

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-045

Date: July 5, 2017

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier: Ward 5 – Fenelon

Subject: An application to amend the Township of Fenelon Zoning By-law to add a custom metal roofing, siding and supplies business as an additional permitted use on a portion of the property identified as 1993 Glenarm Road, Fenelon (Brenneman)

Author and Title: Ian Walker, Planner II

Recommendations:

RESOLVED THAT Report PLAN2017-045, respecting **West Half of Lot 21 and Part of Lot 22, Concession 5, Geographic Township of Fenelon, “Brenneman – Application D06-17-007”**, be received;

THAT a Zoning By-law Amendment respecting application D06-17-007, substantially in the form attached as Appendix ‘D’ to Report PLAN2017-045, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Committee on March 8, 2017 and the following resolution was passed:

RECOMMEND THAT Report PLAN2017-013, respecting West Half of Lot 21 and Part of Lot 22, Concession 5, geographic Township of Fenelon, Brenneman – Application D06-17-007, be received;

THAT the Application respecting Application D06-17-007 be referred back to staff 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; and

THAT staff ensure that all aspects of industrial and commercial licencing requirements under the Provincial Act be considered and included in the final Report.

CARRIED PC2017-010

This report addresses that direction.

The subject lot is an agricultural parcel containing Stoll Metal Sales, a business that has been operating on the property for approximately 16 years. The intent of the change is to recognize the existing business as an on-farm diversified use; and permit an expansion to the business. The proposed amendment would add this use as an additional use on a specific identified portion of the property, in addition to maintaining the existing permitted uses in the “Agricultural (A1) Zone”. The City does not have any licencing requirements for this type of industrial business.

Owners: Joseph, Simon, and Regina Brenneman

Applicant: Thorstone Consulting Services – Dan Stone

Legal Description: West Half of Lot 21 and Part of Lot 22, Concession 5, Geographic Township of Fenelon

Designation: “Prime Agricultural” and “Environmental Protection”, City of Kawartha Lakes Official Plan

Zone: “Agricultural (A1) Zone” and “Environmental Protection (EP) Zone” on Schedule ‘A’ of the Township of Fenelon Zoning By-law No. 12-95

Lot Area:	58.8 ha. [141.78 ac. – MPAC], of which approximately 1.6 ha are currently contemplated for the custom metal roofing, siding and supplies business use
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Agricultural, Stoll Metal Sales, Prov. Significant Wetland
Adjacent Uses:	North: Rural Residential, Agricultural East: Lee's Road, Rural Residential, Agricultural South: Glenarm Road, Rural Residential, Agricultural West: Balsam Grove Road, Rural Residential, Agricultural

Rationale:

The property is located on the north side of Glenarm Road, to the east of Balsam Grove Road, in the geographic Township of Fenelon. See Appendix 'A'. It contains two single detached dwellings (Building #1 and 6), five agricultural and industrial buildings (Buildings #2, 2A, 3, 4 and 5), a silo (Building #7), and an associated gravel courtyard. See Appendix 'B'. The proposal would see the demolition of Buildings #3 and 5, and the replacement with a new 1,486.5 sq. m. (16,000 sq. ft.) industrial building. Buildings #2, 2A and 4 would be re-purposed for agricultural uses. See Appendix 'C'.

The portion of the lot subject to this proposal is designated "Prime Agricultural" in the City of Kawartha Lakes Official Plan (OP). The goals of this designation include:

- protecting land that is primarily Class 1-3 agricultural production from development and non-farm related uses; and
- protecting prime agricultural lands by encouraging the business of agriculture by providing additional economic opportunities through secondary uses.

The "Prime Agricultural" designation permits secondary uses, which includes on-farm diversified uses.

In 2014, the Province of Ontario released the updated Provincial Policy Statement (PPS), which added "on-farm diversified uses" as permitted uses in prime agricultural areas. They shall be compatible with, and shall not hinder surrounding agricultural operations. Criteria for these uses have been developed by the Province. The proposed industrial use is not a permitted use in the "A1" Zone. Therefore, an amendment to the Zoning By-law is necessary to permit the additional industrial use on a portion of this property.

The applicant submitted a Planning Justification Report (PJR), dated November 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS), the PPS Guidelines for On-Farm Diversified Uses, the Growth Plan, the City of Kawartha Lakes Official Plan (OP), and the Township of Fenelon Zoning By-law 12-95. Staff have reviewed the PJR in support of this application to amend the Zoning By-law.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This is an existing agricultural lot in the rural area, and development may be permitted in rural areas in accordance with Section 2.2.2.1(i). The proposed use is small-scale, limited in size and secondary to the primary agricultural use of the land, therefore, this application does not conflict with the GP.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, home occupations and home industries, and other rural land uses. Healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services including value-added products, and providing opportunities for economic activities in prime agricultural areas in accordance with Section 2.3.

The PPS defines “agriculture-related uses” as farm-related commercial and industrial uses which are directly related to farm operations in the area; support agriculture; benefit from being in close proximity to farm operations; and provide direct products and/or services to farm operations as a primary activity. “On-farm diversified uses” are secondary to the principal agricultural use of the property; and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, and uses that produce value-added agricultural products. As noted in the rationale above, the Province has developed guidelines on permitted uses in prime agricultural areas. Based on these criteria, an on-farm diversified use on this property cannot exceed 2% of lot

area, to a maximum of 1.0 ha. (2.47 ac.), and the building area cannot exceed 20% of that maximum area, therefore no more than 2,000 sq. m. (21,344 sq. ft.). The applicant is proposing to utilize a total area of 0.65 ha. (1.6 ac.) devoted to the use, and to consolidate the use into one new building, with an area of 1,486.5 sq. m. (16,000.0 sq. ft.). The guidelines also recommend that the on-farm diversified uses be permitted in the zoning by-law, and subject to site plan control.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. Through the Preconsultation process, Kawartha Region Conservation Authority (KRCA) identified that the portion of the lot subject to this application is within 120 m. of an identified wetland. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. KRCA has evaluated this application and advises it will not impact on any natural heritage or natural hazard features.

Therefore, this application conforms with the PPS.

Official Plan Conformity:

The lot is designated “Prime Agricultural” and “Environmental Protection” on Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan (OP). Portions of the property have been identified as “Provincially Significant Wetlands” (PSW) and “Significant Woodlands” on Schedule ‘B-5’ of the OP. The “Environmental Protection” designation corresponds with the PSW on the northern portion of the property. The portion of the lot subject to this application is within the “Prime Agricultural” designation, and is located outside of the natural heritage features. Secondary uses are permitted uses in the “Prime Agricultural” designation.

While the proposed use is not specifically listed as a secondary use in the prime agricultural designation, it aligns with the goals and objectives of the designation, which include protecting prime agricultural lands from non-farm activities. The use may be considered a secondary use to the permitted agricultural uses on the property. The PJR notes that approximately 50% of the business provides supplies to the local farm and rural community. The PJR also notes that the portion of the lot subject to this application is within the developed portion of the site, currently not used for agriculture. The proposed re-design and repurpose of the existing buildings will allow some of the currently occupied buildings to convert back to agricultural use. Planning staff accept this analysis

For the proposed on-farm diversified use, a site-specific zoning by-law amendment is required. The development will be limited in area, and not remove any current productive agricultural lands. Staff recommend that the use should

be subject to Site Plan control, in accordance with the criteria developed by the Province.

Therefore, this application conforms to the OP.

Zoning By-Law Compliance:

The lot is zoned “Agricultural (A1) Zone” and “Environmental Protection (EP) Zone” in the Township of Fenelon Zoning By-law. The portion of the lot subject to this application is zoned “A1” Zone. The applicant has submitted a Zoning By-law Amendment application for consideration, proposing to add a “custom metal roofing, siding and supplies business” use to the list of permitted uses for the “A1” zone on this property. A site-specific “Agricultural Exception Zone” would be considered for the portion of the lot subject to this application. All other provisions of the “A1” zone would continue to apply.

The proposed “Agricultural Exception Twenty-Two (A1-22) Zone” includes site-specific standards and/or setbacks, such as limiting the floor area and controlling the location of the industrial use. The PJR recommended a maximum floor area of 1,556.3 sq. m. (16,752 sq. ft.) for the entire industrial operation (including storage, office and manufacturing). The placement of the proposed “A1-22” zone controls the location of the secondary use, and continues to allow all other agricultural uses permitted in the “A1” zone. A Holding (H) provision has been added to the zoning, to be removed once the applicant enters into a Site Plan Agreement.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendments are 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 Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it provides to expand the employment base.

Servicing Comments:

The lot is serviced by a private individual well and septic system.

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. To date, we have received the following comments:

Agency Review & Public Comments:

February 14, 2017 – Enbridge Gas Distribution advised they do not object to the proposed application, and reserve the right to amend or remove development conditions.

February 16, 2017 – The Building Division advised there are a number of open permits pertaining to this property. The applicant is required to contact the Building Division, provide the necessary information, and schedule inspections to close all open building permits. Change of use permits will be required for the conversions of agricultural buildings to industrial classification under the Ontario Building Code (OBC). Engineers' audit/report will be required to support these applications.

February 16, 2017 – The Building Division – Sewage System Program advised it has no concerns with this application, but note that as the original use of the buildings was for agricultural purposes, sewage disposal requirements were not established. For the purposes of the current/proposed use, the buildings may have to be altered to accommodate the industrial component. The property and building use would have to be assessed to determine potential requirements for on-site sewage disposal systems or any alterations to existing sewage disposal systems for the staff and public. Should it be determined that works are required around the sewage disposal systems, permits are required to be completed through the City of Kawartha Lakes.

February 17, 2017 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

February 27, 2017 – The Community Services Department confirms it has no comments or concerns.

February 28, 2017 – Kawartha Region Conservation Authority (KRCA) confirms the proposed development is not located in an area which may cause interference with the significant wetlands on the property.

March 7, 2017 – The Agriculture Development Officer, Economic Development advises they have no concerns with this application.

March 7, 2017 – Dave Low and Lindsay Reddings advise they object to this application, on the basis that the use does not comply with Provincial policies. They were provided an opportunity to provide further comment. To date, no further comments have been received.

May 17, 2017 – Stew Low previously advised that he objects to this application, on the basis that the use does not comply with Provincial policies. Mr. Low was provided an opportunity to provide further comment, and has confirmed he is not aware of any existing impacts on abutting farm operations, but re-affirmed his position that the operation is not compatible with farming operations.

June 6, 2017 – Chris Handley previously advised that he objects to this application, on the basis that the use does not comply with Provincial policies. Mr. Handley was provided an opportunity to provide further comment, and advises that it is his opinion that “acceptance of this proposal would be an extreme perversion of the intent of the PPS. This operation is not and cannot, but in the loosest sense, be considered an ancillary farm business”.

June 14, 2017 – The Senior Licencing Officer advises that the City does not licence this type of industrial business.

Development Services – Planning Division Comments:

The appropriate background information which has been submitted in support of this application has been circulated to the appropriate agencies and City Departments for review and comment. The application conforms to the 2006 Growth Plan and is consistent with the 2014 Provincial Policy Statement. Conformity with the City’s Official Plan has also been demonstrated. The rezoning will permit the addition of the custom metal roofing, siding and supplies business use and ensure the subject land complies with the Zoning By-law. All other zoning provisions within the “A1” zone will be maintained.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planner II, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-045
Appendix A.pdf

Appendix 'B' – Existing Development Sketch – dated June 17, 2016



PLAN2017-045
Appendix B.pdf

Appendix 'C' – Proposed Re-development Sketch – dated June 17, 2016



PLAN2017-045
Appendix C.pdf

Appendix 'D' – Proposed By-law Amendment



PLAN2017-045
Appendix D.pdf

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Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-007