



Planning Advisory Committee Report

Report Number: PLAN2021-005

Meeting Date: February 10, 2021

Title: **Amend the Township of Emily Zoning By-law 1996-30 at 833 Pigeon Lake Road - Gingrich**

Description: To change a portion of the property from Agricultural (A1) Zone to an Agricultural (A1-*) Exception Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building

Type of Report: Public Meeting

Author and Title: Mark LaHay, Planner II, MCIP, RPP

Recommendation(s):

That Report PLAN2021-005, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, "Gingrich – D06-2020-029"**, be received; and;

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To rezone a portion of the property from Agricultural (A1) Zone to an Agricultural (A1-*) Exception Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building. The effect of the amendment is to rezone a portion of the property to facilitate the creation of a custom woodworking shop as a secondary use to manufacture custom kitchen cabinets and furniture with a total floor area of approximately 600 square metres, inclusive of office and storage space.		
Owner:	David Gingrich		
Applicant:	D.M. Wills Associates Limited c/o Emma Drake		
Legal Description:	Part of Lot 3, Concession 11, geographic Township of Emily		
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan		
Zoning:	Agricultural (A1) Zone, Agricultural Exception Seven (A1-7) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30, as amended		
Site Size:	41.7 hectares (103 acres – MPAC)		
Site Servicing	Private individual well and septic system		
Existing Uses:	Rural/Agricultural		
Adjacent Uses:	North:	Woodland/Wetland/Agricultural	
	East:	Agricultural/scattered Rural Residential	
	South:	Agricultural/scattered Rural Residential	
	West:	Woodland/Wetland/Agricultural	

Rationale:

The owner has applied to permit an on-farm diversified use, being a custom woodworking shop on the subject land, which is located east of Lindsay and northwest of Downeyville. The subject property is located within a rural and agricultural area and is considered an agricultural lot, which contains a barn with a few cattle and a single detached dwelling and shed. Hay is cultivated as a cash crop operation on a portion of

the property, being approximately 12.2 ha (30 ac.) in area, while the remaining property is mostly woodland and wetland area. The woodworking shop is proposed between the barn and shed to the rear of and east of the dwelling on the opposite side of an existing driveway, which also serves the dwelling. All of the buildings are generally clustered together (see Appendix 'C').

A Zoning By-law Amendment application has been submitted to change the zone category on a portion of the property, comprising an area of approximately 0.74 ha, in order to permit an approximately 593 square metre woodworking shop to manufacture custom kitchen cabinets and furniture, inclusive of a 46.5 square metre office and an 82 square metre storage space, together with the surrounding operational area for loading, parking and driveway. The shop is proposed as a secondary use to the farm operation. A reduction in the number of required parking spaces for the business is being requested, along with an increase in lot coverage for the accessory building together with site specific amendments to recognize non-applicable zoning provisions relating to setbacks on a lot having two or more zone categories.

The business is proposed to be initially operated by the sole proprietor, being the property owner, but have up to three employees as the business progresses, and customer interactions are anticipated to be low given the nature of the business and delivery service of the final product.

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

1. Planning Justification Report dated September 2020 prepared by D.M. Wills Associates Limited, outlines the nature of the proposed zoning by-law amendment in the context of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Emily Zoning By-law 1996-30.
2. Agricultural Impact Assessment with Minimum Distance Separation Calculations dated September 2020 prepared by D.M. Wills Associates Limited to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that no negative impacts are anticipated as a result of traffic and safety risks, or nuisance and compatibility issues and that the proposed development will comply with MDS requirements.
3. Stage 1 & 2 Archaeological Assessment dated June 24, 2020 prepared by Earthworks Archaeological Services Inc., in conjunction with a representative from Curve Lake First Nation, which concluded the study area is free of archaeological material and no additional archaeological assessments are recommended.

4. Conceptual Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the size and location of the proposed woodworking shop and surrounding buildings, servicing and access.
5. Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited.
6. Constraints Map dated July 13, 2020 prepared by D.M. Wills Associates Limited.
7. Zoning By-law Amendment Sketch dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the extent of the subject land affected by the proposed rezoning.
8. Draft Zoning By-law Amendment, undated prepared by D.M. Wills Associates Limited.
9. Traffic Letter dated September 10, 2020 prepared by D.M. Wills Associates Limited, which outlined the expected number of employees, trips, internal site movements, deliveries and parking. Given the nature of the business, overall traffic levels are expected to be minimal and accommodated by the existing entrance and driveway, new parking and loading areas with no negative impacts.
10. Entrance Permit Review Confirmation Letter dated August 19, 2020 from the Public Works East Maintenance Area Supervisor that the existing entrance is acceptable.
11. Preliminary analysis of potential Species at Risk (SAR) on the subject property prepared by D.M. Wills Associates Limited. As the proposed development is within an existing hay field, which is actively and repeatedly harvested, it was expected that no SAR habitat would be permanently established. An email response from the Ministry of Environment, Conservation and Parks (MECP) SAR Ontario branch dated June 25, 2020 confirmed that the application will not contravene sections 9 nor 10 of the ESA and no further SAR authorization is required.

Staff has reviewed the Planning Justification Report and other supporting documentation and is evaluating the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given. At this time, staff cannot fully determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. Section 4.2.2 permits new agricultural, agricultural-related and on-farm diversified uses, within the Natural Heritage System for the Growth Plan subject to the policies of Sections 4.2.3 and 4.2.4. Although the Provincial mapping does not apply until implemented in the Official Plan, the Growth Plan policies apply to the Natural Heritage Systems, outside of settlement areas in Official Plans. In this regard, the policies of Section 4.2.4.4 apply to lands where a new development proposal is adjacent to key hydrologic features and key natural heritage features. The proposed building and surrounding area to be rezoned for proposed use may be exempt from having to undertake a key natural heritage evaluation as it appears to be located more than 30 metres from such features.

This application as an on-farm diversified use is being further evaluated to demonstrate conformity with the Growth Plan taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with policy 2.3, while protecting agriculture for long-term use.

Section 2.1.8 provides policy with respect to demonstrating there will be no negative impact on natural features or their ecological functions from proposed development and site alteration on adjacent lands to natural heritage features.

Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae.

The PPS defines an on-farm diversified use is defined as "uses that 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, agri-tourism uses, and uses that produce value-added agricultural products".

The following criteria from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publication 851: Guidelines on permitted uses in Ontario's Prime Agricultural Areas must be met to qualify as an on-farm diversified use in accordance with the PPS.

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

Many aspects of the proposed application appear to meet the above criteria; however, further comments and evaluation of adjacent lands to natural heritage features and agricultural development comments are required with respect to demonstrating consistency with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the property also contain key natural heritage features, such as locally significant wetland, significant wildlife habitat and significant woodlands. The proposed on-farm diversified use is within the Prime Agricultural designation and within 120 metres of significant woodland. Portions of the subject property, including where the proposed use is to be located is within an area regulated by Kawartha Conservation. We anticipate Kawartha Conservation to provide their comments in this regard with respect to regulation and natural heritage features.

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. Section 15.3 permits secondary uses within the Prime Agricultural designation.

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 Agricultural Seven (A1-7) Exception Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1

Zone permits agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking manufacturing facility. Other amendments are also being considered to facilitate the construction and limit the size of the facility, as well as reducing the parking requirement to six spaces. In addition, the southwest portion of the property that was rezoned by a prior owner to permit specific A1 zoned uses, including a butcher shop, which is not required and did not get constructed, will be rezoned back to A1 and the A1-7 zone exception will be repurposed for the subject application on a different portion of the property. The lands zoned EP will not be affected 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, which may require a holding provision.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The agricultural land contains a well. The single detached dwelling on the land is serviced by a private sewage disposal system and well. A new septic system area is

proposed to support the proposed woodworking shop. The proposed new Class 4 Sewage System will adhere to the requirements of the Ontario Building Code for clearance distances and sizing and as such, the Septic Division has no concerns.

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:

Public Comments:

There were no comments at the time of writing this report.

Agency Review Comments:

On January 21, 2021, the Community Services Department advised that they have no concerns or comments with respect to this application.

On January 22, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Zoning By-law Amendment to facilitate the creation of a woodworking shop as a secondary use.

On January 22, 2021, the HKPR District Health Unit advised it has no objection to the proposed zoning by-law amendment.

On January 25, 2021, Fire Services advised this is a Part 9 Building, and they have no issues at this time from fire prevention.

On January 25, 2021, the Building Division advised that confirmation of Exposed Building Face (EBF) areas (south face of existing barn and north building face of proposed) needs to be provided. Spatial separation under the Ontario Building Code may be a concern. The existing barn, as it shows in photos contained in the Archaeological report would seem to present a minor EBF area.

On January 31, 2021, the Part 8 Sewage Systems Supervisor advised that the applicant is proposing to establish a new Class 4 sewage system to service the proposed structure and use on the property. An area has been indicated in the site plan for the Class 4 Sewage System. The proposed site will be able accommodate the Class 4 Sewage System while adhering to the requirements of the Ontario Building Code for clearance distances and sizing. As such, the Septic Division has no concerns with the proposed Zoning By-Law Amendment.

Development Services – Planning Division Comments:

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specify that on-farm diversified uses are to be located on a farm, 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:

As a result of continuing evaluation, Staff respectfully recommends 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.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2021-005.pdf



Appendix 'B'
PLAN2021-005.pdf



Appendix 'C'
PLAN2021-005.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

Appendix 'C' – Proposed Zoning By-law Amendment Sketch

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: D06-2020-029