

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-025

Date: May 3, 2017
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 11 – Ops

Subject: An application to amend the Township of Ops Zoning By-law 93-30 to change the zone category on a portion of the property from “Agricultural (A) Zone” to “Agricultural Exception Seventeen (A1-17) Zone” to prohibit more than one dwelling on land identified as 1945-1995 Little Britain Road (Taylor) – Planning Application D06-17-012.

Author/Title: Richard Holy, Manager of Policy Planning

Signature:



Recommendations:

RESOLVED THAT Report PLAN2017-025, Part Lot 16, Concession 3, geographic Township of Ops, “TAYLOR – Application D06-17-012”, be received;

THAT a Zoning By-law Amendment respecting application D06-17-012, substantially in the form attached as Appendix “C” to Report PLAN2017-025, 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:

On December 20, 2017, the Director of Development Services granted provisional consent to Application D03-16-007 to sever an approximately 1 ha. (2.5 acre) residential lot containing a single detached dwelling, and retain an approximately 39.5 ha. (97.6 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land. There are agricultural buildings and a farm house on the retained portion of the property.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit more than one dwelling.

Owner:	John & Marlene Taylor
Applicant:	Bill Reesor
Legal Description:	Part Lot 16, Concession 3, geographic Township of Ops
Designations:	“Prime Agricultural”, “Environmental Protection”, and “Sand and Gravel Resource” - City of Kawartha Lakes Official Plan
Zone:	“Agricultural (A) Zone” - Township of Ops Zoning By-law 93-30, as amended
Site Size:	Severed 1 – 0.7 ha. Retained – 60.9 ha.
Site Servicing:	Severed – none Retained – private individual septic system and private individual well
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural South, East, West: Rural Residential/Agricultural

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. The owner has submitted the required application to amend the Zoning By-law to fulfil the condition that residential use of the retained agricultural land be prohibited and livestock not be housed in the existing buildings. The farm operation that will acquire the property will farm it in conjunction with another non-abutting agricultural parcel at 213 Opmar Road. The single detached dwelling on the southeast corner of the land is deemed surplus to the needs of the farm operation.

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 additional residential use as required by Section 2.3.4.1(a) and 2.3.4.1(c)(2) through restricting the number of dwelling units on the lands, including seasonal farm residential uses, to a single dwelling. 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”, “Environmental Protection”, and “Sand and Gravel Resource” in the City of Kawartha Lakes Official Plan (Official Plan).

The “Environmental Protection” designation pertains to a watercourse which traverses the property. The zone change does not effect the watercourse.

Section 24.3.7 provides that lands within the “Sand and Gravel Resource” designation may be severed to create a separate lot if the requirements of the abutting designation (Prime Agricultural) are met and no compatibility constraints for a potential aggregate operation. See the Planning Division comments for further analysis.

Section 15.1 of the Official Plan provides for the protection of agricultural land that is primarily class 1-3 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 Section 15.3.5 of the 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 further residential use. Another criterion is that the land containing the dwelling surplus to the farm operation may not exceed one hectare. The proposal meets these criteria.

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

Zoning By-Law Compliance:

The subject property is zoned “Agricultural (A) Zone” in the Township of Ops Zoning By-law 93-30. The Zoning By-law provides that where a residential lot is created (severed) by consent in the A zone, it shall be used in accordance with the permitted uses and setbacks specified within the “Rural Residential (RR) Zone” category. The lot to be severed complies with the minimum lot area (38 m.) and frontage requirements (2000 sq. m.) of the RR zone, and the dwelling complies with the applicable RR zone setbacks.

The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting further residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the agricultural lands to be retained from A Zone to “Agricultural Exception Seventeen (A1-17) Zone” to prohibit more than one dwelling. The proposed retained lot meets the frontage of 230 m. and area of 37 ha. (91.4 ac.) requirements of the A zone.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial Considerations:

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 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 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 existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and well. The existing farm house on the land to be retained is also 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. To date, we have received the following comments:

Agency Review Comments:

April 5, 2017 – The Building Division has no objection to the application.

April 17, 2017 – The Engineering and Corporate Assets Department has no objection to the application.

Development Services – Planning Division Comments:

While there may be some variation in the actual boundary of the “Sand and Gravel Resource” designation, it is identified as a 0.8 ha. triangle within the southeast corner of the subject property. Only 0.6 ha of the Resource designation is within the proposed residential lot, specifically within the front, interior side, and a small portion of the rear yards. The majority of the “Sand and Gravel Resource” designation is to the south and northeast of the subject property.

Given the miniscule area of “Sand and Gravel Resource” designation on the subject property in comparison to the surrounding lots, the existence of sensitive receptors to the immediate east/southeast of the subject property (1997 Little Britain Road, 2010 Little Britain Road), and that the dwelling on the proposed residential lot is new construction (circa 2008), it is unlikely the sand and gravel resource would be extracted from the subject property and unlikely that the creation of the residential lot would substantially impact future resource extraction on nearby properties.

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 zone provisions within the Agricultural Zone will be maintained. A restrictive covenant requirement is incorporated as Condition 2 into the consent decision to ensure the farm house on the retained agricultural land is not severed from the property as a dwelling surplus to an agricultural operation as a result of a farm consolidation at a future date.

Conclusion:

The application conforms to the PPS and Growth Plan. 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 April 19, 2017. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2017-025.pdf

Appendix 'B' – Site Plan



Appendix B to
PLAN2017-025.pdf

Appendix 'C' – Aerial Photo



Appendix C to
PLAN2017-025.pdf

Appendix 'D' – Draft Zoning By-law



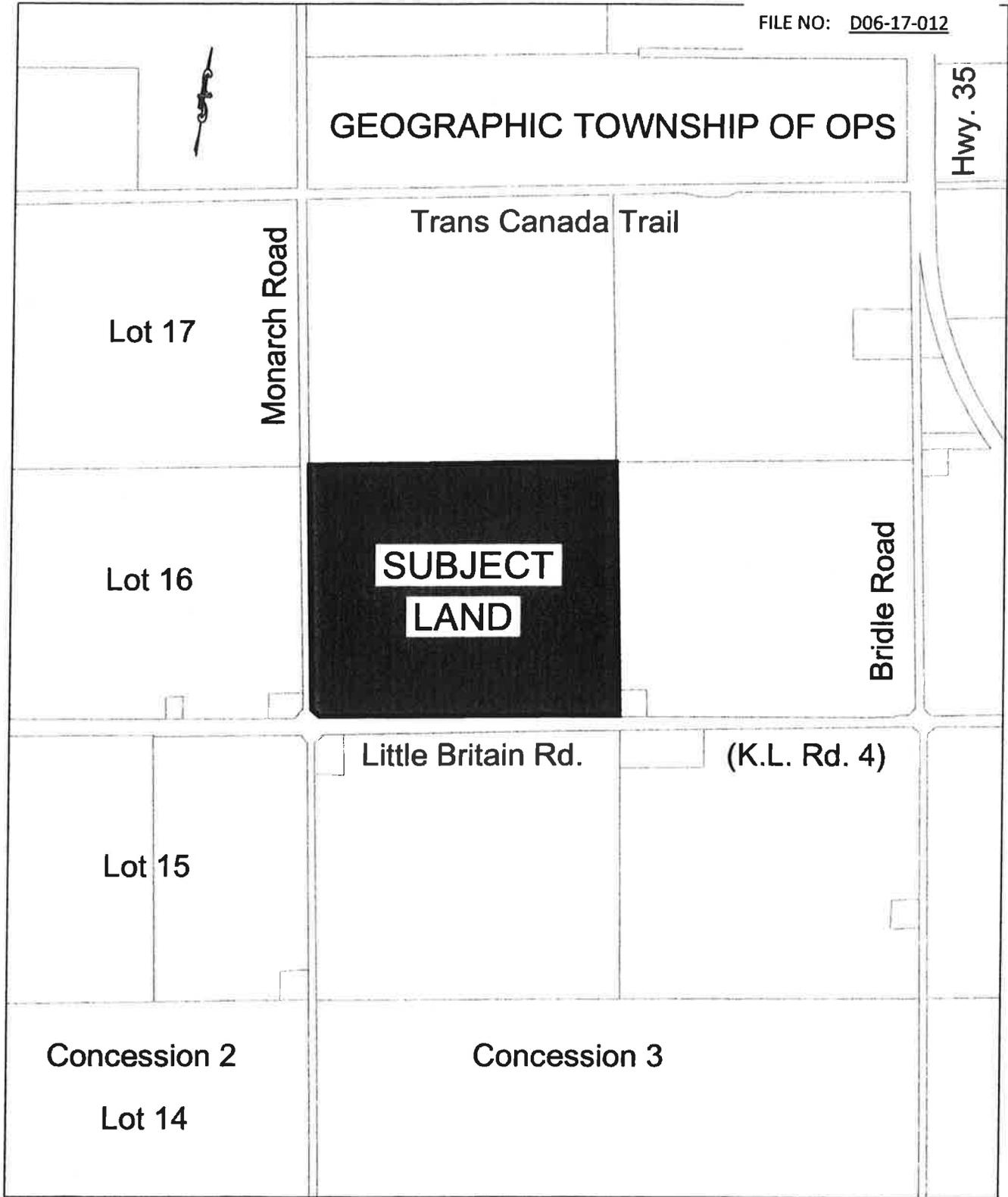
Appendix D to
PLAN2017-025.pdf

Phone: 705-324-9411 or 1-888-822-2225 ext. 1246
E-Mail: rholy@city.kawarthalakes.on.ca
Department Head: Chris Marshall, Director, Development Services
Department File: D06-17-012

to

REPORT PLAN2017-025

FILE NO: D06-17-012



Ms. Marylene Taylor

1995 Little Britain Road

Cps. - Lot 16
Case 3

1995 Little Britain Road



APPENDIX " B "

to

REPORT PLAN2017-025

FILE NO: D06-17-012



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Map Created: April 8, 2016
Map Center: 44.32138 N, -78.7688 W

This map should not be precise indicator of lot as a guide to navigation. Ministry of Agriculture Affairs (OMAFRA) sh any way for the use of this map. of. or relinc

1945-1995 Little Britain Road, geographic Twp. of Ops



Subject Property

MONARCH RD. OPS

LITTLE BRITAIN RD. OPS

0.61 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.
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APPENDIX " C "
to
REPORT PLAN2017-025
FILE NO: D06-17-012

to

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

REPORT PLAN 2017-025

BY-LAW 2017 -

FILE NO. D06-17-012

A BY-LAW TO AMEND THE TOWNSHIP OF OPS ZONING BY-LAW NO. 93-30 TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES

File D06-17-010, Report PLAN2017-025, respecting Part Lot 16, Concession 3, geographic Township of Ops, identified as 1945-1995 Little Britain Road - TAYLOR.

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 additional 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 2017-___.

Section 1:00 Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 16, Concession 3, geographic Township of Ops, City of Kawartha Lakes, 1945-1995 Little Britain Road.

1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following section to Section 16.3:

"16.3.32 Agricultural Exception Seventeen (A-17) Zone

Despite the permitted uses in subsections 16.1 and 2.27, on land zoned A-17, a single detached dwelling is the only permitted residential use."

1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category on a portion of the Property from Agricultural (A) Zone to Agricultural Exception Seventeen (A-1) Zone for the land referred to as 'A-17', 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 ***, 2017.

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 _____ 2017.

MAYOR _____

CITY CLERK _____

GEOGRAPHIC TOWNSHIP OF OPS

Hwy. 35

Trans Canada Trail

Lot 17

Monarch Road

Lot 16

A-17

Bridle Road

Lot 15

Little Britain Rd.

(K.L. Rd. 4)

Concession 2

Concession 3

Lot 14