

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

Report Number PLAN2018-067

Date: September 12, 2018
Time: 1:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: **Secondary Plans Appeals Update – Follow-up**

Description: Follow-up regarding matters identified at the May 9, 2018 PAC meeting involving Vizatimet Farms Ltd.

Author and Title: Leah Barrie, Policy Planning Supervisor

Recommendations:

That Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

At the meeting of May 9, 2018 PAC adopted the following resolutions concerning the Secondary Plans:

PAC2018-026

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings.

Carried

PAC2018-027

That staff report back to the Planning Advisory Committee regarding the classification and designation of lands held by Vizatimet Farms Ltd. at the northeast corner of CKL Road 36 and CKL Road 17.

Carried

And subsequently CR2018-344:

That staff be directed by Council to pursue the revisions identified in Report PLAN2018-039 through the LPAT proceedings, save and except those relating to the Fenelon Falls Secondary Plan.

Carried

Council directed staff to proceed with removing the Future Development Area Overlay, and return to PAC with an update on the Vizatimet Farms Ltd. matter.

This report addresses that direction.

Rationale:

The following table identifies how lands held by Vizatimet Farms Ltd. (“Vizatimet”) have been, and are, currently designated in the respective land use policy documents:

	PARCEL 1: 7.3 ha*	PARCEL 2: 50.26 ha*
VCOP prior to 2012 Refer to Ops Twp OP	N/A	N/A
Ops Twp OP prior to 2017	Highway Commercial	Agricultural
CKLOP 2012 (currently in force and effect)	Urban Settlement Area	Prime Agricultural

<p>OPA 13 General Amendment 2017</p>	<p>Refer to OPA 16</p>	<p>Future Development Area (Overlay) added on top of Prime Agricultural</p> <ul style="list-style-type: none"> • Appealed by MMA based on a lack of demonstrated need for additional land to accommodate growth • Appealed by Vizatimet who suggest Rural (not Prime Agricultural) is the appropriate designation; supportive of the Future Development Area Overlay, with the ultimate goal and expectation that the lands will be designated for residential uses
<p>OPA 16 Lindsay Secondary Plan 2017</p>	<p>Highway Commercial</p> <p>Appealed by Vizatimet who suggest Commercial is the appropriate designation, based on conclusions of independent commercial market study</p>	<p>N/A</p>
<p>Provincial Agricultural System for the GGH 2017</p>	<p>N/A</p>	<p>Prime Agricultural Area</p>

*see Appendix A; Parcel 1 detail provided for context but does not form part of Discussion

Discussion:

The designation of lands outside of the urban settlement area is based on soils classification mapping prepared by OMAFRA (1983). The mapping demonstrated that the lands were within classes 1 to 3 and as such were given a land use designation of Agricultural in the Township of Ops Official Plan. The lands are now designated Prime Agricultural in the City of Kawartha Lakes Official Plan (since 2012). The same designation has applied to date, reiterated by OMAFRA’s 2017 Agricultural System mapping.

According to the Province, the PPS directs that prime agricultural areas can only be removed for the purposes of identifying or expanding a settlement area:

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a *settlement area* boundary only at the time of a comprehensive review.

In order to protect continuous areas for agricultural production and related activities, site-specific removals (or re-designations) cannot be entertained. Changes to the Province's mapping would have to be made in consideration of not only the PPS but also the Agricultural System Implementation Procedures, as directed by the Growth Plan (Section 4.2.6.9), and only at the time of an MCR process ("Municipal Comprehensive Review").

4.2.6 Agricultural System

4.2.6.9 In implementing the Agricultural System, upper- and single-tier municipalities may, through a municipal comprehensive review, refine or augment provincial mapping in a manner that is consistent with this Plan and any implementation procedures issued by the Province.

One tool that can be used to justify changes (i.e. re-designations) is a LEAR study ("Land Evaluation and Area Review").

Vizatimet retained a consultant to prepare an Agricultural Land Evaluation (i.e. an individual LEAR study) to demonstrate that the lands are not Prime Agricultural and should be re-designated to Rural.

LEARs are intended to generate scores across a large landscape scale and are not intended to be used to assess small parcels of land on a case-by-case basis. If a proponent-driven LEAR was to be entertained, it would have to be undertaken at an appropriate scale (i.e. consideration of the entire Rural Area). The designation of Prime Agricultural areas, or changes to that designation, is an exercise in identifying areas of public interest as opposed to site-specific private development interests.

The proponent asserts that the City is still completing its MCR because the CKLOP remains under appeal, and therefore, LPAT should consider their LEAR study. Staff is of the opinion that the MCR concluded when Council adopted the CKLOP which was subsequently approved by the Minister.

Staff is not supportive of this approach, because there would then be pressure to consider similar requests from other landowners surrounding settlement areas. This would create a circumstance where the City is examining settlement area expansions in advance of an MCR which is neither consistent with the PPS nor upholds the Growth Plan.

As part of the upcoming appeal hearings, the Tribunal may review the City's MCR process and change the process and/or the analyses.

Other Alternatives Considered:

There are 2 approaches possible to re-designate the approved-CKLOP 2012 Prime Agricultural lands to Rural:

- 1) A site-specific proponent-driven Official Plan Amendment application process.
- 2) An MCR process as part of the CKLOP Update.

Financial/Operation Impacts:

Possible delays or extension of LPAT proceedings.

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 Report aligns with all three Strategic Goals by providing development and growth options within the City that balance fiscal and environmental objectives.

Review of Accessibility Implications of Any Development or Policy:

The Accessibility Co-ordinator has been involved in the Secondary Plan process.

Servicing Comments:

Staff in the Engineering and Corporate Assets and Public Works Departments has been involved in the Secondary Plan process.

Consultations:

City Solicitor
Ministry of Municipal Affairs

Attachments:

Appendix A: Vizatimet Land Holdings



Vizatimet
Holdings.docx

Appendix B: Map (Schedule F-1) Illustrating Secondary Plan Boundaries –
Lindsay



Lindsay Land
Use_Comparison.pdf

Appendix C: Map (Schedule A-3) Illustrating 'Future Development Area' in
Lindsay



2018.05.09
Schedule A-3.pdf

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Department File: D00-99-006