



Planning Advisory Committee Report

Report Number: PLAN2024-050

Meeting Date: August 7, 2024

Title: Amend the Township of Emily Zoning By-law 1996-30 to permit an On-farm Diversified Use at 1023 Kings Wharf Road, Part of Lot 18, Concession 14, Township of Emily, City of Kawartha Lakes

Description: Application to amend the Township of Emily Zoning By-law 1996-30 to permit On-farm Diversified Use at 1023 Kings Wharf Road while retaining the existing residential and agricultural uses on the land - D06-2024-014

Type of Report: Public Meeting

Author and Title: Lindsay Nooren, RPP, MCIP, Dillon Consulting Limited (on behalf of the City of Kawartha Lakes)

Recommendation(s):

That Report PLAN2024-050, **Amend the Township of Emily Zoning By-law 1996-30 at 1023 Kings Wharf Road** be received; and

That Report PLAN2024-050, **Amend the Township of Emily Zoning By-law 1996-30 at 1023 Kings Wharf Road** be referred back to staff to address agency comments and for further review of technical studies.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Elo and Naomi Martin
Applicant:	TD Consulting Inc. c/o Tom DeBoer
Legal Description:	Part of Lot 18, Concession 14 in the former Township of Emily, now in the City of Kawartha Lakes
Official Plan:	'Rural' and 'Environmental Protection' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zoning:	'Agricultural' (A1) Zone in Schedule 'A' of the Township of Emily Zoning By-law 1996-30
Area:	Approx. 39.5 hectares
Site Servicing:	Private well and septic
Existing Uses:	Existing residential dwelling, a metal shed, a metal garage, two frame sheds for storage, a frame barn, agricultural fields
Adjacent Uses:	North – Agricultural uses East – Settlement Road, agricultural uses South – Kings Wharf Road, agricultural uses West – Rural Residential and agricultural uses

The applicant is proposing to rezone the 'Subject Lands' to permit an On-farm Diversified Use in the form of a roof truss manufacturing business and accessory parking area. The roof trusses will be manufactured for agricultural buildings within the area.

Rationale:

The following documents were submitted with the application for review:

- Planning Justification Report prepared by EcoVue Consulting Services Inc., dated April 24, 2024;
- Completed Application Form for the ZBA;

Amend the Township of Emily Zoning By-law 1996-30 to permit an On-Farm Diversified Use at 1023 Kings Wharf Road, Part of Lot 18, Concession 14, Township of Emily, City of Kawartha Lakes

- Conceptual Site Plan (Revision 1) prepared by TD Consulting Inc., dated May 2023;
- Conceptual Site Plan (Revision 2) prepared by TD Consulting Inc., dated May 2023;
- Conceptual Grading Plan prepared by Base Consulting Inc., dated January 2024;
- Traffic Report prepared by NexTrans Consulting Engineers, dated April 29, 2024;
- Septic Design Brief prepared by TD Consulting Inc., dated May 2, 2024; and,
- Confirmation Letter prepared by KRCA, dated April 30, 2024.

The proposed amendment to the Township of Emily Comprehensive Zoning By-Law 1996-30 would rezone the site from 'Agricultural' (A1) to 'Agricultural Exception' (A1-XX) Zone with exceptions to the permitted uses to include a truss manufacturing shop as an On-farm Diversified Use, while retaining the existing residential and agricultural uses on the property.

Policy Conformity

Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides a policy framework for land use planning within the Province of Ontario.

The Subject Lands are not within the settlement area. Section 1.1.4 (Rural Area in Municipalities) speaks to the Province's vision for rural areas. As per Policy 1.1.4.1, healthy, integrated and viable rural areas should be supported by: a) building upon rural character, and leveraging rural amenities and assets; f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and; g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets."

The roof truss manufacturing business, as an On-farm Diversified Use, would build upon the existing rural character, contribute to the diversification of the local economy, and leverage rural assets.

Section 1.1.5 Rural Lands in Municipalities speaks to permitted uses for rural lands in municipalities. As per Policy 1.1.5.2, permitted uses include, "d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards".

On-Farm Diversified Use is defined in the PPS 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, agritourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.”

The manufacturing business would be manufacturing roof trusses for agricultural buildings, thus satisfying this requirement.

Furthermore, Policy 1.1.5.3 states, “Recreational, tourism and other economic opportunities should be promoted” and Policy 1.1.5.4 states, “Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted”.

Policy 1.1.5.7 states that, “Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses”.

The addition of the truss manufacturing business will promote the diversification of the City’s economic base and utilize an unused portion of the existing farm.

In terms of natural heritage, Policy 2.1.1 of the PPS states that, “Natural features and areas shall be protected for the long term”. Section 2.1 also notes that development and site alteration shall not be permitted in significant natural features and significant habitat of endangered and threatened species. An unevaluated wetland is present at the northeast extent of the subject property and along the northwestern property line. The unevaluated wetland is located outside of the area of development and is not anticipated to face impacts.

Section 2.3 of the PPS states that, “Prime agricultural areas shall be protected for long-term use for agriculture”. As per Policy 2.3.3.1, permitted uses and activities within these areas include: “agricultural uses, agriculture-related uses and on-farm diversified uses”.

Section 2.3.3.1 further states that proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning document, which achieve the same objectives.

The area proposed for development meets the PPS's definition of "on-farm diversified use", as long as the criteria provided in "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" are met. These guidelines are explored in a subsequent section of this Report.

As there are no hazardous lands within the Subject Lands, policies of Section 3 of the PPS do not apply.

Growth Plan for the Greater Golden Horseshoe (2019)

The applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) for the Subject Lands include Subsections 2.2.9 (Rural Areas) and Section 4, for land use, servicing and natural heritage and hazard features.

As per Policy 2.2.9.3 of the Growth Plan, subject to the policies in Section 4 (Protecting What is Valuable), development outside of settlement areas may be permitted on rural lands for: a) the management or use resources; b) resource-based recreational uses; c) other rural land uses that are not appropriate in settlement areas provided they: i) are compatible with the rural landscape and surrounding local land uses; ii) will be sustained by rural service levels; and iii) will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

As noted, the manufacturing roof trusses for agricultural buildings would be an On-Farm Diversified Use.

OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851)

All the following criteria must be met for a use to qualify as an On-farm Diversified Use:

1. Located on a farm;

The Subject Lands are located on an agricultural lot in the Township of Emily.

2. Secondary to the principal agricultural use of the property;

The primary use of the Subject Lands is Agriculture, the new business would serve as a secondary use.

3. Limited in area;

The proposal concerns under 1% of the total lot area.

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products;

The manufacturing business would be for Agricultural Roof Truss', thus satisfying this requirement.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The surrounding land uses are all agricultural related, resulting in no undue or adverse impacts to surrounding properties.

City of Kawartha Lakes Official Plan (2012)

The 'Subject Lands' are designated 'Rural' and 'Environmental Protection' in Schedule A-3 of the City of Kawartha Lakes Official Plan (CKLOP).

As per 16.2 of the CKLOP for Rural lands, objectives include, "To protect and strengthen the agricultural community while permitting uses that would support the agricultural community and would not conflict with them", and "Encourage agriculture-related businesses on farms to strengthen the viability of the agricultural industry sector and minimize severances for non-agricultural activities."

Policy 16.3 includes "agriculture-related commercial and industrial uses" as permitted uses within the 'Rural' land use designation. While an On-farm Diversified Use isn't a specific permitted use, a roof truss manufacturing business can be considered an agriculture-related business. The roof trusses will be manufactured for agricultural buildings within the area.

A small portion is designated Environmental Protection in the southeast corner. Development is not proposed on or near this area.

Township of Emily Zoning By-law 1996-30

The 'Subject Lands' are currently zoned 'Agricultural' (A1) Zone in the Township of Emily Zoning By-law 1996-30. As per Section 7.1 of the Zoning By-law, a single detached dwelling, as well as agricultural use, are permitted in the A1 Zone. The existing dwelling and the existing agricultural uses would remain unchanged.

Amend the Township of Emily Zoning By-law 1996-30 to permit an On-Farm Diversified Use at 1023 Kings Wharf Road, Part of Lot 18, Concession 14, Township of Emily, City of Kawartha Lakes

However, On-farm Diversified Uses are not listed within the permitted uses.

Accordingly, a Zoning By-law Amendment is required to rezone the 'Subject Lands' from 'Agricultural' (A1) to 'Agricultural - Exception' (A1-XX) to permit the On-farm Diversified Use.

Other Alternatives Considered:

No alternatives have been considered.

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

In alignment with strategic priorities, the proposed rezoning would facilitate a new use that would support a vibrant and growing economy through encouraging new agricultural-related businesses, and On-farm Diversified Uses in the City and supporting the agri-business sector and overall economic prosperity locally.

Financial/Operation Impacts:

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

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Development Services - Planning Division reviewed the proposal and have provided comments that have been relayed back to the applicant. These comments relate to confirming any zoning deficiencies, distances to natural heritage features, and addressing the findings of the Traffic Impact Brief.

Engineering and Corporate Assets Department – Development Engineering

reviewed the proposal and have provided comments that have been relayed back to the applicant. From an engineering perspective, Development Engineering noted they cannot support the proposed Zoning By-Law Amendment application at this time. An updated Traffic Brief is required to support further review of the proposed amendment application. This includes the need for a safety analysis to address potential safety or operational issues arising from heavy truck movement conflicts, a detailed review of the roadway geometry related to TAC guidelines for roadway cross sections and land widths, and an analysis of traffic volumes on Kings Wharf Road, among others.

Building and Septic Division reviewed the proposal and have no further comments or objections as it related to private on-site sewage disposal. The information presented in the sewage brief and site plan demonstrate a sufficient area for the installation of a private on-site sewage system that would accommodate the uses proposed.

Public Works Department requests that an entrance review be complete for the current entrance to ensure it is in compliance with By-law 2017-151 and that any deficiencies noted be corrected as a condition of the re-zoning.

Kawartha Regional Conservation Authority reviewed the revised proposal and have no further comments or concerns regarding the proposed Zoning By-law Amendment.

Conclusion and Recommendation:

The application generally conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also generally conforms to the policies of the City of Kawartha Lakes Official Plan.

The rezoning to address the proposed uses associated with the On-farm Diversified Use is generally appropriate in principle. However, Planning Staff respectfully recommend that the application be received for informational purposes only, and referred back to staff until refinements to the Zoning By-law Amendment and respective technical studies have been addressed, specifically as it relates to confirming any zoning deficiencies and Traffic Impact Brief considerations.

Attachments:

Appendix A – Location Map



APPENDIX A- KWR
LOCATION MAP.doc

Appendix B – Site Plan



APPENDIX B- KWR
SITE PLAN.docx

Appendix C – Aerial Photo



APPENDIX C- KWR
AERIAL.docx

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Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-014