

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-033

Date: June 5, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 5 - Ops

Subject: An application to amend the Township of Ops Zoning By-law 93-30 to change the zoning on the land surrounding the severed residential dwelling from Agricultural (A) Zone to a residential zone and to change the zoning on the balance of the property from Agricultural (A) Zone to an agricultural exception zone prohibiting further residential development on the retained agricultural land described as Part Lot 22, Concession 3, geographic Township of Ops, City of Kawartha Lakes, identified as 454 Colborne Street West (Jones)

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2019-033, respecting Part of Lot 22, Concession 3, geographic Township of Ops, and identified as 454 Colborne Street West – Application D06-2019-009, be received;

That a Zoning By-law Amendment respecting application D06-2019-009, substantially in the form attached as Appendix “D” to Report PLAN2019-033, 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:

The subject property is an agricultural lot that contains single detached dwellings and some outbuildings. The owners sought to sever the dwelling and two accessory buildings from the balance of the agricultural land. On May 14, 2019, the Director of Development Services granted provisional consent to application D03-2018-025 to sever an approximately 0.7 hectare (1.73 acre) residential lot and retain approximately 39.3 hectares (97.1 acres) of agricultural.

As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit residential use. To further clarify how the lot containing the dwelling is to be used; said lot is also being rezoned to a residential zone category.

Owner:	Laurie Jones
Applicant:	William Reesor
Legal Description:	Part of Lot 22, Concession 3, geographic Township of Ops
Official Plan:	Prime Agricultural 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 – 0.7 hectares Retained – 39.3 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Commercial East: Vacant Land in Urban Settlement Area South: Agricultural West: Agricultural

Rationale:

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 proposed condition of provisional consent that requires the prohibition of residential uses 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 located at 213 Opmar Road. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 2.2.9 states that 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 rezoning as a condition of consent to sever one of two dwellings from the agricultural land is consistent with the intent of 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 Growth Plan.

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 majority of the subject land is designated Prime Agricultural in the City of Kawartha Lakes Official Plan (Official Plan). Although a small portion of the property that is designated Environmental Protection around the location of the Ops 1 Municipal Drain, no development is proposed near 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 hectare) requirements of the A Zone by proposing about 535 metres and 39.3 hectares respectively. An Agricultural Exception Nine (A-9) Zone is proposed on the retained land to protect the agricultural use of the land by prohibiting residential use in accordance with provincial and municipal policy.

Section 7.2.1.7 specifies that lots not exceeding 1 hectare that are created within the A Zone do not need a zone change, as they are deemed to automatically be subject to the requirements of the Rural Residential (RR) Zone even though they formally retain the A Zone category on the zone schedule. In order to minimize future confusion over how the severed lands containing the surplus residential dwelling at 454 Colborne Street West are to be used, the amendment also proposes to formally change the zoning on the lot to be created from A to RR. The severed lot exceeds the minimum lot frontage (38 metres) and area (0.28 hectare) requirements of the Rural Residential (RR) Zone by proposing about 80 metres and 0.73 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 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 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 agricultural land is un-serviced. The 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, Enbridge Gas Inc., Ministry of Transportation, Community Services Department, and Engineering and Corporate Assets Department raised no concerns as a result of the 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 agricultural is preserved for agricultural use by introducing the A-9 Zone. All other A Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures that 454 Colborne Street West is zoned RR to avoid any future confusion as to how the parcel is to be used.

Conclusion:

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also does conform to 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 May 15, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2019-033.pdf

Appendix 'B' – Sketches for Consent Application



Appendix B to
PLAN2019-033.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2019-033.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2019-033.pdf

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Department Head: Chris Marshall

Department File: D06-2019-009