



Planning Advisory Committee Report

Report Number:	PLAN2021-004
Meeting Date:	February 10, 2021
Title:	Amend the Mariposa Zoning By-law 94-07 at 151 Peniel Road, Part of Lot 3, Concession 12, geographic Township of Mariposa – Hamilton
Description:	Application #: D06-2020-030 – To rezone a portion of the land for residential use and rezone the agricultural land to prohibit residential use
Type of Report:	Public Meeting
Author and Title:	David Harding, Planner II, RPP, MCIP

Recommendation:

That Report PLAN2021-004, Part of Lot 3, Concession 12, geographic Township of Mariposa, City of Kawartha Lakes, identified as 151 Peniel Road, "Hamilton – D06-2020-030", be received;

That a Zoning By-law Amendment respecting application D06-2020-030, substantially in the form attached as Appendix "D" to Report PLAN2021-004, 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 single detached dwelling and some outbuildings. The owners sought to sever the dwelling along with an implement shed from the balance of the agricultural land. On May 1, 2020, the Director of Development Services granted provisional consent to application D03-2019-034 to sever an approximately 0.51 hectare (1.26 acres) rural residential lot and retain approximately 39.65 hectares (97.98 acres) of agricultural land to be consolidated with other non-abutting lands owned by the farming operation. The agricultural buildings on the retained lands will be demolished. The land to be severed has since been surveyed is slightly smaller than originally proposed. The area reduction has no impact on the consent application. The new property area is noted in the site size below.

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 and permit a residential accessory building that is larger than what is typically permitted, said lot is also being rezoned to a rural residential zone category.

Owners:	Ronald and Lynda Hamilton	
Legal Description:	Part Lot 3, Concession 12, geographic Township of Mariposa	
Official Plan:	'Prime Agricultural' within the City of Kawartha Lakes Official Plan 2012	
Zone:	'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' in the Township of Mariposa Zoning By-law 94-07, as amended	
Site Size:	Severed – 0.4827 hectares (1.19 acres) Retained – 39.67 hectares (98.04 acres)	
Site Servicing:	Severed – Private individual well and sewage system Retained – None	
Existing Uses:	Forest, Wetland, Agriculture	
Adjacent Uses:	North, West:	Agriculture, Forest, Wetland
	South:	Agriculture, Rural Residential
	East:	Agriculture

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 other non-abutting agricultural parcels. 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):

The Growth Plan directs the vast majority of growth to settlement areas.

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, that is compatible with the surrounding uses and rural landscape, and may be sustained by rural service levels. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

The lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The rezoning as a condition of consent to sever the dwelling from the agricultural land is consistent with the intent of these policies to protect agricultural lands.

Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Policy 1.1.4 identifies that rural areas are important to the economic success of the Province and the quality of life. The long-term protection of rural assets and amenities is essential for a sustainable economy.

Policies 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 the 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' within the City of Kawartha Lakes Official Plan 2012 (Official Plan). The objective of the designation is to protect agricultural operations as well as agriculture-related businesses from incompatible uses. Section 15.1 of the Official Plan provides that agricultural land which is primarily Soil 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 farm lots 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. When disposing of a farmhouse deemed surplus to the needs of a farming operation as a result of the consolidation of farm land, the lot must be at least 4,000 square metres in order to be sufficiently sized to accommodate existing and future private services. The lot complies by exceeding the minimum area requirement the Official Plan establishes.

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

Zoning By-law Compliance:

The subject land is zoned 'Agricultural (A1) Zone' and 'Environmental Protection (EP) Zone' in the Township of Mariposa Zoning By-law 94-07, as amended.

The EP Zone is imposed where there are natural features and/or natural hazards. No changes are proposed to the EP Zone. The lot to be retained exceeds the minimum lot frontage (230 metres) and area (38 hectares) requirements of the A1 Zone by proposing about 768 metres and 39.67 hectares respectively. The 'Agricultural Exception Thirty-Two (A1-32) Zone is proposed to replace the A1 Zone on the retained land. The A1-32 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy.

Section 8.2.1.7 specifies that lots not exceeding 1 hectare created within the A1 Zone do not need a zone change as they are deemed to automatically be subject to the requirements of the Rural Residential Type One (RR1) Zone. Such lots formally retain the A1 Zone category on the zone schedule. In order to minimize future confusion over how the severed lands containing the surplus residential

dwelling are to be used, and permit an increased lot coverage for the existing residential accessory building (metal shed), the application also proposes to formally change the zoning on the lot to be created from A1 to Rural Residential Type One Exception Eleven (RR1-11) Zone. The severed lot exceeds the minimum lot frontage (38 metres) and area (2,800 square metre) requirements of the Rural Residential Type One (RR1) Zone by proposing about 60.43 metres and 4,826.9 square metres respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

The metal implement shed to become a residential accessory building on the residential lot to be created is 158 square metres (1,700 square feet). The General Provisions permit accessory buildings within the RR1 Zone to be 10% of the lot area up to a maximum of 150 square metres (1,614.5 square feet). The intent of this provision is to ensure accessory buildings and uses maintain a scale that is accessory to the dwelling, which is the primary use. The owners have requested the by-law amendment consider an increase in the permitted accessory building lot coverage in order to retain the building. The shed complies with the 2 metre minimum lot line setback requirements in the General Provisions for an accessory building by proposing a setback of 2.11 metres from the rear lot line and 5.61 metres from the eastern interior side lot line. It is also low enough to comply with the 5 metre height requirement.

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 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 protecting and expanding agricultural employment.

Servicing Comments:

The property is serviced by a private individual well and holding tank.

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 Development Engineering Division, Building Division, and Community Services Department advises that they have no concern with the application.

Development Services – Planning Division Comments:

The by-law restricts residential accessory building lot coverage in an RR1 Zone to 150 square metres (1,614.5 square feet). The 158 square metre (1,700 square feet) metal shed is at the back of the property, is set away from the dwelling, and is partially obscured by the two storey dwelling when viewing the property from the road. The lot is sufficiently sized to absorb the larger metal shed. Through the combination of a large lot, vegetative buffering in the form of hedgerows, and increased spatial separation between the dwelling and metal shed, the dwelling maintains its visual prominence.

While not requested in the application, planning staff believe it is appropriate to increase the permitted accessory building coverage by an additional 10 square metres in order to permit the future construction of a small shed or covered structure elsewhere on the property without the need for a minor variance application. This would increase the total permitted residential accessory building lot coverage from 150 square metres (1,614.5 square feet) to 168 square metres (1,808.3 square feet). The additional 18 square metres is not anticipated to cause the accessory building use to overwhelm the dwelling as the visually prominent use.

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' ensures the agricultural land is preserved for agricultural use by imposing the A1-32 Zone. The A1-32 Zone prohibits residential use. All other A1 Zone provisions will be maintained as a result of this amendment. The Zoning By-law Amendment also ensures that the rural residential lot is zoned RR1-11 to avoid any future confusion as to how the parcel is to be used and to recognize the increased accessory building lot coverage.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS policies concerning prime agricultural areas. The application does also 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 January 28, 2021. Staff respectfully recommends that the application be referred to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2021-004.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2021-004.pdf

Appendix 'C' – Concept Plan



Appendix C to
PLAN2021-004.pdf

Appendix 'D' – Draft By-law Amendment



Appendix D to
PLAN2021-004.pdf

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Department File: D06-2020-030