



218 Orchard Road, Colborne

Planning Justification Report
Official Plan Amendment
January 19, 2024



Prepared for The Big Apple Inc.

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1.0 Introduction

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1.1 Introduction

Fotenn Planning + Design has been retained by the Big Apple Inc., the operator of the site, to prepare this Planning Justification Report in support of the application for an Official Plan Amendment (OPA) for the property located at 218 Orchard Road in the Township of Cramahe. The purpose of this report is to assess the appropriateness of the proposed development and the requested OPA with consideration for the surrounding community and the applicable policy and regulatory framework.

The subject lands are legally known as Concession 3 Part Lot 34 (See Figure 1), located on the north side of Orchard Road, west of County Road 25. Part Lot 34 has an approximate lot area of +/- 13.2 hectares and approximately +/- 384 metres of frontage on Orchard Road. This report will refer to Part Lot 34 as the subject lands, as identified through AG Maps. The primary commercial activity of the Big Apple is located on Part Lot 33 to the east.

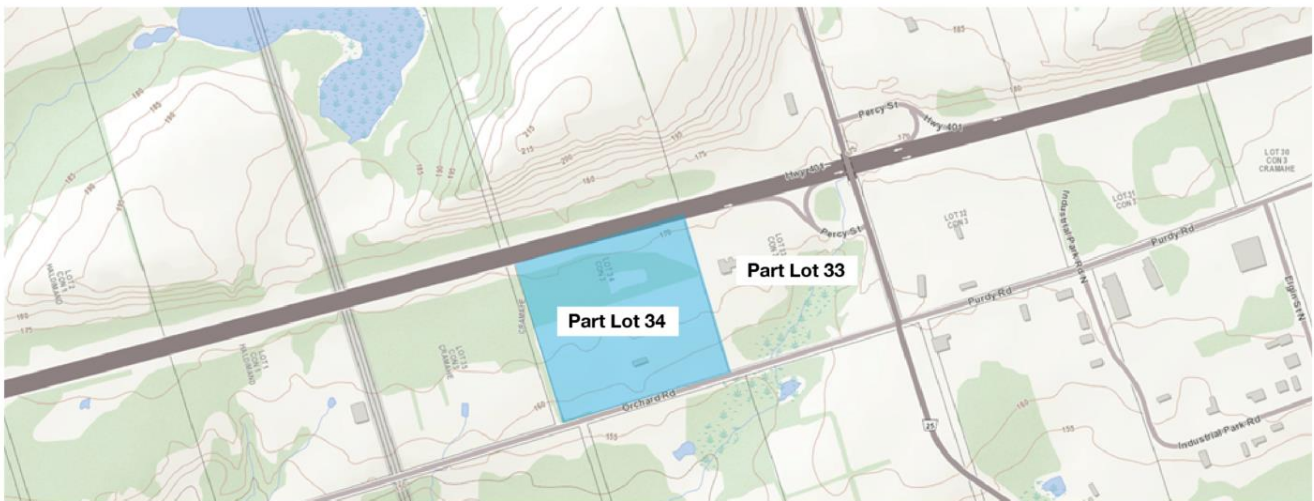


Figure 1: Subject Lands on AG Maps

The property is designated Employment Area on Schedule A - Land Use Plan of the Township of Cramahe Official Plan and zoned rural (RU) Zone in the Township of Cramahe Comprehensive Zoning By-law 08-18. For lands associated with the active uses on the subject lands, a Temporary Use By-Law has been issued to permit the existing petting zoo, off-leash dog park and parking areas associated with The Big Apple, for a maximum of two years.

1.2 Development Application

1.2.1 Official Plan Amendment

The intent of the application is to add the uses covered under the Temporary Use By-law to the permitted uses in the Employment Area designation in the Township of Cramahe Official Plan (OP). Specifically, in addition to the uses permitted in the Employment Area designation, we are proposing that “*petting zoo*”, “*off-leash dog park*” and “*parking areas*” be permitted on a site-specific basis on the subject lands, as they contribute to the commercial use of The Big Apple on Part Lot 33. For the purposes of this report, these existing temporary uses will be referred to as “the proposed development”.

A Pre-Consultation Meeting was held on July 27, 2023 with Township of Cramahe staff to discuss the proposed development of the subject lands. The following supporting studies / plans are being submitted in support of the Official Plan Amendment Application in accordance with direction provided through the pre-consultation process:

- / Complete Application Form;
- / Concept Plan in metric and to scale;
- / Species at Risk Screening Memorandum;
- / Functional Servicing Brief; and
- / Planning Justification Report.

1.2.2 Zoning By-law Amendment

Township staff have expressed their preference for a staggered approach, as opposed to reviewing concurrent application submissions, beginning with the OPA. Pending the OPA approval from the approval authorities, the applicant would move forward with preparing a formal Zoning By-law Amendment (ZBA) application. As part of this process, the client is also seeking to establish a +/- 2,297 sqm warehouse facility and additional parking on Part Lot 34. While storage and warehousing is permitted in Employment Lands in the OP, it is not permitted in rural (RU) zone in the Zoning By-law and therefore this will also be pursued through a ZBA. It is anticipated that the existing temporary uses will also require permissions through a ZBA, provided the OPA is approved by the approval authority. The intent will be for the technical demonstration of the proposed uses and their function (e.g. parking areas, access and egress to the warehouse, servicing, etc.) to be reviewed through the ZBA process. It is further anticipated that a site plan control process will be required for the proposed warehouse use.

2.0 Site Context and Surrounding Area

2.1 Site Context

The subject lands have an area of approximately 13.2 hectares and 384 metres of frontage on Orchard Road (See Figure 2). From Orchard Road, an internal driveway leads to The Big Apple, a commercial establishment located on Part Lot 33 to the east of the subject lands. For the purpose of this report, the internal driveway will mark the separation between Part Lot 34 and Part Lot 33. The Big Apple features a series of commercial buildings and associated parking which serve local residents and the travelling public. To the south are forested and grassy areas. Immediately to the west of the internal driveway on the subject lands is a petting zoo, off-leash dog park and two additional parking areas.

Further to the west on the subject lands, another internal driveway from Orchard Road leads to buildings associated with The Big Apple, including a barn. The remainder of the subject lands represent a mosaic of cultural meadow and deciduous forest, and there is an unevaluated wetland on the southeastern corner along Orchard Road (See Figure 2) that will be discussed later in the report.



Figure 2: Subject Lands

2.2 Surrounding Area

The subject lands exist within a rural context with the majority of surrounding lands being open fields and forested areas (See Figure 3). Roadways frame the site to the north, east and south, with the Highway 401 turn off being a key transportation route to Colborne and other nearby municipalities. Nearby uses include employment and some commercial.



Figure 3: Surrounding Context

- North:** Directly adjacent to the subject lands to the north is Highway 401. The highway exit to County Road 25, locally known as Percy Street, is the key turn off from the 401 to Colborne. Further north, there are rural lands in the form of open fields, forested areas, and lakes. North of Highway 401 off Percy Street, slightly east of the subject lands, is a site with employment uses.
- East:** Directly to the east of the subject lands is Part Lot 33. Directly adjacent to Part Lot 33 to the east is Percy Street, which contains some commercial uses south of Orchard Road. Percy Street turns into Big Apple Drive and is the key route to the Town of Colborne. Further east, there is a cluster of employment uses which include manufacturing, transport, and agricultural uses, among others. Beyond this are rural lands in the form of open fields, as is typical for the surrounding area.
- South:** Directly adjacent to the subject lands to the south is Orchard Road, where the subject lands have approximately 384 metres of frontage. Beyond this are rural lands in the form of open fields and forested areas.
- West:** Directly adjacent to the subject lands to the west is another rural property which features open fields and forested areas. An internal driveway goes north from Orchard Road where it turns into Dudley Road and residential uses are found on Dudley Road moving westward. Further west are Horse Stables.

3.0 Proposed Development

3.1 Overview

The applicant is seeking to permit the development of the subject lands with the following (See Figure 4):

1. Existing uses currently covered under the Temporary Use By-law: petting zoo, off-leash dog park and additional parking (“the proposed development”)

These existing temporary uses on the subject lands are not contemplated in the Township Official Plan and are required to be added as permitted uses through an OPA. This application does not propose to change the Employment Areas designation in the Official Plan, but rather add the aforementioned uses as permitted uses on a site-specific basis. For the purpose of this report and application, we will be discussing these uses to be added through the OPA and will refer to them as “the proposed development”.

2. A new storage warehouse facility and additional parking

Storage and warehousing is a permitted use within the Employment Areas OP designation. The storage and warehouse use is not permitted in the rural (RU) zone in the Township of Cramahe Comprehensive Zoning By-law 08-18, however, and thus will require a ZBA which will be pursued after the OPA. Therefore, this application will not focus on the new storage warehouse facility, as this will be considered through the ZBA process. The intent will be for technical demonstration of the proposed uses, and their function (e.g. parking areas, access and egress to the warehouse, servicing, etc.) to be reviewed through the ZBA and Site Plan process.



Figure 4: Existing and Proposed Uses on Part Lot 34

3.2 Existing Temporary Uses

To the west of the internal driveway leading to The Big Apple, on the subject lands, is the existing petting zoo, off-leash dog park, and additional parking areas (two locations) currently covered under the Temporary Use By-law (See Figure 2).

At the north end of the subject lands, directly to the west of the internal driveway, is the first parking lot which contains a gravel parking area which is approximately 810 sqm. South of this is a grassy area of approximately 465 sqm, which functions as an off-leash dog park. South of this and opposite The Big Apple is the petting zoo, which is approximately +/- 2,245 sqm of gravel area and contains lean-to shelters. The second existing parking area is furthest to the south and opposite the fire route on Part Lot 33 and is approximately 3,270 sqm and can accommodate approximately +/- 68 parking spaces.

3.3 Proposed Uses

3.3.1 Warehouse Building

The intended development of Part Lot 34 is slated to include a 2,297 sqm warehouse and associated surface parking and loading areas (See Figure 2). It is proposed that the building will be accessed via an entrance from Orchard Road, subject to approvals and permits, as well as an internal private paved road branching from the existing private driveway which currently services the Big Apple. A water line and natural gas line will be provided as part of the development, with detailed design to be considered through subsequent processes. A paved parking area will be provided south of the warehouse facility, close to Orchard Road. This development will be reviewed through the forthcoming ZBA process.

South of the proposed warehouse, adjacent to Orchard Road, is an unevaluated wetland. The intent is to keep all development out of the unevaluated wetland entirely. If required, it is anticipated that review of the wetland can take place through a subsequent process when permissions related to the warehouse are being pursued and considered.

3.3.2 New Parking Area

A gravel parking area is proposed adjacent to the existing parking area south of the petting zoo. It is proposed to have 50 additional spaces and an area of approximately +/- 1,900 sqm provided to support the existing development.

4.0 Supporting Studies

4.1 Species at Risk Screening Assessment

A Species at Risk (SAR) Screening Assessment was submitted on October 30, 2023, by GEMTEC Consulting Engineers and Scientists Ltd. The assessment reviewed the subject lands and an area of 120 metres beyond the subject lands. The objectives of this assessment were to (1) identify the presence or potential presence of any SAR and their regulated habitat within the project area and (2) to recommend established and effective avoidance and mitigation measures to ensure that the project is in accordance with the provincial Endangered Species Act (2007), the federal Species at Risk Act, and the Conservation Authorities Act. The subject lands and surrounding area represent a mosaic of cultural meadow, deciduous forest, and commercial area.

4.1.1 Assessment

In the desktop review, there is a moderate to high potential for three avian (eastern meadowlark, grasshopper sparrow, and wood thrush) and three mammalian (eastern small-footed myotis, little brown myotis, and tri-colored bat) SAR to be

present within the project area. Following completion of the field investigation, no SAR species were confirmed to occur on-site or within the immediate study area, including plant, animal, or aquatic species.

4.1.2 Recommendations

Given the potential presence of SAR, avoidance and mitigation measures are recommended to minimize or avoid the potential impacts from potential future development on the local environment and potential SAR and their habitat.

- / Vegetation removal should occur outside of March 15 to November 30 to avoid the key breeding bird period, and bat summer active season. If vegetation clearing activities must take place during the aforementioned timing window, then a nest survey and site sweep shall be conducted by a qualified professional. Given the risk to bat SAR, if the timing window cannot be adhered to, consultation with the MECP is required;
- / The Critical Root Zone (CRZ) should be identified and fenced to protect trees to be retained during construction. The CRZ is defined as 10 centimetres from the base of the tree for every centimeter in diameter of the tree trunk at breast height;
- / Perform daily pre-work sweeps of any construction areas to ensure no SAR are present and to remove any wildlife from inside the construction area;
- / Erosion and sediment control prepared by a qualified expert;
- / Halting any work if any SAR are identified on the construction site and contacting a qualified professional and the MECP; and
- / Exclusion fencing is recommended to be installed along the edge of any future construction areas for the protection of wildlife SAR.

4.2 Functional Servicing Brief

A Functional Servicing Report was completed on December 1, 2023 by Jewel Engineering for the subject lands. This report focused on the proposed warehouse which will be reviewed in the Zoning By-law process, provided the OPA is approved by the approval authority. The review of the available servicing was completed using the specifications outlined by the Design Guidelines for Drinking Water Systems (2008) and the 2012 Building Code Compendium (update 2022).

The report found the proposed development site is serviceable via the municipal water system on Orchard Road. Specifically, the report outlined:

- / Regarding the feasibility of servicing the proposed development with municipal water service, it was recommended that the warehouse would need a connection to the existing service on The Big Apple site or by extending the 200 mm watermain along Orchard Road to the proposed development site frontage;
- / The proposed warehouse will experience pressures within an acceptable range under peak hour conditions;
- / A fire flow of 107L/s is anticipated to be available at the proposed warehouse under Max Day + Fire Flow conditions (based on assumptions – must be confirmed once building plans are available);
- / An additional fire flow of 43 L/s may be required to meet OBC requirements; and
- / Calculations completed in this report are based on extension of the municipal watermain on Orchard Road to service the site as this is understood to be the desired servicing option.

It is recommended that this report be re-issued at the time of site plan approval, when more detailed building plans are available, in order to update calculation to reflect the actual proposed building construction.

5.0 Policy and Regulatory Review

5.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) came into effect on May 1, 2020. The PPS provides high-level land use policy direction on matters of Provincial interest as they relate to land use planning and development in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, supporting long-term economic prosperity, and preserving natural resources for future uses. PPS policies that are directly relevant to the proposed development are:

Policy 1.1.1: Healthy, liveable and safe communities are sustained by:

- / Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (a);
- / Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (b);
- / Avoiding development and land use patterns which may cause environmental or public health and safety concerns (c);
- / 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 (d);
- / Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs (g); and
- / Promoting development and land use patterns that conserve biodiversity (h).

The proposed development promotes an efficient development and land use pattern which sustains the financial well-being of the Province and Township of Cramahe by proposing uses that are already contemplated and existing in the immediate area. The proposed development contributes to existing employment uses in the area by permitting existing temporary uses on site that support The Big Apple establishment. The proposed development is not anticipated to result in environmental, public health or safety concerns and a Hydrogeological / Geotechnical Study, Stormwater Management Plan and Erosion and Sediment Control Plan will be required as part of the forthcoming ZBA process. The proposed development is not within a settlement area and does not prevent the efficient expansion of settlement areas in the Township of Cramahe area. As outlined in the Functional Servicing Report, the proposed development site is serviceable via the municipal water system on Orchard Road and thus can be supported by municipal infrastructure. This application includes the Species at Risk Screening Memorandum, requested by Township staff, which includes recommendations to ensure the impact of the development is minimized.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- / Building upon rural character, and leveraging rural amenities and assets (a);
- / Using rural infrastructure and public service facilities efficiently (e);

- / Promoting diversification of the economic base and employment opportunities through goods and services, including value-added projects and sustainable management or use of resources (f); and
- / Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets (g).

The proposed development contributes to the rural character of the region and to the efficient use of the existing rural infrastructure and public service facilities by supporting and contributing to The Big Apple establishment. The Big Apple contributes to agri-tourism, the local food economy and offers leisure activities to tourists and locals alike. The proposed development diversifies the economic base by providing a range of employment opportunities for locals through many activities and positions at The Big Apple. The proposed development contributes to opportunities for sustainable and diversified tourism, given the recognition of this site as a tourist destination by visitors and locals alike.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- / providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (a);
- / providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (b); and
- / ensuring the necessary infrastructure is provided to support the current and projected needs (e).

The proposed development contributes to a mix and range of employment uses to meet long term needs, provides opportunities for a diversified economic base, and ensures the necessary infrastructure is provided to support current and projected needs.

1.7.1 Long-Term Economic Prosperity should be supported by:

- / promoting opportunities for economic development and community investment readiness (a); and
- / promoting opportunities for sustainable tourism development (h).

The proposed development promotes opportunities for economic development and community investment readiness by providing jobs, activities and sustainable tourism opportunities to the area.

It is our professional planning opinion that the proposed development is consistent with the 2020 Provincial Policy Statement.

5.2 Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (“The Growth Plan”) was approved in 2019 under the Places to Grow Act and amended in 2020. This plan serves as the implementation of A Place to Grow, which is the Ontario government’s to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. Schedule 3 of The Growth Plan states that employment distribution for the County of Northumberland to 2051 is forecasted to be 44,000. Relevant policies for the proposed development include:

2.2.5.1 Economic development and competitiveness in the Greater Golden Horseshoe (GGH) will be promoted by:

- / Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities (a);
- / Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this plan (b); and
- / Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment (d).

By proposing uses that currently exist on the subject lands, the development promotes the efficient use of employment areas and underutilized employment lands and increases employment densities. The proposed development supports the forecasted employment growth to the horizon of this plan by contributing to the functioning of The Big Apple establishment. Given the scale and success of The Big Apple, the proposed development will support goals and strategies to retain and attract investment and employment in the area.

2.2.9 Rural Areas

- / Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include commercial uses to serve the needs of visitors (4(a)).
- / Existing employment areas outside of settlement areas on rural lands that were designated for employment uses in an official plan that was approved and in effect as of June 16, 2006 may continue to be permitted. Expansions to these existing employment areas may be permitted only if necessary to support the immediate needs to existing businesses and if compatible with the surrounding uses (5).

The proposed development contributes to an existing commercial use that is compatible with the scale, character and capacity of the surrounding rural landscape and serves the needs of visitors. Permitting the existing temporary uses is necessary to support the immediate needs of the existing business, The Big Apple.

It is our professional planning opinion that the proposed development is consistent with the 2020 Growth Plan for the Greater Golden Horseshoe.

5.3 Lower Trent Conservation

The Lower Trent Conservation was formed in 1968 under the Conservation Authorities Act to protect, restore and manage water and other natural resources within the Lower Trent Conservation watershed region.

The south-eastern edge of Part Lot 34 is affected by Ontario Regulation 163/06 (See Figure 5). As stated above in Section 3, this is an unevaluated wetland, and the intent is to keep all development out of this area entirely. If needed, it is anticipated that review of this feature can take place in a subsequent process.



Figure 5: Lower Trent Conservation Mapping on the subject lands

5.4 County of Northumberland Official Plan

The County of Northumberland Official Plan (“COP”) was approved by the Ontario Municipal Board on November 23, 2016. The purpose of the COP is to provide direction and a policy framework for managing growth and land use decisions over the planning period to 2034. The COP states that a guiding principle is to provide opportunities for economic *development* in both urban and *rural areas* in a manner that fosters competitiveness and a positive and attractive business environment (A2(2)).

5.4.1 Rural Area

The subject lands are in the Rural Area land use designation in Schedule A – Land Use of the COP (See Figure 6). This designation applies to all lands outside the *urban* areas and *rural settlement* areas which are not within the Agricultural Area designation. A maximum of 20% of future population and employment growth in the County is forecasted to take place in *rural lands*. The *rural lands* employment forecasts for the Township of Cramahe for 2034, 2036 and 2041 are 71, 77, and 109, respectively, with the employment share of rural lands employment being 7.77% (Table D).

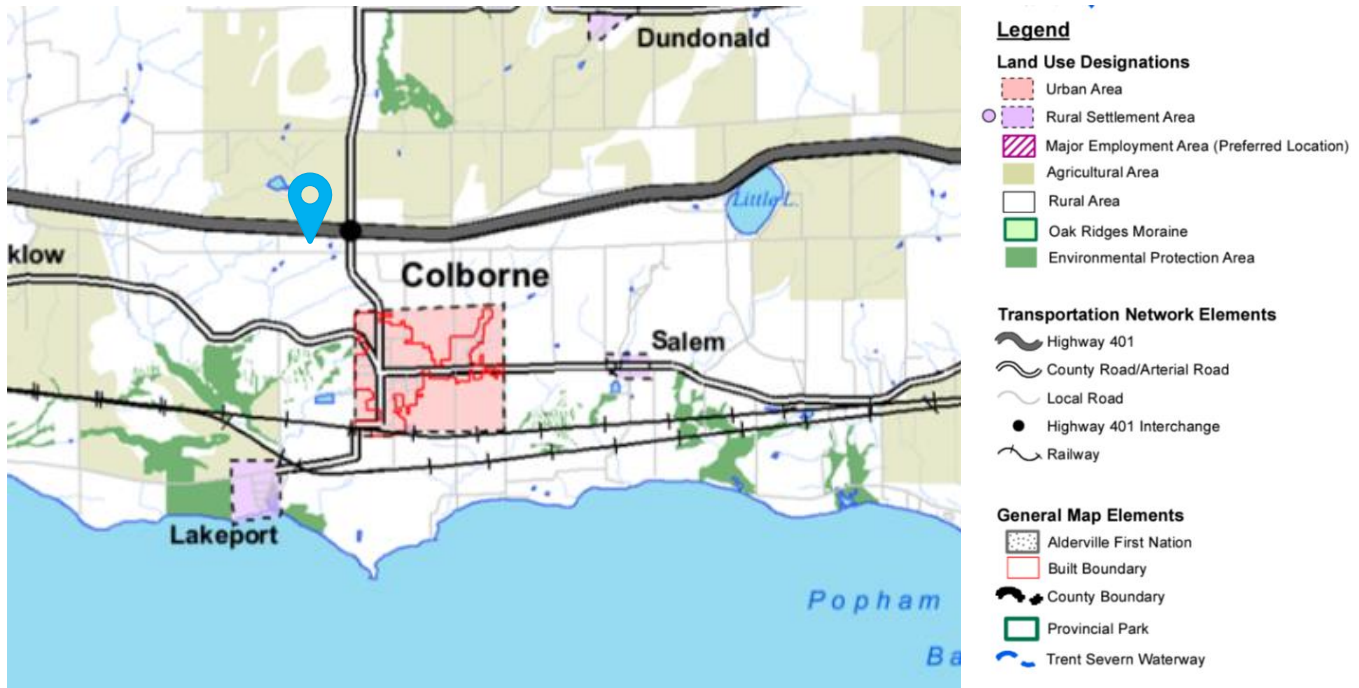


Figure 6: Schedule A - Land Use

Section C4.1 states that it is the objective of the Rural Areas to:

- Promote the diversification of the economic base and employment opportunities through the provision of goods and services, including value-added projects and sustainable management or use of resources;
- Encourage the establishment of sustainable and diversified tourism opportunities; and
- Promote the development of commercial, recreational and industrial uses that are appropriate for the rural and recreational areas of the County.

The proposed development promotes the diversification of the economic base and employment opportunities by supporting The Big Apple commercial establishment. It contributes to the establishment of sustainable and diversified tourism in the County. It supports a commercial use that is appropriate for the rural and recreational areas of the County.

Section C4.4 states the permitted uses in the Rural Area designation:

- Rural commercial and industrial uses that are appropriate for the Rural Area designation and which cannot be located in *urban areas* or *rural settlement areas*, subject to the approval of a local Official Plan Amendment.

The development proposes existing uses that support the rural commercial use of The Big Apple commercial establishment.

5.4.2 Resource Areas, Constraint Areas and Waste Management

The subject lands are within the Sand & Gravel Resource Area of Primary Significance (See Figure 7) on Schedule B – Resource Areas, Constraint Areas and Waste Management.

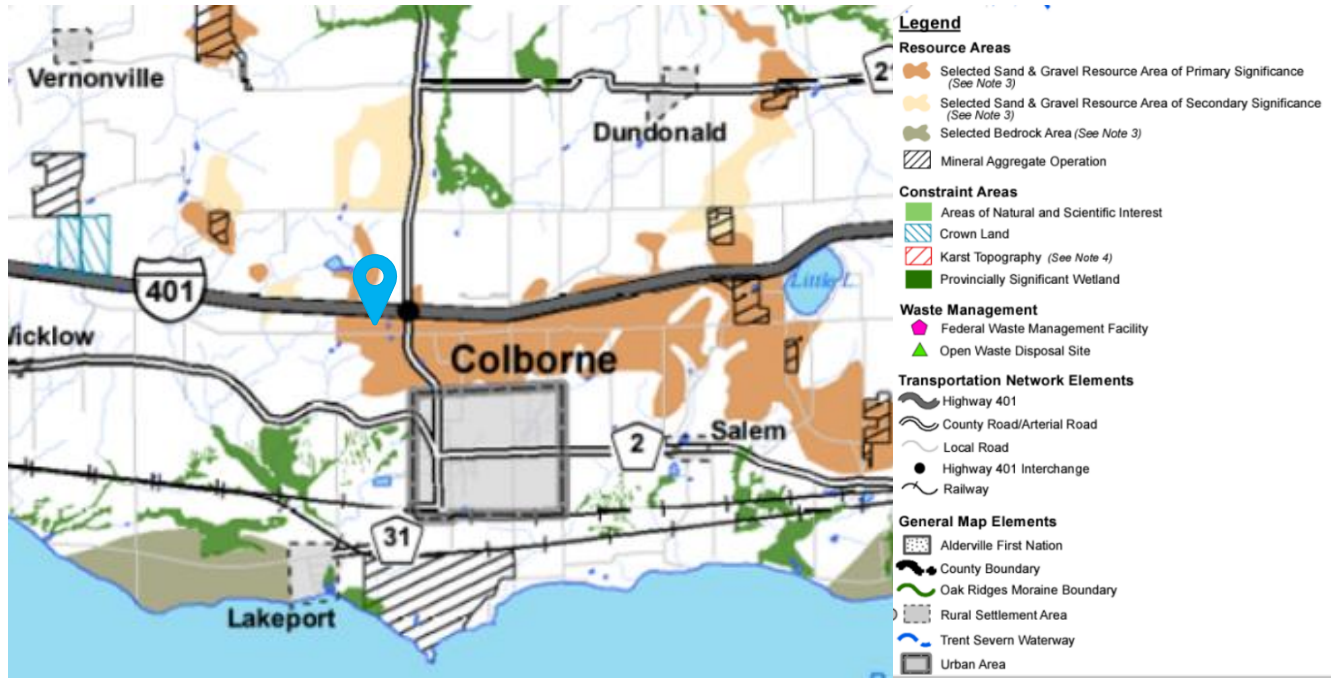


Figure 7: Schedule B - Resource Areas, Constraint Areas and Waste Management

The following policies apply to the subject lands:

D1.1 It is the objective of this Plan to:

- / Maintain, improve and where possible, restore the health, diversity, size and connectivity of natural heritage features, hydrologically *sensitive* features and related *ecological functions* (c);
- / Ensure that *development* is appropriately setback from *significant* natural heritage features (h);
- / Encourage and support the Ministry of Natural Resources and the appropriate Conservation Authority in conducting evaluations of unevaluated *wetlands* within the County (i); and,
- / Provide opportunities, where appropriate, for passive outdoor recreational activities.

The OPA application includes a Species at Risk Screening Memorandum which includes recommendations to minimize impact on the surrounding biodiversity. The unevaluated wetland at the south-eastern edge of Part Lot 34 has been identified and the intent is to keep all development out of the unevaluated wetland entirely, and to establish appropriate setbacks. The existing temporary uses (petting zoo, dog park and gravel parking areas) function as outdoor recreational activities. Further, a Hydrogeological / Geotechnical Study, Stormwater Management Plan and Erosion and Sediment Control Plan will be required as part of the forthcoming ZBA process.

5.4.3 Transportation

The subject lands are proximate to Highway 401 and the 401 Emergency Detour Route on Schedule C – Transportation in the COP (Figure 8). The COP states that all proposed *development* located adjacent to and in vicinity of a provincial highway should confirm whether it is within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will be subject to MTO approval.

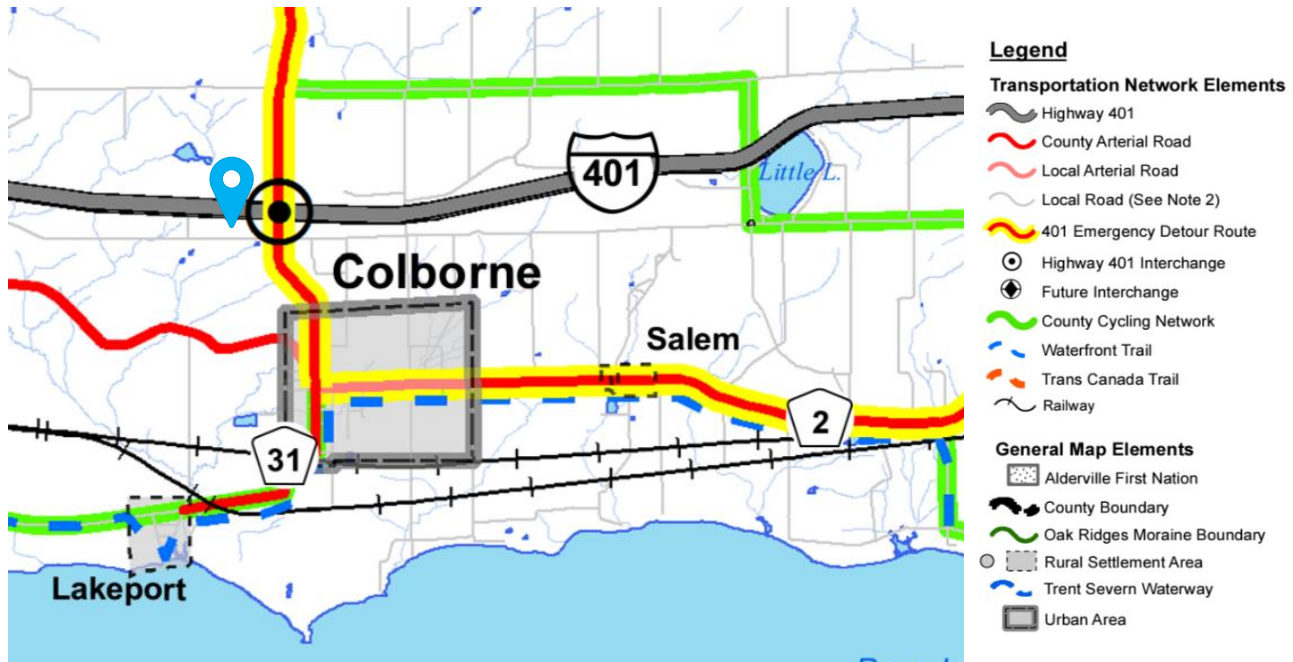


Figure 8: Schedule C - Transportation

According to the Province of Ontario Highway Corridor Management, the existing temporary uses and the proposed storage warehouse facility are not within the MTO's Permit Control Area (Figure 9).

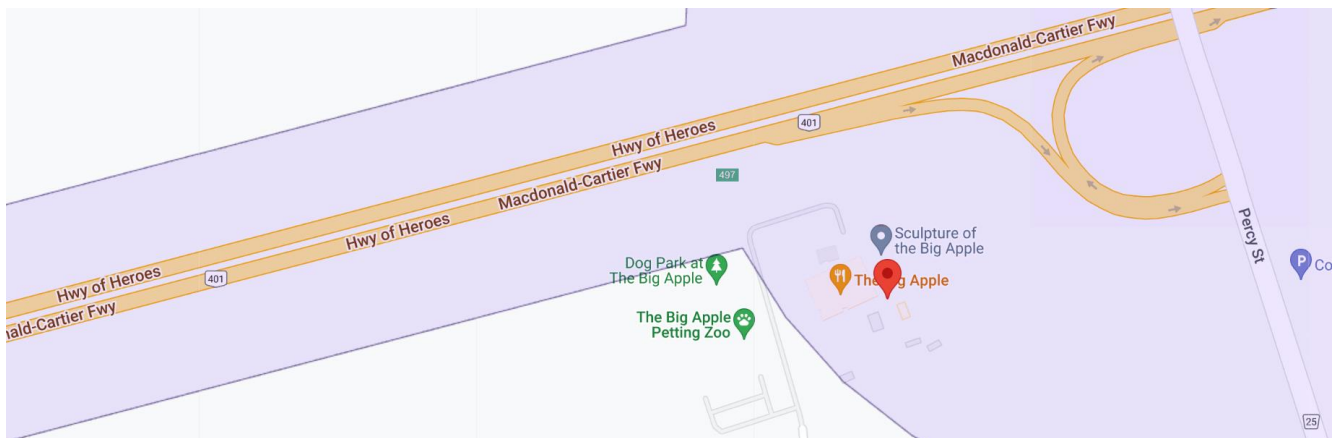


Figure 9: Proposed Development not within the MTO Permit Control Zone

It is our professional planning opinion that the proposed development conforms to the 2016 County of Northumberland Official Plan.

5.5 Township of Cramahe Official Plan (2014)

The Township of Cramahe Official Plan (2014) was adopted by the Council of the Township of Cramahe on November 3, 1997 and was approved by the Minister of Municipal Affairs and Housing on March 26, 1998, with modifications. This Office Consolidation includes Amendments until 2014. In line with the PPS and The Growth Plan, the Township of Cramahe anticipates a target population of 6,990 and an employment population of 2,200 by 2031. This projection includes a minimum of 194 jobs by 2031 (5.1.2.1.1).

5.5.1 Environmental Review

Policy 5.1.11 states that to ensure that the development will not be subject to risk from natural hazards, nor have adverse impacts on natural features, or ground or surface water resources, Council may require applicants to prepare and submit an environmental report (as outlined in Section 5.1.11.1) when considering types of proposals:

- a) Plans of Subdivision;
- b) Major development proposals requiring an Official Plan Amendment;
- c) Proposals where the cumulative effects of the proposed and past development in an area should be considered; and,
- d) Proposals on or adjacent to environmentally sensitive areas.

No development and/or site alteration is permitted within significant wetlands or within significant portions of endangered or threatened species habitat.

For the purposes of this section, the lands “adjacent” to an environmentally sensitive area or a natural heritage feature shall mean the following:

- a) Lands within 120 metres of a significant wetland;
- b) Lands within 50 metres of an Area of Natural and Scientific Interest,
- c) Lands within 50 metres of significant wildlife habitat;
- d) Lands within 50 metres of the significant portion of the habitat of endangered and threatened species; and
- e) Lands within 30 metres of fish habitat.

Through the Pre-Consultation process, Township staff requested a Screening Memo in support of the Official Plan Amendment. A Species at Risk Screening Assessment was prepared by GEMTEC on October 30th, 2023. It is anticipated that the findings will be reviewed by commenting agencies to determine if further review, action or studies are required. A summary of this assessment can be found in Section 4 – Supporting Studies. The full assessment has been submitted as part of the Official Plan Amendment Application. Further, a Hydrogeological / Geotechnical Study, Stormwater Management Plan and Erosion and Sediment Control Plan will be required as part of the forthcoming ZBA process.

5.5.2 Servicing

Policy 5.1.12.1 states that it is a primary objective of this Plan to promote environmental protection and to provide an adequate supply of potable water through ensuring that appropriate servicing is available for new development or redevelopment within the Township. Planning for sewage and water systems will recognize that:

- a) Full municipal sewage and water services are the preferred form of servicing for urban and rural settlement areas;
- b) Communal services are the preferred means of servicing multiple lots/ units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term; and

- c) Lot creation may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term.

The Functional Servicing Report prepared by Jewell Engineering found that the site is serviceable via the municipal water system on Orchard Road. Opportunities exist to connect the site to the existing service on The Big Apple site or by extending the 200 mm watermain along Orchard Road to the development site frontage. This report did not cover sewage systems, though this is anticipated to be undertaken in forthcoming applications.

5.5.3 Stormwater Management

Section 5.1.13 states that it is the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized. No development or redevelopment proposal shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water run-off shall be developed and implemented as a condition of approval according to policies in the Plan.

The proposed development is not anticipated to have a significant adverse impact on local and area-wide drainage patterns. Further, a Stormwater Management Plan will be required as part of the forthcoming ZBA process.

5.5.4 Employment Areas

The subject lands are designated Employment Areas in Schedule A – Land Use Plan of the Township of Cramahe Official Plan (See Figure 10). The existing temporary uses on the subject lands are not contemplated in the Township Official Plan and are required to be added as permitted uses through an Official Plan Amendment.

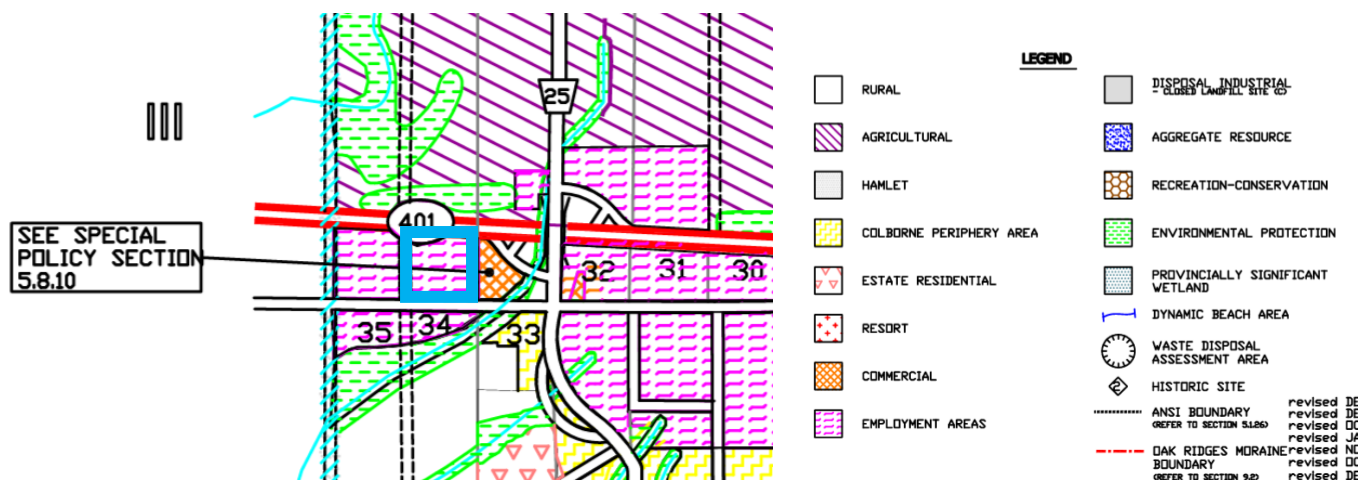


Figure 10: Schedule A - Land Use Plan

Employment areas are designated for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities (5.1.2.1.5). Within all employment areas, the Township shall:

- a) Provide an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;

The proposed development contributes to an appropriate mix of employment uses to meet long-term needs. The existing petting zoo, dog park and parking areas function as a commercial use which contributes to the functioning of The Big Apple.

- b) Provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future business.

The Big Apple is a unique and successful destination for tourists and locals alike and contributes to a diversified economic base in the Township of Cramahe. It functions as a unique site for employment uses which support a wide range of economic activities and ancillary uses. The existing temporary uses contribute to and support the functioning of this popular destination.

5.9 Employment Areas

Section 5.9 of the Official Plan states that the “Employment Areas” designation is intended to provide for the maintenance and reinforcement of the Township’s employment base through the retention and expansion of existing industry, and to encourage the diversification and expansion of the Township’s employment base where possible through the establishment of new businesses and related ancillary type of uses, including a range of compatible commercial uses.

It is anticipated that the predominant form of land uses within the Employment Lands designation will be clusters of businesses and economic activities, including, but not limited to, manufacturing, warehousing, offices, associated retail and ancillary facilities. However, the Township wishes to encourage a broad range of compatible business uses where site conditions and surrounding land uses permit. The form of development within the Employment Areas designation may include separate, stand-alone establishments, and businesses located in two or more units in a single building similar to a mall complex.

The proposed development directly supports the retention and expansion of existing industry in the Township. The existing temporary uses act as related ancillary uses to The Big Apple commercial establishment. The proposed development aligns with the predominant form of land use anticipated in the OP.

Policy 5.9.1 states the permitted uses in Employment Areas shall include the following:

- a) Industrial Uses, which shall include workshops, service and repair shops, processing, manufacturing, assembling, a water treatment plant, railway uses, storage and warehousing, transportation terminals; and
- b) Commercial and Other Business Uses, which shall include service stations, service centres, auto sale establishments, recreational vehicle sales and service establishments, farm equipment sales and service establishments, garden centres, commercial greenhouses, professional and business offices, data processing centres, call centres, commercial or technical schools, research facilities, athletic clubs, restaurants including drive-through restaurants, and retail sales outlets associated with permitted industrial uses.

The existing temporary uses are not permitted and will require an OPA.

5.5.5 Amendments

Section 8.12.3 states that an amendment to Schedule A, A-1, B or C of the Official Plan is required to permit the establishment of areas for uses other than those included in the Land Use Plan. Each Official Plan amendment shall contain background studies and a complete justification for the proposed change.

In this case, the existing temporary uses are not contemplated and therefore require an Official Plan Amendment.

When considering an amendment to this plan, Council shall have regard for the following:

- a) The need for the proposed use;
- b) The suitability of the site for the proposed use;
- c) The compatibility of the proposed use with adjacent and surrounding uses in the Township and adjacent Municipalities, where applicable;

The existing temporary uses that are proposed to be permitted in the Official Plan already exist on the site and contribute to and support the functioning of The Big Apple establishment. There is an evident need for these uses and the site is suitable for these uses, as is shown through the successful functioning of the site. The existing temporary uses are compatible with the rural character of the remainder of Part Lot 34 and compatible with the commercial and rural character of Part Lot 33 to the east. The Big Apple, which includes the existing temporary uses, is a popular establishment among the Township and adjacent municipalities and is compatible with surrounding uses.

- d) The physical suitability of the land and water area to sustain itself in relation to the proposed use giving consideration to;
 - i. The existing environmental and/or physical hazards; and
 - ii. The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;

The Lower Trent Conservation Authority has identified an unevaluated wetland on the site. Development is not intended to impact this wetland. Council may recommend further action during the Zoning By-law Application stage. Further, a Hydrogeological/ Geotechnical Study, Stormwater Management Plan and Erosion and Sediment Control Plan will be required as part of the forthcoming ZBA process.

- e) The location of the area under consideration with respect to;
 - i. The adequacy of the existing and proposed highway system in relation to the development of such proposed areas;
 - ii. The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto;

The subject lands are close to Highway 401 and The Big Apple is located near the Highway 401 turnoff which leads to Colborne. This site is highly supported by automobile infrastructure and is convenient and accessible for vehicular traffic. Within the site, both pedestrian and vehicular traffic are supported. Pedestrian traffic is not a major form of transportation beyond the site.

- iii. The adequacy of the potable water supply, sewage disposal facilities, and other municipal services in accordance with technical reports or recommendations which the Council shall request from any appropriate authority such as the Ministry of Environment or its agencies deemed advisable;

The proposed development will utilize existing municipal infrastructure. Where needed, this development will undertake necessary infrastructure improvements, such as a water and gas line to the proposed warehouse, to service operational needs.

- f) The potential effect of the proposed use on the financial position of the municipality;

The proposed use positively contributes to the financial position of the municipality as it draws tourists to the area and supports the local economy.

- g) Site design and development criteria;

Site design and development criteria will be reviewed through the Site Plan Process.

- h) Impacts on natural resources including mineral aggregates, environmentally sensitive lands, fish and wildlife habitat and areas of natural and scientific interest;

In the Pre-Consultation Meeting with Township staff on July 27, 2023, a Species at Risk Screening Memorandum was requested. This Memorandum identifies potential risks and a mitigation strategy to ensure the suitability of the land and water area with the proposed development. In consultation with Lower Trent Conservation Authority, it was noted that there is an unidentified wetland at the south-eastern edge of Part Lot 34 in proximity to the proposed storage warehouse. The intent is to keep all development out of the unevaluated wetland entirely. If needed, it is anticipated that a review can take place through subsequent processes. Further, a Hydrogeological/ Geotechnical Study, Stormwater Management Plan and Erosion and Sediment Control Plan will be required as part of the forthcoming ZBA process.

- i) Integration with future development opportunities on abutting lands;

The two adjacent lots are owned by the same owner as Part Lot 34, where the subject lands are, which would allow for an integrated opportunity for future development.

- j) The agricultural capability of the subject lands and similarly abutting agricultural lands;
- k) The criteria of the Agricultural Minimum Distance Separation Formula 1; and
- l) Such other matters as may be required by the Municipality.

The proposed development includes agri-tourism commercial uses, though not agricultural uses specifically.

It is our professional planning opinion that the proposed development conforms to the 2014
Township of Cramahe Official Plan.

6.0 Conclusion

The applicant is seeking to develop part of the site on Part Lot 34 on 218 Orchard Road. The subject lands are approximately 13.2 hectares and have 384 metres of frontage on Orchard Road. The property currently hosts a petting zoo, off-leash dog park, and parking areas which are covered under a Temporary Uses By-law.

An Official Plan Amendment (see Appendix) is necessary to permit the existing temporary uses on the site in the Employment Areas land use designation. A forthcoming Zoning By-law Amendment will be required for these uses and for the proposed warehouse facility and additional parking, subject to the OPA approval by the Approval Authority, as discussed within this report.

Supporting studies for the application have been submitted, including a Species at Risk Screening Memorandum and Functional Servicing Brief. The screening memorandum provided recommendations to protect potential species at risk in the area and the servicing brief found that the site is serviceable via the municipal water system on Orchard Road.

The proposed development currently functions on the site in support of and in addition to the Big Apple establishment on Part Lot 33 and aligns with the context of the surrounding area. The proposal will continue to provide commercial and employment opportunities and help to promote the long-term growth and viability of the community.

It is our professional opinion that the application is consistent with the Provincial Policy Statement and conforms to the policies of the County of Northumberland and Township of Cramahe Official Plan's, respectively, with the exception of permitted uses. The proposal represents an appropriate use of the subject lands that is compatible with the surrounding area. It is our opinion that the application represents good planning. If you have any questions or should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454 x 234 or at nanton@fotenn.com.

Respectfully,



David Nanton, MCIP RPP
Senior Planner



Claire Stevenson-Blythe, MCIP RPP
Planner

Appendix

Proposed Official Plan Amendment

By-Law Number 2024-

A By-Law to Amend the Official Plan for The Township of Cramahe (Amendment Number ___, known as XXX-XXX)

Whereas on [Date] Fotenn Planning + Design, on behalf of Big Apple Inc., submitted an application for Official Plan Amendment for the property municipally known as 218 Orchard Road; and

Whereas a public meeting was held regarding the amendment on ___, ___;

Now Therefore the Council of The Township of Cramahe, in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the Township of Cramahe is hereby amended by the following text and Schedule A which constitutes Amendment No. ___ to the Official Plan for the Township of Cramahe.
 - (a) Amend Schedule “A” of the Township of Cramahe Official Plan to recognize those lands generally located west of Part Lot 33, and south of Highway No. 401, being Part Lot 34, Concession 3, in the Township of Cramahe, to identify a special policy area.
 - (b) That Section 5.9.7 be further amended to include the following policy:

5.9.7.2 Part of Lot 34, Concession 3

Notwithstanding the requirements of Section 5.9, Employment Areas designated on Schedule “A” within part of Lot 34, Concession 3 shall include a petting zoo, off-leash dog park, and additional commercial parking areas as permitted uses. The amendment shall be implemented through an amendment to the Township of Cramahe’s Zoning By-law.

Schedule A – Special Policy Area 5.9.x

