



Planning Advisory Committee Report

Report Number:	PLAN2023-061
Meeting Date:	November 8, 2023
Title:	PLAN2023-061
Description:	To amend the Township of Mariposa Zoning By-law 94-07 to facilitate the severance of a surplus farm dwelling from the retained agricultural land - D06-2023-023
Type of Report:	Public Meeting
Author and Title:	Matt Alexander, Practice Lead, RPP, MCIP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report **PLAN2023-061, Amend the Township of Mariposa Zoning By-law 94-07 at 238 Black School Road**, be received;

That a Zoning By-law, respecting application D06-2023-023, substantially in the form attached as Appendix D to Report PLAN2023-061 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 D03-2022-003 on February 16, 2023. The application proposes to sever a 0.812 hectare lot containing an existing single detached dwelling surplus to the farm operation, and to retain a 40.288 hectare agricultural lot, which is to be consolidated with non-abutting agricultural land located at 216 Peniel Road.

As a condition of provisional consent, the retained agricultural land is to be rezoned to prohibit future residential uses. The Zoning By-law Amendment application also proposes to rezone the severed lot to recognize the single detached dwelling.

Owner:	Dale and Lynda Hamilton
Applicant:	Clark Consulting Services, c/o Bob Clark
Legal Description:	Part of Lot 4, Concession 12, geographic Township of Mariposa, now City of Kawartha Lakes
Official Plan:	Prime Agricultural within the City of Kawartha Lakes Official Plan (2012)
Zones:	Agricultural (A1) Zone in the Township of Mariposa Zoning By-law 94-07, as amended
Site Size:	Total – Approximately 41.1 hectares (101.6 acres) Severed – 0.81 hectare (2.0 acres) Retained – 40.28 hectares (99.5 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 farm operation that owns the property will farm the retained agricultural lands 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 application will address the new lot size and configuration of the surplus farm dwelling parcel.

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.

Policy 2.2.9.3 prescribes criteria with regards to new lot creation outside of Settlement Areas, specifically that the uses must be compatible with the surrounding rural landscape, sustained by rural service levels, and will not adversely affect the protection of agricultural uses or other resource-based uses. The severed lot will be sustained by rural service levels with existing well and septic. The severance will not result in any adverse affects to agricultural lands as the retained agricultural land will be consolidated with a non-abutting farm parcel and the agricultural use on site will remain.

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 existing dwelling is surplus to the farming operation, and as such meets the PPS criteria for residential lot creation within a Prime Agricultural Area. The application to rezone the

proposed retained lot to prohibit residential uses 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.

City of Kawartha Lakes Official Plan (Official Plan):

The subject land is designated Prime Agricultural in the Official Plan.

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.

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.

Section 15.3.5 provides that dwellings that become a surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria prescribed in Section 15.3.4 a, b and c are met, and that the retained agricultural land is rezoned to prohibit residential uses. The severed lot does not exceed 1 hectare in size, the dwelling is surplus to the farming operation and is not required for farm employees, and MDS I setback is not required for associated rezonings of the severed or retained parcels for severances of a residence surplus to a farming operation. The retained lot will be rezoned to prohibit residential uses. This complies with the policies prescribed in the Official Plan.

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 through lot, with frontage on Peniel Road, and Black School Road. The severed lot will have frontage on Black School Road, and the retained agricultural lot will continue to have frontage along both Black School road and Peniel Road.

The lot to be retained exceeds the A1 Zone's minimum lot frontage requirement of 230 metres by having approximately 231.06 metres of frontage along Black School Road. The retained lot proposes an area of 40.28 hectares, exceeding the A1 Zone's minimum 38 hectare requirement.

The Agricultural Exception Forty One (A1-41) Zone is proposed to replace the A1 Zone on the retained land. The A1-41 Zone will protect the agricultural use of the land by prohibiting residential uses in accordance with provincial and municipal policy, fulling conditions of Consent application D03-2022-003.

The Rural Residential Type (RR1) Zone is proposed to recognize and clarify the residential use on the proposed severed lot. The severed lot exceeds the minimum lot area requirement of 2,800 square metres, with a lot area of 8,120 square meters. The severed lot exceeds the minimum lot frontage requirement of 38 metres, having 74 metres of frontage along Black School Road. The severed lot exceeds all of the minimum front, interior and rear yard requirements. The severed lot complies with the provisions of the RR1 Zone.

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 land uses.

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. Building and Septic Division has no issue with the proposed rezoning as it relates to private on-site sewage disposal.

The Development Engineering Division, and Building and Septic Division Plans Examiner reviewed the submission, and advised there was no objection to the proposed zoning amendment.

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. No comments from the public were received at the time of report writing.

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 D will ensure the agricultural land on the retained lot is preserved for agricultural use by introducing the Agricultural Exception Forty One (A1-41) Zone, which will prohibit future residential uses.

On the severed lot containing the dwelling, the land is proposed to be rezoned from the A1 Zone to the RR1 Zone to recognize the existing residential use.

No changes in land use are proposed as part of the rezoning.

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 October 25, 2023. Staff respectfully recommends the draft zoning by-law be referred to Council for approval.

Attachments:

Appendix A – Location Map



Appendix A.docx

Appendix B – Aerial



Appendix B.docx

Appendix C – Sketch



Appendix C.docx

Appendix D – Draft Zoning By-law Amendment



Appendix D.docx

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2023-023