

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Director, Planning Services

Date: March 11, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100023 – 1686579 Ontario Ltd.
7242 Queens Line, Community of Raleigh (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-19/21, to sever and convey a new agricultural parcel, approximately 4.26 ha (10.53 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 14, Concession 5, in the Community of Raleigh, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed portion of the subject property from Agricultural (A1) to a site-specific agricultural (A1-1547) zone to permit a grain processing and storage facility and recognize the lot area of the severed parcel;
 - b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - c) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and,
 - d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Zoning By-law Amendment application File D-14 RA/06/21/O, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the south side of Queen's Line, between Bloomfield Road and Dillon Road, in the Community of Raleigh (Roll No. 3650 110 002 09400). The lands are approximately 40.4 ha (100 ac.) in area and contain a single detached dwelling, three (3) outbuildings and two (2) grain bins. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The application proposed to create a new agricultural parcel, approximately 4.26 ha (10.53 ac.) in area, containing the existing dwelling, outbuildings and grain bins, shown as Part 1 on the applicant's sketch, attached as Appendix C. The retained parcel is approximately 36.14 ha (89.47 ac.) in area and does not contain any buildings. The application also proposes to permit a partial discharge of the existing mortgage.

The severed parcel is intended to be developed as the applicant's main grain processing and storage facility location as shown on the conceptual site plan attached as Appendix D.

To implement the proposed severance, a zoning by-law amendment is required. The purpose of the zoning by-law amendment is to implement the severance, according to the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, with respect to the creation of an agricultural lot less than 20.2 ha (50 ac.) in area. The zoning by-law amendment will also permit a grain processing and storage facility on a lot when it is not ancillary to an agricultural use (on the same property).

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest. Section 2.3.4, Lot Creation and Lot Adjustments, of the PPS permits lot creation in prime agricultural areas for agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services (Policy 2.3.4.1(b)).

Policy 2.3.3.1 is further described in guidelines developed by the Province of Ontario for establishing agriculture-related uses in prime agricultural areas. In this context, the provincial guidelines include Ontario Publication 851, known as, The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Provincial Guidelines). The Provincial Guidelines assist municipalities, decision-makers, farmers and other interpreting the policies in the PPS on the uses that are permitted in prime agricultural areas. The PPS and Provincial Guidelines are considered further below.

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The following criteria must be met to qualify as agriculture-related uses in prime agricultural areas.

1. Farm-related commercial and farm-related industrial use.

A grain processing and storage operation is considered a farm-related industrial use. It adds value to the agricultural commodities that area produced in the area.

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

To be considered compatible with and not hinder surrounding agricultural operations, agriculture-related uses should meet all of the following:

- Ensure surrounding agricultural operations are able to 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 (in keeping with the principles of these guidelines and PPS Policy 1.1.4).
- 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.

Grain processing and storage does not introduce any new conflicts in the surrounding area as it is a typical agricultural process in Chatham-Kent. The lands have access to the required utilities including natural gas, three-phase electricity. As well, the property fronts on a full-load transportation route. The agricultural nature of the property is maintained, and the rural character of the area remains unchanged as grain storage facilities and agricultural buildings are typical on agricultural properties. Grain processing and drying is not a regulated process that requires an Environmental Compliance Approval under the Environmental Protection Act. The impact does not undermine the agricultural nature of the area.

3. Directly related to farm operations in the area.

Agriculture-related uses must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the area. Chatham-Kent is a major cash crop area and the applicant own farms in the area that will utilize this facility.

4. Supports Agriculture

A grain processing and storage facility used by farmers in the area supports and benefits area farmers.

5. Provides direct products and/or services to farm operations as a primary activity.

This criterion requires that agriculture-related uses directly service farm operations as a primary activity. Grain processing and storage are a direct service to the applicant's farming operation.

6. Benefits from being in close proximity to farm operations.

The applicant currently maintains a grain drying and storage facility at a different location. The road at that location does not have the utility servicing requirements in order to support the needed expansion of the operation. Therefore, the applicant is proposing to move the operation to this farm, which has access to three-phase power, natural gas, and is located on a full-load transportation route.

The proposal meets all of the criteria set out in the Provincial Guidelines. Therefore, the grain storage and drying operation is considered an agriculture-related use.

Official Plan

The proposal has been reviewed under Section 3.10, Agricultural Area Policies, and Section 6.3.3, Planning Tools (Consent), of the Chatham-Kent Official Plan and complies with these policies.

The Official Plan contains policies concerning the severance of new agriculture-related parcels.

3.10.2.18.2 c) for agricultural-related uses, which means those farm-related commercial and farm-related industrial uses that are small scale, directly related to the farm operation and required to be in close proximity to the farm operation.

The grain processing and storage facility is scaled to the applicant's needs, and is of small scale relative to the overall agricultural activities in the area. The lands are appropriate for the proposed use as demonstrated on the conceptual site plan. The retained farm parcel remains a viable agricultural parcel. The proposed use is directly related to the farm operation and is required to be located in close proximity to the farm operation. The subject lands are ideal for the proposed use in that there is access to three-phase power, natural gas and the property is located on a full-load transportation route.

Zoning By-law

The zoning by-law permits grain processing and storage in the A1 zone, when it is ancillary to an agricultural use (on a farm).

A Grain Elevator or other Storage Facility for Farm Produce is being added as an additional permitted use to permit these activities on a new lot, which is not a farm.

The minimum lot area in the Agricultural (A1) zone for agricultural uses is 20 ha (49.4 ac.). The proposed severed parcel has an area less than the minimum. The zoning by-law amendment will recognize the area of the severed parcel as 4.26 ha (10.53 ac.).

Conclusion

The proposal has been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity if approved. Therefore, the applications are being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

☒ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☐ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

☐ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☐ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

- ☐ Has the potential to support all areas of strategic focus & critical success factors
- ☐ Neutral issues (does not support negatively or positively)

Consultation

There was no consultation required as part of these applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

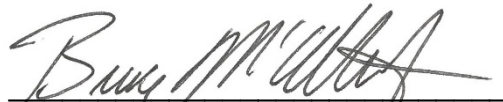


Greg Houston, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
General Manager, Community Development

Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
Appendix D – Conceptual Site Plan
By-law to amend By-law 216-2009

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Appendix A – Key Map



This is not a plan of survey.
INCLUDES MATERIAL © (2010) OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

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Appendix B – Site Photos

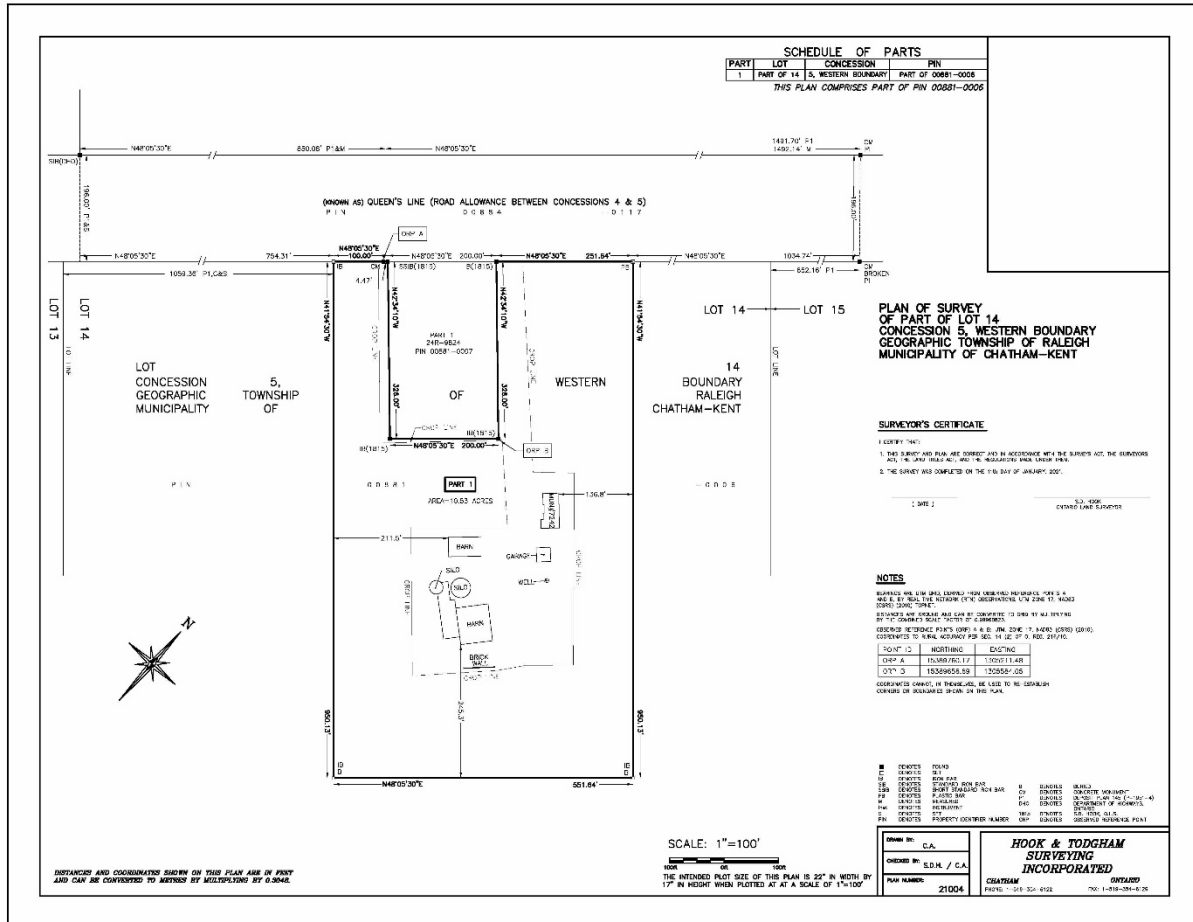


Looking southeast at the severed parcel.



Looking east at the retained parcel.

Appendix C – Applicant's Sketch



[illegible]

By-law Number _____

Of The Corporation
of the Municipality of Chatham-Kent

A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent

(1686579 Ontario Ltd.)

CityView # PL202100023

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Raleigh in order to implement the consent by permitting a grain elevator and recognizing a reduction in the minimum lot area;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendment;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. That Schedule “A” of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zoning classification from Agricultural (A1) to Agricultural (A1-1547) on the lands so depicted on Schedule “A” hereto annexed and also forming part of this by-law.
2. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

Exception No. 1547

3. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

A1-1547

4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
1547	A1-1547	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply: i) A Grain Elevator or other Storage Facility for Farm Produce is a permitted use ii) Minimum lot area – 4.26 ha

This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 19th day of April, 2021.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule “A” to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 19th day of April, 2021.

