

Planning Justification Report

**1657 Mount Pleasant Rd, Cavan
Monaghan, Peterborough County**

**Official Plan & Zoning By-law
Amendment Applications**

D.M. Wills Project Number 22-85287



D.M. Wills Associates Limited

Partners in Engineering, Planning &
Environmental Services

Peterborough, Ontario

February 2023

**Prepared for:
Bob Kennedy**



Table of Contents

| | | |
|------------|---|-----------|
| 1.0 | Introduction | 2 |
| 1.1 | Project Objectives..... | 2 |
| 1.2 | Purpose of Planning Justification Report | 2 |
| 2.0 | Project Background | 3 |
| 2.1 | Property Location..... | 3 |
| 2.3 | Proposed Development | 6 |
| 3.0 | Supporting Technical Studies | 8 |
| 3.1 | Stage 1 and 2 Archaeology Assessment..... | 8 |
| 3.2 | Traffic Impact Study | 9 |
| 4.0 | Policy Framework | 10 |
| 4.1 | Provincial..... | 10 |
| | Provincial Policy Statement (2020)..... | 10 |
| 4.2 | County..... | 14 |
| | The Peterborough County Official Plan (March 2022) (COP) | 14 |
| 4.3 | Municipal..... | 17 |
| | Township of Cavan Monaghan Official Plan..... | 17 |
| | Township of Cavan Monaghan Comprehensive Zoning By-law No. 2018-58..... | 19 |
| 5.0 | Planning Rationale | 20 |
| 6.0 | Proposed Official Plan and Zoning By-law Amendments | 22 |
| 7.0 | Closing & Conclusion | 23 |

Figures

Figure 1 – Key Map

Figure 2 – Surrounding Land Uses

Figure 3 – Subject Lands

Figure 4 – Official Plan

Figure 5 – Zoning Bylaw

**Appendix A – Record of Pre-Consultation Meeting issued by Peterborough County
dated March 24th, 2022**

Appendix B – Draft Zoning By-law Amendment Schedule

1.0 Introduction

D.M. Wills Associates Limited (Wills) has been retained by Mr. Bob Kennedy (owner) to prepare this Planning Justification Report (Report) in support of Official Plan (OPA) & Zoning By-law Amendment (ZBA) Applications. The applications apply to lands legally described as Part of Lot 22, Concessions 13, (Subject Property), Township of Cavan Monaghan (Township), in the County of Peterborough (County). The Subject Property is municipally addressed as 1657 Mount Pleasant Road and located west of Highway 7 and the City of Peterborough.

1.1 Project Objectives

The Subject Property is currently active farmland with several existing structures located in the front yard of the property, which are accessed from Mount Pleasant Road. The property is currently used for agricultural and residential purposes and contains several buildings/structures including: one single detached dwelling, one type I barn, four (4) type III uninsulated barns, one Type IV insulated barn and one steel grain bin. Access to all structures and farmland is provided by a residential driveway from Mount Pleasant Road and travels north-south through the centre of the property. The existing driveway is intended to be used to access to the proposed use. The proposed OPA and ZBA Applications will have the effect of permitting an on-farm diversified use for the operation of a light metal working shop and an electrician's shop use within an existing structure on the Subject Property.

1.2 Purpose of Planning Justification Report

The applications benefit from a pre-consultation meeting conducted by the Township in conjunction with other commenting agencies and authorities. The final comments from the pre-consultation meeting were issued on March 24th, 2022, and are attached as **Appendix A**. The pre-consultation comments direct that an OPA and ZBA, together with the following plans and reports are required to consider the proposed development:

- Planning Justification Report;
- Completed Application Forms;
- Archaeological Assessment; and
- Traffic impact study.

The purpose of this report is to outline the nature of the proposed OPA and ZBA applications and evaluate the applications in the context of Provincial and Municipal policy including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the County of Peterborough Official Plan (consolidated 2020), Township of Cavan Monaghan Official Plan (consolidated 2021) and the Comprehensive Zoning By-law 2018-58, as amended. This report also provides a summary of the various supporting letters and reports completed in support of the application and as outlined above. This Report is submitted in support of and otherwise forms part of the OPA and ZBA applications.

2.0 Project Background

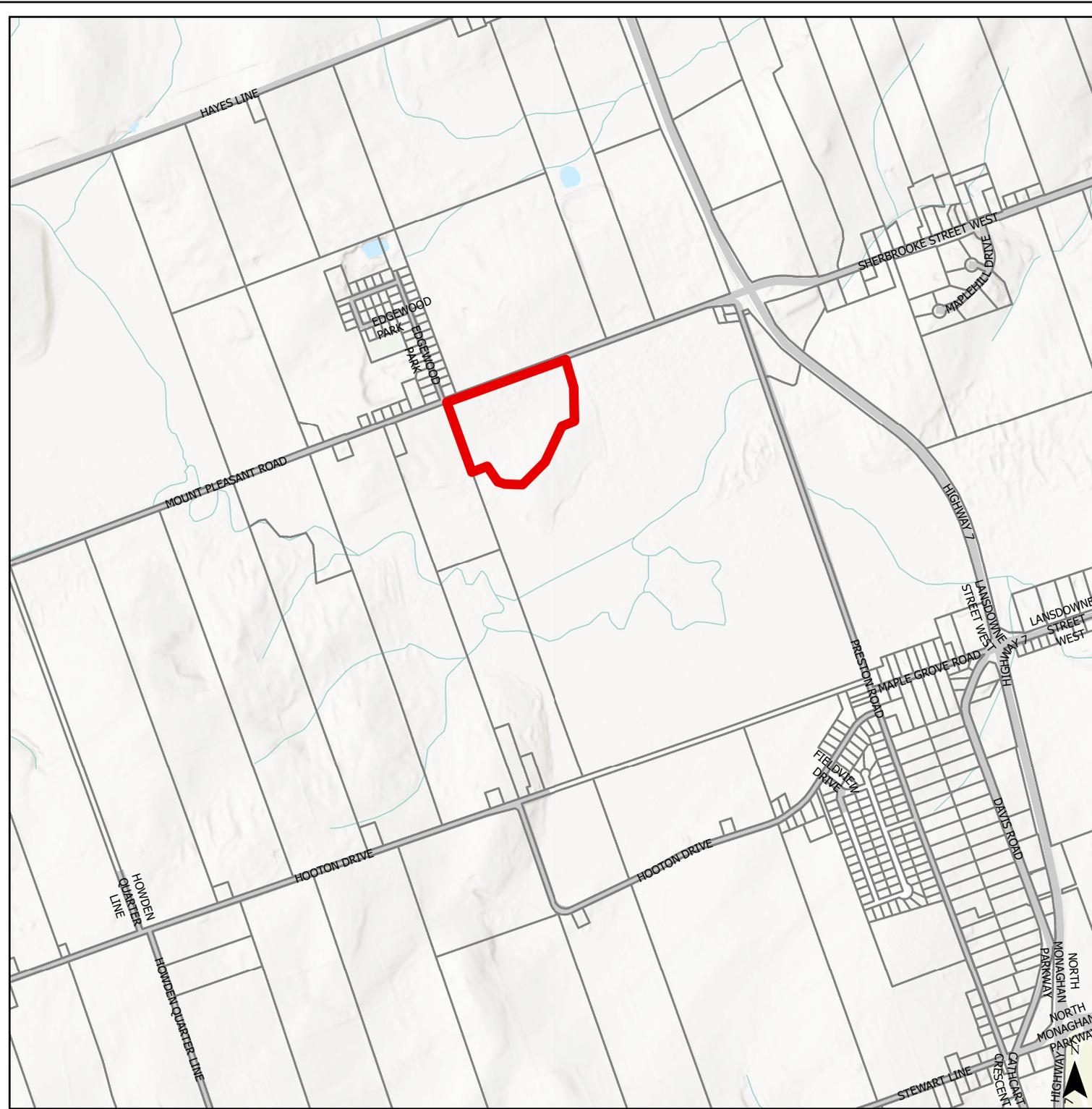
2.1 Property Location

The Subject Property is located west of the intersection of Highway 7 and Mount Pleasant Road, on the south side of Mount Pleasant Road. The Peterborough Speedway is located north-east of the Subject Property on the north side of Mount Pleasant Road. The Subject Property has approximately area of 13.7 hectares (33.8 acres) and an approximate frontage of 476.6m (1563.64ft) on Mount Pleasant Road. **Refer to Figure 1 – Key Map.**

2.2 Surrounding Land Uses

The Subject Property is located west of the City of Peterborough. The surrounding land uses consist of mainly rural and environmental lands, with some commercial and rural residential uses. More specifically, the Peterborough Speedway is located north east of the Subject Property and there is a rural residential plan of subdivision located north west of the Subject Property. The majority of lands to the south and west are predominately woodlands and wetlands, which form part of the Cavan Swamp Wildlife Area.

The Cavan Monaghan Township Fire Hall 2 and the small community of Mount Pleasant are located further west beyond the Cavan Swamp Wildlife Area. Further east of the Subject Property, beyond the Peterborough speedway, Highway 7 is located. **Refer to Figure 2 – Surrounding Land Uses.**



KEY MAP

1657 MOUNT PLEASANT ROAD
 PART OF LOT 22 , CON. 13 (CAVAN)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 1

Legend

 Subject Property

Scale: 1:20,000

0 125 250 500 750 1,000



NAD 1983 UTM Zone 17N

Data Sources
 County of Peterborough Online GIS
 Esri, NASA, NGA, USGS, FEMA, Province of Ontario, Esri Canada, Esri, HERE, Garmin,
 SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA,
 NRCan, Parks Canada

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| Created In: | ArcMap 10.7 |
| Drawn By: | JW |
| Checked By: | ED |
| Map Date: | October, 2022 |
| Project Number: | 85287 |
| Map Number: | 1 |



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SURROUNDING LAND USES

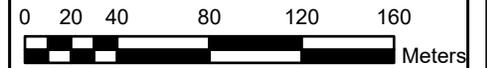
1657 MOUNT PLEASANT ROAD
 PART OF LOT 22 , CON. 13 (CAVAN)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 2

Legend

 Subject Property

Scale: 1:3,260



NAD 1983 UTM Zone 17N

Data Sources
 City of Peterborough Open Data
 County of Peterborough Online GIS
 Maxar Aerial Basemap

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| Created In: | ArcMap 10.7 |
| Drawn By: | JW |
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2.3 Proposed Development

The area specifically proposed for the on-farm diversified use and subject to the OPA and ZBA (Subject Lands) are located in the southwest corner of the Subject Property, where an existing building is located. The land subject to the OPA and ZBA comprise an area of approximately 0.49 ha (1.2 acres), with frontage of approximately 63.17 metres on Mount Pleasant Road. The on-farm diversified use will be limited to the gross floor area existing structure which has a total GFA of 429.06m² (0.11 acres). The existing building is located north of the portion of the Subject Property being used for agricultural production, which are currently crop fields. **Refer to Figure 3 – Subject Lands.**

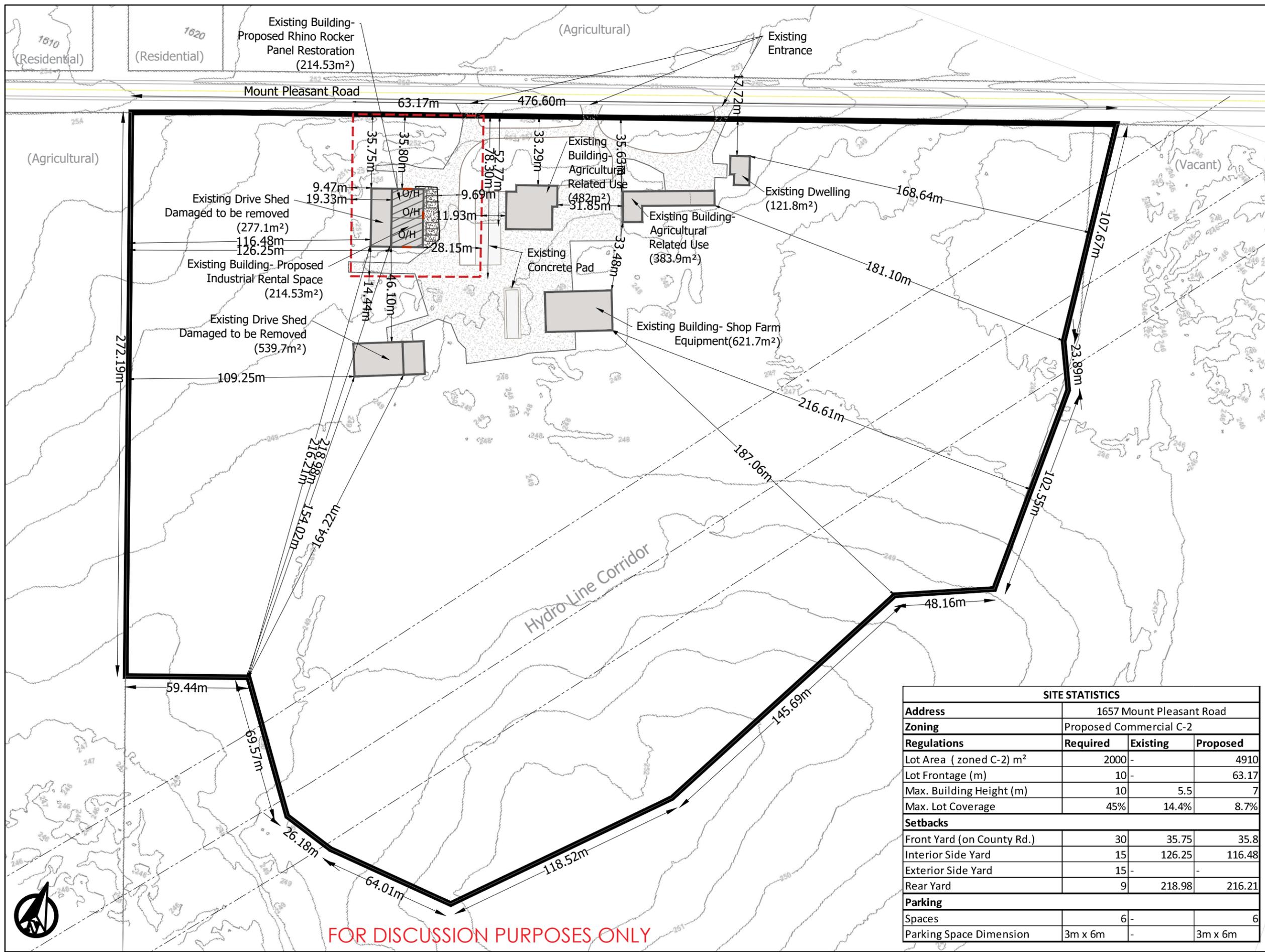
The existing building will be occupied by the on-farm diversified use and will be used for the operation of a light metal working shop and an electrician's shop use. Generally, it is anticipated that the use will operate on a regular basis and during regular business hours 9am to 5pm, from Monday to Friday. However, additional use may occur for special events on an in-frequent basis, such as emergency repairs.

There is no physical development of the Subject Lands proposed as the use is proposed within an existing building that will only require interior renovations and has an existing access from Mount Pleasant Road.

Together with the proposed use of the existing building, a dedicated parking area with one (1) accessible parking space is proposed. The parking spaces are intended to be used by the operators of the business, no other dedicated parking spaces are proposed. The existing gravel driveway will be used to access the proposed use. The driveway and parking area comprise a total area of approximately 1,297.94m² (0.32 acres). The total area proposed for the on-farm diversified use is 1,727.47m² (0.43 acres/0.17 ha), which is 1.25% of the total area of the Subject Property.

The existing building currently has two existing washrooms on existing private individual well and septic systems. No additional water or sanitary services are proposed. The owner is investigating the possibility of adding a separate gas line for the existing building. The gas line is the only additional service proposed for the on-farm diversified use. This will be contemplated through the subsequent required site plan approval process.

All proposed development for the Subject Lands is located outside of the 30-metre buffer and 120m area of influence associated with the adjacent wetland.



FOR DISCUSSION PURPOSES ONLY

Overall Concept Plan
 1657 Mount Pleasant Road
 Part of Lot 22, Concession 13
 Cavan Monaghan
 County of Peterborough

Figure 3

- 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
 - Proposed**
 - Proposed Gravel Parking Area
 - Zoning By-law**
 - Land subject to proposed zoning by-law amendment (0.49ha)

Scale: 1:1750 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 | |

| SITE STATISTICS | | | |
|-------------------------------------|--------------------------|-----------------|-----------------|
| Address | 1657 Mount Pleasant Road | | |
| Zoning | Proposed Commercial C-2 | | |
| Regulations | Required | Existing | Proposed |
| Lot Area (zoned C-2) m ² | 2000 | - | 4910 |
| Lot Frontage (m) | 10 | - | 63.17 |
| Max. Building Height (m) | 10 | 5.5 | 7 |
| Max. Lot Coverage | 45% | 14.4% | 8.7% |
| Setbacks | | | |
| Front Yard (on County Rd.) | 30 | 35.75 | 35.8 |
| Interior Side Yard | 15 | 126.25 | 116.48 |
| Exterior Side Yard | 15 | - | - |
| Rear Yard | 9 | 218.98 | 216.21 |
| Parking | | | |
| Spaces | 6 | - | 6 |
| Parking Space Dimension | 3m x 6m | - | 3m x 6m |



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3.0 Supporting Technical Studies

At the pre-consultation meeting of March 24th, 2022 Township Staff requested the completion of the aforementioned Study and Reports, together with this Planning Justification Report, in support of the subject applications. The following sections of the report serve to provide a brief overview of the findings and/or conclusions of each report.

3.1 Stage 1 and 2 Archaeology Assessment

Northeastern Archaeological Associates Ltd. was contracted to conduct Stage 1 and Stage 2 archaeological assessments, dated January 17th, 2023, of the lands involved in the proposed on-farm diversified use project at 1657 Mount Pleasant Road just west of the city of Peterborough.

The lands for the proposed project are roughly 0.49 hectares in size and include an existing building, a gravel access road and parking lot, as well as some small sections of lawn and long grass. This area plus an additional 10m-wide buffer zone surrounding it were subject to the Stage 1 & 2 archaeological assessments.

Stage 1 research indicated that most of the study area consists of previously disturbed lands with low archaeological potential, including an access road, a parking lot, and a large building footprint. However, there were some sections of undisturbed and potentially-undisturbed lands with high archaeological potential, including grass-covered areas mainly located around the perimeters of the study area.

Based on the results of the Stage 2 archaeological assessment, the following two recommendations are made:

- (1) Since no archaeological materials or cultural heritage resources of any kind were found during this Stage 2 archaeological assessment, the study area is considered to have no cultural heritage value or interest, and therefore no further archaeological assessment of those lands is recommended, as per Section 7.8.4 Standard 3 of the Standards and Guidelines for Consultant Archaeologists (MTC 2011).
- (2) If, in future, any development or further planning applications are submitted for the retained lands (outside of the current study area) at 1657 Mount Pleasant Road, then archaeological assessment of those areas may be required at that time.

3.2 Traffic Impact Study

D.M. Wills Associates Limited (Wills) was retained to prepare a Traffic Impact Study to support a proposed development located on the property known municipally as 1657 Mount Pleasant Road. This development is proposed to use the existing direct access to CR 9. Based on the characteristics of the development and the surrounding area, the study area included the three existing entrances within the property on CR 9. The property currently has an agriculture activity, and it is proposed that one of the agriculture buildings will be used as light metal work and a trades person's shop.

This Traffic Impact Study evaluated the potential traffic impacts from the proposed to the adjacent intersection of Mount Pleasant Road and Highway 7 and the potential impacts to Edgewood Park. The study area encompasses the south side of Mount Pleasant road, extending 900 m west of the of intersection of Highway 7 and Mount Pleasant road and also extends approximately 175 m east of Edgewood Park. The proposed development includes one existing accessory building with a Gross Floor Area of about 2,400 ft².

The background traffic operation and the traffic operation with the consideration of the traffic generated from the development at the intersection within the study area were assessed. The study area that will be impacted by the development is identified as the entrances of the proposed development on CR 9. The analysis of the existing and adjusted traffic counts at the entrances of the proposed on-farm diversified use showed that left or right turn lanes are not warranted now or in the future. Moreover, based on the analysis completed in this study, the new trips generated by the development will not have any impact on CR 9. The entrances of the development should be designed according to the County's guidelines as in the following standards: MTOD 0305.140 and MTOD 0305.150.

4.0 Policy Framework

The following provincial and municipal land use policy documents contain policies that relate to the proposed OPA and ZBA applications. These application will be reviewed in the context of these applicable policies. The policy documents include the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (Consolidated 2020), the County of Peterborough Official Plan (March 2020), the Township of Cavan Monaghan Official Plan (October 2021) and the Comprehensive Zoning By-Law No. 2018-58 for the Corporation of the Township of Cavan Monaghan.

4.1 Provincial

Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. In general, the PPS seeks to promote the development of communities that are socially, economically, and environmentally resilient.

The Subject lands are within a the rural area, and are therefore subject to Sections 1.1.4 (Rural Areas) and 1.1.5 (Rural Lands) of the PPS. Rural Areas may include prime agricultural areas, rural settlement areas, natural heritage features, other resource areas, or general rural lands. The PPS directs that rural areas are important to the foundation of a sustainable economy in the Province and are therefore to be supported in part by “leveraging rural amenities and assets”. As per Section 1.1.5.2, permitted uses on Rural Areas include on-farm diversified uses.

“1.2.6 Land Use Compatibility:

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated. avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;"*

Section 2.3 of the PPS provides policies with respect to Agricultural uses and states:

- 2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*
- 2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time. Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.*
- 2.3.3 Permitted Uses*
 - 2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*
 - 2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

2.3.3.3 *New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."*

Agriculture-related and on-farm diversified uses are to be compatible with and shall not hinder surrounding agricultural operations, in accordance with Publication 851: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Guidelines), published by the Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA).

The Guidelines include specific criteria for on-farm diversified uses as follows:

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, agritourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The Guidelines specify further compatibility considerations in this respect which are as follows:

- a. *Does not hinder surrounding agricultural operations.*
- b. *Appropriate to available rural services and infrastructure.*
- c. *Maintains the agricultural / rural character of the area.*
- d. *Meets all applicable environmental standards.*
- e. *Cumulative impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area.*

Section 2.6 of the PPS provides policies with respect to Cultural Heritage and Archaeology and states:

"2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

- 2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*
- 2.6.4 *Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.*
- 2.6.5 *Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources."*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe Office Consolidation 2020

The 2020 Place to Grow: Growth Plan for the Greater Golden Horseshoe (GPGGH) provides policy direction on coordinating and planning for growth across the region. Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. In general, the GPGGH seeks to promote accommodating forecasted growth in complete communities.

The Subject Lands are within the designated rural area, and is therefore subject to Sections 2.2.9 (Rural Areas) of the GPGGH. Section 2.2.9.1 states "Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses." . As per Section 2.2.9.3, permitted uses on Rural Lands includes;

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

4.2 County

The Peterborough County Official Plan (March 2022) (COP) directs and guides the actions of local municipalities and the County in policy planning and physical planning on a very broad basis. The intent of the COP to *"set the context for planning in the County as a whole and provide direction for County services."* As a requirement of the *Planning Act*, the COP must conform to the PPS. Additionally, local official plans shall conform to the COP and be one (1) of the primary means of implementing its policies.

The Subject Property is described as "Rural and Cultural Landscape" under the COP, as illustrated on the "Map 'A': Settlement area, Watershed Boundaries" of the COP. Rural and Cultural Landscapes represents all land areas outside of an identified settlement area, that are not: shoreland areas as described in Section 4.4; significant natural heritage features or other natural resources listed in Section 4.1; utilized for transportation purposes; physical services and utilities; used for recreation and open space purposes.

Section 4.3.1 of the COP outlines policies with regards to the development of land in Rural Land Use Designation. It states the goal for Rural Lands is:

"To preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry."

Section 4.2.2 identifies the following objectives within the Rural designation:

- *"to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape;*
- *to reinforce the historical relationship between settlement areas and the surrounding farm community to which the settlement areas provide basic services;*
- *to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water;*
- *to ensure that the agricultural industry remains viable;*
- *to preserve prime agricultural soils and protect farms, where possible, from activities and land uses which would limit productivity or efficiency;*
- *to encourage compatible economic diversification including greater flexibility for on-farm activities, home-based businesses and agri-tourism;*
- *to preserve the farm community as an important social resource;*
- *to encourage local municipalities within similar watersheds to participate, coordinate and carry out sound land use and environmental management practices."*

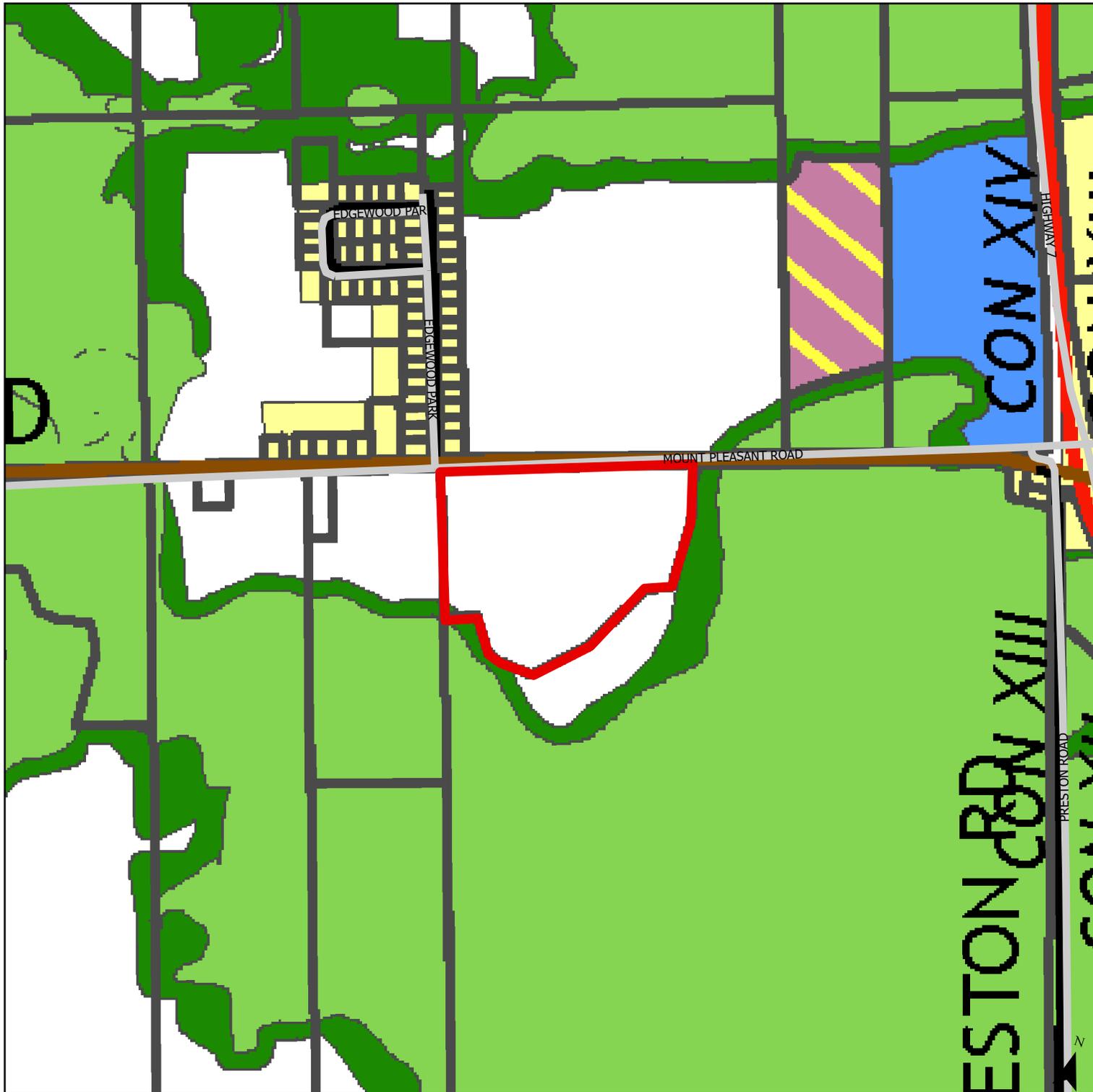
Section 4.3.3.2 of the COP outlines policies with regards to the development of land designated Agricultural. The applicable policies for Agricultural Lands are as follows:

" 4.3.3.2 Agriculture shall be encouraged and protected as an identifiable industry and cultural resource in Peterborough County;

- *Local plans, except those of the Townships of Trent Lakes and North Kawartha, will designate on map schedules prime agricultural areas;*
- *Where a local plan is amended to designate or change the boundaries of prime agricultural areas, in considering approval of the amendment, the County must be satisfied that: –*
 - *resource data available from the Ministry of Agriculture and Food have been fully considered and are fairly reflected;*
 - *any variances from the data available from the Ministry are justified by other data provided by and to the local municipality, and by the local municipality's interpretation of all the data available to it based on its knowledge of local conditions;*
- *Local plans may designate on map schedules other agricultural areas;*
- *Local plans will designate on map schedules other rural lands separate from any prime agricultural and other agricultural areas identified;*

In such circumstances, the local plan or amendment will ensure that impacts from the new non-agricultural uses on surrounding farm operations and lands will be mitigated;

- *Local plans will restrict uses of prime agricultural areas so designated, and may restrict uses of other agricultural areas so designated, as follows:*
 - *prime agricultural areas shall be protected for long-term use for agriculture;*
 - *agricultural uses, secondary uses, and agriculture-related uses as defined in the Provincial Policy Statement 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;*
 - *any proposed new secondary uses and agriculture-related uses as defined in the Provincial Policy Statement 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."*



OFFICIAL PLAN
 EXCERPT FROM SCHEDULE 'A' -
 LAND USE OF THE TOWNSHIP OF
 CAVAN MONAGHAN OFFICIAL PLAN
 PART OF LOT 22, CON. 13 (CAVAN)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 4

Legend

 Subject Property

Land Use

 Agricultural

 Rural

 Recreational

 Rural Employment

Natural Heritage System

 Natural Core Area

 Natural Linkage Area

Scale: 1:10,000

0 62.5 125 250 375 500
 Meters
 NAD 1983 UTM Zone 17N

Data Sources
 County of Peterborough Online GIS

| | |
|-----------------|---------------|
| Created In: | ArcMap 10.7 |
| Drawn By: | JW |
| Checked By: | MS |
| Map Date: | October, 2022 |
| Project Number: | 85287 |
| Map Number: | 4 |

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4.3 Municipal

Township of Cavan Monaghan Official Plan

The Township of Cavan Monaghan Official Plan 2015 (Office Consolidation October 2021) (CMOP) directs and guides the decisions of public authorities and private interests to maintain the Township as a livable and attractive community. The intent of the CMOP is to *"guide the decisions of public authorities and private interests to maintain the Township as a livable and attractive community."* As a requirement of the *Planning Act*, where there is a conflict between the COP and the CMOP the provisions of the County Plan shall prevail except where the local plan is more restrictive. Local official plans shall conform to the COP and be one (1) of the primary means of implementing its policies.

The Subject Property is designated "Agricultural" under the CMOP, as illustrated on the Township of Cavan Monaghan Official Plan (CMOP) - Schedule 'A'. **Refer to Figure 4 – Official Plan Schedule.**

Section 5.1 of the CMOP outlines policies with regards to the development of land in Agricultural Land Use Designation. Section 5.1.1 provides the following objectives for lands designated agricultural area;

- a) *"Recognize agriculture as the primary activity and land uses*
- 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 area; and,*
- f) *Provide for opportunities for further aggregate and possible mineral extraction in the Township."*

Section 5.1.2 provides the permitted uses on lands designated Agricultural and does not include on farm-diversified uses as a permitted use. Therefore, an Official Plan Amendment is proposed to allow for an on farm-diversified use on the Subject Property.

Section 3.27 of the CMOP provide policy direction on minimum distance separation formulae and requires *"New land uses, including the creation of lots, and new or expanding livestock operations, shall comply with the Minimum Distance Separation I (MDS I) and the Minimum Distance Separation II (MDS II) Formulae contained in the*

publication Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853, Ministry

Figure 4 – Official Plan Schedule

of Agriculture, Food and Rural Affairs". The policies under section 3.27 (e) require the Zoning By-law to establish regulations to apply to MDS for existing lots and new or expanding on-farm diversified uses. These regulations were reviewed as part of the review of the Township of Cavan Monaghan Comprehensive Zoning By-law No. 2018-58.

Township of Cavan Monaghan Comprehensive Zoning By-law No. 2018-58

As illustrated on the Schedule A Zoning By-law Map A-4 for the Township of Cavan Monaghan Zoning By-law No. 2018-58 (CMZB), the Subject Property is zoned 'A' Agricultural (See **Figure 5 – Zoning By-law**). Section 7.0 of the CMZB provides a number of permitted residential and non-residential uses under the 'A' Zone; including, an on-farm diversified use as permitted uses.

Table 7A Additional Regulations of the CMZB provides additional regulations application to specifically on-farm diversified uses, including the following;

- a. *"An on-farm diversified use, farm business or agri-tourism use may be located a lot having a minimum lot area of 4.0 hectares and containing a permitted agricultural use and associated single detached dwelling, where the specific type of use is permitted by the applicable Zone.*
- b. *A maximum of three on-farm diversified use, farm businesses and/or agri-tourism uses shall be permitted on a lot.*
- c. *On-farm diversified uses, farm businesses and agri-tourism uses shall not exceed the following size limits:*
 - i. *The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses, farm businesses or agri-tourism uses **shall not exceed the lesser of two percent of the lot area or one hectare**, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and,*
 - ii. *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 500 square metres including the gross floor areas used within all principal buildings or structures and accessory buildings or structures on the lot; and,*
 - iii. *Accessory buildings or structures that are used for on-farm diversified uses, farm businesses or agri-tourism uses shall comply with the requirements of Section 11.4; and,*

| | |
|--|-------------------------------|
| <i>Lot Area (Minimum)</i> | <i>40 ha (98.8 acres)</i> |
| <i>Frontage (Minimum)</i> | <i>130 metres (426.5 ft.)</i> |
| <i>Front Yard (Minimum)</i> | <i>30.0m (98.4 ft.)</i> |
| <i>Exterior Side Yard (Minimum)</i> | <i>6.0 metres (19.7 ft.)</i> |
| <i>Interior Side Yard (Minimum)</i> | <i>5.0 metres (16.4 ft.)</i> |
| <i>Rear Yard (Minimum)</i> | <i>6.0 metres (19.7 ft.)</i> |
| <i>Minimum Setback From Any Residential Zone</i> | <i>15.0 metres (49.2 ft.)</i> |
| <i>Maximum Building Height</i> | <i>12.0m (39.4 ft)</i> |

A Zoning By-law Amendment is required to permit the proposed electrician shop and light metal work shop (rocker panel restoration) as on-farm diversified and permitted uses within the existing structure. Site specific regulations for the proposed on-farm diversified uses are also required and summarized in Section 6.0 below.

ZONING BY-LAW
 EXCERPT FROM SCHEDULE 'A'
 MAP A-4 OF THE TOWNSHIP
 OF CAVAN MONAGHAN
 ZONING BY-LAW No. 2018-58
 PART OF LOT 22, CON. 13 (CAVAN)
 TOWNSHIP OF CAVAN MONAGHAN
 COUNTY OF PETERBOROUGH

Figure 5

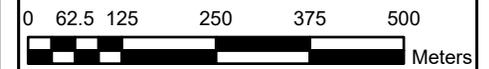
Legend

 Subject Property

Zoning Description

- A Agricultural
- C4 Entertainment Commercial
- HR Hamlet Residential
- NC Natural Core
- NL Natural Linkage
- M2 Rural Employment
- RR Rural Residential

Scale: 1:10,000



NAD 1983 UTM Zone 17N

Data Sources

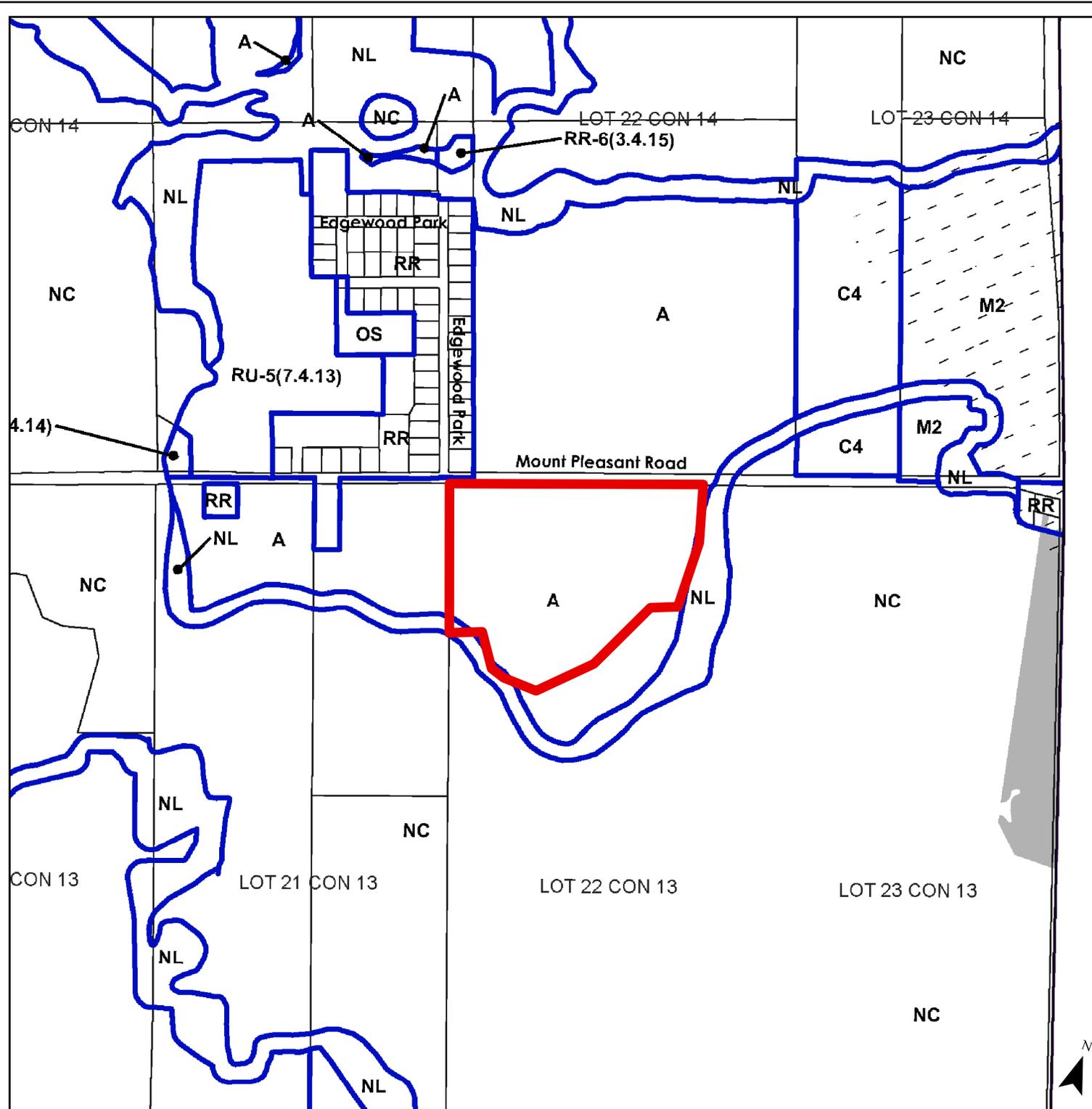
County of Peterborough Online GIS

| | |
|-----------------|---------------|
| Created In: | ArcMap 10.7 |
| Drawn By: | JW |
| Checked By: | JT/MS |
| Map Date: | October, 2022 |
| Project Number: | 85178 |
| Map Number: | 1 |



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 Peterborough, Ontario
 K9J 0B9

P. 705.742.2297
 F. 705.748.9944
 E. wills@dmwills.com



5.0 Planning Rationale

As outlined in the PPS, rural areas across the Province have diverse populations, geographies and economies. Accordingly, local circumstances vary by region, and planning decisions must consider and reflect such. This is further supported by the policy direction of the Growth Plan, which recognizes that different approaches to growth are required to support the diversity of our communities.

The subject property is actively used for growing of rotational field crops. The dominant use of the property will remain agricultural. Development of the proposed on-farm diversified use will not displace any agricultural land on the property, as it will be located in an existing underutilized building on the Subject Property, and will not affect the agricultural use of the property. The property will continue to be used primarily as a cash-crop farm.

As noted by the Guidelines, the criterion provided is intended to minimize the land removed from agricultural production, ensure agriculture remains the primary use on the property and limit off-site impacts. In order to achieve the above, on-farm diversified uses are to be limited to 2% of the property area up to a maximum of 1 hectare.

As proposed, the on-farm diversified use, together with associated parking and gravel areas will comprise less than one (1) acre of the property, representing less than 2% of the total property area, and is therefore consistent with provincial guidelines.

The Guidelines provide specific examples of home industries, including sawmills and woodworking shops, manufacturing and fabrication facilities, and equipment repair. The proposed rezoning will permit the existing 429.06 ft² (4,618.36 ft²) accessory structure on the property to be used for the light metal work (rocker panel restoration) and an electrician shop, consistent with the example of on-farm diversified uses, as established by the Province.

As described in this report, the proposed on-farm diversified use will be located a substantial distance from surrounding agricultural operations and will involve low daily customer volumes. Given the foregoing, the proposal is not anticipated to hinder surrounding farm operations.

Further, access to the proposed facility will be provided from an existing driveway from Mount Pleasant Road, which is an improved road. While traffic impacts anticipated from the proposed development are minimal, it is fully anticipated that the current road infrastructure will be able to adequately service the proposed development. Further the conclusions and recommendation of the Traffic Impact Study determined there would be no impact on Mount Pleasant Road from the proposed use.

The proposed use will be located within the existing accessory buildings on the property and will maintain the existing setbacks from Mount Pleasant Road.

The existing building is located greater than 200 metres from any significant natural features on the property and surrounding area. In addition, the existing building is located approximately 500 metres from the existing watercourse; and is further separated from the watercourse by the active farmland on the property.

Therefore, no negative impacts on the surrounding natural features or environment are anticipated as a result of approval of the application.

A review of the surrounding area has identified no known additional agriculture-related or on-farm diversified uses in the vicinity. In addition, with the exception of the Peterborough Speedway, no non-agricultural uses were identified in the surrounding area. The proposed restoration facility represents the only known secondary on-farm use in the area. Further, as noted above, the facility is limited in size and will only require limited internal renovation, so as to maintain the agricultural character of the building.

With limited existing non-agricultural uses in the area, the surrounding land use remains prevalently agricultural. The agricultural nature of the area will therefore remain unaffected by the proposed development.

The establishment of an on-farm diversified use for the operation of the proposed light metal working shop and an electrician's shop on the Subject Lands, and likewise the OPA and ZBA applications to facilitate such, would serve to provide the landowner with a use for an existing and underutilized agricultural building on the Subject Property. The building is no longer required for the operation of the farmland but remains an asset to the Subject Property. The use will allow the owner to lease the space and provide a supplementary income to assist with the carrying cost of the agricultural lands.

While employment uses are typically promoted in built-up areas, due to the properties close proximity to the City of Peterborough and Highway 7 it represents an appropriate use on the Subject Property. The Peterborough Speedway is located immediately north of the Subject Property, in order to support the specific needs of the uses in the surrounding area, establishment of the proposed use is considered appropriate.

With respect to natural heritage, a wetland has been identified south of the Subject Lands. However, the proposed lands to be rezoned and physical siting of the existing building and associated parking areas are located outside of all features, the associated 30-metre vegetation protection zone and the 120 area of influence. Overall, the proposed development will not conflict with the rural and agricultural policies and objectives of the PPS, Growth Plan and COP.

The proposed Official Plan Amendment will allow for an "on-farm diversified use" as a permitted use under the current Agricultural designation on the Subject Property. The proposed Zoning By-law Amendment will rezone the Subject Property to an Agricultural 'A-XX' Site Specific Zone, which allows for the proposed light metal working shop and trades/electrician's shop, within the existing accessory structure on the Subject Property.

6.0 Proposed Official Plan and Zoning By-law Amendments

The following are the proposed Official Plan and Zoning By-law Amendments for the Subject Site located at 1657 Mount Pleasant Rd., Lot 22, Concession 13 in the Township of Cavan Monaghan. Refer to **Appendix 'B'**.

Official Plan Amendment

Special Policy Area – Part Lot 22, Concession 13, Cavan Ward

Notwithstanding the policies of Section 2.3.3 to the contrary, lands located in part of Lot 22, Concession 13, Cavan Ward, and identified on Schedule “A” – Map 3, may be used for a light metal shop (rocker panel restoration) and an electrician shop.

Schedule “A” – Map 3 – is hereby amended by inserting a text box stating “refer to Section XX” for the Subject Site located in Part Lot 22, Concession 13, Cavan Ward, as shown on Schedule “x”, attached hereto and forming part of this amendment.

Zoning By-law Amendment

Agricultural –XX (A-XX) Zone

By-law 2023-XX

Part Lot 22, Concession 13 (Cavan Ward) more particularly described as 1657 Mount Pleasant Rd., as shown on Schedule “x” attached hereto, and forming part of this Bylaw.

Notwithstanding any other provisions of this By-law to the contrary, within the

Agricultural – XX (A-XX) zone, the following provisions shall apply:

Permitted Uses:

- i) light metal shop (rocker panel restoration); and
- ii) electrician shop

Regulations for uses permitted under Section 7.0;

| | |
|---------------------------------|---|
| <i>Coverage (Maximum)</i> | <i>2% (0.8 ha)</i> |
| <i>Maximum Gross Floor Area</i> | <i>430m² (4,628.48 ft²)</i> |

All other relevant provisions of By-Law 2018-58, as amended, shall apply.

7.0 Closing & Conclusion

This report has been prepared in support of OPA and ZBA applications to implement the proposed on-farm diversified use within an existing building on the Subject Property. The report provides an analysis of the applicable provincial and local policy documents in the context of the applications.

It is our opinion that the development does not adversely impact the surrounding lands, is compatible and consistent with the surrounding rural area and is consistent with the direction of provincial and local policy which encourages leveraging rural assets.

Based on the background information, the features on site and the forgoing review of the relevant policies, it is our opinion that the proposed OPA and ZBA applications are consistent with and conform to provincial and municipal policies, and constitutes as good planning.

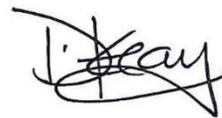
Respectfully Submitted,

Reviewed by:

D.M. Wills Associates Limited



Marnie Saunders, B.E.S., CPT.
Land Use Planner



Diana Keay, MCIP, RPP
Senior Planner

MS/DK/hd

Appendix A

Pre-Consultation Checklist

Record of Pre-Consultation



Prepared by the Township of
Cavan Monaghan Planning Department

Name: Bob Kennedy ~

Agent:

Lot: Pt. Lot Concession: 13
22

Municipality: Cavan Ward
Township of Cavan Monaghan

Municipal Address: 1657 Mount Pleasant Rd.

Roll No.(s) 1509-010-050-13000 & 1509

-010-050-13100

Phone: 705-977-4403

Email:

Office Phone:
NA

Communication Sent To:

Owner:

Agent:

Meeting Date: 2022-03-24 (yyyy-MM-dd)

Meeting Location:

Township of Cavan Monaghan
Community Center
986 County Rd 10
Millbrook, ON

Virtual by Zoom
Hybrid Option
ORCA attended via Zoom

Attendees:

Karen Ellis, Township of Cavan Monaghan
Frick Heilingbrunner, Township of Cavan Monaghan
Jessica Auchterlonie, Township of Cavan Monaghan
Eydie Vandenberg, Township of Cavan Monaghan
Bill Balfour, Township of Cavan Monaghan
Don Allin, Otonabee Region Conservation Authority via Zoom
Bob Kennedy, Proponent

A copy of the complete Record of Pre-Consultation will be sent to all attendees —

| Existing Parcel Description | |
|-----------------------------|---|
| Municipal O.P. Designation | Agriculture, Natural Linkage, Natural Core |
| Municipal Zoning | Agricultural (A), Natural Linkage (NL), Natural Core (NC) |
| Area/Lot Dimensions | 33.64 Acres + 33.79 Acres |
| Existing Use/Buildings | SFD – 1875, Type I Barn – 1955, Type III |

| | |
|--|--|
| | Uninsulated Barn - 1978, Type III Uninsulated Barn - 1979, Type III Uninsulated Barn - 1980, Type III Uninsulated Barn - 2003, Steel Grain Bin - 2003, Type IV Insulated Barn - 1955 |
|--|--|

Pre-consultation completed for:

- Plan of Subdivision (*Application submitted to County*)
- Plan of Condominium (*Application submitted to County*)
- Official Plan Amendment for
 - County Official Plan (*Application submitted to County*)
 - Local Component of County Official Plan (*Application submitted to County*)
 - Municipal Official Plan (*Application submitted to Township*)
- Zoning By-law Amendment (*Application submitted to Township*)
- Severance (Consent) (*Application submitted to County*)
- Site Plan (*Application submitted to Township*)
- Part Lot Control (*Application submitted to Township*)

Proposal Summary/Description:

The proponent would like to add a vehicle painting facility, contractor office/~~storage space~~ and commercial storage to 1657 Mount Pleasant Rd. These planning approvals are required because the property is not currently designated and zoned to permit the proposed uses.

The property owner is intending to use the buildings already present on the site. Air photos of the site, with notes regarding the proposed uses, were provided by the Proponent.

The Proponent believes it is important to maintain the integrity and preserve the heritage of the surrounding area. The farm has everything it needs to sustain these plans.

Discussion:

1. Property in question

Proponent must determine if the lot directly to the south west (1509-010-050-13100) has merged on title with the subject lands as this will affect the calculations required for on farm diversified uses. File information indicates the properties were previously considered as 1 re: severance application.

2. Proposed Business Opportunities for the Property

TWO (2)
 Three ~~(3)~~ businesses are proposed to share space in the most western building on the property.

The first business is proposed as light metalwork including light welding, TAC welding, roll on paint and the use of two-part ventilation. The Proponent does not believe that special ventilation is required. This business would be around 2400 sq ft. There are washrooms in this building. They currently are tied into a septic on the property. The Proponent does not believe there is a tile field that goes with the septic tank. It is unclear if the septic is currently in proper working order. This building (most western part of the property) has it's

The second business is a shop to house tools. Ideally would like to have a domestic electrician with 1 or 2 employees working out of this building (most western building on property) as well. There would be no outside storage. Vehicles would park on the property as indicated on the site plan.

~~The next business would be housed in the building with 4 bay doors. The proponent would like to rent out two of the bays.~~

~~There are two lean-tos located on the property. The buildings with leantos would be used as storage for things like boats, RVs and cars. No hazardous material is to be stored. The total size of this is 4500-5000 sq ft. There would be no washrooms in the storage buildings. The first lean-to is 3000 sq ft.~~

There is a current retail component on the property that is roughly 4000 sq ft. in size. Bob Kennedy's sister is selling items as her name is on the title.

Also kept on the property are two (2) horses and some chickens. There are no buildings for these animals. They stay on the east part of the property.

Considerations for the buildings and proposed business uses need to be checked against the Hazard Index for Building and Fire to be satisfied. Frick noted that if choosing to use a different business later in the future the zoning or building may not allow for it.

The proponent would like it on record that currently no barns or buildings are capable of or used to house livestock.

Long term thinking is essential for this project as a change of use permit would be required if different businesses or occupations were to be houses on the property. The change of use would need to be in place before the new use begins.

The Fire Department acknowledges that if the Building Code is met then the fire requirements will be satisfied. It will be vital to examine the products and things that are being sprayed as there will be different considerations for different products based on their flammability. These constraints include the storage space and size of building. Products will need to be checked by the proponent or business operator to ensure they meet Ontario and Canada regulations. There may be a need for ventilation and/or a spray booth depending on the paint/chemical products used and the method of application.

3. Next steps

The planning approvals needed at this point would be an Official Plan Amendment (OPA), a Zoning By-Law Amendment (ZBA) and Site Plan Approval. The outcome of these applications cannot be pre-determined (i.e. – the filing of the application does not guarantee approval of the applications).

1. Official Plan Amendment (OPA)

- a. Need to hire a planning consultant to help with this
- b. This will permit the types of uses the proponent has suggested
- c. Documentation to support application is required
 - i. Planning Justification Report
 - ii. Completed application forms
 - iii. Archeological study

!V TRAFFIC IMPACT Study

- d. Proponent and planning consultant will need to justify how uses relate to agricultural ones
- e. OPA can add policies to permit on-farm diversified uses or change land use designation from Agricultural to Employment
- 2. Zoning By-Law amendment (ZBA)
 - a. To change permitted uses and establish regulations for permitted uses
- 3. Traffic report – needed because Mount Pleasant Rd is a County Rd.
 - a. A traffic report is required as per the County's Traffic Impact Assessment Guidelines (please have the proponents traffic consultant contact Dan Ilkwiecz to obtain the guidelines and other information). The traffic report shall take into consideration all traffic movements going in and out of the property and not just the proposed commercial storage and vehicle painting facility. The traffic report shall review current and proposed accesses to the property as per the Entrance By-law (#2012-26). Commercial entrances are required to be paved within the County's road allowance. If any left turn lanes or right turn lanes/tapers will be required as per the proposal, all costs shall be borne by the proponent for the installation/construction.
 - b. Will speak to entrances across the front of the property and will dictate if one needs to be closed as per county requirements
- 4. Archaeological Study – required because a known archaeological site is located within 300m of the property
 - a. An archaeologist would help undertake this process
 - b. These happen in a tiered process. Phase 1 is completed and then next steps are taken based on findings
 - c. Required under provincial legislation
- 5. Site Plan Approval
 - a. A professionally prepared site plan prepared in accordance with the Site Plan Control By-law.
 - b. Plans need to show building locations, setbacks, parking and loading spaces, entrances, landscaping, lighting, signage, grading and drainage etc.
 - c. Storm Water Management Plan
 - i. This plan would need to be done by a professional engineer
 - ii. The County will review this plan
 - iii. ORCA will review this plan
 - iv. Township will review this plan as part of the Site Plan Approval
 - d. Clear demarcation of building sizes and uses is essential

4. Otonabee Region Conservation Authority

1. *Otonabee Conservation reviews planning applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). The area of the property in question is not within or adjacent (within 120 metres) of any known natural hazards. Current drainage conditions are not proposed to be altered by the changes in use of the existing buildings. The proponent is in the process of adding storage to capture rain water for use on the property. No changes in current stormwater characteristics are anticipated. If paving is proposed/required, then a stormwater management solution may be required.*
2. *Otonabee Conservation reviews planning applications through our responsibilities as a service provider to the municipality in that we provide planning and technical*

area of the property in question is beyond 120 metres of any natural heritage or key hydrologic features.

3. *ORCA Regulation Under Ontario Regulation 167/06, this Authority's 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation under Section 28 of the Conservation Authorities Act:* The area of the property in question is not regulated by the Authority thus no permits would be required under this regulation.
4. *Otonabee Conservation reviews planning applications under the Revised Trent Source Water Protection Plan (SPP), prepared under the Clean Water Act.* The property is not located in a protected or vulnerable area.
5. *Otonabee Conservation is an adjacent landowner.* During the application circulation phase, the conservation lands team may have further comment. However, it appears that the proposal/changes of use will not have any impacts to the adjacent Authority owned lands.

5. Potential Barriers to development

The square footage may limit how much land can be used for on-farm diversified uses as there is Provincial policy that limits how much land can be dedicated to on-farm diversified uses. A consultant would calculate this. The proponent is prepared to compromise to ensure the uses he really wants are present on this property.

6. Timing

Due to the nature of compliance orders on the property the Chief Building Official (CBO) will expect action to be taken in a timely manner, including the hiring of a planning consultant if the proponent intends to move forward with this project. Township staff will provide the proponent with a list of local planning consultants.

Fees: A copy of the current Township User Fee By-law is attached with applicable planning fees emphasized (i.e. highlighted or circled).

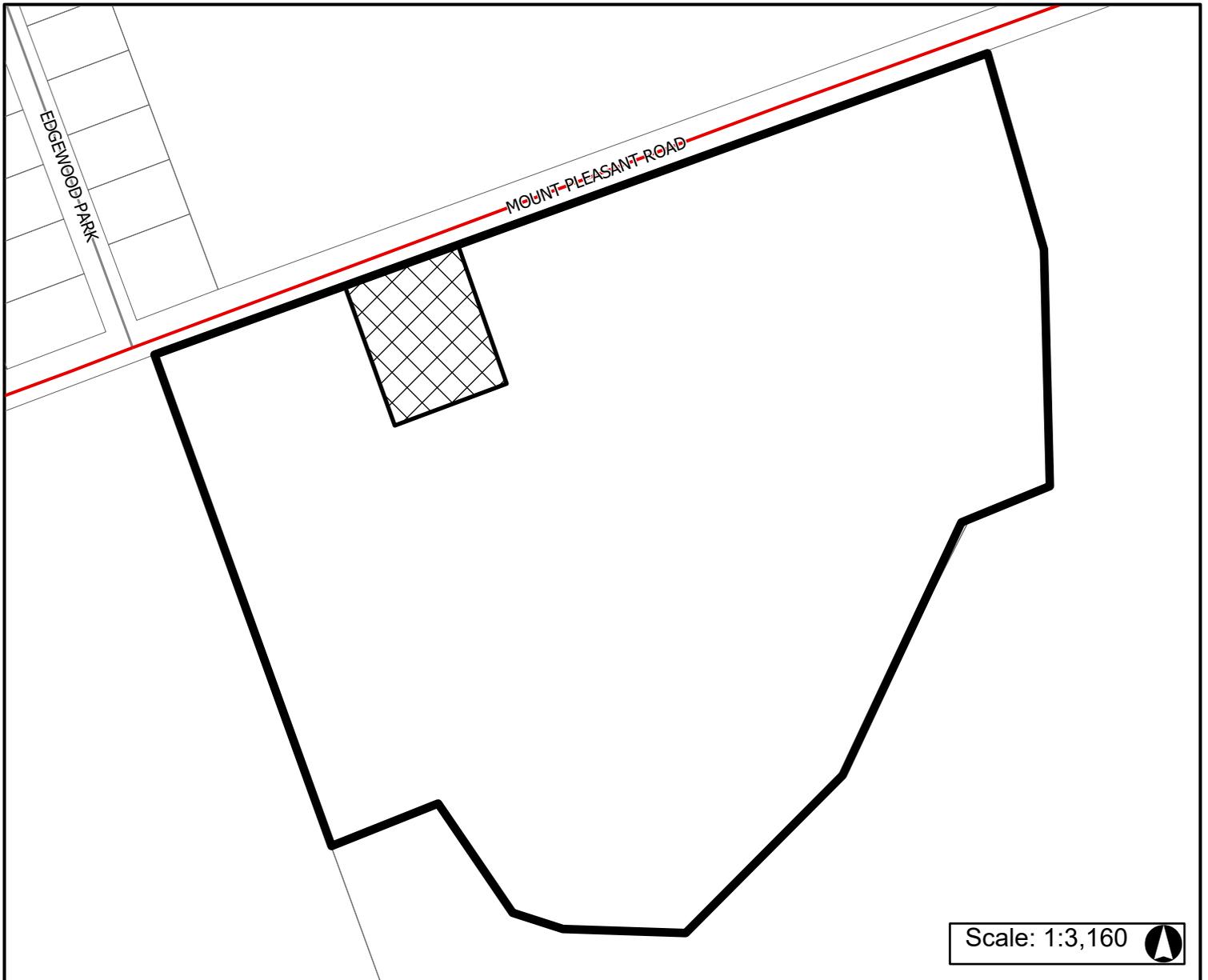
Other applicable fees should be confirmed through staff at the County of Peterborough, Conservation Authority and/or Peterborough Public Health.

Record Completed By: Jessica Auchterlonie

Appendix B

Draft Zoning By-law Schedule

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



Area Affected by this By-law
Part Lot 22, Concession 13
Roll Number 1509-010-050-13000
Township of Cavan Monaghan

Certificate of Authentication
This is Schedule "1" to By-law No. 2022-____
passed this __, day of _____, 20__.

 Rezone to Site Specific Agricultural (A-XX)

Mayor

Clerk