

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-006**

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**Date:** February 14, 2018

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 12 - Ops

**Subject:** An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the majority of the property from Agricultural (A) Zone to an Agricultural Exception (A-\*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lot 10, Concession 5, geographic Township of Ops, City of Kawartha Lakes, identified as 1144 River Road (2264768 Ontario Limited) – Planning File D06-2018-001.

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-006, respecting Part of Lot 10, Concession 5, geographic Township of Ops, and identified as 1144 River Road, “2264768 Ontario Limited – Application D06-2018-001”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-001, substantially in the form attached as Appendix “D” to Report PLAN2018-006, 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:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On January 15, 2018, the Director of Development Services granted provisional consent to amended Application D03-17-021 to sever an approximately 0.99 hectare (2.4 acre) residential lot containing a single detached dwelling, and retain approximately 39.1 hectares (96.6 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use.

Owner:	Heather Richardson & Bernhard Höfelmayr, 2264768 Ontario Limited
Applicant:	Margaret Walton, Planscape Inc.
Legal Description:	Part of Lot 10, Concession 5, geographic Township of Ops
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A) Zone", Township of Ops Zoning By-law 93-30, as amended
Site Size:	Severed – 0.99 hectares Retained – 39.1 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural East: Agricultural South: Agricultural West: Agricultural, Rural Residential

## Rationale:

The subject property and the surrounding lands are primarily 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. To fulfill a condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel at 515 Lifford Road. The single detached dwelling on the southeast corner of the land is deemed surplus to the needs of the farm operation.

The applicant submitted a Planning Justification Brief prepared by Margaret Walton of Planscape Inc., dated June 27, 2017 in support of the application. This document discusses the appropriateness of the proposed consent.

Staff has reviewed the Planning Brief and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

## **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 to facilitate a consolidation of farm land is consistent with these policies.

Therefore, this application conforms to the policies of the Growth Plan.

### **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. 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 is consistent with the PPS.

## **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). The “Environmental Protection” designation is confined to and the area surrounding a watercourse. No change is proposed to the area within the “Environmental Protection” designation. 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.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned “Agricultural (A) Zone” in the Township of Ops Zoning By-Law 93-30. The lot to be retained exceeds the minimum lot frontage (135 metres) and area (37 hectares) requirements of the A Zone by proposing about 290.97 metres and 39.1 hectares respectively. The frame shed to the south of the proposed severed residential lot will comply with the side yard setback provisions of the A Zone. The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the portion of the lands to be retained from “A” to “Agricultural Exception Nine (A-9) Zone” to prohibit residential use.

The A Zone category provides that residential lots created within the said zone are subject to the requirements of the “Rural Residential (RR) Zone” category. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.2 hectare) requirements by proposing about 83.13 metres and 0.99 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR 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 Ontario Municipal Board. 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 would align with a vibrant and growing economy 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 persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division - Part 8 Sewage Systems, Engineering and Corporate Assets Department, and the Chippewas of Rama First Nation raised no concerns as a result of circulation. 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 “D” will ensure the subject land is preserved for agricultural use. All other A Zone provisions will be maintained.

## **Conclusion:**

The application conforms to the provincial policies concerning 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 2, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

Appendix ‘A’ – Location Map



Appendix A to  
PLAN2018-006.pdf

Appendix ‘B’ – Sketch for Consent Application – dated November 2, 2017



Appendix B to  
PLAN2018-006.pdf

Appendix ‘C’ – Aerial Photograph



Appendix C to  
PLAN2018-006.pdf

## Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-006.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-001