

The Corporation of the City of Kawartha Lakes

Amended Agenda

Planning Advisory Committee Meeting

PC2018-04

Wednesday, April 11, 2018

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Brian Junkin

Councillor Rob Macklem

Councillor Gord Miller

Councillor Patrick O'Reilly

Councillor Heather Stauble

Councillor Andrew Veale

Mike Barkwell

Debbie Girard

Accessible formats and communication supports are available upon request.

1.	CALL TO ORDER AND ADOPTION OF AGENDA	
2.	DECLARATIONS OF PECUNIARY INTEREST	
3.	PUBLIC MEETING	
3.1	PLAN2018-036	4 - 20
	<p>Sherry Rea, Development Planning Supervisor</p> <p>Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land described as Part of Lot 13, Concession 7, Geographic Township of Manvers, City of Kawartha Lakes and identified as 804 Highway 7A (Sutcliffe)</p>	
4.	BUSINESS ARISING FROM PUBLIC MEETING	
5.	DEPUTATIONS	
5.1	<i>PC2018-04.5.1</i>	
	<p>Anne Dorion, Landmark Associates Limited</p> <p>Relating to Report PLAN2018-032, Item 7.2 on the Agenda</p>	
6.	CORRESPONDENCE	
7.	CITY OF KAWARTHA LAKES REPORTS	
7.1	PLAN2018-031	21 - 32
	<p>David Harding, Planner II</p> <p>An application to amend the Township of Fenelon Zoning By-law 12-95 making textual amendments to facilitate two lot line adjustments between two residential lots with different zone categories and to recognize the setbacks established by the existing dwelling, deck, and pool at Lot 9 and Block 10, Plan 573, Geographic Township of Fenelon, City of Kawartha Lakes, identified as 14 and 24 Jubbs Shore Road (Bereznicki)</p>	

David Harding, Planner II

An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property to permit a woodworking shop and related sales uses on land described as Part of Lots 7 and 8, Concession 13, Geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich)

8.**ADJOURNMENT**

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-036

Date: April 11, 2018
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 16, Manvers

Subject: Applications to amend the City of Kawartha Lakes Official Plan and the Township of Manvers Zoning By-law to permit a variety of on-farm diversified uses on land described as Part of Lot 13, Concession 7, geographic Township of Manvers, City of Kawartha Lakes and identified as 804 Highway 7A (Shawn Sutcliffe)

Author and Title: Sherry L. Rea, Development Planning Supervisor

Recommendations:

Resolved That Report PLAN2018-036, respecting Part of Lot 13, Concession 7, geographic Township of Manvers and identified as 804 Highway 7A, Application Nos. D01-2018-004 and D06-2018-013 be received; and,

That the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The subject property is an agricultural parcel which contains a wedding and event venue together with a bed and breakfast on an operating farm known as Iron Horse Ranch. The proposal is to recognize the occurring value-added uses, on-farm diversified uses and agri-tourism uses on the farm. No new uses are being proposed. See Appendix "A" and "B" attached.

Owner: Shawn Sutcliffe

Applicant: Stephen Bedford, Stephen Bedford Consulting

Legal

Description: Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes

Official Plan: Designated Prime Agricultural and Environmental Protection on Schedule A-1 of the City of Kawartha Lakes Official Plan

Zone: Rural General (A1) Zone in the Township of Manvers Zoning By-law No. 87-06

Total Area: 39 ha.

Site Servicing: Existing individual wells and private sewage disposal systems

Existing Use: Existing farm with field crop operations together with a barn hosting wedding and corporate events, and a single detached dwelling which includes a bed and breakfast

Adjacent Uses: North, South, East and West – Large Agricultural parcels with a number of residential properties fronting Highway 7A

Rationale:

The subject property is located on the south side of Highway 7A just west of Bethany and is developed with a single detached dwelling which includes a bed and breakfast with 34 parking spaces, a barn which includes 90 parking spaces to accommodate activities in the barn and several small unserviced cabins. The balance of land is cropped with soybeans and forested on the south side of the farm. Farming activities also include an apiary, an apple orchard with meadow and a goat shed. The owner currently operates Iron Horse Ranch which in addition to being an operating farm, includes a bed and breakfast facility and events that occur in the barn on a seasonal basis with the storing of straw, hay and farm implements during the fall, winter and spring seasons. See Appendix "A" and "B" attached.

In 2014, the Province of Ontario released the updated Provincial Policy Statement (PPS), which added "on-farm diversified uses" as a permitted use in prime agricultural areas. It is noted that the on-farm diversified uses shall be

compatible with, and shall not hinder surrounding agricultural operations. Criteria for these uses have been developed by the Province.

In support of the planning applications the applicant has submitted the following:

1. Site Data Plan prepared by Ronald A. Awde Architect and dated December 7, 2017. See Appendix "B" attached.
2. Planning Justification Report (PJR) to support the applications prepared by Stephen Bedford Consulting Inc. and dated December, 2017. The report justifies the development proposal under current provincial legislation which also includes the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2015)" Publication 851, and the municipal planning framework.
3. Servicing Reports consisting of:
 - a. Well Assessment Brief prepared by Grace & Associates Inc. and dated December 12, 2017 which provides an analysis of the 2 existing on site wells, one dug well which provides potable water to the dwelling and a drilled well which services activities in the barn. The report concludes that there are sufficient water resources available on-site to meet the needs of the proposed additional uses.
 - b. Sewage System Assessment prepared by Grace & Associates Inc. and dated December 12, 2017 which provides an analysis of the existing sewage disposal systems on the property. The report identifies 2 sewage systems, one which services the dwelling including a bed and breakfast use and the second, which services the barn. The sewage system which services the barn was installed in 2016 and was constructed on the basis of a 210 seat assembly hall with 5 employees. Banquets typically include food service prepared at off-site sources and brought on-site. The report concludes that there are no additional upgrades or improvements to the sewage systems at this time. The report acknowledges that the combined daily sewage effluent flow rate of the 2 sewage systems is 9,910 L/day.
4. Agricultural Impact Assessment (AIA) prepared by Clark Consulting Services and dated November, 2017 which examines the impact of the development on the surrounding agricultural uses. Minimum Distance Separations (MDS) from surrounding vacant and occupied barns were calculated and summarized. The report concludes that the use results in no loss of agricultural land and no loss of tillable acreage. In addition, there is no impact to the local or greater farming community.
5. Environmental Impact Study (EIS) prepared by Grace & Associates Inc. and dated October 2, 2017 which examines the impact of the development on the site's natural heritage features as identified in the 2014 PPS being significant woodlands, fish habitat, significant valley lands, provincially

significant ANSIs, significant wildlife habitats and significant habitat of threatened or endangered species. The report concludes that the uses will not negatively impact the 5 vegetation communities on site, the one species at risk, the on-site water resources, or the significant woodland.

6. Correspondence from Grace & Associates to KRCA and dated December 12, 2017 confirming that a site inspection was undertaken with KRCA to determine if the steep slopes occurring south of the watercourse on the property would require a geotechnical assessment. The site inspection deemed the watercourse slopes not to present a hazard due to the low height of the stream bank and as such, no additional investigation was required.

All of the reports and correspondence submitted has been circulated to the applicable Agencies and/or City Departments for review and comment. Staff is recommending that the applications be referred back to staff until such time as all comments have been received.

Provincial Policies:

Staff has reviewed the Planning Justification Report prepared by Stephen Bedford Consulting in support of the official plan and zoning by-law amendments. The report provides a review of the proposed development in the context of the current provincial and municipal policy framework. Staff is generally accepting of the planning rationale contained in the report.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan):

The subject property is not located within a *settlement area* as defined in the Growth Plan. Section 2.2.2.1(i) states that development should be directed to *settlement areas*, except where necessary for development related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in *settlement areas*. The application conforms to the Growth Plan in that it does not create an area of settlement and does not detract from nor disrupt agricultural uses. Minimum Distance Separations (MDS) from surrounding vacant and occupied barns were reviewed and an Agricultural Impact Assessment concludes that the use results in no loss of agricultural land and no loss of tillable acreage. In addition, there is no impact to the local or greater farming community.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, and other rural land uses. Healthy, integrated and viable rural areas should be supported by promoting

diversification of the economic base and employment opportunities through goods and services including value-added products, and providing opportunities for economic activities in prime agricultural areas in accordance with Section 2.3.

The PPS defines that agriculture-related uses means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. On-farm diversified uses means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. As noted in the rationale above, the Province has developed Guidelines on permitted uses in prime agricultural areas. There are 5 criteria included in the Guidelines including being located on a farm, secondary to the principal agricultural use of the property, limited in area, includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

Based on these criteria, an on-farm diversified use on property cannot exceed 2% of lot area, to a maximum of 1.0 ha. (2.5 ac.), and the gross floor area of the buildings used cannot exceed 20% of the 2% of the lot area. It has been demonstrated that 2% of the lot area of this property is .8 ha. and the maximum gross floor area of the buildings cannot exceed 20% of the 2% of lot area, being 1,600 sq.m. The criteria discounts buildings and structures by 50% which existed as of April 30, 2014 (applicable to the house and septic system and the barn) and calculates any new buildings, structures, landscaped areas, berms, laneways and parking areas at 100%. It has been confirmed that the calculations for the subject property maintains the criteria with .5 ha. devoted to the on-farm diversified use and 327.50 sq.m of the gross floor area of the buildings.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The portion of the lot subject to this application is within the Kawartha Region Conservation Authority (KRCA) area regulated under Ontario Regulation 182/06. Regulated components include floodplains, wetlands, and other water related hazards, as identified in Section 3 of the PPS. Through the Pre-consultation process, KRCA identified steep slopes south of the watercourse, significant woodland and potential fish habitat and regulated areas under Ontario Regulation 182/06. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. A site visit with KRCA determined that the watercourse slopes did not present a hazard due to the low height of the stream bank and as such, no additional investigation was required. An Environmental Impact Study was prepared by Grace & Associates Inc. and has been circulated to KRCA for

review and comment with respect to evaluating the application and to provide a response to the City indicating if this application is consistent with Section 2 (natural heritage features) and Section 3 (natural hazards) of the PPS.

At this time, staff cannot confirm that the applications are consistent with the PPS until the comments have been received from all City departments and commenting agencies.

Official Plan Conformity:

The property is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (OP). The “Environmental Protection” designation corresponds with a Significant Woodland in the south west portion of the property. The majority of the property is designated “Prime Agricultural”. This designation permits agricultural uses, agriculture-related uses, secondary uses, and agri-business uses, subject to criteria as set out in the Official Plan.

While the use is not specifically listed as a permitted use in the Prime Agricultural designation, it aligns with the goals and objectives of the designation, which include protecting prime agricultural lands from non-farm activities. The use may be considered a secondary use to the permitted agricultural uses on the property. The PJR also notes that on-farm diversified uses are not defined in the OP and the Agri-tourism definition is not consistent with the definition found in the PPS. The PJR suggests that a site specific official plan amendment is recommended to ensure consistency with the PPS. Planning staff accept this analysis.

For further clarity, the applicant is requesting a Special Policy Area be applied to permit a broad range of on-farm diversified uses and agri-tourism uses (including pioneer cabins), as defined in the Provincial Policy Statement 2014. Without limiting the uses permitted they generally include: social events such as farm based educational programs, workshops on farm operations, gallery space, displays of farm equipment in a museum setting, dances, musical and artistic performances, weddings, private parties, charitable fund raisers, farm to table dinners, corporate functions, and accommodations in un-serviced pioneer cabins and the bed and breakfast. All permitted uses are permitted to obtain liquor licenses. Specific provisions and development standards related to the uses shall be outlined in the implementing zoning bylaw. No development is contemplated on land designated “Environmental Protection”.

Section 34.7 of the OP established the entire City of Kawartha Lakes as a Site Plan Control Area applying to all uses except for agricultural, aggregate extraction, forestry, open space and single detached residential uses. Staff recommends that only the developed area be subject to site plan approval.

Zoning By-Law Compliance:

The land is zoned Rural General (A1) in the Township of Manvers Zoning By-law No. 87-06. The application proposes a site specific A1 Zone to permit on-farm diversified uses and agri-tourism uses and will list similar uses as identified through the Special Policy Area of the OP. The applicant acknowledges that the development proposal will maintain the provisions of the Zoning By-law including parking provisions.

Staff also recommends that the developable area be subject to site plan approval to address the details of development such as access/entrance requirements, parking, lighting (including dark sky initiatives), waste management, fire routes and landscaping. Once the site plan agreement has been registered, the owner would apply to remove Holding Zone, pay the prescribed fee and a By-law to remove the (H) symbol would be prepared for Council's consideration.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to Strategic Priorities:

The Council Adopted Strategic Plan identifies three Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life and A Healthy Environment. These applications align with the Strategic Goal of a Vibrant and Growing Economy. Residents and visitors to the City will have the opportunity to visit an operating farm that includes a farmhouse and barn that is capable of hosting events and social gatherings such as barn dances, musical and artistic performances, weddings, private parties, charitable fund raisers, farm to table dinners, corporate functions; farm based educational programs, agricultural workshops and gallery space.

Comments from the Economic Development Division:

The Economic Development Division is supportive of the Shawn Sutcliffe applications for Official Plan and Zoning By-law amendments. The City of Kawartha Lakes Corporate Strategic Plan has three main goals of "a vibrant and growing economy", "an exceptional quality of life", and "a healthy environment".

The Economic Development Strategy (2017) also identifies goals of “growing specific business sectors” including agriculture and food, tourism, and culture, among others. This application has clear ties to these Plans and will be a positive asset to add to the Kawartha Lakes profile.

Within the agriculture sector there are objectives to: support the innovation and diversification of local agriculture to increase farm revenues; to grow agri-culinary participation among producers and connect the results to tourism; and to increase businesses, employment and tourism. This application speaks directly to these objectives by adding on-farm diversified uses and tying them to tourism. By looking to additional, non-agricultural uses, the applicant will be providing diversified income opportunities through agri-culinary uses, bed and breakfast uses as well as various event-based uses. It is clear through the application and supporting documents that the additional uses named will be conducted within the house, the barn during the summer season when it is not in use, as well in other non-agricultural areas of the property, and it does not appear that it will impact the agricultural use of the property. While the uses will likely generate some noise and potentially be visible due to the open nature of the property with the farm fields to the north and east, the homestead area where these activities will take place is set well back from the road and is several hundred metres away from neighbouring properties so it is not expected to negatively affect any surrounding agricultural operations. Additional income streams for local farmers will be realized as local foods will be purchased for the farm to table dinners.

The objectives of tourism in Kawartha Lakes include: increasing the volume of year-round accommodations of all kinds, in all markets; and developing operator experiences to boost tourism traffic (cross-sector and cross promotion). The Iron Horse Ranch bed and breakfast and cabin accommodations will provide unique overnight stays which will be different than other offerings currently available and will attract additional visitation to the area. The focus on experiential visitation is supported by several of the planned offerings in this application, including farm-based educational programs, workshops on farm operations, and musical and artistic performances, and more. While some visitors will attend Iron Horse Ranch for specific events, others may choose to use it as their home base and venture out to experience the many other attractions and activities available in Kawartha Lakes, and so this application supports the cross promotional efforts among tourism operators.

The Iron Horse Ranch property is an exceptional example of masterful heritage craftsmanship that is amongst the highest calibre venues in the province. Both the house and the barn would be exceptional venues for high calibre cultural activities that would significantly elevate the municipality’s cultural economy. The barn and the exquisite home on this property are showpieces that exemplify master craftsmanship through the adaptive re-use of heritage materials salvaged from historic properties that were slated for demolition in the region. The

structures combine these treasured heritage components using traditional mortise and tenon techniques so that the stories from these historic properties now live on.

This property should be included as a destination on the Kawartha Lakes Arts & Heritage Trail which showcases our municipality's unique heritage and arts assets. Not only is the architecture worthy of inclusion as a heritage resource, the pastoral character of the property with the covered wooden bridge also exemplifies rural heritage over the past century in the Bethany area, and would be conducive to future cultural activities.

The location of this property in the southern portion of Kawartha Lakes is also advantageous for attracting visitors to Kawartha Lakes from the GTA.

Review of Accessibility Implications of Any Development or Policy:

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

Servicing Comments:

As noted earlier in the report, the property is serviced by 2 private individual wells and private sewage systems. The appropriate assessments have been undertaken and the reports have been circulated to the appropriate departments for review and comment.

Development Services – Planning Division Comments:

The appropriate background studies have been submitted to support the applications for official plan and zoning by-law amendment. These reports and background studies have been circulated to the appropriate Agencies and City Departments for review and comment. Staff recommends that the applications be referred back to staff until such time as all comments have been received from all circulated Agencies and City Departments.

Consultations:

Notice of this application was circulated in accordance with the Planning Act. The following comments were received:

March 20, 2018 – Building Division indicates no concerns and notes that any Building Code related requirements will be resolved through the permit process.

March 24, 2018 – MTO advises of no concerns with the proposed rezoning but require an upgrade to the entrance to a MTO commercial entrance standard that also includes a paving requirement to the property limit as a minimum. MTO will

require a Holding (H) provision until such time as the entrance upgrade is complete and inspected and determined satisfactory by the MTO.

March 27, 2018 – Engineering offers no further comments however, additional comments may be provided as part of a site plan application review.

March 28, 2018 – Building Division – Sewage System Program advises that the property has a HKPR District Health Unit approval for the dwelling septic system and has a permit to allow for a barn bathroom. The property has adequate space to accommodate on-site sewage disposal systems for the proposed uses. Modifications to existing systems may be required for a change of use to ensure adequate component sizing for additional daily sewage flows. As such, they have no objection to the proposed zoning amendment. Further, should the sewage flows increase beyond 10,000L/day total daily flow, the property will fall into the jurisdiction of the Ministry of the Environment and Climate Change.

March 29, 2018 – Rebecca Parker, 858 Hwy 7A, adjacent property owner; advises of 2 concerns, noise and traffic. Often at 11 pm, she can clearly hear the music from inside her house and is also concerned about traffic in that customers need to be careful pulling out of the driveway onto Hwy 7A. Finally, she is concerned to see agricultural land being changed from Prime Agricultural land as there is not enough agricultural land now.

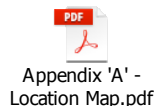
March 31, 2018 – John Dell, 930 Gray Road, has concerns regarding the activity occurring at Iron Horse Ranch and concerns that the proposal does not meet the intent of the PPS and the Regulations and Policy Provisions governing the use of Agricultural Lands (OMAFRA). Mr. Dell has requested that his correspondence be distributed to the Planning Committee and it is attached as Appendix 'C'.

At the time of drafting of the report, no further comments were received from the public as a result of the Notice given.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor (705) 324-9411 ext. 1331.

Appendix A – Location Map



Appendix B – Site Data Plan



Appendix C – Comments from J. Dell, 930 Gray Road



Appendix 'C' - Comments from J. D

E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department Files: D01-2018-004 and D06-2018-013

Geographic Township of Manvers

Hwy #7A

Twigg Road

APPENDIX "A"

to

REPORT

FILE NO.

PLAN 2018-036
NOI-2018-004
D06-2018-013

Silo Rd

Edgewood Rd

Concession 8

Highway #7A

SUBJECT
LAND

Concession 7

Highway #35

Lot 11

Lot 12

Lot 13

Lot 14

Gray Road

Concession 6

Wild Turkey Rd.



Site Data	
Lot Area	38 ha
Crop Land	22 ha
Pasture	7 ha
Wood Lot	6 ha
Impervious/Drainage Pond	0.8 ha
Wetland	0.4 ha
Orchard	0.7 ha
Barnyard	0.1 ha
Driveway & Service Roads	0.25 ha
Parking A (approx. 80 spaces)	0.5 ha
Parking B (approx. 34 spaces)	0.1 ha
Hedges, buffers and Woodlands	0.5 ha

Building Information	
Existing Barn (Proposed Assembly)	405 sq m
Barn Septic	1,494 sq m
Existing Farm House (Proposed B & B)	250 sq m
B & B Septic	300 sq m
Existing Drive Shed	170 sq m

NOTE: ALL DIMENSIONS ARE APPROXIMATE

Parking Requirements	
Barn (Assembly Occupancy)	88 spaces
B & B (Assembly Occupancy)	34 spaces
B & B (Sleeping Rooms)	3 spaces



NOTES
1. ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE CLIENT.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT
Ronald A. Awde Architect
1000 N. LaSalle St.
Chicago, IL 60610
703-277-7490
ronald@awde.com

PROJECT
Iron Horse Ranch

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITTING
2	ISSUED FOR PERMITTING
3	ISSUED FOR PERMITTING
4	ISSUED FOR PERMITTING
5	ISSUED FOR PERMITTING
6	ISSUED FOR PERMITTING
7	ISSUED FOR PERMITTING
8	ISSUED FOR PERMITTING
9	ISSUED FOR PERMITTING
10	ISSUED FOR PERMITTING

PROJECT TITLE
Site Data Plan
Date: 10/16

DRAWING NO.

A-01

APPENDIX "B"
to
REPORT PLANT 2018-036
FILE NO. 101-2018-004
106-2018-013

Sherry Rea

From: JK Dell <jandk.dell@gmail.com>
Sent: Saturday, March 31, 2018 12:42 PM
To: Sherry Rea
Cc: Heather Stauble
Subject: Planning Committee Public Comment RE: 804 Highway 7a

APPENDIX " C "
to

REPORT PLAN 2018-036
D01-2018-004
FILE NO. D06-2018-013

Please distribute to the Planning Committee for the public record.

Planning Department and Planning Committee: Regarding zoning application files D01-2018-004 and D06-2018-013 or the property at 804 Highway 7a, also known as Iron Horse Ranch.

I wish to bring certain concerns forward in the following manner. First, some background information describing the recent years land use. Second, short points on some of the land uses in the extensive list in the application. In particular the items buried in the middle of the list. Third elaboration on the 1st and 2nd points.

The property has in the past been rented for weddings. The property has been listed as an accommodation partner on the South Pond Farms Inc. web site. The principal residence is offered for short term rental. A situation that has become a serious issue in this City as well as other jurisdictions worldwide. South Pond and Iron Horse Ranch are for all intents and purposes partners. South Pond advertises some of its "events" as being held at Iron Horse or "Shawn's". Many of the uses listed mirror the business model of South Pond and previous applications for assembly use and sewage systems follow the same steps as South Pond. Not surprising as the same planner, Stephen Bedford Consulting, is involved. The noise and traffic from the "events" held each year at South Pond, now numbering over one hundred with the vast majority being weddings, are a blight on what was a quiet rural community. South Pond is currently before the courts on noise violations from 2016. The City seems unable to prosecute noise violations in a timely manner. Charges from 2017 are also outstanding. Is there really a need for another such facility hosting weddings, dances, parties, corporate functions when there are two legal ones in the nearby area. The Ranch on Ski Hill Road and Aunt Laura's on Highway 7a. The Manvers Arena is also available for rent. The City, despite persistent complaints, has been unwilling to act on the Oak Ridges Moraine – Core Area zoning violation of South Pond Farms Inc. which operates many of the "events", in particular weddings that this application is asking to rezone for. Noise from the music at "events" held at Iron Horse Ranch in the past could be heard, despite being a considerable distance away, in my home late at night. While the frequency may well have been rare in the past the expansion of the most profitable "event" as shown by South Pond Farms will inevitably result in an AGCO licenced banquet hall in the same manner as South Pond.

Regulations and Policy Provisions governing the use of Agricultural Lands (OMAFRA).

I fully agree with the interpretation of the underlying intent of government policy on diversified use as stated by the planning department in a neighbouring municipality. "Agri-tourism uses are meant to provide an opportunity to enable farm operators to diversify and supplement their income with the expectation that increased financial returns will strengthen the economic ability of the farmer to continue farming. It is expected that the farm operator and the operator of the diversified use would be from the same household to ensure that the returns generated from the agri-tourism use will be directed to and potentially partly reinvested into the farming operation. The renting out of a farm field under contract by the owner/operator of the agri-tourism use would not fulfil this intent." In other words the policy is to aid individuals and families who are actively engaged in farming. Not support "land bank" speculators or individuals/companies who rent

the land out to be farmed by others while they engage in commercial uses under the guise of diversified farm use. Weddings and banquets and dances are not farming related.

The owner of the property as with South Pond does not actively farm the land but “rents” it out. I am not aware of the owner, Mr. Sutcliffe, having farm machinery to till, plant, spray, harvest or do any of the on-farm tasks required of the cash crop operation. He does however own a number of pieces of heavy excavating equipment, sometimes referred to as high-hoes which are seen parked on the property.

I have added bold type to some phrases in various sections:

OMAFRA 2.2.3 Examples of Uses that Would Typically Not be Agriculture-Related Uses

Examples of uses that would typically not be agriculture-related uses because they do not meet PPS definitions or criteria include:

- **contractors’ yards, construction companies, landscapers, well drillers, excavators, paint or building suppliers**

Please note the address and business description from the following web sites:

<http://www.ironstonedesign.ca> 804 Highway Seven A, Bethany Ontario L0A 1A0 phone 705 340 2625 email sutcliffe@ironstonedesign.ca. Copyright © 2018 Ironstone **Land and Building Design**. All rights reserved. Ironstone **Land and Building Design** interprets the **land**, creating and selling luxury estates and properties in the throughout Ontario , Canada.

1. Ironstone **Land and Building Design** - Bethany, ON, CA L0A 1A0
2. <https://www.houzz.com/pro/shawnsutcliffe/ironstone-land-and-building-design> Ironstone **Land and Building Design**. "Ironstone is all about possibility and potential. As an artist who uses a backhoe rather than a paintbrush, **Shawn Sutcliffe** works to uncover the...
3. Photos of South Pond

1. Ironstone | **Land Interpreter and Building Designer Shawn Sutcliffe**
2. <http://www.ironstonedesign.ca/about.php> **Shawn Sutcliffe**.

S A **Sutcliffe** Excavating Ltd - 804 Hwy 7A, Bethany, ON ...

Company profile, information and contact info for S A **Sutcliffe** Excavating Ltd - 804 Hwy 7A, Bethany, ON from ProFile Canada, Canada's most trusted Business Database for lists and data. www.profilecanada.com
<https://www.profilecanada.com/companydetail.cfm?...Sutcliffe...>

It appears to me that the owner and property are already in serious violation of the guidelines by operating commercial businesses dealing in excavating and landscaping and construction.

Also under:

OMAFRA 2.3.3 Examples of Uses that Would Typically **Not be On-Farm Diversified Uses**

Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include:

- large-scale equipment or vehicle dealerships, hotels, **landscape businesses**, manufacturing plants, trucking yards
- uses with **high water and sewage needs and/or that generate significant traffic**, such as large food processors, distribution centres, **full-scale restaurants, banquet halls**
- **large-scale recurring events with permanent structures**

Foot notes on page 26 of the OMAFRA paper state:

“7 High water uses/effluent generators should be on full municipal services.”

“8 Area limits, rural servicing and building code requirements may restrict uses such as large wedding and banquet facilities.”

As noted later there is a need to accommodate over 200 persons for water and sewage needs for the assembly permit which in the case of South Pond turned into an AGCO licenced banquet hall that generates significant traffic. Even one or two weddings or dinners per week of 200 plus guests must be considered large scale and recurring and requiring the exclusive use for the season of the permanent structure that is the barn.

Also under:

OMAFRA 2.2.3 Examples of Uses that Would Typically Not be Agriculture-Related Uses

Examples of uses that would typically not be agriculture-related uses because they do not meet PPS definitions or criteria include:

- art or music studios

Where would the uses of “Gallery Space” and “Musical and Artistic Performances” fall if not under this excluded category?

OMAFRA 2.3.1 PPS Criteria for On-Farm Diversified Uses

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS.

Temporal considerations apply to uses that are temporary or intermittent, such as **events**.

Even **temporary uses must meet all criteria** for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural operations, and:
meet compatibility requirements (e.g., **do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area**)

If all criteria are met, events may be accommodated through a temporary use zoning by-law under the Planning Act, 1990, **provided no permanent alterations are proposed to the land or structures** (e.g., stages, **washrooms** or pavilions).

Clearly our experience with South Pond which operates from spring to fall with weddings of two and three per weekend that require land for parking a large numbers of cars (numbering over 50 at a time, in and then out again, city traffic study is available) and as mentioned resulting in considerable noise over the rural area quiet zone (noise study data from 2011 is available indicating normal levels) show that this application if allowed will result in the same issues and as a temporary use would still not qualify. The owner has applied for an assembly permit for over 200 persons and a sewage system permit for washrooms to handle 215 persons. Thus a need for significant wastewater services and washrooms.

OMAFRA 2.4 Categories of Permitted Uses

It is important to consider that uses may begin as one type of use and evolve into another over time. If this happens, the criteria for the new category of permitted uses would need to be met. For example, if the operator of an agriculture-related use **wishes to expand their business**, the municipality may need to consider who the business is serving and may serve in the future. If the expanded use would not meet all PPS criteria, **the operator may need to consider a location outside of the prime agricultural area** in order to expand.

At what point and how will it be determined the uses have evolved or expanded? There is an extensive list. Would expansion cover dropping half of the uses and growing the others or would that be a balance?

Conclusion:

In this case which of the uses would be prime? Which would occur the most often and how often? Would the property host events multiple days every week as is our experience with South Pond? If the City approves this application is it placing itself in a legal liability position of Officially Induced Error again, as with South Pond? Is it not to be expected that a business will focus on and expand into the most profitable area and drop the less rewarding? What definition / restriction language will be in place to define an expansion of the business? How can such a restriction be enforced?

This application is a near mirror image of the development of South Pond Farms, following the same business model. That of agricultural land owners who have no right to the name of "farmer" leasing or renting the land to others to farm while benefiting from the farm tax property assessment and then improperly operating commercial businesses under the guise of diversified farm or accessory use. Of the listed uses most cannot qualify as defined on page 13 of OMAFRA 2.2 Agriculture-Related Uses #3 Directly related to farm operations in the area.

Agriculture-related uses must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the area. "Directly related to" means that the use should reflect the type of agricultural production in the area. Examples include:

- vegetable processing around the Holland Marsh
- processing tomatoes in the Leamington and Chatham-Kent areas
- farm equipment repair, farm input suppliers and grain drying in major cash crop areas
- ginseng drying and distributing in Ontario's Sand Plain area

Unless the City is prepared to tell the Provincial Government that Weddings, Dances, Private Parties, Corporate Functions, Musical and Artistic Performances, in short banquet halls, are normal farming activities this application has no merit. If it is allowed, my property will sit directly between Iron Horse Ranch and South Pond Farms and my neighbours and I will be subjected to a further loss in our quality of life in what should be a quiet peaceful rural farm community.

Thank You
Mr. John Dell
930 Gray Road,
Pontypool, ON.

--
JandK

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-031

Date: April 11, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular Meeting

Ward Community Identifier: Ward 6 - Fenelon

Subject: An application to amend the Township of Fenelon Zoning By-law 12-95 to make textual amendments to the Rural Residential Type Three Exception Seven (RR3-7) Zone and adjust the boundaries of the Rural Residential Type Three (RR3) Zone and RR3-7 Zone categories in order to facilitate two lot line adjustments between two residential lots with different zone categories and to recognize the setbacks established by the existing dwelling, deck, and pool on 14 Jubbs Shore Road. The subject lands are described as Lot 9 and Block 10, Plan 573, geographic Township of Fenelon, City of Kawartha Lakes, identified as 14 and 24 Jubbs Shore Road (Robert and Lois Elaine Bereznicki) – Planning File D06-2018-008

Author and Title: David Harding, Planner II

Recommendation:

RESOLVED THAT Report PLAN2018-031, respecting Lot 9 and Block 10, geographic Township of Fenelon, and identified as 14 and 24 Jubbs Shore Road, “Bereznicki – Application D06-2018-008”, be received;

THAT a Zoning By-law Amendment respecting application D06-2018-008, substantially in the form attached as Appendix “D” to Report PLAN2018-031, be approved and adopted 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:

On May 12, 2017, the Director of Development Services granted provisional consent to Consent Applications D03-16-027 and D03-16-028. The applications proposed lot line adjustments between two residential lots: approximately 2,730.1 square metres of land from 14 Jubbs Shore Road would be added to 24 Jubbs Shore Road, and approximately 1,447.5 square metres of land from 24 Jubbs Shore Road would be added to 14 Jubbs Shore Road.

Conditions of provisional consent were imposed to recognize the existing development that had occurred on 14 Jubbs Shore Road and the new lot configurations.

During the March 7, 2018 Planning Advisory Committee meeting, the Committee referred the Zoning By-law Amendment application back to staff to allow for consultation with a neighbor that had raised concerns. The consultation has taken place.

Owners:	Robert and Lois Elaine Bereznicki
Legal Description:	Lot 9 and Block 10, Plan 573, geographic Township of Fenelon
Official Plan:	"Waterfront", City of Kawartha Lakes Official Plan
Zones:	14 Jubbs Shore Road – "Rural Residential Type Three Exception Seven (RR3-7) Zone" 24 Jubbs Shore Road - "Rural Residential Type Three (RR3) Zone"
	Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	14 Jubbs Shore Road, after consolidation – 0.81 hectares 24 Jubbs Shore Road, after consolidation – 0.85 hectares
Site Servicing:	14 Jubbs Shore Road – private individual well and septic system 24 Jubbs Shore Road – private individual well (unused)
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential/Commercial South: Shoreline Residential East: Shoreline Residential West: Residential/Commercial

Rationale:

The subject property is located within a shoreline residential neighbourhood on the southwest corner of Cameron Lake. The lot line adjustments will provide 14 Jubbs Shore Road ownership over lands abutting the Canal that have historically

been used as part of its yard, and for the woodlot which is currently bisected by a mutual lot line to be wholly owned by 24 Jubbs Shore Road.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses.

Two lot line adjustments are proposed between two residential lots that abut a canal. The canal leads to a recreational resource: Cameron Lake.

Therefore, this application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate two lot line adjustments between two shoreline residential lots. As the lots have the ability to utilize the recreational resource of Cameron Lake via a private canal system, and no new lots are being created that would cause an increase in rural service levels, this proposal is consistent with the intent of development for recreational uses on rural lands within the PPS.

Therefore, this application is consistent with the PPS.

Official Plan Conformity:

The subject lands are designated “Waterfront” within the City of Kawartha Lakes Official Plan (Official Plan). This designation anticipates low density shoreline residential development.

The Zoning By-law Amendment application proposes no change to the existing land uses, no new lots are being created, and no alterations are proposed to the zoning by-law to permit development closer to the shoreline than is currently required.

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

Zoning By-law Compliance:

14 Jubbs Shore Road is zoned “Rural Residential Type Three Exception Seven (RR3-7) Zone” and 24 Jubbs Shore Road “Rural Residential Type Three (RR3) Zone” within the Township of Fenelon Zoning By-law 12-95 as amended.

The RR3-7 Zone currently requires a minimum lot area of 9,000 square metres, and a minimum lot frontage of 70 metres. Historically, it was common practice for shoreline property that had undergone a severance to be rezoned to reflect the proposed lot frontage and area so that future shoreline residential severances would not occur. As this lot is the sole property where the RR3-7 Zone exists, it is likely that approach was taken when it was rezoned for residential use in the early 1980s. However, the zoning by-law amendment overstated the lot area causing a conformity issue which has existed for approximately 30 years. As the boundaries of the lot are being further adjusted, which impacts both lot area and frontage, it is necessary to revise the RR3-7 Zone requirements. As the requirements are being revised, the owners and City staff are taking this opportunity to recognize the setbacks to the existing development on the lot.

The secondary purpose of the Zoning By-law Amendment is to change the zone category on each portion of land to be severed so that it matches the zone category of the benefitting lot.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with the exceptional quality of life goal as the zoning by-law amendment will facilitate two lot line adjustments between two existing properties to recognize the lands that one lot has historically used and to consolidate ownership of a woodlot on the other lot.

Servicing Comments:

14 Jubbs Shore Road is serviced by a private individual well and septic system. 24 Jubbs Shore Road used to contain a dwelling, demolished in 2006. The private individual well and a decommissioned septic system remain on this lot.

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. The Building Division, and Engineering and Corporate Assets Department raised no concerns as a result of circulation.

Comment was received from a neighbor to the south, David Lewis of 5054 Highway 35. His comment raised concerns over the potential for trespass onto his lot given the proximity of the existing deck to the mutual lot line, and that a portion of his property was being maintained by 14 Jubbs Shore Road as additional yard amenity space.

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 Official Plan. The proposed Zoning By-law Amendment contained in Appendix “D” will ensure the continued function of both shoreline residential properties, recognize the existing development that has taken place, and has placed mechanisms to ensure an improved spatial separation to the rear lot line should work be done on the existing deck. All other RR3 Zone provisions will be maintained.

Amendments have been made to the decision of Consent Application D03-16-028 to require modifications to the existing deck. The modifications will permit uninterrupted pedestrian movement between the rear and eastern interior side yards, and remove a deck access that led directly to the mutual lot line. Provisions have been added to the draft zoning by-law amendment to (1) permit the existing deck structures to remain (2) authorize the needed modifications to the decks in accordance with the amended conditions of Consent Application D03-16-028, and require any further modifications to the deck to comply with a greater rear yard setback.

Conclusion:

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Waterfront” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of March 23, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix ‘A’ – Location Map



Appendix A to
PLAN2018-031.pdf

Appendix 'B' – Aerial Photograph



Appendix B to
PLAN2018-031.pdf

Appendix 'C' – Sketch for Consent Application – dated October 2, 2017



Appendix C to
PLAN2018-031.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-031.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

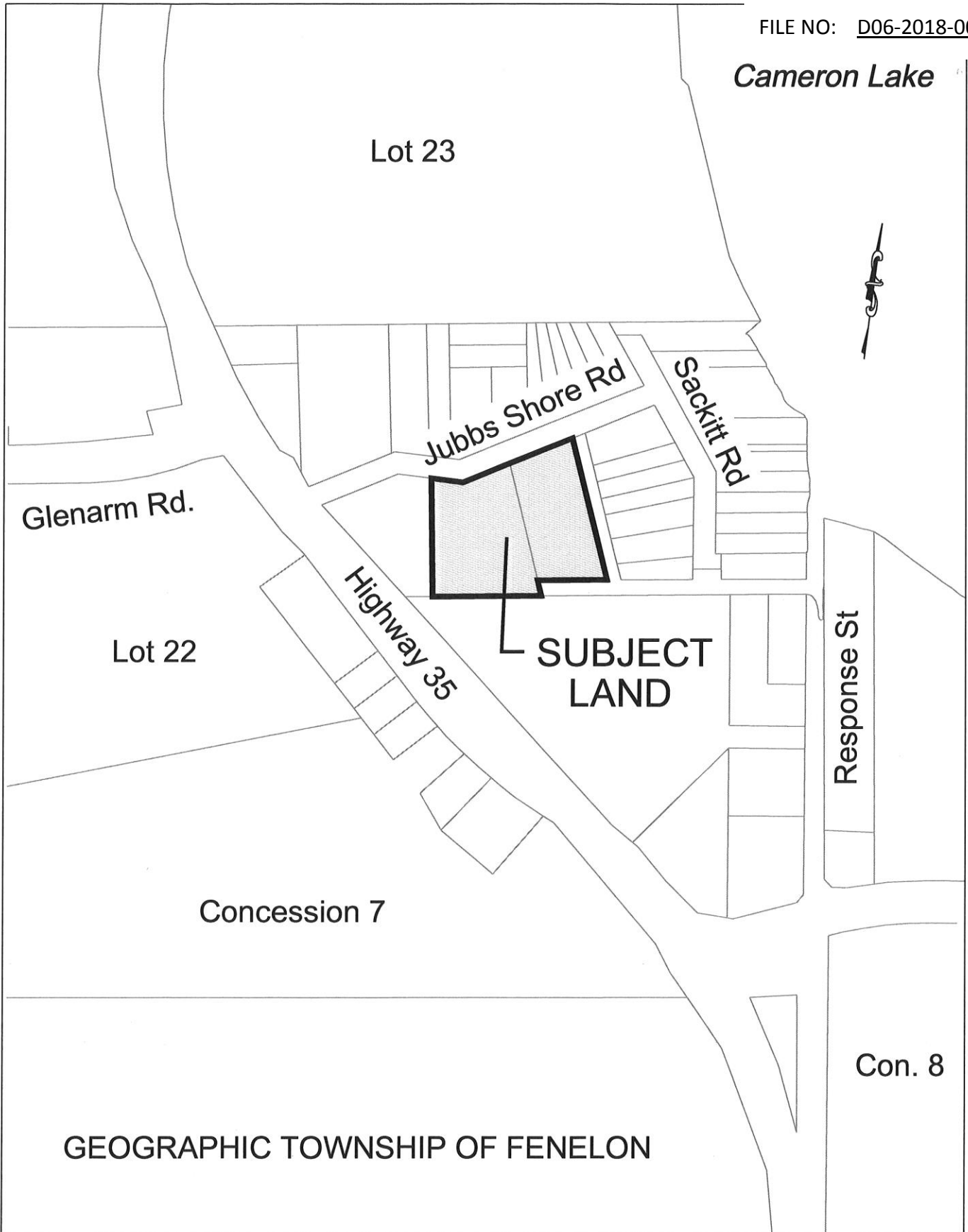
Department File: D06-2018-008

to

REPORT PLAN2018-031

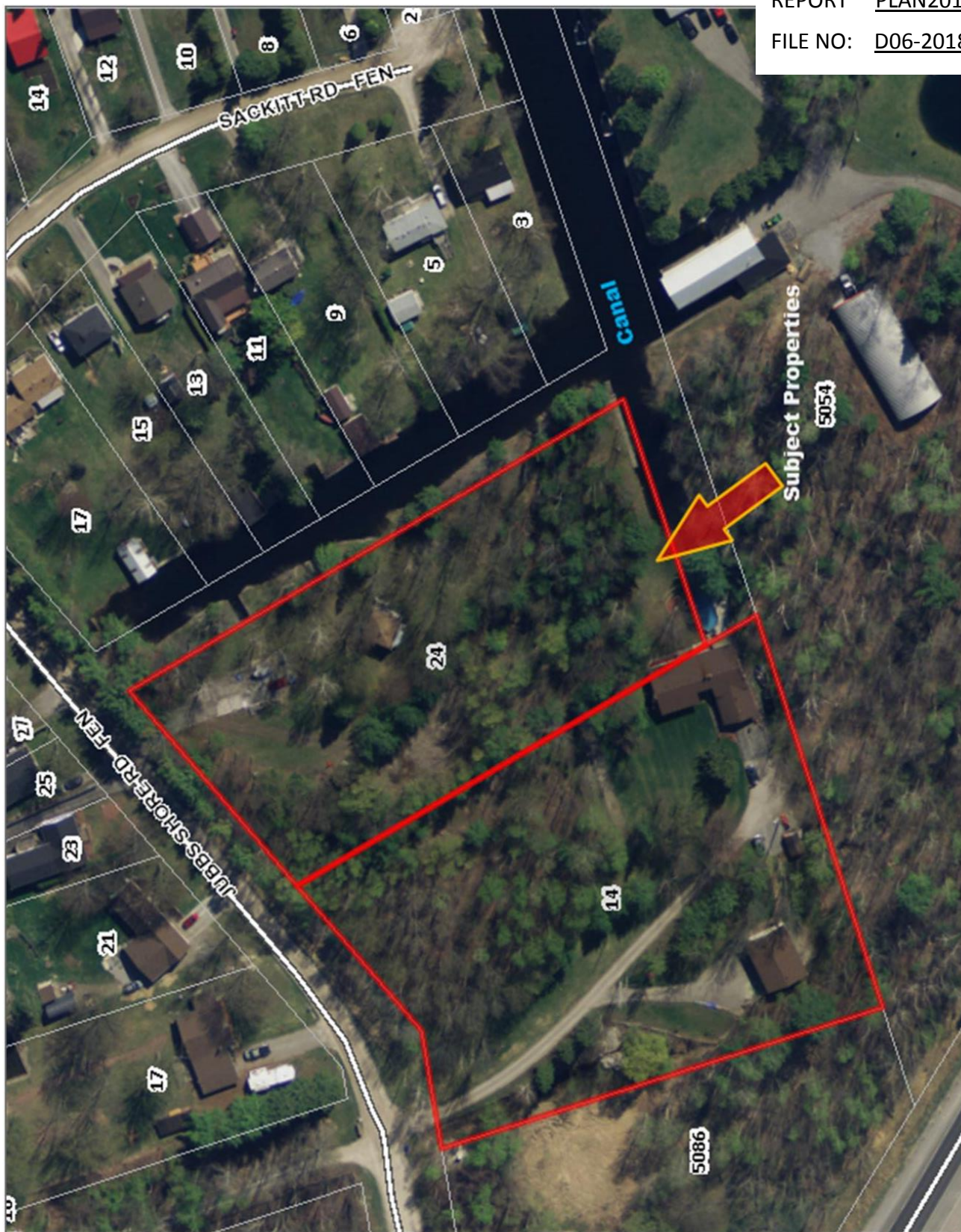
FILE NO: D06-2018-008

Cameron Lake



14 & 24 Jubbs Shore Road, geographic Township of Fenelon

GEOMATICS
KAWARTHA LAKES
MAPPING



APPENDIX " B "

to

REPORT PLAN2018-031

FILE NO: D06-2018-008

This map is a user generated static output from an Internet mapping is for reference only. Data layers that appear on this map may or n accurate, current, or otherwise

THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.10 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

Bereznicki 14 Jubbs Shore Rezone

PLAN 57R-106/19
RECEIVED AND DEPOSITED
DATE October 2, 2017
P. Innes
REGISTRAR FOR THE LAND TITLES
DIVISION OF VICTORIA (No. 57)

DATE October 2, 2017
Gerald G. Hickson
ONTARIO LAND SURVEYOR

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE
LAND TITLES ACT.

SCHEDULE		
PART	LOT/BLOCK	AREA
1	ALL OF BLOCK 10	6717.7 sq.m.
2	REGISTERED PLAN No. 573	27301.9 sq.m.
3	ALL OF LOT 9	5832.4 sq.m.
4		1447.5 sq.m.

PLAN OF SURVEY OF
LOT 9 AND BLOCK 10
REGISTERED PLAN No. 573
GEOGRAPHIC TOWNSHIP OF FENELON
CITY OF KAWARTHA LAKES



COE, FISHER, CAMERON
METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN
METRIC METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)
(2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY
THE COMBINED SCALE FACTOR OF 0.999942.
FOR BEARING COMPARISONS, A ROTATION OF 1°55'50" COUNTER-CLOCKWISE WAS
APPLIED TO BEARINGS ON PLANS P1, P2 AND P3.

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	676 386.05	4 932 004.03
ORP (B)	676 319.16	4 932 507.57

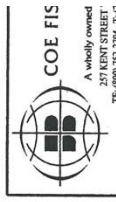
LEGEND
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET
○ DENOTES SURVEY MONUMENT SHORT STANDARD IRON BAR
○ DENOTES SURVEY MONUMENT IRON BAR
○ DENOTES SURVEY MONUMENT MINISTRY OF TRANSPORTATION AND COMMUNICATIONS
○ DENOTES SURVEY MONUMENT SMITH & SMITH, O.L.S.
○ DENOTES SURVEY MONUMENT PLAN 57R-5678
○ DENOTES SURVEY MONUMENT SURVEYOR'S REAL PROPERTY REPORT BY W.R. COE LIMITED
○ DENOTES SURVEY MONUMENT MEASURED
○ DENOTES SURVEY MONUMENT WITNESS

ALL SET SSB AND P8 MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN
AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH
SECTION 11 (4) OF OREG 525/91.

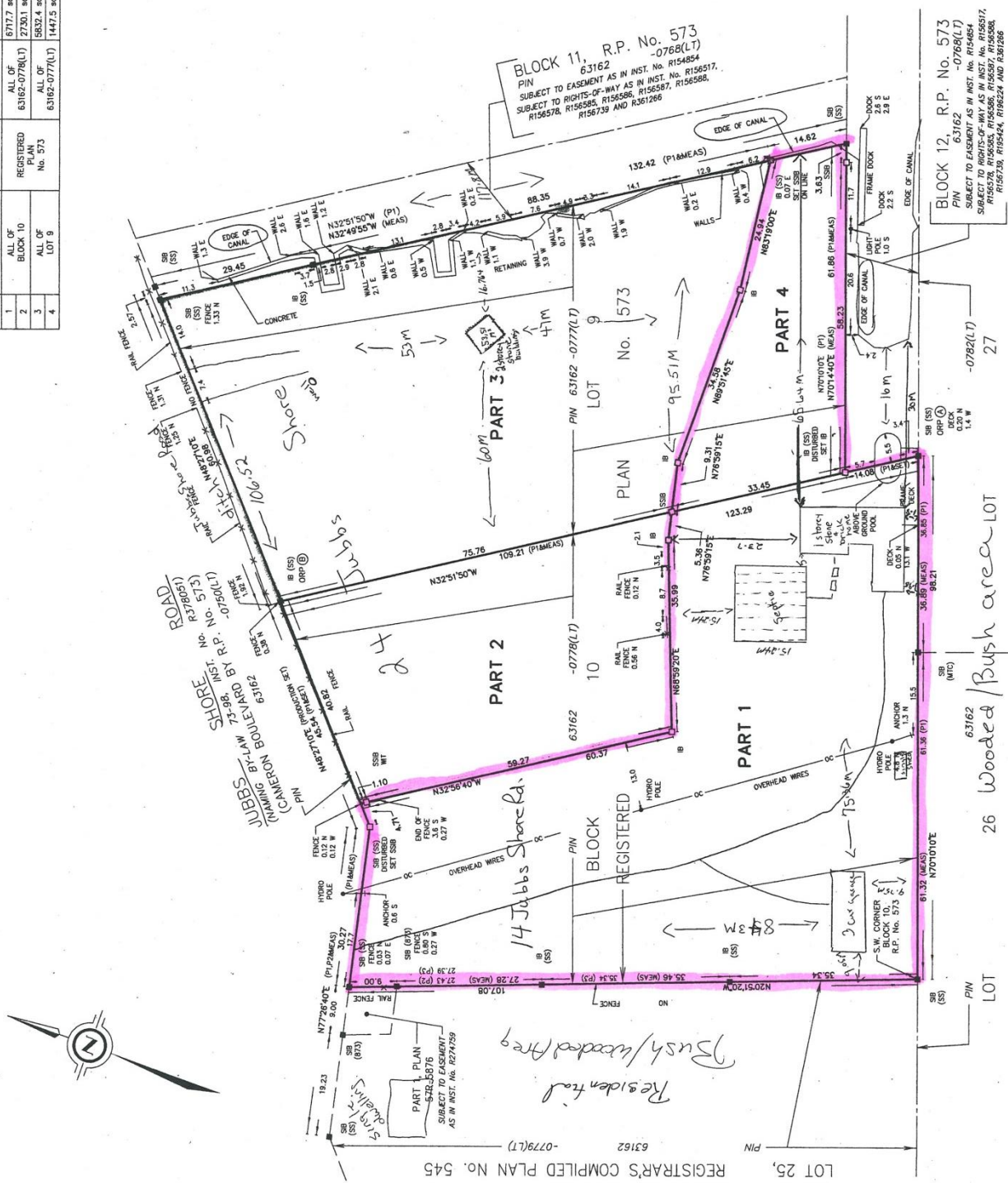
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRE
ACT, THE SURVEYORS ACT AND THI
MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON J

APPENDIX " C "
to
REPORT PLAN2018-031
FILE NO: D06-2018-008

DATE October 2, 2017
P. Innes
COE FIS



Drawn By: DHT Checked By: DHT
Date: October 2, 2017
File: COE FIS-2018-031-008



REGISTRAR'S COMPILED PLAN No. 545
PLAN No. 545
26 Wooded Bush area LOT
27
545

A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes

Recitals:

- Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.**

1.01 **Property Affected:** The Property affected by this by-law is described as Lot 9 and Block 10, Plan 573, 14 and 24 Jubbs Shore Road, geographic Township of Fenelon, City of Kawartha Lakes.

- “13.3.7.1 Notwithstanding articles 13.2.1.1 (b), 13.2.1.2 (c), and 13.2.1.3 (d), land zoned “RR3-7” shall be subject to the following zone provisions:

- Notwithstanding articles 3.1.2.3 and 3.1.4.1(c), the unenclosed deck(s) and swimming pool in existence on the date of passing of this by-law and the modifications required to the decks specified in the conditions of provisional consent for Consent Application D03-16-028, are permitted to maintain a rear

yard setback of 0.05 metres and a setback of nil to the interior side lot line that runs in a northerly direction to the immediate east of the dwelling.

(d) new construction of/modification to existing accessory structures

Article 13.3.7.1(c) shall not apply to new deck construction and/or modification to the existing deck(s). Notwithstanding article 13.2.1.3, new deck construction is permitted to maintain a minimum rear yard setback of 0.7 metres.

Article 13.3.7.1(c) shall not apply to the construction and/or placement of a new swimming pool.”

- 1.03 **Schedule Amendment**: Schedule ‘A’ to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category on a portion of the property described as Part 4, 57R-10619 (Part of Lot 9, Plan 573) from “Rural Residential Type Three (RR3) Zone” to “Rural Residential Type Three Exception Seven (RR3-7) Zone”, and to change the zone category on a portion of the property described as Part 2, 57R-10619 (Part of Block 10, Plan 573) from “Rural Residential Type Three Exception Seven (RR3-7) Zone” to “Rural Residential Type Three (RR3) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

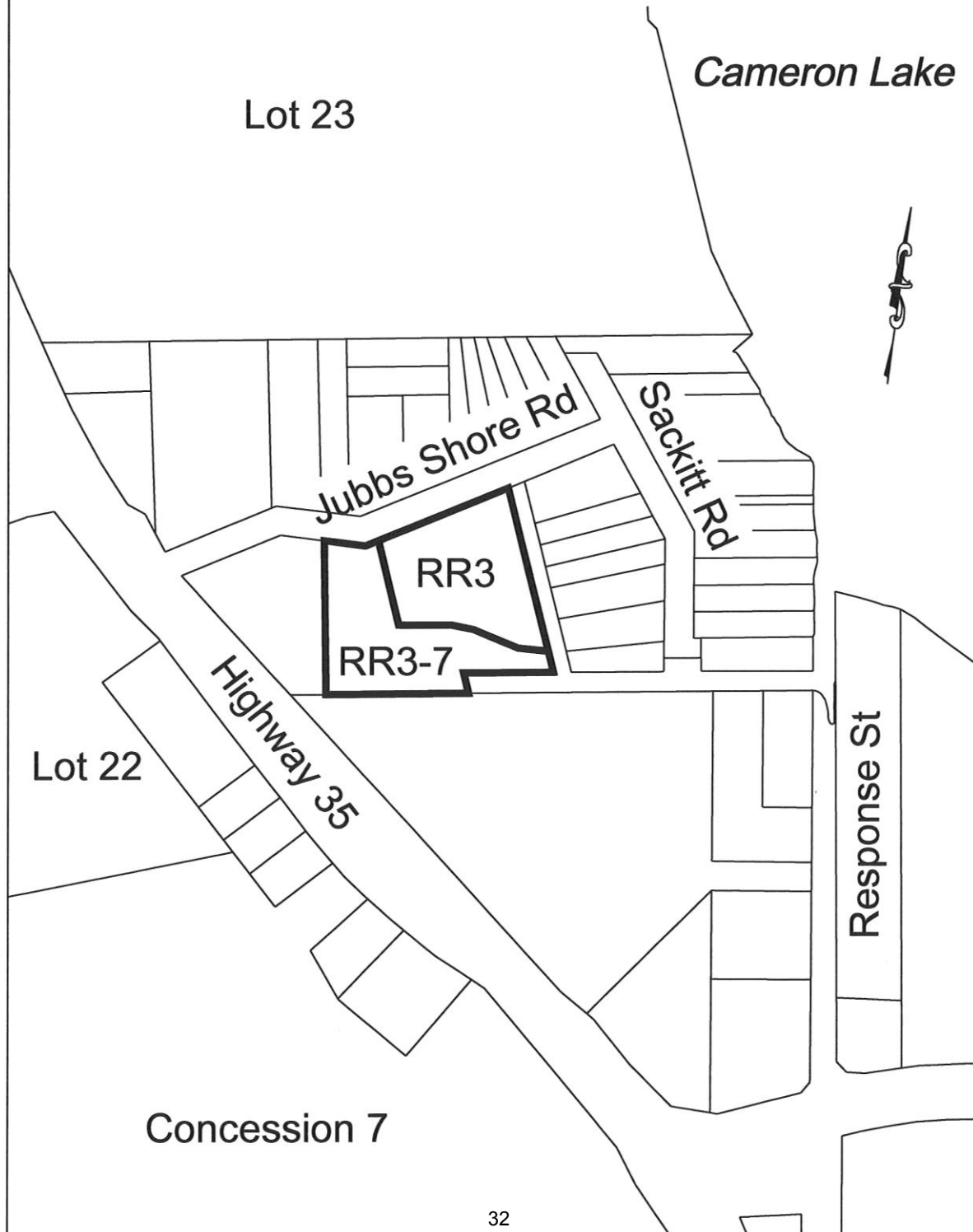
THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____

GEOGRAPHIC TOWNSHIP OF FENELON



The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-032

Date: April 11, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular Meeting

Ward Community Identifier: Ward 14 - Emily

Subject: An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to permit a woodworking shop and related sales uses on land described as Part of Lots 7 and 8, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich) – Planning File D06-2018-006.

Author and Title: David Harding, Planner II

Recommendations:

RESOLVED THAT Report PLAN2018-013, respecting Lots 7 and 8, Concession 13, geographic Township of Mariposa, and identified as 432 King's Wharf Road, "Gingrich – Application D06-2018-006", be received; and

THAT the proposed Zoning By-law Amendment respecting Application D06-2018-006, substantially in the form attached as Appendix "D" to Report PLAN2018-032, be approved and adopted 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 applicant has submitted a Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit a woodworking shop, and for sales of the shop's products from the property, see Appendix 'B'. The shop is proposed as an on-farm diversified use. A reduction in the number of required parking spaces for the business is also sought. The manufacture of cabinet and furniture doors, to be sold on a wholesale basis, is proposed within the shop. A one storey 15.2 metre x 24.4 metre (50 feet x 80 feet), 371.6 square metre (4,000 square foot) building is proposed. Approximately 24 square metres (258.3 square feet) of the building will be dedicated to storage and 16 square metres (172 square feet) for an office. No outside storage is proposed, as all raw material and finished products are proposed to be stored within the shop.

The business is proposed to begin with a sole operator, and may grow to a maximum of three employees.

Owner:	Alvin Gingrich
Applicant:	Darryl Tighe, Landmark Associates Limited
Legal Description:	Part of Lots 7 & 8, Concession 13, geographic Township of Emily
Official Plan:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Emily Zoning By-law 1996-30, as amended
Site Size:	61.1 hectares
Site Servicing:	Private individual well and septic system
Existing Uses:	Agricultural
Adjacent Uses:	North, West: Agricultural, Rural Residential South, East: Agricultural

Rationale:

The subject property is located within an agricultural area. The subject land contains an agricultural operation: the property is largely cultivated, and also contains a barn with cattle. The property also contains the following buildings: a farmhouse, drive shed, and garage. All of the buildings are clustered together, see Appendix "B". The woodworking shop is proposed in-front of the barn, close to the existing driveway.

The applicant has submitted the following documentation in support of the application, which has been circulated to various City Departments, Divisions and commenting Agencies for review:

1. Planning Brief prepared by Darryl Tighe of Landmark Associates Limited, dated October 2017. This document discusses the appropriateness of permitting the proposed land use on the property.

The following documents are included within the Planning Brief:

- a. Agricultural Impact Brief prepared by Darryl Tighe of Landmark Associates Limited dated October 2017, which examines the impact the use may have on agricultural operations;
- b. Septic System Assessment prepared by Bruno Dobri of Landmark Associates Limited dated September 28, 2017, which examines the ability of the existing sewage system on the property to accommodate the proposed use; and
- c. Percolation Rate Testing Summary prepared by Dan MacIntyre of Oakridge Environmental Limited, which examines the soils immediately adjacent to the existing tile bed.

As an on-farm diversified use is proposed, Minimum Distance Separation 1 setbacks are not applicable in this situation.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 indicates that rural land uses outside of settlement areas may be permitted if the use is not considered appropriate in a settlement area, is compatible with the rural landscape, does not adversely impact agricultural uses, and can be sustained by rural service levels.

Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

As an on-farm diversified use is proposed, the use is located within the immediate homestead area, will utilize the existing homestead services, the homestead is located well away from any lot lines, and the prime agricultural lands are protected. This application conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

Sections 1.1.5.2, 1.1.5.4, 1.1.5.7, and 1.1.5.8 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape. The sections further provide that where such uses are complimentary to a farm operation, such as an on-farm diversified use, those operations should be promoted to support a diversified rural economy.

Section 2.3.3 permits on-farm diversified uses that are compatible with surrounding agricultural operations.

On-farm diversified uses are to be secondary to the principal agricultural use on the property and limited in area. The application proposes to rezone a small

portion of the agricultural lot for an on-farm diversified use to manufacture wood furniture, facilitating the creation of an additional business on the farm property.

The application is consistent with the PPS.

Official Plan Conformity:

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily soil class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Another objective is to ensure new uses are compatible with existing agricultural operations.

A woodworking shop on an agricultural lot may be considered compatible with an existing agricultural operation (an on-farm diversified use) provided it is clearly secondary to the principal agricultural use.

The Agricultural Impact Brief identified that, as a result of this application, 0.14% of Class 4 soils around the farm homestead will be removed from use. As the proposed woodworking shop would abut the existing gravel driveway on two sides, no field fragmentation is anticipated.

This application conforms to the applicable policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned “Agricultural (A1) Zone” and “Environmental Protection Exception (EP) Zone” in the Township of Emily Zoning By-Law 1996-30. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking shop and associated sales. The lands zoned EP will be unaffected by this proposed amendment.

The application proposes to reduce the total number of required parking spaces for the proposed use, notwithstanding the fact that the site can accommodate the required parking. Due to the size and type of use proposed, staff is agreeable to reducing the total number of required parking spaces from ten to seven, thereby reducing the required footprint for the use.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

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 with the addition of an on-farm diversified use.

Servicing Comments:

No sanitary services are proposed within the proposed woodworking shop. Employees and clients are proposed to be directed to washroom within the walk-out basement of the dwelling. The existing single detached dwelling on the land is serviced by a private sanitary sewage disposal system and well.

The applicant has clarified that the business will not generate any liquid waste byproducts that would require disposal via the sewage system.

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. The Building Division, Building Division – Part 8 Sewage Systems, Chippewas of Rama First Nation, Engineering and Corporate Assets Department, Community Services Department and the Kawartha Region Conservation Authority raised no concerns as a result of circulation.

Cleon Frey of 1502 Heights Road, spoke in support of the application at the February 14, 2018 Planning Advisory Committee public meeting.

Development Services – Planning Division Comments:

The "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" (GPUOPAA) document specifies that on-farm diversified uses are to minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation. The proposed woodworking shop use falls well below the recommended 2% maximum lot coverage for an on-farm diversified use. The GPUOPAA document also anticipates that municipalities may use site plan approval in order to better guide the creation of certain site and building features.

The primary concerns of staff with this proposal are: building lighting, surface material treatment for the accessible parking space and building access, and outdoor storage. In this case, the use of plans only site plan approval is not necessary as staff have crafted provisions within the draft zoning by-law amendment to address the accessible parking surface material, building lighting, and basic site appearance. The location of the proposed woodworking shop is also controlled through the placement of the proposed A1-31 Zone category.

At the Planning Advisory Committee public meeting on February 14, 2018, concern was raised as to whether the dwelling's septic system could handle any liquid byproducts resulting from the manufacture of product within the woodworking shop. The applicant has clarified that no chemical or finishing products are to be used, and that the only liquid waste product will be glue, which will not be disposed of in the septic system.

The background information which has been submitted in support of the application was circulated to the appropriate agencies and City Departments for review and comment. No concerns or objections were raised as a result of the circulation.

Conclusion:

The application conforms to the Growth Plan policies and is consistent with the PPS policies concerning prime agricultural lands and on-farm diversified uses. The application also conforms to the "Prime Agricultural" designation policies within the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of March 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-032.pdf

Appendix 'B' – Sketches for Application



Appendix B to
PLAN2018-032.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-032.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-032.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

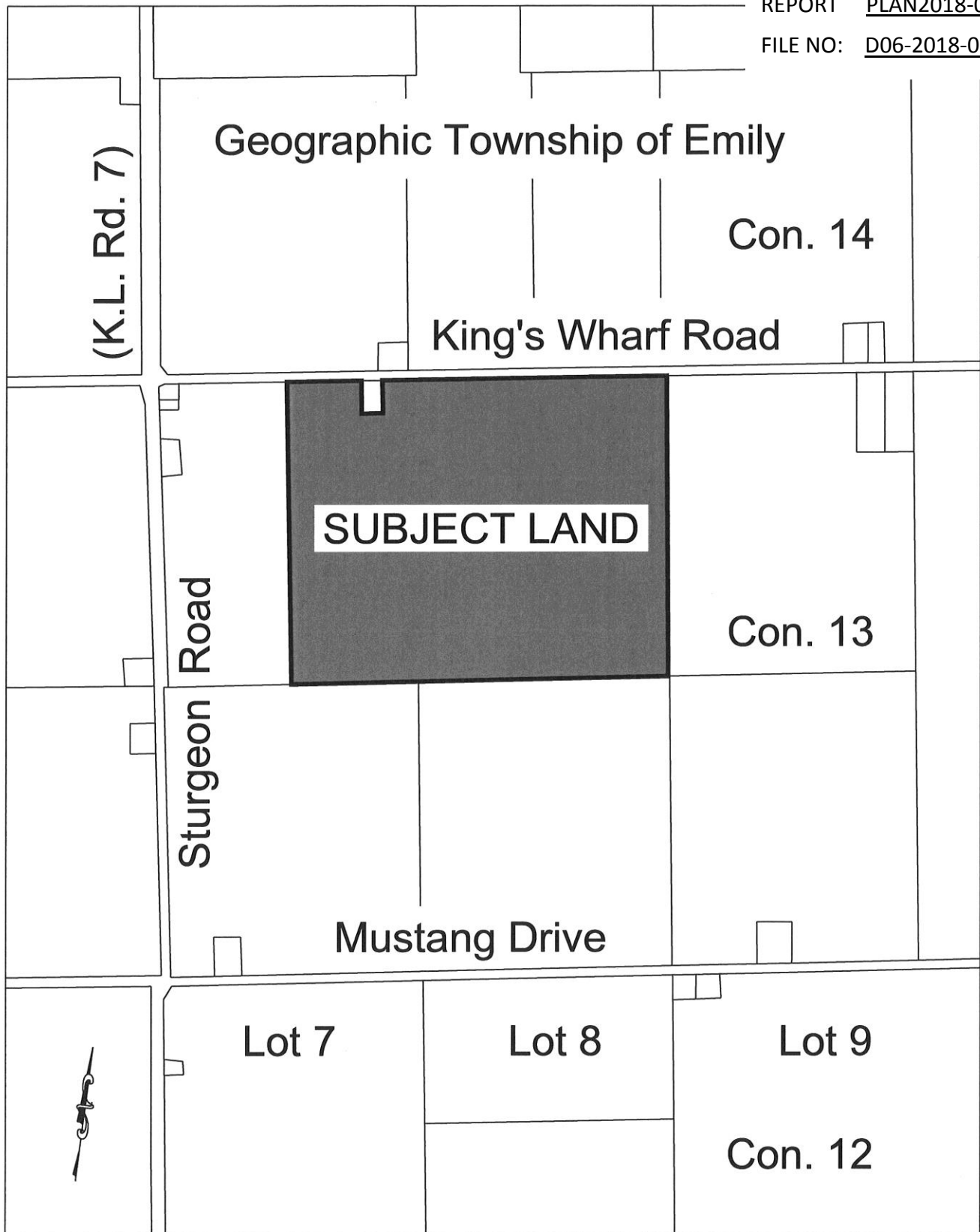
Department Head: Chris Marshall

Department File: D06-2018-006

to

REPORT PLAN2018-032

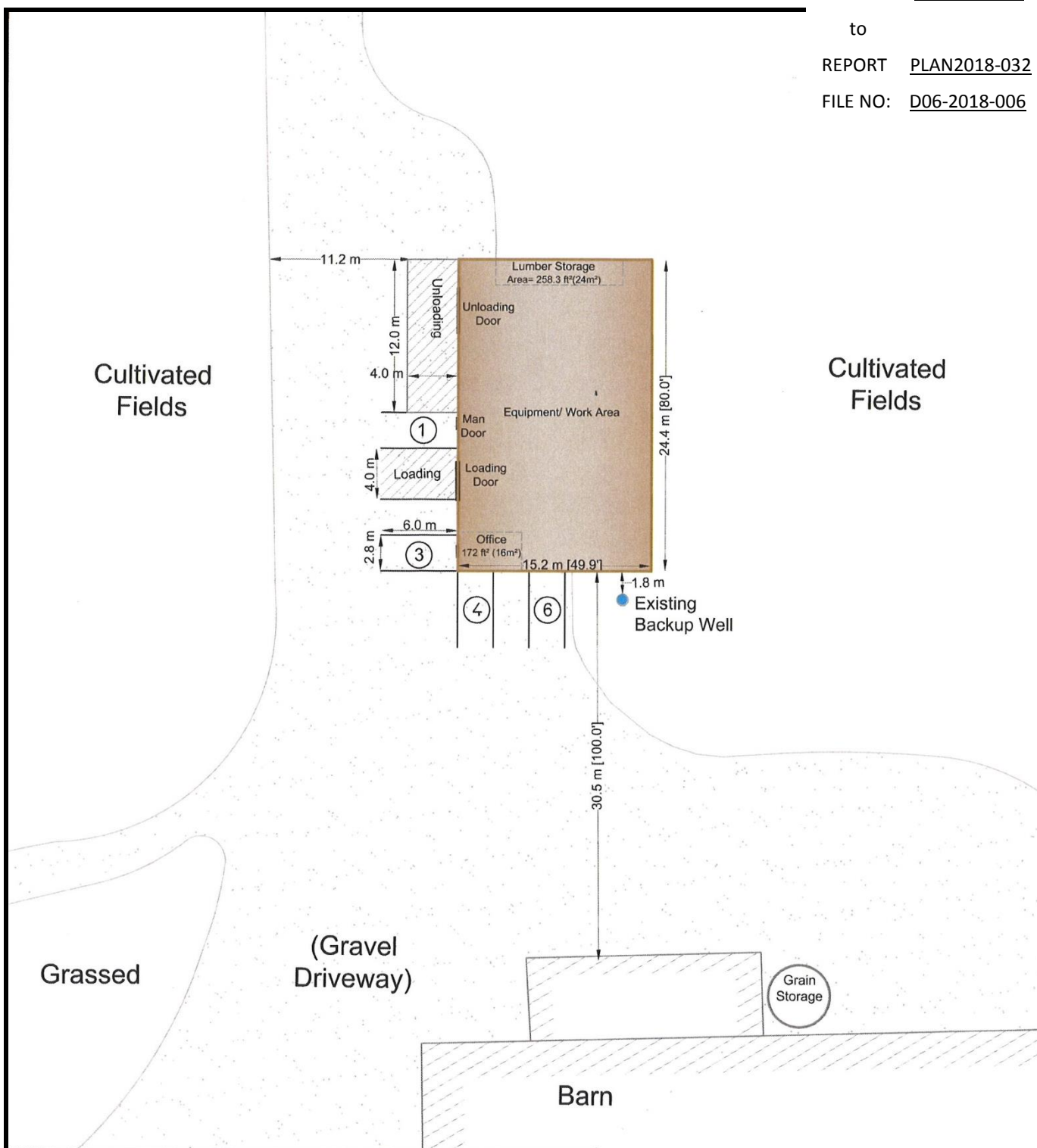
FILE NO: D06-2018-006



to

REPORT PLAN2018-032

FILE NO: D06-2018-006



Woodworking Shop

- Building Floor Area 4000 ft² (371.6m²)
- Single Storey

PROPOSED WOODWORKING SHOP DEVELOPMENT CONECPT SKETCH

NELSON GINGRICH

432 KINGS WHARF ROAD

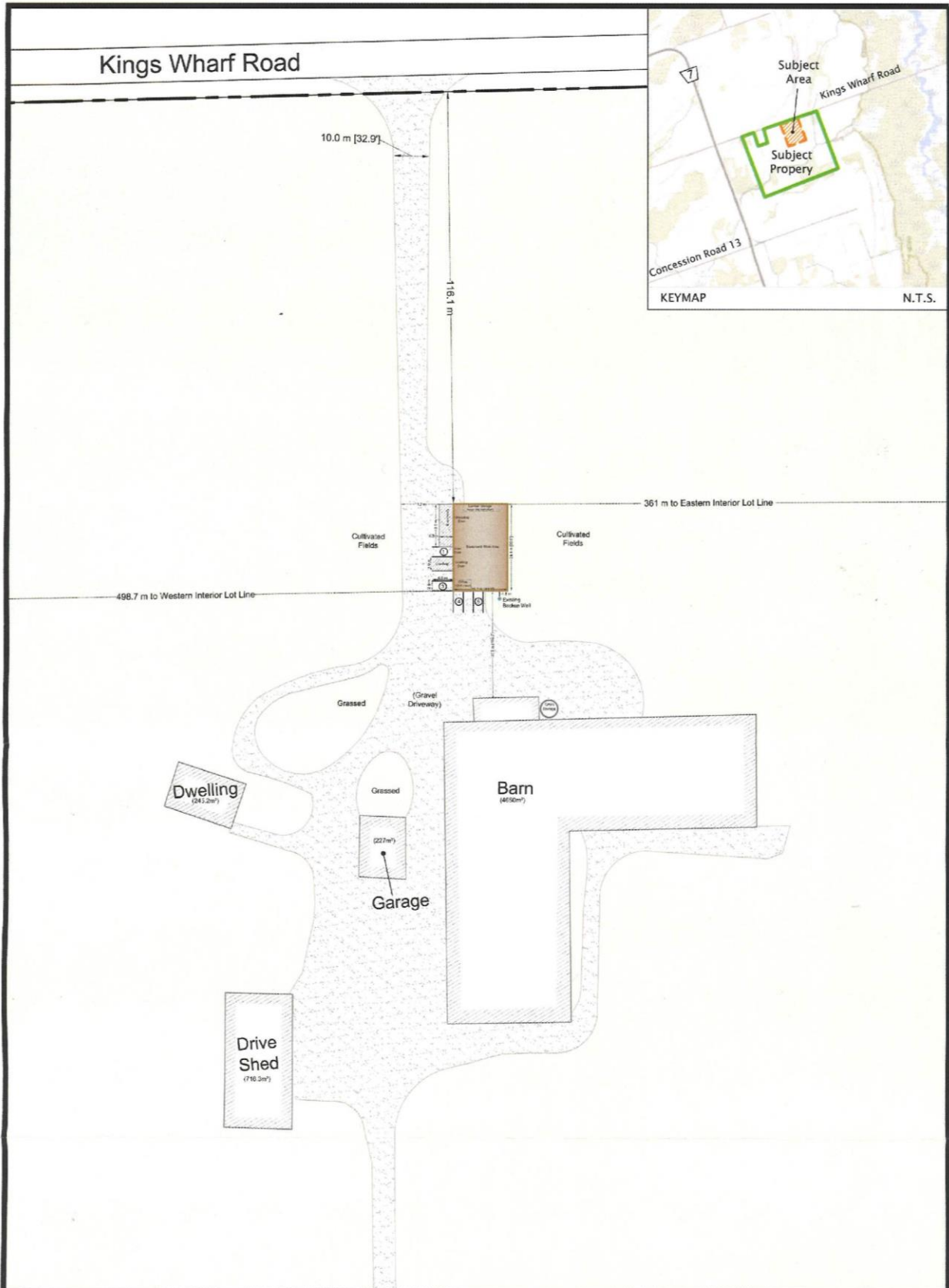
PART LOT 7, AND ALL OF LOT 8 CONCESSION 14 - EMILY
CITY OF KAWARTHA LAKES

Scale: 1 : 500 metres



October, 2017

Design: NGW/LLP, Engineering: NGW/LLP, Survey: NGW/LLP



Woodworking Shop

- Building Floor Area 4000 ft² (371.6m²)
- Single Storey

PROPOSED WOODWORKING SHOP CONECPTUAL SITE PLAN LAYOUT

NELSON GINGRICH

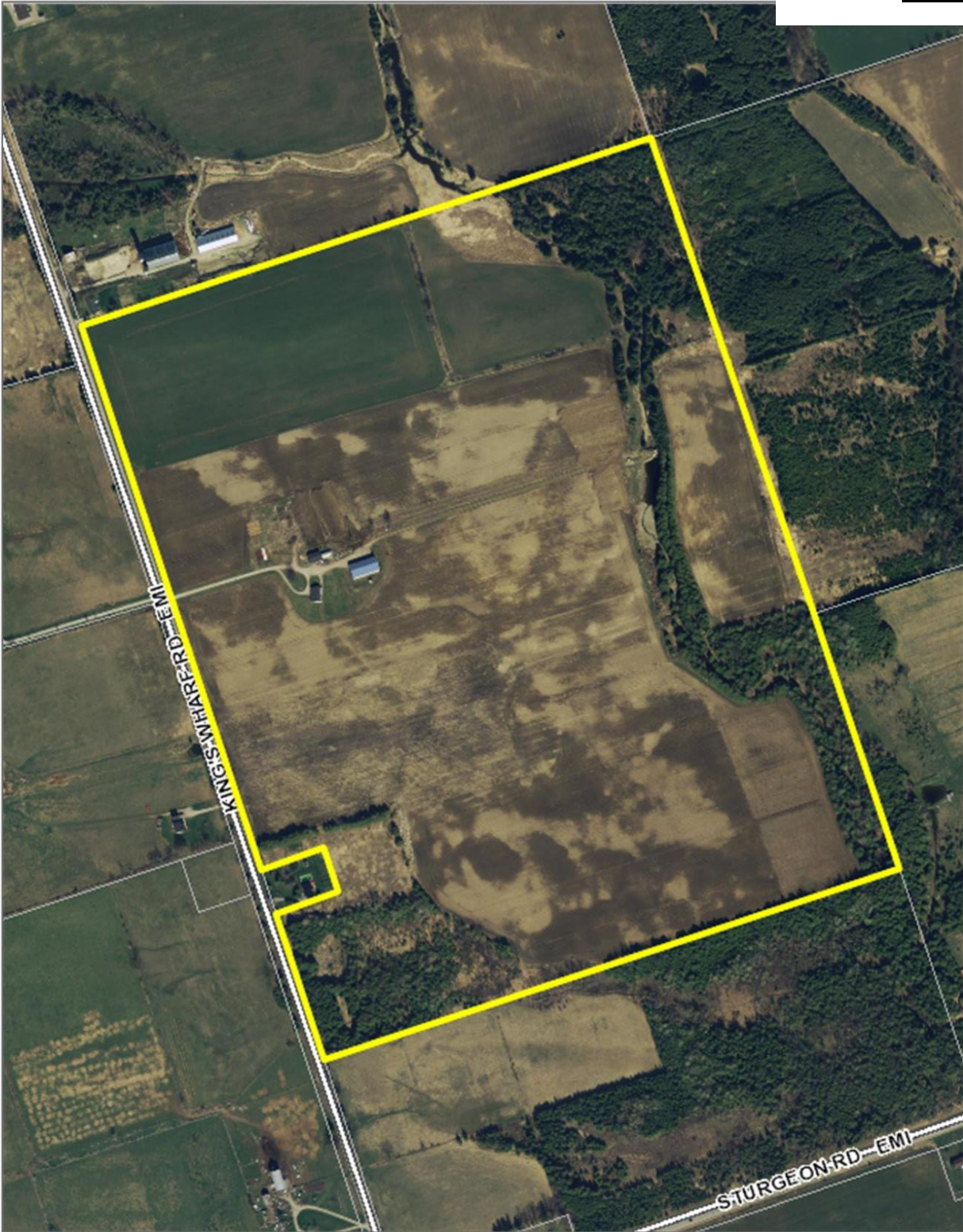
432 KINGS WHARF ROAD

PART LOT 7, AND ALL OF LOT 8 CONCESSION 14 - EMILY
CITY OF KAWARTHA LAKES

Scale: 1 : 1000 metres



October, 2017



0.47

Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES.

APPENDIX " C "

to

REPORT PLAN2018-032

FILE NO: D06-2018-006

The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2018-032

By-Law 2018 -

FILE NO: D06-2018-006

A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-006, Report PLAN2018-032, respecting Part of Lots 7 and 8, Concession 13, geographic Township of Emily, identified as 432 King's Wharf Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a furniture manufacturing facility with a limited retail sales component.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lots 7 and 8, Concession 13, 432 King's Wharf Road, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended to add the following section to Section 7.3:

“7.3.30 AGRICULTURAL EXCEPTION THIRTY ONE (A1-31) ZONE

7.3.30.1 In addition to the permitted uses and zone provisions for the A1 Zone in Sections 7.1 and 7.2, on land zoned “A1-31”, the following shall apply:

- (a) Permitted Uses
 - (i) A woodworking shop for the manufacture of furniture and other wood products.
 - (ii) Limited ancillary retail sales of the products produced on the property.
- (b) Woodworking shop building requirements:
 - (i) maximum floor area: 375 square metres
 - (ii) maximum number of storeys: 1

- (iii) floodlighting is not permitted to be attached to and/or illuminate the building exterior
 - (c) Notwithstanding Section 3.14.1.2, the total number of required parking spaces for the woodworking shop use is seven (7). One (1) of the seven (7) parking spaces must be an accessible parking space. The accessible parking space and the pathway leading from the accessible parking space to the main door shall be paved.
 - (d) Section 3.14.2.1 shall also apply to the woodworking shop use.
- 7.3.30.2 Outdoor storage and display is prohibited within the A1-31 Zone.”

1.03 **Schedule Amendment**: Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the property described as Part of Lots 7 and 8, Concession 13 from “Agricultural (A1) Zone” to “Agricultural Exception Thirty One (A1-31) Zone”, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____

CITY CLERK _____

Con. 14

King's Wharf Road

(K.L. Rd. 7)

Sturgeon Road

50 m
40 m
100 m
300 m

A1-31

Con. 13

Geographic Township of Emily

Mustang Drive

Lot 7

Lot 8