

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-040

Date: May 9, 2018
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 8 - Mariposa

Subject: An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road (Muirhead)

Author and Title: David Harding, Planner II

Recommendations:

Recommend that Report PLAN2018-040, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, and identified as 408-422 Ranch Road, Muirhead – Applications D01-2018-003 and D06-2018-011, be received; and

That the proposed Official Plan and Zoning By-law Amendments respecting Applications D01-2018-003 and D06-2018-011, be referred back to address any issues raised through the public consultation process and 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: _____

Legal/Other: _____

Chief Administrative Officer: _____

The applicant has submitted concurrent Official Plan and Zoning By-law Amendment applications to permit an existing single detached dwelling (422 Ranch Road) on approximately 0.54 hectares of land to be severed from the balance of the agricultural property, which is approximately 40.2 hectares. The balance of the agricultural property contains a second dwelling and agricultural buildings (408 Ranch Road).

The owner advises that the second dwelling unit was constructed for their special needs son, to allow him opportunity to live independently while in close proximity to the family. Since his passing, the second dwelling is no longer required.

Owner: Ann Muirhead
Applicant: Kent Randall, EcoVue Consulting Services Inc.
Legal Description: Part of Lot 17, Concession 3, geographic Township of Mariposa
Official Plan: "Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone: "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Mariposa Zoning By-law 94-07, as amended
Site Size: Proposed Severed: 0.54 hectares
Proposed Retained: 40.2 hectares
Site Servicing: Proposed Severed: Private individual well and septic system
Proposed Retained: Private individual well and septic system
Existing Uses: Agricultural/Forest
Adjacent Uses: North: Agricultural, Rural Residential
South, East, West: Agricultural, Forest/Wetland

Rationale:

The subject property is located within an agricultural area, and contains an agricultural operation: the property is largely cultivated, and also contains a vacant barn and other agricultural buildings shown in Appendix 'B'.

The applicant has submitted the following documentation in support of the application, which has been circulated to various City Departments, Divisions and commenting Agencies for review:

1. Planning Justification Report prepared by Kent Randall, EcoVue consulting Services Inc., dated November 21, 2017. This document analyses the appropriateness of permitting the proposed severance.
2. Agricultural Impact Assessment prepared by Bob Clark of Clark Consulting Services dated September 15, 2017. This document analyses the impacts the proposal may have to agricultural operations.

At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

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.

Full consistency with the Growth Plan will be established through further review of the application.

Provincial Policy Statement, 2014 (PPS):

Section 1.1.4.1 provides for the development of economic opportunities within prime agricultural areas that are compatible with the rural landscape.

Section 2.3 requires the long term protection of prime agricultural areas for agricultural use. In order to enable these protections, Sections 2.3.3.3 and 2.3.4.1 require new lots to comply with the minimum distance separation formulae, and prohibits the creation of residential lots except when the dwelling is considered surplus to the farming operation as a result of a farm consolidation.

Full consistency with the PPS will be established through the further review of the application.

Official Plan Conformity:

The subject land is designated Prime Agricultural and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan). Sections 15.1 and 15.2 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.

The Official Plan does not permit the creation of a residential lot on lands within the Prime Agricultural designation unless it is to sever a dwelling which is surplus to a farm operation as a result of a farm consolidation. This policy is consistent with provincial policy. The applicant has applied to create an exception to this Official Plan policy.

Full conformity with the Official Plan will be established through the further review of the application.

Zoning By-law Compliance:

The subject land is zoned “Agricultural (A1) Zone” and Environmental Protection Exception (EP) Zone in the Township of Mariposa Zoning By-Law 94-07. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking shop and associated sales. The lands zoned EP will be unaffected by this proposed amendment.

The application proposes to reduce the total number of required parking spaces for the proposed use, notwithstanding the fact that the site can accommodate the required parking. Staff shall further examine the appropriateness of this request.

Zoning By-law compliance will be established through a full review of the application.

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 Local Planning Appeals Tribunal. 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 does not specifically align with any component of the Strategic Plan.

Servicing Comments:

Both dwellings on the subject property are serviced by separate wells and sewage disposal systems.

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 Engineering and Corporate Assets Department and Enbridge Gas Distribution raised no concerns as a result of circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has 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, and a thorough review of the supporting documentation has not been undertaken.

The Agricultural System for the Greater Golden Horseshoe, a document providing supplementary direction to the Growth Plan, also identifies the subject property as prime agricultural lands. The City is currently conducting a legal review to determine the applicability of this supplementary document.

Conclusion:

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

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-040.pdf

Appendix 'B' – Sketches for Application



Appendix B to
PLAN2018-040.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-040.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department Files: D01-2018-003 and D06-2018-011