

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 2018-026
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.

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JandK