



Planning Advisory Committee Report

Report Number PLAN2021-002

Meeting Date: January 13, 2021

Public Meeting

Title: Official Plan Amendment and Rezoning Applications for Grass, 689 Cottingham Road, geographic township of Emily

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Emily Zoning By-law to permit a recreational trailer sales and storage use on the subject property

Ward Number: Emily – Ward 8

Author and Title: Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2021-002, respecting Part of Lot 19, Concession 3, geographic Township of Emily, Edward Grass – Applications D01-2020-009 and D06-2020-028, be received; and

That Report PLAN2021-002 respecting Applications D01-2020-009 and D06-2020-028 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 land identified as 689 Cottingham Road in the former Township of Emily (Emily) is owned by Edward Grass and designated Rural and Prime Agricultural under the City of Kawartha Lakes Official Plan (Official Plan) (Appendix A and B). The Official Plan also applies Natural Heritage Feature designations including deer wintering area, wetlands, woodlands, and provincially significant waterway. This property is zoned Environmental Protection and Agricultural under the Township of Emily Zoning By-law No. 1996-30.

Proposed by the owner is to amend the Official Plan and Zoning By-law to permit use of the site as a recreational trailer sales and storage facility.

Owner:	William Edward Grass
Applicant:	EcoVue Consulting Services Inc. (c/o Frances Wilbur)
Legal Description:	Part Lot 19, Concession 3, geographic Township of Emily
Official Plan:	Prime Agricultural and Rural – City of Kawartha Lakes Official Plan
Zone:	Agricultural (A1) Zone and Environmental Protection (EP) Zone on Schedule 'A' of the Township of Emily Zoning By-law No. 1996-30
Lot Area:	39.66 hectares
Site Servicing:	Private septic and water
Existing Uses:	Single detached dwelling, accessory building and agricultural uses
Adjacent Uses:	North: Highway 7; Agricultural East: Agricultural South: Cottingham Road; Agricultural West: Agricultural

Rationale:

Proposal:

The proposal consists of establishing a recreational trailer sales and storage use on the subject property within an existing detached accessory building. Trailer sales offices and display models would be located within the accessory building while storage of trailers would be outdoors as shown on Appendix C. Approximately 0.20 hectares of the 39.66-hectare site would be utilized for the proposal with the balance of the site continuing to be used for agriculture and residential.

In order to permit use of the site as outlined above, an Official Plan amendment is required as the portion of the site containing the proposed is designated Rural which does not permit the sales and storage of recreational trailers.

In conjunction with the Official Plan amendment application, a rezoning application has been submitted to implement the proposed amendment. The subject portion of the site is currently zoned Agricultural (A1) Zone, which does not permit the use as described. By way of a rezoning of A1 Zone to A1-X 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 September 17, 2020.
2. Planning Justification Report prepared by EcoVue Consulting Services Inc. September 2020. This report describes the subject lands, current and proposed uses, and frames the proposed amendments in the context of the Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2019), City of Kawartha Lakes Official Plan (2012), By-law 1996-30, Township of Emily Zoning By-law, and, the Ontario Ministry of Agriculture, Food and Rural Affairs' Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016). In summary, this Report aims to support the proposed amendments.
3. Sewage System Assessment prepared by EcoVue Consulting Services Inc. September 2020. This assessment reviewed the septic permit for the site issued in 2016 in consideration of the proposal and concluded that no upsizing of the septic tank or filter bed is necessary.
4. Traffic Study Report prepared by Tranplan Associates. August 2020. This report provides an analysis of the anticipated traffic impacts of the proposed use on Cottingham Road and the existing site entranceway. It concludes that no improvements or modifications to Cottingham Road or the site entranceway are required to support the proposal.
5. Concept Plan with Lot Grading Plan prepared by EcoVue Consulting Services Inc. September 2020. D.M. Wills Associates Limited April 2020.

Staff are reviewing 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 (PPS)

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 Planning Justification Report (Report) submitted in support of the

application aims to provide a justification for the amendments as they align with the PPS.

The Report indicates that since the subject site is outside of a Settlement Area, Rural Lands policies are applied. Permitted under this designation, as per section 1.1.5.2.d), are agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards. This Report states that the proposed operation can be considered an on-farm diversified use by virtue of the gains being yielded by the recreational trailer sales and storage facility are being used to supplement income and allow the property owner to continue farming. As per the PPS, on-farm diversified use is defined as, "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. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses." Based on the consultant's claim that the proposal is an on-farm diversified use, section 2.3 of the PPS pertaining to agriculture is also satisfied. Additional policies pertaining to sewage, water and stormwater, natural heritage and cultural heritage, have also been justified in the Report.

Based on the supporting materials and information collected thus far, Staff are not of the belief that this use can be considered as an on-farm diversified use given that adequate explanation has not been provided by the applicant as to how the sales and storage of recreational trailers can be considered as such. Additionally, section 2.3.3.1 states that on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The Report does not address this requirement. At the time of writing this report, Staff is awaiting comments from the agricultural sector as well as the Otonabee Region Conservation Authority with regard to natural heritage features located on site. Further evaluation of the PPS and comments from agencies is required before a final recommendation can be determined. A full review will be included in a future report following the public meeting process and evaluation of comments received.

Ontario Ministry of Agricultural, Food, and Rural Affairs: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (2016)

Provided in the Report is an explanation of how the proposed recreational trailer sales and storage use aligns with Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. There are key criteria informed by the PPS that an on-farm diversified use must meet to be considered as such. The use must be:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;

4. Included, but not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Be compatible with, and not hinder, surrounding agricultural operations.

The Report claims compatibility with first two above criteria but Staff requires further evaluation of the balance. Staff is waiting on comments from the agriculture sector to inform this position.

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). As with the PPS, the Report submitted in support of this application provides an assessment of conformity with the Growth Plan for the proposed amendments but relies primarily on the proposed use being considered as an on-farm diversified use. Similar to the agricultural policies prescribed by the PPS, the Growth Plan requires that on-farm diversified uses are compatible with the rural landscape and surrounding local land uses. The Report claims that the recreational trailer sales and storage does achieve this requirement. At the time of writing this report, Staff is waiting on comments from the agricultural sector and neighbouring property owners. Further evaluation of the proposed use as an on-farm diversified use is required before a Growth Plan conformity can be determined.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides the municipal framework for planning decisions within the City of Kawartha Lakes. The Report submitted in support of the application provides a summary of how the applications align with this document.

689 Cottingham Road is designated Prime Agricultural and Rural and also contains Natural Heritage Features including deer wintering area, wetlands, woodlands, and provincially significant waterway. The recreational trailer sales and storage use is proposed to be located within the Rural portion of the property. The Rural designation does not permit the use as described and an amendment for a policy exception to permit the use has been applied for. As the basis for the amendment, the Report states that the recreational trailer sales and storage use aligns with the goals and objectives for Rural lands prescribed by the Official Plan. Specifically, the Report selects 16.2.b) which is as follows: "To protect and strengthen the agricultural community while permitting uses that would support the agricultural community and would not conflict with them."

Staff feels that this is a weak justification for amendment as the primary focus of the Rural objectives is enhancing and protecting the agricultural land base within

the City for agricultural uses. The proposed use is not agricultural in nature. Further evaluation of the application and its conformity with the Official Plan will be included in a future report.

Township of Emily Zoning By-law 1996-30:

The subject site is currently zoned Agricultural (A1) Zone and Environmental Protection (EP) Zone as per the Zoning By-law with the portion of the site containing the proposed use zoned as the former. As described above, the A1 Zone does not permit the proposed uses. The intent of the A1 Zone is to facilitate agricultural and agriculturally related uses and does not include recreational vehicle sales and storage or commercial uses unrelated to agriculture. To permit the proposed uses, a rezoning to an exception zone has been applied for. Further evaluation of this and public comments is necessary before a determination can be made. A review will be included in a future report.

A preliminary review of the proposed site plan indicates that the development appears to meet the Zone Provisions prescribed by the 'A1' Zone including setbacks, parking, lot coverage and building height.

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:

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.

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.

Public Comments:

At the time of writing this report, three emails and one phone call were received expressing opposition to the application. Concerns are related to impact on the rural character of the area and an increase in traffic along Cottingham Road.

Agency Review Comments:

Building Division (December 15, 2020): No concerns with the applications.

Alderville First Nation (December 16, 2020): No concerns with the applications.

Development Engineering Division (December 17, 2020): No concerns with the applications.

Ministry of Transportation (January 4, 2021): No concerns with the applications. A permit from this agency will be required as part of the municipal building permit application.

Development Services – Planning Division Comments:

Based on the Planning Justification Report and the information received at the time of writing, Staff do not feel the applications sufficiently conform to the Provincial Policy Statement, 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, and the City of Kawartha Lakes Official Plan, 2012. This is primarily because the applications rely heavily on the proposed recreational trailer sales and storage use being considered as an on-farm diversified use. Further evaluation of the application and agency comments are required before a recommendation can be finalized on this matter.

At this time, technical review comments have not been received from all City departments or external agencies. Comments from the Otonabee Region Conservation Authority, Ontario Farmers Association and the Agriculture Economic Development Officer are waiting to be received.

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;
- comments from circulated agencies and City Departments have been addressed; and

- An Agricultural Impact Brief prepared by a qualified agrologist has been submitted and reviewed and accepted by the City that identifies whether any productive or potentially productive agricultural land will be removed and review potential impacts on surrounding farming operations resulting from the proposal.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Concept Site Plan

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Department Head: Chris Marshall, Director of Development Services

Department File: DO1-2020-009 and D06-2020-028