohibit new residential dwelling.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated "Prime Agricultural" in the City of Kawartha Lakes Official Plan (Official Plan). Section 15.1 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided that the area of the residential lot is limited such that the area for the agricultural operation is not reduced. As a result, the proposed residential lot shape and size has been limited to the area required for the dwelling, septic system, and well. As well, the Official Plan requires the agricultural land to be rezoned to prohibit any residential use.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The land is zoned "Rural General (A1) Zone" in the Township of Manvers Zoning By-law 87-06. The "A1 Zone" requires a minimum lot area of 38 ha. and lot frontage of 183 m. The retained lot would be deficient in lot area requirement with a proposed area of 20.3 ha. The purpose of the Zoning By-law amendment is to recognize the reduced lot area and to prohibit the residential use on the land to be retained.

The "A1 Zone" also provides that a lot created by consent must comply with the requirements of the "Rural Residential Type 1 (RR1) Zone". The proposed severed lot exceeds the minimum lot area and lot frontage requirements of the "RR1 Zone". The proposed lot boundaries will ensure compliance with "RR1 Zone" requirements and the General Provisions for accessory structures.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

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

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

Servicing Comments:

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well.

Consultations:

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. The Community Services Department, Building Division and the Engineering Division raised no issues as a result of circulation. Roads Division indicated that as part of the consent application, if the entrance identified for the retained parcel does not exist, an entrance permit will be required to be obtained. No 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 Official Plan. The proposed Zoning By-law amendment contained in Appendix “C” will ensure the subject land is preserved for agricultural use and the existing dwelling will be in compliance with the Zoning By-law.

Conclusion:

The application conforms to the provincial policies concerning the preservation of prime agricultural areas. The application also conforms to the “Prime Agricultural” designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 17, 2017. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix ‘A’ – Location Map



Appendix A.pdf

Appendix ‘B’ – Orthoimage



Appendix B.pdf

Appendix ‘C’ – Applicant Sketch – received December 9, 2016



Appendix C.pdf

Appendix ‘D’ – Draft Zoning By-law Amendment



Appendix D.pdf

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E-Mail: iwong@city.kawarthalakes.on.ca

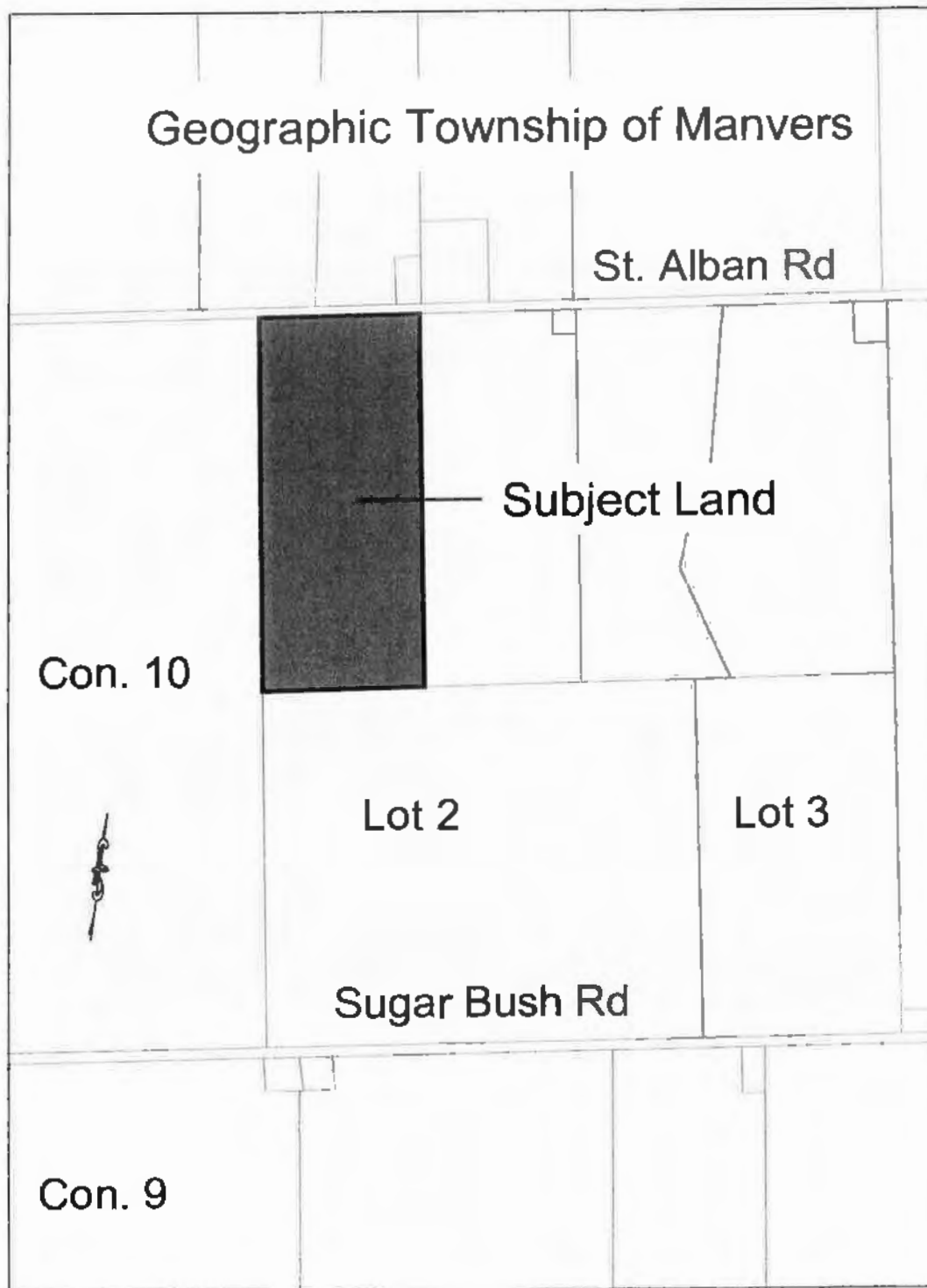
Department Head: Chris Marshall

Department File: D06-17-004

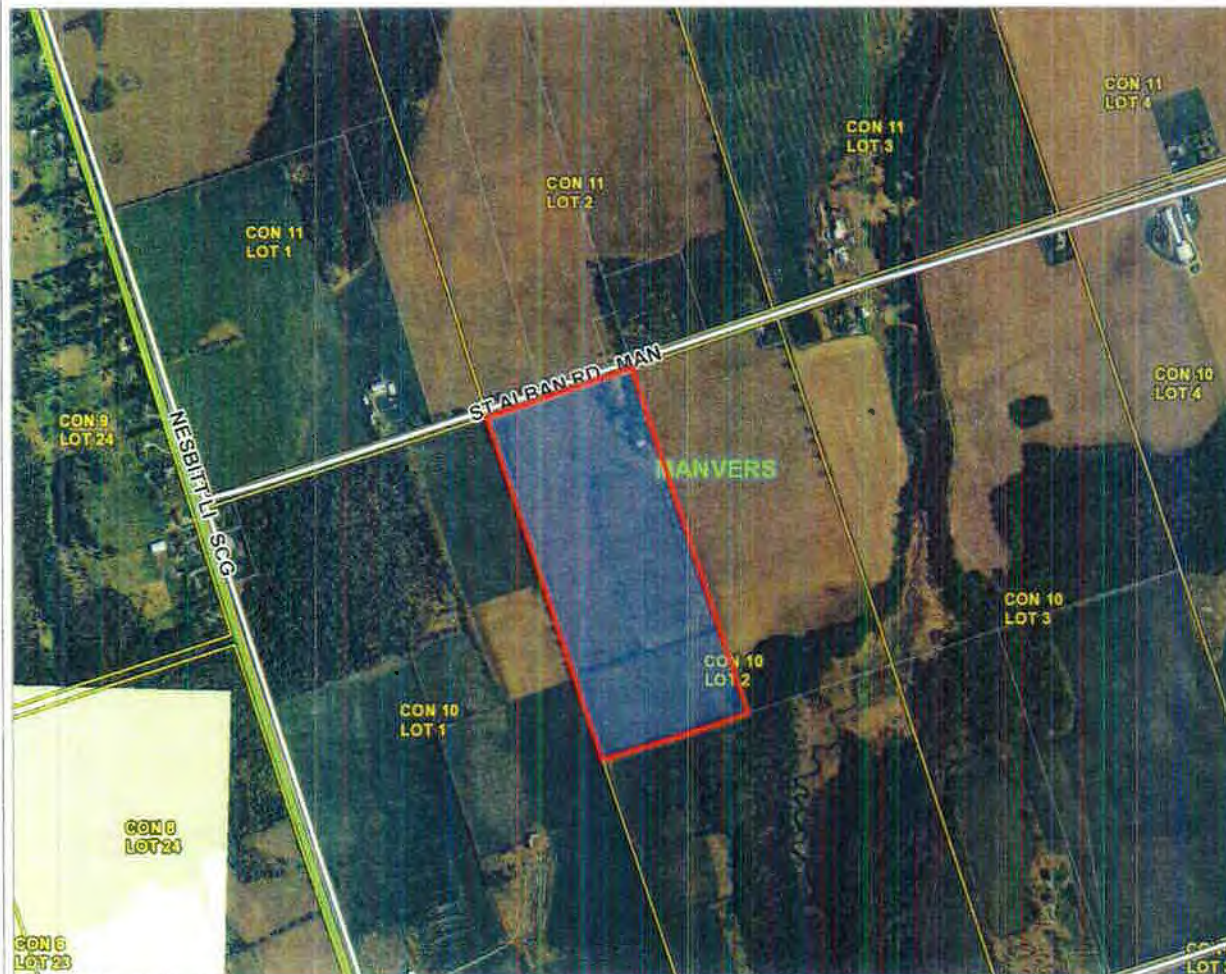
to

REPORT PLAN2017--011

FILE NO: D06-17-004



90 St. Albans Rd, geographic Twp Manvers



Legend

- Road Centreline
- Geographic Townships
- Populated Places
- Water Labels
- Property ROLL#
- Lots and Concessions

Notes

Notes

0 25 Kilometers
 1064_Well_Manvers_Auxiliary_Sortie
 Map Of RoadThe Lakes



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on the map may or may not be accurate, current or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

REPORT PLAN2017-011
 FILE NO: D06-17-004

APPENDIX " B "
 to

to

REPORT PLAN2017-011FILE NO: D06-17-004

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2017 -

**A BY-LAW TO AMEND THE TOWNSHIP OF MANVERS ZONING BY-LAW NO. 87-06
TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES**

File D06-17-004 Report PLAN2017-011, respecting Part Lot 2, Concession 10, geographic Township of Manvers, identified as 90 St. Alban Road - WILSON.

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to change the zone category from a "Rural General (A1) Zone" to "Rural General – Special 35 (A1-S35) Zone" on the proposed retained portion of the property.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Concession 10, Part of Lot 2, geographic Township of Manvers, City of Kawartha Lakes, 90 St. Alban Road.
- 1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended to add the following section to Section 10.4:

"ii. Notwithstanding subsections 10.1 and 10.2a., on land zoned as A1-S35 a dwelling unit and accessory uses are not permitted and the minimum lot area shall be 20.3 ha."
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category from the Rural General (A1) Zone" to the "Rural General – Special 35 (A1-S35) Zone" for the land referred to as "A1-S35", as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____

Geographic Township of Ops

Concession 9

Con. 10

