



Planning Advisory Committee Report

Report Number: PLAN2021-055
Meeting Date: October 6, 2021
Title: Amend the Mariposa Zoning By-law 94-07 at 408-422 Ranch Road - Muirhead
Description: D06-2021-021
Type of Report: Public Meeting
Author and Title: David Harding, Planner II, RPP, MCIP

Recommendations:

That Report PLAN2021-055, **Amend the Mariposa Zoning By-law 94-07 at 408-422 Ranch Road - Muirhead**, be received;

That a Zoning By-law, respecting application D06-2021-021, substantially in the form attached as Appendix 'C' to Report PLAN2021-055 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The Director of Development Services, as delegated by Council, approved consent application D03-2018-027 on February 5, 2021. The application as revised proposes to sever an approximately 0.55 hectare rural residential lot containing a dwelling addressed as 422 Ranch Road, and retain approximately 40.14 hectares of agricultural land containing a dwelling and agricultural buildings addressed as 408 Ranch Road.

Official Plan Amendment (OPA) application D01-2018-003 and Zoning By-law Amendment (ZBLA) application D06-2018-011 were previously approved by Council in 2018 in order to facilitate the consent. Through the processing of the consent file it was determined that the rear lot line of the proposed severed lot needed to be placed in a different location than what was proposed in the ZBLA application. Also, the owner expressed an interest in retaining the barn on the proposed retained lands, which was originally proposed to be demolished to comply with Minimum Distance Separation (MDS) Formulae.

A new rezoning application is required in order to reflect the new lot line boundary and accommodate the request to retain the existing barn on the proposed retained agricultural lands.

A planning brief prepared by EcoVue Consulting Services Inc. dated March 17, 2021 was prepared in support of the application.

Owner:	Ann Muirhead
Applicant:	Ashlyn Kennedy – EcoVue Consulting Services Ltd.
Legal Description:	North Part of Lot 17, Concession 3, geographic Township of Mariposa
Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan (2012)
Zone:	Agricultural Exception Thirty-Three (A1-33) Zone and Rural Residential Type One (RR1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Proposed Severed – 0.55 hectares Proposed Retained – 40.14 hectares
Site Servicing:	Private individual well and septic system for each the proposed severed and retained lands

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Rationale:

Provincial Policies:

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

The Growth Plan directs growth to settlement areas, and directs the long-term protection of prime agricultural areas to ensure the long term viability and productivity of agricultural uses within those prime agricultural areas. Section 2.2.9 outlines that development outside of settlement areas may be permitted where necessary for the management of resources, such as for agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The consent application proposes to sever off the second dwelling from the agricultural property, as it is no longer needed by the property owner. The prior zoning by-law amendment ensures that no second dwelling may be constructed on the agricultural land, ensuring for the long-term protection of agricultural uses. The proposed zoning by-law amendment maintains the same protections.

The application conforms to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The PPS directs development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural uses that cannot be located in settlement areas. The proposal is related to the management and use of agricultural lands.

The subject lands are considered prime agricultural lands. 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 formal farm practices shall be promoted and protected in accordance with provincial standards. Sections 1.1.5.8 and 2.3.3.3 require new lots proposed within prime agricultural areas to comply with MDS. While the barn on the proposed retained lands cannot comply with MDS if it is used for livestock, MDS would not apply if it is used for storage. It is appropriate to permit the barn to remain as a storage building rather than proceed with its demolition.

Due to the above analysis, the application is consistent with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural within the City of Kawartha Lakes Official Plan (Official Plan).

Sections 15.1 and 15.2 of the Official Plan provides that prime agricultural land is primarily Class 1-3 and shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

The application proposes to retain a barn for storage rather than livestock use and adjust the zone boundary between the proposed severed and retained lots. The proposed amendments will not adversely impact existing agricultural operations.

In consideration of the above, this proposal conforms to the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural Exception Thirty-Three (A1-33) Zone and Rural Residential Type One (RR1) Zone in the Township of Mariposa Zoning By-Law 94-07, as amended. The A1-33 Zone corresponds to the proposed retained agricultural lands and the RR1 Zone corresponds to the proposed severed residential lands.

The agricultural exception restricts the number of dwelling units to one. The applicant proposes a textual amendment to the exception zone in order to prohibit livestock within the existing buildings. As a result of adjusting the rear lot line of the proposed severed lot to accommodate the septic system, the zone boundary must also be adjusted. A triangular portion of land represented by diagonal hatch in Appendix C must have its zoning changed from A1-33 to RR1 to reflect this change to the lot line. A triangular portion of land represented by light grey must have its zoning changed from RR1 to A1-33 to reflect the change to the lot line as well.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy

4. Good Government

This application aligns with the vibrant and growing economy priority as it provides opportunity to maintain the economic base by protecting the proposed retained land for agricultural purposes. The application also aligns with the exceptional quality of life priority as it establishes private ownership over the second dwelling.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

Each dwelling is serviced by a private sewage disposal system and well, which are each fully contained on their respective proposed lots.

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-Part 8 Sewage Systems and Development Engineering Division raised no concerns as a result of the circulation.

Development Services – Planning Division Comments:

The official plan exception and zone amendment to facilitate the severance of the second dwelling is in place, and the current zone amendment proposed is a general housekeeping matter fine-tune the zone boundary between the proposed severed and retained lots and allow an existing barn to be retained for storage purposes.

No adverse impacts to the existing agricultural operation are anticipated.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2021-05

Appendix 'B' – Sketch



Appendix B to
Report PLAN2021-05

Appendix 'C' – Draft By-law Amendment



Appendix C to
Report PLAN2021-05

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Department File: D06-2021-021