



Regular Council Meeting

To:	Mayor and Council
Date:	May 15, 2023
From:	Karen Ellis, Director of Planning
Report Number:	PEB 2023-22
Subject:	Kennedy Official Plan and Zoning By-law Amendments Public Meeting Report- File Nos. OPA-01-23 and ZBA-01-23

Recommendations:

1. That Council review and consider all verbal and written comments received at the public meeting; and
2. That the draft Official Plan Amendment and Zoning By-law Amendment be presented to Council at a future date for consideration.

Overview:

On behalf of Bob Kennedy, Marnie Saunders of D.M. Wills Associates Limited submitted Official Plan Amendment and Zoning By-law Amendment applications to the Township of Cavan Monaghan. The Applications pertain to an existing agricultural land holding at 1657 Mount Pleasant Road in part of Lot 22, Concession 13 (Cavan). A key map showing the location of the subject lands is provided as Attachment No. 1 to this Report.

The proposed development includes the establishment of two (2) on-farm diversified uses. The proposed uses include a light metal working shop and an electrician's shop. The proposed uses are to be established in an existing building on the property with a gross floor area of approximately 429 square metres (4,618 square feet). The proposed uses are anticipated to operate on a regular 9 a.m. to 5 p.m. Monday to Friday schedule. Additional use may occur for special events on an in-frequent basis such as emergency repairs.

Together with the building space, a dedicated parking area is proposed. The existing gravel driveway will be used to access the parking area and building. The total lot area dedicated to proposed on-farm diversified uses (building and parking area) is approximately 0.17 hectares (0.43 acres).

A concept plan of the site is provided as Attachment No. 2.

The Township received the Applications on March 6, 2023 and deemed them complete on April 6, 2023. File numbers OPA-01-23 and ZBA-01-23 were assigned to the Applications.

The purpose and effect of the Official Plan Amendment is to add a policy to the Agricultural designation in the Township Official Plan, as it affects the subject lands, to permit the establishment of two (2) on-farm diversified uses in an existing building on the property.

A Zoning By-law Amendment application is required to implement the Official Plan Amendment. The purpose of the Zoning By-law Amendment is to change the zoning on a portion of the property from the Agricultural (A) Zone to the Agricultural Exception Nineteen (A-19) Zone. Special regulations for the proposed on-farm diversified uses are included in the A-19 Zone.

Background:

The property subject to the Application is approximately 27.29 hectares (67.43 acres) in size with approximately 664 metres (2181 feet) of frontage on Mount Pleasant Road. The property is currently developed with a single residential dwelling and four (4) agricultural buildings. The house is serviced with private well and sewage disposal systems. Information provided with the Application indicates that the agricultural building to be used for the on-farm diversified uses is also serviced with private well and septic systems.

A pre-consultation meeting for this Application was held with Township Planning, Building, Fire and Public Works Staff and Otonabee Conservation Staff and Mr. Kennedy on March 24, 2022. Township Staff confirmed the need for official plan and zoning by-law amendment applications and the supporting planning justification report, archaeological assessment, and traffic impact study that addresses Provincial, County and Township policy frameworks.

ORCA Staff confirmed that the area of the property to be used for on-farm diversified uses is beyond 120 metres (400 feet) of natural heritage features or key hydrologic features. As such, an environmental impact study is not required for these Applications.

Supporting documentation for the Applications includes a Planning Justification Report (PJR) prepared by D.M. Wills Associates Limited and dated February 2023, a Traffic Impact Study prepared by D.M. Wills Associates Limited dated October 2022, and a Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates Ltd. and dated January 17, 2023. The Township also received a letter from the Ministry of Citizenship and Multiculturalism letter confirming that the Archaeological Report was entered into the Ontario Public Register of Archeological Reports without technical review.

The Reports, excepting the Archaeological information, can be found on the Township website at:

<https://www.cavanmonaghan.net/en/news/official-plan-amendment-op-05-22-and-zoning-by-law-amendment-zba-07-22.aspx>

Official Plan Amendment

The subject lands are currently designated Agricultural, Natural Core and Natural Linkage in the Cavan Monaghan Official Plan. An official plan amendment is required to permit on-farm diversified uses in the Agricultural designation.

As drafted, Official Plan Amendment No. 13 amends Section 5.1 (Agricultural Areas) of the Official Plan for the Township of Cavan Monaghan by adding a new subsection, namely subsection 5.1.6 b) that will read as follows:

- “ b) 1657 Mount Pleasant Road
Part of Lot 22, Concession 13 (Cavan)
(Kennedy)

In addition to the uses permitted in Section 5.1.2, small-scale on-farm diversified uses may be permitted subject to the following:

- i) remains secondary to the principal agricultural use of the property and are limited in area, up to 2% of a farm parcel, to a maximum of 1 hectare;
- ii) require that the buildings and structures housing the on-farm diversified use(s) are located within the existing farm building cluster;
- iii) must be compatible with surrounding land uses, in accordance with the policies of this Plan, and shall not conflict or interfere with the principal agricultural uses on the property or normal farm practices in the area;
- iv) permanently displace little agricultural land;
- v) require minimal site grading and/or drainage unless it improves conditions for agricultural production;
- vi) may be required to demonstrate that there is sufficient quality and quantity of water supply to serve the proposed use;
- vii) mitigate impacts to the site itself and surrounding agricultural operations, including but not limited to compaction, drainage, and trespassing;

- c) Notwithstanding the provision of Footnote (1) g) of Table 7A, an on-farm diversified use may be operated by a person whose principal residence is not the dwelling on the lot, and a maximum of four (4) persons other than residents of the dwelling on the lot, are permitted to be employed in the business of the uses.”

The draft Zoning By-law is provided as Attachment No. 4 to this Report.

Response to Notice

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

As of the date of the writing of this Report, Township Staff received two (2) telephone inquiries about the Applications.

Township Staff have no objections to the Applications. The Building and Fire Departments noted that a building permit will be required for the change of use and renovation. On-site water for firefighting may be required depending on the Ontario Building Code classification of the building. Peterborough Public Health has confirmed that there is no record of a permit for a private septic system for the agricultural building. The servicing of the building will be reviewed at the site plan approval and building permit stages of the approvals processes.

The Kawartha Pine Ridge District School Board reviewed the Applications and did not identify any concerns or issues related to their mandate.

Peterborough County Public Works require the completion of a peer review of the Traffic Impact Study (TIS). The signing of a peer review agreement by the Applicant is required to initiate the peer review. The County is waiting for the Applicant to sign the required Agreement and provide the necessary financial deposit. County Public Works Staff will provide comments to the Township when the peer review process is complete.

Otonabee Conservation no longer provides review or comment on applications filed after January 1, 2023 with regard to conformance to natural heritage policy. The Authority has confirmed that the Applications are consistent with Section 3.1 of the Provincial Policy Statement (PPS) regarding natural hazards. The subject lands are not located in a vulnerable area as per the Source Protection Plan. A permit is not required from the Authority for the new development. And, the Authority is satisfied that the proposed development/changes will not have any impacts on the adjacent Authority owned lands.

Analysis

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The subject lands are subject to the policies in Section 1.1.4 Rural Areas in Municipalities of the PPS. Rural areas are “a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas”. Healthy, integrated and viable rural areas should be supported by providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3 (Agriculture).

Prime agricultural areas are to be protected for long-term use for agriculture (S. 2.3.1). Permitted uses include agricultural uses, agriculture-related uses, and on-farm diversified uses (S. 2.3.3). On-farm diversified uses are 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”.

The proposed uses satisfy the PPS criteria to qualify as on-farm diversified uses in the prime agricultural area in that the uses are located on a farm, the uses are secondary to the principal agricultural use of the property, the area of the farm devoted to the uses is limited and are compatible with and will not hinder surrounding agricultural operations.

New land uses in prime agricultural area must comply with Minimum Distance Separation formulae (S. 2.3.3.3). To date, the Application submission does not address the MDS issue.

The Applications are not consistent with the PPS until the MDS requirements are satisfactorily addressed.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2020 (GPGGH)

A Place to Grow is the Ontario Government’s plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan guides decisions in the Greater Golden Horseshoe Region.

The subject property is part of the “Rural Area” and are subject to the policies of Section 2.2.9.

Section 2.2.9 of the Plan contains policies related to Rural Areas. Development outside of settlement areas may be permitted on rural lands for:

- a) the management or use of resources;
- b) resource-based recreational resources; and
- c) other rural land uses that are not appropriate in settlement areas provided they are compatible with the rural landscape and surrounding local land uses, can be sustained by rural service levels, and do not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

File information indicates that the property is actively used for the growing of rotational field crops. The dominant use of the property remains agriculture. The proposed on-farm diversified uses will be located in an existing, underutilized agricultural building on site. No agricultural land will be removed from active production. The Traffic Impact Study concluded that the new trips generated by the proposed development will not have any impact on County Road 9. (Note: To date, the peer review of the TIS has not been completed by the County).

Section 4.2.6 contains policies related to the Agricultural System established for the Greater Golden Horseshoe. These policies do not apply at this time because the system has not been implemented in the Peterborough County Official Plan or the Township of Cavan Monaghan Official Plan..

The Applications conform to the Growth Plan.

County of Peterborough Official Plan (COP)

The subject lands are part of the Rural and Cultural Landscape. The goal of this designation is to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry (S. 4.3.1).

The objectives of this designation relative to agriculture are:

- to ensure the agricultural industry remains viable;
- to reserve prime agricultural soils and protect farms, where possible, from activities and land uses which would limit productivity or efficiency; and
- to preserve the farm community as an important social resource (S. 4.3.2).

Section 4.3.3.2 of the COP outlines policies with regards to the development of land designated Agricultural. In accordance with this Section, agriculture is encouraged and protected as an identifiable industry and cultural resource in Peterborough County. Local Official Plans, like the Township of Cavan Monaghan Official Plan, must restrict the uses of prime agricultural areas and may restrict uses of other agricultural areas as follows;

- prime agricultural areas shall be protected for long-term use for agriculture;
- agricultural uses, secondary uses, and agricultural-related uses as defined in the PPS are permitted in prime agricultural areas and other agricultural areas; all other uses and activities are prohibited in prime agricultural areas and may be prohibited in other agricultural areas;
- in prime agricultural areas, agricultural uses and normal farm practices will be promoted and protected; and
- any proposed new secondary uses and agriculture-related uses as defined in the PPS will be compatible with, and will not hinder, surrounding farm operations. These uses shall be limited in scale and the local plans will include criteria for the uses.

The development proposed by the Official Plan and Zoning By-law Amendment applications are generally compatible with the existing property and the surrounding lands. The uses, other than parking, will occur inside an existing underutilized agricultural building. The building is serviced with an existing entrance to County Road 9, private well and septic systems. Some site alteration will be required to accommodate parking for the proposed businesses but no productive agricultural land will be affected by the proposal. The proposed OPA requires the use remain secondary to the principal agricultural use of the property and be limited in area to 2% of the farm parcel to a maximum of one (1) hectare.

In considering development in prime agricultural areas and other agricultural areas, local municipalities must consider:

- maintaining the identified agricultural areas and encouraging these areas for future agricultural expansion;
- maintaining the viability of farm units; and
- the existing character of the agricultural community.

All development near livestock barns and manure storage must comply with MDS formulae. As indicated in the PPS section, the Applicant has not provided any information or commentary related to the MDS.

A site plan approval application is required to implement the proposed official plan policies and zoning by-law regulations. Through the site plan approval process, the Township together with the Applicant will ensure that the viability of the agricultural parcel is maintained and that the site development (i.e. parking and landscaping) are sensitive to the existing community.

The Applications do not conform to the Peterborough County Official Plan until the MDS requirements are satisfactorily addressed.

Township of Cavan Monaghan Official Plan

The Official Plan provides detailed policies and mapping to guide the decisions of public authorities and private interests to maintain the Township as a liveable and attractive community.

The subject property is designated Agricultural, Natural Core and Natural Linkage in the Township's Official Plan. The proposed Official Plan and Zoning By-law Amendments affect the portion of the property within the Agricultural designation only. The subject property is also within Special Study Area No. 1 as shown on Schedule 'A' to the Official Plan.

The objectives of the Agricultural designation are to:

- a) Recognize agriculture as the primary activity and land use;
- b) Maintain and preserve the agricultural resource base of the Township and encourage the consolidation of agricultural farm parcels;
- c) Protect land suitable for agricultural production from fragmentation, development and land uses unrelated to agriculture;
- d) Promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the Township;
- e) Preserve and promote the agricultural character of the Township and the maintenance of the natural countryside as an open space areas; and
- f) Provide for opportunities for further aggregate and possible mineral extraction in the Township.

Farm related industrial uses that directly service and support the agricultural industry and require locations in close proximity to farming operations are permitted uses in the Agricultural designation (S. 5.1.2 f)). The designation does not, however, contain policies for on-farm diversified uses. As such, Official Plan Amendment No. 13 is required to permit the proposed uses on the property.

In accordance with Section 2.2.2 of the Plan, agricultural lands are an integral part of the economy of the Township. As such, the Township will continue to protect agriculture and promote value-added agricultural operations and resources. This goal will be achieved by:

- a) Protecting prime agricultural lands and ensuring that non-agricultural uses that may have an impact on the viability of farm operations are not permitted;
- b) Prohibiting fragmentation of agricultural lands and encouraging the consolidation of farming parcels to improve efficiency and productivity; and
- c) Encouraging small-scale secondary uses to develop on farm properties to ensure value-added operations and to improve the livelihood of area farmers.

The proposed on-farm diversified uses are considered small-scale secondary uses. The uses are limited to a maximum of 2% of the farm area or one (1) hectare (2.5 acres). The proposed uses will occupy approximately 0.49 hectares (1.2 acres) of the property. The Applications do not change the lot fabric nor the land devoted to the growing of crops. The proposed on-farm diversified uses also provide the Owner with the opportunity to lease existing underutilized space and provide a supplementary income to assist with the carrying cost of the agricultural lands.

Section 2.4 of the Plan contains policies related to economic development. Subsection e) recognizes the importance of agriculture to the local economy and providing opportunities to improve and enhance the quality of agriculture and value-added agricultural industries in the Township.

Section 3.27 speaks to Minimum Distance Separation (MDS) Formulae. New land uses must comply with the MDS. A calculation of MDS I is always required for all proposed amendments to rezone or redesignate land to permit development in prime agricultural areas and rural lands presently zoned or designed for agricultural use. As indicated in previous sections of this Report, the Application submission does not address the MDS issue.

The subject property is within Special Study Area No. 1 (SSA-1). Section 2.6 of the Official Plan states that “this area is...where future growth in the Township of Cavan Monaghan is anticipated to occur if and to the extent demonstrated by the municipal comprehensive review...”. Section 2.6(e) permits applications for minor official plan and zoning by-law amendment applications within SSA-1 without the need for Secondary Plan(s) referred to in this Section of the Official Plan.

A portion of the subject lands are part of a provincially significant wetland called the Cavan Bog Wetland Complex. The Wetland and associated vegetation protection zone are currently designated and zoned Natural Core and Natural Linkage. No changes to these designations are proposed at this time. In addition, no new development or change in land use is proposed within 120 metres (400 feet) of the wetland boundary.

The Applications do not conform to the Cavan Monaghan Township Official Plan until the MDS policy and associated zoning by-law regulations are satisfactorily addressed.

Township of Cavan Monaghan Zoning By-law

The Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended contains regulations for on-farm diversified uses in the Agricultural (A) Zone. A zoning by-law amendment is required to provide specific regulations for the proposed uses. In addition to the standard regulations for on-farm diversified uses, the proposed By-law adds special regulations for the minimum lot area requirement, the total gross floor area devoted to on-farm diversified uses, and the number of employees, who do not live on site, that may be employed in the businesses.

Financial Impact:

None at this time. The Township has received the required official plan and zoning by-law amendment application fees.

Attachments:

- Attachment No. 1: Key Map
- Attachment No. 2: Concept Plan
- Attachment No. 3: Draft Official Plan Amendment No. 13
- Attachment No. 4: Draft Zoning By-law

Respectfully Submitted by,

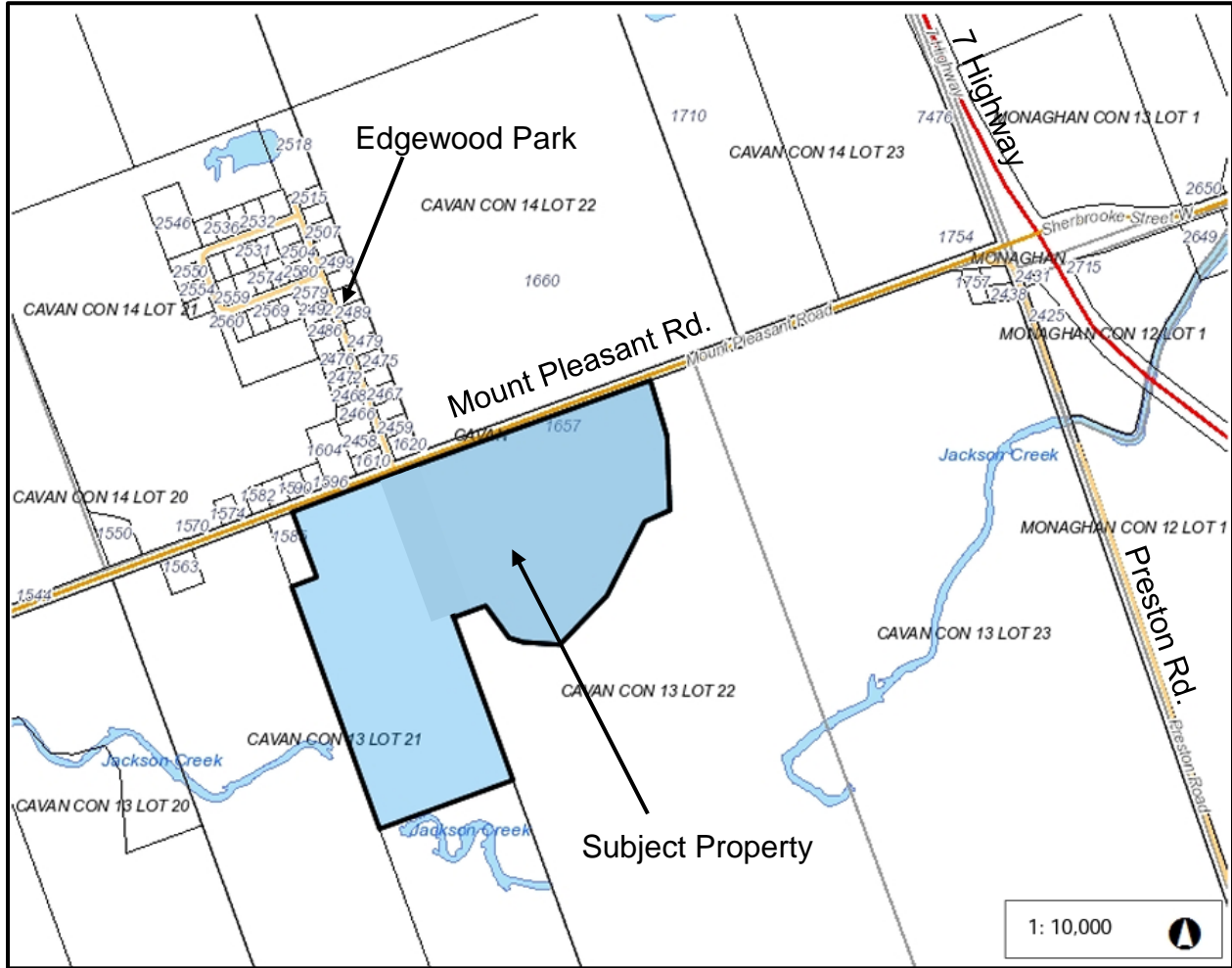
Reviewed by,

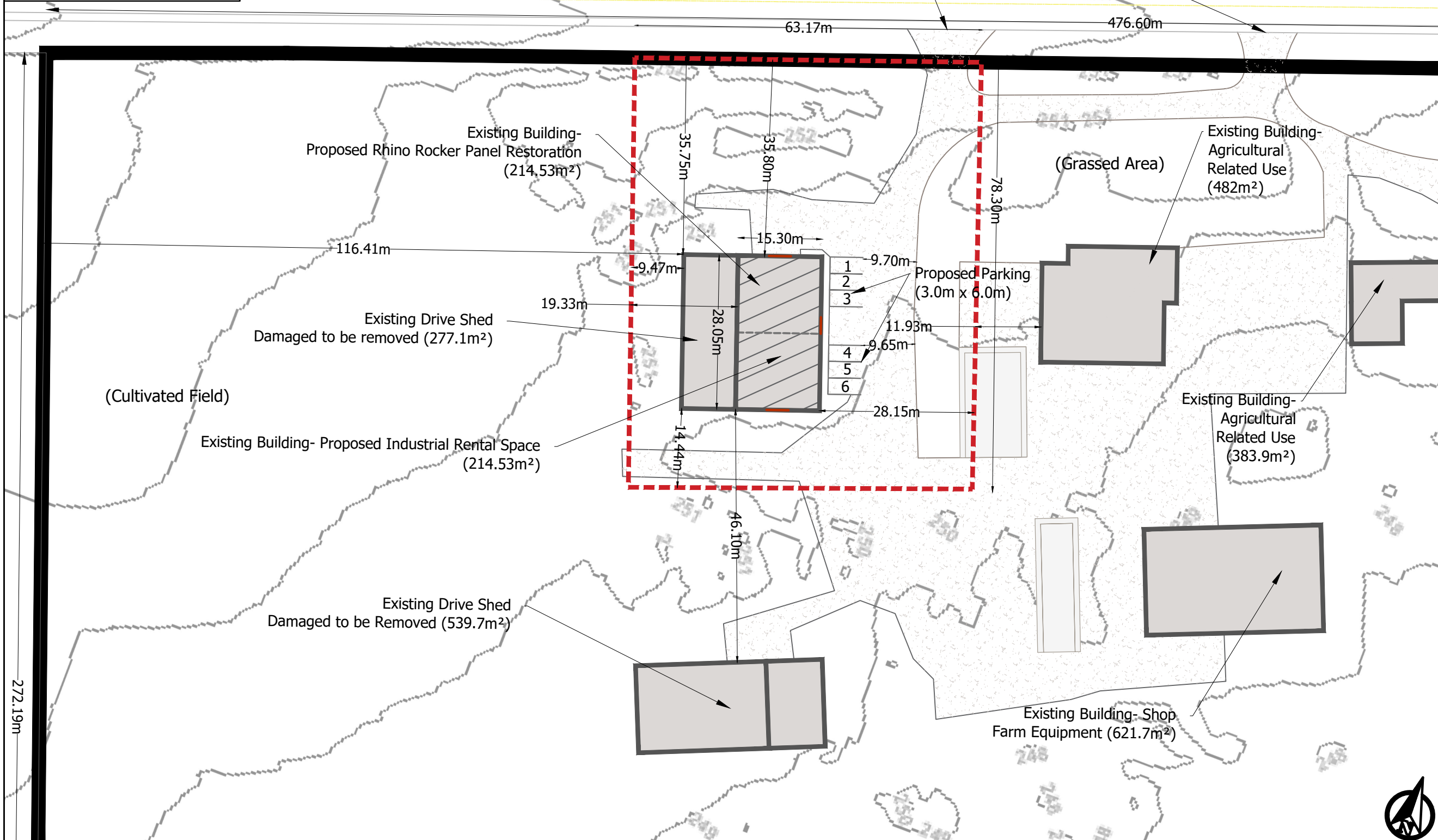
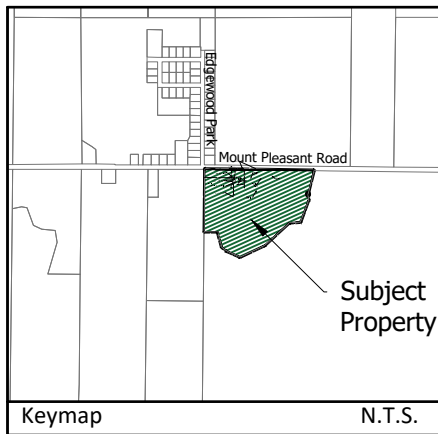
Karen Ellis
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No. 1: Key Map

Key Map





Concept Plan and Zoning By-law Amendment Sketch
 1657 Mont Pleasant Road
 Part of Lot 22, Concession 13
 Cavan Monaghan
 County of Peterborough

- Legend**
- Subject Property (13.65ha)
 - Existing Features**
 - Existing Overhead/Sliding Door
 - Existing Hydro Overhead Wires
 - Existing Concrete Pad
 - Existing Gravel Driveway
 - Existing Building
 - Existing Building Subject to Proposed Use
 - Zoning By-law**
 - Land subject to proposed zoning by-law amendment (0.49ha)

Scale: 1:750 m
 NAD 1983 UTM Zone 17N

Data Sources:

Created In:	AutCAD 2019
Drawn By:	JW
Checked By:	MS
Map Date:	October 11, 2022
Project Number:	85287
Map File Number	



D.M. Wills Associates Limited
 150 Jameson Drive
 Peterborough, Ontario
 Canada K9J 0B9
 P. 705.742.2297
 F. 705.748.9944
 E. wills@dmwills.com

272.19m

Attachment No. 3: Draft Official Plan Amendment No. 13

Official Plan Amendment No. 13
(Kennedy)

to the

Official Plan for the Township of Cavan Monaghan

DRAFT

May 2023

Part “B” – The Amendment

Introductory Statement

All of this part of the document entitled Part “B” – The Amendment consisting of the following text and attached map designated as Schedule “1” constitute Amendment No. 13 to the Official Plan for the Township of Cavan Monaghan.

Details of the Amendment

The Official Plan for the Township of Cavan Monaghan is amended as follows:

1. Schedule A to the Official Plan for the Township of Cavan Monaghan is amended by adding a text box reference for Section 5.1.6 b) as it applies to lands located at 1657 Mount Pleasant Road in part of Lot 22, Concession 13 (Cavan) as shown on Schedule “1”, attached.
2. Section 5.1 of the Official Plan for the Township of Cavan Monaghan is amended by adding a new subsection, namely subsection 5.1.6 b) that shall read as follows:

“ b) 1657 Mount Pleasant Road
 Part of Lot 22, Concession 13 (Cavan)
 (Kennedy)

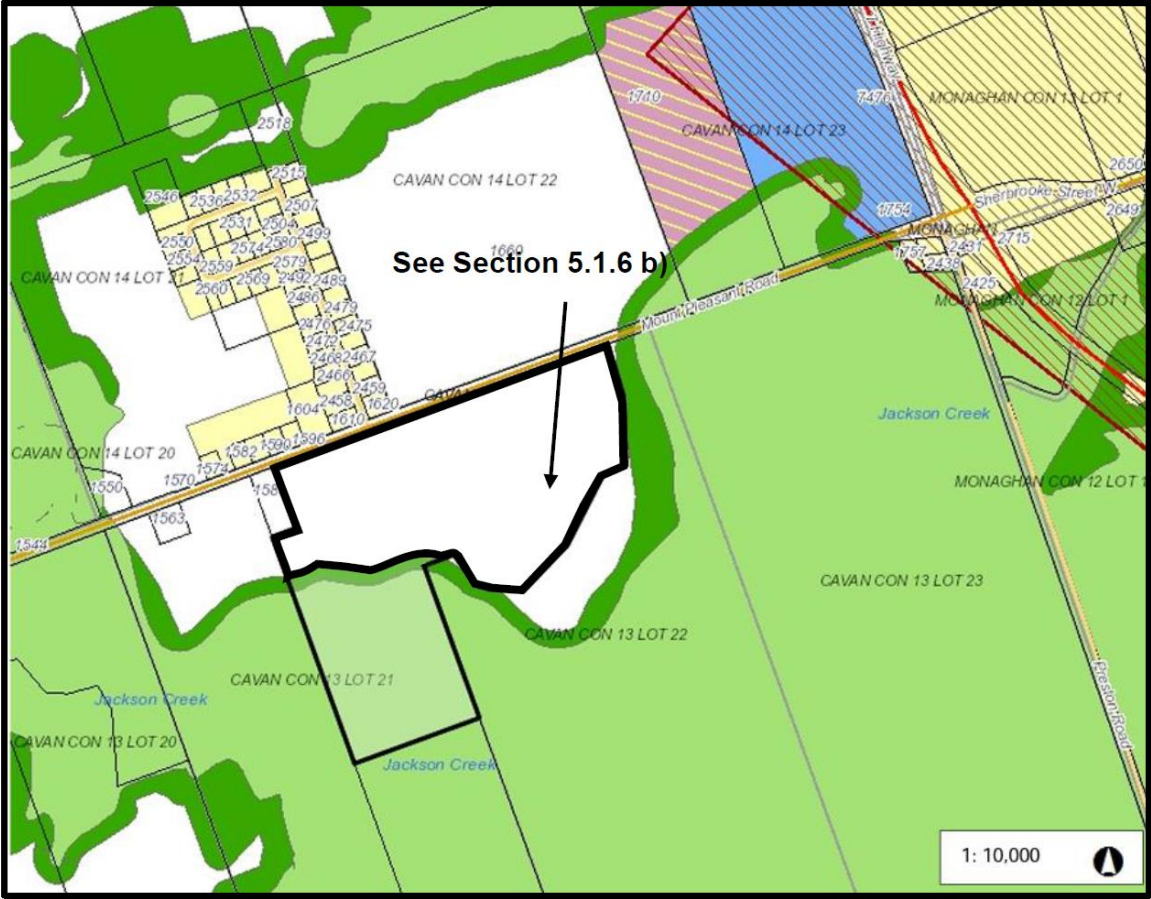
In addition to the uses permitted in Section 5.1.2, small-scale on-farm diversified uses may be permitted subject to the following:

- i) remains secondary to the principal agricultural use of the property and are limited in area, up to 2% of a farm parcel, to a maximum of 1 hectare;
- ii) require that the buildings and structures housing the on-farm diversified use(s) are located within the existing farm building cluster;
- iii) must be compatible with surrounding land uses, in accordance with the policies of this Plan, and shall not conflict or interfere with the principal agricultural uses on the property or normal farm practices in the area;
- iv) permanently displace little-to-no agricultural land;
- v) require minimal site grading and/or drainage unless it improves conditions for agricultural production;
- vi) may be required to demonstrate that there is sufficient quality and quantity of water supply to serve the proposed use;

- vii) mitigate impacts to the site itself and surrounding agricultural operations, including but not limited to compaction, drainage, and trespassing;
- viii) meet the requirements of Sections 3.27 (Minimum Distance Separation), 7.3 (Road Network) and 8.7 (Site Plan Control);
- ix) meet any other requirement deemed necessary by the Township of Cavan Monaghan, Peterborough County, and/or commenting agency;
- x) where there is more than one on-farm diversified use, the combined area of all uses shall not exceed the lot area criteria outlined above; and
- xi) the applicant must demonstrate that they are a bona-fide farmer by providing their Farm Business Registration number.”

DRAFT

Schedule '1'



Legend

- CM OP Special Section
- CM OP Land Use
 - Hamlet
 - Agricultural
 - Rural
 - Natural Linkage Area
 - Natural Core Area
 - CM OP Special Study Area

Attachment No. 4: Draft Zoning By-law

The Township of Cavan Monaghan

By-law No. 2023-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 adopted Official Plan Amendment No. 13 to the Township of Cavan Monaghan Official Plan to set the policy context for the proposed rezoning;

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 A-4 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by rezoning certain lands in part of Lot 22, Concession 13 (Cavan), being property assessment roll numbers 1509-010-050-130-00 and 1509-010-050-131-00, to the Agricultural Exception Nineteen (A-19) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Section 7.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 7.4.29 that shall read as follows:

“7.4.29 A-19 Map A-4 on Schedule A (2023-xx Kennedy)

- a) Minimum lot area 18 ha
- b) Notwithstanding the provisions of Footnote (1) c) (ii) of Table 7A, the total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses, farm businesses or agri-tourism uses shall not exceed 550 square metres including the gross floor areas used within all principal buildings or structures and accessory buildings or structures on the lot;
- c) Notwithstanding the provision of Footnote (1) g) of Table 7A, an on-farm diversified use may be operated by a person whose principal residence is not the dwelling on the lot, and a maximum of four (4) persons other than residents of the dwelling on the lot, are permitted to be employed in the business of the uses.”

4. 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.

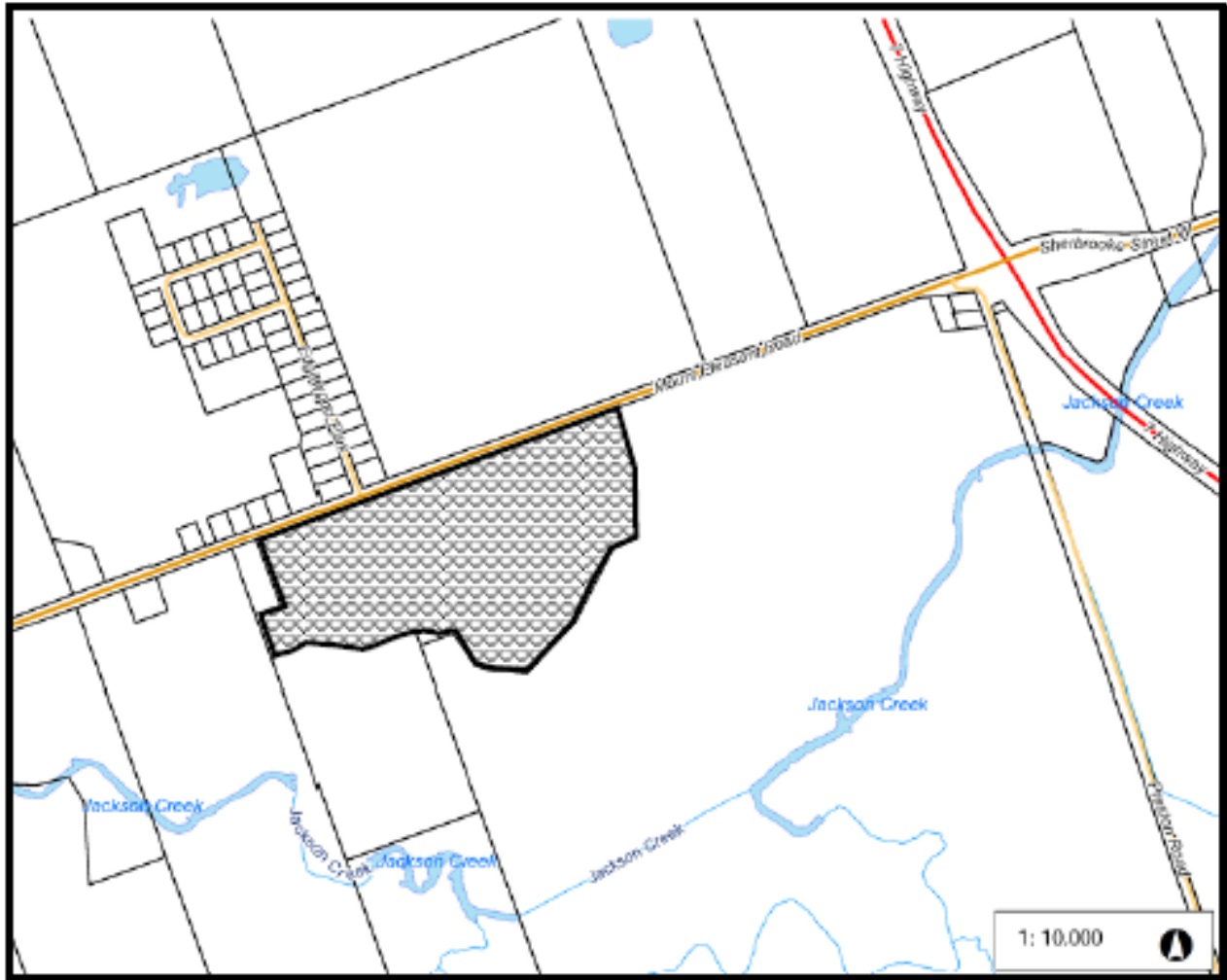
Read a first, second and third time and passed this xxx day of xxxxx 2023.

Matthew Graham
Mayor

Cindy Page
Clerk

DRAFT

Schedule "1" to By-law No. 2023 - XX



Area Affected by this By-law
Part Lot 21 and 22, Concession 13
(Cavan)
1657 Mount Pleasant Rd.
Roll Number 1509-010-050-13000
and
Roll Number 1509-010-050-13100
Township of Cavan Monaghan

Certificate of Authentication
This is Schedule "1" to By-law No.
2023 - XX
passed this XXth day of XX, 2023.



Rezone to the Agricultural Exception Nineteen (A-19) Zone.

Mayor

Clerk