

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-013

Date: February 14, 2018

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 14 - Emily

Subject: An application to amend the Township of Emily Zoning By-law 1996-30 to change the zone category on a portion of the property from Agricultural (A1) Zone to an Agricultural Exception (A1-*) Zone to permit a woodworking shop and related sales uses on land described as Part of Lots 7 & 8, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 432 King's Wharf Road (Gingrich) – Planning File D06-2018-006.

Author and Title: David Harding, Planner II

Recommendation(s):

RESOLVED THAT Report PLAN2018-013, respecting Lots 7 & 8, Concession 13, geographic Township of Emily, and identified as 432 King's Wharf Road, "Gingrich – Application D06-2018-006", be received; and

THAT the proposed Zoning By-law Amendment respecting Application D06-2018-006, be referred back to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The applicant has submitted a Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit a woodworking shop, and for sales of the shop's product from the property, see Appendix 'B'. The shop is proposed as an on-farm diversified use. A reduction in the number of required parking spaces for the business is also sought. The manufacture of cabinet and furniture doors, to be sold on a wholesale basis, is proposed within the shop. A one storey 15.2 metre x 24.4 metre (50 feet x 80 feet), 371.6 square metre (4,000 square foot) building is proposed. Approximately 24 square metres (258.3 square feet) of the building will be dedicated to storage and 16 square metres (172 square feet) for an office. No outside storage is proposed, as all raw material and finished products are proposed to be stored within the shop. The business is proposed to begin with a sole operator, and may grow to a maximum of three employees.

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| Owner: | Alvin Gingrich |
| Applicant: | Darryl Tighe, Landmark Associates Limited |
| Legal Description: | Part of Lots 7 & 8, Concession 13, geographic Township of Emily |
| Official Plan: | "Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan |
| Zone: | "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone", Township of Emily Zoning By-law 1996-30, as amended |
| Site Size: | 61.1 hectares |
| Site Servicing: | Private individual well and septic system |
| Existing Uses: | Agricultural |
| Adjacent Uses: | North, West: Agricultural, Rural Residential South, East: Agricultural |

Rationale:

The subject property is located within an agricultural area. The subject land contains an agricultural operation: the property is largely cultivated, and also contains a barn with cattle. In addition, there is a farmhouse, drive shed, and garage. All of the buildings are clustered together, see Appendix 'B'. The woodworking shop is proposed in-front of the barn, close to the existing driveway.

The applicant has submitted the following documentation in support of the application, which has been circulated to various City Departments, Divisions and commenting Agencies for review:

1. Planning Brief prepared by Darryl Tighe of Landmark Associates Limited, dated October 2017. This document discusses the appropriateness of permitting the proposed land use on the property.

The following documents are included within the Planning Brief:

- a. Agricultural Impact Brief prepared by Darryl Tighe of Landmark Associates Limited dated October 2017, which examines the impact the use may have on agricultural operations;
- b. Septic System Assessment prepared by Bruno Dobri of Landmark Associates Limited dated September 28, 2017, which examines the ability of the existing sewage system on the property to accommodate the proposed use; and
- c. Percolation Rate Testing Summary prepared by Dan MacIntyre of Oakridge Environmental Limited, which examines the soils immediately adjacent to the existing tile bed.

As an on-farm diversified use is proposed, Minimum Distance Separation 1 setbacks are not required.

At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 indicates development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

Therefore, this application appears to conform to the policies of the Growth Plan.

Provincial Policy Statement, 2014 (PPS):

Sections 1.1.5.2, 1.1.5.4, 1.1.5.7, and 1.1.5.8 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape. The sections further provide that where such uses are complimentary to a farm operation, such as an on-farm diversified use, those operations should be promoted to support a diversified rural economy. Section 2.3.3 permits on-farm diversified uses that are compatible with surrounding agricultural operations.

On-farm diversified uses are to be secondary to the principal agricultural use on the property and limited in area. The application to rezone a portion of the subject lands would facilitate the creation of an additional business on the farm property.

Full consistency with the PPS will be established through the further review of the application.

Official Plan Conformity:

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan (Official Plan). Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

Full conformity with the Official Plan will be established through the further review of the application.

Zoning By-law Compliance:

The subject land is zoned “Agricultural (A1) Zone” and “Environmental Protection Exception (EP) Zone” in the Township of Emily Zoning By-Law 1996-30. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking shop and associated sales. The lands zoned EP will be unaffected by this proposed amendment.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval, along with a 2% cash-in-lieu of parkland dedication. It is anticipated that site-specific zone provisions shall be developed to address these items. A suitable mechanism may be a holding provision.

The application proposes to reduce the total number of required parking spaces for the proposed use, notwithstanding the fact that the site can accommodate the required parking. Staff shall further examine the appropriateness of this request.

Zoning By-law compliance will be established through a full review of the application.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment by adding an on-farm diversified use.

Servicing Comments:

No sanitary services are proposed within the proposed woodworking shop. Employees and clients are proposed to be directed to washroom within the walk-out basement of the dwelling. The existing single detached dwelling on the land is serviced by a private sanitary sewage disposal system and well.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division – Part 8 Sewage Systems, Chippewas of Rama First Nation, Engineering and Corporate Assets Department and Kawartha Region Conservation Authority raised no concerns as a result of circulation. No comments were received from the public.

Development Services – Planning Division Comments:

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specifies that on-farm diversified uses are to minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation.

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-013.pdf

Appendix 'B' – Sketches for Application



Appendix B to
PLAN2018-013.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-013.pdf

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Department Head: Chris Marshall

Department File: D06-2018-006