



PLANNING EVALUATION REPORT

Meeting Date: June 17, 2024
Submitted by: Erin Besch, Planner
Subject: **Application for Zoning By-law Amendment Z06-2024**
Part of Lot 16, Concession 5 S.E.R. (Adelaide)
2897 Napperton Drive (County Road 39)
Owner: Ruby Farms Inc.
Agent: Mark Van Cleeff

PURPOSE

The purpose of Application for Zoning By-law Amendment Z06-2024 is to rezone the subject lands from the 'General Agriculture (A) Zone' to a site-specific 'General Agriculture (A-17) Zone' to add 'Cardboard Bailing' as a permitted use, in addition to all other uses permitted under the 'A' zone.

SITE CONTEXT

The subject property is approximately 16.34 ha (40.4 ac) in size and is located on the south side of Napperton Drive, east of School Road within the former Township of Adelaide. Surrounding land uses are predominantly agricultural and rural residential in nature. The lands abut a main line of CN Rail along the southern lot line.

The lands contain an existing concrete warehouse that is approximately 1,533 m² (16,500 ft²) in size and is located in the northeast corner of the property. The lands also contain 2.7 ha (6.7 ac) of solar panels, a stormwater management pond and agricultural land in crop production. Access to the site is via two driveways off Napperton Drive, and an informal access from the neighbouring property to the east.

The solar panels were installed on former greenhouse structures that have been partially deconstructed and have been used for the storage of an assortment of materials including steel, wiring, poly barrels, scrap metal, pallets, and yard waste. The area surrounding the greenhouse has also been used for the storage of similar materials.

PROPOSAL SUMMARY

The property previously contained a greenhouse operation, but more recently the applicant has been operating a cardboard recycling and waste collection depot. The warehouse structure has been equipped with an industrial baler that compresses loose cardboard into large rectangular bales, as well as forklifts and medium size equipment to move materials around the site. The building also contains a loading dock with two spaces which allow covered trailers to be loaded with the bales to be shipped off-site. The applicant is requesting to add 'cardboard bailing' as a permitted use on the subject lands, which would be considered an 'on farm diversified use' and limited to the existing warehouse structure. The applicant has advised that outdoor storage would be completely restricted.



PLANNING EVALUATION REPORT

Due to a fire inspection order by the Adelaide Metcalfe fire department, the applicant was required to remove all combustible materials in and around the structures on the property. The owner has since been deemed to have complied with the inspection order as the majority of materials have been removed from the site.

POLICY AND REGULATORY CONTEXT

The lands are located within a 'Prime Agricultural Area' as defined by the 2020 Provincial Policy Statement and within the 'Agricultural' designation of the County and Adelaide Metcalfe Official Plans. The lands are currently zoned 'General Agriculture (A) Zone' within the Adelaide Metcalfe Zoning By-law.

Provincial Policy Statement (2020)

According to Section 3 of the Planning Act as amended, where a municipality is exercising its authority affecting a planning matter, such decisions, "shall be consistent with" all policy statements issued under the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement (PPS) identifies that new, non-residential uses may be permitted in the prime agricultural where (s.2.3.6.1(b)):

- The land does not comprise a specialty crop area;
- The use complies with MDS;
- There is an identified need within the planning horizon for additional land to accommodate the proposed use; and,
- Alternative locations have been evaluated and there are no reasonable alternatives that avoid prime agricultural areas or lower priority agricultural lands.

The PPS permits agricultural, agriculturally related and on-farm diversified uses within 'Prime Agricultural Areas'. The Province has published a document titled, 'Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas'. This guideline document was created to assist in implementing the Provincial Policy Statement and it contains suggested criteria upon which 'on-farm diversified uses' may be evaluated, including the following:

- The use is located on a farm;
- The use is secondary to the principal agricultural use of the property based on spatial and temporal measurements;
- The use is limited in area (maximum 2% of the total property area is recommended in the guidelines for the use);
- The buildings for the use are occupy a maximum of 20% of the area used for the on-farm diversified use.
- The use includes, but is not limited to home occupations, home industries, agri-tourism and uses that produce value-added agricultural products; and,
- The use shall be compatible with and shall not hinder surrounding agricultural operations.



PLANNING EVALUATION REPORT

County Official Plan (2023 Consolidation)

The subject lands are within the 'Agricultural Areas' designation of the County of Middlesex Official Plan which permits agricultural and related uses as well as farm related commercial and industrial uses in accordance with Section 3.3.5.

The County OP Section 2.3.9 states that "The policies of this Plan are intended to affirm that agriculture is a predominant activity in the County and that local food production is a priority. Non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related or an on-farm diversified use and a location in proximity to agriculture is necessary."

Section 3.3.5 states that commercial and industrial development is to be directly related to and supportive of agricultural operations. Further to this there are seven (7) policies to consider in this regard:

- a) the agricultural-related and on-farm diversified uses cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities;
- b) such uses shall be located to conform with the Minimum Distance Separation Formula;
- c) an amendment to the Zoning By-law is approved;
- d) the agricultural-related and on-farm diversified uses shall not require large volumes of water nor generate large volumes of effluent and shall be serviced with appropriate water supply and sewage treatment facilities;
- e) the agricultural-related and on-farm diversified uses shall be located and designed to minimize potential adverse impacts upon adjacent residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;
- f) the agricultural-related and on-farm diversified uses must provide for a minimum sight distance from the access points in either direction along a County or local road; and
- g) the site plan policies of local official plan.
- h) the agricultural-related and on-farm diversified uses shall be in accordance with the Provincial Guidelines on Permitted Uses in Prime Agricultural Areas
- i) for on-farm diversified uses, the relationship of the proposed use to the underlying farm operation;
- j) the agricultural-related and on-farm diversified uses are to remain within the Agricultural Areas land use designation and are permitted without the need to amend this plan;
- k) proposed access to highways under the jurisdiction of the Province of Ontario, or proposed access in proximity of such highways or interchange ramp terminals, shall be subject to the regulations and policies of the Ministry of Transportation and design and construction of these proposed accesses will be subject to the approval of the Ministry of Transportation.



PLANNING EVALUATION REPORT

Adelaide Metcalfe Official Plan

The subject lands are within the 'Agricultural' designation of the Adelaide Metcalfe Official Plan. The Official Plan policies that are applicable to the proposal include:

- 2.1 "The Township recognizes that agriculture provides the major economic base of the municipality.

This Plan establishes policies for the protection and preservation of land for agricultural purposes including policies that restrict non-agricultural uses."

- 3.1.1 "Objectives

Agriculture is the predominant use of land in the Township of Adelaide Metcalfe. The protection of the agricultural land base is of primary importance for the maintenance of the economic and social fabric of the community. High capability agricultural land as defined in the Provincial Policy Statement predominates across the Township. Lower capability land is generally limited to wetlands and valley land associated with the major watercourses."

- 3.1.2 "Permitted Uses

The primary use of land within the areas designated agricultural areas on Schedules "A-1" and "A-2" of this Plan shall be farming which includes the use of lands, buildings, and structures for the growing of crops, including nursery and horticulture crops, raising of livestock, poultry and other animals, aquaculture, and agroforestry."

- 3.1.4 "On-Farm Businesses and Home Businesses

On-Farm Businesses and Home Businesses may be permitted on farm parcels provided they are compatible with, and secondary to, the existing farm operations and are appropriately zoned to regulate the use, size and scale. On-Farm Businesses may take place in a residence or in an accessory building such as a shed or a farm building. Severance of the farm business from the farm parcel will not be permitted."

Adelaide Metcalfe Zoning By-Law No. 34-07

The subject lands are located within the 'General Agriculture (A) Zone' of the Adelaide Metcalfe Zoning By-law, which permits primarily agriculture uses, as well as outdoor storage, conservations uses, single detached residential and accessory uses.

The zoning by-law amendment application proposes to rezone the property to a site-specific 'General Agriculture (A-17) Zone', which would permit 'cardboard bailing' as a permitted use on the subject lands. The site-specific provisions are proposed to allow the existing agricultural uses to continue, as well as allow for the operation of a cardboard processing business. The proposed operations would be required to adhere to the zoning provisions of the 'General Agriculture (A)



PLANNING EVALUATION REPORT

Zone', including setbacks from lot lines, maximum lot coverage, building height and parking requirements.

CONSULTATION

The application was circulated to the prescribed agencies, as well as surrounding property owners.

The Township's Fire Inspector provided the following comments:

- A fire inspection order was issued to remove the combustible materials in and around the building and to cease use of the property where "Activities that create a hazard and that are not allowed for in the original design shall not be carried out in a building unless approved provisions are made to control the hazard."
- The owner was deemed to have complied with the inspection order after 2 re-inspections and 95% of the materials removed. The electric baler remained on site and in service.
- An Electrical Safety Authority inspection order was also issued by the Fire Department, ESA inspected, provided a list of contraventions and the owner complied. An ESA clearance letter was received showing compliance.
- The Ministry of Environment is actively investigating this property to confirm compliance.
- Should Council adopted zoning, it is recommended the property be subject to a site plan application for the purposes of reviewing the site for items included, but not limited to, fire protection water, fire protection systems, and fire alarm systems.

The County Engineer advised the County of Middlesex has concerns about the proposed use being facilitated through the noted rezoning application. A recycling facility of this proposed scope is expected to generate significant truck traffic and would be more aligned with an industrial use, rather than an agricultural use from a trip generation perspective.

If zoning is approved, County Engineering recommends that the site be subject to site plan control. The applicant will need to provide a traffic impact study to address the potential negative impact on the County road and recommend improvements to reduce or eliminate those potential negative impacts. The proposed use cannot be safely supported through the use of the existing gravel agricultural access.

The Township Public Works Manager advised of no concerns.

CN Rail advised that the subject site is adjacent to CN's Main Line. CN recommends the following protective measures for non-residential uses adjacent Main Lines:

- A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).



PLANNING EVALUATION REPORT

- A chain link fence of minimum 1.83 metre height is **required** to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

CN anticipates the opportunity to review a detailed site plan and a storm water management report taking into consideration CN development guidelines.

St. Clair Region Conservation Authority advised of no concerns with the application.

The Township Drainage Superintendent advised that this property is within watershed of the Carruthers drain. Any specific comments with regards to drainage will be reserved for future application, if there should be any.

NEXT STEPS

A subsequent report will be provided, which will include a full policy analysis and response to any comments received at the Public Meeting, as well as provide recommendations for Council's consideration.

RECOMMENDATION

THAT the subject report for Zoning By-law Amendment Z06-2024 be received for information.

FURTHER THAT Council direct Staff to prepare a subsequent report evaluating said applications with a recommendation for Council's consideration at a future meeting.