



Planning Advisory Committee Report

Report Number:	PLAN2022-034
Meeting Date:	June 8, 2022
Title:	Application to Amend the Mariposa Zoning By-law 94-07 at 1401 Black School Road - Tait
Description:	Rezoning to facilitate the severance of a surplus farm dwelling from the retained agricultural land - D06-2022-006
Type of Report:	Public Meeting
Author and Title:	Sherry L. Rea RPP, MCIP

Recommendations:

That Report PLAN2022-034, **Amend the Mariposa Zoning By-law 94-07 at 1401 Black School Road - Tait**, be received;

That a Zoning By-law, respecting application D06-2022-006, substantially in the form attached as Appendix 'C' to Report PLAN 2022-034 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The Director of Development Services, as delegated by Council, approved consent application D03-2021-003 on April 28, 2022. The application proposes to sever a farmhouse on approximately 1.0 hectares of land deemed surplus to the needs of the farming operation because of the consolidation of farmland and consolidate approximately 45.9 hectares of retained agricultural land with a non-abutting agricultural lot owned by the same farming operation.

As a condition of provisional consent, the retained agricultural land is to be rezoned to prohibit future residential use and to prohibit the housing of livestock within the existing buildings. In addition, the severed lot requires a rezoning to permit a lesser minimum lot frontage of 15 metres.

Owner:	Andrew Ray Tait
Applicant:	DC Planning Services Inc. c/o Doug Carroll
Legal Description:	Part of Lots 23 and 24, Concession 13, geographic Township of Mariposa
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012) with a Bedrock Resource overlay
Zones:	Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Total – Approximately 46.9 hectares (115.9 acres) Severed – 1.0 hectare (2.5 acres) Retained – 45.9 hectares (113.4 acres)
Site Servicing:	Severed – Private individual well and septic system Retained – No private services

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 conditions of provisional consent that require the prohibition of residential uses on the proposed retained agricultural land, the owner submitted an application to amend the Zoning By-law that will, if granted, fulfill this

condition. The request also includes prohibiting the housing of livestock in the existing buildings on the retained parcel. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel. The single detached dwelling on the subject land is surplus to the needs of the farming operation. The request also includes a reduction in the minimum lot frontage to 15 metres for the severed land.

Provincial Policies:

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

Policy 4.1 emphasizes the principle of Ontario's Agricultural System by supporting the viability and long-term protection of the agricultural land base along with inter-connected businesses, services, and infrastructure.

Policy 4.2.6 lays out the framework for the long-term protection of prime agricultural areas identified within official plans for agricultural uses.

The lands under cultivation are identified as Prime Agricultural within the City's Official Plan. The rezoning as a condition of consent to prohibit the future residential use on the retained 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)

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 provincial standards.

Residential lot creation within a prime agricultural area may only be permitted for a residence surplus to a farming operation as part of a farm consolidation provided further residential use is not permitted on the retained agricultural land. The application to rezone the proposed retained lands to prohibit residential use 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. The request to prohibit the housing of livestock in the existing buildings

on the retained parcel maintains the Minimum Distance Separation (MDS) formulae with respect to the severed lot.

Therefore, this application is consistent with the PPS.

City of Kawartha Lakes Official Plan (Official Plan):

The majority of the subject land is designated Prime Agricultural in the Official Plan. There is an Environmental Protection designation along the northern lot line of the retained lands that appears to correspond with the location of a watercourse.

The Environmental Protection designation identifies lands that are unsuitable for development due to natural hazards and/or unique natural characteristics. No change is proposed to the lands within this designation.

The 'Bedrock Resource' overlay permits alternative uses consistent with the surrounding uses and in conformity with the underlying designation (i.e. 'Prime Agricultural' designation).

Section 15.1 of the Official Plan contains the Prime Agricultural designation policies. It identifies that prime agricultural lands, which are comprised primarily of Class 1-3 soils, shall be protected from fragmentation, development and land uses unrelated to agriculture. Some of the objectives of the Prime Agricultural designation are to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3.4 outlines that the residential lot is not exceed 1 hectare to ensure only as much land as is needed to support the dwelling is removed from production. A lot with an area of approximately 1 hectare is proposed.

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 to protect the long-term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit residential uses.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use along with alleviating any potential conflicts with the MDS formulae with the severed lot.

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

Zoning By-law Review:

The subject land is zoned Agricultural (A1) Zone in the Township of Mariposa Zoning By-Law 94-07. The subject land is a corner lot, abutting Opmar Road and Black School Road. The severed lot will front on Black School Road and the retained lot's frontage will continue to be calculated from Black School Road.

The lot to be retained exceeds the A1 Zone's minimum lot frontage requirement of 230 metres by having approximately 597 metres on Black School Road. The retained lot proposes an area of about 49.5 hectares, exceeding the A1 Zone's minimum 38 hectare requirement.

The Agricultural Exception Thirty-Nine (A1-39) Zone is proposed to replace the A1 Zone on the retained land. The A1-39 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy, and prohibit livestock within existing buildings.

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. The Rural Residential Type (RR1) Zone is proposed to recognize and clarify the residential use on the proposed severed lot and the RR1-12 is applied to permit a reduction in minimum lot frontage from 38 metres to 15 metres.

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 would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

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 single detached dwelling on the land to be severed is serviced by a private sewage disposal system and well. Review of the private sewage disposal system was undertaken by the City's Building Division - Part 8 Sewage Systems through the consent review process. The agricultural retained land is unserviced.

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. Economic Development – Agriculture 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 City of Kawartha Lakes Official Plan.

The subject property is currently zoned Agricultural (A1) Zone, which permits a variety of rural land uses, including agricultural activities.

The proposed Zoning By-law Amendment contained in Appendix C will ensure the agricultural land on the retained lot is preserved for agricultural use by introducing the Agricultural Exception Thirty-Nine (A1-39) Zone, which will prohibit residential use. The A1-39 Zone will also permit the existing buildings to remain by prohibiting them to house livestock. The existing buildings would otherwise need to be removed as a condition of provisional consent as it would not comply with the Minimum Distance Separation Formulae. All other A1 Zone provisions will be maintained as a result of the zone change.

On the proposed severed lot containing the dwelling, the land is proposed to be rezoned from the A1 Zone to the RR1-12 Zone to confirm the existing residential use and permit a reduction in minimum lot frontage of 15 metres.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of May 26, 2022. Staff respectfully recommends the draft zoning by-law be referred to Council for approval.

Attachments:

Appendix A – Location Map



Appendix A Location
Map.docx

Appendix B – Sketch



Appendix B
Applicant's Sketch .do

Appendix C – Draft Zoning By-law Amendment



Appendix C Draft
Zoning By-law.docx

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2022-006