

The Corporation of the City of Kawartha Lakes
Planning Advisory Committee Report

Report Number PLAN2018-014

Date: February 14, 2018
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 14, Ops

Subject: An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on the agricultural portion of the property from an Agricultural (A) Zone to an Agricultural Exception Nine (A-9) Zone to prohibit residential use on the proposed retained portion of land described as Part of Lot 14, Concession 10, geographic Township of Ops, City of Kawartha Lakes and identified as 771 Lilac Road (Nick, Kosto and Simo Popovic)

Author and Title: Sherry L. Rea, Development Planning Supervisor

Recommendations:

RESOLVED THAT Report PLAN2018-014, respecting Part of Lot 14, Concession 10, geographic Township of Ops and identified as 771 Lilac Road; Application No. D06-2018-007, be received;

THAT a Zoning By-law Amendment respecting Application D06-2018-007, substantially in the form attached as Appendix "C" to Report PLAN2018-014, 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:

On January 27, 2017, provisional consent was granted by the Director of Development Services, as delegated by Council, for Application D03-16-014 to sever a 1 ha. residential lot containing a single detached dwelling and accessory buildings and retain approximately 39.5 ha. of agricultural land. The retained land will be consolidated with a non-abutting agricultural operation. On December 19, 2017, due to a technical amendment, the Director of Development Services changed one of the original conditions thereby extending the lapsing date for provisional consent. As a condition of provisional consent the land to be retained is to be rezoned to prohibit residential use on the agricultural lands.

Owners: Nick, Kosto and Simo Popovic

Legal

Description: Part Lot 14, Concession 10, geographic Township of Ops, now City of Kawartha Lakes

Official Plan: Designated Prime Agricultural and Environmental Protection on Schedule A-3 of the City of Kawartha Lakes Official Plan

Zone: Agricultural (A) Zone in the Township of Ops Zoning By-law No. 93-30

Total Area: 40.5 ha. Total Area of Retained Land: 39.5 ha.

Site Servicing: Severed lot is serviced by private well and sewage disposal system

Existing Use: Severed lot – Residential Retained Land: Agricultural

Adjacent Uses: North, South, East and West – Large Agricultural parcels

Rationale:

The property is located on the west side of Lilac Road. 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. The owner has submitted the required application to amend the Zoning By-law to fulfil a condition of provisional consent. See Appendix A and B attached.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

This application conforms to the applicable policies of the Growth Plan. Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. This application will maintain the subject land for agricultural uses.

Provincial Policy Statement, 2014 (PPS):

Section 1.1.5 of the PPS provides that rural land uses and uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards. Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for the long term use of all types, sizes and intensities of agricultural uses. As well, 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 Sections 2.3.4.1a) and 2.3.4.1c)2 of the PPS. The lot to be retained has sufficient area to sustain agricultural uses and will have the residential use prohibited. The residence is surplus to the farming operation and the lot size has been minimized thereby leaving as much of the agricultural land available for the agricultural operation.

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 reflects small portions of the retained land which contains the location of a watercourse. 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 will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes 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. A dwelling surplus to the farm operation may be severed; however, the Official Plan requires the retained agricultural land to be rezoned to prohibit any residential use.

This application thus conforms to the policies of the Official Plan.

Zoning By-Law Compliance:

The land is zoned Agricultural (A) in the Township of Ops Zoning By-law 93-30. The A Zone permits residential uses. The proposed Zoning By-law amendment

contained in Appendix “C” would prohibit residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

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 the 2016-2019 Strategic Plan:

The City’s Strategic Plan outlines Council’s Vision for the municipality. The Vision consists of three main Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life, and A Healthy Environment. The application aligns with the Vibrant and Growing Economy Goal as it provides opportunity to expand the agricultural employment base for the Municipality.

Review of Accessibility Implications of Any Development or Policy:

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

Servicing Comments:

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

Development Services – Planning Division Comments:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the City of Kawartha Lakes Official Plan. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Consultations:

Notice of this application was circulated in accordance with the Planning Act. The following comments were received:

January 17, 2018 – Building Division indicated no concerns.

January 18, 2018 – Building Division – Sewage System Program indicated no concerns.

No comments were received from the public as a result of the Notice given.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor (705) 324-9411 ext. 1331.

Appendix A – Location Map



Appendix 'A' -
Location Map.pdf

Appendix B – Severance Sketch



Appendix 'B' -
Severance Sketch.pdf

Appendix C – Draft Zoning By-law Amendment



Appendix 'C' - Draft
Zoning By-law Amend

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Department File: D06-2018-007