



## Planning Advisory Committee Report

---

**Report Number:** PLAN2022-043

**Meeting Date:** July 6, 2022

**Title:** Amend the City of Kawartha Lakes Official Plan and Township of Manvers Zoning By-law 87-06 at 682 Mount Horeb Road - Mir-Afghan

**Description:** To amend the 'Prime Agricultural' designation with a site specific policy to permit a small automotive facility as an on-farm diversified use secondary to an agricultural use and to amend the Rural General (A1) Zone to a Rural General Exception (A1-\*\*) Zone to also permit an automobile recycling and repair and used car sales business on a portion of the subject land

**Type of Report:** Public Meeting

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

---

### Recommendations:

**That** Report PLAN2022-043, Part of Lot 19, Concession 14, Geographic Township of Manvers, identified as 682 Mount Horeb Road, Zinulabudinn Mir-Afghan – Applications D01-2022-002 and D06-2022-008, 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.

**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 small automotive facility as an on-farm diversified use secondary to an agricultural use and to amend the Rural General (A1) Zone to a Rural General Exception (A1-\*\*) Zone to also permit an automobile recycling and repair and used car sales business on a portion of the subject land on an otherwise underutilized area surrounding the existing barn.

Owners:	Zinulabudinn Mir-Afghan
Applicant:	EcoVue Consulting Services Inc. (c/o Jessica Rae Reid)
Legal Description:	Part of Lot 19, Concession 14, geographic Township of Manvers
Designation:	Prime Agricultural and Environmental Protection on Schedule 'A-1' with Provincially Significant Wetlands and Significant Woodlands Natural Heritage Features on Schedule 'B-1" of the City of Kawartha Lakes Official Plan
Zone:	Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-law 87-06, as amended
Lot Area:	40.38 hectares (99.78 acres – MPAC)
Site Area:	0.19 hectares (approx. 0.47 acres of land) lot area specifically proposed for on-farm diversified use
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural/Agricultural
Adjacent Uses:	North: Mount Horeb Road/Agricultural/Woodland East: Rural Residential/Agricultural South: Agricultural/Woodland/Wetland West: Agricultural

## Rationale:

The owner has applied to permit the establishment of a use consisting of a small scale auto recycling centre/repair shop and used car dealership (automotive facility) on the northwest portion of the property as an on-farm diversified use on an existing agricultural lot that would be a secondary use to diversify and enhance the income potential of the main agricultural use. This proposed use will include the extension of an existing on-site driveway for customer access and would utilize an existing farm building

for automotive repair and involve the creation of an outdoor vehicle storage area. The subject land is located midway between the Hamlet of Janetville to the southwest and the Village of Omemee to the northeast on the south side of Mount Horeb Road. The subject property is located within a predominately agricultural area consisting of a mix of natural lands, pasture/hay lands and lands suitable for crop production, and contains a single detached dwelling with detached garage and an existing barn to be utilized for the proposed use and a shed. The majority of the subject property (approx. 24 ha.) is in agricultural use and leased to a farmer for the production of cash crops, while the southerly portion of the property (approx. 12 ha.) consists of mostly woodland and wetland areas associated with a Provincially Significant Wetland surrounding the Pigeon River. The landscaped area surrounding the dwelling and accessory outbuildings is approximately 2 ha. in size. The proposed use is proposed within an existing farm building (barn), which is located to the west of the dwelling on the opposite side of an existing driveway, a portion of which also serves the dwelling. The proposed outdoor vehicle storage area to the north of the existing barn adjacent to Mount Horeb Road will occupy an area that is not actively farmed. 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 335 square metre existing barn to be renovated to permit the proposed use, together with the surrounding vehicle storage area and driveway. The portion of the subject land proposed for the initial phase of the on-farm diversified use is approximately 0.19 hectares or approximately 0.46 percent.

The landowner intends to sell repaired vehicles and to recycle all other vehicles as part of the primary business. Vehicle maintenance, such as oil and tire changes and small-scale repairs will be provided. Up to 8 shipping containers will also be placed on the site on an as needed basis for the storage of auto parts that have been cleaned in the existing building. An outdoor storage area of approximately 1,045 sq. m. will be utilized for vehicle storage for the used car lot, which will be surrounded by a visual barrier (to be determined through detailed design) to mitigate visual impacts on neighbouring properties. It is anticipated that the proposed automotive facility will have one full time mechanic and two support staff as required during busy times.

Should the business expand in the future beyond the initial phase outlined above, additional area would be required for vehicle storage and sales for a second phase of up to 2 percent (or approximately 0.8 ha.) of the lot area in accordance with the

Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas. Additional applications and technical studies would need to be submitted in order to confirm there will be no impacts to surrounding agricultural operations, and to ensure appropriate stormwater and spill management controls are in place prior to the placement of storage containers or to any expansion beyond the development in the first phase.

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. Applications for Official Plan Amendment and Zoning By-law Amendment.
2. Planning Justification Report dated November 25, 2020 prepared by EcoVue Consulting Services Inc., 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 Manvers Zoning By-law 87-06.
3. Agricultural Impact Assessment with Minimum Distance Separation Calculations dated June 23, 2021 prepared by Clark Consulting Services to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that the removal of a small area of farmland would not impact agriculture or the local farming community. No negative impacts are anticipated as a result of traffic and safety risks and the proposed development will comply with MDS requirements.
4. Siltation and Erosion Control Plan dated February 2020 prepared by Tatham Engineering illustrates temporary location of material stockpiles, mud mats and straw bale check dams and protective silt fencing as well as proposed topsoil and seeded areas.
5. Site Grading Plan dated February 2020 prepared by Tatham Engineering illustrates proposed swales, and stormwater quality control structures as well as proposed topsoil and seeded areas.
6. Spill Control Plan dated March 6, 2020 prepared by Dobri Engineering Ltd., examines existing site conditions and existing and proposed stormwater drainage conditions and illustrates the location of the proposed outdoor vehicle storage area. The proposed use will be designed to limit and control potential impacts and quality control measure will be in place to capture any spills in stormwater before it is discharged.
7. Traffic Letter dated August 2020 prepared by Tranplan Associates Inc. examined existing and future traffic conditions anticipated as a result of the proposed development and concluded that the additional 9 two-way trips generated by the proposed use during both the morning and afternoon peak hours will have a

minimal impact on the normal traffic operation of Mount Horeb Road (CKL Road 31) and driveway, which has the capacity to accommodate the anticipated traffic. The traffic brief also concluded that there are adequate sight distances in both directions to meet visibility requirements.

8. Concept Site Plan dated November 25, 2020 prepared by EcoVue Consulting Services Inc. illustrates the size and location of the proposed use within an existing building to be renovated and surrounding buildings, servicing, parking and access.

Staff has reviewed the Planning Justification Report and other supporting documentation and is further evaluating the application in the context of applicable zone provisions and policies. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all required 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. Mitigation measures that have been proposed include providing visual barriers (to be determined at detailed design) between the area proposed for the automotive facility on-farm diversified use and neighbouring uses to avoid visual impacts and spill and stormwater controls to ensure there are no environmental or drainage impacts to neighbouring uses.

### **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 2.1.8 provides policy with respect to demonstrating there will be no negative impact on natural features or their ecological functions from proposed development and site alteration on adjacent lands to natural heritage features.

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.

Although there are aspects of the proposed application that appear to meet the above criteria, 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 the south portion, which is associated with a Provincially Significant Wetland (PSW) and Woodland features, 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 Provincially Significant 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 that all activities related to the automotive shop and dealership remain within the specific area of the application and that proper practices are in place to reduce the spill of pollutants and contaminants. Kawartha Conservation requested to be circulated on all Planning Act applications on the subject lands.

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 Rural General (A1) Zone and Open Space (O1) Zone in the Township of Manvers Zoning By-Law 87-06, as amended. The O1 Zone contains Provincially Significant Wetland and Woodland features and is outside of the area associated with this application. The A1 Zone permits agricultural uses, a riding school and/or boarding stable, a home occupation, and a single detached dwelling among 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 A1 Zone to also permit an automobile recycling and repair and used car sales business. Additional review is required to determine if any other site-specific zoning provisions are required to be recognized and to determine parameters related to phasing, if appropriate.

The pre-consultation comments specified that site plan approval is required for this development. It is anticipated that site-specific zone provisions would need to be developed to address these items, 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 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 subject agricultural land contains a private drilled well and a private sewage disposal system, which services the existing single detached dwelling and is also intended to service the proposed use on the subject land.

### **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 June 10, 2022, Alderville First Nation advised that one of the issues they would be concerned about is ground contamination with old oil, gas and grease that may leach into the environment and questioned whether there is a decommissioning plan for the closure of such an operation.

On June 14, 2022, Engineering and Corporate Assets advised that they have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment for the proposed use. Detailed Engineering review and comments will be provided at the time of Site Plan Approval and to adhere to the City of Kawartha Lakes Infrastructure Guidelines found on the City's website.

On June 15, 2022, the Building and Septic Division Plans Examiner advised of no concerns from a building perspective and referenced separate comments may be provided from the Part 8 Sewage Systems Supervisor.

On June 16, 2022, Enbridge Gas Inc. advised that it does not object to the proposed application however, they reserve the right to amend their development conditions.

### **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' – Location Map



Appendix 'A'  
PLAN2022-043.pdf

### Appendix 'B' – Aerial Map



Appendix 'B'  
PLAN2022-043.pdf

### Appendix 'C' – Proposed Concept Plan



Appendix 'C'  
PLAN2022-043.pdf

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department Files:** D01-2022-002 and D06-2022-008