

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-009

Date: February 10, 2016

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: Ward 8 - Mariposa

Subject: An application to amend the Township of Mariposa Zoning By-law 94-07 to rezone a portion of the land from Rural General (A1) Zone to Rural General Exception Thirty (A1-30) Zone on property described as Part of Lots 2 & 3, Conc. B, geographic Township of Mariposa, City of Kawartha Lakes, identified as 41 Stub Road and 150 Sun Valley Road (Robrook Farms Ltd., - Planning File D06-16-006).

Author/Title: David Harding, Planner I

Signature:



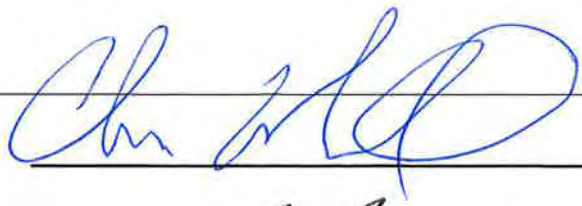
Recommendation(s):

RESOLVED THAT Report PLAN2016-009, respecting Part of Lots 2 & 3, Conc. B, geographic Township of Mariposa, Application D06-16-006, be received;

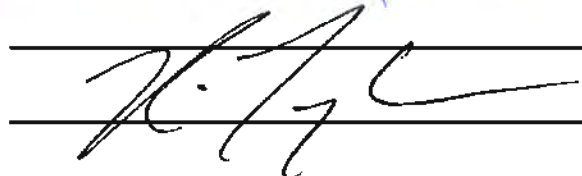
THAT a Zoning By-law Amendment respecting application D06-16-006, substantially in the form attached as Appendix "C" to Report PLAN2016-009, be approved and adopted by Council; and

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

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

The owner has applied for and received provisional consent (Files D03-15-004 and D03-15-005) from the Committee of Adjustment, as delegated by Council, to sever a two approximately 0.5 ha. residential lots each containing a single detached dwelling and retain the remaining approximately 66 ha. of agricultural and environmental protection land. The retained land will be consolidated with non-abutting agricultural land. The dwelling is considered surplus to the farming operation. There are no agricultural buildings or structures on the retained portion of the property. As a condition of provisional consent, the subject land is to be rezoned to prohibit any residential use on the retained agricultural land.

Owner:	Robrook Farms Limited	
Applicant:	Robin PARISH	
Legal Description:	Part of Lots 2 & 3, Conc. B, geographic Township of Mariposa	
Designation:	Prime Agricultural and Environmental Protection, City of Kawartha Lakes Official Plan	
Zone:	Agricultural (A1) Zone and Environmental Protection Exception Four (EP-4) Zone on Schedule 'A' of the Township of Mariposa Zoning By-law No. 94-07	
Lot Area:	Severed Lot 1 – 6,438 sq. m., Severed Lot 2 – 4,199 sq. m., Retained – 66 ha.	
Site Servicing:	Residential – Private individual on-site sewage disposals and wells Agricultural – Unserviced	
Existing Uses:	Residential (to be severed), Agricultural/Forest/Wetland (to be retained)	
Adjacent Uses:	North, West:	Agricultural, Rural Residential, Nonquon River
	South:	Kingsbay (Golf Course, Residential)
	East:	Lake Scugog

Rationale:

The property is located bordered to the south by the Kingsbay neighbourhood, the north by Sun Valley Road, west by Stub Road, and east by Lake Scugog (refer to Appendix "A"). The subject property and the majority of the lands to the west and north are prime agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations. Provisional consent was granted on November 6, 2015 to sever the residential lots and retain the approximately 66 ha. farm parcel.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

This application conforms to the Growth Plan (GP). Section 4.2.2 indicates that Ministers, in consultation with municipalities, are to develop additional policies for protection of areas identified as prime agricultural land.

Provincial Policy Statement, 2014 (PPS):

This application is consistent with the Provincial Policy Statement (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 as required by Section 2.3.4.1 (a) and 2.3.4.1 (c) 2. The proposed retained lot is of sufficient area to operate 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 abutting Lake Scugog. 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 as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land must be rezoned to prohibit any residential use.

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

Zoning By-Law Compliance:

The majority of the land is zoned Agricultural (A1) Zone and a smaller portion is zoned Environmental Protection Exception Four (EP-4) Zone in the Township of Mariposa Zoning By-law 94-07. The A1 Zone provides that where a lot which does not exceed 1

ha. in area is created by consent, the minimum lot frontage shall be 38 metres; the minimum lot area shall be 2,800 square metres, and the lot must comply with all other provisions of the Rural Residential Type One (RR1) Zone. The lots to be created comply with all requirements of the RR1 Zone.

Although not requested by the applicant, staff is recommending that the interior side yard setback be decreased to 1.4 m. to recognize an agricultural building's proximity to a proposed lot line. The lot line will be created once the residential lot fronting on Sun Valley Road is severed. The reduced setback would only apply to the storage building that exists on the date the by-law is passed. Any new agricultural buildings on the retained lot would comply with the A1 Zone setbacks. With the added provision, the lot to be retained and the building upon it will meet the requirements of the A1 and EP-4 Zones. The purpose of the zoning by-law amendment is to prohibit residential use on the retained property and maintain the agricultural use of the land to comply with provincial and municipal policy. The application complies with all other relevant provisions of the Zoning By-law.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Considerations:

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

Relationship of Recommendation(s) To Strategy Map:

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment. This application aligns with the prosperity priorities in that it provides opportunity to expand the economic base by maintaining and expanding the agricultural employment base.

Servicing Comments:

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

Consultations:

Notice of this application was circulated to all land owners of record within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Engineering and Assets Department, Community Services Department, and Township of Scugog raised no issues as a result of circulation.

Development Services – Planning Division Comments:

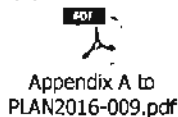
The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The rezoning will ensure the subject land is preserved for agricultural use. All other A1 Zone provisions will be maintained. The EP-4 Zone category on the retained land will not be affected by the zoning by-law amendment.

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 January 29, 2016. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

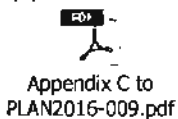
Appendix 'A' – Location Map



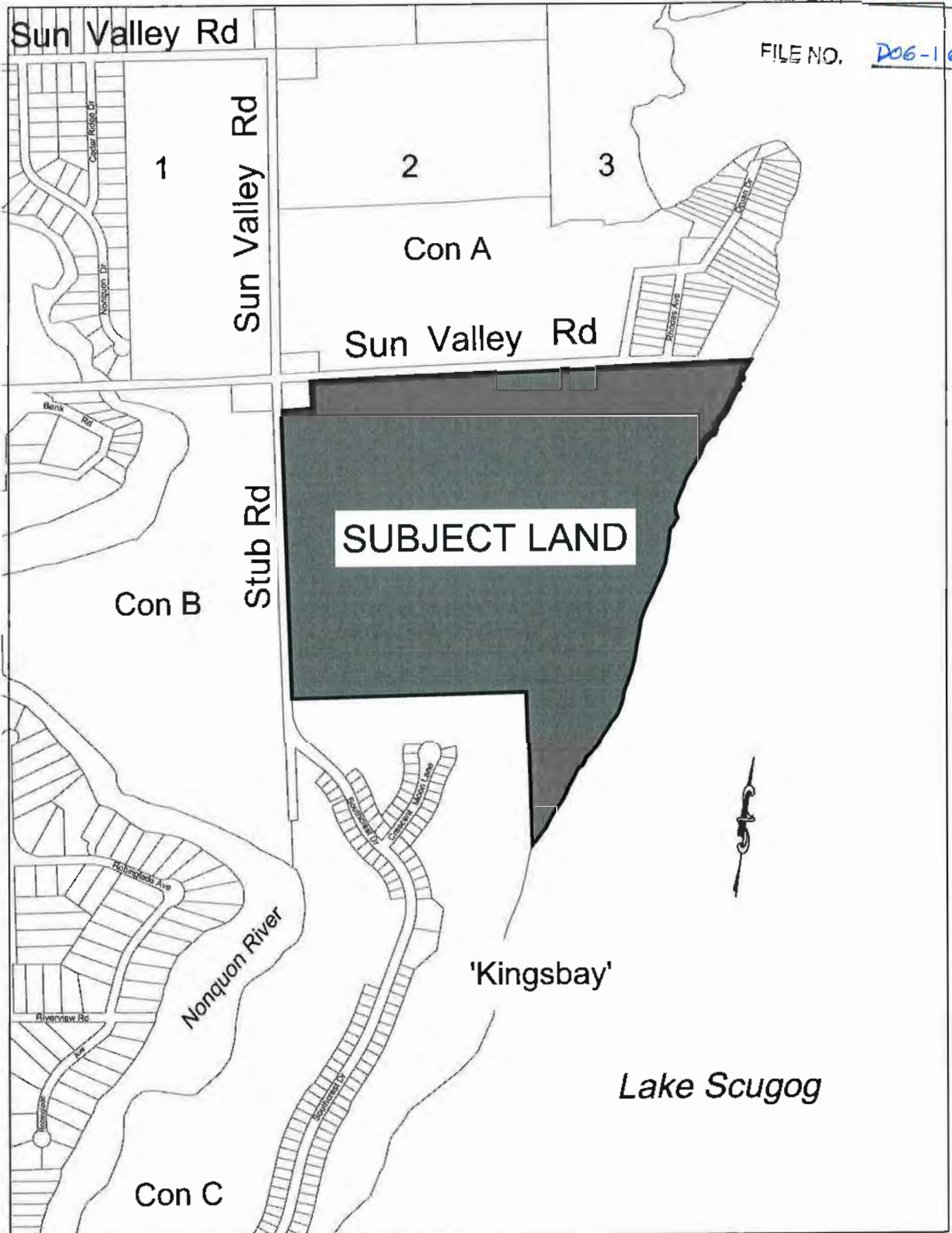
Appendix 'B' – Applicant Re-Zoning Sketch

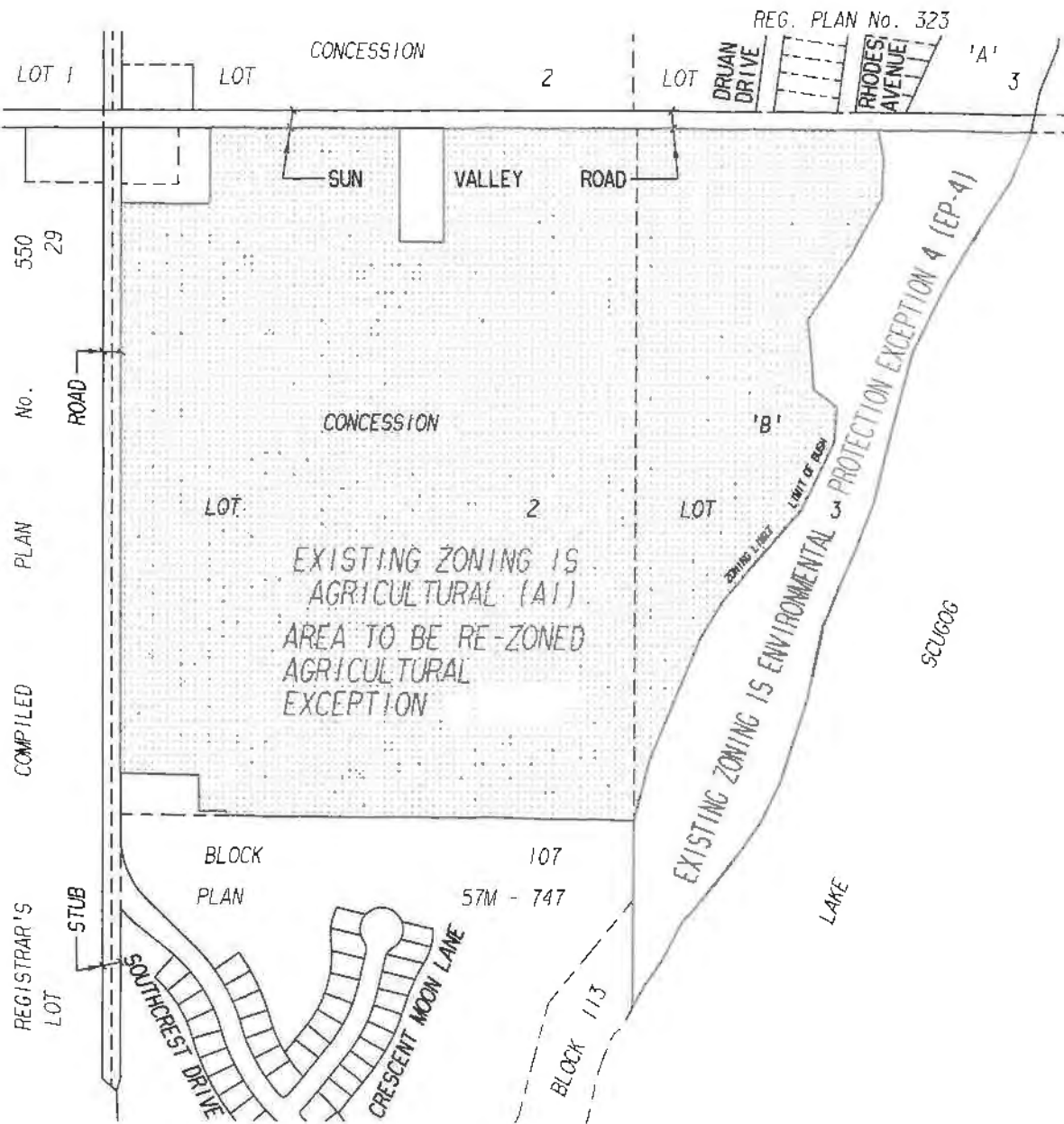


Appendix 'C' – Draft Zoning By-law Amendment



Phone:	705-324-9411 or 1-888-822-2225 ext. 1206
E-Mail:	deharding@city.kawarthalakes.on.ca
Department Head:	Chris Marshall
Department File:	D06-16-006





SKETCH FOR RE-ZONING
ON PART OF LOT 2 & PART OF LOT 3,
CONCESSION B,
GEOGRAPHIC TOWNSHIP OF MARIPOSA,
NOW IN THE
CITY OF KAWARTHA LAKES
SCALE 1 : 5000 METRES

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOVEMBER 24, 2015

CADDFILE: 7519-ZN.1.DPD
PROJECT No. 7519-ZN

H. F. GRANDER Co. Ltd.
ONTARIO LAND SURVEYOR
1575 HIGHWAY 7A WEST, UNIT 2A
POST OFFICE BOX 616
PORT PERRY, ONTARIO
L9L 1A6
TEL. (905) 985-3600
FAX. (905) 985-2347

APPENDIX " B "

REPORT

FILE NO. 206-16-006

206-16-006

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT PLAN 2016-009

BY-LAW 2016 -

FILE NO. D06-16-006

**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 D06-16-006, Report PLAN2016-009, respecting Part Lots 2 & 3, Conc. B, identified as 150 Sun Valley Road and 41 Stub Road – ROBROOK FARMS LTD.]

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use.
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 2016-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Concession B, Part of Lots 2 and 3, geographic Township of Mariposa, City of Kawartha Lakes, 150 Sun Valley Road and 41 Stub Road.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following section to Section 8.3:
 - " 8.3.30 AGRICULTURAL EXCEPTION THIRTY (A1-30) ZONE
 - 8.3.30.1 Notwithstanding subsection 8.1.1, on land zoned "A1-30" a dwelling shall not be a permitted use.
 - 8.3.30.2 Notwithstanding subsection 8.2.1.3 (b), on land zoned "A1-30" an interior side yard setback of 1.4 m. is permitted for the agricultural storage building which existed at the date of passing of this By-law."
- 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 from Agricultural (A1) Zone to Agricultural Exception Thirty (A1-30) Zone for the land referred to as "A1-30", as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

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

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____

