

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-060

Date: July 4, 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 prohibit the following on the proposed retained agricultural land: (1) residential use and (2) livestock within any of the existing buildings at 417 Fieldside Road (Walker)

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2018-060, respecting East Half of Lot 22, Concession 7, geographic Township of Ops, and identified as 417 Fieldside Road – Application D06-2018-018, be received;

That a Zoning By-law Amendment respecting application D06-2018-018, substantially in the form attached as Appendix “D” to Report PLAN2018-060, 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 October 19, 2017, the Director of Development Services granted provisional consent to application D03-17-013 to sever an approximately 0.98 hectare (2.4 acre) residential lot containing a single detached dwelling and garage, and retain approximately 41.72 hectares (102.6 acres) of agricultural land. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation. The dwelling on the land to be severed is considered surplus to the agricultural operation as a result a consolidation of farm land.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use and to prohibit the existing barn from being used to house livestock. The barn is currently being used for storage.

Owners:	Gale Alvin Walker and Francis Anne Walker
Applicant:	Angus McNeil, Staples & Swain Professional Corporation
Legal Description:	East Half of Lot 22, Concession 7, geographic Township of Ops
Official Plan:	Prime Agricultural and Environmental Protection, in the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A) Zone, in the Township of Ops Zoning By-law 93-30, as amended
Site Size:	Severed – 0.98 hectares Retained – 41.72 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Rural Residential East: Agricultural, Rural Residential, Wetland/Forest South: Agricultural West: Agricultural, Walsh Road Industrial Subdivision

Rationale:

The subject property is to the east of the Lindsay Urban Settlement Boundary, and is identified as prime agricultural land. Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a condition of provisional consent that requires the prohibition of residential uses and livestock within the barn on the proposed retained agricultural land, the owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel at

628 Tracey's Hill Road. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

One or both owners also hold, either directly or through a numbered corporation, an interest in three additional agricultural parcels: 23 Highway 36, 2120 Little Britain Road, and 12 Woodview Road.

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. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies to protect agricultural lands.

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 area. This document recognizes the importance of the agri-food sector to regional and provincial economies, and provides for increased land use planning consistency across municipalities.

Therefore, this application conforms to the policies of the Growth Plan as the Zoning By-law Amendment ensures the long term protection of prime agricultural land.

Provincial Policy Statement, 2014 (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. 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 and Environmental Protection in the City of Kawartha Lakes Official Plan (Official Plan). The Environmental Protection designation is confined the northwest, reflecting the location of a tributary of Sinister Creek. 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 the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, 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 be rezoned to prohibit any residential use.

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

Zoning By-law Compliance:

The subject land is zoned Agricultural (A) Zone in the Township of Ops Zoning By-Law 93-30. The lot to be retained exceeds the minimum lot frontage (135 metres) and area (37 hectares) requirements of the A Zone by proposing about 328.3 metres and 41.72 hectares respectively. The barn, located to the north of the proposed severed lot, exceeds the 15 metre interior side yard setback provisions of the A Zone by proposing a setback of approximately 28.48 metres. The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The amendment will also ensure the Minimum Distance Separation formulae are met, avoiding a future potential land use conflict between the residential lot and barn by prohibiting the placement of livestock within said building.

The ZBA proposes to rezone the portion of the lands to be retained from A to Agricultural Exception Nineteen (A-19) Zone to prohibit residential use and prohibit livestock within the barn.

The A Zone category provides that residential lots created within the said zone are subject to the requirements of the Rural Residential (RR) Zone category. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.2 hectare) requirements by proposing about 39 metres and 0.98 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR Zone.

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 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 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 agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private 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. The Building Division, Building Division - Part 8 Sewage Systems, and the Engineering and Corporate Assets Department raised no concerns as a result of circulation. No comments were received from the public.

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 proposed Zoning By-law Amendment contained in Appendix D will ensure the subject land is preserved for agricultural use. All other A Zone provisions will be maintained.

Conclusion:

The application conforms to and is consistent with 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 June 19, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-060.pdf

Appendix 'B' – Sketch for Consent Application – dated March 31, 2017



Appendix B to
PLAN2018-060.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-060.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-060.pdf

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Department Head: Chris Marshall

Department File: D06-2018-018