



Development Services Staff Report

Report Number:	DS38-2024
Report Title:	Zone Change Application 02/2024 (881 Weber Street North – 881 Weber Inc.)
Author:	Sherwin Meloney, Planner
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Final Version:	Yes
Reviewed By:	Victor Labreche, Manager of Planning & Deanne Friess, Director of Development Services
Final Review:	Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report DS38-2024 respecting Zone Change Application 02/2024 (881 Weber Street North – 881 Weber Inc.) approve the amending of the Agricultural (A) zone with site-specific provisions to permit an agriculture-related use consisting of an orchard processing operation, an agricultural research and training centre, seasonal and year-round farm help accommodation, and a farm produce stand in accordance with the By-law in Attachment 2 to this report.

Background:

The Planning Partnership on behalf of the property owner 881 Weber Inc. have submitted a rezoning application for the lands at 881 Weber Street North.

The subject property is approximately 28 hectares (69 acres) in size with frontages along Weber Street North, Lobsinger Line and Apple Grove Road (See location Map).

The proposed changes to the Zoning By-law provide for:

- Lands outside the Settlement Boundary to remain as Protected Countryside and zoned Agricultural (25 hectares)
- Lands within the Settlement Boundary to remain as Industrial/commercial with a Natural Hazards overlay (3 hectares)

The proposed Zoning By-law Amendment is to rezone the lands from Agricultural (A) to:

- Agricultural (A) with site-specific provisions to permit an agriculture-related use consisting of an orchard processing operation with ancillary uses that include an agricultural research and training centre, seasonal and year-round farm help accommodation, and a farm produce stand.

The applicant has submitted the following studies in support of this application:

- Development Application
- Planning Justification Report
- Proposed draft Zoning By-law
- Site / Concept Plan
- Completed Archaeological Assessment along with the Ministry's Acknowledgement Letter.
- Traffic Impact Brief
- Functional Servicing Report
- Hydrogeological Letter

A public meeting was held on July 16, 2024.

Approximately 3 hectares of the subject property fronting onto Weber Street North is within a floodplain and the Stockyards urban settlement. The Official Plan designates this portion of the property as Industrial/Commercial with Natural Hazards and is zoned Stockyards (ST-2) with a Flood (F) overlay in the Zoning By-law.

The balance of the subject property, being approximately 25 hectares in size and fronting onto Apple Grove Road and Lobsinger Line is outside of the urban boundary and within the Countryside - Prime Agricultural Area. The Official Plan designates this portion of the property as Protected Countryside and is zoned Agricultural (A) in the Zoning By-law.

An Official Plan amendment is not required for this application.

The agriculturally zoned portion of the property is currently vacant and developed with an orchard with a variety of fruit bearing trees on the site.

Several agricultural and agricultural related uses are being proposed including retail, produce storage and shipping as well as farm equipment storage on the agricultural portion. The plan includes buildings for sorting, washing and packaging of produce as well as an agricultural research and training centre, produce stand, and seasonal and year-round farm help accommodation (as defined in Attachment 2 of this report). The proposed total area of non-residential related buildings is 12,890m² (138,750ft²), with another 2 residential buildings totalling 8 dwelling units. The buildings are clustered in an area that is over 100 metres from Lobsinger Line and approximately 75 metres from Apple Grove Road. It is anticipated that the primary access would be from Lobsinger Line and limited access from Apple Grove Road.

The applicant is proposing a site-specific Zoning By-law amendment for an approximate 3-hectare portion of the lands fronting onto Apple Grove Road / Lobsinger Line to permit an agricultural related use, being an orchard processing operation, an agricultural research and training centre, seasonal and year-round farm help accommodation, and a farm produce stand.

Planning Comments:

Provincial Planning Statement

The lands are within the Protected Countryside - Prime Agricultural Area. The Provincial Planning Statement (PPS) contain policies around protecting and supporting the long-term viability and productivity of the agricultural land base, to ensure a vibrant rural and productive agricultural economy and a secure food supply for future generations. As part of the agricultural land base, prime agricultural areas, shall be protected for long-term agricultural use. The key policies relevant to this application can be found in Section 2.5 and 4.3 of the PPS. Section 4.3.2 of the PPS permits agriculture-related uses within prime agricultural areas provided they are compatible with, and shall not hinder, the surrounding agricultural operations. The proposed agriculture-related use being primarily an orchard processing operation with ancillary uses is compatible with the surrounding agricultural uses in the area and as per section 2.5 of the PPS provides opportunity for economic activity in prime agricultural areas.

Regional Official Plan

Section 6.C.7 of Regional Official Plan (ROP) provides policy direction with respect to the agriculture-related uses in Prime Agricultural Areas. The ROP permits agriculture-related uses within Prime Agricultural Areas subject to the following:

- a. That the use minimizes the amount of land removed from agricultural production and is suitable for the site in comparison to other reasonable alternatives available in the Area Municipality, including sites with poorer agricultural soils or where fragmented or smaller lots and/or a mix of non-farm lots may already exist;
- b. That the use mitigates any potential land use conflicts with adjacent farms and other land uses;
- c. That the use can be appropriately serviced by private wells and individual wastewater treatment systems; and
- d. That the severance of a lot for an agriculture-related use created in accordance with this policy may be permitted only in accordance with Policy 6.E.7.

Section 6.C.3 of the ROP addresses permanent or temporary farm-related residential units, it states permanent or temporary farm-related residential units may be permitted on a farm without severance to accommodate full-time farm employees, provided that:

- a. The size, nature and productive capability of the farm operation warrant additional farm employment for extended periods of time such that additional on-site accommodation is considered necessary;
- b. Any new permanent dwellings will be limited to bunkhouses or the conversion and/or expansion of existing farm-related residential units;

- c. Any new temporary dwellings will be located near existing farm buildings and will be removed if they are no longer required to accommodate farm employees; and
- d. The site can be appropriately serviced by private wells and individual wastewater treatment systems.

Official Plan Conformity

Section 6.2.5.1 of the Township Official Plan (OP) permits agriculture-related uses within Prime Agricultural Areas through an amendment to the Zoning By-law, provided that the proposed use meets the following:

- a) Conforms to the Zoning By-law and policies of this Plan;
- b) Minimizes the amount of land removed from agricultural production and is suitable for the site in comparison to other reasonable alternatives available in the township, including sites with poorer agricultural soils or where fragmented or smaller lots and/or a mix of non-farm lots may already exist;
- c) Is not located within a woodland, except where an exception from the Regional Woodland Conservation By-law has been obtained;
- d) Mitigates any potential land use conflicts with adjacent farms and other land uses and complies with the Province's guidelines and standards on land use compatibility and including any relevant environmental approvals;
- e) Maintain the agricultural and rural character which may include reusing existing buildings, designing new structures that fits aesthetically within the agricultural area, minimizing outdoor storage and lighting, avoiding major modification of land and natural heritage features, visually screening uses from neighbours and roadways, and limiting the use of signage;
- f) Demonstrating that there is a minimum cumulative impact of multiple Agricultural-Related Uses within the agricultural area; and
- g) Can be appropriately serviced by private wells and individual wastewater treatment systems.

It is the opinion of staff that the proposed use is compatible with adjacent farms and will support the existing orchard by providing a convenient facility to store, process, package and sell produce harvested on site. The existing orchard has been intentionally planted to surround the operation to provide efficient processing of produce harvested on-site and support enhanced productivity of the agricultural operation as a whole. The proposed facility aims to promote and improve the existing orchard and minimizes the amount of land removed from agricultural production. The proposed operation can be accommodated by private services and the location is suitable for the site as other areas of the property were not conducive for such a development.

Section 6.2.4.1 of the OP permits permanent or temporary farm-related residential units, subject to the following:

- a) The size, nature and productive capacity of the farm operation warrant additional farm employment for extended periods of time such that additional on-site accommodation is considered necessary;
- b) Any new permanent dwellings will be limited to bunkhouses or the conversion and/or expansion of existing farm-related residential units;

- c) Any new temporary dwelling will be located near the existing farm buildings and will be removed if they are no longer required to accommodate farm employees;
- d) The site can be appropriately serviced by private wells and individual wastewater treatment systems;
- e) Shall not be located within floodplain areas; and
- f) Shall be located within the farm cluster and be in conformity with minimum distance separation.

The planning report provided by the applicant indicated the existing orchard requires support from 13 seasonal farm workers and the demand for farm labour is increasing on an annual basis as the orchard matures and harvest grows. With the integration of the proposed agriculture-related use, agricultural productivity will greatly increase warranting additional employees. The owner/applicant is proposing 3 permanent farm help accommodations and 5 temporary farm help accommodations in the form of row bunkhouses. The proposed accommodations will be in proximity to other farm buildings within the farm cluster and will be well screened and setback from the road. The farm labour accommodation is intentionally concentrated within the farm cluster to improve operations and minimize impacts to the orchard and surrounding agricultural area.

It is the opinion of staff that the proposed agriculture-related use is consistent with both the ROP and OP policies stated above.

Zoning

The applicant is proposing a site-specific Zoning By-law Amendment to permit an agriculture-related use, being an orchard processing operation. The intent of the site-specific zoning is to ensure that the proposed use, is compatible with existing uses and can be integrated without negatively impacting the surrounding area.

The proposed zone change requires the following site-specific amendments to the Zoning By-law:

1. An increase in the value-added farm use size restrictions to permit an orchard processing operation as an agriculture-related use to include administrative offices and associated facilities, cold storage, fruit pre-cooling, fruit washing, fruit packing, fruit processing, shipping and receiving, storage, parking, and private services.
2. An agricultural research and training centre to permit research farming as an ancillary use rather than a principal use.
3. A farm produce-stand with a maximum retail floor area of 250 square metres whereas 100 square metres is required.
4. To include the definition of “Seasonal Farm Help Accommodation” and “Year-Round Farm Help Accommodation” as an alternative to “Farm Labour Residence”, and to permit a maximum occupancy of 26 people.

Staff recommends that the following uses, being an orchard processing operation, an agricultural research and training centre, seasonal and year-round farm labour accommodation, and a farm produce stand be approved as it meets all other zoning requirements in the applicable zone and is in keeping with the general intent and purpose of the OP, ROP and PPS.

The proposed Zoning By-law Amendment attached to this report outlines the site-specific provisions for the agriculture-related use as it pertains to 881 Weber Street North.

Land Use Compatibility

The PPS in conjunction with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMFRA) defines Agriculture-related uses as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. The proposed development exemplifies this definition.

According to OMFRA agriculture-related uses shall consider the following:

- Ensure surrounding agricultural operations can pursue their agricultural practices without impairment or inconvenience.
- Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).
- Maintain the agricultural/rural character of the area.
- Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.
- The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.

The surrounding properties are zoned Agricultural (A) and are actively used for agricultural purposes. The proposed development being agricultural in nature poses no impairment or inconvenience to the surrounding agricultural operations, will be able to operate on private services, and is anticipated to maintain and not undermine the rural character of the area.

As such, it is the opinion of staff that the proposed development is compatible with the existing land uses and is consistent with the policies in the PPS, ROP, and OP for an agriculture-related use.

Technical Comments:

Stage 1 and 2 Archaeological Assessment

The Stage 1 and 2 Archaeological Assessment conducted by Archaeological Services Inc. concluded that no archaeological resources were encountered during the survey and recommended no further archaeological assessment of the project area is required. However, it is should noted that the report only encompasses portion of the property and

further assessment is required when it comes to any further site alteration and or development in the areas outside of the study area.

Hydrogeological

Based on available baseline hydrogeological information Chung & Vander Doelen Engineering Ltd. provided that the proposed agricultural development will pose limited additional risk to local potable water quality with respect to pesticides.

Geotechnical

The geotechnical study conducted by Chung & Vander Doelen Engineering Ltd. (CVD) concluded that the soil condition encountered during the investigations is considered generally suitable to support the proposed development, however the condition of the fill encountered at seven test pit locations indicated that the fill has not been systematically placed and uniformly compacted, as such CVD recommended that the existing fill be removed from beneath the footprints of the future buildings and be reused to construct engineered fill to suitably support building foundations and floor slabs.

Storm Water Management Report

The storm water management report conducted by K. Smart Associates Limited concluded that the site has no on-site storm water management, and that majority of the storm water runoff moves overland towards Martin Creek. Storm water runoff from the proposed development will be associated with rooftop and parking lot runoff, which will be redirected by a swale and ditch towards a storm water management pond east of the site. The proposed storm water pond will also be used to store water for fire protection and designed to outlet treated storm water to Martin Creek. The proposed development will maintain existing runoff rates to Martin Creek and provide on-site quality control of runoff from rooftops and parking areas.

Functional Servicing Report

The functional servicing report conducted by K. Smart Associates Limited noted the following, that the site will be serviced by private potable water, sanitary and storm water management facilities in accordance with the Ontario Building Code. That the entire property is outside of the source protection zone and water quantity-related source protection area. That site grading and drainage could be accomplished using overland sheet flow and swales. That a fire pump, hydrant and 700,000 litres of water stored in a nearby storm water pond will be used for fire protection, noting as well that design attention would be required during the development of the storm water pond due to the sloping terrain and proximity to Martin Creek.

Traffic Impact Brief

The Traffic Impact Brief (TIB) prepared by Paradigm Transportation Solutions Limited (Paradigm) concluded no access issues with Lobsinger Line. The TIB also concluded that outbound turning onto Apple Grove Road did not satisfy minimum intersection and stopping sight distances, as such Paradigm recommended outbound movements from Apple Grove Road be restricted and signage installed on site to identify that only inbound operations would be allowed, and outbound turning would be limited.

Based on the reports provided, staff is of the opinion that the proposed agriculture-related uses are suitable and appropriate for the lands.

Agency Comments Received:

The Building Division has no comments with respect to the proposed Zoning By-law Amendment but noted that the proposed farm buildings will need to comply with the Ontario Building Code as they do not conform with the Canadian Farm Building Code criteria. The Building Division also noted that, the proposed septic system will need to be addressed at site plan control and the building permit stage.

The Development Engineering Division notes the following, in addition to comments provided in the previous submission (For previous comments, please see Attachment 5), Development Engineering have no additional comments regarding the application for the zone change. A fulsome review of all documents will take place at the time of Site Plan application. The Development Engineering Division notes that the applicant will be required to address all engineering comments and that design elements will be expected to follow requirements in the Township of Woolwich Engineering Design Infrastructure Manual (EDIM). Preliminary works such as site stripping, preparation and earth movement are not to begin on the site until after the Site Plan Agreement has been issued and all engineering has been accepted by the Township. Should preliminarily site works be required, a Site Alteration Permit must be issued by the Township.

Grand River Conservation Authority (GRCA) have no comments with respect to the proposal.

The Waterloo Region Catholic School Board notes that any Education Development Charges shall be collected prior to the issuance of a building permit.

The Region of Waterloo has no objections to the proposed Zoning By-law Amendment but notes that the proposed access must comply with regional access policies and a salt management plan is required as part of a site plan application.

Public Comments and Responses:

Public comments received, as appended to this report, note concerns with the proposed development with respect to noise, dust, and the maintenance of Apple Grove Road due to the increase in truck traffic. As noted above, it is proposed that the primary access would be from Lobsinger Line and limited access from Apple Grove Road therefore noise and dust is not expected to increase.

Interdepartmental Impacts:

None.

Financial Impacts:

None.

Community Strategic Plan Impacts:

The proposed zoning amendment is aligned with the strategic priority of cultivating long-term economic prosperity by navigating the planning and development of our communities. The site-specific zoning will ensure sustainable practices and managed development to accommodate growth. It will preserve, protect, and facilitate growth of agricultural operations.

Conclusion:

It is staff's opinion that the proposed site-specific zoning is consistent with Provincial Policies and Guidelines and conforms to the Regional Official Plan and the Township Official Plan. It should also be noted that the owner/applicant is aware that a formal Site Plan Application is required and is forthcoming.

Therefore, staff recommends that the Council of the Township of Woolwich considering Report DS38-2024 respecting Zone Change Application 02/2024 (881 Weber Inc.) approve the amending of the Agricultural (A) zone with site-specific provisions to permit an agricultural related use, being an orchard processing operation, an agricultural research and training centre, seasonal and year-round farm help accommodation, and a farm produce store, in accordance with the by-law as attached in Attachment 3 to this report.

Attachments:

1. Location Map
2. Proposed Zoning By-law Amendment and Map
3. Conceptual Site Plan
4. Excerpt of Minutes of July 16, 2024, Public meeting
5. Previous Development Engineering Comments
6. Comments Received