

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-032

Date: April 11, 2018
Time: 1:00 p.m.
Place: Council Chambers
Regular 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 and 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

Recommendations:

RESOLVED THAT Report PLAN2018-013, respecting Lots 7 and 8, Concession 13, geographic Township of Mariposa, 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, substantially in the form attached as Appendix "D" to Report PLAN2018-032, 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 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 products 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.

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. The property also contains the following buildings: 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 applicable in this situation.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

Section 2.2.9 indicates that rural land uses outside of settlement areas may be permitted if the use is not considered appropriate in a settlement area, is compatible with the rural landscape, does not adversely impact agricultural uses, and can be sustained by rural service levels.

Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans.

As an on-farm diversified use is proposed, the use is located within the immediate homestead area, will utilize the existing homestead services, the homestead is located well away from any lot lines, and the prime agricultural lands are protected. This application conforms 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 proposes to rezone a small

portion of the agricultural lot for an on-farm diversified use to manufacture wood furniture, facilitating the creation of an additional business on the farm property.

The application is consistent with the PPS.

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 soil 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. Another objective is to ensure new uses are compatible with existing agricultural operations.

A woodworking shop on an agricultural lot may be considered compatible with an existing agricultural operation (an on-farm diversified use) provided it is clearly secondary to the principal agricultural use.

The Agricultural Impact Brief identified that, as a result of this application, 0.14% of Class 4 soils around the farm homestead will be removed from use. As the proposed woodworking shop would abut the existing gravel driveway on two sides, no field fragmentation is anticipated.

This application conforms to the applicable policies of the Official Plan.

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 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. Due to the size and type of use proposed, staff is agreeable to reducing the total number of required parking spaces from ten to seven, thereby reducing the required footprint for the use.

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 Recommendations 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 with the addition of 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.

The applicant has clarified that the business will not generate any liquid waste byproducts that would require disposal via the sewage 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. The Building Division, Building Division – Part 8 Sewage Systems, Chippewas of Rama First Nation, Engineering and Corporate Assets Department, Community Services Department and the Kawartha Region Conservation Authority raised no concerns as a result of circulation.

Cleon Frey of 1502 Heights Road, spoke in support of the application at the February 14, 2018 Planning Advisory Committee public meeting.

Development Services – Planning Division Comments:

The "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" (GPUOPAA) document 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 proposed woodworking shop use falls well below the recommended 2% maximum lot coverage for an on-farm diversified use. The GPUOPAA document also anticipates that municipalities may use site plan approval in order to better guide the creation of certain site and building features.

The primary concerns of staff with this proposal are: building lighting, surface material treatment for the accessible parking space and building access, and outdoor storage. In this case, the use of plans only site plan approval is not necessary as staff have crafted provisions within the draft zoning by-law amendment to address the accessible parking surface material, building lighting, and basic site appearance. The location of the proposed woodworking shop is also controlled through the placement of the proposed A1-31 Zone category.

At the Planning Advisory Committee public meeting on February 14, 2018, concern was raised as to whether the dwelling's septic system could handle any liquid byproducts resulting from the manufacture of product within the woodworking shop. The applicant has clarified that no chemical or finishing products are to be used, and that the only liquid waste product will be glue, which will not be disposed of in the septic system.

The background information which has been submitted in support of the application was circulated to the appropriate agencies and City Departments for review and comment. No concerns or objections were raised as a result of the circulation.

Conclusion:

The application conforms to the Growth Plan policies and is consistent with the PPS policies concerning prime agricultural lands and on-farm diversified uses. The application also conforms to the "Prime Agricultural" designation policies within the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of March 29, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2018-032.pdf

Appendix 'B' – Sketches for Application



Appendix B to
PLAN2018-032.pdf

Appendix 'C' – Aerial Photograph



Appendix C to
PLAN2018-032.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2018-032.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2018-006