

DECISION/DIRECTION NOTE

Title:	Application to Rezone Land from the Agriculture (AG) Zone for 6 one-acre residential building lots with agricultural uses REZ1900010 Jillings Road / Foxtrap Access Road
Date Prepared:	July 29, 2019
Report To:	Committee of the Whole
Councillor & Role:	Councillor Maggie Burton, Planning and Development Lead
Ward:	5

Decision/Direction Required:

To consider a rezoning application from the Agricultural (AG) Zone for land in the area of Jillings Road and Foxtrap Access Road to allow 6 – one acre lots for residential development, along with agricultural uses.

Discussion – Background and Current Status:

The City has received an application to rezone land in the area of Jillings Road and Foxtrap Access Road for the development of 6, one-acre lots to be used for “subsistence farming”, where the purchasers can use the land for residential development, along with agricultural uses such as growing crops and/or raising livestock. There are two parcels of land proposed for rezoning; one on the west side of the Foxtrap Access Road, which borders Jillings Road and has an area of 2.9 hectares, while the second parcel is to the east of the Foxtrap Access Road and has an area of 1.5 hectares.

The area proposed for development is currently designated and zoned Agriculture under the City of St. John’s Municipal Plan and Development Regulations. The City’s Agricultural Land Use District corresponds with those lands designated by the Province as the St. John’s Urban Region Agriculture Development Area. This area is regulated by the Department of Fisheries and Land Resources and the Land Development Advisory Authority, which has the purpose of encouraging and supporting agricultural production and to prevent the conversion of agricultural lands to other uses. All development within the City’s Agricultural District is subject to the Province’s regulations and approval. An application was made to the Land Development Advisory Authority for the land along Jillings Road and the Foxtrap Access Road for residential development, but the application was refused as the proposed use was not directly related to farming and is not permitted (see attachment).

The Agricultural Zone under the City’s Development Regulations allows Single Detached Dwelling as either an Accessory Building to an existing agricultural operation subject to provincial approval, or as a stand alone use provided it has been approved by the Land Development

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Authority and that it constitutes as Infill Housing on an existing public road. The proposed application does not fall under either of these conditions.

As per Council Directive (CD#S2014-12-01/8) and past practice, the City limits unserved development to only those lands currently zoned Rural Residential Infill (RRI) or Rural Residential (RR) along existing streets. Due to historic problems with well and septic systems and the issues related to this type of development, including the major capital investment required to correct associated problems, no additional land is to be rezoned for unserved residential development.

Key Considerations/Implications:

1. Budget/Financial Implications:
Capital investment required to correct problems associated with the failure of septic systems or contamination of wells if the application were to be considered.
2. Partners or Other Stakeholders:
Surrounding property owners.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
4. Legal or Policy Implications: Not applicable.
5. Engagement and Communications Considerations: Not applicable.
6. Human Resource Implications: Not applicable.
7. Procurement Implications: Not applicable.
8. Information Technology Implications: Not applicable.
9. Other Implications: Not applicable.

Recommendation:

It is recommended that Council refuse the application to rezone land in the area of Jillings Road / Foxtrap Access Road from the Agriculture (AG) Zone as the proposal is not supported by the Provincial Land Development Advisory Authority and the City does not support the rezoning of additional lands for unserved residential development.

Prepared by/Signature:

Lindsay Lyghtle Brushett, MCIP – Planner III

Signature: _____

Approved by/Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Zoning Map

Letter from the Land Development Advisory Authority



SUBJECT PROPERTY

AG

JILLINGS RD

AG

FOXTRAP ACCESS RD

R

R

R

DISCLAIMER: This map is based on current information at the date of production.

July 3, 2019

Ms. Andrea Roberts
Senior Development Officer
City of St. John's
Planning, Engineering & Regulatory Services
P.O Box 908
St. John's, NL
A1C5M2

Dear Ms. Roberts,

The five hundred and fiftieth meeting of the Land Development Advisory was held on July 3, 2019. The following application was considered:

1-19-6 Jeff Fagan and Joann Prosper	Application to subdivide the property into residential building lots with agricultural uses Foxtrap – Jillings Road, Fagan's Fields, St. John's
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This application is Refused under Regulation 14 (1) of the St. John's Urban Region Agriculture Development Area Regulations which states: "Residential Development not directly related to farming shall not be permitted except: (a) where there is a minimal agricultural impact from the proposed development as determined by the Authority; and (b) where the location, size and frontage of the lot is in conformity with the municipal plan and approved by the Authority."

The Authority determines this application to be of high impact to agriculture due to: (i) the type of proposed development, and (ii) the amount of agriculture in the surrounding area.

Where the Authority has refused an application for a permit, the applicant may appeal in writing to the Appeal Board against such refusal within thirty (30) days after the applicant is notified of the decision.

Appeals should be sent to:

Appeal Board
c/o Director
Land Management
Department of Fisheries and Land Resources
P.O. Box 2006, Fortis Building
Corner Brook, NL
A2H 6J8

Sincerely yours,

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You Jiao
Secretary
Land Development Advisory Authority