



Planning Advisory Committee Report

Report Number:	PLAN2024-066
Meeting Date:	November 27, 2024
Title:	Zoning By-law Amendment, 77 County Road 36 (Part of E1/2 Lot 17, Concession 6, Former Township of Ops), Gavin Tyler
Description:	Rezone portions of the Subject Land from the 'Agricultural (A)' Zone to a site-specific 'Agricultural Exception 23 (A-23)' Zone, in order to facilitate a severance, to address minimum lot area requirements, and to prohibit residential development
Type of Report:	Public Meeting
Author and Title:	Julio Sarti Caldeira, Urban Planner, Dillon Consulting Limited on behalf of the City of Kawartha Lakes

Recommendation(s):

That Report PLAN2024-066, Zoning By-law Amendment, 77 County Road 36 (Part of E1/2 Lot 17, Concession 6, Former Township of Ops), Gavin Tyler, be received;

That a Zoning By-law Amendment respecting application D06-2024-019, substantially in the form attached as Appendix D to Report PLAN2024-066, be approved and adopted by Council; and

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

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Gavin Tyler
Applicant:	Gavin Tyler
Legal Description:	Part of E 1/2 Lot 17, Concession 6, Township of Ops, City of Kawartha Lakes, municipally known as 77 County Road 36
Official Plan:	'Prime Agricultural' and 'Environmental Protection' in Schedule 'A-2' of the City of Kawartha Lakes Official Plan
Zoning By-law:	'Agricultural (A)' Zone ('Schedule A') in the Township of Ops Zoning By-Law 93-30
Area:	Total Area of Subject Land: 13.62 ha. (33.67 ac.) Total Area of proposed Retained Lands: 12.99 ha. (32.11 ac.) Total Area of proposed Severed Lands: 0.63 ha. (1.56 ac.)
Servicing:	Private individual well, private individual septic tank, ditches
Access:	Municipal – Arterial (County Road 36)
Existing Uses:	Agricultural
Adjacent Uses:	North: Residential, Agricultural East: Agricultural South: Agricultural West: Trail, Golf Course

The applicant is seeking to sever approximately 0.63 ha (Severed Land) used for the purposes of a surplus farm dwelling from the Subject Land. As a condition of consent approval for the severance of a surplus farm dwelling under File No. D03-2024-010, an amendment to the Township of Ops Zoning By-law 93-30 is required to rezone the Retained Land (approximately 12.99 ha.) from the 'Agricultural (A)' Zone to a site-specific 'Agricultural Exception 23 (A-23)' Zone to address the minimum lot area deficiency and prohibit residential development on the Retained Land.

Rationale:

Through the consent application process for the lot severance, a Zoning By-Law Amendment application is required to rezone the proposed Retained Land to an 'Agricultural Exception 23 (A-23)' Zone. This amendment would prohibit future residential development while preserving the agricultural use and protecting the existing natural features, including the watercourse, identified on the Retained Land. The amendment would also recognize the existing lot size deficiency of the undersized farm lot. The Severed Land will remain as an 'Agricultural (A)' Zone, as it complies with the provisions of the Township of Ops Zoning By-law.

Policy Conformity

Provincial Planning Statement 2024 (PPS 2024)

The PPS 2024 provides a policy framework for land use planning within the Province of Ontario. The 'Subject Lands' are serviced by a private well and septic system, are within the Kawartha Conservation (KRCA) Regulated Area and lie in prime agricultural areas.

Under Section 4.3.2 of the PPS, in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. As per Policy 4.3.3.1(c), when a surplus dwelling results from farm consolidation, a new residential lot may be created provided it is limited to a minimum size needed to accommodate the use and an appropriate sewage and water service, and no new homes are permitted on the retained agricultural land. In this case, no new development is being proposed. The existing residential dwelling will remain, and the Zoning By-law Amendment seeks to align the land use with PPS policies by prohibiting future residential development on the remaining agricultural parcel. This amendment supports the protection of farmland by preventing fragmentation and maintaining its long-term agricultural viability.

The Zoning By-law Amendment proposes to rezone the Retained Land to an 'Agricultural Exception 23 (A-23)' Zone, aligning with the PPS to protect agricultural resources.

City of Kawartha Lakes Official Plan (2012)

The Subject Land is designated 'Prime Agricultural' and 'Environmental Protection' according to Schedule A-3 of the City of Kawartha Lakes Official Plan (CKLOP).

Additionally, Schedule B-3 indicates the presence of a small waterbody in the Severed Land.

In accordance with Section 15 of the CKLOP regarding the Prime Agricultural Designation, the City supports the consolidation of farms, allowing severances of surplus dwellings under certain conditions. Section 15.3.4 states that, "The City recognizes as generally desirable the consolidation of farms wherever possible. Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that:

- a) the residential lot does not exceed 1 hectare in area and is not less than 4,000 sq.m. in area;
- b) the residential lot meets the Minimum Distance Separation criteria;
- c) the dwelling is not required for farm employees; and
- d) the farm land is merged into a single lot."

As per Policy 15.3.5, "Dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria of 15.3.4 a, b and c above are met and that the retained agricultural land be zoned to prohibit any residential use."

The proposed severance meets these conditions, as the proposed Severed Land is approximately 0.63 hectares in size, which is within the permitted range. The Severed Land is over 500 meters from the nearest livestock barn, and the dwelling is not needed for farm employees. Lastly, the retained farmland is to be consolidated with a non-abutting farm, which the owner also owns. Furthermore, Policy 15.3.5 specifies that when non-abutting farm parcels are consolidated, the retained agricultural land must be zoned to prohibit any new residential development, which the applicant is proposing to do.

Section 17 of the CKLOP outlines that the Environmental Protection Designation applies to areas subject to flooding, Provincially Significant Wetlands (PSW), or other physical hazards. Both the Severed Land and the Retained Land contain such designated areas aligned with the location of a watercourse, which falls under the Environmental Protection Designation. The Subject Land is within the jurisdiction of Kawartha Conservation, who recognizes that the area is within the vicinity of flooding and erosion hazards due to the presence of a watercourse but presents no concerns regarding the approval of the Zoning By-law Amendment application. Since no development is being proposed, the application conforms to the City of Kawartha Lakes Official Plan (2012).

Township of Ops Zoning By-law 93-30

The Subject Land is currently zoned 'Agricultural (A)' Zone in the Township of Ops Zoning By-law 93-30. According to the provisions of the Agricultural (A) Zone, a single detached dwelling, along with agricultural uses and accessory buildings and structures, are permitted. However, the Retained Land would be approx. 12.99 ha, which would be an undersized farm parcel, as a result of the proposed surplus dwelling severance. However, the Subject Land was already an undersized agricultural lot at approx. 13.62 ha, whereas 37 hectares is required. Therefore, the Zoning By-law Amendment will recognize the lot deficiency of the Retained Land.

It is the policy of the PPS 2024 and City of Kawartha Lakes Official Plan that a retained farm parcel resulting from a surplus dwelling severance shall be merged/consolidated with an abutting farm or be zoned to prohibit future dwellings on the farm lot. Consequently, a Zoning By-Law Amendment is necessary.

Accordingly, the Retained Land will be rezoned to an 'Agricultural Exception 23 (A-23)' Zone to explicitly prohibit any residential development and address the minimum lot area deficiency, in accordance with the requirements established by Provincial and City planning policies.

Furthermore, Section 16.2 of the Township of Ops Zoning By-law 93-30 states, "Where a consent is given by the Land Division Committee to create a Residential lot, such lot may be used for a one-family house, provided that the new lot complies with the provisions of the Rural Residential (RR) Zone". The Severed Land complies entirely with the provisions of the RR Zone, and the Severed Land does not require any rezoning.

Planning Staff support the proposed Zoning By-Law Amendment as it aligns with the City's planning framework and fulfills the requirements of the consent approval process while safeguarding the environmental and agricultural integrity of the Retained Land.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life

3. A Vibrant and Growing Economy

4. Good Government

In alignment with the strategic priorities, the proposed rezoning would facilitate a lot severance that would further protect and support agricultural land and agri-business; supporting a healthy environment.

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.

Consultations:

Development Engineering – Development Engineering Division reviewed the proposal and has no objections.

Building and Septic – reviewed the proposal and has no concerns.

Ministry of Transportation - reviewed the proposal and have no comments to offer this application.

Kawartha Conservation - has reviewed the proposal with respect to natural hazards and expressed no concerns with the Zoning By-law Amendment. It was noted that the property is located completely outside of a vulnerable area for municipal drinking water system where policies apply.

Enbridge - reviewed the proposal and has no objections.

Conclusion:

The proposal represents good land use planning by facilitating the severance of a surplus farm dwelling in accordance with policies of the PPS, Kawartha Lakes Official Plan, and Township of Ops Zoning By-law 93-30.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-019, substantially in the form attached as Appendix 'D' to Report PLAN2024-066, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Julio Sarti Caldeira at dillonplanning@kawarthalakes.ca

Attachments:

Appendix A – Site Mapping – Location Map

Appendix B – Aerial

Appendix C – Sketch

Appendix D – Draft Zoning By-law Amendment & Schedule



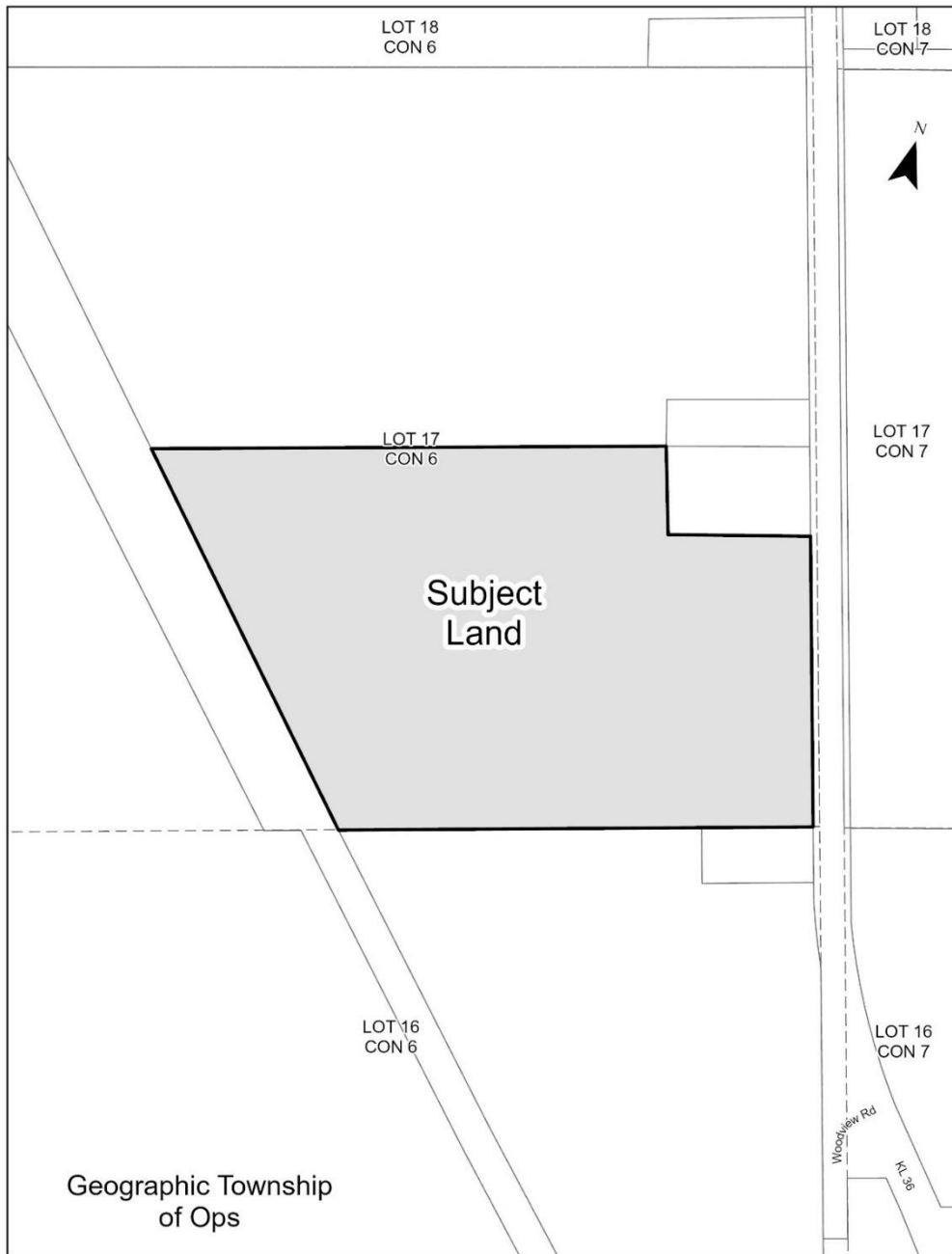
ZBA - PLAN2024-066
77 County Road 36.c

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-019

Appendix A – Site Mapping – Location Map



SRQ-20780

Appendix B – Aerial



Appendix C - Sketch

