

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-020

Date: April 10, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: 1

Title: An application to amend the Township of Eldon Zoning By-law 94-14.

Description: To change the zone category on a portion of the property (0.8 ha.) from the Agricultural (A1) Zone to an Agricultural Exception - * (A1-*) Zone to permit the establishment of an explosive storage depot to serve the local aggregate industry on land described as Lots 30, 31, and 32, Concession 1, Township of Eldon, City of Kawartha Lakes, identified as vacant land south side Rohallion Road (676249 Ontario Ltd).

Author and Title: Janet Wong, Planner II

Recommendation:

That Report PLAN2019-020, respecting Lots 30, 31, and 32, Concession 1, Township of Eldon, and identified as vacant land south side of Rohallion Road, 676249 Ontario Ltd – Application D06-2019-004, be received; and

That the proposed Zoning By-law Amendment respecting Application D06-2019-004, be referred back to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a rezoning application to allow 0.8 ha. of the 201 ha. property to be used for an explosives storage depot to service a number of local quarries in the City of Kawartha Lakes as well as Township of Ramara. A blasting contractor (Maxam) will have a small mobile office trailer, magazine, and equipment storage units on site from which about 5 staff will operate with possible expansion to 10 staff. The trailer will be used for office work. Maxam will transport the required product to the quarries where the blasting will occur, with staff generally leaving the site in the morning and returning in the afternoon. The safe storage and transportation of explosives is federally regulated under the Explosives Act and Explosives Regulation, 2013. Licensing is issued by the Federal Ministry of Natural Resources (Natural Resources Canada). The Regulation identifies criteria for all aspects of explosives including storage, transport, and use. The Province also regulates the safe use of explosives through the Ministry of Labour Occupational Health and Safety Act.

Owner:	676249 Ontario Ltd (James Dick Construction Ltd)
Applicant:	Leigh Mugford, James Dick Construction Ltd.
Legal Description:	Lots 30, 31, and 32, Concession 1, geographic Township of Eldon
Official Plan:	Rural and Environmental Protection, City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone on Schedule 'A' of the Township of Eldon Zoning By-law No. 94-14
Lot Area:	201 ha. [496 ac. – Applicant]
Site Servicing:	No water and sewage disposal services currently exist
Existing Uses:	Vacant – cattle ranching
Adjacent Uses:	North: Rural and Quarry East: Rural largely vacant, one residence South: Rural vacant West: Rural vacant (Township of Ramara)

Rationale:

The property is currently being used for cattle ranching, as soil conditions are not suitable for crop production. Although mapping indicates the presence of natural heritage features, the applicant has indicated they inspected the property with the Kawartha Region Conservation Authority (KRCA) in 2018 and there is no wetland or watercourses in the vicinity of the proposed development. The southern side of the property is within a Source Water Protection area; however this does not extend to the location of the proposed facility.

The site for the proposed facility has been selected to comply with Explosives Regulation 2013 setback criteria from sensitive receptors including roads and

dwellings. The type of explosives to be stored is considered non-sensitive, which means the material will not detonate on its own.

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

1. Planning Justification Report prepared by Neal DeRuyter, MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC), dated August 2018. This document discusses the appropriateness of the application in the context of the Growth Plan for the Greater Golden Horseshoe (2017), Provincial Policy Statement (2014), applicable City of Kawartha Lakes Official Plan and Township of Eldon Zoning By-law 94-14.
2. Preliminary Concept Plan, MHBC, June 2018

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed zoning by-law amendment. In order to fully evaluate the appropriateness of this application, Staff is further reviewing applicable City policy objectives that are relevant to this application.

Provincial Policy Conformity

1. Growth Plan for the Greater Golden Horseshoe (2017):

This application must conform to the applicable policies of the Growth Plan (GP). Section 2.2.9 indicates development outside of settlement areas may be permitted:

1. the land use is not appropriate in settlement areas:
 - i) is compatible with the rural landscape and surrounding local land uses,
 - ii) will be sustained by rural service levels, and
 - iii) will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

There are seven licenced quarries within 5 km of the site. The proposed use will support the local quarry operations and is not a suitable use for settlement areas. Additional rural service requirements would not be anticipated. As only 0.8 ha of 201 ha will be used for the operation, the agricultural use would be able to coexist with the proposed use.

The property has been identified as being within the Provincial Natural Heritage System. As natural heritage features are more than 120 metres from the proposed development, no negative impact is anticipated from the proposed use.

The properties surrounding the subject lands are at least 80 ha. There is one residence about 1.6 km to the east for the proposed storage area on one property on the east side of Bolsover Road. There are licenced quarry properties on the north side of Rohallion Road. The proposed facility is a safe distance from the dwelling.

Therefore, this application appears to conform to the policies of the Growth Plan.

2. Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest. Healthy, integrated and viable rural areas should be supported through a number of approaches including promoting the diversification of the economic base and employment opportunities through services and the sustainable management of resources. Rural land uses are permitted on rural lands. Development that is compatible with the rural landscape, can be sustained by rural service levels, and supports a diversified rural economy by protecting agricultural and other resource-related uses should be promoted. Development and site alteration shall not be permitted in or adjacent to significant natural heritage features unless it has been demonstrated that there will be no negative impact on the features or functions. For the habitat of endangered and threatened species, development and site alteration can only occur in accordance with provincial and federal requirements under Species at Risk legislation. Development is to be directed away from areas of flood risk.

The aggregate industry is an important industry to the economy of the City, but can be a constraint to the surrounding use of land. The proposed facility is a land use that is compatible with and supports the local aggregate industry thereby efficiently using land and supporting the economy while co-existing with agricultural uses.

Neither significant natural heritage features nor species at risk habitat have been identified within or adjacent to the proposed facility and the explosive storage depot does not appear to be located within any flood plain.

Therefore, the application appears to be consistent with the PPS.

City of Kawartha Lakes Official Plan Conformity:

The property is mainly designated Rural with Environmental Protection, following watercourses based on Ontario Base Mapping, in the City of Kawartha Lakes Official Plan (CKLOP). The location of the proposed facility is designated Rural. The Official Plan provides strategic direction for development of the City. An economic goal is to promote the growth and enhance the industrial base of the City in an environmentally, social and economically responsible manner. The Rural designation goals are:

1. to promote the growth and development of the City's agricultural and natural resources through a sound economic, social, and environmental framework.
2. protect agricultural land that is primarily class 4-7 for agricultural production from fragmentation, development and land uses unrelated to agriculture.
3. preserve and promote the rural character of the City and the maintenance of the natural countryside.

Permitted uses identified in the Official Plan are intended to provide direction on the policy intent and not intended to represent a complete list of permitted uses. The Rural designation states that the primary use will be agriculture in the form of ranching and forestry. New uses that are compatible with and do not hinder the agricultural use will be permitted.

The proposed use will allow ranching on the property to continue. There will be low traffic flow to and from the property similar to a farm operation. Only employees would be accessing the property. The low intensity, small scale commercial-industrial business within a 200 ha area would not significantly alter the rural character of this part of the City, being largely appearing inactive for most of the day. The explosives storage depot would not adversely affect traffic movement and is a use appropriate to a low density rural location. The use of a mobile office trailer with minimal disturbance to the land also means the land could readily revert back to agricultural use if the site is no longer required to serve the aggregate businesses.

The application appears to be in keeping with the general policies of the City of Kawartha Lakes Official Plan

Zoning By-Law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14. The applicant has submitted a Zoning By-law amendment application for consideration. The application proposes to add a site-specific exception to the A1 Zone to permit, in addition to the permitted A1 Zone uses, an explosives storage depot on a portion of the property.

The application appears to comply with all other relevant provisions of the Zoning By-law.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. 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 aligns with the vibrant and growing economy goals as it adds business supporting and strengthening the local aggregate sector. The proposal aligns with the goal of a healthy environment through the reduction in greenhouse gas production generated from vehicle traffic by creating a centralized explosives depot.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is currently not serviced. Bottled water and a portable toilet facility will service the site.

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. To date we have received the following comments:

Public Comments:

Sandy and Simon Southwell expressed concerns with public notification and the project being the beginning for future aggregate extraction on the property. Public notification was carried out as required by the Planning Act and Council direction through posting of a sign on the property and mailing Notice of Public Meeting to land owners within 500 metres. The proposal is not the precursor to an aggregate operation. An aggregate proposal would require Official Plan and Zoning By-law amendments as well as approval under the Aggregate Resources Act that would entail a completely different set of considerations.

Agency Review Comments:

Building Division (March 13, 2019): advised that they have no concerns with the above noted application.

Building Division – Part 8 Sewage Systems (March 22, 2019): the site will not be serviced by a water supply (well or surface water) and the trailer will not be equipped with a bathroom or other fixtures for the office employees. A portable privy will be required to be provided on the site for sanitary requirements to service the mobile trailer office.

Community Services Department (March 19, 2019): advised that they have no concerns or comments with respect to the application.

Development Engineering Division (March 19, 2019): advised that they have no objection and no requirements to permit the establishment of an explosive storage facility.

Development Services – Planning Division Comments:

The appropriate documents in support of the application have been submitted and circulated to the appropriate agencies and City departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments or the public. Therefore, Staff recommends that the application be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from the public meeting, all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photo
Appendix 'C' – Concept Site Plan

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D06-2019-004