



**RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.**

January 4, 2022

Township of Cavan Monaghan
988 County Road 10
Millbrook, ON
LOA 1G)

Attention: Karen Ellis
Director of Planning

Dear Karen:

**Re: Application for Zoning By-law Amendment
Part Lot 13, Concession 8
Geographic Township of Cavan
Township of Cavan Monaghan
Owner: Cavan Agri Services Ltd.**

Enclosed please find a completed Zoning By-law Amendment application pertaining to the above-noted property. Also included is the application fee, the Site Plan, and a copy of the Environmental Impact Study (EIS). A copy of the Traffic Brief was submitted to your office at an earlier date.

A PDF version of the application, Site Plan, EIS, Traffic Brief and this Planning Report have been e-mailed.

To assist your office in its review of these applications, I offer the following information:

Proposed Development:

On September 13, 2021, the County of Peterborough conditionally approved Consent Application File No. B-54-21. That application had the effect of severing 1.88 hectares of land and merging said lands with the adjacent 1.86 hectare property, which is used

for the mixing, storage and wholesaling of fertilizer. This lot line adjustment will enable Cavan Agri Services to expanded their business operations by erecting two new buildings, as follows:

- A 24.38 m x 25.61 m workshop, to be used for the repairing of the business's vehicles and machinery; and,
- A 30.48 m x 60.96 m warehouse, to be used for the storage of goods and materials.

A stormwater management pond will also be constructed within this expansion area, as required to properly handle surface water flow.

The existing and proposed development are illustrated on the attached Site Plan.

Please note that construction of the workshop has already begun.

Subject Lands:

The subject property comprises 21.83 hectares of land, of which approximately 15 hectares are cash-cropped. A small tributary of the Cavan Creek flows through the site, near the property's southern boundary. The lands adjacent to this watercourse are partially forested and are recognized as an unevaluated wetland.

Purpose of the Zoning By-law Amendment:

The adjacent property to which the severed parcel will be added contains the existing fertilizer operation and is zoned 'M2-3' (Rural Employment with exception), a site-specific zoning that permits: fertilizer blending plant; warehouse; sales outlet including the sale of farm chemicals and herbicides, storage tanks and equipment for handling liquid nitrogen and fertilizers, gasoline and diesel tanks to service the vehicles and equipment of the operation; and, accessory buildings and uses.

The expansion area is zoned 'M2'. Whereas a variety of industrial and commercial uses is permitted within the 'M2' zone, the use of these lands for the expansion of the fertilizer operation is not allowed. In this regard, a condition of the approval of Consent Application No. B-54-21 was the requirement for the severed parcel to be rezoned to 'M2-3'. The proposed Zoning By-law Amendment is intended to fulfill this condition.

The retained parcel is zoned 'M2' (Rural Employment), 'NC' (Natural Core) and 'NL' (Natural Linkage). The 'M2' zone does not identify agriculture as a permitted use; and, whereas the cash-cropping that is occurring on this parcel would clearly qualify as a legal non-conforming use, it was suggested during the Consent application review process that the 'M2' zone, as it applies to the retained parcel, be amended to include agriculture as a permitted use. That suggestion was ultimately carried forward onto the Decision Sheet as a condition of consent. In this regard, the proposed Zoning By-law Amendment will also fulfill this condition. Those lands are shown as "Lands to be zoned 'M2-8' on the attached drawing; however, I can't be certain that the 'M2-8' zone hasn't already been used in a previous site-specific rezoning. The Township can assign the appropriate zone.

County of Peterborough Official Plan:

The subject property is designated 'Rural' in the County's Official Plan.

Section 6.2.2.6 states that a limited amount of farm-related commercial and industrial development shall be allowed within the 'Rural' designation including fertilizer plants, feed and seed dealers, etc. In this regard, the local Official Plan has designated approximately 70 hectares of land involving ten properties at the Highway No. 21 / County Road 10 intersection as 'Rural Industrial', including the subject lands, as explained below.

The proposed expansion of the existing fertilizer operation for the uses intended would conform to the County Official Plan.

The retained parcel will continue to be used mostly for agricultural purposes, which is also a permitted use in the 'Rural' designation.

Township of Cavan Monaghan Official Plan:

The subject lands are designated 'Rural Employment', 'Natural Core Area' and 'Natural Linkage Area' in the Township's Official Plan. The severed parcel, which will be used as part of the fertilizer operation, is situated entirely within the 'Rural Employment' land use designation.

According to the local Official Plan, the 'Rural Employment' designation is intended to provide opportunities for those uses which, by their nature, may involve outdoor operations and generally provide goods and services to the rural community and businesses, and are space intensive uses requiring limited water or sanitary services.

Permitted uses include agriculturally-related industrial uses, process and storage of agricultural commodities, and light manufacturing. The intended use of the severed parcel would qualify as “processing and storing of agricultural commodities”.

A series of policies is provided in Section 5.4.3 of the Official Plan to provide direction to the establishment of new uses within the ‘Rural Employment’ designation. The existing fertilizer operation has been occurring for many years, and therefore most of these policies are not relevant. Of relevance, however, is the policy that states that the more intensive activities of this designation should generally be separated from adjoining sensitive land uses by a minimum of 90 metres. This is pertinent to the business expansion because of the proximity of the expansion area to the unevaluated wetland located near the southern boundary of the site. This wetland feature is situated, at its closest point, approximately 55 metres from the severed parcel. In this regard, a scoped Environmental Impact Study (EIS) has been conducted at the request of the Otonabee Region Conservation Authority. The EIS concluded that the wetland feature will not be impacted by the proposed development provided certain mitigation measures are followed, as explained in Section 10 of the EIS. A drawing showing the exact location of the watercourse and associated wetland, along with recommended setbacks, is provided in the EIS. It should also be noted that the EIS onsite investigation identified Butternut trees, an Endangered Species, on the site, with the closest tree being situated 240 metres from the severed parcel. Given the significant separation distance between the tree and the new development lands, the Butternut will not be impacted.

A few of the policies contained in Section 5.4.3 relate to matters that can be addressed at the Site Plan Agreement stage, e.g. landscaping, open storage, parking, etc.

It should be noted that the issue of traffic impact was addressed at the Consent application stage. The Traffic Brief concluded that there is residual capacity available in the road networks to accommodate the increase traffic from the proposed development and that road improvements are not necessary.

As noted above, the southern portion of the property is designated ‘Natural Core Area’ and ‘Natural Linkage Area’. The ‘Natural Core Area’ applies to the unevaluated wetland plus a 30 metre buffer, according to the Official Plan. Development and site alteration is not permitted within this land use designation. The ‘Natural Linkage’ designation forms part of a central corridor system that supports the movement of plants and animals and provides linkages between natural heritage features. Development is generally prohibited within this designation unless it can be demonstrated through an EIS that there will be no negative impacts on their related ecological function. No development is proposed within either of these sensitive land use designations.

In view of the foregoing, it is evident that the proposed Zoning By-law Amendment conforms to the Township's Official Plan.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) allows for limited development within the areas of the countryside that are considered not to be prime agricultural lands, i.e. on rural lands. The subject property is not situated within a prime agricultural area. In this regard, the Township has identified approximately 70 hectares of land, including the subject property, as an area for rural industrial development.

The PPS also strongly promotes employment opportunities.

Furthermore, the PPS protects natural heritage features including wetlands and habitat for threatened and endangered species. As explained above, the EIS has concluded that no natural heritage features will be negatively impacted by this development.

In view of the foregoing, the proposed Zoning By-law Amendment is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe:

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) essentially covers the same matters of Provincial interest as the Provincial Policy Statement with regard to the proposed expansion of the fertilizer business. It is evident that the proposal is also consistent with the Growth Plan.

Conclusion:

The proposed Zoning By-law Amendment, which is needed to fulfill a condition of Consent for a lot line adjustment and allow for the expansion of an existing agriculture-related business, conforms to the Official Plans of the County and Township and is consistent with the Provincial Policy Statement and the Growth Plan.

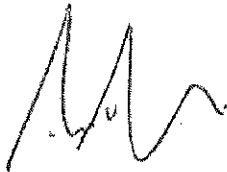
The application has considerable merit and should be given favourable consideration.

Closing Comments:

I trust you will deem this application complete. Should you require any additional information, please contact me at your earliest convenience.

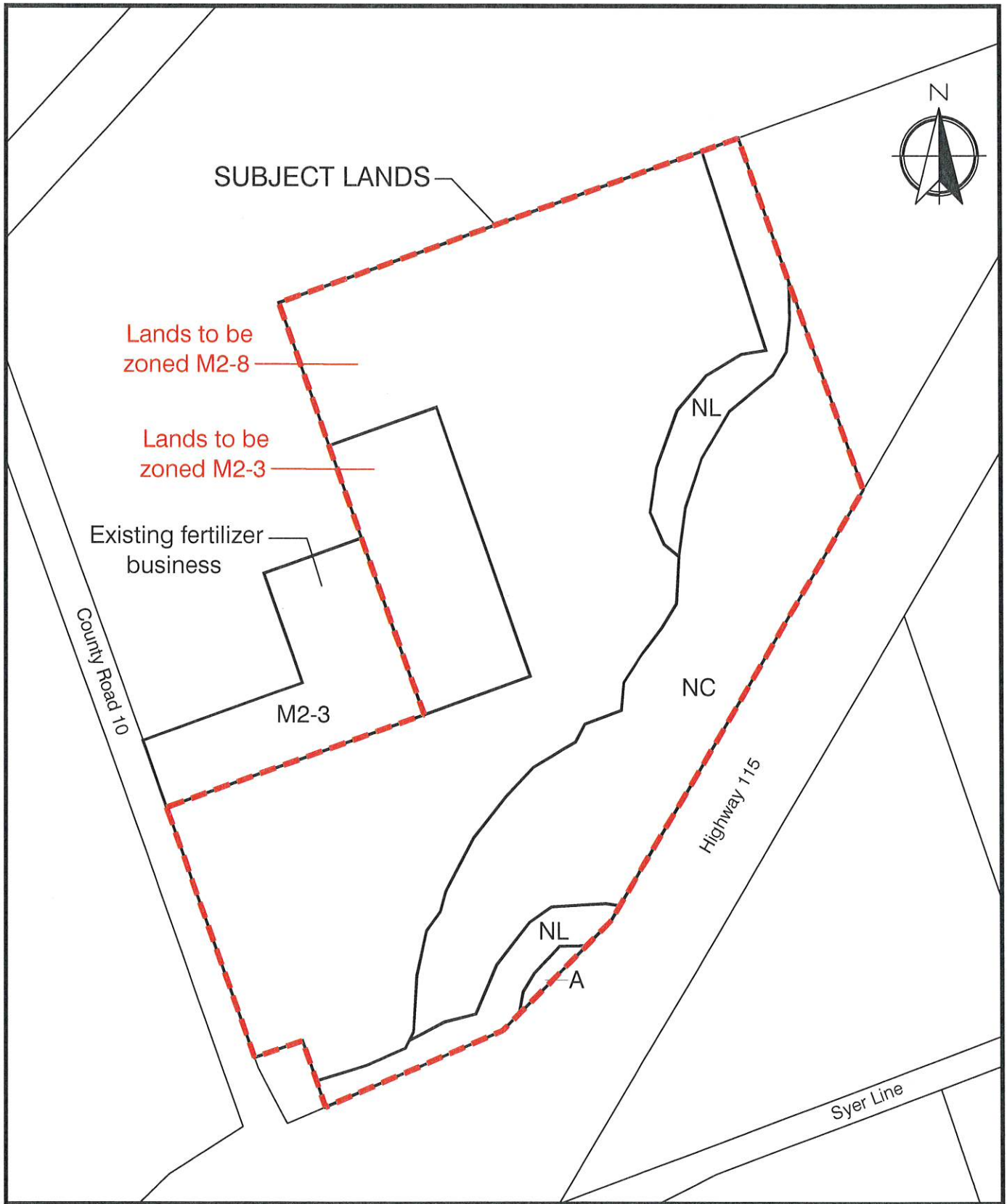
Lastly, please advise of a possible meeting date prior to scheduling the Public Meeting in order to ensure our availability.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ron Davidson', written in a cursive style.

Ron Davidson, BES, RPP, MCIP

c.c. Cavan Agri Services Ltd.
Murray Davenport



Proposed Zoning By-law Amendment
Cavan Agri Services Ltd.
Cavan, ON

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:4000