



Planning Advisory Committee Report

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| Report Number: | PLAN2021-034 |
| Meeting Date: | June 2, 2021 |
| Title: | Amend the Eldon Zoning By-law 94-14 at 152 Glenarm Road - Motara |
| Description: | An application to change the zoning on the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone to permit an abattoir as a site-specific use |
| Type of Report: | Public Meeting |
| Author and Title: | Mark LaHay, Planner II, MCIP RPP |

Recommendations:

That Report PLAN2021-034, **Part of Lot 10, Concession 2, being Parts 1 & 3 to 6, 57R-9001, geographic Township of Eldon, City of Kawartha Lakes, identified as 152 Glenarm Road, Motara – D06-2021-010**, 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.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

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| Proposal: | To rezone the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone to permit an abattoir as a site-specific use. The effect of the zone change is to permit and facilitate the renovation of an existing vacant building for an abattoir (meat processing) use including ancillary retail and to permit a small addition at the rear of the building. |
| Owners: | Nashir and Saleha Motara |
| Applicant: | Clark Consulting Services c/o Robert K. Clark |
| Legal Description: | Part of Lot 10, Concession 2, being Parts 1 & 3 to 6, 57R-9001, geographic Township of Eldon |
| Official Plan: | Prime Agricultural and Environmental Protection with Significant Woodland Natural Heritage Features within the City of Kawartha Lakes Official Plan |
| Zoning: | Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14, as amended |
| Site Size: | 35.13 hectares (86.81 acres – MPAC) |
| Site Servicing | Private individual well and septic system |
| Existing Uses: | Agricultural land with dwelling/Vacant buildings used for storage |
| Adjacent Uses: | North: Agricultural East: Highway Commercial/Rural Residential/Industrial South: Agricultural/Woodland West: Rural Residential/Restricted Industrial/Agricultural |

Rationale:

The owner has applied to permit an abattoir on the subject agricultural land, which is located west of the Hamlet of Argyle on the south side of Glenarm Road. The subject property is located within a prime agricultural area and contains a residence, a small barn, a former deadstock processing building, and a storage shed. The northern portion of the land is partly open and partly scrub land while the southern portion is partially treed. The lands are not under cultivation but are suitable for pasturing and grazing. The proposed abattoir will utilize an existing building in the northwest portion of the land that was previously used as an abattoir (see Appendix 'C'). The property was

historically zoned to permit this use but the site specific zoning had lapsed following the closure of the previous business.

A Zoning By-law Amendment application has been submitted to change the zone category on the property from the Agricultural (A1) Zone to an Agricultural Exception (A1-**) Zone to permit an abattoir as a site-specific use. The zoning change would permit and facilitate the renovation of an existing vacant building for an abattoir (meat processing) use including ancillary retail and would also permit an addition.

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 August 24, 2020 prepared by Clark Consulting Services, 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 Lake Simcoe Protection Plan, 2009, the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Eldon Zoning By-law 94-14.
2. Agricultural Impact Assessment with Minimum Distance Separation (MDS) Calculations dated December 9, 2019 prepared by Clark Consulting Services to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that the lands are available for agricultural activities however, they are not currently used for any intensive agricultural use and are not generally used for feed grains or hay. No loss of production will be noted as a result of the application. The subject land area to be used for the abattoir is not agriculturally productive lands and the use of this part of the farm for an agriculture-related (abattoir) use represents a benefit to the local and wider area agricultural communities. No calculations were made with respect to MDS requirements from the five barns within the 750 metre review area as an abattoir is specifically exempted under OMAFRA's MDS Document, Publication 853, Guideline 3.
3. Hydrogeologic Assessment Report dated June 11, 2020 prepared by GHD, which evaluated the existing residential use and proposed abattoir. This Assessment notes that there is no change to the septic waste disposal system from a usage perspective and as such the system is suitable for the existing and proposed uses. It also concludes that there is a low potential for groundwater impact as a result of using the drilled well for residential and the proposed abattoir uses.
4. Phase 1 Environmental Site Assessment dated March 1, 2020 prepared by GHD. No Potential Contaminating Activities (PCA) were identified on the subject property. An identified PCA, being a machinery manufacturing facility at 234 Glenarm Road, is located about 200 metres from the subject property and is separated by agricultural land. In the opinion of the authors of the Environmental

Site Assessment, the off-site PCA does not result in an area of environmental concern at the subject property.

5. Zoning By-law Amendment Sketch, dated July 13, 2020 prepared by Clark Consulting Services illustrates the area of the subject land proposed for the abattoir use and surrounding buildings, servicing and access.
6. Building Plan Site Plan (Dwg. A1), plot dated January 28, 2019 prepared by Imran Khan Architect, Renor and Associate Inc. illustrates the size of the building proposed to be used as an abattoir and connecting buildings.
7. Plant Layout Floor Plan (Dwg. A2), plot dated January 13, 2019 prepared by Imran Khan Architect, Renor and Associate Inc.
8. Plant Layout Partial Floor Plan (Dwgs. A3 & A4), plot dated January 13, 2019 and March 13, 2018 respectively, prepared by Imran Khan Architect, Renor and Associate Inc.

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. Only a small portion of the southwest part of the lands, which is outside of the development area for the proposed abattoir is mapped in this regard. 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. 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 building location and surrounding area to be used for the proposed use appears to be exempt from having to undertake a key natural heritage evaluation as it located more than 30 metres from such features.

This application as an agriculture-related use is being 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. The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with 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 agricultural land 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. Comments provided earlier by the Lake Simcoe Region Conservation Authority did not require any specific studies in this regard, suggesting no negative impacts are anticipated.

Section 2.3.3 permits agricultural, agricultural-related and on-farm diversified uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae. An agricultural-related use by definition means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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 agriculture-related use in accordance with the PPS.

1. Farm-related commercial and farm-related industrial uses.
2. Shall be compatible with and shall not hinder surrounding agricultural operations.
3. Directly related to farm operations in the area.
4. Supports agriculture.
5. Provides direct products and/or services to farm operations as a primary activity.
6. Benefits from being in close proximity to farm operations.

The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with the PPS.

Lake Simcoe Protection Plan:

The Lake Simcoe Protection Plan (LSPP) was prepared and approved under the Lake Simcoe Protection Act, 2008 and come into effect on June 2, 2009. Its purpose is to protect and restore the ecological health of Lake Simcoe and its watershed.

The subject lands are within the Lake Simcoe Watershed and part of the agricultural land within a LSRCA regulated area. In accordance with the LSPP, growth in the Lake Simcoe watershed must be in conformity with provincial plans as well as in keeping with the Provincial Policy Statement, so that growth is managed in a manner that sustains a healthy ecosystem, healthy communities and healthy economies. The proposed area for the abattoir and lands around the existing building for transportation, loading /unloading and animal holding areas are outside the regulated areas. The LSRCA indicated in earlier comments provided to the municipality that the proposal does not constitute major development as defined by the LSPP and would therefore not require any studies or a permit. The proposed application appears to meet the above policies and criteria with respect to demonstrating consistency with the LSPP.

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 significant woodlands. The proposed agriculture-related use is within the Prime Agricultural designation and within 120 metres of significant woodland. Although portions of the subject property are located within an area regulated by the Lake Simcoe Region Conservation Authority, the proposed use and operating area is outside the regulated area.

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 agriculture-related and agri-business uses within the Prime Agricultural designation. Agri-business uses may be permitted provided there are no reasonable alternative locations, which avoid Prime Agricultural designated lands, and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. Such uses shall be subject to a zoning bylaw amendment and site plan control.

Conformity with the Official Plan will be established through the continued review of the application.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-Law 94-14, 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 the A1 Zone to an A1 exception zone to permit an abattoir use. A refrigerated offal room, meat cutting, curing or smoking operation and a retail/wholesale outlet are considered normal accessory uses by definition. Staff are continuing to review whether any specific zoning provisions will be needed to facilitate the use of the proposed facility.

The pre-consultation comments specified that site plan approval is required for this development. It is anticipated that any required site-specific zone provisions will be addressed through the zoning by-law amendment, which will also require a holding provision as the subject property is not within a site plan control area.

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 and providing a service to the agriculture and food sector.

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 private drilled well and a private sewage disposal system septic system that services both the proposed abattoir the existing single detached dwelling on the land. It has been determined that the sewage system would require some alterations to ensure it would operate in a manner consistent with the original construction and performance of use. The alterations for septic tank and distribution boxes have been completed through permitting 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 May 7, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Zoning By-law Amendment to permit an abattoir as a site-specific use.

On May 7, 2021, the Part 8 Sewage Systems Supervisor advised that a sewage system review was conducted by the GHD in conjunction with Staff to evaluate the existing system connected to the building. The report provided by GHD concluded that the existing leaching bed could accommodate the proposed change of use to an abattoir. It was determined that the sewage system would require some alterations to ensure it would operate in a manner consistent with the original construction and performance of use. The alterations for septic tank and distribution boxes have been completed through permitting. As such, the Building and Septic Division has no concerns with the proposed zoning amendment as they relate to private on-site sewage disposal.

On May 17, 2021, Enbridge Gas Inc. advised it does not object to the proposed application.

On May 19, 2021, the Agriculture Economic Development Officer advised of no concerns with this application, noting that it was previously zoned for an abattoir, and that it is proposed to rezone to allow an abattoir once again. The agricultural assessment fairly represents that the repurposing of this building to an abattoir will not impact the use of the remainder of the property for agricultural activities. There is

strong demand for abattoir services by the livestock sector, and this property is well situated in close proximity to both the Kawartha Lakes Community Auction and the beef grazing lands of the north-west part of Kawartha Lakes. This project aligns well with the Economic Development Strategy Goals of growing the agriculture and food sector businesses with a particular focus on attracting additional food processing capacity.

Development Services – Planning Division Comments:

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specify that agriculture-related uses are farm-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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'
PLAN2021-034.pdf



Appendix 'B'
PLAN2021-034.pdf



Appendix 'C'
PLAN2021-034.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Map

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

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(Acting) Department Head: Richard Holy

Department File: D06-2021-010