

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-039**

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**Meeting Date:** September 2, 2020

### **Public Meeting**

**Title:** Official Plan Amendment and Rezoning Applications for MacLeish, Lindsay, Part of Lot 22, Concession 2, geographic Township of Ops.

**Description:** Applications to amend the City of Kawartha Lakes Official Plan to permit the severance of land along with a rezoning to permit the development of an agricultural-related uses including a Truck Terminal Facility, Truck or Tractor Repair and Sales, Bulk Agricultural/Seed Storage, and Nursery/Greenhouse uses

**Ward Number:** Ops – Ward 3

**Author and Title:** Jonathan Derworiz, Planner II

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### **Recommendations:**

**That** Report PLAN2020-039, respecting Part of Lot 22, Concession 2, geographic Township of Ops, Wayne and Ann MacLeish – Applications D01-2020-004 and D06-2020-018, be received; and

**That** Report PLAN2020-039 respecting Applications D01-2020-004 and D06-2020-018 be referred back to staff to address 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 lands known as 1590 Elm Tree Road in the former Township of Ops (Ops) are owned by Wayne and Ann MacLeish. Currently, the site is designated Prime Agricultural under the Official Plan and zoned Agricultural (A) Zone under the Zoning By-law. The site is approximately ten hectares and is used for residential and agricultural purposes. A single detached dwelling, a livestock building and detached accessory building are on site.

The proposed trucking terminal would be operated by Jamie Marquis Trucking Inc. (Marquis Trucking) which is a well-established business in the Lindsay area. Marquis Trucking is currently operating at 82 Zion Road in Little Britain and is seeking facility and operation expansion and following an assessment of possible locations, the subject site was selected.

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|--------------------|--|
| Owner:             | Wayne and Ann MacLeish   |
| Applicant:         | D.M. Wills Associates Ltd. (c/o Emma Drake)  |
| Legal Description: | Part Lot 22, Concession 2, Part 1, 57R1619, geographic Township of Ops   |
| Official Plan:     | Prime Agricultural – City of Kawartha Lakes Official Plan  |
| Zone:              | Agricultural (A) Zone on Schedule 'A' of the Township of Ops Zoning By-law No. 93-30   |
| Lot Area:          | Retained – 5.9 hectares<br>Severed – 4.1 hectares  |
| Site Servicing:    | Retained – Private sewage, Municipal water<br>Severed – Private sewage, Municipal water  |
| Existing Uses:     | Single detached dwelling and agricultural uses   |
| Adjacent Uses:     | North: Agricultural<br>East: Commercial<br>South: Highway 7; Residential; Woodland; Agricultural<br>West: Elm Tree Road; Residential |

## **Rationale:**

### **Proposal:**

The proposal consists of severing approximately six hectares from the approximately 10-hectare site to facilitate development of a trucking terminal with eight bays, ancillary offices and related uses, including truck or tractor repair and sales, bulk agricultural and/or seed storage, and nursery or greenhouse uses. To note, a nursery use is currently permitted in the Agricultural (A) Zone. The proposed trucking terminal would include a fleet of approximately 20 transport trucks and five to seven employees at any given time. The site would be used for

maintenance and parking of the tractor trailer vehicles. The current residential and agricultural uses on the retained parcel of approximately four hectares would remain as is.

Section 15.3.3(b) of the Official Plan states that new Prime Agricultural lots are to have a minimum lot size of 40 hectares. As a result of the proposed development, the lands will not comply with this provision and an Official Plan amendment is required. By way of a site-specific Special Provision amendment, the applicant is proposing to permit severance of a 4.1-hectare parcel maintaining the Prime Agricultural designation.

In conjunction with the Official Plan amendment application, a rezoning application has been submitted to implement the proposed amendment. The site is currently zoned Agricultural (A) Zone, which does not permit the proposed truck terminal facility, truck or tractor repair and sales, bulk agricultural/seed storage, or greenhouse uses. By way of a rezoning of 'A' Zone to 'AS-11' Zone, the applicant has applied to permit these uses.

In support of these applications, the applicant has submitted the following documentation and studies which have been referred to City departments and outside Agencies for review:

1. Official Plan Amendment and Zoning By-law Amendment Applications received May 15, 2020.
2. Planning Justification Report with Agricultural Impact Assessment prepared by D.M. Wills Associates Limited March 2020. This report describes the subject lands, Marquis Trucking operations, and frames the proposed amendments in context of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), the City of Kawartha Lakes Official Plan (2012), and By-law 93-30, Township of Ops Comprehensive Zoning By-law. In summary, this Report justifies the applicant's rationale for the proposed amendments.
3. Sewage Brief prepared by D.M. Wills Associates Limited. March 2020. This report concludes that an on-site sewage disposal system on the proposed severance is required and outlines the technical requirements.
4. Functional Servicing Report prepared by D.M. Wills Associates Limited. March 2020. This report details water, sewage and stormwater servicing for the proposed severance.
5. Stormwater Management Report prepared by D.M. Wills Associates Limited March 2020. This report details the requirements for a stormwater management system on the proposed severance.
6. Lot Grading and Drainage Plan prepared by D.M. Wills Associates Limited April 2020.
7. Sedimentation and Erosion Control Plan by D.M. Wills Associates Limited April 2020.

8. Wetland Compensation Plan prepared by Niblett Environmental Associates Inc. January 2019. This report details wetland compensation measures as the proposed severance contains a wetland that cannot be wholly retained with development of the proposed use.
9. Environmental Impact Study prepared by Niblett Environmental Associates Inc. August 2018. This study examines the proposed development and potential associated environmental impacts associated. Recommendations to protect the natural heritage features on-site are prescribed in this report.
10. Traffic Impact Study prepared by Tranplan Associates. February 2020. This study evaluates traffic implications of this development on intersections and roadways in the immediate area and concludes that traffic and nearby intersections will continue to operate at the current level.

Staff has reviewed the Planning Justification Report submitted in support of the proposed Official Plan and Zoning By-law amendments. Responses from all commenting Agencies have not yet been received and Staff will complete their evaluation upon review of all submissions.

## **Provincial Policy Conformity**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony between development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Official Plan and Zoning By-law amendments pertaining to 1590 Elm Tree Road demonstrate conformity with the PPS in the following manner:

#### **1.7 Long-Term Economic Prosperity:**

The PPS prescribes mechanisms by which long-term economic prosperity should be supported and the amendments proposed in these applications are conducive to these objectives. The described amendments would permit expansion and relocation of an existing international trucking operation that serves the agri-food network both at a local and provincial level. Marquis Trucking currently operates in the City of Kawartha Lakes and is situated along a local road. Permitting the described amendments would allow Marquis Trucking to locate along a major transportation corridor outside of a settlement area thus improving their access to the larger agri-food network. Their relocation is coupled with an expansion which increases their service capacity.

#### **2.1 Natural Heritage:**

The northeast corner of the subject site contains part of the Lindsay Airport Wetland Complex which is designated as a significant wetland. The PPS places

great significance on natural heritage features and prescribes policies prohibiting development or site alteration for such features in Section 2.1. As part of the rezoning application, a rezoning of the area designated as significant wetland from Agricultural (A) Zone to Hazard Land (HL) Zone is proposed. This zoning designation is restrictive and permits only conservation. Application of the Hazard Land (HL) Zone in this manner aligns with Natural Heritage policies prescribed by the PPS.

Additionally, as required by Section 2.1.8, an evaluation of the ecological features of the lands adjacent to the significant wetland was conducted and submitted as the Environmental Impact Study in support of this application. This study, demonstrates that there will be no negative impacts on the significant wetland or ecological function of the surrounding area.

### 2.3 Agriculture:

Protection of Prime Agricultural areas is a fundamental directive in the PPS. Section 2.3 outlines measures that ensure development, where appropriate, is supplementary or complementary in nature to agricultural uses and does not harm Prime Agricultural lands. This includes lands identified or used for specialty crops. The proposed Official Plan amendment maintains the Prime Agricultural designation on both the severed and retained lots. Given the significance of Prime Agricultural lands, the appropriateness of the proposed severance and use as it relates to the Prime Agricultural designation has been scrutinized by Staff. Generally, Staff considers this use to be an agriculture-related use as it pertains to the PPS.

Section 2.3.4 provides for lot creation in Prime Agricultural areas. In this designation, lot creation is generally discouraged unless it can be demonstrated that the new lot will provide for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, or infrastructure where the facility or corridor cannot be accommodated through easements or a right-of-way. This application consists of a new lot creation through a severance of the subject lands. Staff consider this use to be an agriculture-related use as it aligns with the definition prescribed by the PPS: "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." This location would allow Marquis Trucking to increase capacity to serve farming operations in the area and benefits from being near to agricultural operations.

The retained lot will continue to function as is with a single detached dwelling, livestock building and detached accessory building. Keeping and pasturing of horses as a hobby will also continue. The PPS enforces that areas designated as Prime Agricultural remain as such to sustain agricultural uses. As the uses on the retained parcel are not proposed to change with these amendments, the Prime Agricultural designation is appropriate.

Section 2.3.6. guides the provision of non-agricultural uses in this designation and includes criteria for such uses including demonstrating that the land does not comprise a specialty crop area and alternative locations have been evaluated.

An Agricultural Impact Assessment (AIA) inclusive of an alternative location evaluation was completed in April 2017 by Landmark Associates Limited (now D.M. Wills Associates Ltd.) for the proposed development and was submitted as part of the Planning Justification Report in support of this application. The AIA included an on-site examination of the site to verify soil conditions as classes assigned by the Canada Land Inventory (CLI) are done so on a broad level without local analysis. The on-site examination concluded that while the CLI considers these soils Class 2, existing rough terrain makes tilling difficult and poor soil conditions would decrease possible crop yields. The subject site has never operated as a livestock operation nor has it been tilled. It is also a low lying area and was previously treed. Given these factors, the AIA concluded that the subject site is short of expected growing capabilities. The AIA also concluded that neither the subject site nor the surrounding area are specialty crop areas.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:**

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan). The applications submitted generally demonstrate alignment with directions prescribed by this plan.

#### **3.2.4 Moving Goods:**

This site is located along Highway 7; a provincial roadway. Inherently, this location offers valuable access to a major goods movement corridor. In support of these applications, a Traffic Impact Study was submitted that concluded traffic and intersections in the vicinity would function at the same levels as they do currently. No negative impacts are expected as result of this development proposal.

#### **4.2.3 Key Hydrologic Features, Key Hydrologic Areas and Key Natural Heritage Features and 4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features:**

With regard to the key hydrologic feature in the northeast corner of the subject site (Lindsay Airport Wetland Complex), this application and supporting documentation demonstrate compliance with applicable policies within Section 4.2.4. Through the Environmental Impact Study submitted in support of this application, the requisite 30 metre vegetation protection zone was recommended. To conform with the applicable PPS policies, the applicant is proposing to rezone the wetland area and vegetation zone to Hazard Land (HL) Zone to ensure conservation.

#### **4.2.6 Agricultural System:**

Section 4.2.6.4 indicates the significance placed on the relationship between agricultural lands and the functional and economical vitality of the agri-food network. Marquis Trucking operates as an agriculturally-focused transportation business which promotes the area's agri-food network. This operation serves agri-

food businesses both locally and throughout the province thus facilitating both existing and future economic connections within the agri-food network. The proposed use aligns with this policy.

### **City of Kawartha Lakes Official Plan, 2012:**

#### **Strategic Direction – Environment:**

The Official Plan contains various policies pertaining to the protection and conservation of Natural Heritage Features identified within the City of Kawartha Lakes. As identified on Schedule B of the Official Plan, the subject site contains a Locally Significant Wetland and Significant Wildlife Habitat in the northeast corner of the site. An Environmental Impact Study submitted in support of this application concludes that there will be no net loss of significant natural heritage features, provided that both a wetland compensation process and Endangered Species Act compensation process are administered at the site plan stage in consultation with the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry. The wetland compensation process will be negotiated to result in a net gain in wetland and related features and functions.

#### **Strategic Direction – Economic Development:**

Policies in this section inform decision making with regard to the economic element of land use planning for agriculture. The proposed application and development aligns with this section in that the proposed use will offer an increased capacity to a long-standing trucking business in the City. Inherently, this expansion will continue to support the agricultural industry as the use is a transportation terminal inherently contributing to the agri-food network on both a local and provincial level.

#### **Land Use Designations – Prime Agricultural Designation:**

A key goal of the Official Plan Prime Agricultural designation is to protect Class 1-3 lands as identified by the Canada Land Inventory. As described in the above section pertaining to the Agriculture in the PPS and Growth Plan, the subject lands contain Class 2 soils, however a local analysis of the site concluded that because of existing conditions and site history, crop production on this site would be deficient as compared to typical Class 2 soils. Section 15.3.15 notes that even soils with lower production are to be preserved to protect the agricultural economy from incompatible uses that may inhibit production. The AIA submitted in support of this application concluded that the use of this site for the proposed use will not inhibit typical farm practices or inconvenience farms of adjacent agricultural operations. Given the soil condition and that the proposed amendments are to facilitate an agriculture-related use, development on this site under the Prime Agricultural designation can be supported.

Section 15.3.3. of the Official Plan states new lots may be permitted where the severed and retained lots are intended for agricultural use and that the minimum lot size is to be 40 hectares. The Official Plan amendment proposes to permit severance of the subject lot that would result in both the severed and the retained lands being less than 40 hectares; approximately 4.1 hectares and 5.9 hectares,

respectively. Currently, the site is not being used for agricultural production given the aforementioned soil conditions. This, coupled with the limited farmable area as determined by current site uses, suggests that proposed severance creating two smaller lots is reasonable. The intended use of the severed lot is for agri-business uses to support the broader agricultural sector. Staff sees merit in the proposed Official Plan amendment to permit the aforementioned severance.

**Township of Ops Comprehensive Zoning By-law 93-30:**

The subject site is currently zoned Agricultural (A) Zone as per the Zoning By-law, which does not permit the proposed trucking terminal, truck and tractor repair/sales, bulk agricultural/seed storage uses or greenhouse uses. The intent of the Agricultural (A) Zone is to facilitate direct agriculture uses as well as select secondary uses agricultural in nature. Under this current zoning, the proposed use does not comply with the Zoning By-law. Additionally, the current zoning does not acknowledge the presence of the wetland in the northeast corner of the site. Proposed by the applicant is a rezoning of the site to 'AS' Exception Zone and Hazard Land (HL) Zone. A Holding Provision will also be applied to this site to ensure a site plan review process and will be removed upon site plan approval.

**From A Zone to AS-11 Zone:**

The current Agricultural (A) Zone does not permit the proposed uses of: trucking terminal; truck and tractor repair/sales; bulk agricultural/seed storage; or greenhouse. To accommodate these uses, the (AS) Exception zone is proposed. In order to align with the Prime Agricultural Official Plan designation, the zoning applied to the site must be agricultural in nature. Given that the proposed uses are generally similar to those currently permitted in the (AS) Zone and are inherently agriculturally supportive, this zone is an appropriate selection.

**From A Zone to HL Zone:**

A significant wetland is located in the northeast corner of the site. In order to conserve the wetland and implement the 30 metre natural vegetation protection zone outlined in the Growth Plan for the Greater Golden Horseshoe and prescribed by the Environmental Impact Study submitted in support of this application, application of the 'HL' Zone to this select area is supported. This proposed rezoning of 'A' Zone to 'HL' Zone aligns with the Zoning By-law as the 'HL' Zone permits only conservation uses.

A preliminary review of the proposed site plan indicates that the development appears to exceed the Zone Provisions prescribed by the 'AS' Zone pertaining to Lot Frontage, Setbacks, Building Height and Area, and Landscaped Open Space. The table below contains this analysis:



| <b>Zone Provision</b>                       | <b>By-law Requirement</b> | <b>Proposed</b> |
|---|---------------------------|-----------------|
| Lot Frontage (minimum)                      | 45 metres                 | 147 metres      |
| Front Yard Setback (south)                  | 15 metres                 | 129 metres      |
| Interior Side Yard Setback (west) (minimum) | 4.5 metres                | 48.6 metres     |
| Interior Side Yard Setback (east) (minimum) | 4.5 metres                | 36.4 metres     |
| Rear Yard Setback (north) (minimum)         | 15 metres                 | 117.0 metres    |
| Building Height (maximum)                   | 10.5 metres               | 9.1 meters      |
| Building Area (maximum)                     | 30%                       | 4.3%            |
| Landscaped Open Space (minimum)             | 20%                       | 49.5%           |

As per the Zoning By-law, a total of 57 parking spaces are required with 43 spaces for the trucking terminal and 14 spaces for the office component. The applicant is proposing a total of 42 spaces with four of those demarcated as accessible parking spaces. This results in a deficiency of 14 parking spaces. Further evaluation of this parking space deficiency is being undertaken by Staff.

From a land use planning perspective, and in relation to a key objective of this Official Plan, this application demonstrates compatibility with adjacent land uses. The Agricultural Zone is applied on three of the four sides of the subject site (north, south, and west) and, to the east is Highway Commercial Zone. The proposed is compatible with the surrounding zones.

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

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial or operational impacts pertaining to the proposed amendments. In the event of an appeal to the decision made by Council, costs would be incurred, some of which may be recovered from the applicant.

### **Relationship of Recommendation to the 2020-2023 Strategic Plan:**

The proposed amendments promote the Strategic Priority of a Healthy Environment. Through maintaining the Prime Agricultural Land Use Designation

and operating as an agri-business that is complementary to the area's agricultural network, Progress Indicator 5: "Protect and preserve natural areas and prime agricultural land" is achieved. Additionally, as part of natural heritage conservation, the application proposes a restrictive zone on a significant wetland located on the property. To compensate for removal of part of the site's wetland, through consultation with the City, the Kawartha Region Conservation Authority and the Ministry of Natural Resources and Forestry, function will be restored at a greater rate in an alternative location preventing a net loss in function.

The Strategic Priority of a Vibrant and Growing Economy is demonstrated in these applications as the proposed primary use is agriculturally supportive. Approval of the described amendments would facilitate expansion of a long-standing agricultural support operation from a local road to a major transportation corridor in the City of Kawartha Lakes.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

### **Review of Accessibility Implications of Any Development or Policy:**

Site and building accessibility will be reviewed through the site plan and Building Permit applications.

### **Servicing Comments:**

The property is currently serviced with municipal water, however, the municipal water supply does not have capacity for firefighting purposes. Once comments are received from other agencies, this matter will be addressed at the site plan stage.

Municipal sewage is not available at this site and the documents submitted in support of these amendments acknowledge that private sewage disposal is required. This will be addressed at the site plan stage.

Regarding stormwater, existing surface water runoff patterns will be maintained with the proposed development and discharge off site will be controlled to peak pre-development flows. Once comments are received from other agencies, this matter will be addressed at the site plan stage.

### **Consultations:**

Notice of this application was circulated to property owners within a 500 metre radius, the Ward Councillor and external agencies and City Departments which may have an interest in the application.

At the time of report writing, the following comments have been received:

**Public Comments:**

At the time of writing this report, one letter in support of the proposed amendments has been received.

**Agency Review Comments:**

Building Division (August 4, 2020): Given the size of the proposed building, an on-site firefighting system is required. The water main that services the site does not have capacity for fire suppression and an alternative solution must be provided.

Development Engineering Division (August 14, 2020): advised that they have no objection to the proposed Official Plan amendment or the proposed Zoning By-law amendment. A detailed Engineering review and comments will be provided at the time of site plan approval.

**Development Services – Planning Division Comments:**

This application generally conforms with the PPS, the Growth Plan, the Official Plan and the Zoning By-law. While the proposed severance creates a lot deficient of the minimum size for Prime Agricultural lands, the existing site conditions, low agricultural production potential, nature of the proposed uses, and other items identified in this report, provide a reasonable justification for the proposed Official Plan amendment and subsequent Zoning By-law amendment.

At this time, technical review comments have not been received from all City departments or external agencies.

**Conclusion:**

Staff recommends that the applications for the proposed Official Plan amendment and Zoning By-law amendment be referred back to staff for further review and consideration until comments from the public meeting have been reviewed, and comments from circulated agencies and City Departments 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](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** DO1-2020-004 and D06-2020-018