

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-057

Date: July 4, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular 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 identified as 804 Highway 7A (Shawn Sutcliffe)

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

Recommendations:

That Report PLAN2018-057, 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;

That a By-law to adopt Official Plan Amendment Application D01-2018-004 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix D to Report PLAN2018-057, be approved and adopted by Council;

That a Zoning By-law Amendment Application D06-2018-013 respecting Part Lot 13, Concession 7, geographic Township of Manvers, now City of Kawartha Lakes, substantially in the form attached as Appendix E to Report PLAN2018-057, 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 required statutory public meeting was held by the Planning Committee on April 11, 2018 and following resolution was passed:

Moved By Mayor Letham, Seconded By Councillor Miller

Recommend 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.

Carried

This report addresses that direction.

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. The area of the agricultural parcel is 39 ha.

These applications propose to amend the Prime Agricultural designation in the City of Kawartha Lakes Official Plan to include a Special Provision to permit on-farm diversified uses and to change the zone category from the Rural General (A1) Zone to the Rural General Exception Thirty-Seven (A1-S37) Zone. 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, three private cabins 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 un-serviced cabins. The balance of land is cash cropped 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 and were presented in the previous Planning Report, PLAN2018-036.

Provincial Policies:

Staff reviewed the Planning Justification Report prepared by Stephen Bedford Consulting in support of the official plan and zoning by-law amendments and generally accepts the planning rationale with respect to conformity with the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and consistency with the 2014 Provincial Policy Statement (PPS). The applications serve to permit on-farm diversified uses that maintain the 5 guiding criteria set out in OMFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

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.

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.

Issues Identified Through the Circulation Process:

There were a number of issues identified through the City's circulation process which includes commenting Agencies, City Departments and the public circulation and they are addressed as follows:

Environmental Issues Identified By KRCA

KRCA has reviewed the EIS prepared by Grace & Associates, dated October 2, 2017. KRCA accepts the recommendations contained in the report being:

1. A 120 metre radius of the last known location of the Eastern Meadowlark shall be maintained to represent adjacent lands significant habitat. The

property owner is encouraged to continue the existing farming practices on the property which allows this species to return each year.

2. A 15 metre natural setback shall be maintained between the unnamed watercourse at the southwest portion of the site. A 30 metre natural setback shall be maintained from the watercourse where groundwater base flow is prevalent, located about 40 metres downstream of the pond weir.
3. Best management practices shall be applied to this development by limiting negative impacts by
 - i. including diffuse directional lighting; and
 - ii. no introduction of exotic or invasive species for landscaping
4. During any future on-site activities associated with the additional, non-agricultural related uses, should any species at risk or their habitat be potentially impacted, MNRF should be contacted to discuss opportunities mitigation.
5. Any future construction activities associated with the non-agricultural activities shall be limited during the breeding season (April 15 to July 31). During this period, it is recommended that heavy machinery be minimized where possible. Workers shall be vigilant and check work areas for the presence of breeding birds and nest containing eggs and/or young.

KRCA confirms that they see no issue with the approval of these applications based on their consideration for natural heritage, natural hazards and water quality and quantity protection policies, provided the recommendations noted in the EIS are implemented by the proponent. Staff recommends that site plan approval is the proper process to ensure that the recommendations are implemented; however, for added assurance have included Recommendations 1 and 2 through the implementing Zoning By-law. See Appendix E attached.

Minimum Distance Separation

The City's Economic Development Agriculture Division raised concerns regarding the Agricultural Impact Assessment and the MDS calculations contained within. At issue were additional farming operations to be included in the calculations and clarification as to the number of animals contained at one of the circulated farming operations. The consultant, Clark Consulting submitted an Addendum which was circulated to the Agriculture Division for review. Subsequently, the Agriculture Division advises that they agree with the findings contained in the Addendum and confirms that their concerns have been addressed.

Concerns and Comments Raised Through the Public Process

Comments raised through the public process included noise, lighting, and concerns regarding meeting the intent of the PPS and the Regulations and Policy Provisions governing the use of Prime Agricultural land.

With respect to noise concerns, the applicant has submitted an Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. The report modelled 3 scenarios, small private events, wedding ceremony and wedding reception/banquet and concludes that with appropriate sound level restrictions (ie sound level feedback systems) in place for sound emissions from the barn, the guideline limits can be met at all receptors identified under all scenarios.

With respect to lighting, staff is recommending that the area of development be subject to site plan approval with a Holding provision to be applied through zoning amendment. Confirmation of lighting details will be confirmed through that process.

With respect to concerns regarding meeting the intent of the PPS and the Regulations and Policy Provisions governing the use of Prime Agricultural land, raised by Mr. John Dell, staff requested that Mr. Bedford prepare and submit a response which was circulated to Mr. Dell. See Appendix C attached.

While Staff is supportive of the efforts made by the applicant and the future owners of the property to address operational concerns, Staff continues to recommend that the developable area be subject to site plan approval which requires that the owners enter into a site plan agreement with the City to confirm the details of development and may include some operational issues.

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.

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:

No further comments were received with respect to the Functional Servicing Report and the Hydrogeological and Geotechnical Study that were circulated to appropriate City Departments and KRCA.

Development Services – Planning Division Comments:

The applications for Official Plan and Zoning By-law Amendment conform to the Growth Plan and are consistent with the 2014 Provincial Policy Statement. Conformity with the City of Kawartha Lakes Official Plan has been demonstrated and Staff recommends that the applications be APPROVED.

Consultations:

No additional comments were received subsequent to the preparation of the original staff report and the additional comments presented to the Planning Committee at the Public Meeting. Staff has continued to work with interested parties and the applicant.

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" – Stephen Bedford Response to Dell Concerns



Appendix 'C' -
Bedford Response to

Appendix "D" - Draft Official Plan Amendment



Appendix 'D' - Draft
Official Plan Amendr

Appendix "E" - Draft Zoning By-law Amendment



Appendix 'E' - Draft
Zoning By-law Amen

E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

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