



**Regular Council Meeting**

<b>To:</b>	Mayor and Council
<b>Date:</b>	March 7, 2021
<b>From:</b>	Karen Ellis, Director of Planning
<b>Report Number:</b>	Planning 2022-14
<b>Subject:</b>	Cavan Agri Services Zoning By-law Amendment

**Recommendations:**

1. That Council receive all comments related to Zoning By-law Amendment Application ZBA-02-22; and
2. That a By-law to amend Zoning By-law No. 2018-58, as amended, be presented to Council for consideration at a future meeting.

**Overview:**

On behalf of Cavan Agri Services Inc., Ron Davidson of Ron Davidson Land Use Planning Consultant Inc. applied to the Township of Cavan Monaghan for a zoning by-law amendment. The Application applies to lands located in part of Lot 13, Concession 8 of the Cavan Ward identified by property roll number 1509-010-030-189-00. A Key Map showing the location of the subject lands is provided as Attachment No. 1 to this Report.

The Township received the Zoning By-law Amendment application on January 24, 2022 and deemed it complete on January 28, 2022. The Application submission included a completed Application Form, a Planning Justification Report, a Scoped Natural Heritage Evaluation and a Traffic Brief.

The Amendment is required to fulfill a condition of consent (Peterborough County Land Division File B-54-21 Decision dated September 13, 2021). A portion of the subject lands is also subject to a Township Site Plan Approval Application (SPA-03-20). Attachment No. 2 to this Report includes a copy of the draft site plan.

**Zoning By-law Amendment**

The Part 1 lands on the Key Map are the lands that are being added to the current Cavan Agri Services property at 1377 County Road 10. The lot line adjustment will permit the expansion of the Cavan Agri Services business with the development of two (2) new buildings. The Part 1 lands are approximately 1.88 hectares (4.64 acres) in size with no frontage on a public road.

The Part 2 lands on the Key Map are the retained parcel of Consent Application B-54-21. The lands are currently used for agriculture. The Part 2 lands are approximately 19.95 hectares (49.28 acres) in size with approximately 204.32 metres (670.34 feet) of frontage on County Road 10. No new buildings or structures are proposed for the Part 2 lands at this time.

### **Purpose and Effect of Zoning By-law Amendment Application**

The subject lands (i.e. Parts 1 and 2) are currently zoned Rural Employment (M2), Agriculture (A), Natural Core (NC) and Natural Linkage (NL) on Map D-3 to By-law No. 2018-58, as amended.

Part 1 (the severed parcel) is proposed to be zoned the Rural Employment Exception Three (M2-3) Zone. The permitted uses in the M2-3 Zone will include a fertilizer blending plant; a warehouse; a sales outlet including the sale of farm chemicals and herbicides, storage tanks and equipment for handling liquid nitrogen and fertilizers, gasoline and diesel fuel tanks to service the vehicles and equipment of the operator; and accessory buildings and uses. The M2 Zone standards will apply to Part 1.

A portion of Part 2 (the retained lands) is proposed to be zoned the Rural Employment Exception 8 (M2-8) Zone. All of the uses permitted in the M2 Zone will continue to be permitted in the M2-8 Zone. Agriculture and agriculture-related uses will be also be permitted. The M2 Zone standards will apply to the M2-8 Zone.

A portion of the Part 2 lands is proposed to be zoned the Natural Core (NC) Zone and the Natural Linkage (NL) Zone. These Zone categories are a refinement of the existing NC and NL Zones on the property. The proposed zoning implements the Constraint Mapping (Figure 7) of the Scoped Natural Heritage Evaluation prepared in support of the Application. Figure 7 is provided as Attachment No. 3 to this Report. A complete copy of the Scoped Natural Heritage Evaluation is posted on the Township website at (<https://www.cavanmonaghan.net/en/build-and-invest/resources/Scoped-Natural-Heritage-Assessment---Cavan-Agri-Services---December-2021-ZBA-02-22.pdf> ).

A complete copy of the draft Zoning By-law Amendment is provided as Attachment No. 4 to this Report.

### **Response to Notice**

Notice of the Zoning By-law Amendment application was circulated, by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands affected by the Zoning By-law Amendment application and to all required ministries and agencies. Notice was provided by email to all Township Department Directors. A sign was posted on the County Road 10 frontage of the subject property and the Notice of Public Meeting was posted on the Township website. The Notice complies with the requirements of the Planning Act.

To date, Township Staff have not received any written or verbal comments about the proposed Amendment from members of the public.

Township Staff have no objections to the Application. The Fire Chief has noted that the proposal will permit storage and repair buildings. He indicated that further information regarding the type and quality of the product being stored on site is required to provide full comments. He also noted that the Cavan Monaghan Fire Department provides awareness level hazmat services as outlined in the Fire Department's Establishing and Regulating By-law.

The comments provided by Peterborough County Public Works Staff pertain primarily to the associated Site Plan Approval Application. They do, however, want confirmation that the Township's parking requirements have been addressed and confirmation that Ministry of Transportation Staff are included in the circulation.

The standard parking and loading space requirements of the Township's Zoning By-law No. 2018-58, as amended, will apply to the subject lands. The draft Site Plan on file with the Township indicates that the standard parking and loading space requirements can be satisfied on site. The Site Plan Approval Application comments will be considered and addressed with the processing of that Application.

Ministry of Transportation Staff have been circulated the Notice of Public Meeting for the Application and are involved in the review of the Site Plan Approval Application.

### **Township of Cavan Monaghan Official Plan:**

The subject lands are currently designated Rural Employment, Natural Core and Natural Linkage Area in the Township of Cavan Monaghan Official Plan.

Permitted uses in the Rural Employment designation (S. 5.4) include agriculturally related industrial uses, processing and storage of agricultural commodities, light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, warehousing, wholesale distribution centres, transportation terminals, accessory professional or business offices and research facilities. Commercial uses intended to service the Rural Employment Areas may be also be permitted under certain conditions.

The proposed uses for the Part 1 lands are permitted in the Rural Employment designation.

The Part 2 lands are currently used for agricultural purposes. While agricultural uses are not generally permitted in the Rural Employment designation, Council may consider passing a Zoning By-law Amendment to allow for an extension of a non-conforming use under certain conditions (S. 8.6.4). This policy is the basis for the addition of agricultural and agricultural-related uses to the list of permitted uses in the M2-8 Zone.

Natural Core Areas include lands with the highest concentration of sensitive and/or significant natural features and functions. The designation also applies to lands that form a natural 30 metre vegetative protective buffer zone for significant natural features.

The Natural Linkage Areas applies to lands forming a 120 metre vegetative protective buffer zone for key natural heritage features lands in the natural heritage system. This designation forms part of a central corridor system that supports or has the potential to

support movement of plants and animals and provide linkages to natural heritage features. Key natural heritage features include:

- significant habitat of endangered species, threatened species and special concern species;
- fish habitat and fish spawning areas;
- wetlands;
- life science areas of natural and scientific interest (ANSI);
- significant valleylands;
- earth science areas of natural and scientific interest (ANSI);
- significant woodlands;
- significant wildlife habitat;
- sand barrens, savannahs and tall grass prairies and alvars;
- permanent and intermittent streams;
- lakes;
- seepage areas and springs and wetlands; and
- a 30 metre vegetative buffer around these features.

Section 6.7.4 (a) of the Official Plan states that development or site alteration may be permitted within 120 metres of a Key Natural Heritage Feature or Hydrologically Sensitive Feature, subject to the provisions of the Implementing Zoning By-law and shall be subject to Site Plan Control.

Section 6.7.4 (a) further states that when considering development proposals within this area Council will ensure that:

- i) The development will be set back from the boundaries of a Key Natural Heritage Feature (KNHF) as far as possible;
- ii) No other reasonable opportunities to site the development on the lot are available; and,
- iii) The development will not have an adverse impact on the ecological integrity of the Natural Heritage System.

Oakridge Environmental prepared a Scoped Natural Heritage Evaluation for the subject lands. The Evaluation noted the location of a wetland, a watercourse and significant species on the property and the associated vegetative protection zones. The recommendations of the Evaluation were used to determine the Zone boundaries for the Natural Core (NC) and Natural Linkage (NL) Zones.

With the implementation of the Natural Core (NC) and Natural Linkage (NL) Zones, the Application will conform to the Township Official Plan.

### **Peterborough County Official Plan:**

The subject lands are described as Rural Areas in the County of Peterborough Official Plan. Rural areas are generally the focus of resource activity, resource based recreational activity and other rural land uses. The County Official Plan recognizes the need for growth on a limited basis and permits non-agricultural related uses in the rural community outside agricultural areas designated in local plans. If the uses cannot be

located within settlement areas, they must reflect the cultural and rural character of the area, promote a variety of living and employment opportunities for the rural community and must not negatively affect the natural environment (S. 4.3.3.1).

The County Official Plan also promotes and directs the location of industrial and commercial uses to the four serviced settlement areas in the County or to commercial and industrial areas established and designated in local official plans (S. 4.6.3.2). The County recognizes the contributions of the commercial and industrial sectors to the County economy and encourages the protection of existing industrial areas and the provision of new, high quality development through local Official Plans and their use of Employment Area designations and zoning (S. 4.6.3.2).

The subject lands are located within an established industrial area and designated as a Rural Employment Area in the Township Official Plan. The consent and associated zoning by-law and site plan approval applications permit the growth and expansion of an existing employment use in the Township of Cavan Monaghan. The expanded development reflects the local character of the area and may provide additional employment opportunities for local residents. The proposed Natural Core (NC) and Natural Linkage (NL) Zone boundaries reflect the findings of the Scoped Natural Heritage Evaluation for the natural heritage features on site.

Peterborough County has recommended approval of consent application B-54-21, subject to meeting the necessary conditions including the requirement for the rezoning of the severed and retained lots.

The Application conforms to the County Official Plan.

### **Provincial Policy Statement (PPS) (2020):**

The subject lands are part of the rural lands. In accordance with S. 1.1.5.2 of the PPS 2020, permitted uses include rural land uses. Recreation, tourism and other economic opportunities should be promoted (s. 1.1.5.3). Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted (S.1.1.5.4). Opportunities should be retained to locate new or expanding land uses that required separation from other uses (S.1.1.5.6).

Cavan Agri Services is an existing rural employment land use that services the agricultural sector of the economy. The business currently exists and is need of room to expand. The business is compatible with the rural landscape and is located adjacent to a related agriculturally based employment land use (Master Feeds).

Existing rural service levels adequately service the use. Given the nature of the business, the Township Fire Chief has noted that the Cavan Monaghan Fire Department provides awareness level hazmat services only as outlined in the Fire Department's Establishing and Regulating By-law.

Policy 2.1.1 of the PPS requires that natural features be protected for the long term. Development and site alteration is not permitted in significant wetlands or significant woodlands (2.1.4 (a) and 2.1.5 (b)). Development and site alteration on adjacent lands to these features is not permitted unless the ecological function of the adjacent lands has

been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8). Similarly, development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored (2.2.2).

The natural features and the associated adjacent lands are proposed to be zoned the Natural Core (NC) and Natural Linkage (NL) Zones in accordance with the findings of the Scoped Natural Heritage Evaluation. Development activity in the NC and NL is restricted. Development, excepting agricultural and agricultural-related uses, within the area zoned M2-8, will be subject to the site plan approval process.

The Application is consistent with the above noted components of the PPS.

### **A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020):**

Existing employment areas on rural lands that were designated for employment uses in an official plan that was approved and in effect as of June 16, 2006 may continue to be permitted (S.2.2.9 #5). Expansion to these existing employment areas may be permitted only if necessary to support the immediate needs of existing businesses and if compatible with the surrounding uses. The Cavan Agri Services property was designated General Industrial in the Cavan Township Official Plan (1985). The continued operation and expansion of the business is permitted.

Development and site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features except under certain circumstances.

No development is planned to occur within or on the adjacent lands to the key natural heritage features on site. In accordance with the Scoped Natural Heritage Evaluation, the key natural heritage features and the adjacent lands are proposed to be zoned the Natural Core (NC) and Natural Linkage (NL) Zone. The future development of the M2-8 Zone will be subject to the Township's site plan approval process.

With the implementation of the findings of the Scoped Natural Heritage Evaluation, the Application conforms to the Growth Plan.

### **Financial Impact:**

None at this time.

### **Attachments:**

- |                   |   |
|-------------------|---|
| Attachment No. 1: | Key Map – Subject Lands   |
| Attachment No. 2: | Draft Site Plan   |
| Attachment No. 3: | Figure 7, Oakridge Environmental Ltd. Scoped Natural Heritage Evaluation, December 2021 |
| Attachment No. 4: | By-law No. 2022-xx  |

Respectfully Submitted by,

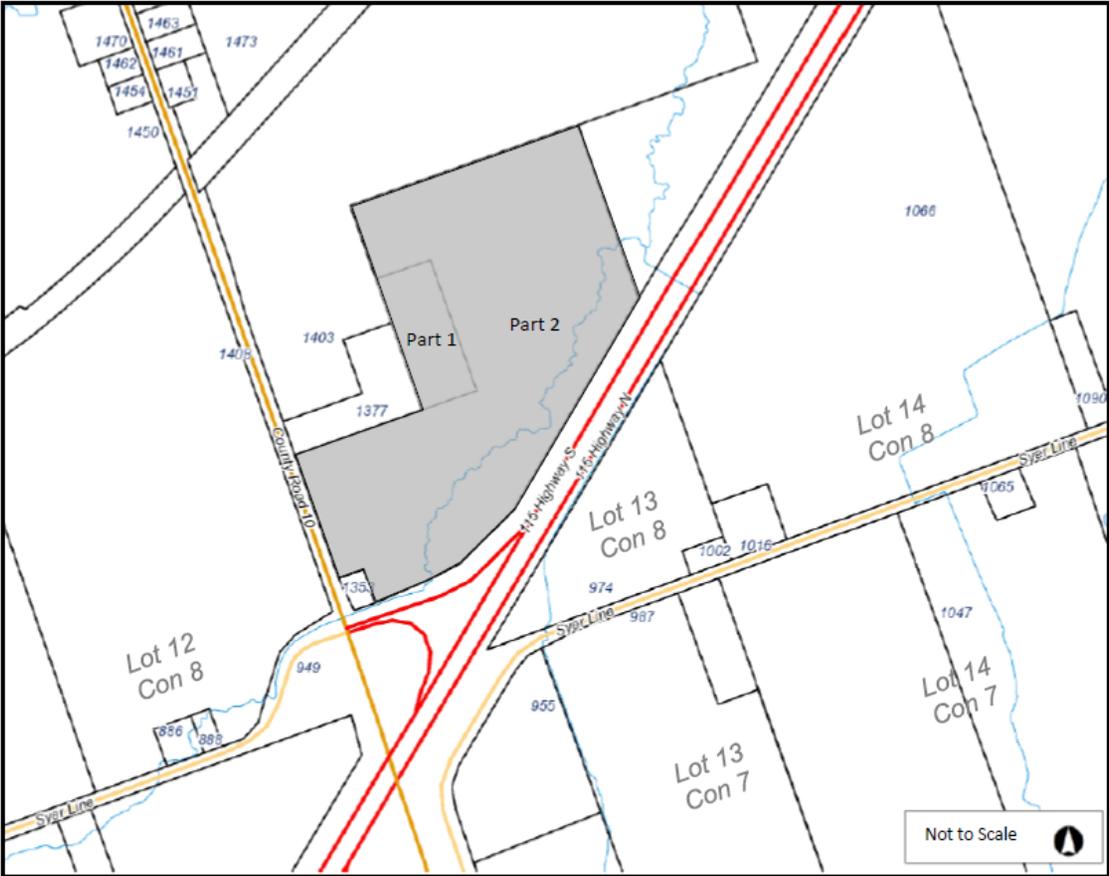
Reviewed by,

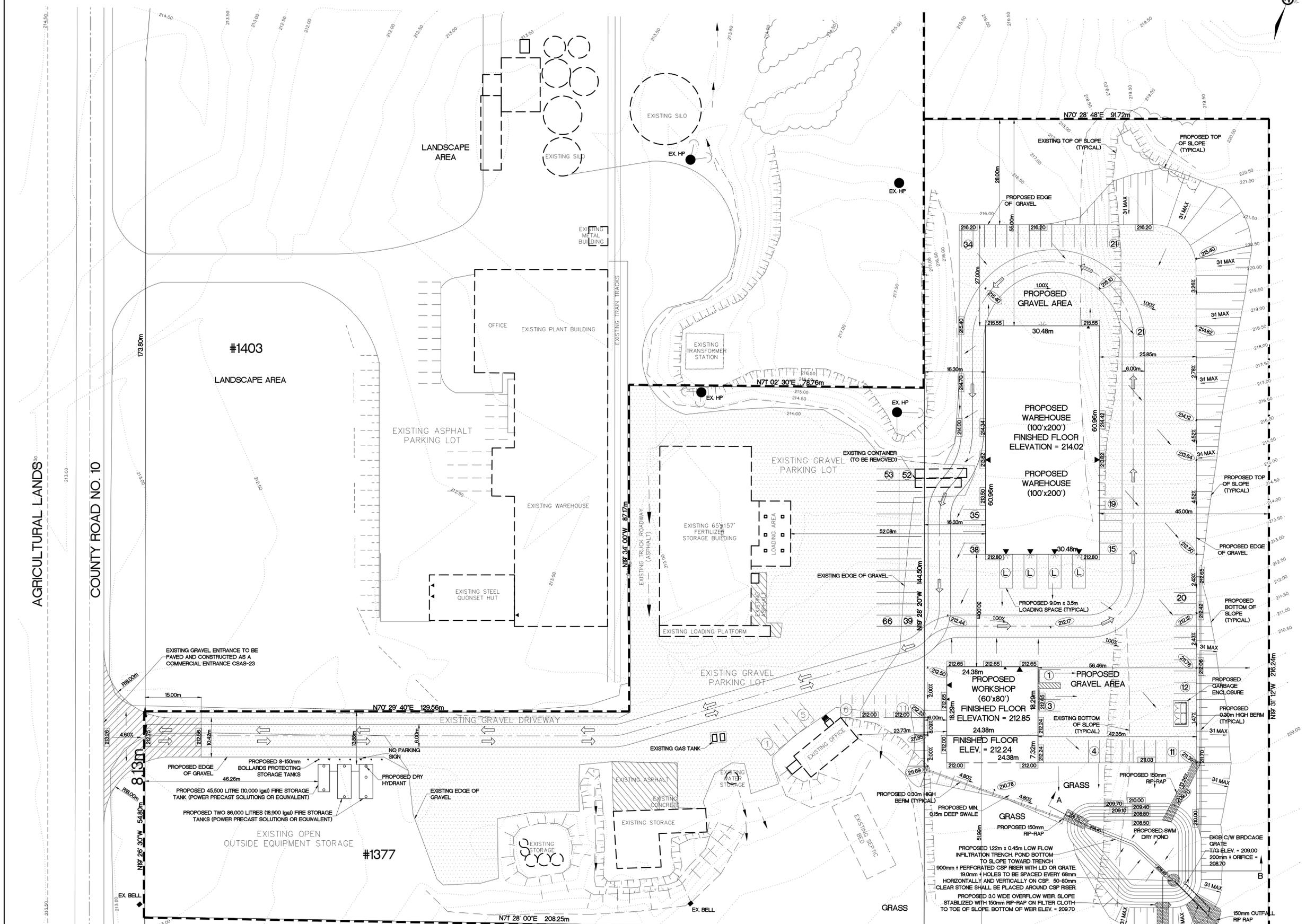
Karen Ellis, B.A.A.  
Director of Planning

Yvette Hurley,  
Chief Administrative Officer

Attachment No. 1: Key Map – Subject Lands

Key Map





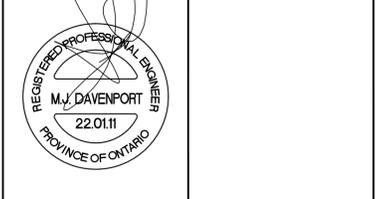
NO.	REVISIONS	DATE	BY	APPD.
1	WORKSHOP BUILDING ADDITION	11/01/22	JC	MJD

**BENCHMARKS**  
**BM 1 (U.T.M.) ELEV. 212.084**  
 Township: CAVAN - C.P.R.Y. BRIDGE OVER MILLBROOK-OMEMEE ROAD, 2.4 KM SOUTH-WEST OF STATION AND 55.7 KM FROM HAVELOCK. BOLT IN SOUTH-WEST CONCRETE ABUTMENT, SOUTH-EAST END OF NORTH-EAST FACE, 43 CM ABOVE BRIDGE SEAT.  
 STATION: 001918U208G

**TBM 1 ELEV. 216.63**  
 TOP OF SIB AT NORTHWEST CORNER OF THE SUBJECT PROPERTY.

**LEGEND**

	PROPERTY LIMIT
	PHASE LIMIT
	NEW SANITARY SEWER
	NEW STORM SEWER
	NEW WATERMAIN
	PROPOSED DRAINAGE
	PROPOSED LOT CORNER ELEVATION
	PROPOSED SWALE ELEVATION
	EXISTING DRAINAGE
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATERMAIN
	EXISTING LOT CORNER ELEVATION
	EXISTING ELEVATION TO REMAIN THE SAME
	EXISTING TREES
	SITE CIRCULATION DIRECTIONAL ARROWS
	80W LED DARK SKY COMPLIANT WALL PACK WITH PHOTO-CELL



**M.J. DAVENPORT & ASSOCIATES LIMITED**  
 P.O. BOX 2452 STN MAIN, PETERBOROUGH, ONTARIO K9J 7Y8  
 TEL: (705) 745-6676 FAX: (705) 745-7326

**CAVAN AGRI SERVICES**  
 1377 COUNTY ROAD NO. 10  
 LOT 13 CONCESSION VIII  
 TOWNSHIP OF CAVAN-MONAGHAN  
 COUNTY OF PETERBOROUGH

**SITE PLAN**

**AREA SUMMARY**

DESCRIPTION	AREA (m <sup>2</sup> )	COVERAGE (%)	BY-LAW (m)
EXISTING BUILDING	1832.82	5.30	N/A
EXISTING ASPHALT	274.23	0.79	N/A
EXISTING GRAVEL	7,026.39	20.33	N/A
PROPOSED BUILDING	2,303.99	6.67	N/A
PROPOSED ASPHALT	0.00	0.00	N/A
PROPOSED GRAVEL	7,267.54	21.03	N/A
LANDSCAPE AREA	15,849.34	45.87	N/A
<b>TOTAL</b>	<b>34,554.31</b>	<b>100.00</b>	

**LOT SETBACK SUMMARY (CAVAN-MONAGHAN BY-LAW)**

DESCRIPTION	PROVIDED (m)	BY-LAW (m)
NORTH SIDE (SIDE YARD)	55.00	6.00
EAST SIDE (REAR YARD)	40.00	6.00
SOUTH SIDE (SIDE YARD)	15.04	6.00
WEST SIDE (FRONT YARD)	125.13	6.00

**GRAVEL PARKING SPECIFICATIONS**

DESCRIPTION	DEPTH (mm)
GRANULAR 'A' GRAVEL - 20mm CRUSHER RUN LIMESTONE	150
GRANULAR 'B' GRAVEL - 50mm CRUSHER RUN LIMESTONE	300

**EXISTING PARKING SUMMARY**

DESCRIPTION	PROVIDED (m)
PARKING SPACE (3.00m x 6.00m)	11

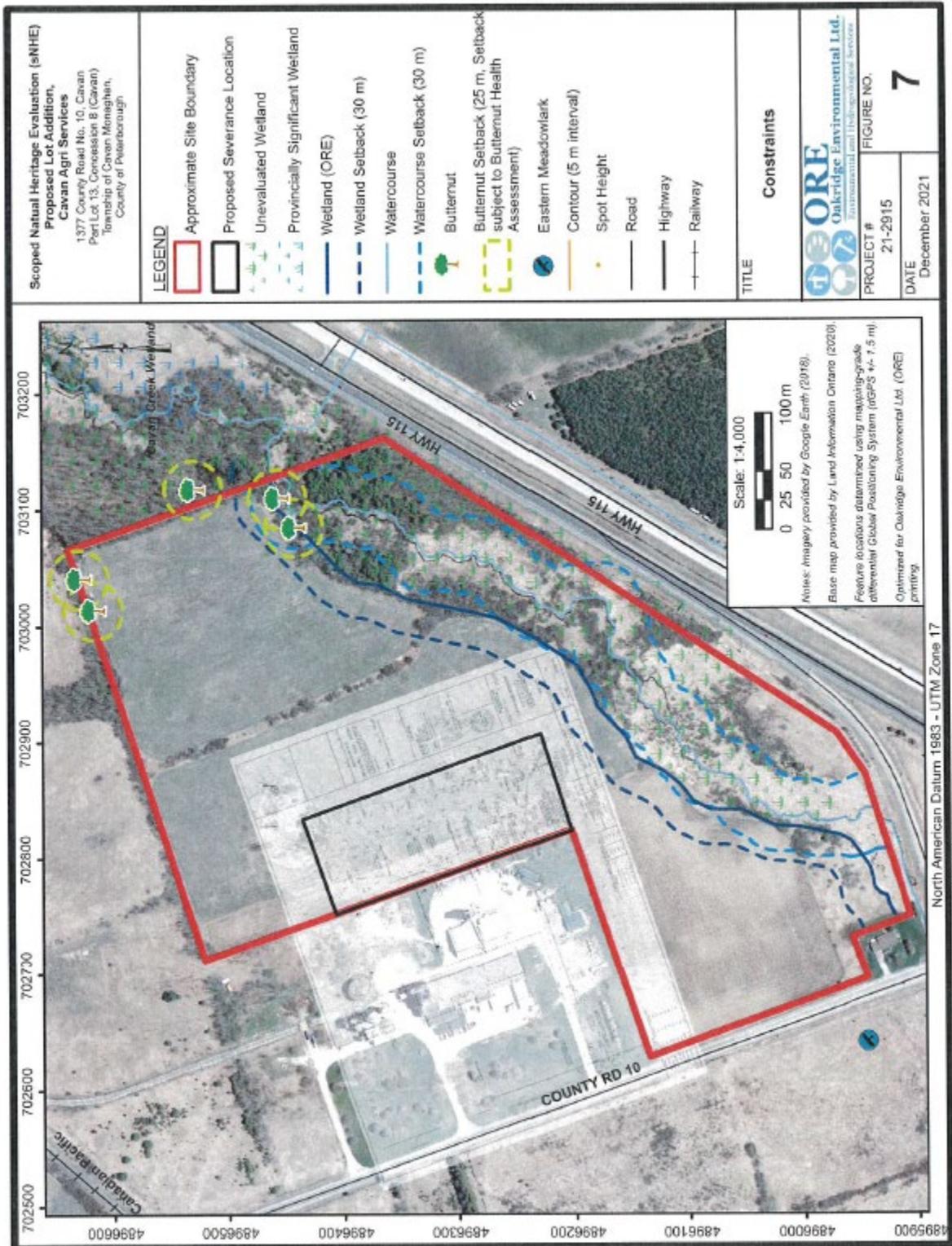
**PROPOSED PARKING SUMMARY**

DESCRIPTION	PROVIDED (m)	BY-LAW (m)
PARKING SPACE (MIN. 3.00m x 6.00m)	77	20
ACCESSIBLE PARKING SPACE (3.60m x 6.00m)	1	1
LOADING SPACE (9.00m x 3.50m)	4	1

DESIGNED BY: M.J. DAVENPORT  
 DRAWN BY: J. ZHOU  
 DATE: JANUARY, 2020  
 PROJECT NO.: 19-D-5722

SCALE: 1:500  
 DRWG. NO.: 5722-02

**Attachment No. 3: Figure 7, Oakridge Environmental Ltd. Scoped Natural Heritage Evaluation, December 2021**



**Attachment No. 4: Draft By-law**

**The Township of Cavan Monaghan**

**By-law No. 2022-XX**

**Being a by-law to amend By-law No. 2018-58, as amended, otherwise known as “The Township of Cavan Monaghan Zoning By-law”.**

**Whereas** the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended.

**And Whereas** the Council of the Township of Cavan Monaghan required the rezoning of the subject lands as a condition of Peterborough County Consent Application B-54-21.

**And Whereas** the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map D-3 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by zoning certain lands in part of Lot 13, Concession 8 of the Cavan Ward, identified by property roll number 1509-010-030-189-00, to the Rural Employment Exception Three (M2-3) Zone, the Rural Employment Exception Eight (M2-8) Zone, the Natural Linkage (NL) Zone and the Natural Core (NC) Zone as shown on Schedule “1” attached hereto and forming part of this By-law.
2. Section 6.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 6.4.9 that shall read as follows:  
“6.4.9           **(M2-8)       Map D-3 on Schedule A       (2022-XX Cavan Agri Services)**  
                    a) Additional permitted uses: agricultural uses, agriculture-related uses.
3. All other relevant provisions of By-law No. 2018-58, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

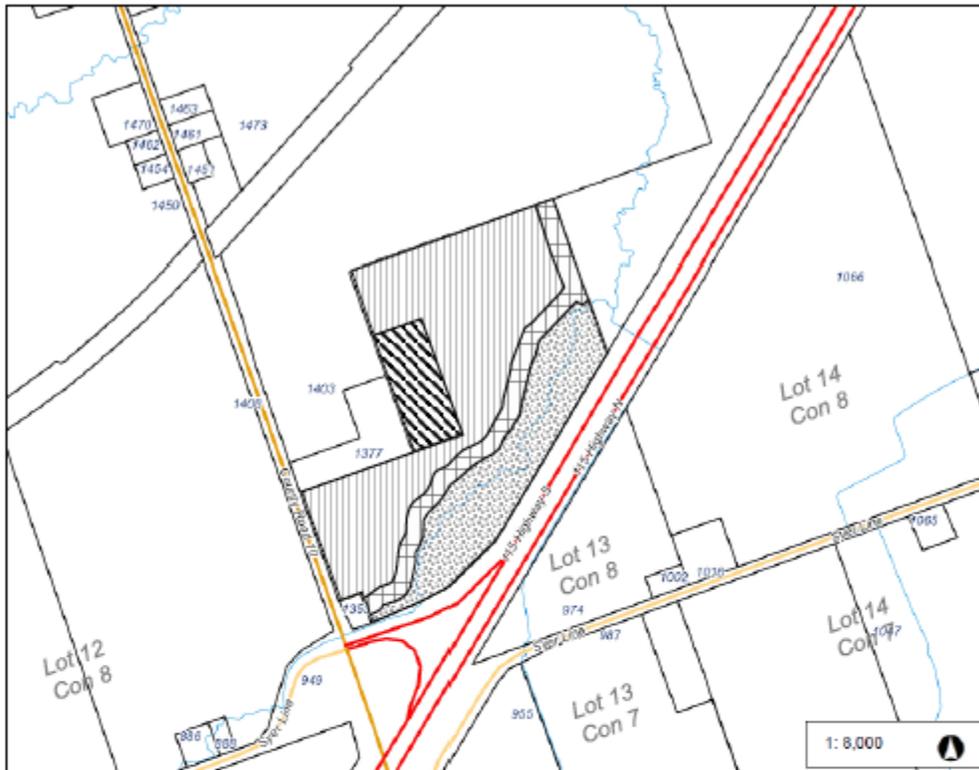
If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Scott McFadden  
Mayor

\_\_\_\_\_  
Cindy Page  
Clerk

**Schedule "1" to By-Law No. 2022-XX**



**Area Affected by this By-law**  
 Part Lot 13, Concession 8, Cavan Ward  
 Roll Number 1509-010-030-189-00  
 Township of Cavan Monaghan

**Certificate of Authentication**  
 This is Schedule "1" to By-law  
 No. 2022-XX passed this \_\_\_\_\_  
 day of \_\_\_\_\_, 2022.

-  Rezone to the 'Rural Employment Exception Three (M2-3) Zone'
-  Rezone to the 'Rural Employment Exception Eight (M2-8) Zone'
-  Rezone to the 'Natural Linkage (NL) Zone'
-  Rezone to the 'Natural Core (NC) Zone'

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk