

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN 2020-030

Meeting Date: **August 12, 2020**

Public Meeting

Title: **PLAN2020-030 – ZBA 1220 Highway 7, Mariposa (Davidson)**

Description: An application to amend the Township of Mariposa By-law 94-07 to change the zoning on a portion of the land from Agricultural (A1) Zone to an Agricultural Exception Zone to permit a reduced lot frontage, a reduced minimum lot area and to prohibit residential use. The application will also change the zoning surrounding the dwelling from Agricultural (A1) Zone to a Rural General Exception Zone to recognize the existing residential and agricultural-support uses and establish applicable development standards.

Ward Number: **4 - Mariposa**

Author and Title: **Kent Stainton, Planner II**

Recommendation(s):

That Report PLAN2020-030, respecting Part Lot 20, Concession 8, geographic Township of Mariposa, and identified as 1220 Highway 7 – Application D06-2020-012, be received;

That a Zoning By-law Amendment respecting application D06-2020-012, substantially in the form attached as Appendix “D” to Report PLAN2020-030, 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 a detached dwelling, a detached garage, a workshop building, a barn, a silo and grain bin. The owner sought to retain a 1.88 hectare (4.62 acre) parcel containing the aforementioned structures and sever approximately 17.33 hectares (42.85 acres) of agricultural land to be consolidated with a non-abutting farm parcel to the east identified as West Part Lot 21, Concession 8, Highway 7 (Oakview Farms Ltd.). The retained lands are to function as an agricultural-support use for the repair and sale of farm vehicles and equipment.

As a condition of the provisional consent decision, the agricultural land to be severed is to be rezoned to prohibit residential uses and to set out specific development standards. To acknowledge the existing residential and agricultural-support uses and to set out specific development standards, the retained lands are to be rezoned to a rural general exception zone category. Access to and from the severed land is to be attained over the retained land via an easement that was provisionally granted through a consent application (consent file: D03-2019-029), which ran concurrently with the severance application.

Owner:	Leslie Davidson
Applicant:	Doug Carroll, DC Planning Services Incorporated
Legal Description:	Part Lot 20, Concession 8, geographic Township of Mariposa
Official Plan:	Prime Agricultural and Bedrock Resource within the City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Severed – 17.33 hectares Retained – 1.88 hectares
Site Servicing:	Severed – None Retained – Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Rural Residential South: Agricultural, Municipal Drain East, 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 severed agricultural land and to rezone the proposed retained lot to a rural general use

that acknowledges the existing agricultural-support uses, the applicant has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. An adjacent agricultural operation will farm the severed lands in conjunction with other non-abutting agricultural parcels. The single detached dwelling is deemed surplus to the needs of the farm operation. The existing farm equipment sale and repair operation on the retained land will be acknowledged through the rezoning to the rural general zone category.

Provincial Policies:

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

Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The subject lands under cultivation are identified as Prime Agricultural within the City of Kawartha Lakes Official Plan.

The rezoning as a condition of consent to sever the agricultural lands from the dwelling and agricultural-support use is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (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.

Section 2.3.4.1(c) provides for the severance of a dwelling deemed surplus to the needs of a farm operation as a result of the consolidation of farm land provided that the lot is limited in size to that needed to accommodate appropriate water and wastewater services, and that the retained agricultural lands be rezoned to prohibit future residential development.

The application to rezone the proposed severed 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-support uses and the PPS encourages the protection of all types and sizes of agricultural use, and the proposed retained lot is of sufficient size to accommodate the necessary water and wastewater services. The PPS also provides that in rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and that development is compatible with the rural landscape and can be sustained by rural service levels. The agricultural-support use to be retained on the remnant land will promote a diversified rural economy that will service surrounding farm operations. Minimum Distance Separation One (MDS1) is not applied as the dwelling on the retained land exists and impact has been established.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

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

The Bedrock Resource designation permits alternative use consistent with the surrounding uses and in conformity with the underlying designation (i.e. Prime Agricultural designation). The agricultural-support use conducted on the retained land is a permitted agricultural-related use within the prime agricultural designation.

Section 15.1 of the Official Plan provides that agricultural land which 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 (A1) Zone in the Township of Mariposa Zoning By-Law 94-07. The lot to be severed has less lot area (17.33 hectares) and frontage (174.65 metres) than the minimum 38 hectare and 230 metre requirements for the A1 Zone respectively. In comparison, the retained lot is deficient in the required lot area of 2 hectares for the A2 Zone by proposing a reduced lot area of approximately 1.88 hectares. The retained will be compliant with respect to the proposed lot frontage of 117.32 metres.

An Agricultural Exception (A1-**) Zone is proposed to replace the A1 Zone on the proposed severed land. The A1-** Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

A Rural General Exception (A2-**) Zone is proposed to acknowledge the agricultural-support related uses on the property. The lot to be retained contains a single detached dwelling, a detached garage, a Quonset shed, a barn, a steel

grain bin with feed tank, and a silo. According to MPAC data, the structures were installed on the land between 1860 and 1978.

As the Rural General (A2) Zone permits such uses as: Auction Barn, Farm Equipment Sales and Service, Feed mill, Grain Cleaning Plant, Grain Drying and Storage Facility, planning staff are satisfied that the structures on the proposed retained lands will conform to the uses of the A2 Zone, provided the barn is not utilized to house livestock and livestock amenities.

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 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

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 retained is serviced by a private sewage disposal system and a 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, 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 applicable policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural land is preserved for agricultural use by introducing the A1-Exception Zone. All other A1 Zone provisions will be maintained as a result of this amendment. The Zoning By-law Amendment also ensures that the rural general lot is zoned A2-Exception Zone to acknowledge the agricultural-support related uses on the property. A provision will be included to prohibit livestock from being housed in the existing barn on the retained lands.

The effect of the rezoning will allow for separate ownership of the lands. The severed agricultural land is considered surplus and will be consolidated with a non-abutting farm operation, while the dwelling and associated agricultural-support use on the land to be retained will be brought to conformity as a standalone use.

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 supports the application based on the information contained in this report and the comments received as of July 31, 2020. Staff respectfully recommends that the application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2020-030.pdf

Appendix 'B' – Sketch for Consent Application



Appendix B to
PLAN2020-030.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2020-030.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2020-030.pdf

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Department Head: Chris Marshall

Department File: D06-2020-012