

The Corporation of the City of Kawartha Lakes

Additional Agenda

Planning Advisory Committee Meeting

PC2018-05

Wednesday, May 9, 2018

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Brian Junkin

Councillor Rob Macklem

Councillor Gord Miller

Councillor Patrick O'Reilly

Councillor Heather Stauble

Councillor Andrew Veale

Mike Barkwell

Debbie Girard

Accessible formats and communication supports are available upon request.

7. City of Kawartha Lakes Reports

7.1 PLAN2018-039

7.1.1 *PC2018-05.7.1.1*

Public Comments

7.1.2 *PC2018-05.7.1.2*

3 - 16

Correspondence Received

VIZATIMET FARMS LTD.
4936 Yonge Street, Suite 153
Toronto, ON M2N-6S3

Monday, May 7th, 2018

Planning Advisory Committee
City of Kawartha Lakes City Hall
26 Francis Street
Lindsay, Ontario K9V 5R8

RE: Report Number PLAN2018-039 Secondary Plans Appeals Update

Honorable Planning Advisory Committee Members:

Vizatimet Farms Limited (VFL) is owner of approximately 123 acres of land located at the north east corner of Colborne Street E. and Verulam Road N. (County Road 36) in the City of Kawartha Lakes. Approximately 18 acres of VFL's site are within the Lindsay Urban Boundary and are designated "Highway Commercial" by both the in force Ops Official Plan and the appealed Lindsay Secondary Plan. The remaining lands, which account for approximately 105 acres, are outside of the urban boundary and appear to be designated "Agricultural" by the Ops Official Plan as well as "Future Residential" and "Prime Agricultural" by the City of Kawartha Lakes Official Plan. This letter is in regards to the "Agricultural" lands, which will hereafter be referred to as the Subject Site.

We have appealed the City of Kawartha Lakes Official Plan with respect to the proposed "Prime Agricultural" designation. It is our understanding that staff are recommending that you support the "Prime Agricultural" designation of the Subject Site as well as recommending removal of the "Future Residential" designation. We understand that the future residential designation is being removed at the request of the MMA. We will refrain from in depth discussion on this topic for the time being. Instead we wish to focus on the designation of the site as "Prime Agricultural". We strongly recommend that you have staff consider the site specific merits of the "Prime Agricultural" designation on the Subject Site and report back to council and the planning committee based on the evidence provided below.

In December of 2016 an Agricultural Land Evaluation was prepared by Clark Consulting Services (CCS) for the Subject Site. The Agricultural Land Evaluation was completed per OMAFRA standards and concluded that the Subject Site does not meet the definition of "Prime Agricultural Land", but would be more appropriately categorized as "Rural". Staff has indicated that despite this, and according to the PPS, lands cannot be removed

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from the “Prime Agricultural” designation unless they are required for an urban settlement boundary expansion and only during a municipal comprehensive review. Based on this assumption, staff has indicated that they cannot not support designation of the lands as “Rural” as supported by the Clark Consulting Services study.

We understand staff’s contention but respectfully disagree with the fundamental assumption there-in. The argument presupposes that the Subject Site is already designated as “Prime Agricultural Lands” and that we are requesting to remove this designation. This is in fact not the case, and therefore Section 2.3.5 of the PPS does not apply to the Subject Site.

The City of Kawartha Lakes Official Plan is not in force and effect, as it has been appealed to the Ontario Municipal Board (now LPAT). As such, the in force designation of the Subject Site is “Agricultural” per the Ops Official Plan. The Ops Official Plan, unlike the City of Kawartha Lakes Official Plan, does not differentiate between ‘Prime Agricultural lands’ and ‘rural lands’ within its Land Use Designation Schedule(‘A’) (Attached herein). This contention is further supported by several policies contained in the Ops Official Plan which conflate agricultural lands and rural lands inclusive of the following:

- *Section 3.4 - The Township is predominantly rural and shall continue principally as an agricultural area*
- *Section 6.5.-*
 - *.1 Areas with high potential for agricultural production based primarily on soils, should be preserved for agricultural and farm related uses.*
 - *.2 Some isolated areas that have been designated Agricultural may not be suited for production. These areas, will, however, be preserved to protect the agricultural economy from incompatible uses that may inhibit production.*
- *Section 7.1.1 - The predominant use of land in this designation is for agricultural and farm related uses. Agricultural and farm related uses shall include the use of land, buildings or structures for crop production, animal husbandry and forestry uses. This designation is to prevent the urbanization of the area so as to maintain its rural nature.*

Further, the Ops Official Plan specifically makes mention of defined terms in approved provincial plans and notes that “*the definition of the term shall be as identified in the approval provincial plan (Section 5.2.5).*” Further to this, in the Growth Management Section of the Plan, there is a specific mention of Prime Agricultural Lands (Section 6.9). This Section does not indicate that this term is equivalent to the Agricultural land use designation. Thus, it is fairly clear that the “Agricultural” designation per the Ops Official Plan does not constitute designation as “Prime Agricultural Lands” per the policies of the PPS. Therefore, the Subject Site is not at all considered Prime Agricultural Land per the in force policies.

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Given that the Subject Site is not currently designated as “Prime Agricultural Lands” and given that the municipality undertook a Municipal Comprehensive Review in order to produce the City of Kawartha Lakes Official Plan (and related Secondary Plans), the Policies of the PPS would indicate that this is an appropriate juncture at which to assess what the correct designation of these lands should be and therefore be designated as such in the City of Kawartha Lakes Official Plan when approved.

It should be noted that the City did not undertake a formal LEAR study to identify Prime Agricultural Lands as part of their Municipal Comprehensive Review, but rather carried over broad scale OMAFRA mapping. Please see the attached correspondence relating to 2003 which was the only documentation that staff could provide as to its rationale for designating Prime Agricultural Areas in the CKL Official Plan currently under appeal. A further Freedom of Information request failed to produce any further support rationale.

It is our understanding, based on OMB precedence, that OMAFRA mapping is high level and subject to review at the time of an MCR. This is supported by the Ministry’s website, which specifically notes that the *“Agricultural land base map... May be refined or augmented by municipalities, consistent with the implementation procedures, when they undertake their comprehensive official plan reviews”*


Therefore, considering that the Agricultural Land Classification report conducted by Clark Consulting Services has been completed per OMAFRA standards, and considering that the City (and ministry) used less detailed information in designation of the site as “Prime Agricultural Land”, it stands to reason that the Site should be designated as “Rural” rather than “Prime Agricultural” in the City’s new Official Plan. As such, we reiterate our request that council direct staff to review the Agricultural Land Evaluation report conducted by Clark Consulting Services and provide a recommendation to Council prior to the October 2018 OMB Pre-hearing conference such that a settlement on this matter can be achieved.

With regards to the future residential designation, we understand that MMA has requested that this be removed *“based on a lack of demonstrated need for additional land to accommodate growth”*. We would be amenable to meeting the MMA request of having the future residential designation overlay removed from the subject site only insofar as the more appropriate “rural” designation would then be ascribed to the subject site as per the conclusions of the Clark Consulting Services Agricultural Land Classification report.

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Toronto, ON M2N-6S3

Lastly, we have already demonstrated that the Subject Site can be serviced efficiently and that it can support growth through the CKL Secondary Plan process. The municipality did also agree with our logic and wished to ascribe the “future residential designation” to the subject site prior to the contentions of the MMA. As such, we expect that during the next MCR, if additional lands for growth surrounding Lindsay should be required, that our lands should be considered prior to all other lands surrounding Lindsay.

Thank you kindly,

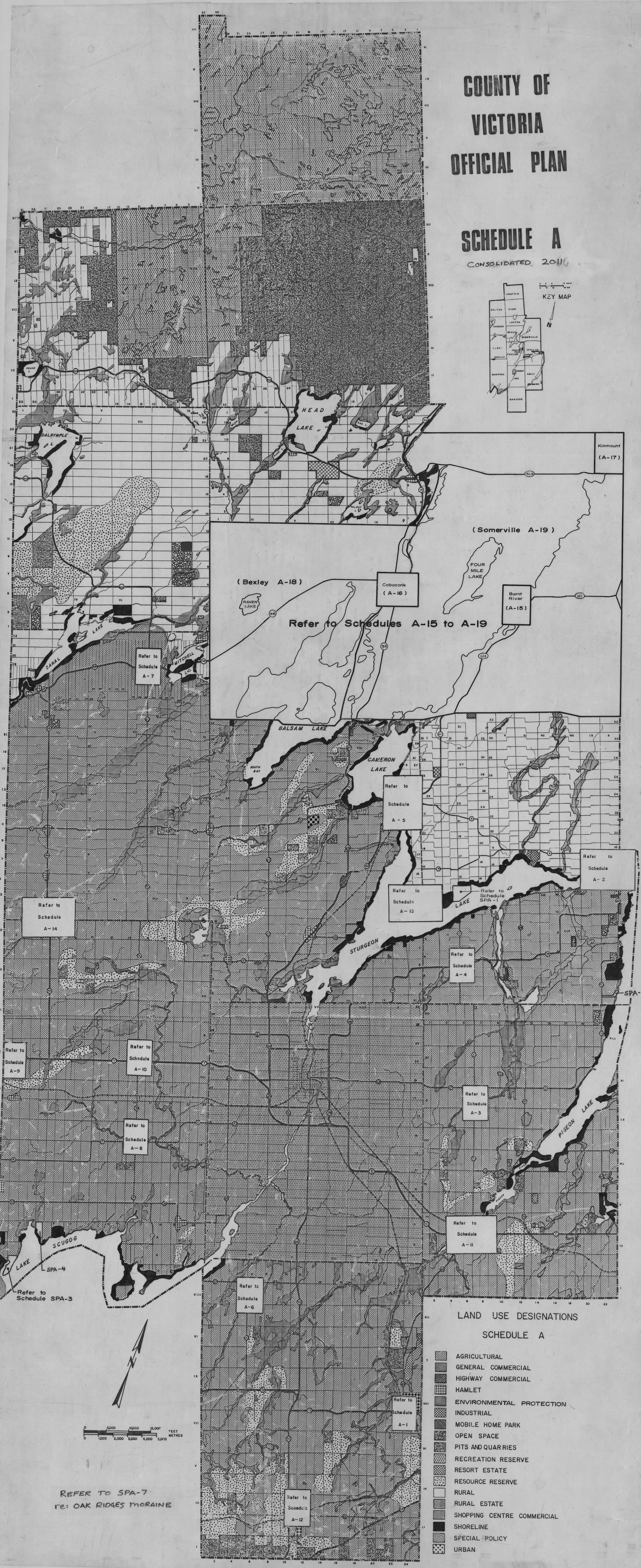
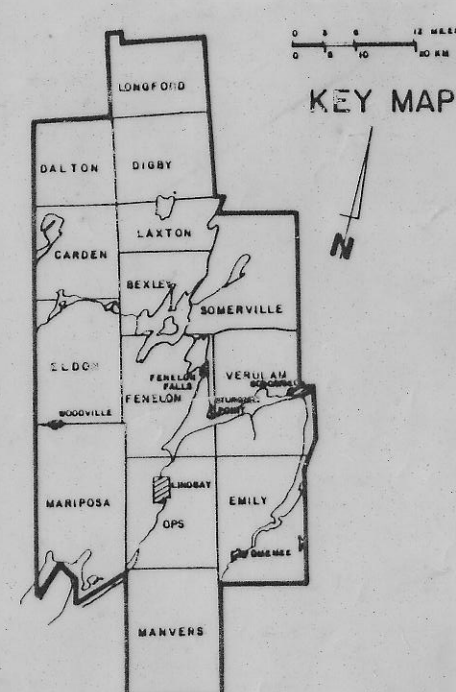
A handwritten signature in black ink, appearing to read "John A. Passalacqua". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Passalacqua
President, Vizatimet Farms Ltd.

Attachments:

County of Victoria Official Plan, Land Use Designations, Schedule A
Ministry of Agriculture and Food Letter to Planning Coordinator (February 6, 2003)

CONSOLIDATED 2011



**Ministry of Agriculture
and Food**

R.R. #3, 95 Dundas St.,
Brighton, Ontario K0K 1H0
Tel: (613) 475-4764
Fax: (613) 475-3835

**Ministère de l'Agriculture
et de l'Alimentation**

R.R. #3, 95, rue Dundas
Brighton, Ontario K0K 1H0
Tél.: (613) 475-4764
Télec.: (613) 475-3835



RECEIVED

FEB 14 2003

City of Kawartha Lakes
Strategic & Land Use
Planning Dept.

**Resources Management Branch
Agricultural Land Use Unit**

Date: February 6, 2003

To: Rob Griffiths
Planing Coordinator, City of Kawartha Lakes

From: Ray Valaitis
Rural Planner

Subject: Prime Agricultural Areas as per the Provincial Policy Statement
Ops Township, City of Kawartha Lakes

As per your request attached is a map depicting provincial significant agricultural areas as per the Provincial Policy Statement.

Should you have any questions, please contact me at 613-475-4764.

A handwritten signature in dark ink, appearing to read "R. Valaitis", written over a horizontal line.

Ray Valaitis



Ministry of
Agriculture, Food
and Rural Affairs

R.R. #3, 95 Dundas St.,
Brighton, Ontario K0K 1H0
Tel: (613) 475-1630
(800) 262-2885
Fax: (613) 475-3835

Ministère de
l'Agriculture, de l'Alimentation
et des Affaires rurales

R.R. #3, 95 rue Dundas
Brighton, Ontario K0K 1H0
Tél.: (613) 475-1630
(800) 262-2885
Télééc.: (613) 475-3835



Agriculture & Rural Division

October 6, 1999

Angela Pedretti
Area Planner
Ministry of Municipal Affairs & Housing
Provincial Planning & Environmental Services Branch
777 Bay Street, 14th Floor
Toronto, Ontario
M5G 2E5

Dear Angela:

Subject: Proposed Agricultural Areas
Ops Township, Victoria County

Staff of this Ministry have completed a review of the above-noted proposal in view of the Provincial Policy Statement (1997), specifically Section 2.1 - Agricultural Policies. The following technical comments are provided.

Prime Agricultural areas are areas predominately comprised of specialty crop lands and/or Class 1, 2 & 3 soils as per Canada Land Inventory mapping for agriculture. Rural areas are areas predominately comprised of Class 4, 5, 6 & 7 soils and such areas may be made up of lands inundated with non-farm uses.

The identification of the Prime Agricultural & Rural areas was based upon a review of the Township's Official Plan, agricultural land use mapping, Canada Land Inventory mapping, the Victoria County Soil Report for the area, and site visits of the Township. In light of this review, attached is a land use maps which identifies provincially significant Prime Agricultural areas.

Ministry staff would be pleased to meet with Council in order to discuss the proposed Prime Agricultural areas for Ops Township.



While the above represents the Ministry's interpretation of provincial policy with regard to agricultural land, it does not reflect an overall provincial position. There may be planning concerns or interests of other agencies that should be regarded, in addition to any municipal planning considerations.

Should you have any questions or wish to discuss this matter further, please contact this office.

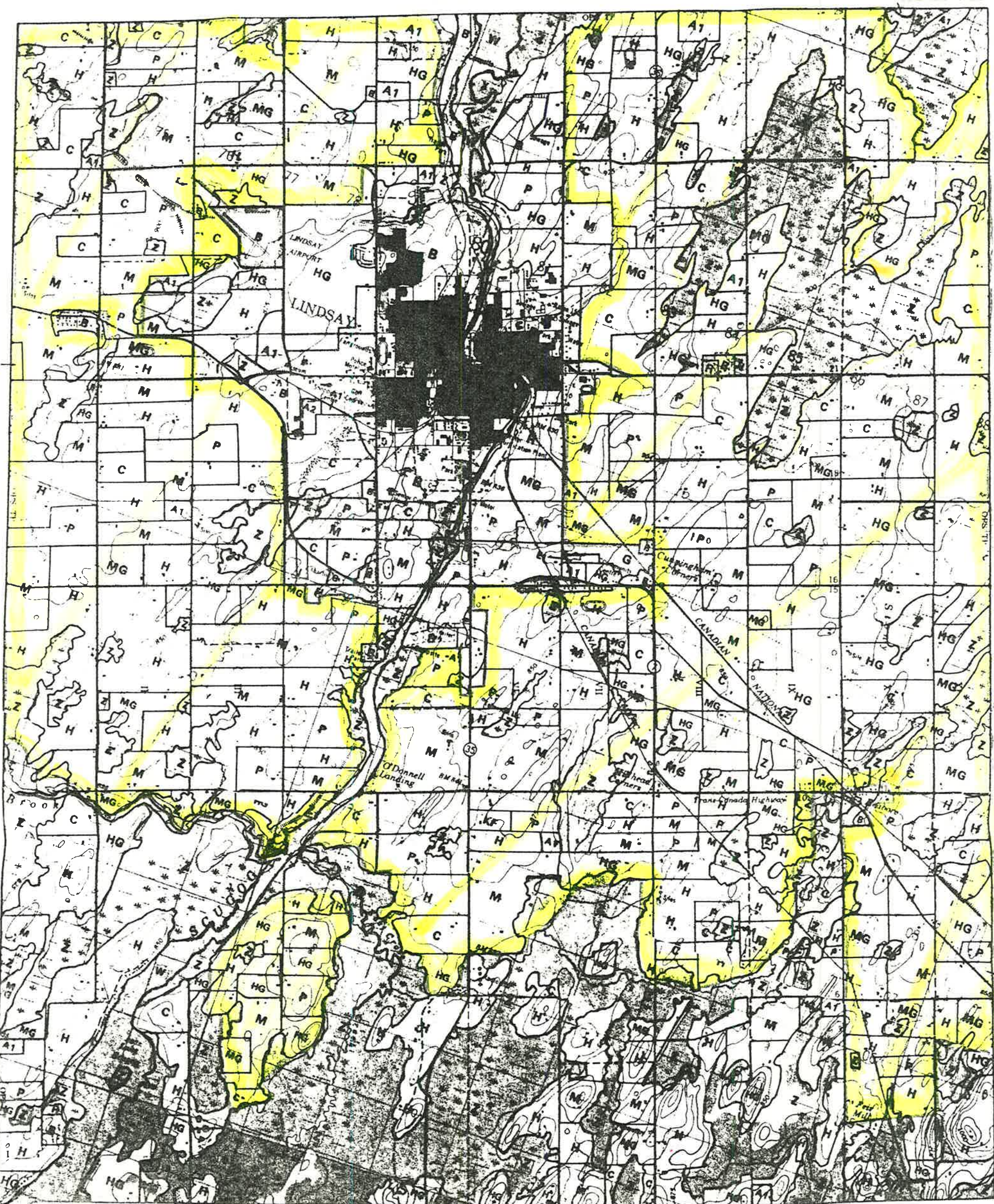
Yours truly,




Ray Valaitis
Rural Planner

copy: Robert Griffiths, Director of Planning, Victoria County
Sandra Richardson, Clerk-Treasurer, Ops Township
Mike Toombs, Manager - Agricultural Land Use, OMAFRA








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











 MINISTRY OF AGRICULTURE AND FOOD
 Ontario

LEGEND

Field Crop Systems

-  Continuous Row Crop
-  Corn System
-  Mixed System
-  Grain System
-  Hay System
-  Pasture System
-  Grazing System

Non-System Land Uses

-  Idle Agricultural Land (5-10 years)
-  Idle Agricultural Land (over 10 years)
-  Woodland
-  Pastured Woodland
-  Reforestation
-  Built-up
-  Swamp, Marsh or Bog
-  Extraction (pits and quarries)
-  Extraction (topsoil removal)
-  Sod Farms
-  Recreation
-  Water



Proposed Agricultural Areas
As Per PPS

R. V. L. October 6, 1999

ONTARIO MINISTRY OF AGRICULTURE AND FOOD

COUNTY VICTORIA

TOWNSHIP OPS

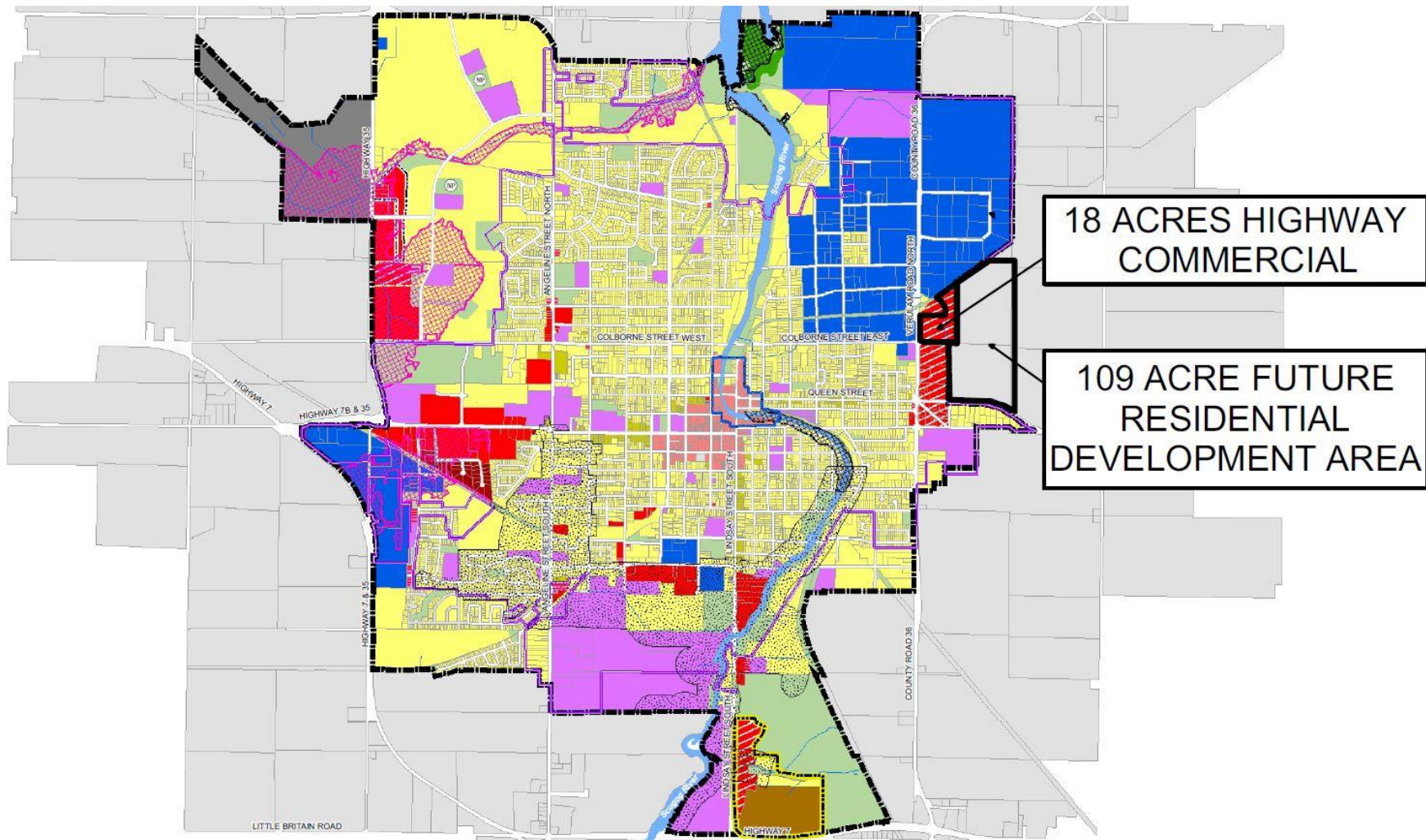
DESCRIPTION AGRICULTURAL LAND USE SYSTEMS

DRAWN BY E. ALKENBRACK.

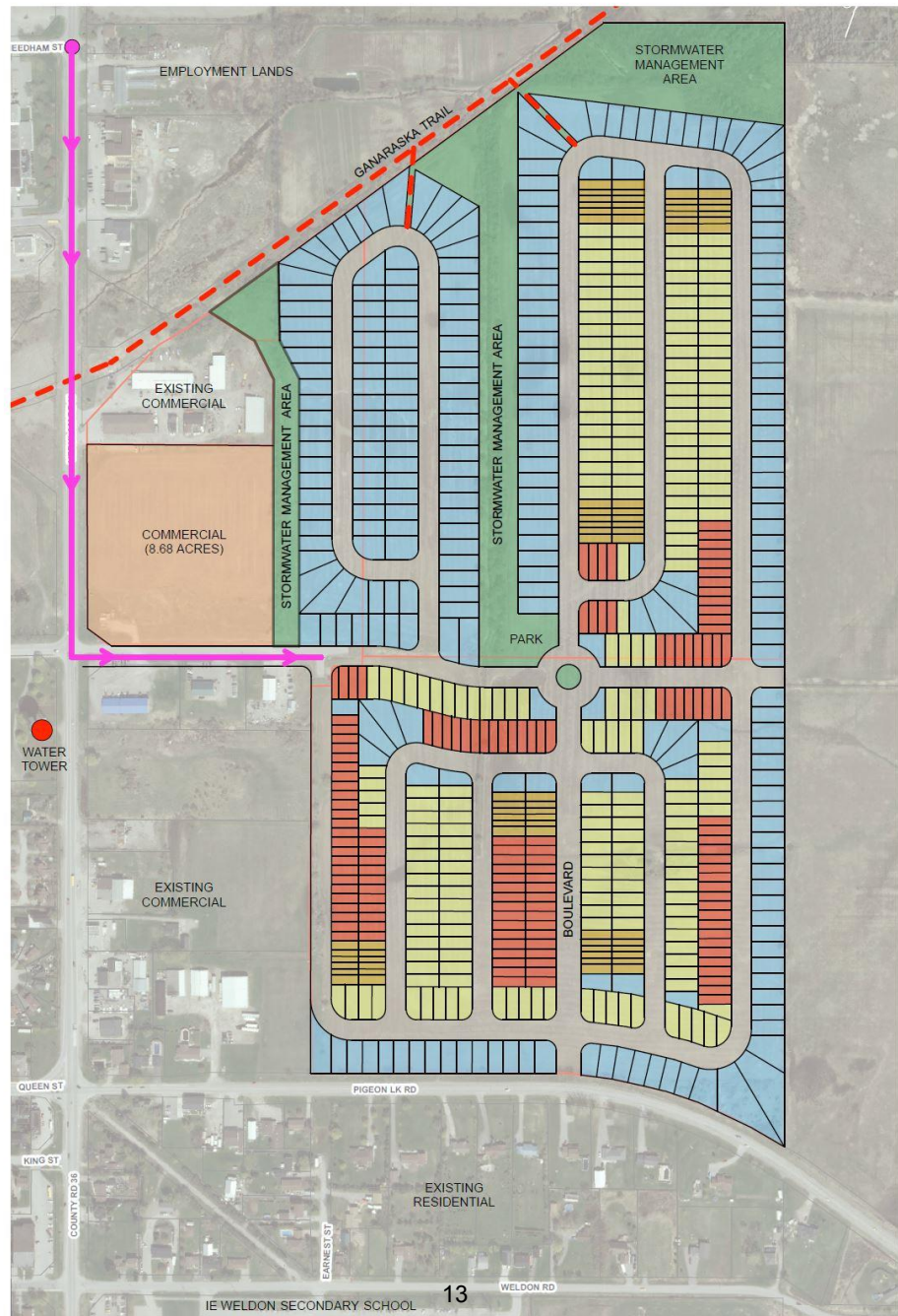
SCALE 1:50000

DATE FEB 11 1983

MAP No



ENCLOSURE 1 : CONCEPTUAL BLOCK PLANNING FOR SUBJECT PROPERTY



RICHARD J. TAYLOR, B.A. LL.B.
BARRISTER, SOLICITOR, NOTARY PUBLIC

193 Dalhousie Street
Peterborough, ON K9J 2M1
Mailing Address:
P. O. Box 1963
Peterborough, ON K9J 7X7
Telephone: (705) 876-7791
Fax: (705) 876-9280
Email: richard@richardtaylorlaw.ca

May 7, 2018

VIA EMAIL: agendaitems@kawarthalakes.ca

VIA EMAIL : jwatts@kawarthalakes.ca

City of Kawartha Lakes
180 Kent St. W.
Lindsay, ON K9V 4S5

Attention: Joel Watts, Deputy Clerk

Dear Sir:

Re: My Client: Fenelon Trails Inc.


Re: Public Information Meeting – May 9, 2018

**City of Kawartha Lakes Official Plan – Revisions to Various Secondary Plans
Official Plan Amendment #15 – Fenelon Falls Secondary Plan**

Further to your request, I provide herein completed Form as it would relate to a Deputation to Council.

In due course, we would appreciate a copy of the Council Meeting Agenda associated with this particular matter. As referenced, it deals with Official Plan Amendment #15 pertaining to the Fenelon Falls Secondary Plan.

Regards,



Richard J. Taylor
RJT/sj
Encl.



Request to Make a
Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

RICHARD J. TAYLOR, Barrister & Solicitor

Address: *

193 Dalhousie St., PO Box 1963

City/Town/Village:

Peterborough

Province: *

ON

Postal Code:

K9J 7X7

Telephone: *

(705) 876-7791

Email: *

richard@richardtaylorlaw.ca

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

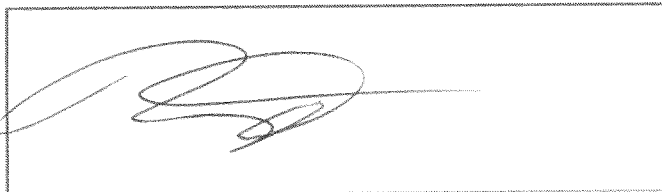
Richard J. Taylor, on behalf of Fenelon Trails Inc.

Please provide details of the matter to which you wish to speak: *

OPA #15 and the Fenelon Falls Secondary Plan

What action are you hoping will result from your presentation/deputation? *

Signature:



Date:

May 7, 2018

Please complete this form and return to the City Clerk's Office:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.