

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** G. Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official  
**Subject:** Application by: London Quality Meat  
8076 Longwoods Road  
**Meeting on:** March 9, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of London Quality Meat relating to the property located at 8076 Longwoods Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Agricultural Commercial Special Provision (h-5\*h-18\*h-210\*AGC2(1)) Zone **TO** an Agricultural Commercial Special Provision (AGC2(1)) Zone.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-5", h-18", and "h-210" holding provisions from 8076 Longwoods Road, which are in place to ensure: a public site plan meeting has occurred, that any potential archaeological significance is assessed and that site plan is approved and a record of approval for a Nutrient Management Strategy is obtained.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-5", h-18", and "h-210" holding symbols to facilitate the development of a livestock facility and abattoir.

### Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provisions as they are no longer required.

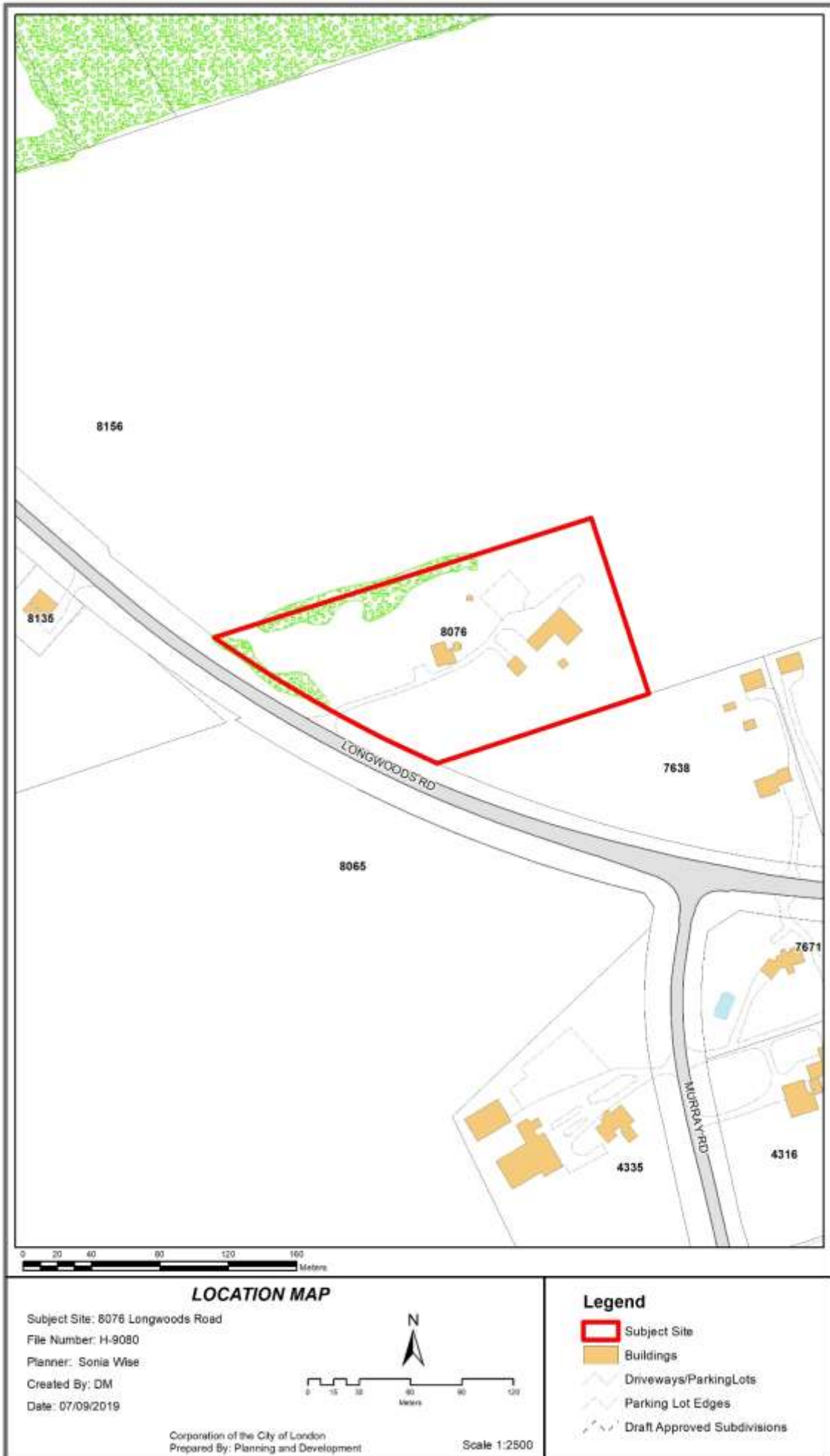
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the east side of Longwoods Road with approximately 2.02 ha of lot area. The site is located over 1 km outside of the Urban Growth Boundary and the Lambeth Community. There is an existing dwelling, garage, and barn on site which were constructed circa the 1960's.

1.2 Location Map



### 1.3 Current Planning Information

- The London Plan Place Type – Farmland
- Official Plan Designation – Agricultural
- Existing Zoning – h-5\*h-18\*h-210\*AGC2(1)

### 1.4 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 150 metres
- Depth – varies
- Area – 2.02 ha
- Shape – Irregular

### 1.5 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Agricultural/Residential
- West – Agricultural

## 2.0 Description of Proposal

### 2.1 Development Proposal

There is an existing dwelling, barn and shed on the site, and the removal of the holding provisions will facilitate the adaptive reuse of the existing barn for an abattoir and livestock facility while maintaining the existing dwelling for residential uses. The existing barn is located towards the east (rear) of the site, and has a total of 370m<sup>2</sup>, of which 200m<sup>2</sup> will be used for the livestock facility, and 110m<sup>2</sup> will be converted for the abattoir facility. The remaining space will be used for tool storage and a workshop. The intended livestock consists of goats, sheep and lambs which are housed on site. The abattoir is a small-scale operation, and expected to function approximately twice a week.

## 3.0 Relevant Background

### 3.1 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.

The Annexed Area Zoning Project was initiated in April of 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 of 2005 a number of omissions, 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. 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. On January 11, 2017 an application was received requesting to amend the zoning to allow for a livestock facility and abattoir. Application Z-8735 was considered by the Planning and Environment Committee on May 23, 2017 and July 17, 2019 and received Council approval on July 25, 2017.

The matter was appealed to the Ontario Municipal Board (OMB) on August 22, 2017 and a hearing took place on February 7-9, 2018. In its decision dated March 16, 2018, the Board was satisfied that conflicts and compatibility concerns between the subject site, neighbours and agricultural operations are addressed through the Zoning By-law Amendment and concluded "The Zoning By-law Amendment represents good planning and sees no reason to interfere with the City's decision." The Board ordered the appeal be dismissed.

On March 25, 2019 an application for site plan approval was received (SPA19-022). A public participation meeting for the Site Plan application occurred at the Planning and Environment Committee on July 22, 2019 which informed the eventual site plan approval. Comments received through the process have been considered and incorporated where possible, into the site plan approval and development agreement.

### **3.2 Previous Reports and Applications Relevant to this Application**

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

Z-8735: 2017 – Public Participation Meeting – 8076 Longwoods Road Zoning By-law Amendment

SPA19-022: 2019 – Public Participation Meeting – 8076 Longwoods Road Site Plan Public Meeting

### **3.3 Requested Amendment**

The applicant is requesting the removal of the h-5, h-18, and h-210 holding provisions from the site to allow for the development of a livestock facility and abattoir. The holding provisions are as follows:

**h-5: Purpose:** To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.

**h-18: Purpose:** The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

h-210: 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 Nutrient Management Strategy has been obtain.

### 3.4 Community Engagement

A total of four (4) comments were received as part of the circulation for this application. One comment expressed support for the use, two comments requested additional information on the holding removal process and one comment raised concerns.

A summary of the comments received is as follows:

Neutral – two comments

- Various questions and clarification requested regarding the process and timing to remove the holding provisions

Support – one comment

- Expressed support for agriculture uses in the community.

Concern – one comment

- Expressed concern that the holding provisions were being removed;
- That the holding provision for the Nutrient Management Strategy (NMS) was being removed before an approved NMS was submitted and accepted;
- With the previous operation of the site and past compliance issues;
- Concern with the negative impact of the use on community and property values and;
- Request the site comply with engineering requirements.

Public comments were considered in conjunction with the comments and review of technical experts during the application review for the removal of the holding provisions. The details of how each of the holding provisions have been satisfied is described in section 4.0 of this report. A Development Agreement has been entered into and registered on title to ensure development is consistent with the approved site plan.

### 3.5 Policy Context

*The Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s). The London Plan and the 1989 Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

## 4.0 Key Issues and Considerations

### 4.1 What is the purpose of the holding provisions and is it appropriate to consider their removal?

h-5: Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol.

*A public participation meeting for the site plan was held on July 22, 2019 before the Planning and Environment Committee. One (1) member of the public provided*

*comments during the meeting expressing concern associated with impacts of the use on climate change, air and water pollution, and greenhouse gas emissions of cattle. The public comments made at this forum were received through the site plan review process to be considered or incorporated where relevant into the Site Plan review and Development Agreement.*

h-18: Purpose: The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

*A Stage 1 Archeological Assessment was prepared on February 23, 2017 by Thomas G Arnold and Associates, which was reviewed and entered into the Ontario Public Register of Archaeological Reports on March 10, 2017. Development Services – Heritage staff confirmed that the report is sufficient to fulfil the archaeological assessment requirement on June 17, 2019.*

h-210: 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 Nutrient Management Strategy has been obtain.

*A record of approval for Nutrient Management Strategy was approved by the Ontario Ministry of Agriculture, Farming and Rural Affairs on November 20, 2017. All of the Nutrient units (manure) generated on-site are approved for off-site transfer to another farm for all out-going materials.*

*On February 27, 2020, the site development planner confirmed a Development Agreement had been entered into for the approved Site Plan and required securities have been provided.*

## 5.0 Conclusion

The Applicant has undertaken sufficient works to remove the holding provisions. The resulting development has incorporated relevant public comments received through the public site plan process into a development agreement and approved Site Plan. Archaeological potential has been addressed and an approved Nutrient Management Strategy has been accepted. It is appropriate to remove the holding provisions to allow the zoning to come into force.

<b>Prepared by:</b>	<b>Sonia Wise, MCIP, RPP Planner II, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

February 28, 2020

CC: Lou Pompili, Manager, Development Planning  
Heather McNeely, Manager, Development Services (Site Plan)  
Michael Pease, Manager, Development Planning

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**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from lands  
located at 8076 Longwoods Road.

WHEREAS London Quality Meat has applied to remove the holding provisions from the zoning for the lands located at 8076 Longwoods Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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, to remove the holding provisions so that the zoning of the lands as an Agricultural Commercial Special Provision (AGC2(1)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 24, 2020.

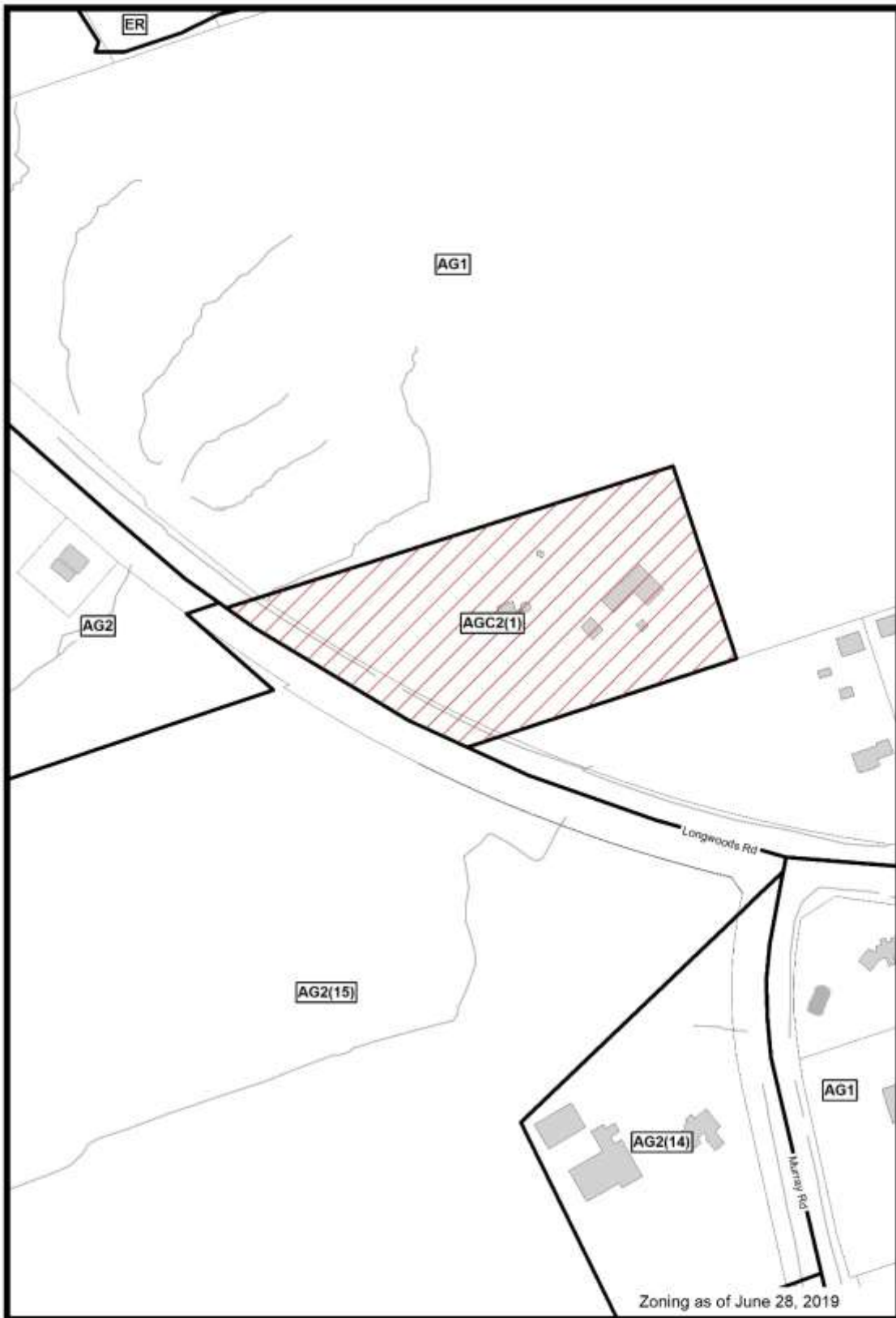
Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 24, 2020  
Second Reading – March 24, 2020  
Third Reading – March 24, 2020



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



File Number: H-9080  
Planner: SW  
Date Prepared: 2019/07/09  
Technician: DM  
By-Law No: Z-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters

