

Meeting Date: August 8, 2023
Department: Building, By-law and Planning
Report No.: BBP-2023-96
Submitted by: Tim Williams, Senior Planner
Approved by: Jennifer Huff, Director, Building & Planning
William (Bill) Dakin, Director of Finance/IT-Treasurer, Acting CAO
SUBJECT: Application for Zoning By-law Amendment
8157 Inadale Drive – Integral Farms Inc.

RECOMMENDATION: THAT: the application for temporary rezoning be approved.

SUMMARY HIGHLIGHTS

- The application seeks to rezone the lands to site-specific ‘Agricultural Purposes Only (A3-8-T)’.
- The owner is looking to construct 4 bunkhouse buildings on the property for use by farmworkers.
- Staff have not identified concerns or objections with the application.
- Staff recommend the rezoning to site-specific ‘Agricultural Purpose Only (A3-8-T)’ for the maximum period of three years.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- 1) *Economic Development:* Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Growth Management:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.
- 3) *Destination Building:* Strathroy-Caradoc will provide distinct experiences that celebrate its past and future by prioritizing innovative new ideas that set the community apart.

PURPOSE AND BACKGROUND:

The purpose of the subject zone change is to permit the farm workers on the subject lands for a temporary three (3) year period of time. The applicants are in need of additional work force to operate the farming operation. The applicants are proposing to have 8 workers in each of the bunkhouses. The applicant intends to build two bunkhouses this year with additional bunkhouses to be constructed in the coming years. The second purpose of the application is to provide relief from Section 4.26(1) of the Zoning By-law that requires a seasonal farm worker dwelling be located on a minimum of 40 hectare lot whereas the subject lands are less than 40 hectare.

The subject lands are approximately 39.63 ha (97.94 ac) in size and are located on the south side of Inadale Drive mid-block between Adelaide Road and McEvoy Road. Inadale Drive is under the jurisdiction of Strathroy-Caradoc. Surrounding land uses are predominately agricultural in nature. The location of the subject lands is shown on the Location Map, attached below.

The lands were previously subject to two surplus farm dwelling severances with two single-detached dwellings fronting on Inadale Drive. No dwellings exist on the property currently. The property contains a number of agricultural buildings primarily greenhouses on the property.

POLICY AND REGULATION BACKGROUND

The subject lands are located on lands designated 'Agricultural' within the Strathroy-Caradoc Official Plan and the County Official Plan. The subject lands are located within the 'Agricultural Only (A3) Zone' of the Strathroy-Caradoc Zoning By-law. A portion of the property is regulated by the Conservation Authority.

Planning Act and Provincial Policy Statement

Section 39 of the Planning Act provides Council the ability to approve uses that are not otherwise permitted by the Zoning By-law for a maximum period of three (3) years.

Section 2.3 of the PPS establishes the need for long term protection of prime agricultural lands.

Further the PPS generally defines agricultural uses to include accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

County of Middlesex and Strathroy-Caradoc Official Plans

The policies of the Strathroy-Caradoc Official Plan and County Official Plan permit secondary dwellings on farm parcels in select circumstances, provided the second residence is a temporary residential unit (i.e. granny flats, seasonal farm workers). More specifically, section 5.3.1.10 of the Strathroy-Caradoc Official Plan allows for temporary dwellings on farms where the parcel is large, the nature of the operation warrants, and that such accommodation is required for the purposes of farm help on the same farm. The dwelling or living quarters shall be located within close proximity to the existing cluster of farm buildings and in compliance with the Minimum Distance Separation (MDS) Formula relative to any neighbouring livestock facility. A Temporary Use By-law shall be required in accordance with the

Planning Act along with an agreement with the Municipality, which addresses occupancy of the dwelling or living quarters and their removal or conversion to other uses at the end of the temporary period.

The County Official Plan was modified by OPA 3 with OPA being approved on July 7, 2023. The policy on agricultural areas (Section 2.3.9.) has been modified from Temporary residential units for farm help to temporary and permanent residential units for farm labour. There is further encouragement to update local official plan policies to address considerations include demonstration of need, minimizing the loss of agricultural land, building size, adequacy of services, access and Minimum Distance Separation.

Strathroy-Caradoc Official Plan was modified by OPA 14 which was adopted by Strathroy-Caradoc Council in 2022. The County was looking for approval of the OPA 3 before making a decision on OPA 14. OPA 14 has removed the temporary dwelling section of Official Plan and replaced it with a new section (4.2.1.10) that permits farm help (labour) dwellings with 6 criteria.

- a) Farm help dwellings shall be considered as part of the agricultural use and consent to sever any farm help dwelling shall not be permitted.
- b) The size and nature of the farm operation requires an additional dwelling unit to house farm labour needed for the day-to-day operation of the farm on a full-time year-round basis, or full-time seasonal basis over an extended growing season, and such labour needs to be located on the same property as the farm operation.
- c) The farm help dwelling is located so as to be in close proximity to the existing cluster of farm buildings and minimizes the area of agricultural land used for the dwelling and associated amenity areas and services.
- d) The farm help dwelling shall not be permitted to be located on hazard lands.
- e) The Zoning By-law shall establish standards for farm help dwellings.
- f) The farm help dwelling shall comply with the Minimum Distance Separation (MDS) formula relative to any neighbouring livestock facility.

Strathroy-Caradoc Zoning By-law

Section 4.26 of the Zoning By-Law regulates the seasonal farm worker dwellings. Subsection (1) requires, the minimum lot area for a seasonal farm worker dwelling shall be 40 ha and a seasonal farm worker dwelling shall not be located in a front or exterior side yard. Subsection (2), under the authority of Section 39 of Planning Act, an Agreement is required to address such matters as Council considers necessary or advisable including:

- a) the installation, maintenance and removal of the farm worker dwelling;
- b) the period of occupancy of the farm worker dwelling; and
- c) the monetary security that Council may require for actual or potential costs to the Municipality related to the farm worker dwelling.

The property is within the 'Agricultural Only (A3) zone', this zone permits a variety of agricultural uses of the property including greenhouses. The zone is used when a property has been the subject of a surplus farm dwelling severance. The PPS and Official Plans require that once the surplus dwelling is

removed from the farm that no further dwellings are permitted. The A3 zone addresses this by specifically prohibiting dwellings and seasonal farming workers.

Floodplain Regulation Area

The Conservation Authority has regulation area where they are responsible for flooding and flood protection (this area also represents in some cases, areas of potential natural heritage as they CA was previously responsible for commenting on this - however, natural heritage is now the responsibility of the local municipality). In light of the conservation authority's regulated area, prior to site plan approval the applicant will be required to receive clearance from the conservation authority.

CONSULTATION

A Notice of Public Meeting has been circulated to agencies, as well as property owners and sign has been posted on the site in accordance with the requirements of the Planning Act. At the time this report was completed, the following comments were received:

The Director of Building and Planning indicated no comment on the rezoning, a temporary use agreement is to accompany the temporary use zoning bylaw amendment.

The Director of Engineering and Public Works advised they have no objection to the rezoning however will have comments on the septic system and water supply during the site plan process.

No concerns or comments have been received by the public at the time of writing this report.

ANALYSIS

It is the opinion of staff that the application is consistent with the PPS and conforms to the policies of the County of Middlesex Official Plan and Strathroy-Caradoc Official Plan. As the intent of the application is to permit farmer workers for a temporary period, the application is consistent with the policies of the local and County Official Plan. It is noteworthy that the existing location is within the cluster of buildings on the property, which conforms with policy 5.3.1.10 encouraging the buildings on the property to be in close proximity. The applicants are required to enter into a temporary use agreement with the municipality in order to ensure that the use is removed as required. Please note that the required temporary use agreement has been signed by the applicants and is on Council's agenda.

While not in force the OPA 14 criteria were considered in this application, it was found that there are locations on the property that will meet all of the criteria and subject to Conservation Authority approval for flooding the proposed locations may meet the require criteria.

It is the opinion of staff that the permission for buildings to be on a lot slightly less than 40 hectares conforms to the policies of both the County and Strathroy-Caradoc Official Plan. The intent of the location provision is to limit the visibility of the building on the property so that it is not the dominate structure on the property and that the farm parcel is large enough to warrant the additional worker accommodations.

The applicant has advised that their business plan is to construct two (2) bunkhouses this year with additional bunkhouses in the coming years as the greenhouse operations are initiated and more work

is started. The proposed works will require a site plan amendment which will be submitted by the applicant shortly.

Some of the criteria of the policies in the County and Local Official Plans noted above will be secured through site plan approval. The applicants are in the process of preparing the necessary information for a complete site plan application.

SUMMARY

Given the above, staff are supportive of the proposed rezoning of the subject lands to permit worker dwelling use on the subject lands for a temporary period. In this case for three (3) years, being the maximum period for a temporary zoning by-law under the Planning Act. Further staff are supportive of the site-specific amendments to permit the lot size as the intent of the zoning by-law is being met.

A zoning by-law amendment has been prepared and is included on the agenda for Council's consideration.

FINANCIAL IMPLICATIONS

None

ATTACHMENT

Location Map

Site Sketch

Location Map



