



Planning Advisory Committee Report

Report Number: PLAN2021-060
Meeting Date: November 3, 2021
Title: Amend the Mariposa Zoning By-law No. 94-07 at Part of Lot 5, Concession 14 (763 City of Kawartha Lakes Road 46) – Holcrest Farms Ltd.
Description: D06-2021-025
Type of Report: Public Meeting
Author and Title: Kent Stainton, Planner II

Recommendations:

That Report PLAN2021-060, **Amend the Mariposa Zoning By-law No. 94-07 at Part of Lot 5, Concession 14 (763 City of Kawartha Lakes Road 46) – Holcrest Farms Ltd.**, be received;

That a Zoning By-law, respecting application D06-2021-025, substantially in the form attached as Appendix 'D' to Report PLAN2021-060 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 D03-2019-037 on January 15, 2021. The application proposes to sever an approximately 0.68 hectare (1.7 acres) rural residential lot containing a dwelling addressed as 763 City of Kawartha Lakes Road 46 and retain approximately 37.5 hectares (92.7 acres) of agricultural land to be consolidated with a non-abutting farm operation addressed as part of Lot 13, Concession 9 in former Brock Township within the Regional Municipality of Durham. The dwelling is deemed surplus to the needs of the farm operation.

As a condition of the provisional consent decision, the agricultural land to be retained is to be rezoned to prohibit residential uses. To acknowledge the existing residential use, the proposed severed lands are to be rezoned to a rural residential type one zone category, which prohibits agricultural uses.

Owner:	Holcrest Farms Ltd.
Applicant:	Robert K. Clark – Clark Consulting Services Ltd.
Legal Description:	763 City of Kawartha Lakes Road 46, Part of Lot 5, Concession 14, geographic Township of Mariposa
Official Plan:	Prime Agricultural and Environmental Protection with Locally Significant Wetlands and Significant Woodlands within the City of Kawartha Lakes Official Plan (2012). The Environmental Protection designation follows a watercourse on the subject lands.
Zone:	Agricultural (A1) in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Proposed Severed – 0.68 hectares Proposed Retained – 37.5 hectares
Site Servicing:	Private individual well and septic system for the proposed severed lands
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural, Linden Valley Road, Rural Residential South: The Glen Road, Agricultural, Rural Residential East: City of Kawartha Lakes Road 46, Agricultural West: Agricultural

Rationale:

Provincial Policies:

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

The Growth Plan directs growth to settlement area 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 existing dwelling from the agricultural property, as it is no longer needed by the property owner.

The rezoning as a condition of consent to sever the single detached dwelling deemed surplus to the needs of the agricultural operation is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape. The residential use is existing and located on private well and septic systems. The location of the single detached dwelling will not adversely impact the adjacent agricultural land uses.

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 accessory agricultural building on the proposed retained lands cannot comply with MDS if it is used for livestock, MDS does not apply if it is used for storage. Functionally, the building can no longer house livestock. It is appropriate to permit the accessory agricultural building to remain as a storage building rather than proceed with demolition.

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

Official Plan Conformity:

The subject lands are designated Prime Agricultural and Environmental Protection with Locally Significant Wetlands and Significant Woodlands 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 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.

The Environmental Protection designation follows a watercourse, which traverses the southern portion of the proposed retained lands. No development is proposed in the form of construction as part of the application. As a result, there will be no impacts to the watercourse, wetlands or Significant Woodlands.

The subject lands are also located within the Woodville Drinking Water System protected under the Clean Water Act as part of the South Georgian Bay Lake Simcoe Region Source Water Protection Plan. As part of the Consent application process, the applicant obtained a Section 59 Notice that demonstrates the proposal will have no adverse impacts on drinking water.

In consideration of the above, this proposal conforms to 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, as amended. The A1 zone category permits a single detached dwelling and agricultural uses amongst other permitted uses. Section 8.2 of the A1 Zone provides that a lot created by consent must have a minimum lot frontage of 38 metres

and a maximum lot area of 1 hectare, and the lot shall comply with the Rural Residential Type One (RR1) Zone requirements. The lot to be severed meets these requirements.

Agricultural Exception Thirty-Seven (A1-37) Zone is proposed to replace the A1 Zone on the proposed retained land. The A1-37 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy. The lot to be retained exceeds the minimum lot area and lot frontage requirements for the A1 zone and conforms to the remaining provisions of the Agricultural Zone category.

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

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 separate ownership of the residential parcel.

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:

The dwelling on the proposed severed lot is serviced by a private sewage disposal system and well, which are each fully contained on the property.

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

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 C will ensure the agricultural land is preserved for agricultural use by introducing the A1-37 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 residential lot is zoned Rural Residential Type One (RR1) Zone to acknowledge the existing residential use on the property and prohibit future agricultural uses.

No adverse impacts to the existing agricultural operation are anticipated.

The Acting Director of Development Services has no concerns with the proposal.

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
PLAN2021-060.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2021-060.pdf

Appendix 'C' – Sketch



Appendix C to
PLAN2021-060.pdf

Appendix 'D' – Proposed Zoning By-law Amendment



Appendix D to
PLAN2021-060.pdf

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Department File: D06-2021-025