

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2018-09

Wednesday, September 12, 2018

1:00 P.M.

Victoria Room

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.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	PLAN2018-070	4 - 15
	<p>An application to amend the Township of Emily Zoning By-law 1996-30 to rezone the land surrounding 791 Cottingham Road to Rural Residential Type One (RR1) Zone and rezone the land on the balance of the property (795 Cottingham Road) to permit only one single detached dwelling (Fife)</p> <p>David Harding, Planner II</p>	
3.2	PLAN2018-073	16 - 24
	<p>An application to amend the Township of Mariposa Zoning By-law to add an observation tower as a permitted use and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa (Alden and Sommerville)</p> <p>Ian Walker, Planning Officer - Large Developments</p>	
4.	Business Arising from Public Meeting	
5.	Deputations	
6.	Correspondence	
7.	City of Kawartha Lakes Reports	
7.1	PLAN2018-067	25 - 33
	<p>Follow-up regarding matters identified at the May 9, 2018 Planning Advisory Committee Meeting involving Vizatimet Farms Ltd.</p> <p>Leah Barrie, Policy Planning Supervisor</p>	
7.2	PLAN2018-071	34 - 51
	<p>An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road (Muirhead)</p>	

7.3

ENG2018-016

52 - 54

Municipal Infrastructure Design Guidelines – Annual Update
Juan Rojas, Director of Engineering and Corporate Assets

8.

Adjournment

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-070

Date: September 12, 2018

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 15 - Emily

Subject: An application to amend the Township of Emily Zoning By-law 1996-30 to rezone the land surrounding 791 Cottingham Road to Rural Residential Type One (RR1) Zone and rezone the land on the balance of the property (795 Cottingham Road) to permit only one single detached dwelling (Fife)

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2018-070, respecting Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road – Application D06-2018-020, be received;

That a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix “D” to Report PLAN2018-070, 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:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property is an agricultural lot that contains two single detached dwellings. The owners sought to sever one of the two dwellings off from the balance of the agricultural land. On April 20, 2018, the Committee of Adjustment granted provisional consent to application D03-17-033 to sever an approximately 0.72 hectare (1.78 acre) residential lot containing a single detached dwelling and shed (791 Cottingham Road), and retain approximately 39.75 hectares (98.2 acres) of agricultural land with a dwelling (795 Cottingham Road).

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit more than one single detached dwelling. The A1 Zone currently permits two.

Owners:	Hugh and Shirley Fife
Applicant:	Becky Fife
Legal Description:	Part of Lot 21, Concession 3, geographic Township of Emily
Official Plan:	Prime Agricultural in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone, in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	Severed – 0.72 hectares Retained – 39.75 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural East: Agricultural, Rural Residential South: Agricultural, Rural Residential West: Agricultural, Rural Residential

Rationale:

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a condition of provisional consent that limits the number of residential dwelling units, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas

identified within official plans. The rezoning as a condition of consent to sever one of two dwellings from the agricultural land is consistent with the intent of these policies to protect agricultural lands.

The Agricultural System for the Greater Golden Horseshoe, a document providing supplementary direction to the Growth Plan, also identifies the subject property as prime agricultural area. This document recognizes the importance of the agri-food sector to regional and provincial economies, and provides for increased land use planning consistency across municipalities.

Therefore, this application does not conflict with the policies of the Growth Plan as the Zoning By-law Amendment ensures the long term protection of prime agricultural land.

Provincial Policy Statement, 2014 (PPS):

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and 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 by restricting the number of dwelling units to one, recognizing the existing dwelling on the proposed retained lands. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application does not conflict 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 proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

While the consent application does not propose the consolidation of farm land, the zoning by-law amendment ensures that the agricultural land to be retained is treated in the same manner. Therefore, this application is consistent with the Committee of Adjustment's decision and does not conflict with the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30. The lot to be retained exceeds the minimum lot frontage (120 metres) and area (25 hectare) requirements of the A1 Zone by proposing about 525 metres and 39.75 hectares respectively. An Agricultural Exception Thirty-Two (A1-32) Zone is proposed on the retained land. The purpose of the zone change is to protect the agricultural use of the land to be retained by restricting the permitted residential uses to one single detached dwelling to: (1) reflect the existence of the dwelling at 795 Cottingham Road, and (2) meet the intent of provincial and municipal policy. Dwellings on land within the A1 Zone are subject to the setback requirements of the Rural Residential Type One (RR1) Zone. The dwelling on the retained agricultural lot will comply with the RR1 Zone setbacks. The shed on the proposed retained lot will also comply with the setbacks specified within the General Provisions.

Section 7.2.1.7 specifies that lots not exceeding 1 hectare that are created within the A1 Zone do not need a zone change, as they are deemed to automatically be subject to the requirements of the Rural Residential Type One (RR1) Zone even though they formally retain the A1 Zone category on the zone schedule. In order to minimize future confusion over how 791 Cottingham Road is to be used, the amendment also proposes to formally change the zoning on the lot to be created (severed) from A1 to RR1. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements of the Rural Residential Type One (RR1) Zone by proposing about 65 metres and 0.72 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

Other Alternatives Considered:

No alternatives have been considered at this time.

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.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application does not specifically align with any component of the Strategic Plan.

Servicing Comments:

The dwelling on the agricultural land to be retained is serviced by a private sewage disposal system and well. The single detached dwelling on the land to be severed is also serviced by a private sewage disposal system and well.

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. The Building Division raised no concerns as a result of circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The application is consistent with the Committee of Adjustment's decision. The application does not conflict with the Growth Plan nor with the Provincial Policy Statement. The application also does not conflict with the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural is preserved for agricultural use by introducing the A1-32 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures 791 Cottingham Road is zoned RR1 to avoid any future confusion as to how the parcel is to be used.

Conclusion:

The application is consistent with the Committee of Adjustment's decision. The application does not conflict with the provincial policies concerning prime agricultural areas. The application also does not conflict with the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of August 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-070.pdf

Appendix 'B' – Sketches for Consent Application



Appendix B to
PLAN2018-070.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-070.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-070.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

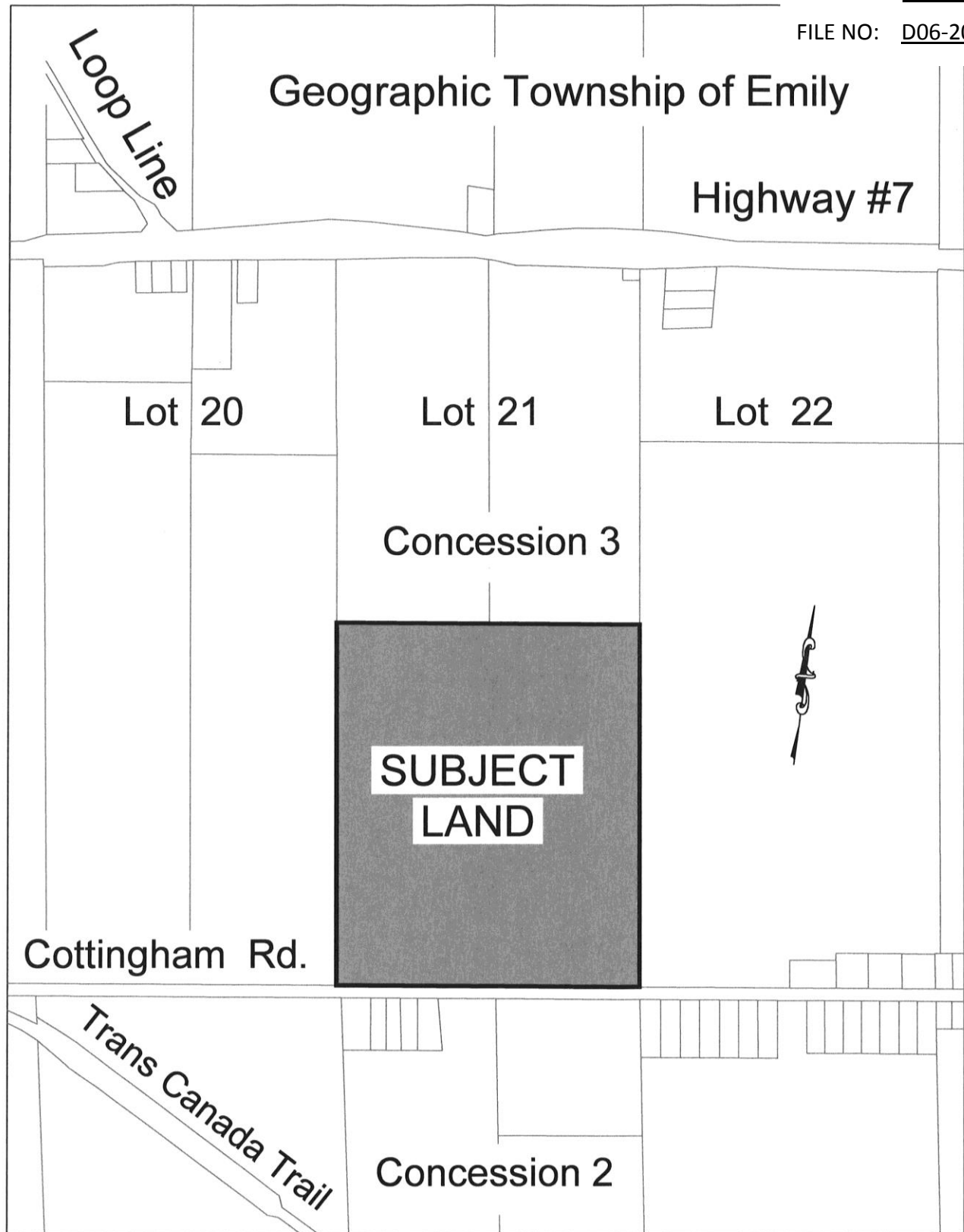
Department Head: Chris Marshall

Department File: D06-2018-020

to

REPORT PLAN2018-070

FILE NO: D06-2018-020

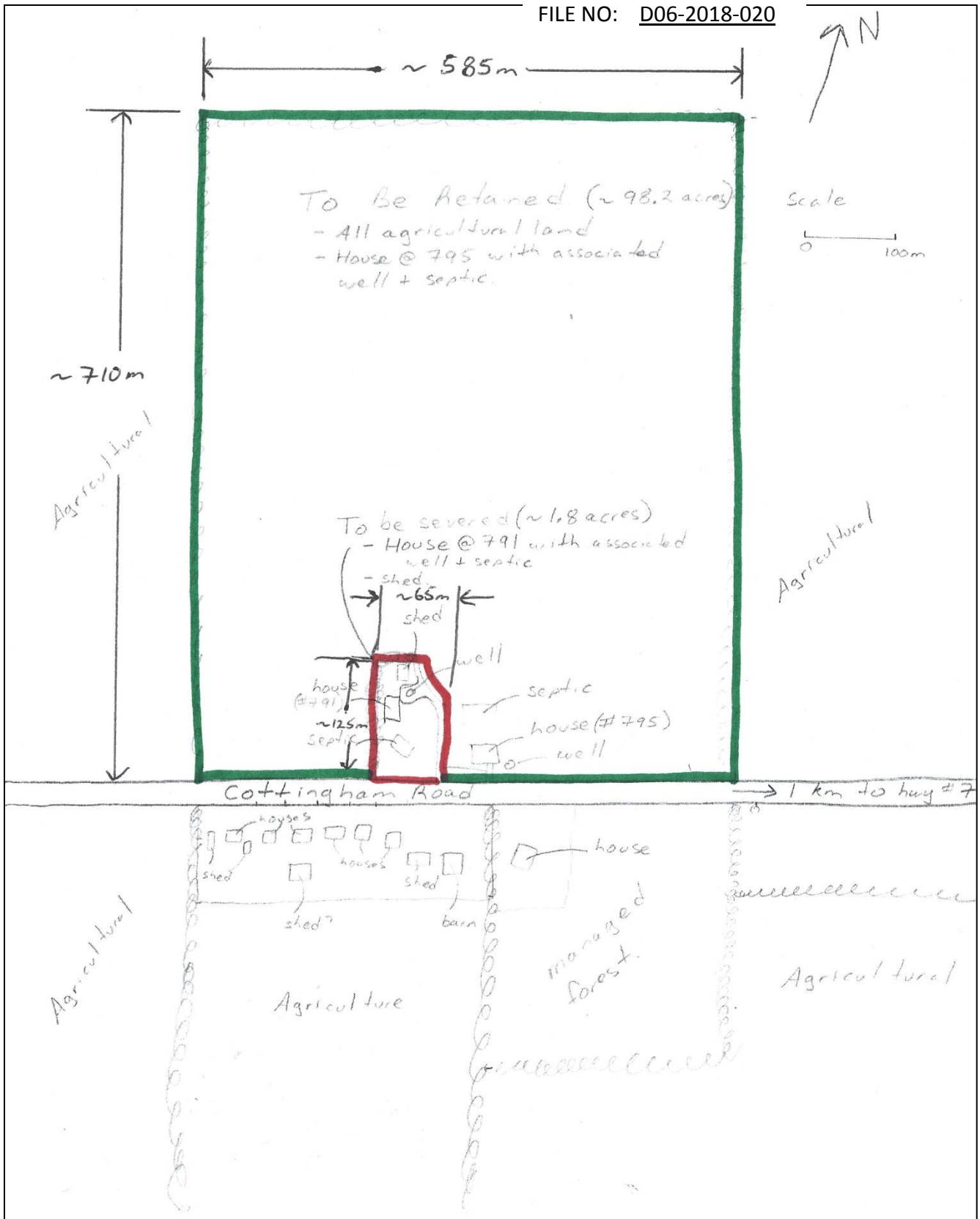


APPENDIX " B-1 "

to

REPORT PLAN2018-070

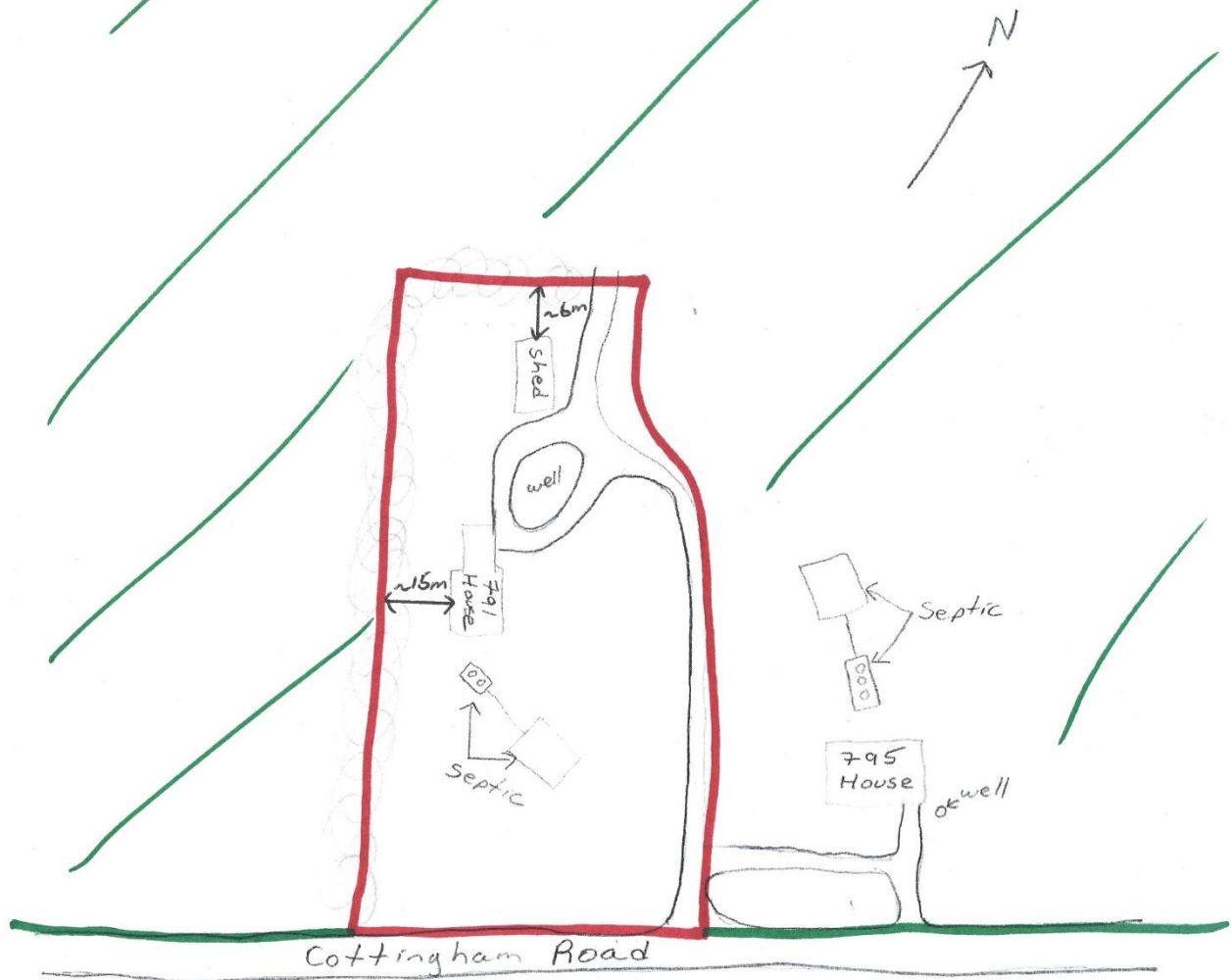
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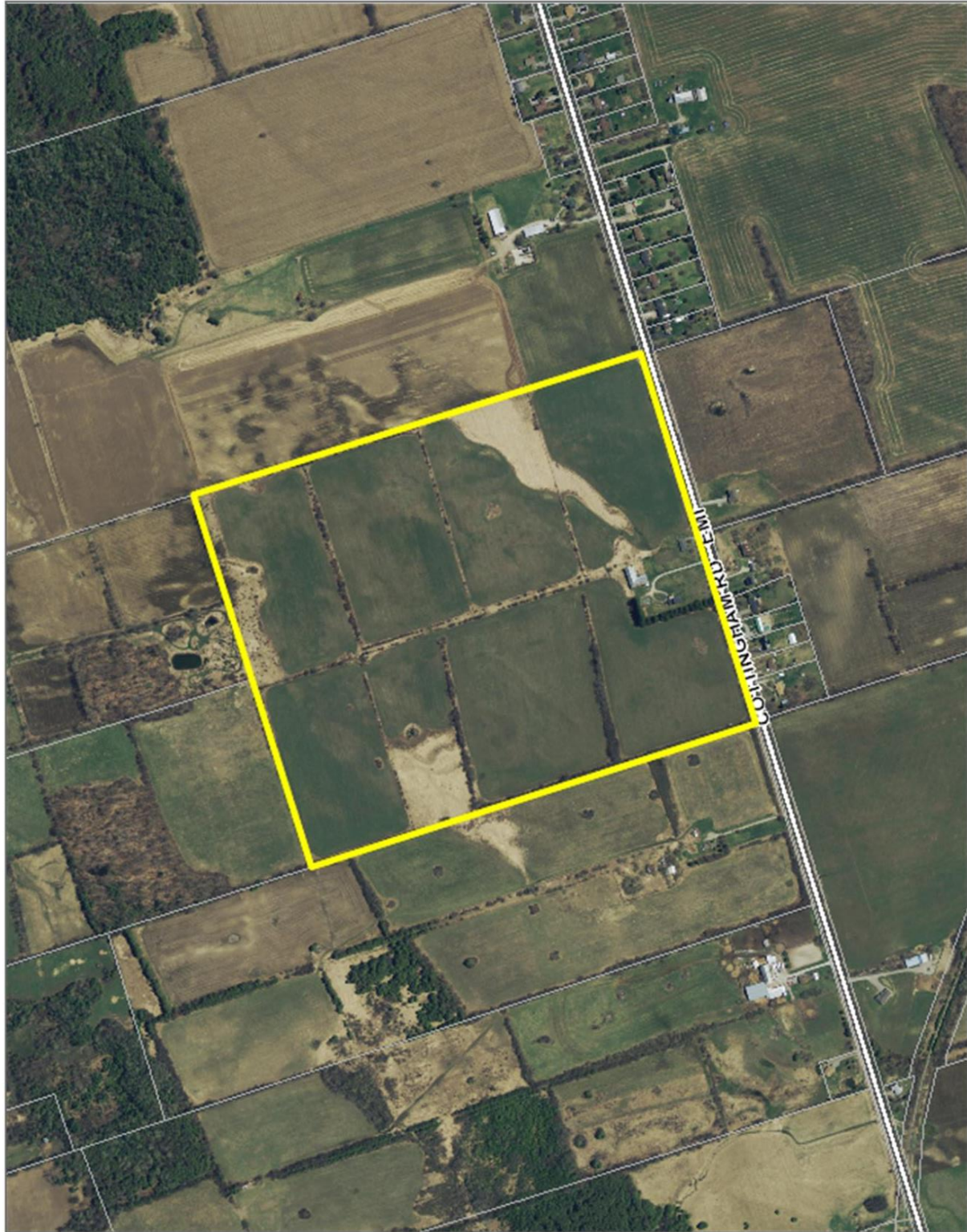
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REPORT PLAN2018-070

FILE NO: D06-2018-020



Close-up of property to be severed



0.62

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2018-070

By-Law 2018 -

FILE NO: D06-2018-020

A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-020, Report PLAN2018-070, respecting Part of Lot 21, Concession 3, geographic Township of Emily, identified as 791 and 795 Cottingham Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 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:
 - (a) rezone the land containing the dwelling on 791 Cottingham Road to a residential zone category, and
 - (b) restrict the permitted number of single detached dwellings on the balance of the land (795 Cottingham Road) to one,
 in order to fulfill a condition of provisional consent approval.
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 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 21, Concession 3, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding the following section to Section 16.3:

“7.3.32 Agricultural Exception Thirty Two (A1-32) Zone

Notwithstanding subsections 3.21, 7.1.1.8, 7.1.1.11 and 7.2.1.11, on land zoned “A1-32” a maximum of one single detached dwelling is permitted and a seasonal farm residential use is not permitted.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the Property from “Agricultural (A1) Zone” to “Rural Residential Type One (RR1) Zone” for the land referred to as ‘RR1’, as shown on Schedule ‘A’ attached to this By-law, and to change the zone category on the balance of the Property from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Two (A1-32) Zone” for the land referred to as ‘A1-32’, 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 R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

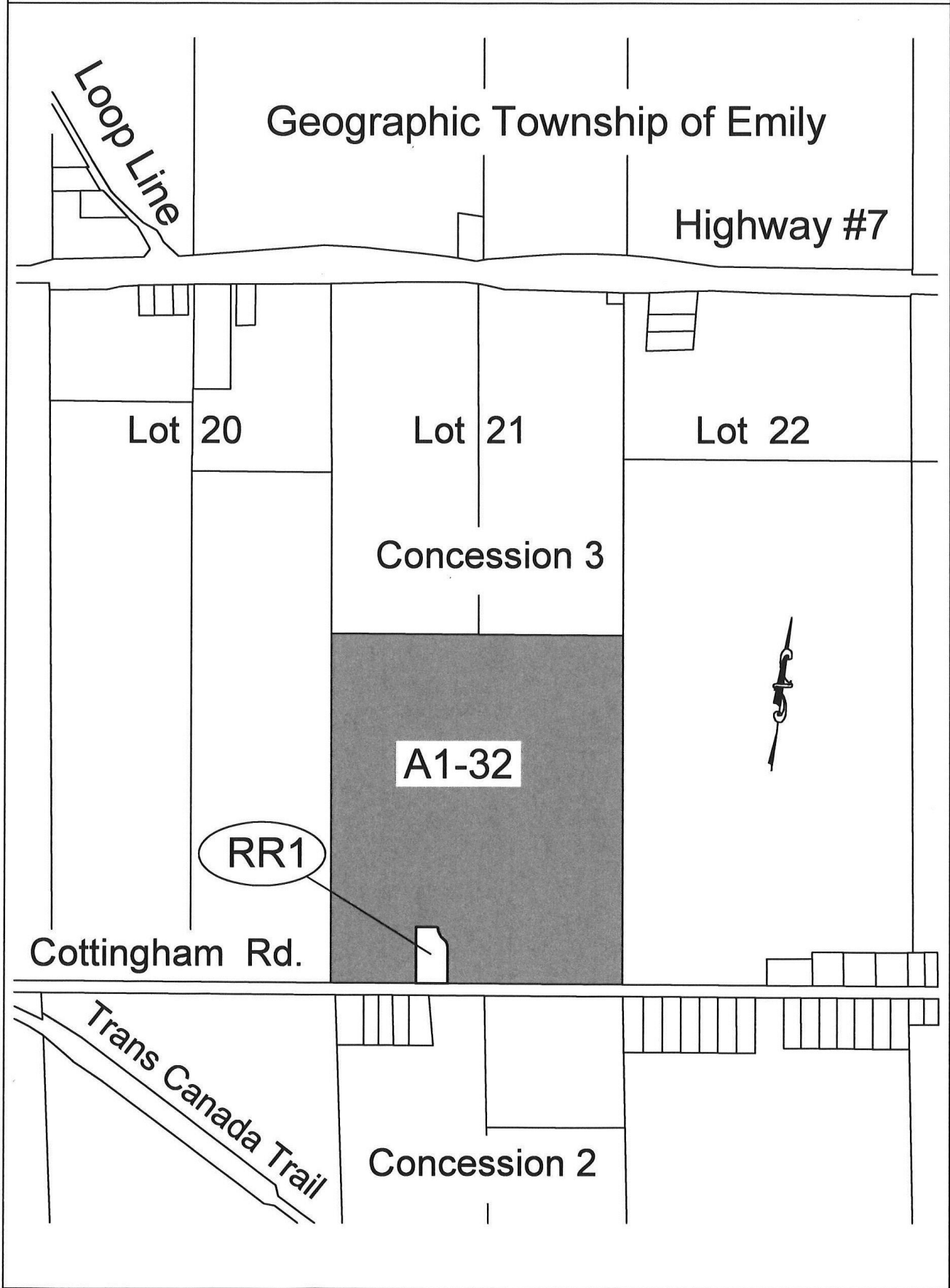
KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-073

Date: September 12, 2018

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 8 – Mariposa

Title: Zoning By-law Amendment for Observation Tower

Description: An application to amend the Township of Mariposa Zoning By-law to add an observation tower as a permitted use and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa (Alden and Sommerville)

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

Recommendations:

That Report PLAN2018-073, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022, be received; and

That PLAN2018-073 respecting Application D06-2018-022 be denied

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The owners have submitted a Zoning By-law Amendment application to amend the Rural Residential Type Three (RR3) Zone to include an exception zone. The intent of the exception zone is to add an additional use to the property and amend the development standards to recognize an existing 10.5 metre high osprey observation tower which was constructed in the absence of any building permits.

Owner:	Suzanne Alden and Scott Sommerville
Legal Description:	Part of Lot 17, Concession C, Geographic Township of Mariposa
Designation:	Waterfront on Schedule A-2 of the City of Kawartha Lakes Official Plan
Zone:	Rural Residential Type Three (RR3) Zone on Schedule A of the Township of Mariposa Zoning By-law Number 94-07
Lot Area:	2,808 square metres [31,363 square feet – MPAC]
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential East: Unopened Road Allowance; Agricultural South: Shoreline Residential West: Oakdene Crescent; Shoreline Residential

Rationale:

The property is located on the east side of Oakdene Crescent, and west of an unopened road allowance. See Appendix A. The property contains a two-storey single detached dwelling with associated septic system and well, and the osprey observation tower. See Appendix B. The observation tower is not a permitted use in the current zone category, and is not in compliance with the general provisions set out in the Zoning By-law. As such, a rezoning is required.

5 letters of support were submitted with the application, along with a Site Visit Report prepared by M.B. Finney Limited, dated September 28, 2017.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan):

The Growth Plan provides that development outside of settlement areas may be permitted on rural lands for the management or use of resources; resource-based recreational activities; and other rural land uses that are not appropriate in

settlement areas. Section 2.2.9 3.c) of the Growth Plan provides that other rural land uses must:

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

Staff are of the opinion that the viewing tower does not conform with the Growth Plan as it is not compatible with the rural landscape and surrounding local land uses. There are a number of neighbours that have complained about the viewing tower as they feel that it is unsightly and they feel it will impact their privacy.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (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. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

Staff are of the opinion that the viewing tower is not compatible with the rural landscape.

Official Plan Conformity:

The lot is designated Waterfront on Schedule A-2 of the City's Official Plan (OP). Portions of adjacent properties to the north have been identified as Provincially Significant Wetlands and Significant Woodlands on Schedule B-2 of the OP. Permitted uses in the Waterfront designation include single detached dwellings and residential accessory uses. Section 20.5.1 of the OP states all buildings and structures shall maintain a low profile and blend with natural surroundings.

Staff are of the opinion that the viewing tower is not a residential accessory use and does not maintain a low profile and blend with the natural surroundings.

Zoning By-Law Compliance:

The lot is zoned Rural Residential Type Three (RR3) Zone in the Township of Mariposa Zoning By-law. The RR3 zone permits a single detached dwelling or vacation dwelling, and a home occupation. Accessory buildings, structures and uses are permitted through the General Provisions section of the By-law.

The observation tower is not a residential accessory use, therefore the use would need to be permitted as part of a site-specific exception zone. This application proposes to add an exception zone to recognize the observation tower as a permitted use; and to include development standards to recognize the height of the observation tower, which is currently 9.0 metres with a 1.52 metre railing, for a total height of 10.52 metres.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. 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 Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application may align with the healthy environment strategic goal as it promotes the protection of natural features.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The existing dwelling is serviced by an on-site private sanitary sewage disposal system and individual well. No services are proposed for the observation tower structure.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius of the property, agencies, and City Departments which may have an interest in the application. As of August 31, 2018, we have received the following comments:

Public Comments:

5 emails and one letter objecting to the rezoning have been provided by 6 area residents. Concerns include: the invasion of privacy; that the tower provides a full view of neighbouring properties and the bay; that the tower is impacting on property values in the area; that the tower was constructed without any permits or approvals; that future uses of the tower cannot be controlled if the property is sold; and that other property owners in the area would seek similar approvals if this one is successful.

Agency Review Comments:

August 15, 2018	The Building Division has no concerns with the rezoning application.
August 15, 2018	The Economic Development Division has no comments to offer regarding the rezoning application.
August 17, 2018	The Engineering and Corporate Assets Department has no objection to the rezoning from an engineering review perspective.
August 23, 2018	Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
August 27, 2018	Enbridge Gas Distribution advised it does not object to the rezoning.
August 27, 2018	The Part 8 Sewage System Program advised it has no issue with the proposed rezoning.
August 31, 2018	The Kawartha Region Conservation Authority advised the property is regulated under Ontario Regulation 182/06, as it is within 120 metres of the Starr Bay Provincially Significant Wetland. As such, formal permission (a Section 28 Permit, Remediation Agreement) will be required for the observation tower. The signed and stamped engineering drawings prepared by M.B. Finney Ltd. for the bell-shaped foundations demonstrate the stability of the structure in relation to the grade of the property.

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. At this time, a number of objections have been received as a result of the public circulation.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be denied as it does not conform with the Growth Plan, is not consistent with the PPS, and does not conform to the City of Kawartha Lakes Official Plan.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2018-073
Appendix A.pdf

Appendix 'B' – Site Plan, not dated



PLAN2018-073
Appendix B.pdf

Appendix 'C' – Cross Section, not dated



PLAN2018-073
Appendix C.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D06-2018-022

Geographic Township of Mariposa

APPENDIX " A "
to
REPORT PLAN 2018-073
FILE NO. D06-2018-022

Concession B

Washburn Island Rd

Lot 16

Lot 17

Lot 18

Indian Trail

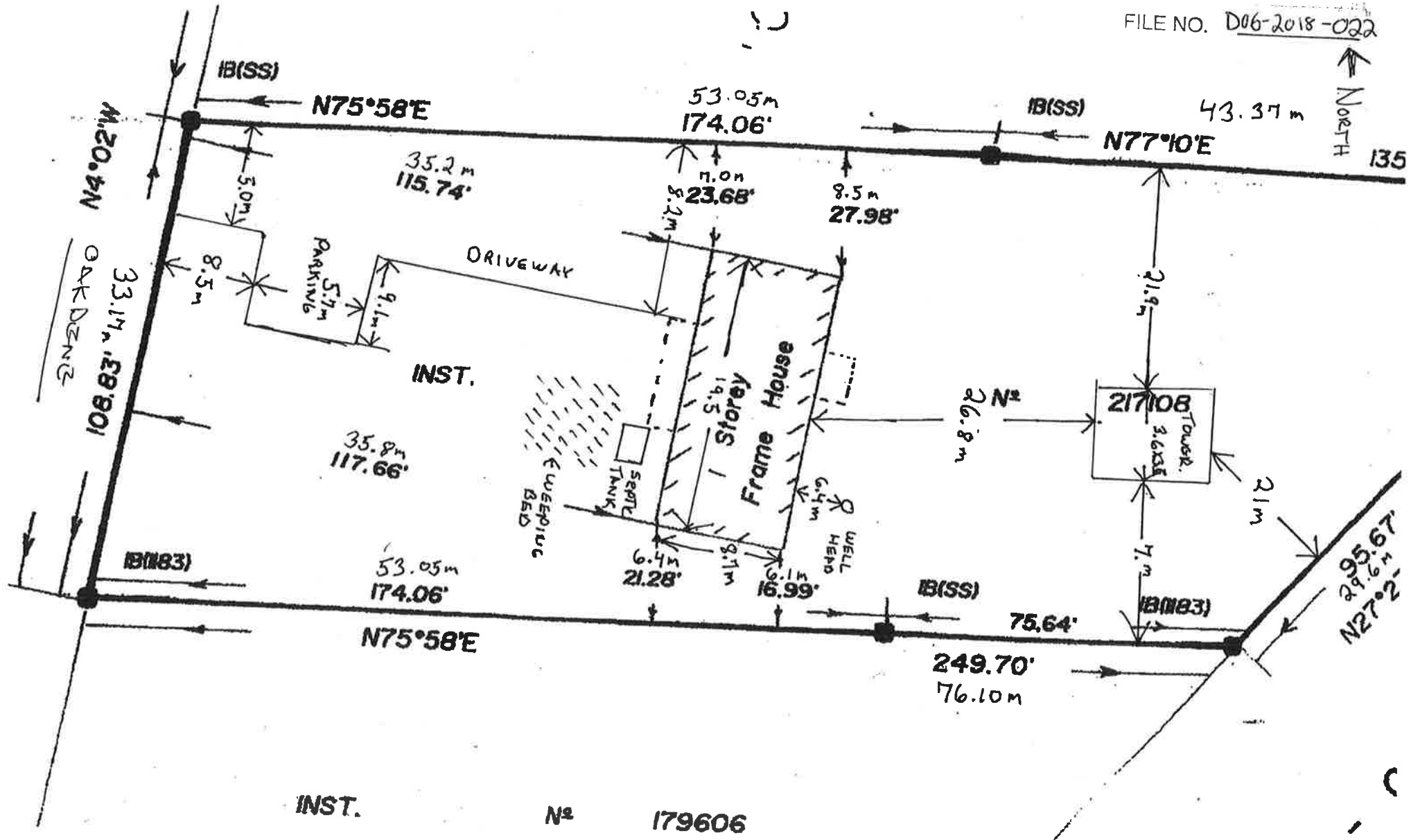


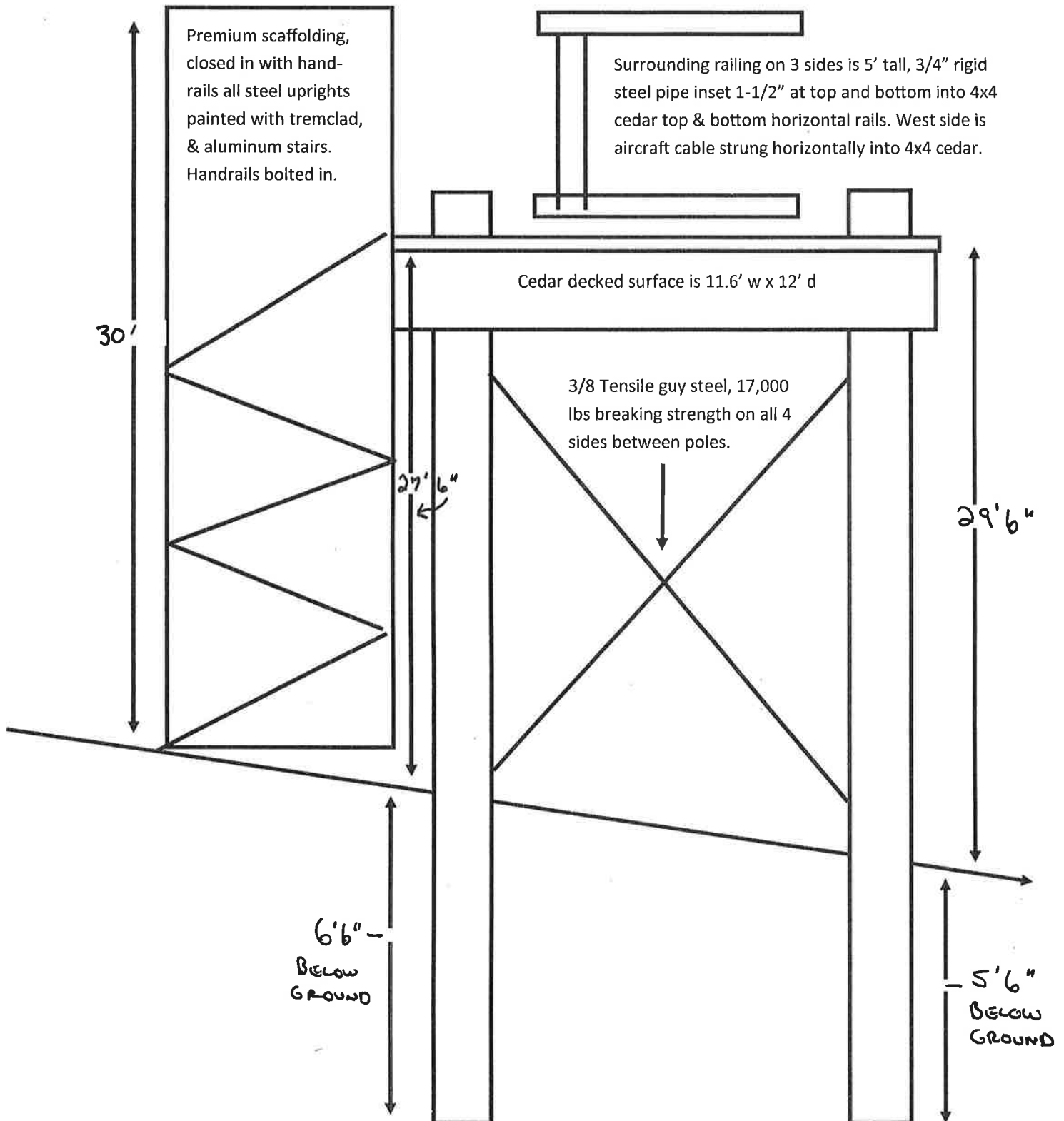
Rainbow Ridge Rd

SUBJECT LAND

Oakdene Cres

Lake Scugog





Observation Tower Side View

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-067

Date: September 12, 2018
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: **Secondary Plans Appeals Update – Follow-up**

Description: Follow-up regarding matters identified at the May 9, 2018 PAC meeting involving Vizatimet Farms Ltd.

Author and Title: Leah Barrie, Policy Planning Supervisor

Recommendations:

That Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

At the meeting of May 9, 2018 PAC adopted the following resolutions concerning the Secondary Plans:

PAC2018-026

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings.

Carried

PAC2018-027

That staff report back to the Planning Advisory Committee regarding the classification and designation of lands held by Vizatimet Farms Ltd. at the northeast corner of CKL Road 36 and CKL Road 17.

Carried

And subsequently CR2018-344:

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings, save and except those relating to the Fenelon Falls Secondary Plan.

Carried

Council directed staff to proceed with removing the Future Development Area Overlay, and return to PAC with an update on the Vizatimet Farms Ltd. matter.

This report addresses that direction.

Rationale:

The following table identifies how lands held by Vizatimet Farms Ltd. (“Vizatimet”) have been, and are, currently designated in the respective land use policy documents:

	PARCEL 1: 7.3 ha*	PARCEL 2: 50.26 ha*
VCOP prior to 2012 Refer to Ops Twp OP	N/A	N/A
Ops Twp OP prior to 2017	Highway Commercial	Agricultural
CKLOP 2012 (currently in force and effect)	Urban Settlement Area	Prime Agricultural

OPA 13 General Amendment 2017	Refer to OPA 16	Future Development Area (Overlay) added on top of Prime Agricultural <ul style="list-style-type: none"> • Appealed by MMA based on a lack of demonstrated need for additional land to accommodate growth • Appealed by Vizatimet who suggest Rural (not Prime Agricultural) is the appropriate designation; supportive of the Future Development Area Overlay, with the ultimate goal and expectation that the lands will be designated for residential uses
OPA 16 Lindsay Secondary Plan 2017	Highway Commercial Appealed by Vizatimet who suggest Commercial is the appropriate designation, based on conclusions of independent commercial market study	N/A
Provincial Agricultural System for the GGH 2017	N/A	Prime Agricultural Area

*see Appendix A; Parcel 1 detail provided for context but does not form part of Discussion

Discussion:

The designation of lands outside of the urban settlement area is based on soils classification mapping prepared by OMAFRA (1983). The mapping demonstrated that the lands were within classes 1 to 3 and as such were given a land use designation of Agricultural in the Township of Ops Official Plan. The lands are now designated Prime Agricultural in the City of Kawartha Lakes Official Plan (since 2012). The same designation has applied to date, reiterated by OMAFRA's 2017 Agricultural System mapping.

According to the Province, the PPS directs that prime agricultural areas can only be removed for the purposes of identifying or expanding a settlement area:

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a *settlement area* boundary only at the time of a comprehensive review.

In order to protect continuous areas for agricultural production and related activities, site-specific removals (or re-designations) cannot be entertained. Changes to the Province's mapping would have to be made in consideration of not only the PPS but also the Agricultural System Implementation Procedures, as directed by the Growth Plan (Section 4.2.6.9), and only at the time of an MCR process ("Municipal Comprehensive Review").

4.2.6 Agricultural System

4.2.6.9 In implementing the Agricultural System, upper- and single-tier municipalities may, through a municipal comprehensive review, refine or augment provincial mapping in a manner that is consistent with this Plan and any implementation procedures issued by the Province.

One tool that can be used to justify changes (i.e. re-designations) is a LEAR study ("Land Evaluation and Area Review").

Vizatimet retained a consultant to prepare an Agricultural Land Evaluation (i.e. an individual LEAR study) to demonstrate that the lands are not Prime Agricultural and should be re-designated to Rural.

LEARs are intended to generate scores across a large landscape scale and are not intended to be used to assess small parcels of land on a case-by-case basis. If a proponent-driven LEAR was to be entertained, it would have to be undertaken at an appropriate scale (i.e. consideration of the entire Rural Area). The designation of Prime Agricultural areas, or changes to that designation, is an exercise in identifying areas of public interest as opposed to site-specific private development interests.

The proponent asserts that the City is still completing its MCR because the CKLOP remains under appeal, and therefore, LPAT should consider their LEAR study. Staff is of the opinion that the MCR concluded when Council adopted the CKLOP which was subsequently approved by the Minister.

Staff is not supportive of this approach, because there would then be pressure to consider similar requests from other landowners surrounding settlement areas. This would create a circumstance where the City is examining settlement area expansions in advance of an MCR which is neither consistent with the PPS nor upholds the Growth Plan.

As part of the upcoming appeal hearings, the Tribunal may review the City's MCR process and change the process and/or the analyses.

Other Alternatives Considered:

There are 2 approaches possible to re-designate the approved-CKLOP 2012 Prime Agricultural lands to Rural:

- 1) A site-specific proponent-driven Official Plan Amendment application process.
- 2) An MCR process as part of the CKLOP Update.

Financial/Operation Impacts:

Possible delays or extension of LPAT proceedings.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This Report aligns with all three Strategic Goals by providing development and growth options within the City that balance fiscal and environmental objectives.

Review of Accessibility Implications of Any Development or Policy:

The Accessibility Co-ordinator has been involved in the Secondary Plan process.

Servicing Comments:

Staff in the Engineering and Corporate Assets and Public Works Departments has been involved in the Secondary Plan process.

Consultations:

City Solicitor
Ministry of Municipal Affairs

Attachments:

Appendix A: Vizatimet Land Holdings



Vizatimet
Holdings.docx

Appendix B: Map (Schedule F-1) Illustrating Secondary Plan Boundaries –
Lindsay



Lindsay Land
Use_Comparison.pdf

Appendix C: Map (Schedule A-3) Illustrating 'Future Development Area' in
Lindsay



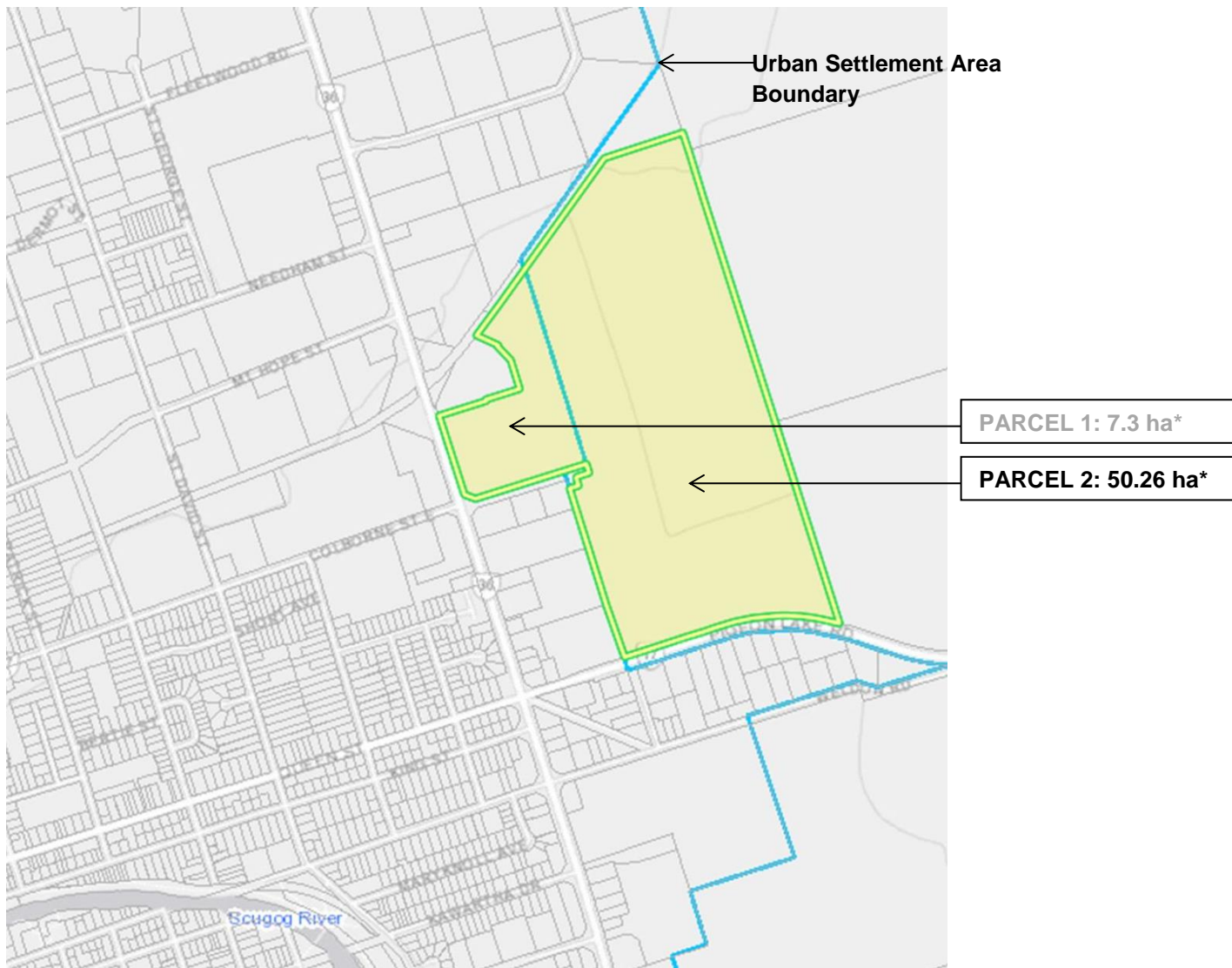
2018.05.09
Schedule A-3.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

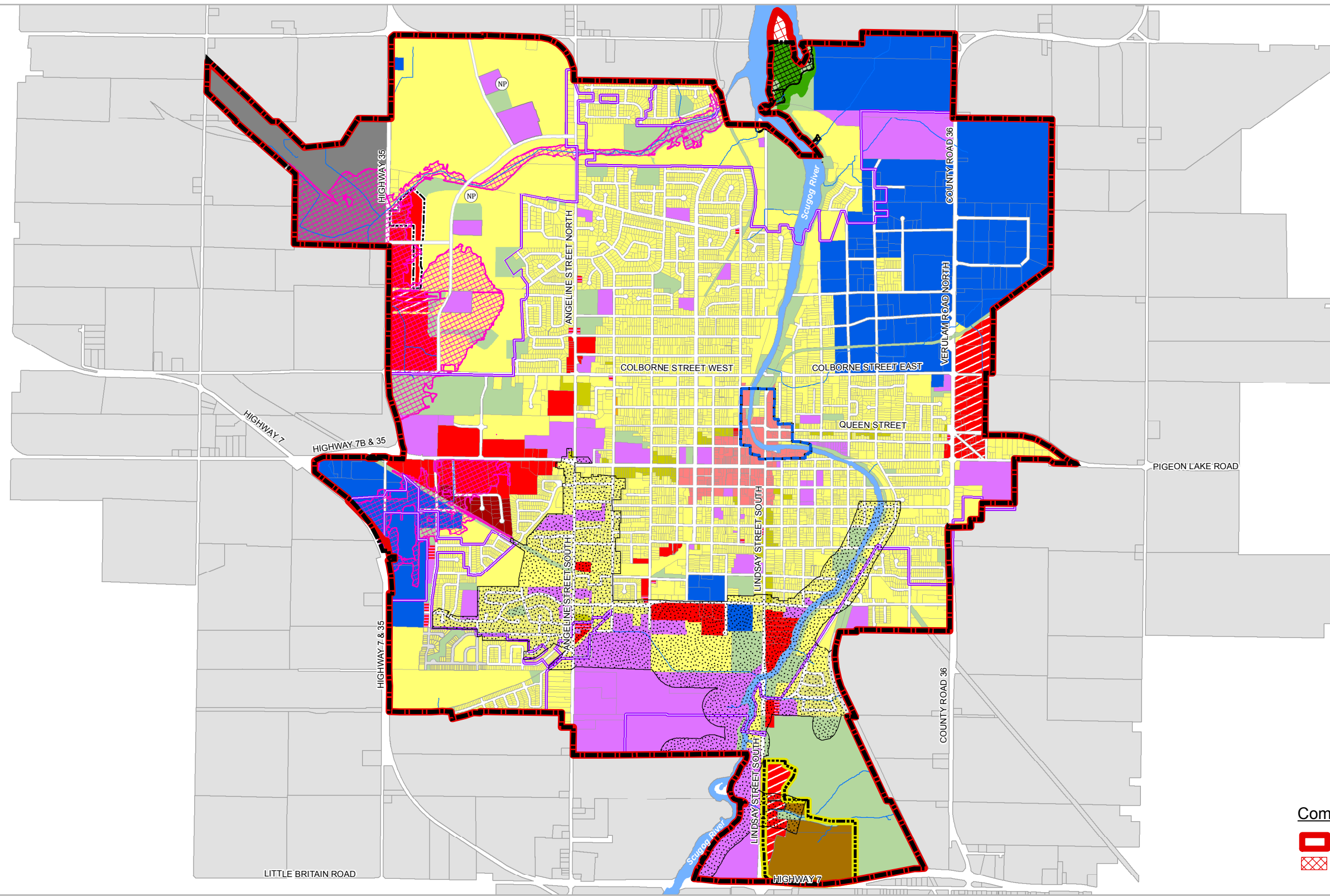
Department Head: Chris Marshall

Department File: D00-99-006

Appendix A: Vizatimet Land Holdings:



*Parcels as identified by The Biglieri Group Ltd.; lands comprise a single lot of record under tax assessment roll number 165100600604500 total acreage 50.7678 ha (125.45 ac)



Comparison Overlay

- Council Approved Settlement Boundary - June 2017
- Area proposed to be removed

KAWARTHA LAKES
SECONDARY PLANS PROJECT
LINDSAY SETTLEMENT AREA

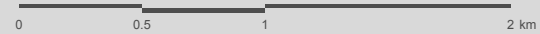
LAND USE
SCHEDULE F-1



Lindsay Settlement Area/Service Boundary	Policy Area # 3 (Sturgeon/Scugog Floodplain Area)	Airport Lands	Institutions and Community Facilities	Mixed-Use Gateway
GMS Built Boundary	Policy Area # 4 (Ops No. 1 Drain/Jennings Creek Floodplain Area)	Commercial	Employment	Waterbody
Waterfront Core Commercial Boundary	Intake Protection Zone	Local Commercial	Residential	Watercourses
Policy Area # 1 (Future Commercial Area)	Environmental Protection	Highway Commercial	Mixed-Use Residential	New Park
Policy Area # 2 (Gateway Area)	Parks and Open Space	Service Commercial	Central Business District	

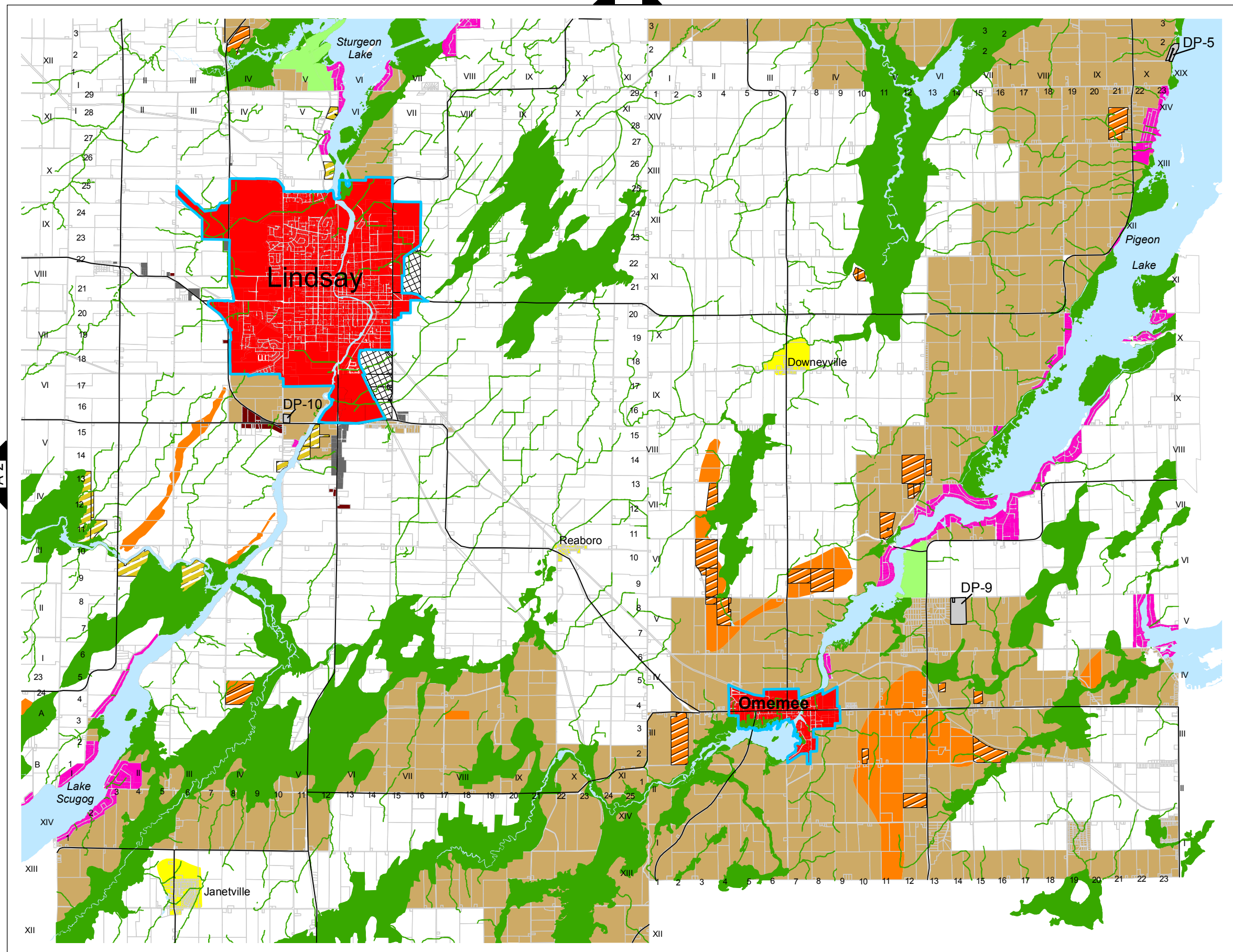


MAP DRAWING INFORMATION:
DATA PROVIDED BY CKL, MNR
MAP CREATED BY: PFM/SFG; DATE: 04/02/123
MAP CHECKED BY: EC
MAP EDITS BY: CS (CKL)
MAP PROJECTION: NAD 1983 UTM Zone 17N



FILE LOCATION:
Toronto Server
I:\GIS\115009 - Kawartha Lakes\Design_GIS\MXDs\2013 - Revisions\Lindsay Land Use.mxd

REVISION NO.: 11
PROJECT: 11-5009
STATUS: DRAFT
PRINT DATE: 10/05/2017



City of Kawartha Lakes

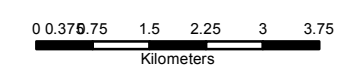
Official Plan

Schedule A-3

May 07, 2015 - Draft
(Geographic Townships of Ops and Emily)

Land Use Designations

- Prime Agricultural
- Rural
- Environmental Protection
- Urban Settlement Area
- Hamlet Settlement Area
- Waterfront
- Highway Commercial
- Tourist Commercial
- Industrial
- Future Development Area (Overlay)
- Aggregate
- Open Space
- Sand and Gravel Resource
- Development Plan Area
- Abandoned Mine Constraint
- Urban Settlement Boundary
- Lake Simcoe Source Water Protection Boundary
- SP-1 (Specific Lake Policy Area)



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-071

Date: September 12, 2018

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier: Ward 8 - Mariposa

Subject: An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road - Muirhead

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2018-071, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, and identified as 408-422 Ranch Road, Muirhead – Applications D01-2018-003 and D06-2018-011, be received;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, 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 these applications.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The application was previously before the Planning Advisory Committee on May 9, 2018. It was referred back to staff until all comments had been received, and until additional analysis was conducted involving the proposal's conformity with provincial and municipal policy.

The applicant has submitted concurrent Official Plan and Zoning By-law Amendment applications to permit an existing single detached dwelling (422 Ranch Road) on approximately 0.54 hectares of land to be severed from the balance of the agricultural property, which is approximately 40.2 hectares. The balance of the agricultural property contains a second dwelling and agricultural buildings (408 Ranch Road).

The owner advises that the second dwelling unit was constructed for their special needs son to allow him opportunity to live independently while remaining in close proximity to the family. Since his passing, the second dwelling is no longer required. When the second dwelling unit was constructed, the Mariposa Zoning By-law permitted, without any restrictions, a second dwelling unit on a lot within the Agricultural (A1) Zone.

Should the applications be approved, a consent application will follow.

Owner:	Ann Muirhead
Applicant:	Nolan Drumm, EcoVue Consulting Services Inc.
Legal Description:	Part of Lot 17, Concession 3, geographic Township of Mariposa
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Mariposa Zoning By-law 94-07, as amended.
Site Size:	Proposed Severed: 0.54 hectares Proposed Retained: 40.2 hectares
Site Servicing:	Proposed Severed: Private individual well and septic system Proposed Retained: Private individual well and septic system
Existing Uses:	Agricultural/Forest
Adjacent Uses:	North: Agricultural, Rural Residential South, East, West: Agricultural, Forest/Wetland

Rationale:

The subject property is located within an agricultural area, and contains an agricultural operation: the property is largely cultivated, and also contains a vacant barn and other agricultural buildings shown in Appendix 'C'.

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

1. Planning Justification Report prepared by Kent Randall, EcoVue consulting Services Inc., dated November 21, 2017. This document analyses the appropriateness of permitting the proposed severance.
2. Agricultural Impact Assessment prepared by Bob Clark of Clark Consulting Services dated September 15, 2017. This document analyses the impacts the proposal may have to agricultural operations, and includes Minimum Distance Separation calculations.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The severance and subsequent rezoning is consistent with the intent of these policies to protect agricultural lands as the total number of dwellings on the retained agricultural lands will be restricted to one.

The Agricultural System for the Greater Golden Horseshoe, a document providing supplementary direction to the Growth Plan, also identifies the subject property as prime agricultural area. This document recognizes the importance of the agri-food sector to regional and provincial economies, and provides for increased land use planning consistency across municipalities.

Therefore, the applications do not conflict with the policies of the Growth Plan as the Zoning By-law Amendment ensures the long term protection of prime agricultural land.

Provincial Policy Statement, 2014 (PPS):

Section 2.3 requires the long term protection of prime agricultural areas for agricultural use. In order to enable these protections, Sections 2.3.3.3 and 2.3.4.1 require new lots to comply with the minimum distance separation formulae. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and 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 by restricting the number of dwelling units to one, recognizing the existing dwelling on the proposed retained lands. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

The MDS I calculations submitted by the applicant determine that the barn on the proposed retained agricultural lot requires a setback of 110 metres to the dwelling, whereas 92 metres exists. The calculations also conclude that a new barn could be constructed elsewhere on the lot in conformity with the MDSII formulae. In light of the MDS report findings, staff is recommending, and the owner is supportive, of the barn being demolished to comply with the MDS criteria.

Therefore, the applications do not conflict 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 proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

While the applications do not propose the consolidation of farm land, the official plan amendment is proposing a policy exception be created to address the unique circumstances on this property, and the zoning by-law amendment proposes provisions that ensures the land is dealt with in same manner as an application that proposes a dwelling surplus to the needs of a farming operation as a result of the consolidation of farm land. Therefore, this application does not conflict with the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Mariposa Zoning By-Law 94-07. The lot to be retained exceeds the minimum lot frontage (230 metres) and area (38 hectare) requirements of the A1 Zone by proposing about 488 metres and 40.2 hectares respectively. An Agricultural Exception Thirty-Three (A1-33) Zone is proposed on the lands to be retained. The purpose of the A1-33 Zone is to protect the agricultural use of the land to be retained by restricting residential use to one single detached dwelling to: (1) meet the intent of provincial and municipal policy, and (2) recognize that one dwelling remains

upon the agricultural lot. All buildings on the lot to be retained will comply with the setback provisions of the A1 Zone.

Lots that are created within an Agricultural (A1) Zone that are no greater than 1 hectare are subject to the setback requirements of the Rural Residential Type One (RR1) Zone category due to Section 8.2.1.7. However, the property remains formally labelled A1 within Schedule A of the Zoning By-law. Instead of relying on this zone provision, staff is proposing that the zone category on the lot to be severed be formally changed from A1 to RR1 to minimize any future confusion as to how the lot is to be used. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements of the RR1 Zone by proposing about 75 metres and 0.54 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

Other Alternatives Considered:

No alternatives have been considered at this time.

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.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application does not specifically align with any component of the Strategic Plan.

Servicing Comments:

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

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. The Engineering and Corporate Assets Department, Building Division, Kawartha Region Conservation Authority, Enbridge Gas Distribution, and Community

Services Department raised no concerns as a result of circulation. No comments were received from the public.

The Building Division – Part 8 Sewage Systems has no objection to the application, but notes that more detailed information will be required at the consent application stage to ensure sufficient spatial separation between the sewage system on the proposed severed lot and the lot lines.

The Chippewas of Rama First Nation have not stated any concerns, but they advise that the notice was forwarded to their solicitor for review.

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 proposal does not conflict with provincial policy, and as such is not inconsistent with the City's Official Plan. The applicant's supporting documentation has identified that the barn is too close to the dwelling on the proposed severed lot to comply with the applicable MDS criteria. As a condition of consent, it will be recommended that the barn be demolished in order to meet MDS criteria.

The proposal seeks to rectify a situation that was created in compliance with the zone provisions in effect at the time. The proposed zoning by-law amendment seeks to treat the balance of the agricultural lands much like how an application to sever a dwelling as a result of a consolidation of farm land is treated to ensure a consistent approach with policy by restricting the number of dwellings on the proposed retained to one, reflecting the dwelling that exists.

Conclusion:

The application does not conflict with the provincial policies concerning prime agricultural areas/lands. The application also does not conflict with the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of August 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-071.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2018-071.pdf

Appendix 'C' – Applicant Sketch



Appendix C to
PLAN2018-071.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-071.pdf

Appendix 'E' – Draft Official Plan Amendment



Appendix E to
PLAN2018-071.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

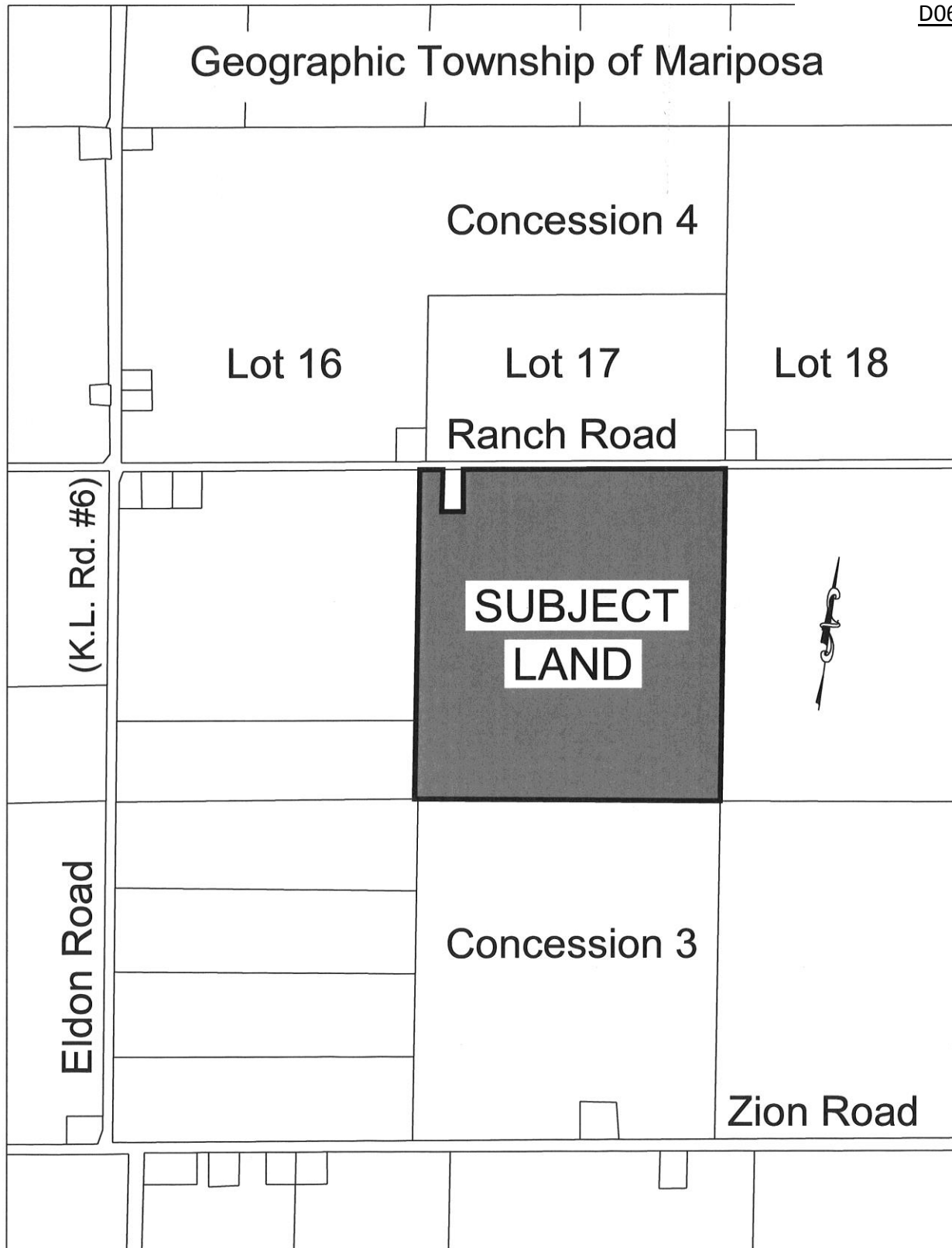
Department Files: D01-2018-003 and D06-2018-011

to

REPORT PLAN2018-071

FILE NOS: D01-2018-003

D06-2018-011



to

REPORT PLAN2018-071

FILE NOS: D01-2018-003

D06-2018-011



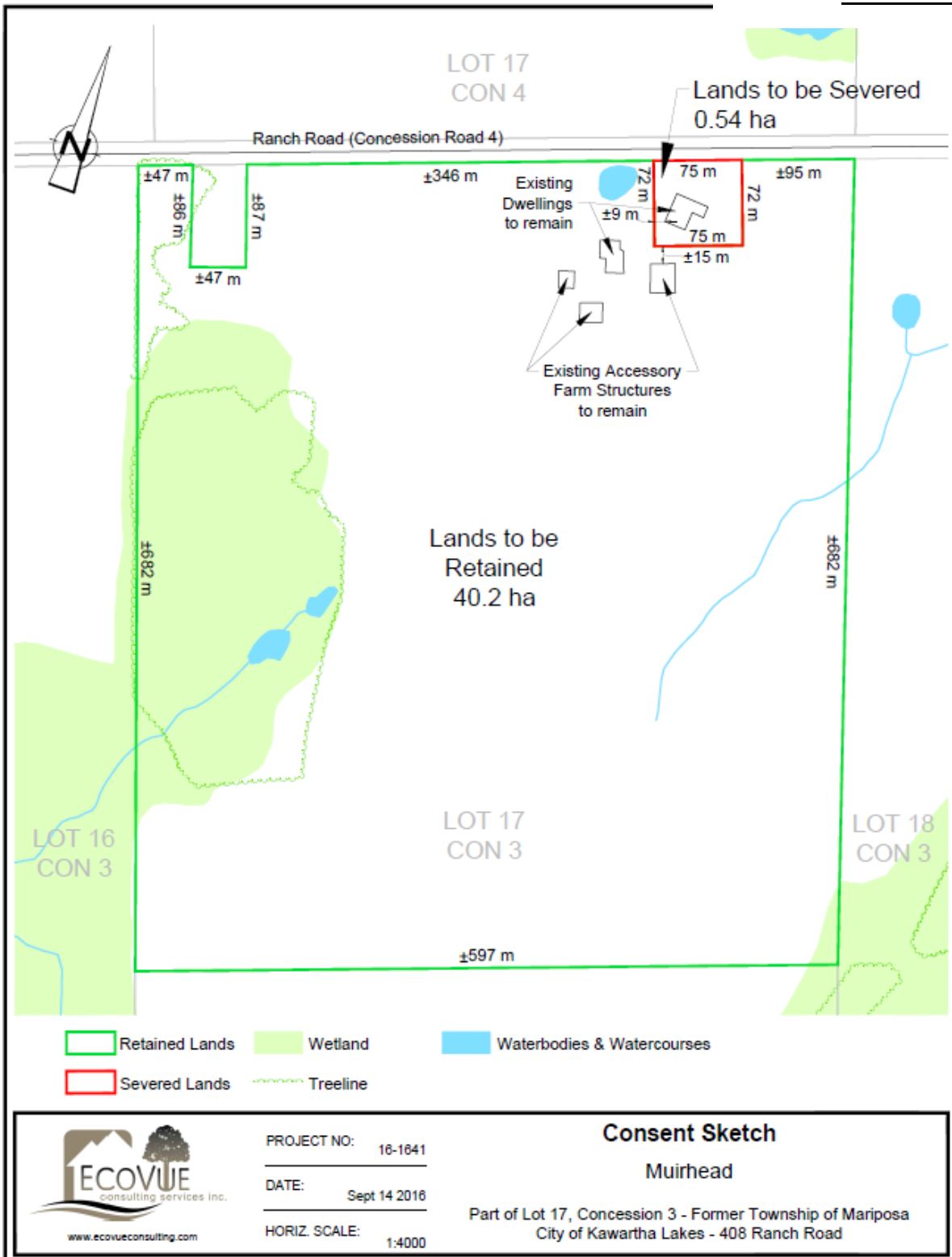
APPENDIX " C "

to

REPORT PLAN2018-071

FILE NOS: D01-2018-003

D06-2018-011



to
The Corporation of the City of Kawartha Lakes

REPORT PLAN2018-071

By-Law 2018 -

FILE NO: D06-2018-011

A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-011, Report PLAN2018-071, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, identified as 408 and 422 Ranch Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 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:
 - (a) rezone the land containing the dwelling on 422 Ranch Road to a residential zone category, and
 - (b) restrict the permitted number of single detached dwellings on the balance of the land (408 Ranch Road) to one,
 in order to facilitate a future consent application.
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 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended by adding the following section to Section 16.3:

“8.3.33 Agricultural Exception Thirty Three (A1-33) Zone

8.3.33.1 Notwithstanding subsections 3.22, 8.1.1.8, and 8.2.1.10, on land zoned “A1-33” a maximum of one single detached dwelling is permitted and a seasonal farm residential use is not permitted.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the Property from “Agricultural (A1) Zone” to “Rural Residential Type One (RR1) Zone” for the land referred to as ‘RR1’, as shown on Schedule ‘A’ attached to

this By-law, and to change the zone category on the balance of the Property from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Three (A1-33) Zone” for the land referred to as ‘A1-33’, 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 R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ** , 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

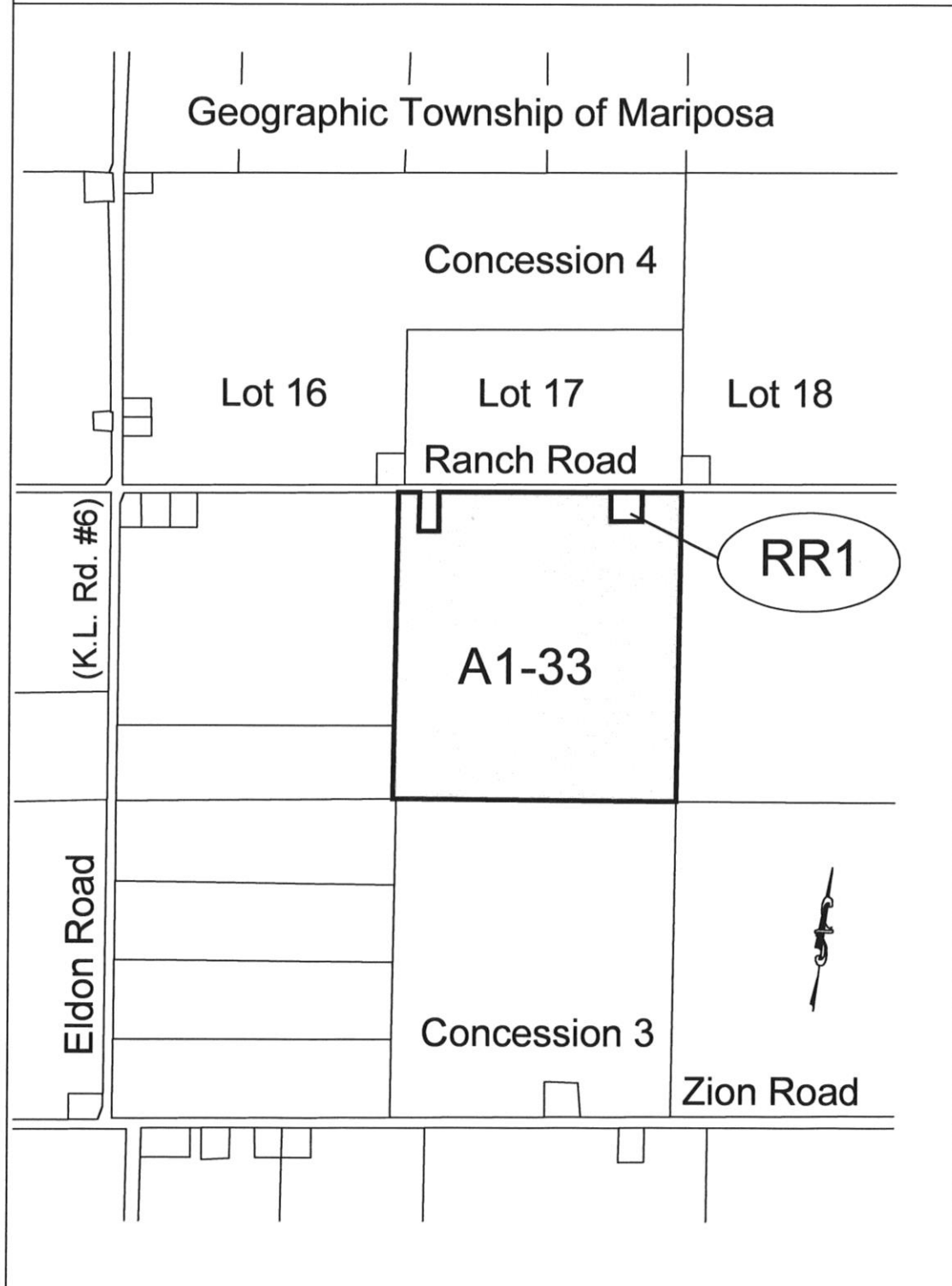
KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____



to

The Corporation of the City of Kawartha LakesREPORT PLAN2018-071**By-Law 2018 -**FILE NO: D01-2018-003**A By-Law To Amend The City of Kawartha Lakes Official Plan To Re-Designate Land Within The City Of Kawartha Lakes**

File D01-2018-003, Report PLAN2018-071, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, identified as 408 and 422 Ranch Road

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to add a special provision to the Prime Agricultural designation policies as they apply on a portion of the subject land in order to facilitate the creation of a rural residential lot that is not deemed surplus to a farm operation as the result of a consolidation of farm land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment 31.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment Number 31 of the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2018-***

The Corporation of the City of Kawartha Lakes

Amendment Number 31 To The City of Kawartha Lakes Official Plan

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the "Prime Agricultural" land use designation within the City of Kawartha Lakes Official Plan to include a Special Policy on a portion of the subject land to facilitate the severance of a rural residential lot.

The effect of the change would permit a second existing dwelling to be severed from the agricultural lot, whereas the proposal would not currently be permitted in the Prime Agricultural policies of the City of Kawartha Lakes Official Plan as the second dwelling is not deemed surplus to the needs of a farm operation as a result of the consolidation of farm land.

B. Location

The subject land has an area of approximately 40.74 hectares and is legally identified as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes and municipally addressed as 408-422 Ranch Road. The portion of the subject land affected by this amendment has an area of approximately 0.54 hectares, contains a single detached dwelling, and is municipally addressed as 422 Ranch Road.

C. Basis

Council has enacted this Official Plan Amendment in response to an application submitted by EcoVue Consulting Services Inc. on behalf of the owner, Ann Muirhead. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to facilitate an application for consent under Section 53 of the Planning Act to create a rural residential lot containing an existing dwelling on the portion of the property municipally addressed as 422 Ranch Road.

The land is designated "Prime Agricultural" as shown on Schedule "A-2" of the City of Kawartha Lakes Official Plan. The land is also subject to an application for a Zoning By-law Amendment.

The proposed amendment to the City of Kawartha Lakes Official Plan is justified and represents good planning for the following reasons:

1. The second dwelling was constructed in accordance with the provisions of the Mariposa Zoning By-law in effect at the time; and

2. The concurrent zoning by-law amendment, file D06-2018-011, ensures that the residential uses permitted on the balance of the property are restricted to one dwelling unit, reflecting the original farmhouse which remains, protecting the agricultural use of the land. In this way, the agricultural land is treated equally to an application to sever a dwelling surplus to a farming operation as a result of the consolidation of farm land.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following Map 'A' constitutes Amendment Number 31 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

The City of Kawartha Lakes Official Plan is hereby amended as follows:

1. 15.4 SPECIAL PROVISIONS:

“15.4.4 Notwithstanding the Prime Agricultural policies of Section 15 of this Plan to the contrary, on a portion of land described as Part of Lot 17, Concession 3, geographic Township of Mariposa, a consent shall be permitted to create a rural residential lot on lands addressed as 422 Ranch Road containing an existing single detached dwelling, to be used for rural residential purposes”.

2. Schedule 'A-2' of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the portion of the subject property containing the dwelling addressed as 422 Ranch Road lot is subject to Policy 15.4.4 of the Official Plan, as shown on Map 'A' as 'Subject to Special Provisions 15.4.4'.

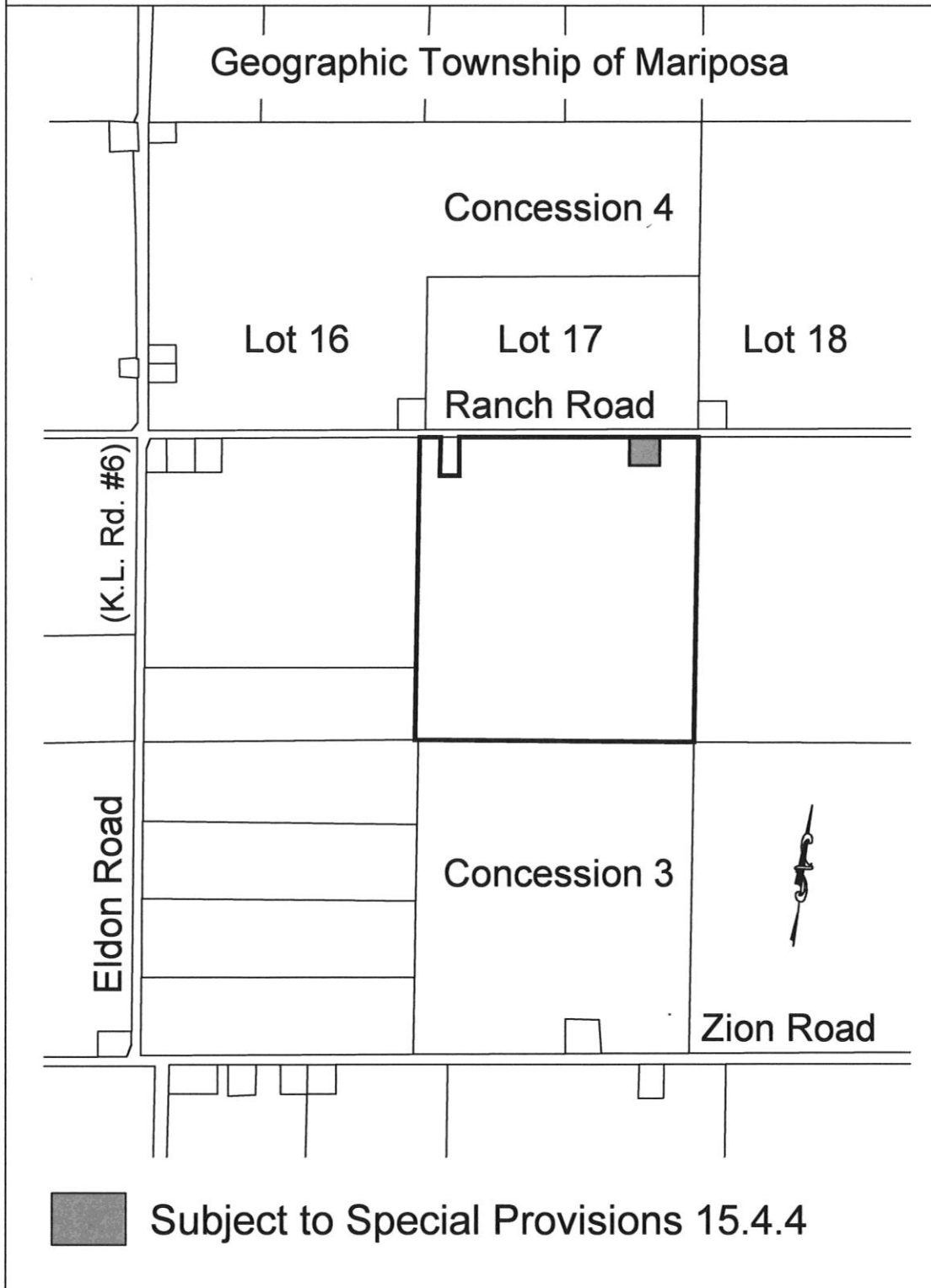
F. Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the City of Kawartha Lakes Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 31
to the City of Kawartha Lakes Official Plan



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number ENG2018-016

Date: September 12th, 2018

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Municipal Infrastructure Design Guidelines – Annual Update

Description: Report on Progress

Author and Title: Juan Rojas, Director of Engineering and Corporate Assets

Recommendations:

That Report ENG2018-016, **Infrastructure Guidelines – Annual Update**, be received; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City's website.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Further to report ENG2017-007 - 2017 Municipal Infrastructure Guidelines and the commitment to an annual review of the guidelines, the Development Engineering division has reviewed the existing infrastructure guidelines for an annual update.

Rationale:

There are no regulatory or legislative changes that have occurred in the last year to be reflected in the existing guidelines.

Through contact with Communications, we have confirmed 13,000 reviews of the City's Planning and Development website location since August 2017. In addition, the link to the guidelines was provided via email to all of the engineering firms working with the City on development for their information. The guidelines have been referenced in design submissions with no comments or questions.

In training new staff and using the guidelines in house, there have been no updates or clarifications required. One item with respect to rainfall data required clarification with the conservation authorities (i.e. rainfall intensity duration frequency calculations confirmed for consistency) and was revised.

Benefits have arisen from having standard information supported by Council:

- Staff have realized time savings through a direct site for access to the standard information (link readily available), and
- Management have been successful in attaining more responsibilities for Transfer of Review for the Ministry of the Environment (comprehensive stormwater management guidelines)

Therefore, while there are no revisions or updates required at this time, reviewing the guidelines on an annual basis provides the opportunity to highlight any revisions required and any benefits arising from the guidelines.

Other Alternatives Considered:

Council could choose to continue with the status quo and maintain the existing guidelines without any additional review. This would not represent current and continuous support for the growth and development forecasted for the City. The City is committed to continuous process improvement.

Financial/Operation Impacts:

By having the City take an active role in reviewing infrastructure guidelines across the province and reviewing Ontario Provincial Standards (OPSS) and

regulatory updates, the City maintains current and applicable guidelines and reduces the number of re-submissions required to ensure the engineering designs submitted meet the current standards (i.e. better customer service).

Relationship of Recommendations to the 2016-2019 Strategic Plan:

All development is intended to support all three goals of the Council Adopted Strategic Plan – a Vibrant and Growing Economy, an Exceptional Quality of Life, and a Healthy Environment. Development of municipal infrastructure must meet the City's requirements to be sustainable, accessible, and compliant with all regulatory and environmental standards. The engineering review of infrastructure design supports the Strategic Objectives and Actions contained in the plan through review for a stronger and more diversified economy, improved walkability and accessibility, and protection and enhancement of water quality.

Review of Accessibility Implications of Any Development or Policy:

Accessibility is an integral component of the City's infrastructure design guidelines.

Servicing Implications:

The requirements for complete submissions provide the supporting information for capacity reviews for new municipal infrastructure and/or connections to existing municipal infrastructure.

Consultations:

Communications

Engineering Companies

Attachments:

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas