



Planning Advisory Committee Report

Report Number: PLAN2022-018

Meeting Date: March 9, 2022

Title: Amend the City of Kawartha Lakes Official Plan and Township of Ops Zoning By-law 93-30 at 1082 Lilac Road - Martin

Description: To amend the 'Prime Agricultural' designation with a site specific policy and to amend the Agricultural Exception Twenty (A-20) Zone to facilitate the establishment of an institutional use that will permit a meeting house on a portion of the subject land to serve as a place of worship and gathering with site specific development standards

Type of Report: Regular Meeting

Author and Title: Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2022-018, respecting Part of Lots 18 to 20, Concession 11, geographic Township of Ops, identified as 1082 Lilac Road, Landis Martin, Alice Martin, Willard Martin and Doreen Martin – Applications D01-2021-005 and D06-2021-030, be received;

That a By-law to implement Official Plan Amendment application D01-2021-005, substantially in the form attached as Appendix 'C' to Report PLAN2022-018 be approved and adopted by Council;

That a By-law to implement Zoning By-law Amendment application D06-2021-030, substantially in the form attached as Appendix 'D' to Report PLAN2022-018 be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on January 12, 2022, which adopted the following recommendation:

PAC2022-003

Moved By Councillor Seymour-Fagan

Seconded By W. Brumwell

That Report PLAN2022-004, **respecting Part of Lots 18 to 20, Concession 11, Geographic Township of Ops, identified as 1082 Lilac Road, Landis Martin, Alice Martin, Willard Martin and Doreen Martin – Applications D01-2021-005 and D06-2021-030**, 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.

Carried

At the Council Meeting of January 25, 2022, Council adopted the following resolution:

CR2022-006

Moved By Councillor Veale

Seconded By Deputy Mayor Richardson

That the Minutes of the January 12, 2022 Planning Advisory Committee Meeting be received and the recommendations, included in Section 10.3 of the Agenda, be adopted.

Carried

This report addresses that direction.

Proposal: To amend the Prime Agricultural designation with a site specific policy to permit a meeting house and to amend the Agricultural Exception Twenty (A-20) Zone to an Agricultural Exception (A-**) Zone on the southeast portion of the subject land to permit a meeting house for a place of worship and gathering for the Mennonite community. The proposed rezoning would also include site specific development standards related to parking and a reduction of loading requirements.

Owners:	Landis Martin, Alice Martin, Willard Martin and Doreen Martin
Applicant:	D.M. Wills Associates Limited (c/o Emma Drake)
Legal Description:	Part of Lots 18 to 20, Concession 11, geographic Township of Ops
Designation:	Prime Agricultural and Environmental Protection on Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zone:	Agricultural Exception Twenty (A-20) Zone in the Township of Ops Zoning By-law 93-30, as amended
Lot Area:	80.95 hectares (200.03 acres – MPAC)
Site Area:	0.67 hectares (approx. 1.66 acres of land subject of applications)
Site Servicing:	On-site water brought in as needed and a private privy with vault is proposed for meeting house use accessed from Heights Road
Existing Uses:	Agricultural/Wetlands and Woodlands
Adjacent Uses:	North: Pigeon Lake Road/Agricultural/Rural Residential East: Heights Road/Agricultural/Rural Residential South: Agricultural/Rural Residential West: Lilac Road/Agricultural/Woodlands

Rationale:

The owner has applied to facilitate the establishment of an institutional use that will permit a meeting house on the southeast portion of the subject land with access proposed from Heights Road to serve as a place of worship and gathering to support the needs of the Mennonite community, subject to site specific development standards. The subject property is located east of Lindsay and west of the Hamlet of Downeyville, on the south side of Pigeon Lake Road, and extends from Lilac Road to Heights Road and is located within a predominately agricultural area, with mixed use operations, consisting of crops and livestock. The subject property has an area of approximately 80.9 hectares (200 acres) and is an active farming operation, where dairy cattle and broiler hens are raised and where standard rotational grains are grown, including corn, soybeans and wheat, as well as hay crops. The existing building envelope occupies an area of approximately 1.6 hectares (4 acres) and contains a dwelling, a drive shed, dairy barn, chicken barn and an implement shed, all of which are accessed from Lilac Road. The remainder of the subject property is used for pasture and crop production except for approximately 24.3 ha (60 acres) of existing wetland and woodlands. The meeting house is proposed at the southeast corner of the property, with access from Heights Road. The proposed area of the subject property to be developed consists of

the meeting house and parking and driveway areas, which will occupy part of the crop fields south of an existing woodland and wetland feature.

Official Plan Amendment and Zoning By-law Amendment applications have been submitted to amend the designation with site-specific policy to permit the proposed meeting house use 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 290 square metre building for the meeting house use, together with the surrounding parking area and driveway. An amendment to the type of required parking spaces and elimination of loading spaces for the proposed use is being requested. The area of the subject land affected by these applications represents an area of approximately 0.67 hectares (1.66 acres).

It is anticipated that the meeting house would be used for worship and community gatherings, which generally would occur once a week. Additional use (i.e. ordinations) may occur for special events on an infrequent basis.

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 August 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 (AIA) with Minimum Distance Separation (MDS) Calculations dated August 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 limited 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. The AIA also recommended measures to mitigate and minimize any potential impacts, including fencing and/or vegetative buffers to reduce agricultural encroachment and additional horse-drawn vehicle signage on Heights Road.
3. Scoped Environmental Impact Study (EIS) dated July 2019 prepared by Oakridge Environmental Ltd. to determine the impact of the proposed development in relation to adjacent significant woodland and an unevaluated wetland. The EIS provides a brief overview and characterization of the site conditions, including providing specific recommendations for minimizing potential impacts to natural features.

4. Hydrogeological and Servicing Assessment dated June 2019 prepared by Oakridge Environmental Ltd. indicates the portion of the subject land to be developed is not proposed to have on-site water servicing; however, should private servicing be needed in the future, sufficient groundwater resources would be available. An outdoor privy is also proposed and a privy vault is recommended. In addition, should private sewage servicing be required in the future, ample area is available and a raised leaching bed is recommended.
5. Traffic Brief dated August 5, 2021 prepared by D.M. Wills Associates Limited examined estimated trips generated as a result of the proposed development and concluded that the number of horse-drawn vehicles at peak hours would be low and it is unlikely to cause any significant impact on the adjacent road network. The traffic brief also concluded that sight distances in both directions meet visibility requirements.
6. Concept Plan dated August 2021 prepared by D.M. Wills Associates Limited illustrates the size and location of the building for the proposed use, including outdoor privy, along with illustrating parking area and access from Heights Road.
7. Lot Grading and Drainage Plan plot dated July 28, 2021 and signed August 13, 2021 prepared by D.M. Wills Associates Limited illustrating existing and proposed grades/elevations.
8. Species at Risk (SAR) Assessment dated July 23, 2021 prepared by D.M. Wills Associates Limited to identify any SAR or SAR habitat on and/or around the subject land. The Assessment concluded that no Eastern Meadowlark or Bobolink were observed; however, there is moderate habitat availability in the area. It is anticipated that the proposed development will not result in adverse impact as long as relevant timeframes are followed, including ensuring that vegetation removal occurs outside of bird breeding time frame and temporary fencing be installed within a specific time frame to prevent turtles nesting in the work area.
9. Topographic Survey dated February 21, 2019 prepared by JBF Land Surveyors.

All of the above submitted reports and plans have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Justification Report that was prepared and filed in support of the applications and has evaluated the application in the context of applicable policies and zone provisions and generally accepts the planning rationale given.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 4.2.4 provides policy with respect to new development or site alteration within 120 metres of a key natural heritage feature or hydrologic feature along with a requirement for a natural heritage evaluation that identifies a vegetation protection zone and any additional restrictions to protect the feature and ecological function.

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.

These applications have 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 this regard, mitigation measures suggested in the submitted Agricultural Impact Assessment include providing fencing and/or vegetative buffers around the proposed parking and access areas. In addition, the proposed development provides a greater than 30 metre setback buffer to the wetland boundary as required in the Growth Plan.

In consideration of the above, the applications appear to demonstrate conformity with the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Section 2.1 of the PPS provides for natural heritage protection of natural features and areas for the long term and Section 2.1.7 does not permit development or site alteration in habitat of endangered and threatened species except in accordance with provincial and federal requirements.

Section 2.3.1 of the PPS protects agriculture for long-term use. Section 2.3.3.1 specifies that permitted uses in prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses. Section 2.3.3.3 specifies that new land uses in prime agricultural areas shall comply with the minimum distance separation formulae.

Policy 2.3.6.1 of the PPS specifies that permitted non-agricultural uses in prime agricultural areas are limited to limited non-residential uses, provided all of the following are demonstrated:

1. The land does not comprise a specialty crop area;
2. The proposed use complies with the minimum distance separation formulae;
3. There is an identified need within the planning horizon provided for in PPS Policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
 - i. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Under Policy 2.3.6.2 of the PPS, impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

The applicant has confirmed that the land subject of these amendments are not comprised of a specialty crop area. The applicant has also submitted an Agricultural Impact Assessment with MDS calculations, which evaluates the proposed development in the context of the above criteria and concludes that a nominal amount of agricultural land will be lost for existing and future farming operations. This will not hinder the ability to feasibly continue agricultural production on the subject property, while maintaining investment in tile drainage infrastructure. In addition, the proposed development meets all required MDS setbacks and fencing and/or vegetation buffering is proposed to minimize any potential impacts. The need for the proposed limited scale development is justified by impending capacity limits of an existing meeting house located some distance away as well as the future growth of the Mennonite community. The evaluation of alternative locations considers OMAFRA Guidelines. This includes the service area for non-agricultural uses in a community that relies on horse-drawn vehicles for transportation is smaller than for uses that cater to customers using motor vehicles; the community resides in a geographic area where all lands are designated prime agricultural with a lack of other available lands; and distances to urbanized and other non-prime agricultural areas presents travel safety risks.

With respect to the above, the proposed applications appear to meet the above criteria to demonstrate 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 significant woodlands. The proposed use is within the Prime

Agricultural designation and within a 120 metre buffer of natural heritage features. Portions of the subject property are within an area regulated by Kawartha Conservation, including where the proposed use is to be located. Kawartha Conservation advised that permits are required for any onsite works within their regulated area and the proposed building is within the 120 metre buffer of unevaluated wetlands.

Section 3.5 of the Official Plan provides policies with respect to the Natural Heritage System in relation to the location of Threatened and Endangered species habitat and requirements for assessment and appropriate mitigation. A Species at Risk (SAR) Assessment was submitted and has been reviewed by the Kawartha Region Conservation Authority, noting no concerns. Further confirmation from the Ministry of Environment Conservation and Parks (MECP) can be provided prior to development.

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. An Official Plan Amendment is required to permit an institutional use, being the proposed meeting house to be used for a place of worship and gathering for the Mennonite community.

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 15.3.10 requires that all farm and non-farm development will comply with the minimum distance separation formulae established by the Province. Section 15.3.12 requires that amendments to the Official Plan be evaluated to confirm there is a demonstrated need for the proposed use and that it cannot be reasonably located on lands outside the Prime Agricultural designation or on lands with a lower agricultural capability within the Prime Agricultural designation.

In consideration of the above, and the evaluation provided in the report, the proposed applications would conform to the Official Plan, as amended.

Zoning By-law Compliance:

The subject land is zoned Agricultural Exception Twenty (A-20) Zone in the Township of Ops Zoning By-Law 93-30, as amended. The Agricultural Exception 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,

including a second dwelling unit, attached to the existing detached dwelling as an accessory dwelling unit.

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 Exception Twenty (A-20) Zone to permit a meeting house for a place of worship and gathering for the Mennonite community. Other amendments are also being considered to facilitate the use, which include amending the parking and loading space requirements to recognize the nature of the use and horse drawn transportation requirements. In addition, in order to limit scale and mitigate impacts to prime agricultural land, a limit on the size of the proposed meeting house is being considered. Site-specific zone provisions will be developed to address these items.

Furthermore, the pre-consultation comments specified that site plan approval is required for this development, which will 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 the Exceptional Quality of Life priorities as it provides opportunities and support for the Mennonite farming community and agricultural lifestyle.

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 portion of the subject land to be developed is not proposed to have on-site water servicing; however, the Hydrogeological Report concludes that should private servicing be needed in the future, sufficient groundwater resources would be available. An outdoor privy is also proposed and a privy vault is recommended. Should private sewage servicing be required in the future, the Hydrogeological Report concludes that ample area is available and a raised leaching bed is recommended. The Building and Septic Division has no concerns as it relates to private on-site sewage disposal.

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. A statutory Public Meeting was held on January 12, 2022. To date, we have received the following comments:

Public Comments:

Staff has received two comments received by telephone with questions regarding the location map for the subject land and with respect to the access and function of the proposed meeting house.

Agency Review Comments:

On December 14, 2021, Engineering and Corporate Assets advised that entrance design must be compliant with City of Kawartha Lakes By-Law 2017-151, Access to Municipal Right of Ways. Otherwise, they have no objection or comments to the proposed Official Plan Amendment and Zoning By-law Amendment for the proposed use.

On December 14, 2021, the Agriculture Economic Development Officer advised of no concerns related to the applications.

On December 20, 2021, the Building and Septic Division Part 8 Sewage Systems Supervisor advised that there are no concerns with the proposed Official Plan and Zoning By-law amendments as it relates to private on-site sewage disposal.

On January 25, 2022, the HKPR District Health Unit advised of no objection.

On January 25, 2022, the Building and Septic Division Chief Building Official advised of no concerns with the proposed amendments.

On January 26, 2022, Canada Post advised of no comments to date asked to be kept up to date as the project progresses.

On January 28, 2022, Kawartha Conservation provided written comments dated January 27, 2022 advising of no concern with the approval of applications based on their consideration of natural heritage, natural hazards, and watershed management.

On February 21, 2022, Emergency Services (Fire) advised of no comments as this is a Part 9 OBC building.

On February 24, 2022, Kawartha Conservation further advised that upon review of the Species at Risk (SAR) Assessment, there were no concerns for SAR with regards to the applications, and no SAR were observed during the survey.

Development Services – Planning Division Comments:

Planning Staff have reviewed the policies of the Growth Plan, PPS, the City's Official Plan and the direction provided by the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas to evaluate the applications. The PPS specifies criteria that permitted non-agricultural uses in prime agricultural areas are limited to limited non-residential uses; the land does not comprise a specialty crop area; the proposed use complies with the minimum distance separation formulae; there is an identified need; and there are no reasonable alternative locations which avoid prime agricultural and lower priority agricultural lands. In addition, the PPS specifies that impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

The applications for Official Plan Amendment and Zoning By-law Amendment would conform to the Growth Plan and be consistent with the Provincial Policy Statement as well as generally conform with the applicable policies of the Official Plan, as amended. The appropriate background documentation submitted in support of the applications has been circulated to the appropriate agencies and City Departments for review and comment, with comments that were received noting no concerns.

The proposed Official Plan and Zoning By-law amendments with applicable zoning provisions will appropriately facilitate the use of the subject land to permit an institutional use, being a proposed meeting house to be used for a place of worship and gathering for the Mennonite community.

The development will be subject to a site plan approval process to ensure that building placement, parking areas, and entrance location meet City standards. Once completed, the Holding symbol will be removed.

Conclusion:

In consideration of the comments and evaluation contained in this report, Staff respectfully recommends the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred to Council for Approval.

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'
PLAN2022-018.pdf



Appendix 'B'
PLAN2022-018.pdf



Appendix 'C'
PLAN2022-018.pdf



Appendix 'D'
PLAN2022-018.pdf

Appendix 'A' – Location Map

Appendix 'B' – Concept Site Plan

Appendix 'C' – Draft Official Plan Amendment

Appendix 'D' – Draft Zoning By-law Amendment

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department Files: D01-2021-005 and D06-2021-030