

--	--

**Z-8735
Sonia Wise**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: MIKE ABUALHAYJA 8076 LONGWOODS ROAD MEETING ON JULY 17, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Mike Abualhayja relating to the property located at 8076 Longwoods Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 25, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Agricultural (AG4) Zone, **TO** a holding Agricultural Commercial Special Provision (h-5*h-18*h-__*AGC2(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan approval process:
 - a. Relocate the livestock paddock to the north side of the livestock facility;
 - b. Adequately fence the perimeter of the livestock paddock;
 - c. Provide tree planting at the southeast corner of the property; and
 - d. Provide tree planting or landscaping along the east property boundary.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Z-8735: Public Participation Meeting before Planning and Environment Committee to consider the Zoning by-law Amendment Application to permit a livestock facility and an abattoir.

BACKGROUND

At the Public Participation Meeting held before the Planning and Environment Committee on May 23, 2017, the Committee recommended that the matter be referred back to Staff to consider a livestock facility use that is contingent to an abattoir.

At Municipal Council on May 30, 2017, the matter was referred back to staff to report back with a revised by-law that would provide for a potential opportunity to ensure that the livestock operation is maintained appropriately. The purpose of this report is to provide a response to that direction.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

June 30, 2017: Ministry Municipal Affairs & Ministry of Housing – Email Excerpt:

It is understood that a local re-zoning is being considered at 8076 Longwoods Road in the City of London to permit two additional uses on the subject lands, namely the keeping

--	--

Z-8735
Sonia Wise

of livestock and an abattoir. The following information is based on the request for assistance by City Staff to OMAFRA and is provided for the City's consideration in its review of this application.

Minimum Distance Separation (MDS)

Minimum Distance Separation (MDS) is land use planning tool that determines setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses. The objective of MDS is to create buffers between sensitive land uses in order to minimize nuisance complaints related to odour. MDS is comprised of two separate, but related, formulae that act reciprocally to site both new development and new or expanding livestock facilities. MDS is implemented locally through the municipal official plan and comprehensive zoning by-law using the MDS Document (Publication 853) as guidance. These guidelines state that the application of an MDS II setback is required at the time of a building permit for a new or expanding livestock facility. There is no requirement to carry-out an MDS II calculation if there is no building permit being sought. Moreover, the only trigger for MDS II is a building permit for a livestock facility or anaerobic digester. Meat plants (including abattoirs and slaughterhouses) are explicitly exempt as per Implementation Guideline #3 in Publication 853. Where it has been determined that an MDS setback is required, it is the role of the municipality to confirm and assess the actual housing capacity before determining whether, or not, the setbacks can be met before issuing a building permit. For more information on MDS, please see: <http://www.omafra.gov.on.ca/english/landuse/mds.htm>

Nutrient Management Act (NMA)

The Nutrient Management Act, 2002 (NMA) sets out requirements for the management of manure and other nutrients on livestock farms. The requirements related to manure generally only come into effect when a farm operation is required to have a Nutrient Management Strategy (NMS). Farms that need to obtain a building permit in respect of livestock housing (barn) or a manure storage are required to have an approved NMS prior to obtaining the building permit. Standards under the NMA are focused on the protection of surface and groundwater. OMAFRA is responsible for certification, licensing, and approvals under the NMA, while MOECC is responsible for inspections, compliance and enforcement. For more information on the NMA, please see: <http://www.omafra.gov.on.ca/english/agops/index.html>

Provincial Policy Statement (PPS)

The [Provincial Policy Statement \(PPS\)](#) is the statement of the Provincial government's policies on land use planning. It applies province-wide and provides policy direction on land use planning to promote strong communities, a strong economy, and a clean and healthy environment. With respect to the PPS, it is understood that the subject lands are located outside of a settlement area boundary as determined by the City's official plan, and therefore are considered to be within a prime agricultural area under the definition of the term located in Section 6.0 of the PPS (2014). To that end, any decision needs to be consistent with Section 2.3.3.1 of the PPS that states in prime agricultural areas, agricultural uses are permitted. The definition of an 'agriculture use' in Section 6.0 of the PPS is: "the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment." As such, the application appears to be in line with the uses permitted in the policies of agricultural uses in a prime agricultural areas. In addition, I would direct the City to Section 2.3.3.2 of the PPS that

--	--

**Z-8735
Sonia Wise**

states in prime agricultural areas: “all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.” For more information on permitted uses in Ontario's prime agricultural areas, please see: <http://www.omafra.gov.on.ca/english/landuse/permitteduses.htm>

Normal Farm Practices

The Farming and Food Production Protection Act (FFPPA) was established to promote and protect agricultural uses and normal farm practices in agricultural areas in a way that balances the needs of the agricultural community with provincial health, safety and environmental concerns. It specifically protects agricultural operations from complaints about odour, noise, dust, flies, smoke, light and vibration disturbances, provided the disturbance is caused by a normal farm practice. The Act also applies if municipal bylaws restrict normal farm practices. When a neighbour of an agricultural operation is concerned about one or more of the above disturbances, they may apply to the Normal Farm Practices Protection Board for a ruling on whether the practice causing the disturbance is a normal farm practice. The Board will only accept an application for a hearing where a conflict resolution process through OMAFRA staff has been tried, and has failed to resolve the dispute. In addition, the Board can only consider normal farming practices where they are carried out on an agricultural operation that is a legitimately permitted land use under municipal planning authority. For more information on normal farm practices, please see: <http://www.omafra.gov.on.ca/english/engineer/nfppb/nfppb.htm>

Deadstock

On-farm disposal of deadstock is regulated under the Nutrient Management Act, 2002 (NMA) and Ontario Regulation 106/09. The regulation sets out specific standards for farms, including the requirement to dispose of deadstock within 48 hours of death or immediately, if it begins to putrefy before 48 hours have passed, with limited exceptions. The Ministry of the Environment and Climate Change (MOECC) is responsible for on-farm deadstock compliance and enforcement. Any complaints regarding on-farm deadstock should be directed to the local MOECC office during normal business hours, and the Spills Action Centre, at 1-800-268-6060 at all other times. The following website has additional information regarding on-farm deadstock management: <http://www.omafra.gov.on.ca/english/livestock/deadstock/>

Loose Livestock

Loose livestock is covered under the Pounds Act which may be varied by local municipal by-law. It is OMAFRA’s understanding that the City of London has appointed Urban Animal Management Inc. carrying on business as London Animal Care Centre to serve in the office of Poundkeeper under the Pounds Act, as listed under the Public Pound By-law (PH-5). For more information, including how to report complaints of loose livestock, please see: <https://www.london.ca/residents/animal-services/ps-pet-protection/Pages/Animal-Care-and-Control.aspx>

In summary, while there are several pieces of legislation, regulations, policies and guidelines that apply to agricultural operations in Ontario, many of them only apply under certain circumstances or when triggered. This is obviously not a complete list of all potential policies governing agriculture in Ontario. The above items were included as part of your information request, and thus are addressed here. If the specific scenario does not warrant the application of those tools, the daily management or maintenance of an agricultural operation in Ontario is primarily at the discretion of the farm operator, much like any other private business. OMAFRA does make available the Best Management Practices Series which can assist farm operators in making informed decisions that aim

--	--

Z-8735
Sonia Wise

to protect soil and water resources on their farm. For more information, please see: <http://www.omafra.gov.on.ca/english/environment/bmp/series.htm>

June 8, 2017: OMAFRA: Meat Inspections – Area Manager – Email Excerpt:

1. There are numerous plants in the province that are on farms that also have livestock facilities so this situation would not be any different from those.
2. We do not oversee any aspect of the livestock operations. The plants that have livestock bring their animals from the farm's pens, to the abattoir's holding pens for slaughter. Our oversight begins when the animals enter the plant premises.

ANALYSIS

Proposed Development

The proposal consists of a request for the adaptive reuse of an existing structure (barn) to facilitate two individual and related uses including: 1) a livestock facility, and 2) an abattoir.



Figure 1: Subject Site

Council Resolution

At its meeting on May, 30, 2017, Municipal Council resolved that:

The application of Mike Abualhayja, for the above-noted property BE REFERRED to the Civic Administration to report back with a revised by-law that would provide for a potential opportunity to ensure that the livestock operation is maintained appropriately;

The direction of Council to planning staff was to address how the livestock operation would be managed and maintained appropriately. Additional contact with provincial regulators, as well as aspects of the Zoning By-law Amendment, Site Plan Approval and Building Permit stages were further investigated to determine suitable ways to manage livestock. It is noted that the planning rationale remains supportive of the request to permit both a livestock facility as well as an abattoir on the subject site. It is further noted that the management of livestock facilities as well as abattoirs is based on a combination of various provincial as well as municipal authorities and responsibilities which must be considered in concert.

--	--

Proposed Changes to ensure the livestock operation is maintained appropriately

Z.-1: Zoning By-law

- 1) Limiting the range of uses to only those associated with the proposal

The Agriculture Commercial Zone (AGC2) permits the abattoir facility as well as a number of other agriculturally-related and/or supportive commercial uses. Some of the permitted uses are related to other types of livestock operation and handling, and have been eliminated to limit the use of the site to the three requested uses. Alternative or additional livestock or agriculturally-related commercial uses would be best contemplated through a separate amendment to assess the various impacts of the specific operation in the future. The recommended zone will permit only the dwelling, livestock facility, and abattoir use, which eliminates potential alternative livestock or higher nuisance uses, and provides greater certainty regarding the future of the property.

- 2) Limiting the livestock facility to the existing structure

The site is an existing smaller lot within the agricultural area and while the size of the livestock facility is appropriate for the intended use, there is limited expansion opportunity beyond the existing gross floor area provided by the barn. The livestock facility can operate within the existing barn, but additions or expansions in the future for additional gross floor area and livestock space may not be appropriate given the proximity of non-farm uses.

Site Plan

- 1) Providing direction through the Site Plan Approval Process to relocate the paddock (outdoor livestock area)

The north/west portion of the site has an existing treed/vegetated boundary which provides existing screening and buffering. This portion of the property is also located further from the nearest sensitive type A land use (existing dwelling). Since the proposal is for an adaptive reuse of an existing structure, it is not possible to relocate the barn itself, however the shifting of the paddock will distance the location of the outdoor space utilized by the livestock from the existing neighbouring dwelling.

- 2) Ensure adequate fencing for the paddock is provided

The fencing for the paddock should be of an adequate height, durability, and spacing to ensure livestock are kept within the paddock and are not able to escape. More details of the fencing type will be determined at the time of site plan approval to ensure appropriate type and installation for the species of livestock on site.

- 3) Tree planting encouraged for the southeast corner of the property

Certain portions of the perimeter of the site are vegetated and landscaped which provides effective buffering and screening to neighbouring properties. The southeast corner of the property is the portion of the site that directly abuts a neighbouring Type A sensitive land use, and has little to no vegetation and landscaping. The strategic provision of trees, shrubs and other plantings can similarly provide screening between the two properties.

- 4) Tree planting/landscaping encouraged for the east boundary of the property

While the southeast portion of the site abuts a sensitive Type A land use, the northern and eastern portions of the site abut a farmer's field used for crop cultivation. The interface with the field is similarly open and un-vegetated. The provision of tree planting or other landscaping would be helpful to provide a better delineation and screening of the property boundary, and containment for the site.

--	--

**Z-8735
Sonia Wise**

Building Permit

1) Change of Use permit from storage barn to livestock facility will trigger a building permit which will require a Nutrient Management Strategy (NMS)

The conversion of the existing barn to a livestock facility will require a Change of Use Permit through the building division. The permit will trigger the need for a Nutrient Management Strategy (NMS) which addresses the storage and management of manure. The NMS will require certificate of approval through OMAFRA prior to receiving a building permit. The strategy will ensure manure is dealt with and addressed in accordance with the Nutrient Management Act, and the proper management of nutrients may have positive cascading effects for such items as odour and flies. The certification, licensing, and approvals under the NMA is the responsibility of OMAFRA, while MOECC is responsible for inspections, compliance and enforcement.

The recommended actions combined will provide adequate “opportunity to ensure that the livestock operation is maintained appropriately” as per Council’s resolution, and provide appropriate implementation and management mechanisms for the proposed uses, at the municipal level of control. Additional provincial and federal regulations will also apply as required by the relevant legislation.

Limitations

Farming and Food Production Protection Act (FFPPA) – Normal Farm Practices Preserved

6. (1) No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation. 1998, c.1, s. 6 (1).

The operation of the livestock facility would be under the authority of the Farming and Food Production Protection Act and Board which is the authority that is responsible for complaints arising from odour, noise, dust, flies, smoke, light and vibration disturbances. The Board is able to determine if farm practices that are legitimately permitted land uses under municipal planning authority are considered to be ‘normal’ or not. The FFPPA preserves normal farm practices and provides protection from municipal by-laws that would restrict normal farm operations.

Nutrient Management Act – Regulation O.Reg. 267/03 addressing livestock numbers:

7. For the purposes of the Act and this Regulation, there shall be no restriction on the numbers of farm animals that may be managed in the course of an agricultural operation, unless imposed expressly or by implication by this Regulation or by an order made under section 29 or 30 of the Act. O. Reg. 267/03, s.7.

The restriction of the total number of livestock could have been considered as a possible mitigating response, however this is expressly prohibited under the Nutrient Management Act. This restriction acknowledges that it is not appropriate to restrict livestock numbers, as they can be increased on a farm and managed successfully when accompanied by an improved management program, stewardship and innovation.

Public Participation

The referral of Municipal Council back to staff also included a clause that:

Pursuant to Section 34(17) of the Planning Act, as determined by the Municipal Council, no further notice BE GIVEN as the proposed amendments to the by-law are minor in nature and the Civic Administration will be reporting back on this matter;

The public comments, letters and input received by the City, Planning and Environment Committee and Council are considered to still be relevant and applicable to future deliberation and decision making. The referral to staff did not fundamentally alter the nature of the application,

--	--

Z-8735
Sonia Wise

and as such, there was no further canvassing of public comments or participation. The next opportunity for public participation would be through the public site plan approval process which is a requirement of the h-5 holding provision.

Additional public comments reinforcing local concerns with the proposal were submitted after the public participation meeting and Council meeting, to city staff and councillors, including an electronic online petition which commenced May 28, 2017. The comments received reinforced the nature and range of issues and concerns received throughout the process. The comments have been considered during the preparation of this report, and were addressed during the community meeting.

Scoped Community Meeting

A scoped community meeting was held on June 29, 2017 for certain concerned neighbours within the immediate area of the subject site. Approximately 30 persons attended along with the local Councillor, Planning staff, Building staff and Transportation staff. The meeting provided information regarding the planning framework, evaluation of policy direction and merits of the application, as well as a forum for general discussion and a question and answer period. The comments articulated at the meeting largely echoed those expressed at the public participation meeting including concerns about flies, odours, deadstock, traffic, and property values. These comments have been considered during the preparation of the initial report to Council as well as the development of the recommendation expressed in this report.

Conclusion

The proposed abattoir and livestock facility are appropriate land uses within the Agricultural designation, and are consistent with the contemplated uses within prime agricultural areas as specified by the PPS. The proposed adaptive reuse enhances the agricultural function of the subject site and contributes to the overall viability of the agricultural area. The management of livestock utilizes tools and aspects within the Zoning By-law Amendment, Site Plan Approval and Building Permit stages to ensure the livestock facility is appropriately maintained. Additional provincial and federal level legislation, policy, licencing and requirements will also assist with how the site is operated and maintained.

PREPARED BY:	SUBMITTED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

01/07/2017

SW

attach – staff report PEC May23, 2017

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8735Z - 8076 Longwoods Rd (SW)\PEC Report\Z-8735 8076 Lonwoods Rd PEC deferred report v2.docx

Two empty rectangular boxes for agenda item and page numbers.

**Z-8735
Sonia Wise**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 8076 Longwoods Road.

WHEREAS Mike Abualhayja has applied to rezone an area of land located at 8076 Longwoods Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 8076 Longwoods Road, as shown on the attached map comprising part of Key Map No. A110, from an Agricultural (AG4) Zone to a holding Agricultural Commercial Special Provision (h-5*h-18*h-__*AGC2()) Zone.
- 2) Section Number 46.4 of the Agricultural Commercial (AGC2) Zone is amended by adding the following Special Provisions:

AGC2() 8076 Longwoods Road

- a) Permitted Uses
 - i) Existing dwelling
 - ii) Abattoir
 - iii) Livestock facility within existing structure

- 3) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-()

Purpose: to ensure the orderly development of lands for the livestock facility use, the holding provision shall not be removed until site plan approval has been granted and a record of approval for a Nutrient Management Strategy has been obtained.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 25, 2017.

Matt Brown
Mayor

Agenda Item # Page #

--	--

Z-8735
Sonia Wise

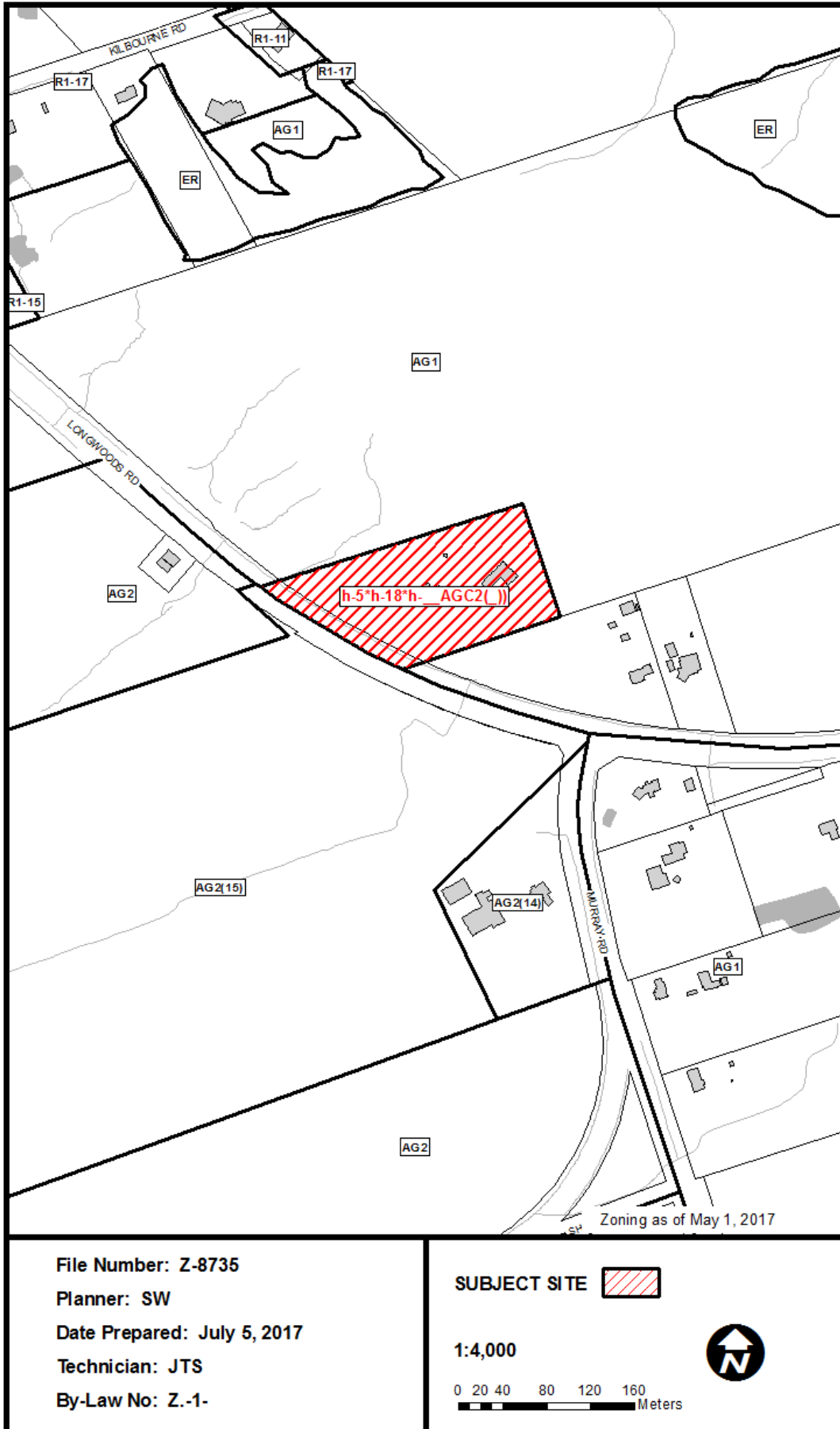
Catharine Saunders
City Clerk

First Reading - July 25, 2017
Second Reading - July 25, 2017
Third Reading - July 25, 2017

--	--

Z-8735
Sonia Wise

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8735
 Planner: SW
 Date Prepared: July 5, 2017
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE

1:4,000

0 20 40 80 120 160 Meters



Geocubase

--	--

**Z-8735
Sonia Wise**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: MIKE ABUALHAYJA 8076 LONGWOODS ROAD PUBLIC PARTICIPATION MEETING ON MAY 23, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Mike Abualhayja relating to the property located at 8076 Longwoods Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 30, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Agriculture (AG4) Zone, **TO** a holding Agricultural Commercial Special Provision (h-18*AGC2(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan approval process:
 - i) Adequate perimeter fencing for the livestock facility; and
 - ii) Tree planting encouraged for southeast corner of the property.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Z-5985: 2000 – Change of zoning to facilitate severance B.17/01
 Annex Area By-law: 2005 – Change of zoning from an A2-14 to a AG1
 Z-7394: 2008 – Change of zoning AG1 – AG4 as response to appeals to the annex area by-law

PURPOSE AND EFFECT OF RECOMMENDED ACTION

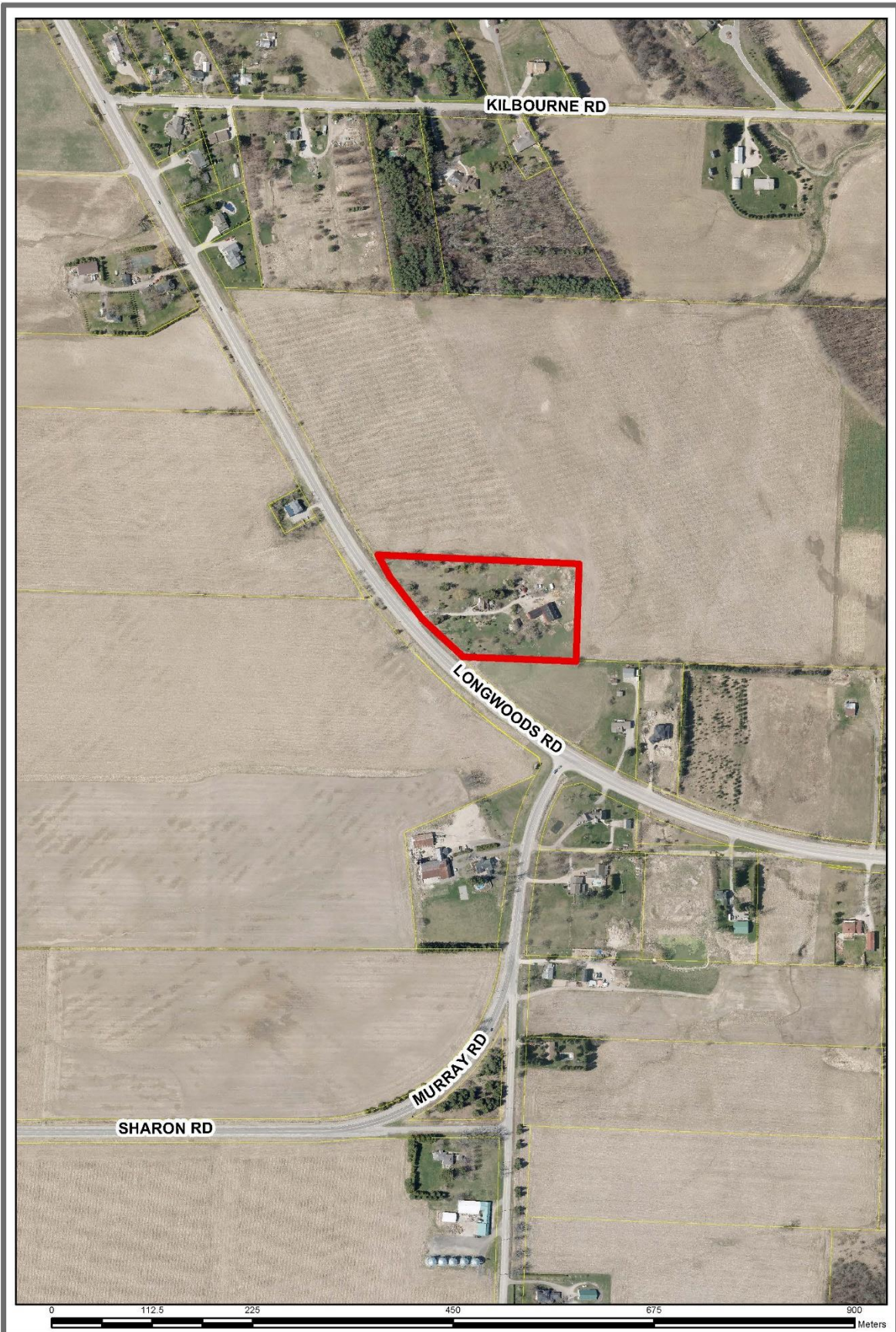
The purpose and effect of the recommended action is to permit a livestock facility and an abattoir.

RATIONALE

1. The recommended action is consistent with the protection and promotion of agricultural land and uses and rural land policies in the Provincial Policy Statement, 2014.
2. The recommended action is consistent with the Agriculture designation, and agricultural-related commercial policies in the City of London Official Plan, and the intent to facilitate the long-term viability of agriculture;
3. The recommended action will facilitate the primary permitted use of a livestock facility and a secondary permitted, agriculturally-related commercial use of an abattoir; and
4. The proposal is generally consistent with the Farmland policies of the London Plan.

--	--

Z-8735
Sonia Wise



LOCATION MAP

Subject Site: 8076 Longwoods Road
Applicant: Mike Abualhayja
File Number : Z-8735

Planner : SW
Created By : JTS
Date : 2017/04/20
Scale : 1:5000

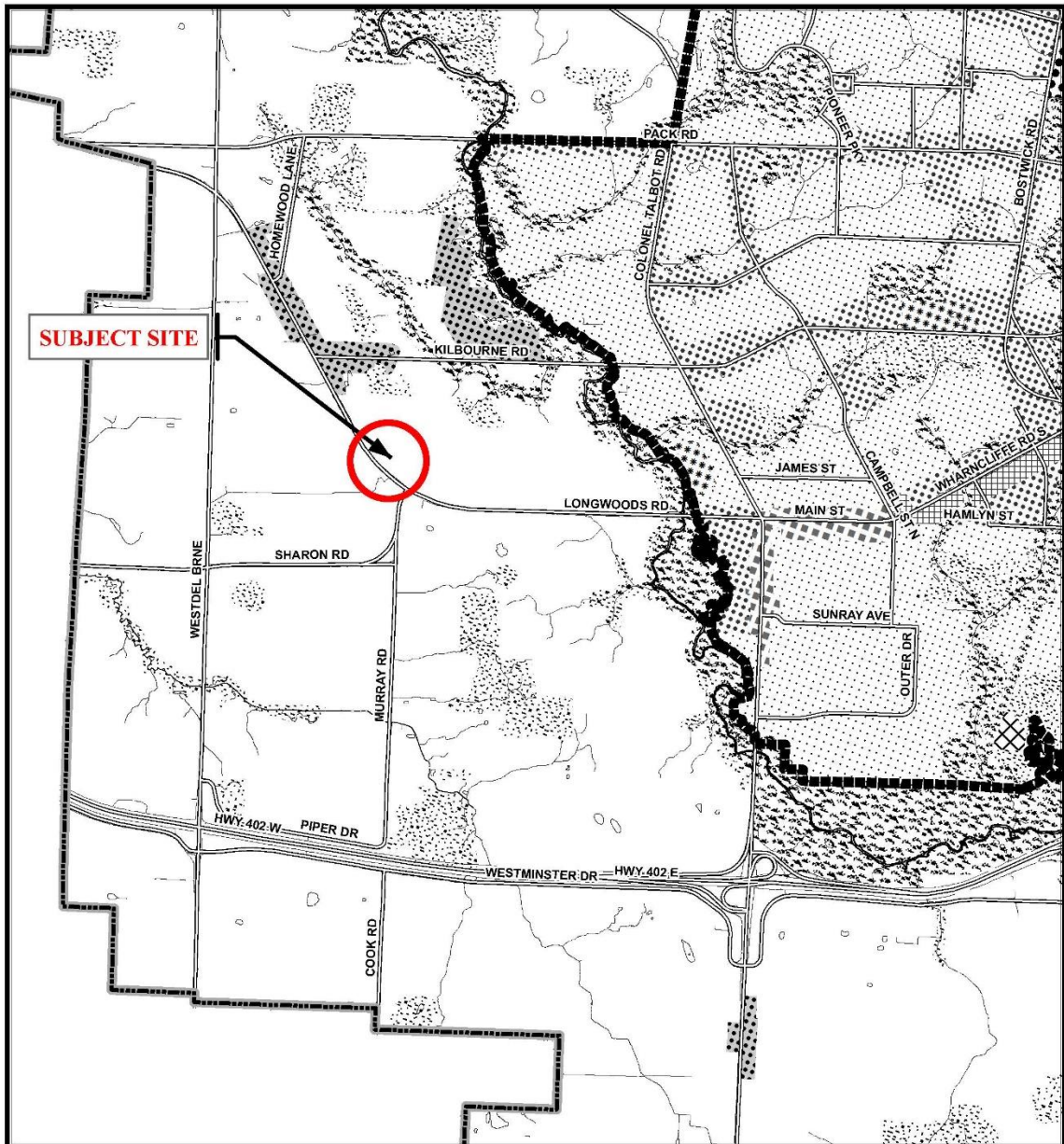
Legend

 **Subject Site**



--	--

Z-8735
Sonia Wise

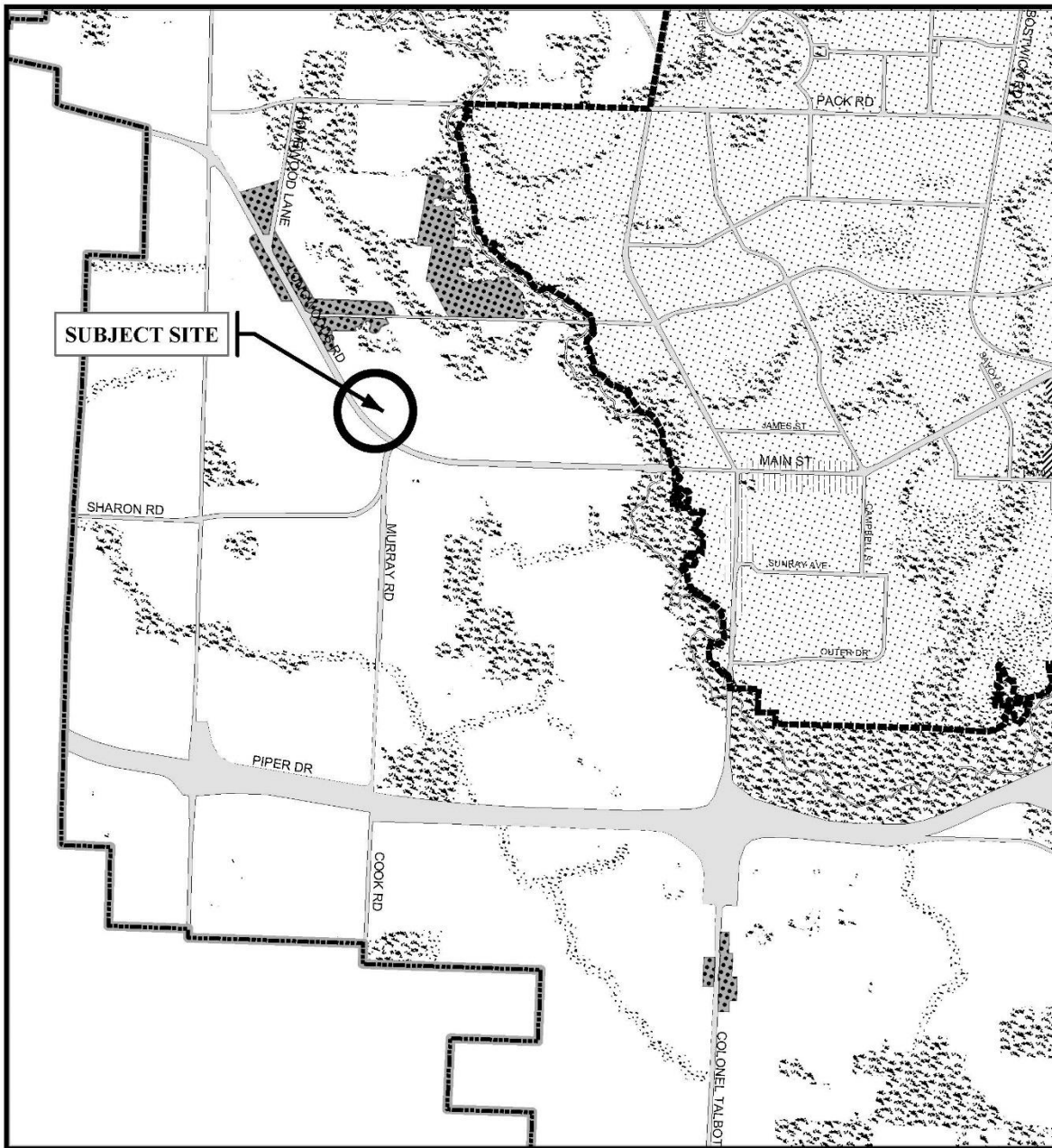


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1,200 1,500</p> <p>Meters</p>	<p>FILE NUMBER: Z-8735</p> <p>PLANNER: SW</p> <p>TECHNICIAN: JTS</p> <p>DATE: 2017/04/20</p>
--	--	--

--	--

Z-8735
Sonia Wise



Legend

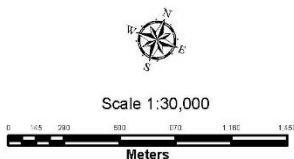
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
Planning Services
LONDON PLAN MAP 1
- PLACE TYPES -

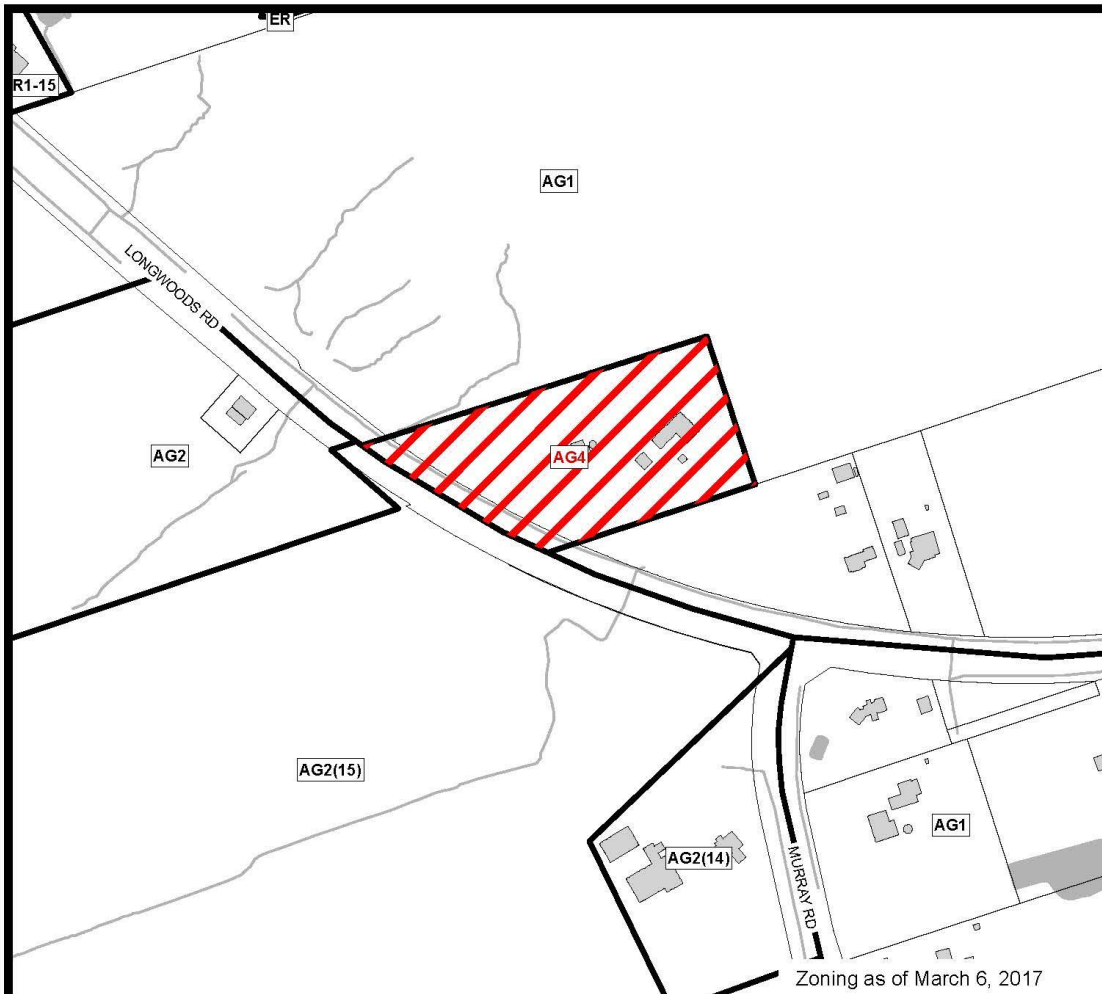
PREPARED BY: Planning Services



File Number: Z-8735
Planner: SW
Technician: JTS
Date: 4/19/2017

--	--

Z-8735
Sonia Wise



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING
BY-LAW NO. Z.-1
SCHEDULE A



FILE NO:
H-8735 SW

MAP PREPARED:
April 19, 2017 JTS



--	--

Z-8735
Sonia Wise

BACKGROUND	
Date Application Accepted: January 11, 2017	Agent: Hi-Tech Engineering
<p>REQUESTED ACTION: Request to change Zoning By-law Z.-1 from an Agricultural (AG4) Zone which permits existing single detached dwellings, to an Agricultural Commercial Special Provision (AGC2(_)) Zone which permits abattoirs; commercial grain drying, handling and storage; farm chemical and fertilizer storage; farm livestock hospital; livestock sales; transfer station for dead farm livestock; with a special provision to allow for livestock facilities.</p>	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - Single Detached Dwelling • Frontage – 150m • Depth – Varies • Area – 2.02ha • Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Agricultural • South - Agricultural/Residential • East - Agricultural • West - Agricultural

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Agricultural
THE LONDON PLAN PLACE TYPE: (refer to The London Plan Map)
<ul style="list-style-type: none"> • Farmland
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Agricultural AG4

PLANNING HISTORY

On January 1, 1993 the Town of Westminster and parts of London, West Nissouri, North Dorchester and Delaware Townships were annexed to the City of London. Council adopted a comprehensive Official Plan amendment on July 2, 1996 (Official Plan Amendment No. 88) to incorporate the annexed areas into the City's Official Plan.

The subject site was re-zoned in 2000 through application Z-5984 from a Rural Holding (A2) Zone to a Rural Holding Exception (A2-14) to facilitate a surplus farm dwelling severance, and recognize the reduced property size of the dwelling unit. The subject site was severed in 2001 from the agricultural property to the east through consent application B.17/01.

--	--

**Z-8735
Sonia Wise**

The Annexed Area Zoning Project was initiated in April 2001 to replace the inherited zoning regulations from the Townships of London, West Nissouri, North Dorchester and Delaware, and the Town of Westminster with appropriate regulations to the City's Zoning By-law Z.-1. The subject site was rezoned from a Rural Holding Exception (A2-14) Zone to an Agriculture (AG1) Zone in 2005 through the Annexed Area By-law.

After the By-law was adopted by Council in June 2005 a number of omissions, such as existing uses, corrections and refinements were brought to Planning staff's attention by other City staff through day-to-day use of the By-law, the public and landowners. Each of the comments were reviewed, analyzed and a report was prepared which recommended zoning refinements. On February 12, 2008 the Ontario Municipal Board held a hearing on the outstanding appeals to Zoning By-law amendment No. Z.-1.

The subject site was rezoned from an Agriculture (AG1) to an Agriculture (AG4) Zone through Z-7394 to recognize the single detached dwelling that was severed from the main farm in 2000-2001 and farm lands that were consolidated with another property.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Agricultural Advisory Committee (AAC) – Report to Planning and Environment Committee April 10, 2017 from March 22, 2017 AAC meeting:

That the Civic Administration BE ADVISED that the Agricultural Advisory Committee supports the application by Hi-tech Engineering for a zoning by-law amendment to permit an abattoir and a livestock facility at the property located at 8076 Longwoods Road

Environmental and Engineering Services: March 17, 2017

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application:

Transportation Planning & Design

Road widening dedication of 18.0m from centre line is required on Longwoods Road.

Water Engineering

There is no municipal watermain servicing available to the subject lands. The applicant would need to determine if they are required to meet requirements of O. Reg 319/08 Small Drinking Water Systems under the Health Protection and Promotion Act or O. Reg 170/03 Drinking Water Systems under the Safe Drinking Water Act if providing domestic water from private water servicing (a well).

The applicant would need to determine their domestic water needs and determine whether these can be met by private servicing or not. The applicant would need to determine whether their commercial development would require fire sprinklers or onsite fire protection; presently there is no fire protection available.

If deemed necessary to extend water servicing from existing municipal watermains the costs for said municipal watermain extension and/or the provision of water servicing to the site would be at the Owner's expense.

At the time of any future Site Plan Application the Owner would be required to submit a Hydrogeological Report in accordance with the MOECC Procedure D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, and the MOECC Procedure D-5-5 Private Wells: Water Supply Assessment. This report would be subject to a peer review undertaken at the cost of the Owner and to the satisfaction of the City. All recommendations,

--	--

**Z-8735
Sonia Wise**

measures, setbacks, separation distances, etc as established by the Report would be required to be implemented on-site and detailed as such on the servicing and grading plans.

Stormwater Engineering

SWED staff have no additional or new comments to those identified during the June 14, 2016 Pre-Application Consultation for this site:

The Stormwater Engineering staff have no objection to this pre-application noting that as per the Proposal Summary, the proposed development would utilize the existing non-municipal on-site services.

Should the existing storm condition be altered, the applicant is to be informed that SWM issues/requirements to be considered when preparing the new storm servicing strategy for this land may include, among others, the following points:

- *There is no municipal storm sewer outlet fronting this land and therefore the applicant must design a proper storm servicing strategy for the proposed development in accordance with:*
 - *The SWM criteria and targets for the Sharon Creek Subwatershed,*
 - *Any Municipal Class Environmental Assessment in the area,*
 - *The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls, and*
 - *The City’s Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies (e.g. UTRCA).*
- *The design of the SWM servicing work shall include but not be limited to such aspects as potential requirements for Oil/Grit separator for any proposed parking area, on-site SWM controls design, SWM Best Management Practices, grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, sediment and control measures, etc.*
- *The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from existing external drainage areas through the subject lands are preserved, all to the satisfaction of the City Engineer.*
- *The Owner shall ensure that increased and accelerated Stormwater runoff from this site shall not cause damage to downstream lands, properties or structures beyond the limits of this site.*
- *Additional comments may be provided upon future review of the site.*

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

Wastewater and Drainage Engineering: March 15, 2017

- *No objection*

Urban Forestry: February 28, 2017

- *No comments*

Lower Thames River Conservation Authority: February 28, 2017

- *Property is not subject to the Authority’s regulations*

--	--

Z-8735
Sonia Wise

PUBLIC LIAISON:	On February 23, 2017, Notice of Application was sent to 9 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on February 24, 2017. A “Possible Land Use Change” sign was also posted on the site.	12 replies were received
Nature of Liaison: Change Zoning By-law Z.-1 from an Agricultural (AG4) Zone which permits existing single detached dwellings, to an Agricultural Commercial Special Provision (AGC2(_)) Zone which permits abattoirs; commercial grain drying, handling and storage; farm chemical and fertilizer storage; farm livestock hospital; livestock sales; transfer station for dead farm livestock; with a special provision to allow for livestock facilities.		
Responses: There were a combination of 12 emails and phone calls received which expressed concerns with the proposal based on the following over-arching themes: 1) flies, 2) odours, 3) negative impact on property values, 4) wandering animals, 5) attraction for predator animals, & 6) outdoor enjoyment of property. Additional detail and the full public comments are available beginning on page 17 of this report.		

ANALYSIS

Subject Site

The subject site is located on the east side of Longwoods Road with approximately 2.02ha of lot area. The site is located over 1km outside of the Urban Growth Boundary and to the Lambeth Community. There is an existing dwelling, garage, and barn on site which were constructed circa the 1960’s. The proposal is for an adaptive re-use of the existing barn, and no new construction is proposed.

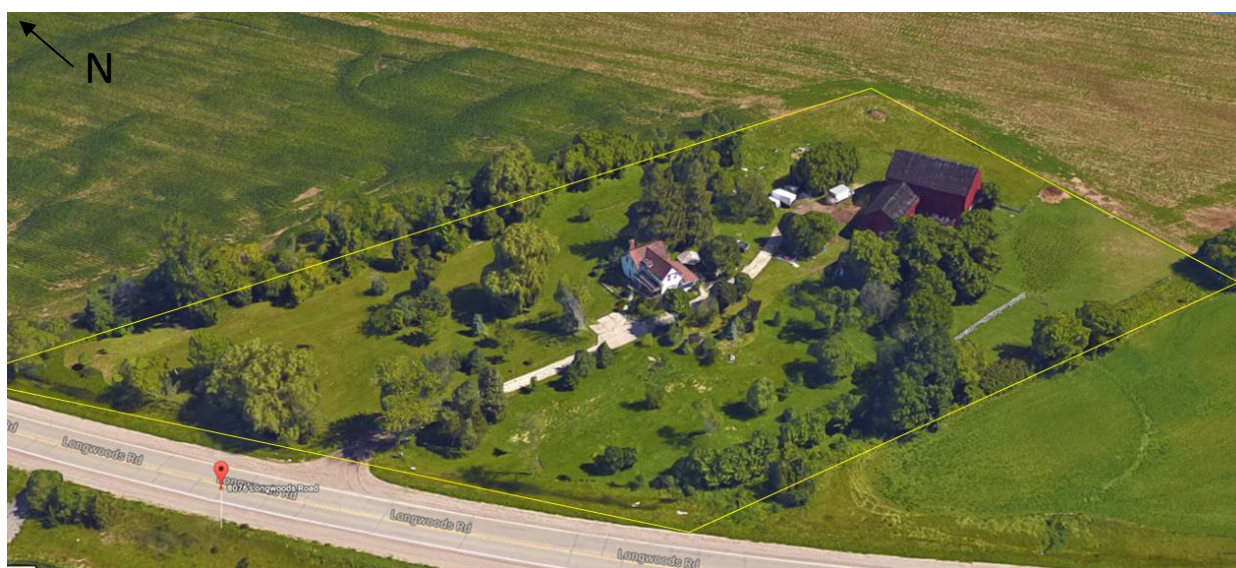


Figure 1: Subject Site

Proposal

The existing barn is located towards the east (rear) of the site, and has a total of 370m², of which 200m² will be used for the livestock facility, and 110m² will be converted for the abattoir facility. The remaining space will be used for tool storage and workshop facilities. The intended livestock consists of goats, sheep and lambs which are housed on site with a paddock to the southeast of the site and access to the barn for shelter. The abattoir is a small-scale operation, and expected to function approximately twice a week.

--	--

Provincial Policy Statement

The PPS promotes agricultural uses, agriculture-related uses and other normal farm practices within the rural lands within Municipalities (1.1.5.8). The proposal is in part to allow for a livestock facility which is an agriculture use, as well as for an abattoir which is an agriculture-related use. The PPS recognizes that rural areas are important to the success of the Province and quality of life, and that healthy, integrated and viable rural areas should be supported by providing some opportunities for economic activities in prime agricultural areas (1.1.4.1 i). The adaptive reuse of the subject site protects the long-term viability of agricultural lands and provides for a local and agriculture-related commercial use.

The PPS directs prime agricultural areas to be protected for long-term agricultural uses, including all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected (2.3.3.2). The site is an existing smaller parcel of land within the agricultural area, but is sufficient to accommodate the requested livestock facility and abattoir. New land uses, including new or expanding livestock facilities shall comply with the Minimum Distance Separation Formulae (1.1.5.9 & 2.3.3.3). The proposed livestock facility has been reviewed for consistency with the Minimum Distance Separation which meets the required setbacks to nearby sensitive land uses.

Section 2.6 of the PPS requires conservation of cultural heritage and archaeological resources or areas of archaeological potential prior to site alteration or development is permitted. The site has been identified as an area having potential archaeological significance, and a holding provision will be applied to address any potential prior to future development.

Relevant Provincial Legislation

There are a number of applicable provincial and federal legislations which would apply to the operation of the proposed Livestock Facility and Abattoir if approved. The permission to allow the requested land uses is the role of the Municipality, and the licensing and operations would then be subject to provincial and federal regulations. The three most relevant Acts for this proposal would be the Farming and Food Production Protection Act (FFPPA), 1998, the Nutrient Management Act (NMA) 2002, and the Food Safety and Quality Act, 2001. A complete list of all applicable legislation is found in the Bibliography section of this report.

Farming and Food Production Protection Act, 1998 (FFPPA)

The Farming and Food Production Protection Act, 1998 (FFPPA) protects and encourages the development and improvement of agricultural lands for the production of food, fibre, and other agricultural and horticultural products. According to the legislation, there was concern that it was becoming increasingly difficult for farmers to effectively produce these commodities because of discomfort and inconveniences caused by farming operations to residents of adjacent lands. The act was established to promote and protect agricultural uses and normal farm practices in agricultural areas in a way that balances the needs of the agricultural community with provincial health, safety and environmental concerns. There are 7 main areas of nuisance complaints including: 1) odour, 2) noise, 3) dust, 4) flies, 5) smoke, 6) light, and 7) vibration.

The Normal Farm Practices Protection Board (NFPPB) is the authority established to determine what is or is not considered a normal farm practice. The NFPPB is authorized to rule on cases involving 1) nuisance, 2) bylaw and 3) bylaw involving vehicular travel. For a nuisance complaint, there is a process to facilitate neighbour to neighbour resolution, mediation and conflict resolution and eventually a hearing by the board, if needed.

Nutrient Management Act, 2002

The Nutrient Management Act (NMA) governs the safe management of materials containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development. The document most relevant to the

--	--

Z-8735
Sonia Wise

subject site is a Nutrient Management Strategy (NMS) which addresses manure generation from livestock, manure type and quantity, adequate storage capacity and runoff management. The requirement for a Nutrient Management Strategy is triggered by a building permit, which includes a Record of Approval issued by OMAFRA.

Food Safety and Quality Act, 2001

The Food Safety and Quality Act, 2001, provides standards for the quality and safety of food, agricultural or aquatic commodities and agricultural inputs, the management of food safety risks, and the control and regulation of certain activities. The slaughter of livestock and processing of meat for food, as well as the off-farm disposal of livestock mortalities, including the collecting, transferring, salvaging, rendering, and composting of carcasses requires licencing under the Act.

The specific operation requirements for abattoirs and slaughterhouses are further described under Ontario Regulation 31/05 – “Meat”, which control such aspects as construction materials, temperature, ventilation, management of inedibles, water used at facility, operation of meat plant, inspections etc.

Official Plan

Chapter 2 – Strategic Plan

Agriculture and farm-related businesses and industries form a major component of the local and regional economy. The highly productive land that supports this industry is a significant non-renewable resource for the City of London. It is important that the agricultural industry be allowed the flexibility to adjust to changing conditions, while protecting it from various threats that impede farm operations. These threats to agriculture in the City of London include the increased pressure for non-farm related uses in rural areas which may constrain agricultural practices, fragment land ownership, and contribute to land use compatibility problems (2.10). The proposed amendment will facilitate the long-term viability of the subject site, and contribute to maintaining the agricultural integrity of the general area.

Chapter 9 - Agriculture

The Agriculture designation applies to lands outside the urban community where agriculture and farm-related activities are the predominant land use. The intention of the Official Plan is to protect the agricultural land resource and maintain the viability of farming within these areas to ensure agriculture continues to make a significant contribution to London's economy. The policies recognize the need for a long term commitment to agriculture and are intended to prohibit the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and prohibit the introduction of land uses that are incompatible with, or may potentially constrain farm operations. The subject site is surrounded by agricultural uses, though there are also nearby rural settlement uses that are considered to be of a more sensitive nature.

Use

Within the Agricultural designation, the primary permitted uses include the cultivation of land, the raising of livestock, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture, and agricultural research. Secondary permitted uses include secondary farm dwellings, agriculturally-related commercial uses, agriculturally-related industrial uses, public open space and conservation uses, public utilities, and storm water management facilities.

The proposed use has two components: 1) a livestock facility, which is a primary permitted use, and 2) an abattoir, which is considered to be a secondary or an agriculturally-related commercial use. There is a clear relationship between the raising, keeping and slaughtering of livestock on the same site to provide for an efficient and streamlined operation of the meat production.

--	--

Z-8735
Sonia Wise

Agriculturally-related development in agricultural areas is directed to lands that have a marginal or lesser capability for agriculture uses. The creation of the subject site in 2007 was through a surplus farm dwelling severance, where farmland east of the site was amalgamated to produce a larger and more viable land holding, and the existing dwelling parcel at 8076 Longwoods Road was severed as a separate lot. The result is that the subject site is now an existing small agricultural lot, which is not ideal for large scale crop production, though does lend itself to an agriculturally-related commercial use and the keeping of livestock.

Intensity

The livestock facility is considered to be a more intensive agricultural use than crop production as there is a stationary and consistent source of manure which generates odour. As such, the livestock facility is subject to the Minimum Distance Separation (MDS II) calculation, which is a formula to address odour impacts from stationary sources of manure on non-agricultural and more sensitive uses, ie- residential uses. The MDS II calculation is based on the capacity of the existing barn to accommodate livestock, the type of livestock and the type of manure produced, as well as the type and location of nearby sensitive uses. The result of the equation is that the nearest setback requirement from the barn to the nearest dwelling is 117m minimum. There is a total of approximately 132m separation distance between the existing barn and the nearest residential or type A land use, which provides an adequate setback.

Furthermore, the maximum storage capacity of the barn (livestock facility) will be reduced slightly through the proposed conversion of 110m² of the building as floor space will be re-purposed for the abattoir use, which will also slightly reduce the numbers of livestock. Additionally, abattoirs are exempt from the MDS calculation as they are regulated by the Food Quality and Safety Act instead.

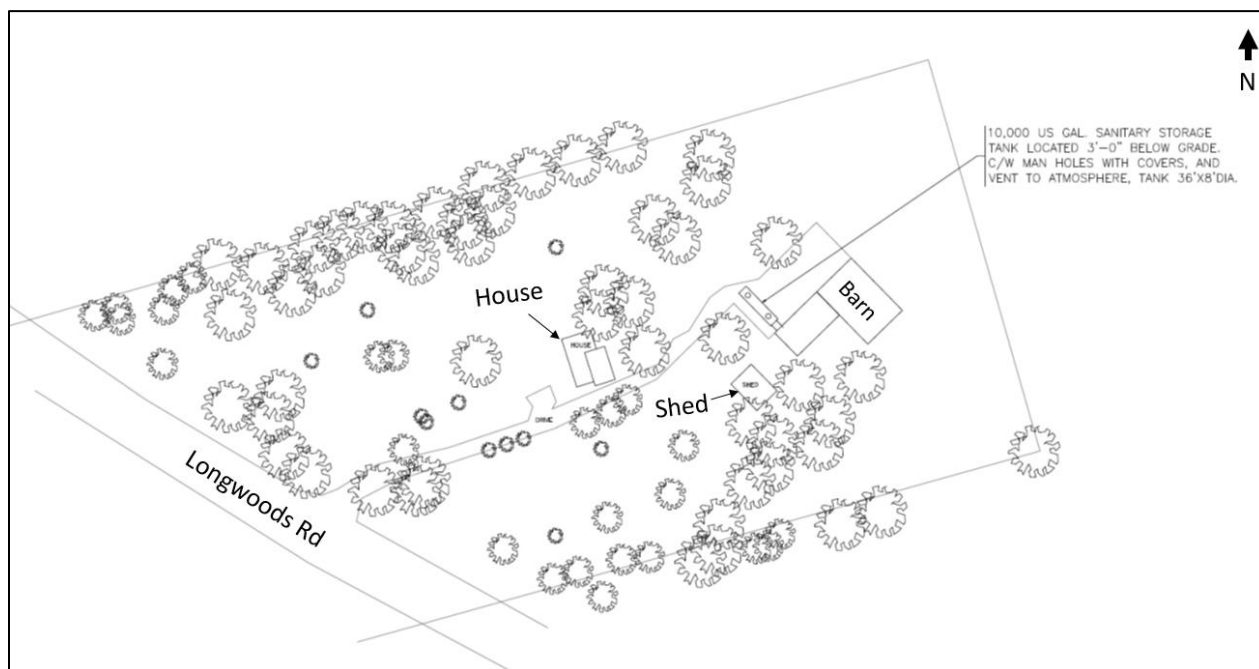


Figure 2: Site Plan

9.2.8: Agriculturally-Related Commercial and Industrial Uses

Agriculturally-related commercial uses are contemplated where they are small in scale, supportive of the farm operation, and require a location in close proximity to the farm operation. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. New agriculturally-related commercial uses may be permitted by an amendment to the Zoning By-law, and subject to the policies in 9.2.8.

i) *Size: The amount of land devoted to the activity includes only the minimum necessary to support*

--	--

**Z-8735
Sonia Wise**

the activity and its servicing requirements

The property is an existing under-sized farm parcel within the agricultural area which makes efficient use of the site and does not require the removal of arable land from production to facilitate the use. The property consists of 2.02ha which is an adequate size to support the livestock facility and abattoir operations, and meets all other zoning regulations.

ii) Need: It can be demonstrated that the use is supportive of the farm operation and requires a location in close proximity to the farm operation to function successfully.

The proposal to have the livestock housed, slaughtered and processed on-site illustrates a clear relationship between the need to locate the agricultural and agriculturally-related commercial uses together, and within the agricultural area. The slaughter and processing is a small scale operation with the abattoir expected to anticipated to function 2 days a week, with a total of approximately 2,000 pounds of meat will be produced per week, requiring the livestock to be housed on-site the remainder of the time. The integration of these uses in one location also eliminates the need to transfer the livestock to and from the site for accommodation, slaughter and processing. The applicant has also identified that the livestock experience less stress and produce better quality meat when they have adequate time to rest, and be fed and watered, after arrival.

iii) Location: The location of the facility should not impose any operating constraints or result in a reduction of the efficiency of existing farms in the vicinity. Agriculturally-related commercial and industrial uses should be directed to sites having soil capability, drainage, topographic, site size or configuration limitations for agriculture.

The abattoir facility will be located within a portion of the existing barn on the property which will not have any impact on the neighbouring farms or farming operations in the area. The soil quality is class 1 which is ideal for crop production, however given the existing small lot site, crop production is not feasible. The smaller lot size does provide an appropriate location for an abattoir and livestock facility as it is within the agricultural designation and already under-sized.

iv) Servicing: The facility does not require municipal water or sewage disposal services and can meet all requirements for the provision of individual on-site services.

The facility will be utilizing private services and will not require municipal services to operate. Water will be provided by a private well, which will need to demonstrate consistency with the Ontario Building Code through Building Permits, and a septic system is provided for the domestic sanitary flows generated by the dwelling. The wastewater generated by the proposed abattoir will be accommodated by a Class V holding tank with a capacity of 40,000L.

v) Transportation: Access shall be available from a public highway or public road. The access must not create a potential traffic hazard due to poor sight lines or proximity to an intersection, steep grade or curve. An agriculturally-related commercial or industrial use shall be located on a road capable of accommodating, on a year round basis, the volume and type of traffic, including truck traffic, that the proposed use is likely to generate.

The site has direct access from Longwoods Road which is an arterial road in this location. There is a curve located south of the property, though there are no existing issues with sightlines, access or the current driveway location. The proposed operation will require the transportation of livestock and the meat products to and from the site, as well as traffic associated with the supporting operations for manure removal and waste water pumping. There will be no on-site sales as the finished products will be provided directly to local butcher shops as wholesale, which will not generate customer traffic. The abattoir requires 6 parking spaces which can be accommodated on the property, and will be detailed further through site plan approval. Longwoods Road is classified as an arterial road in this location, and able to support the planned function of the site.

--	--

**Z-8735
Sonia Wise**

vi) Environment: Adequate drainage and suitable outlets for storm water runoff can be provided.

The subject site is already developed and the proposal is to adaptively re-use the existing barn for the new uses. There is no new construction proposed and any future development would be required to manage any additional stormwater generated entirely on site.

Agriculturally-related commercial and industrial uses are subject to site plan control which will further consider and address the following:

- (a) dimensions of the lot;
- (b) building areas and location on the lot including surrounding land uses and buildings;
- (c) ingress and egress to and from the site, including parking facilities;
- (d) the location of outdoor storage facilities;
- (e) servicing provisions;
- (f) compliance with the Minimum Distance Separation requirements;
- (g) site grading and fencing; and
- (h) on-site stormwater management facilities.

Zoning By-law

The Agricultural Commercial (AGC) Zone permits the livestock facility use and the proposed site is consistent with all setbacks and zoning regulations. The abattoir use and the existing dwelling will be permitted through special provisions.

A stage 1 archaeological assessment was prepared for the property based on the proposal, as the site is within an area identified with potential archaeological significance. The h-18 holding provision will be applied to the site to ensure any future development of the site addresses the archaeological potential. Should previously undocumented (i.e., unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological sites and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act.

London Plan

The proposed use of the site represents a component of the food system which is comprised of all the processes, networks, and infrastructure associated with the growth, harvest, processing, packaging, distribution, transport, marketing, sale, serving and consumption of food (648). Planning should encourage, foster and support local food production, and strengthen the local food system to grow and consume more local food (653.2 & 650).

Farmland Place Type

The site is within the Farmland Place Type in the London Plan, which is intended to be an area of intense agricultural production and economic activity, with a landscape characterized by general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry and agriculture research (1178). Agricultural uses, agriculturally-related commercial and industrial uses, and on farm diversified uses are permitted, as the Farmland's primary role is to serve and support agricultural uses and normal farm practices (1183).

Livestock farming and animal husbandry is promoted within the Farmland place type as the keeping of livestock is not permitted within the urban place types (662). Agricultural-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, and benefit from being in close proximity to farm operations are permitted (1182.5).

The creation of non-farm residential lots in the agricultural area is discouraged, and any impacts from any new non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible (1180 & 1181.10). Additionally, existing land holdings that are

--	--

Z-8735
Sonia Wise

under-sized may be used for agricultural purposes, subject to MDS setbacks (1215.3).

The proposed use of the subject site contributes to the local food system, supports agricultural uses within the farmland place type, and is generally consistent with the London Plan.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement (2014), the City of London Official Plan and the London Plan. The proposal allows for the adaptive re-use of an existing small agricultural lot for a livestock facility and abattoir. The recommended zone allows for an appropriate development that is consistent with, and strengthens the viability of land in the agricultural area.

PREPARED BY:	SUBMITTED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

12/05/2017

SW

"Attach." or "encl." (where applicable)

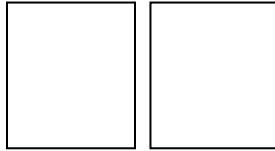
\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8735Z - 8076 Longwoods Rd (SW)\PEC Report\Z-8735 8076 Lonwoods Rd PEC v2.docx

--	--

**Z-8735
Sonia Wise**

Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>
Rick Burt, 7638 Longwoods Road London ON N6P 1L4	Rick Burt 7638 Longwoods Road London ON N6P 1L4
	Chris & Diana Green 7565 Kilbourne Road London ON N6P 1K8
	Derek Hardman 7650 Kilbourne Road London ON N6P 1K8
	Arlene Bulgin 4316 Murray Road London ON N6P 1L9
	Peter Facione 7525 Kilbourne Road London ON N6P 1K5
	Carl & Mary Mendonca 7564 Kilbourne Road London ON N6P 1K8
	Mark Coulston 7537 Kilbourne Road London ON N6P 1K5
	Jacqueline Caranci 7620 Kilbourne Road London ON N6P 1K8
	Sam Faddoul 8135 Longwoods Road London ON N6P 1L3
	Silvia Millar



Insert written responses received

----- Original Message -----

From: "rick.burt rick.burt" <[REDACTED]>

To:

Date: at

Subject: Illegal keeping of animals on the property at 8076 Longwoods rd and possible changes to the zoning to allow this to continue.

In the 33 yrs that I have lived in this immediate area it has always been a great neighborhood to live in. My biggest concern in regards to the rezoning of the property at 8076 Longwoods Rd is the impact it will have on the property values and the quality of life for myself and neighbors...When the 50 acre parcel of property at 8076 Longwoods rd was severed a few years ago it created a 45 acre parcel of workable land still allowing agriculture to be maintained and a 5 acre single family residential property, this still allowing for a rural residential community to be maintained as it has in this area for years. This will not be possible with the proposed changes to the Zoning at 8076 Longwoods rd. Also the reduction in neighboring property values will reduce the tax value and therefore have a negative impact on the city as a whole .Nobody will buy property next to an Abattoir or animal storage facility. Three independent Realtors and one property assessor have all stated that a reduction in property values would be in the 10-20% range or more... Abattoirs all over the rural areas of Ontario are being forced to shut down as Federal and Provincial regulations make meat products that we eat safer and as rules are forced on these businesses we are seeing more and more close not being able to maintain the cleanliness and quality control that we deserve as consumers. One of my many concerns is the minimum distance separation in meters for both a livestock facility and a manure/ sanitary storage facility as proposed by the conceptual site plan. Also a huge concern is the lack of available space on this property to properly and humanly house livestock.. We as a neighborhood have not been able to enjoy our property's as a direct result of the fly infestation and odor caused by the lack of proper farming practices on the property at 8076 Longwoods. For the past two summers I have not been able to enjoy my yard at any time as the flies and odor have made it totally impossible to be outside... I pay more than my fair share of taxes and I expect to be able to enjoy my property as every other taxpayer does. Being held captive indoors and not able to enjoy the outdoor summer months on your own property is devastating and down right wrong. The City of London Bylaw department has allowed the property owners at 8076 to continue housing animals on a property designated as single family residential for over two years and with this the property owners have clearly shown how they run their illegal business (No business licence and not proper Zoning to allow it) and so called farm operation... The property has never been properly fenced and the animals continually migrate on to my property eating from my hay field as well as the neighboring farmers corn field, Damage to both fields was rather severe this year. After several complaints about the fence issue with the owners it is still not repaired and they don't seem to care about it. The large manure piles that they have piled up over the past two years have also been left and not disposed of. On Aug 15th 2016 I took a video of the dead and dying sheep and goat carcass laying strewn all over the barnyard on this property..There were at least 6 dead animals laying on the ground to decay and rot with no concern for their well being.. It was totally disgusting and unbelievable that a Farmer would leave his property this way.. And as a result of the dead and decaying animals and the huge manure piles the Fly population flourished and invaded the neighborhood devastating our summer months.... Fly's live on and breed on dead and rotting carcass as well as manure. The infestation of fly's is such a debilitating issue for all the neighbors bordering the property at 8076 Longwoods.... No tax paying resident of the City of London deserves to live with this situation as I am sure you would be unhappy as well??? First off I am totally against the rezoning to allow both a Abattoir and the keeping of any animals on this property. Past practices by the residents or "Farmers" at 8076 Longwoods Rd have really open our eyes to what will be a very negative impact to our property's, homes and outdoor spaces in the years to come if this is allowed to happen.. I will be the first to apply for a reduction in my tax assessment as a result of the inability to enjoy my property as will all of the neighboring residents.... Under Canadian constitutional law " I have the right to full use and enjoyment of my property and the right not to be deprived thereof" I really believe that as taxpaying citizens of the City of London we should not be forced to fight for our rights to protect the property's and

--	--

**Z-8735
Sonia Wise**

homes we work so very hard to maintain but if civil litigation becomes our only recourse should this be allowed then that will happen.

Rick Burt.

7638 Longwoods, rd London



From: Derek Hardman [mailto:██████████]
Sent: Wednesday, March 15, 2017 11:56 AM
To: Chapman, Heather <HChapman@London.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: 8076 Longwoods Rd

Hi Heather,

I am emailing you in regards to the abattoir operating at 8076 Longwoods Rd. I too am opposed to the idea of zoning this property to allow this business to operate at this address. I am in agreement with all of the issues Rick BURT has outlined in his letter to you. I purchased my property at 7650 Kilbourne Rd. a few years ago. I have invested tens of thousands of dollars in the home both interior and exterior. I would have never considered purchasing the home and raising three kids beside an abattoir! For all the reasons stated in Rick Burt's letter I too will support legal action.

Please forward my letter to the individual or department responsible for this file.

Thanks,

Derek Hardman

-----Original Message-----

From: Chris Green [mailto:██████████]
Sent: Tuesday, March 14, 2017 5:19 PM
To: Wise, Sonia <swise@london.ca>; Hopkins, Anna <ahopkins@london.ca>
Subject: Z-8735

--	--

**Z-8735
Sonia Wise**

We reside at 7565 Kilbourne Rd directly behind the property at 8076 Longwoods Rd and we definitely do not want the proposed change to the zoning to allow a abattoir and livestock facility on the property. My wife's parents had an abattoir business that continues to be operated by her brother so we are well acquainted with the odours and flies associated with such an operation. The location of the property is far too close to our property for such an operation not to adversely effect the enjoyment of our home.

Thank you

Chris & Diana Green
7565 Kilbourne Rd
London ON
[REDACTED]

-----Original Message-----

From: arlene bulgin [mailto:[REDACTED]]
Sent: Wednesday, March 15, 2017 5:37 PM
To: Wise, Sonia <swise@london.ca>
Subject: Z-8735

To Sonia Wise,

As a neighbour of 8076 Longwoods Rd. I am concerned about the proposed amendment to the zoning by-law for the above mentioned property. Last summer we experienced a huge fly infestation, which made enjoying our outside spaces next to impossible.

We have never had severe problems with flies until they began slaughtering animals at this location. I can't definitively say that this was the cause, however, in the 16 years that we have lived here flies have not been a problem.

A lawyer has also informed us that this may impact our property values, making them less appealing to future buyers.

I trust that you will take our objections into consideration when considering this amendment.

Sincerely,

Arlene Bulgin
4316 Murray Road
London, Ontario

From: Pete Facione [mailto:[REDACTED]]
Sent: Wednesday, March 15, 2017 6:49 PM
To: Wise, Sonia <swise@london.ca>
Subject: Amend to zoning Z-8735

I am writing this email to state that I do not support rezoning of 8076 Longwoods rd . I don't agree with the farming practices that are being use on that property now and only see things getting worse if this rezoning is approved. Peter Facione 7525 Kilbourne rd.

From: Mark Coulston [mailto:[REDACTED]]
Sent: Thursday, March 16, 2017 5:21 PM

--	--

Z-8735
Sonia Wise

To: Wise, Sonia <swise@london.ca>
Subject: Notice To Amend Zoning By-LawZ.-1 (File No. Z-8735)

Dear Ms. Wise

I am writing in opposition to the Notice of Application to amend Zoning By-Law Z.-1 from Agricultural (AG4) to Agricultural Commercial Special Provision (AGC2(_)) regarding the property located municipally at 8076 Longwoods Rd., London (File No. Z-8735).

I reside with my family at 7537 Kilbourne Rd., London. The back of our property faces the back/side of the subject property located municipally at 8076 Longwoods Rd.

We moved to our house in September, 2014. One of the major reasons for our move to our current property was the opportunity to reside in an agricultural zone away from commercial enterprises, including agricultural commercial enterprises. We relied on the current zoning when we purchased our property. Any change in the current zoning would have a significant adverse impact on our enjoyment of our property and the value of our property. We are also concerned with the possibility and likelihood of a growth in commercial enterprises in the event that the current Zoning By-Law is changed (which would further interfere with the enjoyment of our property and result in an additional drop in property value).

We have also been advised of the intended use of the subject property in the event that the Application is approved, that being an abattoir. The intended means of killing animals is offensive and contrary to the beliefs of my family. To view such an establishment on a daily basis would be extremely upsetting to my family and would significantly interfere with the use and quiet enjoyment of our property. Just the anticipation of the killing of animals at the subject property has already upset my family.

Finally, we have been advised of the current use of the property by the owners of the property, including the housing of animals, the existence of dead carcasses and large piles of manure. If this information is correct, it is clear that the current owners have complete disregard for the current zoning and by-laws, or the residents living in reasonable proximity to the subject property. It is also reasonable to expect that the owner's inappropriate behavior would be exacerbated in the event that the Application was approved. It is troubling to envision the owner benefiting or being rewarded for his inappropriate behaviour through the granting of his Application.

It is our hope that the City of London will recognize the importance of maintaining agricultural lands (which are rapidly diminishing in our area) and protect the interests of those families in the area that have relied on the current zoning in the purchase of their homes. I appreciate your consideration of this response, and remain,

Yours Truly

Mark B. Coulston
Coulston Legal Professional Corporation
153-759 Hyde Park Road
London, ON, N6H 3S2
PH: [REDACTED]
FAX: [REDACTED]
email: [REDACTED]

|| Please consider the environment before printing this email.

CONFIDENTIALITY NOTE:

The information contained in this message is legally privileged and confidential information that is exempt from disclosure under applicable law and is intended only for use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete this message from your computer. Thank you for your co-operation.

WARNING:

From time to time, our spam filters eliminate legitimate emails from clients and other parties. If you wish to confirm that your email has been received, please contact the e-mail recipient by telephone to confirm receipt.

--	--

Z-8735
Sonia Wise

March 16th, 2017

**Sonia Wise
Planner
City of London
Ontario**

Dear Ms. Wise,

Subject: Property 8076 Longwoods Road Z-8735

It has come to our notice that The Municipal Council for the City of London is considering an amendment to the City's Zoning By-Law for the above-mentioned property.

In November 2014, we bought into the dream of living in "Lovely Lambeth" and purchased our property at 7564 Kilbourne Road. Our desire for country lifestyle, enjoying the great outdoors, yet within a few minutes of amenities has come true until recently, when we became aware of the conditions of animals being raised and slaughtered under unhygienic practices at a single-family dwelling property nearby, triggering odours and flies in the surrounding areas.

We are now further alarmed to find out that the City is planning a Zoning By-Law amendment to permit an abattoir and a livestock facility so close to our dream home, ensuring the above continues indefinitely. Having an abattoir in our neighbourhood would not only be highly unpleasant to spending any time outdoors but would also affect us financially with the property values of our homes and land dropping and consequently our revenue to the city would drop significantly too.

We urge you to please consider the full implications to all the residents of this area who are paying their taxes and dues and are entitled to enjoy the simple pleasures of fresh air and return on investment of their property, which for many are a retirement plan.

Thank you for your time and consideration,

Sincerely,

**Carl and Mary Mendonca
7564 Kilbourne Road
London, Ontario - N6P 1K8
TEL: [REDACTED]**

From: Jacqueline Caranci [mailto:[REDACTED]]
Sent: Friday, March 17, 2017 1:51 PM
To: Wise, Sonia <swise@london.ca>
Subject: 8076 Longwoods Road

Hello,

I am the current resident at 7620 Longwoods Road, a neighbor of 8076 Longwoods Road.

I received a letter in the mail regarding the application by 8076 Longwoods Road to zone change his land to AGC2, which permits abattoir and livestock facility.

--	--

Z-8735
Sonia Wise

We are against the amendment of the zoning if 8076 Longwoods Road...

1) My husband and I just purchased this land and built our "forever" home, to raise our children and live majority of our adult life. When we made the selection of this land we were advised by our real estate that neighboring land was not any sort of livestock farming. Just land/crop farming of surrounding farm fields. I am certain the value of my home will be reduced significantly IF this zone change is permitted.

2) I personally do not appreciate how livestock have already (operating without proper zoning) lived on the subjected land, and the numerous issues that have already curated and affect me and my family living on our property. (Manure smells, dead carcass of livestock rotting in open fields attracting predator animals and rot/infestation, FLIES (because of previous 2 items) the amount of flies in my house and in my yard would disgust you. You cannot enjoy any sort of summer social outdoor time. I don't think they currently properly run a safe and healthy operation, I believe this will just make a bad situation worse.

3) It has been known that when the parcel of land that was severed for the address 8076 Longwoods Road... was given an AG4 zone, to coincide with surrounding neighboring properties. And it was said the land could not be changed from an AG4 zone status.

Please notify me of the meeting date and time for this change as I will attend to petition the change.

Thank you
Jacqueline Caranci
7620 Longwoods Road
[REDACTED]

From: sam faddoul [mailto:[REDACTED]]
Sent: Wednesday, March 22, 2017 2:45 PM
To: Wise, Sonia <swise@london.ca>
Subject: Zoning change for 8076 Longwoods road

I am opposed to the zoning change my neighbor is applying for. As his direct neighbor I already have to put up with fowl odors and lots of traffic coming from the property. I have reason to believe that such an operation located near my residence will drive the value of my property down, causing me monetary loss from the change in zoning. This zoning change will also negatively affect me and my families ability to enjoy our property outside. I am totally opposed to this zoning change at 8076 Longwoods road.

Sent from [Mail](#) for Windows 10

From: Sylvia Millar [mailto:[REDACTED]]
Sent: Wednesday, May 03, 2017 10:32 PM
To: Enforcement <enforcement@london.ca>
Subject: possible abattoir being allowed on Longwoods road

I am voicing my concern about the possible land use change down the road from me (Millar Berry Farms) We had lots of flies buzzing around our produce last year when the dead carcasses were left to rot in the field down the road. The fence did not contain the live animals, and they ate corn from my fields etc. It is not good for the health of my business to have dead animals just a few feet from where we grow our strawberries and other vegetables. Please consider this and don't allow this abattoir to happen. Sincerely, Sylvia Millar

--	--

Bibliography of Information and Materials
Z-8735

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Richard Turpin, January 11, 2017.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Animal Health Act*, 2009, S.O. 2009, c. 31, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Dead Animal and Disposal Act*, R.S.O. 1990, c. D.3

Ontario. Ministry of the Environment. *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Farm Registration and Farm Organization Funding Act*, 1993, S.O. 1993, c. 21, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Farming and Food Production Protection Act (FFPPA)*, 1998, S.O. 1998, c. 1, as amended.

Federal. Canadian Food Inspection Agency. *Feeds Act*, R.S.C. 1985, c. F-5, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Food Safety and Quality Act*, 2001, S.O. 2001, c. 20, as amended. & Ontario Regulation 31/05: Meat

Federal. Health Canada. *Food and Drugs Act* R.S.C., 1985, c. F-27.

Federal. Canadian Food Inspection Agency & Health Canada. *Health of Animals Act*, S.C. 1990, c. 21, as amended.

Ontario. Ministry of Health and Long-Term Care. *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Livestock Community Sales Act*, R.S.O. 1990, c. L. 22, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Livestock Identification Act*, R.S.O. 1990, c. L. 21, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Livestock and Livestock Products Act*, R.S.O. 1990, c. L. 20, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Livestock Medicines Act*, R.S.O. 1990, c. L. 23, as amended.

Ontario. Ministry of Agriculture, Food and Rural Affairs & Ministry of the Environment. *Nutrient Management Act*, 2002, S.O. 2002, c. 4, as amended

Ontario. Ministry of Agriculture, Food and Rural Affairs. *Protection of Livestock and Poultry from Dogs Act*, R.S.O. 1990, c. L. 24, as amended.

Federal. Pest Management Regulatory Agency (PMRA) & Health Canada. *Pest Control Products Act*, S.C. 2002, c. 28, as amended.

Ontario. Ministry of the Environment. *Pesticides Act*, R.S.O. 1990, c. P. 11, as amended.

--	--

**Z-8735
Sonia Wise**

Ontario. *Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36, as amended.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Hi Tech Engineering. *Planning Justification Report*, March 2017.

Thomas G. Arnold & Associates. *Stage 1 Archaeological Assessment*, September 2016.

Bos Engineering & Environmental Services Inc.. *Proposed Sewage System for Abattoir*, January 2017.

Correspondence: (all located in City of London File No. Z-8735 unless otherwise stated)

City of London -

Armstrong, Ryan. City of London Water Engineering. Email to S. Wise. April 20, 2017

Roobrek, R., City of London Environmental and Engineering Services. Memo to S. Wise. March 17, 2017.

Hodgins, K., City of London Urban Forestry. E-mail to S. Wise. February 28, 2017.

DiCicco, A. City of London Building Division. Emails to S. Wise. February 1 – April 28, 2017

Gonyou, K. City of London Urban Regeneration. Emails to S. Wise. February 3 – April 20, 2017

Moore, R. City of London Wastewater and Drainage Engineering. Email to S. Wise. March 15, 2017

Chapman, H. & Romashyna, M. City of London Municipal Law Enforcement Services. Emails to S. Wise. March 15 – May 10, 2017.

Departments and Agencies -

Creighton C., UTRCA. Emails to S. Wise. March 29, 2017.

Towsley, V. LTVCA. Memo to S. Wise. February 28, 2017.

Crinklaw, D. & Robak, T., OMAFRA. Various e-mails to S. Wise. March 1, 2017.

Other:

Site visit April 10, 2017 and photographs of the same date.

Two empty rectangular boxes for agenda item and page numbers.

**Z-8735
Sonia Wise**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 8076 Longwoods Road.

WHEREAS Mike Abualhayja has applied to rezone an area of land located at 8076 Longwoods Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 8076 Longwoods Road, as shown on the attached map comprising part of Key Map No. A110, from an Agricultural (AG4) Zone to a holding Agricultural Commercial Special Provision (h-18*AGC2(_)) Zone.
- 2) Section Number 46.4 of the Agricultural Commercial (AGC2) Zone is amended by adding the following Special Provisions:

- AGC2() 8076 Longwoods Road
- b) Additional Permitted Uses
 - iv) Existing dwelling
 - v) Livestock facility

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on May 30, 2017.

Matt Brown
Mayor

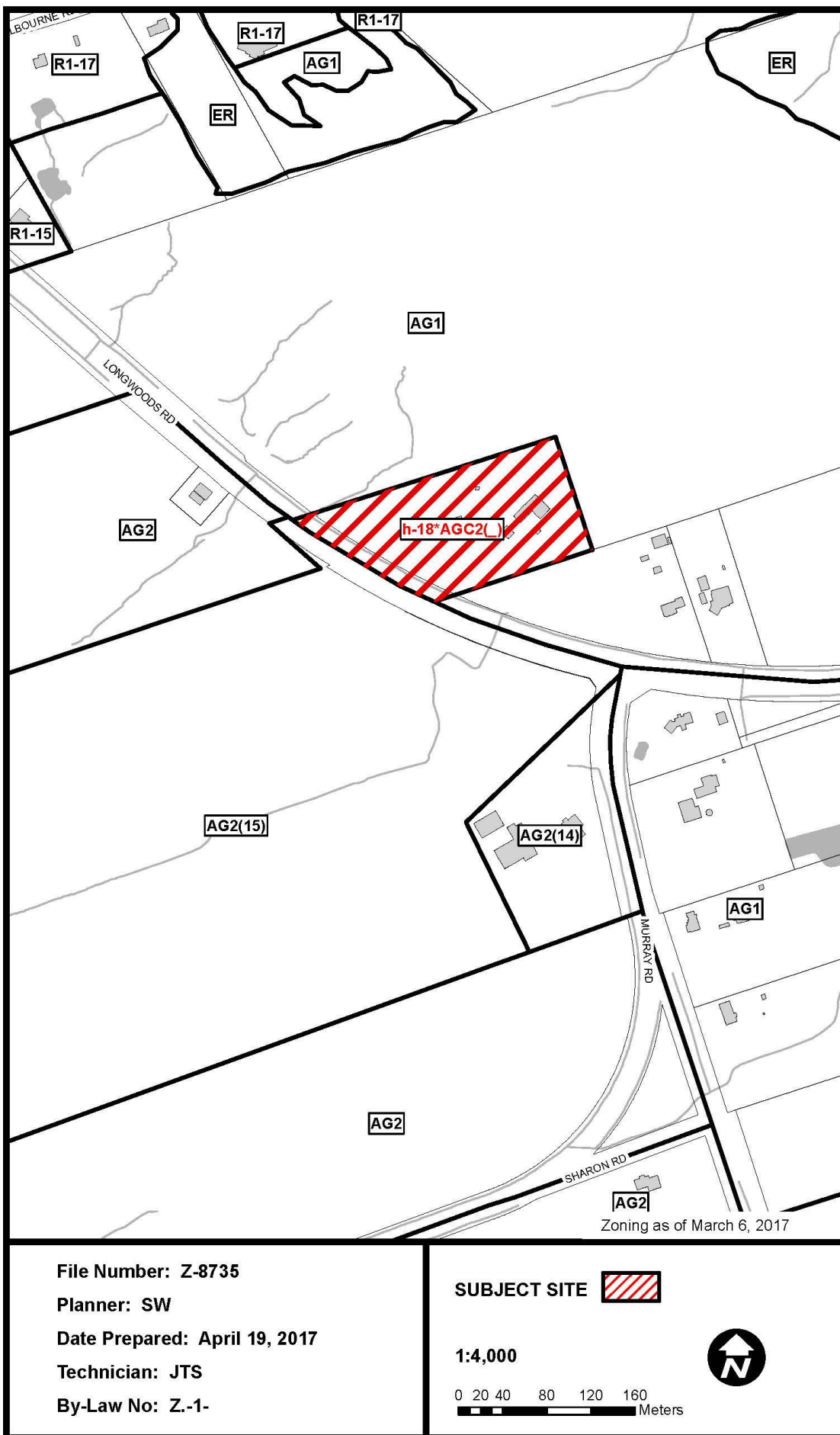
Catharine Saunders
City Clerk

First Reading - May 30, 2017
Second Reading - May 30, 2017
Third Reading - May 30, 2017

Two empty rectangular boxes for agenda item and page numbers.

Z-8735
Sonia Wise

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Geodatabase