



Planning Advisory Committee Report

Report Number:	PLAN2024-022
Meeting Date:	April 10, 2024
Title:	Township of Mariposa Zoning By-law Amendment for 77 Cottage Road
Description:	To amend the Township of Mariposa Comprehensive Zoning By-law 94-07 to permit the severance of a surplus farm dwelling.
Type of Report:	Public Meeting
Author and Title:	Matt Alexander, Practice Lead, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2024-022, Township of Mariposa Zoning By-law Amendment for 77 Cottage Road, be received;

That a Zoning By-law, respecting application **D06-2024-004**, substantially in the form attached as Appendix D to **Report PLAN2024-022** be approved for adoption 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:

The Director of Development Services, as delegated by Council, granted provisional consent approval to application D03-2023-006 on September 11, 2023 to allow the severance of approximately 0.405 hectares of land containing a surplus farm dwelling.

The subject site currently contains one single-detached dwelling and two accessory structures (a metal clad garage and metal shed). Under the City of Kawartha Lakes Official Plan (Official Plan), the subject property is designated as Prime Agricultural and Environmental Protection. The subject property is zoned "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone" under the Township of Mariposa Zoning By-law 94-07.

Owner:	Lee and Laurie Snoddon
Applicant:	Clark Consulting Services c/o Bob Clarke
Legal Description:	Part of Lot 16, Concession A, Geographic Township of Mariposa, City of Kawartha Lakes
Official Plan:	Prime Agricultural and Environmental Protection, City of Kawartha Lakes Official Plan
Zoning:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone" Township of Mariposa Zoning By-law 94-07
Area:	Total: 89.7 hectares Retained: 89.295 hectares Severed: 0.405 hectares
Site Servicing:	Private well and septic system
Existing Uses:	One single-detached dwelling, accessory structures and agricultural
Adjacent Uses:	North – Agricultural and Woodland West – Agricultural, Residential and Woodland South – Agricultural, Residential and Woodland East – Agricultural and Residential

Rationale:

Proposal:

The conditions of provisional consent required that the applicant apply to rezone the retained agricultural land to prohibit future residential uses, and to recognize the new lot size and configuration of the severed land. The applicant has submitted an application to amend the Township of Mariposa Zoning By-law that will, if granted, fulfill this condition. The applicant is proposing to rezone the lands from the 'Agricultural (A1) Zone', to the 'Agricultural Exception Forty-Three (A1-43) Zone', and from the 'Agricultural (A1) Zone' to the 'Rural Residential Type One Exception Thirteen (RR1-13) Zone'.

Provincial Policy Conformity:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

The Growth Plan provides direction as it relates to growth management and environmental protection. The subject site is designated as Prime Agricultural and Environmental Protection in the Official Plan. Part of the retained agricultural lot contains Areas of Natural and Scientific Interest (ANSI), Provincially Significant Wetlands, significant woodlands, and an undifferentiated Natural Heritage System Area, in addition to lands outside the Natural Heritage System. Section 4.2.2.3(a) of the Growth Plan states that within the Natural Heritage System "new development or site alteration will demonstrate that:

- i. There are no negative impacts on key natural heritage features or key hydrologic features or their functions;
- ii. Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained, or where possible, enhanced for the movement of native plants and animals;
- iii. The removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided wherever possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;"

The retained agricultural lot will continue to be used for agricultural purposes and no changes are proposed to the land use or features. The severed surplus farm dwelling and associated structures are outside of the Areas of Natural and Scientific Interest (ANSI) and the Natural Heritage System, furthermore no changes are proposed for the severed lot.

There will be no changes or impacts to the Areas of Natural and Scientific Interest and the Natural Heritage system. Therefore, this application conforms to the Growth Plan.

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) provides direction as it relates to managing growth, using and managing natural resources, protecting the environment, and public health and safety.

The subject lands are designated as Environmental Protection and Prime Agricultural in the City of Kawartha Lakes Official Plan; therefore, the policies of Section 2.1 Natural Heritage, and 2.3 Agriculture apply.

Section 2.3.3.3 provides that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation (MDS) formulae. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed a Minimum Distance Separation Document, which prescribes the Minimum Distance Separation Formulae defined in the PPS. MDS Implementation Guideline 9 applies to proposed severances of residences surplus to farming operations. Per Guideline 9 of the MDS Document, an MDS I setback shall only be required for the newly created surplus dwelling lot and shall not be required for the remnant farm parcel nor for any associated rezonings of the severed or retained parcels. There are no issues with the MDS and the proposed Zoning By-law Amendment; the MDS was addressed and approved via the Consent Application.

Section 2.3.4.1(c) permits lot creation in prime agricultural areas where “a residence becomes surplus to a farming operation as a result of farm consolidation provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.”

The proposed Zoning By-law Amendment will rezone the retained agricultural land to prohibit new residential uses which is consistent with the PPS.

Section 2.1 provides policies related to Natural Heritage. Section 2.1.2 of the PPS indicates that the diversity and connectivity of natural features in an area and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or, where possible, improved. The severed lot is outside the Natural Heritage feature, and there will be no change in use or development. The retained lot where Natural Heritage features are located will continue to be used for agricultural purposes and farming operations, and the proposed Zoning By-law Amendment will prohibit future uses, ensuring that connectivity of the natural heritage system is maintained.

Therefore, this application is consistent with the Provincial Policy Statement (PPS).

City of Kawartha Lakes Official Plan

The City of Kawartha Lakes Official Plan (OP) outlines a framework for the City to shape growth. As a green community, the OP focuses on conservation of the City's natural environment.

The subject lands are designated as Prime Agricultural and Environmental Protection under the City's Official Plan.

Section 15.2 outlines the objectives of the Prime Agricultural designation. Objectives of the Prime Agricultural designation include protecting prime agricultural lands from non-farm activities and ensuring that non-agricultural uses and development is encouraged to locate within designated settlement areas. The objectives also include ensuring that there is no disturbance caused by incompatible uses with agricultural operations or the new agricultural uses on prime agricultural land. The retained farm lot will continue to be used for agricultural purposes and farming operations, and the severed surplus dwelling will not impact agricultural operations or remove land from the agricultural land base.

Section 15.3.5 prescribes that dwellings that become surplus as a result of a consolidation of non-abutting farm parcels may be severed provided that the criteria of policy 15.3.4 a, b and c are met and that the retained agricultural land be zoned to prohibit any residential use. The proposed severed residential lot fulfills the requirements set out in section 15.3.4; the proposed residential lot will be approximately 0.4 hectares, meets the Minimum Distance Separation criteria, and is not required for farm employees.

The Environmental Protection land use designation is intended to protect people and buildings from adverse impacts of flooding and natural hazards. Section 17.3.2. prohibits the creation of lots for the purpose of development within the Environmental Protection designation. The Environmental Protection designation pertains to land which will be part of the retained farm lot. The land designated Environmental Protection will not be developed and the use will not be altered. Furthermore, the proposed severed residential lot is located outside of the Environmental Protection designated lands.

Under Section 33.3.5, the size of any parcel of land created by consent should be appropriate for the proposed uses and the services available. The size of the proposed residential lot is appropriate for the proposed use, and aligns with the surrounding rural context and single-detached dwellings west of the subject property. The existing single-detached dwelling is serviced by private water and sewage services which are included

in the severed lot. The retained lot does not have any buildings for which water or sewage services are required.

A portion of the site is located within Kawartha Conservation's Regulated Area. Kawartha Conservation indicated no concerns with the approval of the Consent Application (D03-2003-006); the proposed Zoning By-law fulfills the conditions of Provisional Consent.

The retained lot will continue to be used for agricultural purposes. The proposed severance of the surplus farmhouse dwelling will not result in the removal of productive land from the agricultural land base. This aligns with the primary objectives of preserving agricultural land as outlined in the City of Kawartha Lakes Official Plan.

Staff are of the opinion that the proposed Zoning By-law Amendment conforms with the City of Kawartha Lakes Official Plan (2012).

Township of Mariposa Comprehensive Zoning By-law 94-07

The property is currently zoned Agricultural (A1) Zone; the applicant is proposing a rezoning to the Agricultural Exception Forty-Three (A1-43) Zone and the Rural Residential Type One Exception Thirteen (RR1-13) Zone. The Agricultural Exception Forty-Three (A1-43) Zone will prohibit future residential development on the retained lot. The Rural Residential Type One Exception Thirteen (RR1-13) Zone will recognize the existing non-conforming front yard setback.

Part 8 of the Zoning By-law specifies the permitted uses and zone provisions for the Agricultural (A1) Zone. As per Section 8.1.2.7, where severances occur on properties zoned A1 the following applies:

- "Notwithstanding subsections 8.1.1 and 8.2.1 where a lot is created by consent, such lot shall only be used in accordance with Sections 12.1 and 12.2 of this By-law but shall not exceed a lot area of 1.0 hectare. The provisions of article 12.2.1.3 shall apply to the location of a single detached dwelling on an existing lot of record."

Part 12 of the Zoning By-law prescribes provisions for the Rural Residential Type One (RR1) Zone. Where severances occur on properties zoned A1, new parcels are deemed to be subject to the permitted uses and zone provisions of the Rural Residential Type One (RR1) Zone. This means that subject to approval of the Zoning By-law Amendment, the new severed lot will automatically be subject to RR1 zone provisions. Notwithstanding the RR1 zone provisions, the severed lot shall not exceed a lot area of 1.0 hectares. The proposed severed lot containing the single detached dwelling will not

exceed this lot area requirement. The proposed Zoning By-law Amendment will provide an exception for the existing front yard setback of 6.63 m, which is less than the minimum of 7.5 m indicated in section 12.2.1.3 a).

The retained farm is zoned as Agricultural (A1) Zone and Environmental Protection (EP) Zone. Specifically, part of the farm lot is zoned as Environmental Protection Exception Four (EP-4) Zone. As per section 5.3.4.1, "notwithstanding subsection 5.1.1, land zoned "EP-4" may only be used for the following uses: (a) Conservation Uses (b) Bird or Wildlife Sanctuaries (c) Flood and Erosion Control Works (d) Forestry". The remaining area of the farm lot is zoned Agricultural (A1) Zone and subject to the requirements set out in Part 8 of the Mariposa Zoning By-law. The retained agricultural lot will continue to be used for agricultural purposes and meets the required provisions set out in section 8.2. As per PPS Policy, the proposed Agricultural Exception Forty Three (A1-43) Zone will prohibit future residential uses and recognize the current agricultural use.

Staff are of the opinion that the proposed rezoning is appropriate.

Other Alternatives Considered:

No other alternatives have been considered.

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

In line with the Strategic Priority of a Healthy Environment, the proposed amendment will help protect and preserve prime agricultural land.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

Consultations:

Notice of this application was delivered to property owners within 120m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

Public Comments:

No public comments have been received at the time of report writing.

Agency Review Comments:

Development Engineering (March 2024) – provided comments indicating no concerns with the proposed rezoning.

Building and Septic Division-Building services (March 2024) – No comments.

Supervisor, Part 8 Sewage Systems, Building and Septic Division-Septic services (March 2024) – The property was evaluated through the consent process to confirm the location of the private on-site sewage disposal system serving the existing dwelling. The proposed amendment to the zoning by-law will not create a situation where private on-site sewage disposal could be impacted. As such, the Building and Septic Division has no issue with the proposed zoning amendment.

No other comments 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 rezoning to prohibit future residential uses on the retained land is a requirement to fulfill conditions of provisional consent approval. The zoning by-law amendment is appropriate and satisfies this condition. No changes in land uses are proposed, and the agricultural land will be protected through the implementation of an exception zone to prohibit residential uses.

The existing dwelling is already serviced by private well and septic, as confirmed by the Supervisor – Part 8 Sewage Systems, and there have been no concerns raised. No changes in land use are proposed as part of the rezoning.

Staff respectfully recommend that this application be approved.

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 March 22, 2024. Staff respectfully recommends the draft zoning by-law, attached a 'Appendix D' be referred to Council for approval.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at Matt.Alexander@wsp.com.

Attachments:

Appendix 'A' – Location Plan



Appendix 'B' – Aerial Photo



Appendix 'C' - Site Plan



Appendix 'D' - Draft Zoning By-law Amendment



Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-004