

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-051

Meeting Date: September 11, 2019

Public Meeting

Description: Applications for Official Plan and Zoning By-law Amendment to permit a religious educational centre and place of worship on a portion of the property described as Part Lot 21, Concession 13, geographic Township of Manvers, now City of Kawartha Lakes and municipally known as 344 Old Mill Road. (Riwoche Society)

Ward Number: 8 - Manvers

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2019-051, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035, 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 and any public comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The initial statutory public meeting was held by the Planning Advisory Committee on December 7, 2016, which adopted the following recommendation:

PC2016-042

Moved By Councillor Stauble

Seconded By Councillor Macklem

Resolved That Report PLAN2016-078, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035; be received;

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; and

That upon receipt of all comments from circulated Agencies and City Departments a continuation of the Statutory Public Meeting be held.

Carried

At the Council Meeting of December 13, 2016, Council adopted the following resolution:

CR2016-1277

Moved By Councillor O'Reilly

Seconded By Councillor James

Resolved That the Minutes of the December 7, 2016 Planning Committee Meeting be received and the recommendations be adopted.

Carried

This report addresses that direction.

A revised proposal has been submitted for consideration. The proposal is to permit a two phase development on the land which will now include a smaller 550 sq. m. religious educational centre, compared to the previous 1,145 sq. m. proposal, with fewer rooms for accommodation (15 vs. 25) and 5 private cabins in the first phase and a 363 sq. m. place of worship (Temple) in the second phase. The area of the phased development represents approximately one third of the 40.5 ha. land while the balance of the land will be used for agricultural pursuits. See Appendix "A" and "B" attached.

Owner: Riwoche Society
Applicant: EcoVue Consulting Services Inc.
Legal
Description: Part Lot 21, Concession 13, geographic Township of Manvers, now City of Kawartha Lakes.
Official Plan: Designated Rural and Environmental Protection on Schedule "A-1" of the City of Kawartha Lakes Official Plan.
Zone: Rural General (A1) on Schedule "A" of the Township of Manvers Zoning By-law No. 87-06
Total Area: 40.5 ha. Total Area of Phased Development: 13.0 ha. (Approx.)
Site Servicing: Individual well(s) and private sewage disposal system(s) for the phased development which will include approvals from the Health Unit in accordance with O.Reg 318/08 for small drinking water systems and from the City's Building Division, Part 8 Sewage Systems for systems less than 10,000 L/day
Existing Use: Residential/Rural and Woodland
Adjacent Uses: Large rural parcels of land including agricultural operations primarily to the west and northeast, rural residential uses and woodland/wetland areas primarily to the south and east.

Rationale:

The subject property is located on the east side of Old Mill Road, north of Pigeon Creek Road and consists of 40.5 ha. of land. The site is developed with a single detached dwelling, a garage with kitchen and bathroom facilities and several small sleeping cabins. The land is owned by the Riwoche Society which is a Buddhist Society that traces its lineage back nearly 800 years to the Riwoche Temple in the eastern region of Tibet. The applicants currently worship and study at the Riwoche Temple in Toronto. The applicants have chosen the subject property as it is a large property in a natural setting for quiet reflection and education in the Buddhist faith. There is a drumlin located on the north east side of the property which is 295 metres above sea level and represents a suitable location for a temple. The owners intend to use the balance of the land to grow crops, including Tibetan barley, which will be used for food at the educational centre. The applicants propose to develop the land in two phases as follows:

The first phase consists of construction of the main 550 sq. m. educational centre, parking area and associated private services (i.e. septic system and well). The main building will be located adjacent to Old Mill Road and will include approximately 15 rooms for overnight accommodation, a multi-purpose room for meditation and yoga, and a dining area. Food will be prepared in the existing dwelling and served in the dining area of the educational centre. There are also 5 separate private cabins intended to be used for overnight accommodation.

The second phase consists of construction of a 363 sq. m. temple on the hill in the northeast section of the property. An internal gravel road will be constructed from the educational centre to the temple. The temple will include washroom facilities, six (6) lodging rooms and a library, and will be serviced by a separate individual well and septic system. Limited parking will be available at the temple.

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

1. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated August 15, 2016, illustrating proposed layout.
2. Planning Justification Report to support the proposal prepared by EcoVue Consulting Services Inc. and dated August 24, 2016 (Growth Plan Addendum dated August 29, 2019). The report justifies the development proposal under current provincial legislation and municipal planning framework.
3. Servicing Reports consisting of:
 - a. Functional Servicing Report prepared by EcoVue Consulting Services Inc. and dated August, 2016 which provides a preliminary engineering analysis of the development proposal with respect to water supply assessment and distribution, sewage treatment and disposal, parking lot and roadway construction, erosion and sediment control measures and preliminary stormwater management. The report concludes that preliminary studies undertaken support that the proposed development can be adequately serviced with respect to the above.
 - b. Scoped Hydrogeological Investigation, Nitrate/Phosphate Assessment, and Soil Capability Assessments prepared by WSP Canada Inc. and dated April, 2016 which provides an analysis of the soils on the subject property and examines the impact from the development on the ground and surface water. The reports conclude that the site is capable of supporting the proposed use, in terms of water supply, sewage disposal requirements and soil suitability for construction. The report identifies that the water supply for the site will be classified as a small drinking water system under O. Reg. 318/08 and will be approved by the local Health Unit. The proposed septic system will have an effluent flow rate less than 10,000 L/day and the sewage system design will fall under the jurisdiction of the Part 8 Sewage System Division of the City of Kawartha Lakes. The report also identifies that the future Temple construction and additional accommodation will be serviced by a new drilled well and separate sewage disposal system.
 - c. Stormwater Management Report prepared by Engage Engineering Ltd. and dated August 22, 2016 which provides that the development of the site will result in an increase in peak runoff from the site; therefore quantity control is required pre-development to post-development. A

grassed detention basin is proposed for the site which will outlet to the existing pond west of the basin.

4. Traffic Brief prepared by Tranplan Associates and dated March, 2016. The study evaluates the potential traffic impacts of the proposed development along with site entrance requirements. The study concludes that the south site entrance to Old Mill Road will provide good access and no additional municipal road improvements will be required to support the educational centre. However, the report recognizes that the site frontage will have to accommodate buses, municipal service vehicles and EMS vehicles and identifies that this section of Old Mill Road should be reviewed against current City of Kawartha Lakes standards to assess the need for any improvements to the present road platform.
5. Revised Functional Stormwater Management Report prepared by Engage Engineering Ltd. and dated March 14, 2019 which provides that the development of the site will result in an increase in peak runoff from the site; therefore quantity control is required pre-development to post-development. A grassed detention basin is proposed for the site for required quantity and quality control, which will outlet to the existing pond west of the basin.
6. Geotechnical Test Pit Investigation prepared by WSP Canada Inc. and dated January 2019 provides recommendations for the proposed site entrance and for upgrading the road for the proposed use, including design standards for the roadway structure, widening with respect to ditch improvements and construction limitations.
7. Addendum Traffic Letter prepared by Tranplan Associates and dated August 8, 2018. The letter analyses future site trip generation based on three different types of programs being planned being one-day, weekend and one-week programs. It takes into account the anticipated number of participants and their method of travel. The conclusion indicates the increase in site traffic will have no measurable impact on future traffic operations of adjacent roads and intersections.
8. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated January 18, 2019 illustrating proposed layout with a smaller 550 sq. m. education centre. See Appendix “C” attached.

All of the reports submitted have 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 commenting Agencies and/or City Departments have submitted comments and the Planning Advisory Committee and the public have considered the revised proposal.

Applicable Provincial Policies:

Staff has reviewed the Planning Justification Report prepared by EcoVue Consulting Services Inc. 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 accepting of the planning rationale contained in the report.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):

The subject property is not located within a settlement area as defined in the 2019 Growth Plan. Section 2.2.1(d) states that development should be directed to settlement areas, except where the policies of this Plan permit otherwise. As such, the Rural Areas policies of Section 2.2.9 apply. The application conforms to the Growth Plan in that it does not detract from nor disrupt agricultural uses.

The proposed development depends on a rural setting. The large rural setting provides opportunity for quiet reflection and education in a natural setting. Development approvals are limited to a defined area with the balance of the land available for agricultural pursuits and growing barley for consumption at the educational centre. The natural resource of the large north east drumlin provides opportunity to construct a temple which is considered a benefit to the faith.

This revised application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts. In addition, the relevant policies of Section 4 have been considered pertaining to key hydrologic features (wetlands) and cultural heritage resources. The proposed development is well beyond 120 metres of wetland features and not within 300 metres of a navigable water body that would require an archeological assessment.

Based on the information submitted, the revised application appears to conform to the 2019 Growth Plan.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 1.1.4 Rural Areas in Municipalities acknowledges that rural areas are important to the economic success of the Province and quality of life. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. The applications are consistent with the PPS through the following prescribed sections:

Section 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

b) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and

c) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets.

Section 1.1.5.2 states that on rural lands located in municipalities, permitted uses include resource-based recreational uses. Recreation, as defined in the PPS includes leisure time activity undertaken in built or natural settings for the purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential. The proposed religious educational centre and temple development is a resource-based recreational use that takes advantage of the natural features of the area, vistas and landscape to offer opportunity for quiet reflection, meditation, personal enjoyment and positive social interaction.

Section 1.6.6.4 states that where municipal sewage and water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long term provisions of such services with no negative impacts. The Functional Servicing and Preliminary Stormwater Management Report prepared by EcoVue Consulting Services Inc. and Engage Engineering Ltd. and the Hydrogeological and Geotechnical Investigation prepared by WSP Canada Inc. are the appropriate supporting studies for the development proposal.

Section 2.1 Natural Heritage identifies that natural features and areas shall be protected for the long term and that development and site alteration shall not be permitted within significant wetlands, woodlands and valleylands, significant wildlife habitat, ANSIs, fish habitat or habitats of endangered species and threatened species. There are Provincially Significant Wetlands (PSW) located to the north (Pigeon River No. 20 PSW) and south (Pigeon River No. 23 PSW) of the subject property. Pigeon River No. 23 PSW is located along the southern limit; however, the proposed development is well beyond the limits and buffer area of the PSW. Through the City's pre-consultation process, KRCA determined that an Environmental Impact Study (EIS) would not be required.

Finally, Section 2.3 Agriculture protects for the long-term use of agriculture. Specifically, Section 2.3.3.3 states that new land uses shall comply with the minimum distance separation formulae. The applicant conducted a preliminary review of livestock facilities as per Guideline 5 of the MDS Implementation Guidelines and determined that none of the three (3) encompassing livestock facilities were large enough to generate setback arcs beyond 500 metres.

Official Plan Conformity:

The land is designated “Rural” and "Environmental Protection" on Schedule “A-1” of the City of Kawartha Lakes Official Plan (OP). The educational centre and place of worship (temple) are generally uses permitted in Hamlet Settlement Areas in the OP. As the OP does not speak to institutional uses or places of worship within rural areas, an amendment to the City's OP is required to permit the use and it is necessary to demonstrate that the use is consistent with the goals and objectives of the Rural designation.

Section 16.1 states the Goals of the Rural designation as follows:

- 1) To promote 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.

Section 16.2 states that the Objectives of the Rural designation as follows:

- a) Protect agricultural lands from non-farm activities and ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas.
- b) To protect and strengthen the agricultural community while permitting uses that would support the agricultural community and would not conflict with them.
- c) Support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.
- d) Recognize farming as a vital participant in the protection of the environment and encourage sustainable farming practices.
- e) Encourage agriculture-related businesses on farms to strengthen the viability of the agricultural industry sector and minimize severances for non-agricultural activities.
- f) Support the advancement of agricultural production and management.
- g) Provide for the wise use and management of resources and resource based recreational activities.

Final OP conformity will be determined once all agency and public comments have been received.

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 to rezone a portion of the property to Rural

General Exception ** (A1-**) to permit the religious educational use and a place of worship (Temple). The Exception Zone will also address any additional ancillary uses and/or site specific development standards, if required. The applicant acknowledges that the development proposal will maintain the provisions of the Zoning By-law with respect to setbacks and lot coverage; however, the parking provisions will be revisited as the various background studies submitted in support of the proposed development suggest additional uses might occur including religious day camps during the summer months and the use of buses. Staff will take the opportunity to further review the parking requirements for the facility.

Other Alternatives Considered:

No other alternatives were considered at this time other than the previous proposal that included a larger 1,145 sq. m. religious education centre.

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 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 exceptional quality of life and healthy environment goals as the proposal permits opportunity for citizens and those visiting the City to gather for religious educational pursuits, meditation, yoga, worship and social situations. The balance of the property will be cultivated and cropped for consumption by the participants at the education centre.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

The Functional Servicing Report and the Hydrogeological and Geotechnical Assessments were circulated to the City's Engineering and Corporate Assets Department, Building Division and KRCA for review and comment. These departments and agencies will continue to contribute to the development process through the site plan approval process.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act and a statutory Public Meeting was held on December 7, 2016. As of the writing of this report, the following comments have been received:

Public Comments (Previous proposal):

Comments were received from a number of property owners expressing various concerns with the applications. These concerns related mainly to increased traffic, noise, dust, the quality of the road, road flooding, future uses and numbers of attendees, other temple locations, well monitoring, economic benefit, septic requirements, emergency services access and impacts on significant woodlands.

Public Comments (Revised proposal):

Three area property owners inquired as to the nature of the revised proposal.

Agency Review Comments (Previous proposal):

November 17, 2016 - Building Division advises that change of use permits will be required for the existing buildings on the assumption that they will evolve to another use than the existing residential and agricultural use.

November 23, 2016 – Engineering and Corporate Assets indicates that while they have no objection to the proposed Official Plan and Zoning By-Law Amendments, they require confirmation that the proponent will address the following items through a subsequent submission:

- Proposed road improvements (width, depth, drainage, surface, signage, etc. to meet City Standards) required to Old Mill Road to meet the traffic projections and vehicle types (individual vehicles versus buses) for the project.
- Confirmation of numbers of attendees/participants (various numbers are listed in various reports) to ensure traffic projections and parking.
- All parking and building areas proposed on site (impervious – hard surface areas, including gravel) must be clearly outlined to ensure the stormwater management design confirms there is no impact to the surrounding lands.

November 25, 2016 - Economic Development advises of the following:

- The proposed development has the potential to positively impact economic growth and employment opportunities throughout the region by supporting the growth of the cultural sector and the development of

compelling visitor experiences in Kawartha Lakes that will drive tourism growth and increased tourist spending.

- Current proposal has minimal impact to agricultural production due to the nature of rural lands. The growing of non-traditional crops is encouraged.

November 29, 2016 – the Chippewas of Rama First Nation acknowledge receipt and review of the Notice for the proposed applications, which was shared with their Council and forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator for any necessary action, if required.

December 5, 2016 - Building Division Part 8 Sewage Systems is requesting a further review including a business plan including accessory events.

December 6 & 7, 2016 - Kawartha Conservation commented that setbacks are appropriate for the natural heritage features and they have no concerns with the applications.

Agency Review Comments (Revised proposal):

On July 10, 2019, the Building Division advised they have no concerns with the applications.

On July 12, 2019, the Community Services Department advised that they have no comments or concerns with respect to these applications.

On July 25, 2019, the Engineering and Corporate Assets Department advised from an engineering perspective, they have no objection to the proposed Official Plan Amendment and Zoning By-Law Amendment to permit a religious educational centre with accommodation and a place of worship. Detailed Engineering review and comments will be provided at the time of site plan approval.

On August 22, 2019, the Engineering and Corporate Assets Department advised that further to their review of the notice for the proposed Official Plan Amendment and Zoning By-Law Amendment for 344 Old Mill Road, they confirm that they have no engineering requirements for the proposed applications.

On August 23, 2019, the Building Division – Part 8 Sewage Systems Program advised that the property is being proposed to be serviced with on-site sewage disposal facilities. Currently there are 2 structures with on-site sewage disposal systems on the property. The area of the application represents 40.5 hectares of land. This area would be large enough to accommodate on-site disposal systems to service the proposal. During the building/sewage system permitting process, further evaluation will be completed to determine if the proposal will fall into the jurisdiction of the City of Kawartha Lakes Sewage Program. At this time, the Building Division – Sewage System Program has no objection to the proposal.

On August 26, 2019, Enbridge Gas advised they have no objection to the proposed applications.

On August 30, 2019, Kawartha Conservation advised they require a phosphorus budget. A net zero increase in phosphorus is the objective when developing the

phosphorus budget. In addition, given the steep terrain of the subject site, Kawartha Conservation made recommendations with respect to erosion and sediment control incorporating upgraded silt, erosion and soil protection measures.

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 for further review and processing until such time as all comments have been received from all circulated Agencies and City Departments and the Planning Advisory Committee and the Public and any comments or concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2019-051.pdf



Appendix 'B'
PLAN2019-051.pdf



Appendix 'C'
PLAN2019-051.pdf

Appendix 'A' – Location Map
Appendix 'B' – Aerial Photograph
Appendix 'C' – Revised Proposed Concept Plan

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Department Head: Chris Marshall

Department File: D01-16-007 and D06-16-035