



Planning Advisory Committee Report

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| Report Number: | PLAN2021-065 |
| Meeting Date: | December 1, 2021 |
| Title: | Amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30 at 1407 Elm Tree Road - Buckley |
| Description: | To amend the 'Prime Agricultural' designation with a site specific policy to permit an on-farm diversified use secondary to a main agricultural use and to amend the Agricultural (A) Zone to an Agricultural Exception (A-**) Zone to also permit a yoga studio and office space for health practitioners with site specific development standards |
| Type of Report: | Public Meeting |
| Author and Title: | Mark LaHay, Planner II, MCIP, RPP |

Recommendations:

That Report PLAN2021-065, respecting Part of Lot 19, Concession 1, Geographic Township of Ops, identified as 1407 Elm Tree Road, Keith and Donna Buckley – Applications D01-2021-004 and D06-2021-026, be received; and

That the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The purpose of the proposed Official Plan and Zoning By-law Amendments is to amend the 'Prime Agricultural' designation with a site specific policy to permit a proposed on-farm diversified use related to health and recreation and to amend the Agricultural (A) Zone to an Agricultural Exception (A-**) Zone to permit a yoga studio and office space for health practitioners as a secondary use to a main agricultural use on a portion of the subject land. The proposed rezoning would also include site-specific development standards such as a reduction in parking and loading requirements and to recognize the proposed use within an existing outbuilding.

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| Owners: | Keith and Donna Buckley |
| Applicant: | D.M. Wills Associates Limited (c/o Emily Drake) |
| Legal Description: | Part of Lot 19, Concession 1, geographic Township of Ops |
| Designation: | Prime Agricultural and Environmental Protection on Schedule 'A-3' of the City of Kawartha Lakes Official Plan |
| Zone: | Agricultural (A) Zone in the Township of Ops Zoning By-law 93-30, as amended |
| Lot Area: | 80.34 hectares (198.53 acres – MPAC) |
| Site Area: | 0.89 hectares (approx. 2.2 acres of land subject of applications) |
| Site Servicing: | Private individual well and septic system |
| Existing Uses: | Rural/Agricultural |
| Adjacent Uses: | North: Woodland/Agricultural/Rural Residential East: Agricultural/Rural Residential South: Agricultural/Rural Residential West: Woodland/Agricultural |

Rationale:

The owner has applied to permit the establishment of a use consisting of office space for health practitioners and a yoga studio (health hub) as an on-farm diversified use that would be a secondary use that will serve to diversify and enhance the income potential of the main agricultural use. This proposed use is within an existing farm storage building and would be subject to site-specific development standards. The subject land is located west of Lindsay and northeast of the hamlet of Little Britain. The subject property, which extends from Elm Tree Road to Opmar Road, is located within a

predominately agricultural area consisting of a mix of cash crop and livestock operations, and contains a single detached dwelling with attached garage and two largely vacant dry farm sheds used for personal and farm equipment storage. No livestock facilities are present on the subject property. The majority of the subject property (approx. 60 ha.) is used as a cash crop operation currently being conducted by the property owner, for the production of rotational grains consisting of corn, soybeans and wheat, while the remaining property (approx. 20 ha.) consists of mostly woodland and wetland areas. The health hub is proposed within an existing farm building, which is adjacent to another existing farm storage building to the southwest of the dwelling on the opposite side of an existing driveway, which also serves the dwelling. The majority of the proposed parking area will occupy the farm yard space that is not being cultivated to the immediate south and west of the existing farm storage buildings. All of the buildings on the subject land are generally clustered together (see Appendix 'C').

Official Plan Amendment and Zoning By-law Amendment applications have been submitted to amend the designation with site-specific policy to permit the proposed on-farm diversified use as a secondary use to the farm operation and to amend the zone category with an exception on a portion of the property. The applications are required in order to permit an approximately 360 square metre existing farm storage building to be renovated to permit the proposed health hub use, together with the surrounding parking area and driveway. A reduction in the number of required parking spaces and loading spaces for the business is being requested, as well as recognizing the proposed use within an existing outbuilding. The area of the subject land affected by these applications represents an area of approximately 0.89 hectares.

The cash cropping operation is planned to transition to the current resident and proponent, Atheana Brown, being immediate family, as well as the proposed business proprietor, who as a registered dietician will utilize office space for nutrition consulting and treatment. Additional office space may be made available for other practitioners, including counselling and massage therapy in the future. It is anticipated that the health practitioners will meet a maximum of five clients per day, 3-4 days per week, while the yoga studio is anticipated to operate a maximum of seven classes per week with a maximum of 10 students and one instructor will attend each class.

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

1. Planning Justification Report dated July 2021 prepared by D.M. Wills Associates Limited, outlines the nature of the proposed official plan and zoning by-law amendments in the context of the Provincial Policy Statement, 2020 (PPS), A Place

to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Ops Zoning By-law 93-30.

2. Agricultural Impact Assessment with Minimum Distance Separation Calculations dated July 2021 prepared by D.M. Wills Associates Limited to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that no negative impacts are anticipated as a result of traffic and safety risks, or nuisance and compatibility issues and that the proposed development will comply with MDS requirements.
3. Functional Servicing Brief dated July 2021 prepared by D.M. Wills Associates Limited to determine the feasibility of the proposed development with respect to servicing, grading, and stormwater management of the subject property. The Functional Servicing Brief concluded there are no servicing or grading constraints identified that would preclude the proposed development of the subject land.
4. Preliminary Stormwater Management Report dated June 2021 prepared by D.M. Wills Associates Limited to evaluate drainage characteristics and assess any potential impacts to neighbouring properties. The report highlights that the overall peak flow rates will not increase as a result of the proposed development. The report also mentions stormwater quality controls to be implemented including a low-impact design (LID) vegetated infiltration strip.
5. Traffic Brief dated June 25, 2021 prepared by D.M. Wills Associates Limited examined existing and future traffic conditions anticipated as a result of the proposed development and concluded that the additional trips generated by the proposed use will have a minimal impact on the normal traffic operation of Elm Tree Road (CR 18) and will not require any auxiliary lanes. The traffic brief also concluded that sight distances in both directions meet visibility requirements.
6. Concept Plan dated June 18, 2021 prepared by D.M. Wills Associates Limited illustrates the size and location of the proposed use within an existing building to be renovated and surrounding buildings, servicing, parking and access.
7. Official Plan and Zoning By-law Amendment Sketches dated June 18, 2021 prepared by D.M. Wills Associates Limited illustrating the extent of the subject land affected by the proposed amendments.
8. Preliminary Building Plans dated August 2021 prepared by D.M. Wills Associates Limited illustrating proportion of proposed building to be renovated for yoga studio, office space, sitting area, washrooms, kitchen, storage and utility area use.
9. Topographic Survey dated March 31, 2021 prepared by IBW Land Surveyors.

Staff has reviewed the Planning Justification Report and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

**Applicable Provincial Policies:
Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. As the Provincial mapping does not apply until implemented in the Official Plan, the prime agricultural areas that are identified in the City's Official Plan are considered the agricultural land base for the purposes of the Growth Plan, which lands are protected for long term use for agriculture.

This application as an on-farm diversified use is being further evaluated to demonstrate conformity with the Growth Plan 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 this regard, some mitigation measures suggested in the submitted Agricultural Impact Assessment include providing fencing and/or vegetative buffers around the proposed parking and access areas.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with Policy 2.3, while protecting agriculture for long-term use.

Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with and that shall not hinder surrounding agricultural operations and comply with the minimum distance separation formulae.

The PPS defines an 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".

In relation to Section 2.3.3.1, the following criteria from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publication 851: Guidelines on permitted uses in Ontario's Prime Agricultural Areas must be met to qualify as an on-farm diversified use in accordance with the PPS.

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Many aspects of the proposed application appear to meet the above criteria; however, further evaluation and agricultural development comments are required with respect to demonstrating consistency with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the property also contain key natural heritage features, such as unevaluated wetland and significant woodlands. The proposed on-farm diversified use is within the Prime Agricultural designation and not within 120 metres of any natural heritage features. Portions of the subject property are within an area regulated by Kawartha Conservation, but not including where the proposed use is to be located. Kawartha Conservation previously provided comments through the preconsultation process indicating no concern.

The Prime Agricultural designation permits agricultural and agricultural-related uses, single detached dwellings accessory to other permitted uses, garden suites, and secondary uses including kennels. Agri-business uses may be permitted provided there are no reasonable alternative locations. An Official Plan Amendment is required to permit the proposed on-farm diversified use as a secondary use to the main agricultural use.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits secondary uses within the Prime Agricultural designation.

Conformity with the Official Plan will be established through the further review of the application.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A) Zone in the Township of Ops Zoning By-Law 93-30, as amended. The Agricultural Zone permits a range of agricultural and agricultural related uses, farm produce and equipment storage buildings, a bed and breakfast, a home industry, a home occupation and other uses. In order to permit the proposed use, the applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the Agricultural (A) Zone to permit a health hub consisting of a yoga studio and office space for health practitioners. Other amendments are also being considered to facilitate the use and limit the size of the facility and recognize the proposed use within an existing outbuilding, as well as reducing the overall parking and loading space requirements. Additional review is required to determine if any other site-specific zoning provisions are required to be recognized.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval or scoped site plan agreement. It is anticipated that site-specific zone provisions shall be developed to address these items, which may require a holding provision.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The agricultural land contains a private drilled well, which services the existing single detached dwelling and is also intended to service the proposed health hub use on the subject land. A new private sewage disposal system is proposed to support the proposed new use. The proposed new sewage disposal system will need to adhere to the requirements of the Ontario Building Code.

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:

There were no comments at the time of writing this report.

Agency Review Comments:

On November 4, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Official Plan Amendment and Zoning By-law Amendment for the proposed use.

On November 9, 2021, the Part 8 Sewage Systems Supervisor advised that the proposed total daily sewage flow would be approximately 2000 L/day for the new use. A sewage system area has been identified on the site plan, completed by D.M. Wills and Associates, dated June 18, 2021. The area has not been scaled to determine allowable space. However, it appears to be considerably smaller than current Ontario Building Code standards for a raised private sewage disposal system to service the calculated sewage flows. It is highly recommended that a test hole be provided on the property for review to ensure that the area required for the sewage system is properly documented for the zoning amendment. Once a test hole is available for review, the owner/applicant should contact the Part 8 Sewage Systems Supervisor for further follow up. Alternately, the area for the sewage system can be represented as a worst-case scenario for the purposes of review for the Zoning By-law Amendment and Official Plan Amendment.

On November 16, 2021, the Chief Building Official advised that at this time, the comments are the same as provided through preconsultation. In this regard, a permit is required for the renovation, a professional engineer is required to review the existing agricultural building to assess suitability for conversion to a commercial facility and a qualified designer is required for the renovation design.

Development Services – Planning Division Comments:

The Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas specify that on-farm diversified uses are to be located on a farm, minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation.

The background information, which has been submitted in support of the application, has been 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.

Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

As a result of continuing evaluation, Staff respectfully recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and 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'
PLAN2021-065.pdf



Appendix 'B'
PLAN2021-065.pdf



Appendix 'C'
PLAN2021-065.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

Appendix 'C' – Proposed Concept Plan

(Acting) Department Head email: rholy@kawarthalakes.ca

(Acting) Department Head: Richard Holy

Department Files: D01-2021-004 and D06-2021-026