



Planning Advisory Committee Report

Report Number: PLAN2021-031
Meeting Date: June 2, 2021
Title: Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich
Description: D06-2020-010
Type of Report: Regular Meeting
Author and Title: David Harding, Planner II, RPP, MCIP

Recommendations:

That Report PLAN2021-031, **Amend the Emily Zoning By-law 1996-30 at 914 Centreline Road - Gingrich**, be received;

That a Zoning By-law, respecting application D06-2020-010, substantially in the form attached as Appendix 'D' to Report PLAN2021-031 be approved for adoption by Council; and

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

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is an agricultural lot that contains a single detached dwelling, detached garage, storage shed, two drive sheds, a milking barn, and a heifer barn.

A Zoning By-law Amendment application to change the zone category on a portion of the property in order to permit an approximately 600 square metre roof truss manufacturing facility, see Appendix 'B', is proposed. About 18.2 square metres will be for an office, with the balance being for the fabrication of the trusses. 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 sought, along with some of the general provisions. The owner, who resides on the farm, is proposed to be an employee along with 2-3 additional staff, and up to 5 customers per day.

The business is proposed to have up to four employees, and up to 5 customers per day.

In support of the application, the following documents were submitted for review:

1. Planning Justification Brief dated March 2020 prepared by D.M. Wills Associates Limited.
2. Sewage Brief dated January 31, 2020 prepared by D.M. Wills Associates Limited.
3. Overall Plan – Figure 3A dated March 2020 prepared by D.M. Wills Associates Limited.
4. Concept Plan – Figure 3B dated March 2020 prepared by D.M. Wills Associates Limited.
5. Lot Servicing Plan – Figure 4 dated March 2020 prepared by D.M. Wills Associates Limited.
6. Zoning By-law Amendment Sketch dated March 2020 prepared by D.M. Wills Associates Limited.
7. Preliminary Grading and Drainage Plan dated March 2020 prepared by D.M. Wills Associates Limited.
8. Traffic Impact Brief dated October 28, 2021 prepared by D.M. Wills Associates Limited.

At its September 2, 2020 meeting, the Planning Advisory Committee referred the application back for further review and processing due to the comments received by the Development Engineering Division and members of the public. The traffic impact brief Engineering requested has now been submitted and reviewed, and comments from the applicant to address the public concerns submitted.

Owners: Ivan, Salema, Mark and Loretta Gingrich

Applicant: Darryl Tighe – D.M. Wills Associates Limited

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Legal Description:	Part of Lots 14 and 15, Concession 12, geographic Township of Emily
Official Plan:	Prime Agricultural, Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zone:	Agricultural Exception Nineteen (A1-19) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	49.7 hectares
Site Servicing:	Private individual well and septic system

Rationale:

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.

This application as an on-farm diversified use has been further evaluated and demonstrates conformity with the Growth Plan taking into consideration that 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.

The application conforms to the Growth Plan.

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.

Sections 1.1.5.2, 1.1.5.4, and 1.1.5.7 provide for the development of economic opportunities within rural areas on rural lands that are compatible with the rural landscape and rural service levels. Those economic opportunities should be promoted to support a diversified rural economy. The sections further provide that such uses are to be located in areas that cause minimal impact to existing agricultural uses.

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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 (OFDU) 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". Further analysis on how to interpret the PPS with respect to OFDU proposals is contained within Publication 851. This analysis is contained within Development Services – Planning Division Comments section.

Due to the above analysis, the application is consistent with the PPS, as the proposed use will add an additional source of revenue for the agricultural operation.

Official Plan Conformity:

The majority of the subject lands are designated Prime Agricultural and Rural within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the land are designated Environmental Protection, pertaining to a watercourse. The proposal is within the Prime Agricultural designation.

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 in order to provide additional economic opportunities.

The application proposes a secondary use on a property containing an existing agricultural operation, and said use will not adversely impact the existing agricultural operations.

In consideration of the above, this proposal conforms to the Official Plan

Zoning By-law Compliance:

The subject land is zoned Agricultural Exception Nineteen (A1-19) Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1-19 Zone permits, amongst other uses, agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The A1-19 Zone also permitted a garden suite, and set to

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total lot area at 40 hectares. The permitted time for the garden suite has now expired and the garden suite has been removed. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1-19 Zone to permit a truss manufacturing facility. Other amendments are also being considered, such as to limit the size of the facility, as well as reducing the parking requirement to six spaces. The by-law would typically require light or dry-light industries, which includes manufacturing, processing, and fabricating facilities, with 1 space per 40 square metres. This would require the use to have 15 parking spaces. However, this requirement is more applicable to intensive industrial operations within urban areas rather than secondary OFDUs on agricultural lots. Given the secondary nature of the OFDU, relief is being sought from the parking requirement. Staff is supportive of the reduction given the scale and nature of the operation proposed.

While the KRCA has recommended portions of the property be rezoned to EP Zone as a housekeeping measure, staff believe such a measure is better taken during the comprehensive review of the new rural zoning by-law in development as development is not proposed near this feature.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval. Site-specific zone provisions will address these items, which will require a holding provision for site plan approval.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
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 dwelling on the property is serviced by a private sewage disposal system and well. The truss manufacturing facility will not have a washroom. A washroom is proposed in a nearby drive shed for employees, which will be serviced by a new 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. The Building Division and Development Engineering Division raised no concerns as a result of the circulation.

Comments were received from Jim and Lisa Goudie, who reside across the road at 925 Centreline Road. They have raised concern with:

- Some of the analysis within the Planning Justification Brief related to the labelling/classification of their property,
- The scale of the operation proposed which they contend is not an accessory use,
- The need to deliver raw materials and shipping of finished goods via semi-tractor and how such trucks will navigate the site and Centreline Road
- The placement of the facility directly in-line (in-front) of their residence,
- When notice was given; and
- If City staff have attended the property.

Comments were received from Greg Starcosta of 96 Rabbit Run, who raised concern with respect to the condition of the road and proposed truck traffic for the proposed use.

A letter of support was received from Amon and Anna Martin of 820 Centreline Road.

Comments were received from John Putnins of 92 Cork Road, who raises concern with the placement of the building within the front yard, the dwelling across the road not being accounted for in the original planning justification brief, and the impact the increased truck traffic would have on the road.

Development Services – Planning Division Comments:

The Development Engineering Division has reviewed the traffic impact brief, and agree with its findings that the additional generated trips, will not have any significant impact on normal road operations.

There is a distinction between a secondary and accessory use which also merits further examination and clarification. An accessory use is commonly defined as subordinate and naturally and customarily devoted to the main use on the lot. However, a secondary use is classified differently, as accessory uses are often permitted as-of-right due to their dependence on the primary use on the property. A secondary use functions very differently. A secondary use is subordinate to and separate from the primary use on the property.

Publication 851, also known as the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, was prepared by the province to assist in the interpretation of the PPS and the uses it permits within prime agricultural areas. Uses that are seeking to be considered on-farm diversified uses (OFDUs) are subject to five criteria within this document:

1. The use must be located on a farm.
2. The use is secondary to the principal agricultural use of the property.
3. The use is limited in area.
4. The use may be, but is not limited to a: home occupation, home industry, agri-tourism, and uses that produce value-added agricultural products.
5. The use shall be compatible with and shall not hinder surrounding agricultural operations.

Staff offer the following analysis in response to the listed criteria:

1. The subject property contains an active dairy operation, and cultivated lands where crops such as corn, soybean, and wheat are grown.
2. The property has two barns and two implement sheds, a dwelling, and residential accessory buildings. The size of the proposed building is accessory in relation to the size and scale of the other agricultural buildings and agricultural operations on the property.
3. The use in terms of size and scale is confined to the front of the property in an area to the northwest of the dwelling. The use will use the existing driveway access to the property, though a new fork will be created in the driveway near the dwelling to direct traffic to the new building. Placing the use near the other buildings minimizes the fragmentation of farm land. The Agricultural Impact Assessment (AIA) within the Planning Justification Brief identifies that less than 1 acre (0.41 hectare) of land will be removed from cultivation to accommodate the building and its parking lot and loading area, representing less than 1% of the

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total area of the lot. Publication 851 recommends OFDUs occupy no more than 2% (including parking areas and outdoor storage areas) of the property up to a maximum of 1 hectare (2.47 acre). The proposal is within the size requirement to maintain an accessory scale to the agricultural operations.

4. A variety of uses secondary to an agricultural operation are listed as permissible examples, including manufacturing/fabrication uses. Home industries are listed as one type of permitted business operations. Using the Emily Zoning By-law definition of home industry as a guide, uses which are secondary to and compatible with the primary use on the property, and are also carried on by members that reside on the same property. The purpose and intent of providing example terms such as home industries within the guidelines is to guide decision makers in their assessment of what is reasonable to consider when a use is proposed as an OFDU. The home industries term assists in the evaluation by outlining a relationship between proposed use and the farming operation where the proposed use is secondary to that of the farming operation. A relationship between the operators of the agricultural operation and operators of the secondary use is also established by using the home industry term as a guide. The proposed truss manufacturing use is a manufacturing/fabrication use, and at least one individual who resides on the property will be involved in the operation of this secondary business. Therefore, a relationship between the agricultural property and the secondary use is established similar to what would be found in a home industry use both in terms of the scale of the operation and who is involved in carrying out the secondary business.
5. The use removes minimal land from agricultural production, and is located within an area in close proximity to the existing farmstead buildings. The Agricultural Impact Assessment (AIA) within the Planning Justification Brief identifies that less than 1 acre of land will be removed from cultivation to accommodate the building and its parking lot and loading area, representing less than 1% of the total area of the lot. The proposed use is to be located within the existing cluster of buildings. This cluster is about 315 metres away from the closest barn and is further separated by Sunnywood Road.

Staff is satisfied that the proposed use meets the guidelines laid out in Publication 851, which ensures a use which is secondary to a working farm, that does not adversely impact the farm's primary agricultural operations, and is compatible with the rural landscape and is thus in keeping with the PPS to permit said use on prime agricultural lands.

The Agricultural Exception Thirty-Seven (A1-37) Zone is proposed to permit the truss manufacturing facility use. Provisions within the by-law amendment are proposed to regulate the footprint of the proposed truss manufacturing building along with additional amendments to ensure the use remains secondary to and tied to the farm operation, rather than operating as an entirely independent entity.

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While the applicant has requested the entire property be rezoned to permit the proposed use, staff are of the opinion it is more appropriate to rezone the portion of the land near the existing cluster of buildings in order to better guide the location where the use is proposed in Appendix 'C'. The proposed footprint is best situated to minimize fragmentation to the agricultural land. While the application seeks to alter some of the accessory building provisions, staff is of the opinion that adding truss manufacturing facility as a permitted use to the A1 list of permitted uses classifies the proposed use as a primary use rather than accessory use. As such, it will be subject to the setback requirements of the A1 Zone unless otherwise specified. A minimum setback from the west and north lot lines is proposed to better tie the building to its proposed location within Appendix 'C'. While the proposed use is not accessory to the agricultural operation, it is secondary to it. The secondary nature of the use will be regulated by the A1 Zone requirements in conjunction with the specific amendments proposed within the A1-37 Zone.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with appropriate zoning provisions will appropriately facilitate the construction of a truss manufacturing facility as an on-farm diversified use on the subject property, which is considered secondary to the agricultural use.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommends that the proposed Zoning By-law Amendment application be referred to Council for Approval.

Attachments:

Appendix 'A' – Location Map



Appendix A
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Appendix 'B' – Aerial Photograph



Appendix B
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Appendix 'C' – Sketch



Appendix C
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Appendix 'D' – Draft By-law Amendment



Appendix D
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Department File: D06-2020-010