

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

Report Number PLAN2018-071

Date: September 12, 2018

Time: 1:00 p.m.

Place: Council Chambers

Regular 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:

That Report PLAN2018-071, 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;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, 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 these applications.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The application was previously before the Planning Advisory Committee on May 9, 2018. It was referred back to staff until all comments had been received, and until additional analysis was conducted involving the proposal's conformity with provincial and municipal policy.

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 remaining in close proximity to the family. Since his passing, the second dwelling is no longer required. When the second dwelling unit was constructed, the Mariposa Zoning By-law permitted, without any restrictions, a second dwelling unit on a lot within the Agricultural (A1) Zone.

Should the applications be approved, a consent application will follow.

Owner:	Ann Muirhead
Applicant:	Nolan Drumm, 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 'C'.

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, and includes Minimum Distance Separation calculations.

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 is consistent with the intent of these policies to protect agricultural lands as the total number of dwellings on the retained agricultural lands will be restricted to one.

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, the applications do not conflict with 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):

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. 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 by restricting the number of dwelling units to one, recognizing the existing dwelling on the proposed retained lands. 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.

The MDS I calculations submitted by the applicant determine that the barn on the proposed retained agricultural lot requires a setback of 110 metres to the dwelling, whereas 92 metres exists. The calculations also conclude that a new barn could be constructed elsewhere on the lot in conformity with the MDSII formulae. In light of the MDS report findings, staff is recommending, and the owner is supportive, of the barn being demolished to comply with the MDS criteria.

Therefore, the applications do not conflict with the PPS.

Official Plan Conformity:

The subject land is designated Prime Agricultural in the City of Kawartha Lakes Official Plan (Official Plan).

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.

While the applications do not propose the consolidation of farm land, the official plan amendment is proposing a policy exception be created to address the unique circumstances on this property, and the zoning by-law amendment proposes provisions that ensures the land is dealt with in same manner as an application that proposes a dwelling surplus to the needs of a farming operation as a result of the consolidation of farm land. Therefore, this application does not conflict with the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Mariposa Zoning By-Law 94-07. The lot to be retained exceeds the minimum lot frontage (230 metres) and area (38 hectare) requirements of the A1 Zone by proposing about 488 metres and 40.2 hectares respectively. An Agricultural Exception Thirty-Three (A1-33) Zone is proposed on the lands to be retained. The purpose of the A1-33 Zone is to protect the agricultural use of the land to be retained by restricting residential use to one single detached dwelling to: (1) meet the intent of provincial and municipal policy, and (2) recognize that one dwelling remains

upon the agricultural lot. All buildings on the lot to be retained will comply with the setback provisions of the A1 Zone.

Lots that are created within an Agricultural (A1) Zone that are no greater than 1 hectare are subject to the setback requirements of the Rural Residential Type One (RR1) Zone category due to Section 8.2.1.7. However, the property remains formally labelled A1 within Schedule A of the Zoning By-law. Instead of relying on this zone provision, staff is proposing that the zone category on the lot to be severed be formally changed from A1 to RR1 to minimize any future confusion as to how the lot is to be used. The lot to be severed exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements of the RR1 Zone by proposing about 75 metres and 0.54 hectares respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 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 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:

The dwelling on the agricultural land is serviced by a private sewage disposal system and well. The single detached dwelling on the land to be severed is also 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 Engineering and Corporate Assets Department, Building Division, Kawartha Region Conservation Authority, Enbridge Gas Distribution, and Community

Services Department raised no concerns as a result of circulation. No comments were received from the public.

The Building Division – Part 8 Sewage Systems has no objection to the application, but notes that more detailed information will be required at the consent application stage to ensure sufficient spatial separation between the sewage system on the proposed severed lot and the lot lines.

The Chippewas of Rama First Nation have not stated any concerns, but they advise that the notice was forwarded to their solicitor for review.

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. The proposal does not conflict with provincial policy, and as such is not inconsistent with the City's Official Plan. The applicant's supporting documentation has identified that the barn is too close to the dwelling on the proposed severed lot to comply with the applicable MDS criteria. As a condition of consent, it will be recommended that the barn be demolished in order to meet MDS criteria.

The proposal seeks to rectify a situation that was created in compliance with the zone provisions in effect at the time. The proposed zoning by-law amendment seeks to treat the balance of the agricultural lands much like how an application to sever a dwelling as a result of a consolidation of farm land is treated to ensure a consistent approach with policy by restricting the number of dwellings on the proposed retained to one, reflecting the dwelling that exists.

Conclusion:

The application does not conflict with the provincial policies concerning prime agricultural areas/lands. The application also does not conflict with the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of August 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-071.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2018-071.pdf

Appendix 'C' – Applicant Sketch



Appendix C to
PLAN2018-071.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-071.pdf

Appendix 'E' – Draft Official Plan Amendment



Appendix E to
PLAN2018-071.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

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