

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2016-011

Date: February 10, 2016

Time: 1:00 p.m.

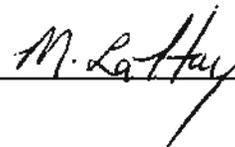
Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 8 - Mariposa

Subject: Official Plan Amendment (D01-16-001) and Zoning By-law Amendment (D06-16-004) Applications to permit a reduced agricultural lot size to facilitate a future consent for a lot addition (boundary adjustment) to support the existing abattoir use with a larger land area for animal husbandry practices and reduce the interior setback for a drive shed to 6 metres on the property described as Part N 1/2 Lot 1, Concession 10, RP 57R-9042 Parts 2 and 3, geographic Township of Mariposa, and municipally known as 18619 Simcoe Street (2030044 ONTARIO INC., & DEVOS).

Author/Title: Mark LaHay, Planner II

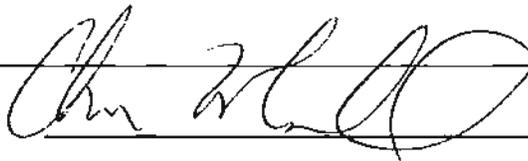
Signature: 

Recommendation(s):

RESOLVED THAT Report PLAN2016-011, respecting Part N 1/2 Lot 1, Con. 10, RP 57R-9042 Parts 2 and 3, geographic Township of Mariposa, "2030044 ONTARIO INC., & DEVOS – Applications D01-16-001 & D06-16-004", be received; and

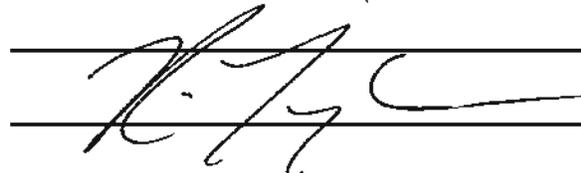
THAT the application respecting the proposed Amendments to the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law, be referred back to staff for further review and processing until such time that all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Department Head:



Corporate Services Director / Other:

Chief Administrative Officer:



Background:

The applicant has submitted an application to amend the “Prime Agricultural” designation lot area policies and the “Agricultural (A1) Zone” category in order to permit a reduced agricultural lot size to facilitate a future consent for a lot addition (boundary adjustment) to support an existing abattoir use and establish a minimum parcel size for each resultant lot. A new lot is not being created. The proposed interior side yard setback to an existing drive shed will also be reduced to 6 metres. The effect of the applications would permit the existing property containing the abattoir use to be supported by a larger land area for animal husbandry practices.

Owners:	John, Paul and Fern Devos and 2030044 Ontario Inc.
Applicant:	Planscape Inc., c/o Dan Stone
Legal Description:	Part N 1/2 Lot 1, Concession 10, RP 57R-9042 Parts 2 and 3, geographic Township of Mariposa
Designation:	Prime Agricultural, City of Kawartha Lakes Official Plan
Zone:	Agricultural Exception Twenty Three (A1-23) Zone and Rural General Exception Three (A2-3) on Schedule 'A' of the Township of Mariposa Zoning By-law No. 94-07
Lot Area:	11.7 ha. (29 ac.) [severed]; 25.3 ha. (62.6 ac.) [retained]; 1.5 ha. (3.8 ac.) [benefitting lands]
Site Servicing:	Private individual on-site sewage disposal and well on benefitting lands; No servicing on severed or retained lands
Existing Uses:	Agricultural (retained) / Agricultural (severed) / Abattoir and residential dwelling (benefitting lands)
Adjacent Uses:	North and East: Agricultural South and West: Agricultural

The owner of Manilla Meats (2030044 Ontario Inc.) has operated the provincially inspected abattoir for over 10 years. The abattoir has been part of the business community for over 50 years. To evolve its business practices from being focused on the slaughter and processing of domestic livestock to fulfill the growing demand for locally produced organic, healthy, ethically and responsibly sourced meat products, the owner wishes to expand its operations by offering a new meat product line offering local Ontario veal and lamb raised on the adjacent pastures, which it intends to showcase so that customers will have the opportunity to experience the entire food production cycle. To achieve this goal requires a lot line adjustment, which will result in the addition of approximately 30 acres of agricultural land to the existing commercial/residential lot containing the abattoir use to have the property capacity necessary to pasture livestock.

Rationale:

The property is located on the east side of Simcoe Street between Skyline Road and Quaker Road, approximately 2km north of the hamlet of Manilla. The applicant proposes to consolidate approximately 11.7 ha. (29 ac.) of agricultural land with the abutting 1.5 ha. (3.81 ac.) parcel to support the existing abattoir operation with land for pasture. While the Official Plan (OP) designation permits lot line boundary adjustments and the current zoning permits the proposed agricultural use, the proposed severed and retained lots do not comply with the minimum lot area required by the OP designation or the Agricultural (A1) Zone. An OP amendment and Zoning By-law amendment are necessary for the severed (to be added to the benefitting lands) and retained lots, as they will not comply with the respective OP designation or Zone requirements for minimum lot area. The east interior side setback for the drive shed will also be reduced to 6 m. on the proposed newly configured parcel containing the abattoir.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review.

1. Planning Justification and Agricultural Impact Assessment Report prepared by Planscape Inc., dated October, 2015. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, and the Council adopted City of Kawartha Lakes Official Plan.
2. Survey Sketch for Severance prepared by Coe, Fisher, Cameron, OLS, dated January 20, 2014.
3. Proposed Agricultural Lot Addition Sketch prepared by Planscape Inc., dated May 26, 2014.

A Business Plan proposal prepared by Wahab Zamanifar, Business Development Officer, Manilla Meats (2030044 Ontario Inc.) dated April 2013 was also submitted as background in support of the applications.

Staff has reviewed the Planning Justification and Agricultural Impact Assessment Report in support of the official plan and zoning by-law amendments. Staff generally accepts the planning rationale given but cannot fully determine the appropriateness of the proposal at this time as responses from other City Departments and commenting Agencies have not been received. Staff recommends that the applications be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan guides land-use planning decisions including resource protection in the interest of promoting economic prosperity. The Growth Plan directs development to settlement areas except development related to the management or use of resources, resource based recreational activities and rural land uses that cannot be located within settlement areas. The proposed use supports resource based uses while the business located on the subject benefitting land provides support to the agricultural sector.

Therefore, these applications conform to the policies of the Growth Plan (GP).

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. Sections 2.3.1 through 2.3.3.2 protect prime agricultural areas for long-term agricultural use and permit agricultural uses, agriculture-related uses and on-farm diversified uses. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected.

Section 2.3.4 of the PPS provides policy on Lot Creation and Lot Adjustments. Lot adjustments are permitted in prime agricultural areas for legal and technical reasons. A new lot is not being created, only a boundary adjustment.

The proposed application adds agricultural land to an existing abattoir operation, which is considered an agriculture-related use under the PPS and no land is being taken out of the prime agricultural designation. The additional land will support and enhance the existing abattoir operation through animal husbandry practices. The remaining farm parcel will continue to be used for agricultural purposes and the resulting reduced land parcel size would not be incompatible with the range of farm parcel sizes located in the area. The application to amend the zoning on the proposed severed and retained lands will continue to protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use.

Therefore, these applications are consistent with the PPS.

Lake Simcoe Protection Plan (2009):

The subject lands are located within the watershed of Lake Simcoe. The proposed applications do not appear to conflict with the applicable sections that were reviewed. The proposed lot addition (boundary adjustment) does not create a new lot, and as a result, does not constitute development, and there will be a continuation of existing uses and agricultural activities. A natural buffer has

been established adjacent to a small watercourse at the northeast corner of the remaining farm parcel and will be maintained by the farm operator, while the existing limits of cultivation within the required 30 m buffer would be permitted to continue.

Official Plan Conformity:

The subject land is designated "Prime Agricultural" in the City's Official Plan (OP). The OP provides that agricultural and agricultural related, including agri-business uses are permitted within this designation. An abattoir is considered an "agri-business" use by definition in the OP. For new agricultural lots to be created, they shall be sufficiently large to maintain flexibility for future changes in the type of agricultural operation and have a minimum lot size of 40 ha.

Section 15.3.7 of the OP permits a severance for a minor lot line adjustment provided it does not create a separate building lot that would otherwise require an amendment to the Plan. A separate lot is not being created; however, the proposed boundary adjustment supports the goals and objectives of the OP by providing economic opportunities through secondary uses and supporting farming operations as an important component of the economy. Under Section 33.3.7, consents which have the effect of changing boundary lines and which do not create additional lots, should be evaluated on their own merits. The application proposes a Special Policy for the proposed severed and retained lot respectively to recognize the reduced minimum lot area for each lot.

Zoning By-Law Compliance:

The subject land is zoned "Agricultural Exception Twenty Three (A1-23) Zone" in the Township of Mariposa Zoning By-law 94-07. The Zoning By-law normally requires a minimum lot area of 38 ha. in the Agricultural (A1) Zone. The Agricultural Exception Twenty Three (A1-23) Zone permitted a minimum lot area of 37 ha. as a result of a previous severance. The benefitting land containing the existing dwelling and abattoir use is zoned Rural General Exception Three (A2-3), which permits the existing uses while recognizing reduced lot area and frontage. The applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes an exception zone category for the proposed severed and retained lot respectively to recognize a reduced minimum lot area for each agricultural lot, to implement the proposed Official Plan Amendment.

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(s) 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.

These applications align with the Prosperity Priorities in that they encourage and support farming operations and related businesses by providing opportunity to maintain and expand the agricultural employment base.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The vacant land to be severed and retained is not serviced and the existing and proposed zoning does not permit a residential use. The existing single detached dwelling on the benefitting land containing the abattoir use is serviced by a private sanitary sewage disposal system and individual 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. To date we have received the following comments:

Agency Review Comments:

The Building Division advised on January 15, 2016 that spatial separation considerations of the Ontario Building Code (OBC) would limit the area of the existing building face at 10m² with no construction requirements to upgrade the east building face, given the proposed 6m setback. As no building information is supplied, we would anticipate there will be a permit required to apply a fire resistance rating the existing structure.

The Building Division – Sewage System Program advised on January 18, 2016 that it has no objection to these applications, as the sewage disposal system

servicing the abattoir will be wholly contained within the boundaries proposed and adequate space will be available for a replacement system. In addition, the lot to be retained will be used for agricultural purposes. It is currently farmland with no structures.

The Public Works Department advised on January 19, 2016 that it has no concerns with respect to the applications.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the applications for official plan and zoning by-law amendment. These reports and background studies have been circulated to the appropriate Agencies and City Departments for review and comment. At this time, comments have not been received from all circulated Agencies and City Departments. Staff recommends that the applications be referred back to staff until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as all comments have been received from all circulated Agencies and City Departments and that any comments and concerns have been addressed.

Attachments:

 Appendix 'A'.pdf  Appendix 'B'.pdf  Appendix 'C'.pdf  Appendix 'D'.pdf

Appendix 'A' – Location Map
Appendix 'B' – Sketch for Proposed Lot Addition (Boundary Adjustment)
Appendix 'C' – Aerial Photo
Appendix 'D' – Draft Official Plan Amendment

Phone: 705-324-9411 or 1-888-822-2225 ext. 1324
E-Mail: mlahay@city.kawarthalakes.on.ca
Department Head: Chris Marshall, Director
Department File: D01-16-001 & D06-16-004

Geographic Township of Mariposa

APPENDIX " A "

to
REPORT PLAN2016-011

FILE NO. D01-16-001
D06-16-004

Quaker Road

**SUBJECT
LAND**



Concession 10

Lot 1

Lot 2

Skyline Road

Township of Brock Region of Durham

Simcoe Street

APPENDIX " B "

to

REPORT PLAN 2016-011

FILE NO. D01-16-00111
DOB-16-004



SEVERANCE SKETCH
 No. 18619 SIMCOE STREET
 N 1/2 LOT 1, CONCESSION 10
 GEOGRAPHIC TOWNSHIP OF MARIPOSA
 CITY OF KAWARTHA LAKES
 2030044 ONTARIO INC.

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BASE MAP SOURCE
 COE, FISHER, CAMERON - 2014

NO.	DATE	BY	REVISION
1	2016	STURM	WAS IN CHARGE
2			
3			

18619 Simcoe Street (Mariposa)



Legend

- Road Centreline
- Geographic Townships
- Upper Municipalities
- Populated Places
- Water Labels
- Woodland
- LakeSimcoeSourceWaterProte
- CKL_River_Buff15m
- Prime_Agricultural
- Geographic Townships
- Upper Municipalities
- Property ROLL#
- Lols and Concessions
- ▨ LSRCA Regulated Areas

Citations
 FILE NO. D01-16-001
D06-16-004

REPORT PLAN2016-011

APPENDIX " C "

Notes

D01-16-001 & D06-16-004



Schedule "A" to By-law No. 2015 – ___ of The Corporation of
The City of Kawartha Lakes

APPENDIX " D "
to

AMENDMENT NO. XX TO THE CITY OF KAWARTHA LAKES OFFICIAL PLAN REPORT PLAN2016-011

PART A - THE PREAMBLE

FILE NO. D01-16-001
D06-16-004

A. PURPOSE

The purpose of the official plan amendment is to provide for a lot addition through the consent to sever and convey process. The lot addition will add pasture lands to support the continued operation of a permitted abattoir use and create a remainder agricultural parcel.

B. LOCATION

The subject lands are situated in the Township of Mariposa north of the Village of Manilla. The property is legally described as Part of Lot 1, Concession 10, geographic Township of Mariposa, now City of Kawartha Lakes.

C. BASIS

The proposed policy change on the subject lands will facilitate a lot addition to add agricultural pasture land to an existing abattoir operation which has been operating since the 1940's and has been recognized and permitted through a site-specific Zoning By-law and the Official Plan definition for "agri-business".

The lot addition will result in the abattoir use operating on a parcel of 13.2 ha and a remnant farm parcel of 25.3 ha which will continue to be zoned and operated for agricultural uses. A site specific exemption to the Lot Area requirement of the Official Plan is necessary to permit the lot addition for agricultural uses. The Official Plan Amendment does not result in the creation of any new lots and no development will be created.

PART B - THE AMENDMENT

D. INTRODUCTORY STATEMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. XX to the City of Kawartha Lakes Official Plan.

E. DETAILS OF THE AMENDMENT

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

- 1. Section 18 is hereby amended by adding the following policy in subsection 18.XX.YY.ZZ:

"18.10.2 Notwithstanding Section 15.3.3 b) of this Plan, for the lands described as Part of the Northeast Half of Lot 1, Concession 10 (former Mariposa), a boundary adjustment may be permitted to provide for the addition of agricultural land to an existing abattoir use provided that no new lot is created, the remnant farm parcel has a minimum parcel size not less than 25 ha, and, uses permitted thereon are limited to agricultural activities permitted in the Zoning By-law"

F. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan and the provisions of the Zoning By-law.