

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 'A' -
Location Map.pdf

Appendix B – Site Data Plan



Appendix 'B' - Site
Data Plan.pdf

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