



# The Corporation of the Town of Milton

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Report To: Council

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From: Jill Hogan, Commissioner, Development Services

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Date: July 18, 2022

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Report No: DS-078-22

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Subject: Technical Report: Zoning By-law Amendment Application by Oakridge Horticultural Farm Nursery Inc. applicable to the lands located 11565 Guelph Line. (Town File: Z-25/21)

Recommendation: **THAT Application Z-25/21 for an amendment to the Town of Milton Comprehensive Zoning By-law 144-2003, as amended, to change the current Rural (A2) and Greenlands A (GA) Zones on the subject lands to a site-specific Rural (A2\*325) Zone and a refined Greenlands (GA) Zone, BE APPROVED;**

**AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Report DS-078-22 for Council Adoption;**

**AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this By-law, BE IT RESOLVED that a privately-initiated application for a minor variance may be made.**

## EXECUTIVE SUMMARY

The applicant has applied to amend the Town's Comprehensive Zoning By-law 144-2003, as amended, to permit the continued operation of the existing horticultural trade use business on lands located at 11565 Guelph Line, on a permanent basis. The proposed amendment would change the current Rural (A2) and Greenlands A (GA) Zones on the subject lands to a site-specific Rural (A2\*325) Zone and a refined Greenlands (GA) Zone.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application as currently presented. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the application as submitted is prepared in a manner that would allow it to be considered by Town Council for approval.



## EXECUTIVE SUMMARY

### Conclusions and Recommendations

Staff is satisfied that the Zoning By-law Amendment (Z-25/21) is consistent with the policies of the Provincial Policy Statement, and conforms to the Greenbelt Plan, the Regional and Town Official Plans, and is reflective of the Ontario Municipal Board (OMB) approval of the initial temporary use by-law. Therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1 to this report.

## REPORT

### Background

**Owner:** Steve Beaulieu, Oakridge Horticultural Farm Nursery Inc., 11565 Guelph Line, Milton, ON

**Agent:** Wellings Planning Consultants Inc., 513 Locust Street, Unit B, Burlington, ON

**Location/Description:** The subject lands are 7.16 hectares (17.96 acres) in size, irregular in shape, and located on the east side of Guelph Line, between the northern limit of the Hamlet of Brookville and No. 20 Side Road. The lands are legally described as part of Southwest Half of Lot 19, Concession 4 in the Town of Milton, and municipally identified as 11565 Guelph Line. The location of the subject lands is illustrated in Figure 1 attached to this report.

The subject lands currently contain a small-scale horticultural trade use, known by many as Oak-Ridge Horticultural Farm (Oak-Ridge). A one-storey dwelling occupied by the owner and operator of Oak-Ridge is located on the north-eastern portion of the property, significantly set back from Guelph Line. A garage, accessory storage building, greenhouse, and an outdoor materials storage area (which includes aggregate landscaping material such as topsoil, mulch, decorative stone and gravel available for sale to the public) are located in proximity to the dwelling. The west portion of the site is in cultivation with trees and shrubs associated with the existing horticultural operation. Planting areas comprise approximately two hectares of the property. Access to the site is from Guelph Line, followed by a long driveway that serves the existing dwelling, accessory buildings/structures and other components of the horticultural trade use.

The subject property also contains a portion of the Badenoch-Moffat Provincially Significant Wetland (PSW) and is also traversed by Mountsberg Creek (a tributary of Bronte Creek) and associated hazard lands. There is also a telecommunications tower (unrelated to the landscaping business) at the northwest corner of the subject property, adjacent to Guelph Line.

Surrounding land uses are predominately non-farm related residential and agricultural land uses. There is also an existing recreational land use (Turtle Creek Golf Club) located on the west side of Guelph Line, northwest of the subject property.

## Background

### Proposal:

Oak-Ridge Horticultural Farm (Oak-Ridge) is a small-scale horticultural trade use business (as described above) that has been operating on the subject lands under a Temporary Use By-law first approved by the Ontario Municipal Board (OMB) in June 2014, followed by a three-year extension to the By-law approved by the Town in June 2017. The initial Temporary Use By-law was a three-year plan for the owner to reconfigure the site to ensure compliance with Regional Official Plan criteria governing horticultural trade uses, which was completed, and the extension was to allow for a final disposition of Official Plan Amendment (OPA) 31, the Town's conformity amendment, and the resolution of the policy framework governing horticultural trade uses in the Rural Area. Although OPA 31 was approved in large part by Halton Region, including the permitted uses within the Agricultural Area (the designation applicable to the lands), appeals to policies and schedules that could affect the subject lands remained outstanding. Planning Policy staff did note to the applicant that depending on the final resolution of the appeals, an Official Plan Amendment could be required at a later date.

Now that the appeals relating to the rural area policies have been resolved, with the exception of one site-specific matter, and the Ontario Land Tribunal (OLT), formerly the OMB, has issued their decision to approve the rural area policies with modifications, the applicant can now proceed with a Zoning By-law Amendment without the requirement of an Official Plan Amendment.

As a result, the applicant is seeking an amendment to the Town's Comprehensive Zoning By-law 144-2003, as amended, to permit the continued operation of the horticultural trade use business on a permanent basis. All components of the existing operation are to remain the same, with the exception of a slight increase to the outdoor storage area (i.e. from 600 square metres to 1,000 square metres) to account for decorative stone and other similar materials that cannot be stored in bins and also to allow for some flexibility in the arrangement of materials, if needed. The approved rural area policies relating to horticultural trade uses, supports outdoor storage areas as long as it does not exceed 1,000 square metres in area.

The conceptual site plan outlining the components of the existing horticultural trade use is attached as Figure 2 to this report.

The following information was submitted in support of the Zoning By-law Amendment application:

- Legal Plan of Survey, prepared by Fred Cunningham, dated July 24, 1980;
- Site Plan / Survey, prepared by The Forma Group, dated March 4, 2004;
- Draft Zoning By-law Amendment, prepared by Wellings Planning Consultants Inc., undated;
- Conceptual Site Plan (SK-07), prepared by Wellings Planning Consultants Inc., dated October 6, 2021;

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- Planning Justification Report, prepared by Wellings Planning Consultants Inc., dated October 2021;
- Environmental Impact Assessment, prepared by Terrastory Environmental Consulting Inc., dated July 20, 2021 and revised March 25, 2022.

## Planning Policy

### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. The following sections of the PPS are applicable to the subject application.

### Rural Areas and Lands in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be supported.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directed non-related development to areas where it will minimize constraints on these uses.

### Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be

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maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

- 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

It is staff's opinion that the proposal is consistent with the relevant policies of the PPS as the horticultural trade use is a small-scale operation containing agricultural products, is compatible with the surrounding rural character, contributes to the Town's diversified rural economy, and is fully located outside of any natural features located on and adjacent to the subject property.

### Greenbelt Plan, 2017

The Greenbelt is the cornerstone of Ontario's Greater Golden Horseshoe Growth Plan (Growth Plan) which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated and what must be protected for current and future generations.

The subject lands are located within the Greenbelt Plan Area and designated Protected Countryside with a Natural Heritage System overlay. Since the subject lands are not classified as prime agricultural lands, they form part of the rural lands category with the agricultural land base system. As a result, the following sections of the Greenbelt Plan are applicable to the subject application.

### 1.2.2 Protected Countryside Goals

#### 1. Agricultural Viability and Protection

- d) Provision of the appropriate flexibility to allow for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy;

#### 2. Environmental Protection

- a) Protection, maintenance and enhancement of natural heritage, hydrologic and landform features, areas and functions, including protection of habitat for flora and fauna and particularly species at risk.

### 3.1.4 Rural Lands Policies

For lands falling within rural lands of the Protected Countryside, the following policies shall apply:

1. Rural lands support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource

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based commercial/ industrial uses. They also contain many historic highway commercial, non-farm residential and other uses which, in more recent times, would be generally directed to settlement areas but which are recognized as existing uses by this Plan and allowed to continue and expand subject to the policies of section 4.5. Notwithstanding this policy, official plans may be more restrictive than this Plan with respect to the types of uses permitted on rural lands, subject to the policies of section 5.3.

2. Rural lands may contain existing agricultural operations and provide important linkages between prime agricultural areas as part of the overall Agricultural System. Normal farm practices and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are supported and permitted. Proposed agriculture-related uses and on-farm diversified uses should be compatible with and should not hinder surrounding agricultural operations. Criteria for all these uses shall be based on provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

### 3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

1. The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.

### 3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

Key natural heritage features include:

- Habitat of endangered species and threatened species;
- Fish habitat;
- Wetlands;
- Life science areas of natural and scientific interest (ANSIs);
- Significant valleylands;
- Significant woodlands;
- Significant wildlife habitat (including habitat of special concern species);
- Sand barrens, savannahs and tallgrass prairies; and
- Alvars.

Key hydrologic features include:

- Permanent and intermittent streams;
- Lakes (and their littoral zones);
- Seepage areas and springs; and

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- Wetlands.

It is staff's opinion that the proposal conforms to the Greenbelt Plan as the horticultural trade use is complementary to the rural area, is compatible with and does not hinder surrounding agricultural operations, and in accordance with the Environmental Site Assessment (EIA), all outdoor storage will be located a minimum 7.5 metres away from the edge of the natural heritage system to ensure that encroachment of materials does not occur. The EIA also notes that the existing business will not negatively impact any identified species or their habitat.

### Regional Official Plan (ROP)

The subject lands are designated Agricultural Area in the 2009 Regional Official Plan (ROP). Per Section 100 (21) e) of the ROP, which is subject to other policies of the ROP, applicable policies of the Greenbelt Plan, and applicable Local Official Plan policies and Zoning By-laws, horticultural trade uses may be permitted in the Agricultural Area designation if located on a commercial farm and secondary to the farming operation, site plan approval is obtained by the Local Municipality and provided that:

- i. the use meets all the criteria under Sections 100 (21) d);
- ii. the farm property accommodating the use is at least 4 hectares in size;
- iii. at least 70 per cent of the arable area of the farm property accommodating the use is dedicated to the growing of horticultural plants;
- iv. the use is located within the existing farm building cluster, with only minor rounding out of the cluster permitted provided that there are no tree removals;
- v. the gross floor area for the use does not exceed 500 square metres;
- vi. the outdoor storage area for the use does not exceed 1,000 square metres;
- vii. the use including buildings, outdoor storage, parking areas, and loading/unloading zones is adequately screened from neighbouring properties and public highways; and
- viii. the use can be accommodated by the private water supply and waste water treatment systems located on the property.

Horticultural Trade Uses are defined in Section 249.1 of the ROP as follows:

Horticultural Trade Uses means a non-farm business associated with the sale, supply, delivery, storage, distribution, installation, and/or maintenance of horticultural plants and products used in landscaping, but does not include uses associated with the principal agricultural operation.

The subject lands are also located within the Greenbelt Natural Heritage System (GBNHS). The Region's Natural Heritage System is made up of both the Regional Natural Heritage System (RNHS) and the GBNHS. As such, sections 115.3, 115.4, 117, and 118

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of the ROP apply and speak to areas located within the RNHS. Section 139.3 of the ROP speaks to areas located within the GBNHS and includes the following policies:

- 139.3.1 The purpose of the Greenbelt Natural Heritage System shown as an overlay on Map 1 is to implement policies of the Provincial Greenbelt Plan as they apply to its Natural Heritage System.
- 139.3.5 Development within the Greenbelt Natural Heritage System is subject to policies of the Greenbelt Plan as they apply to its Natural Heritage System and to detailed implementation policies in the Local Official Plan in accordance with Section 5.3 of the Greenbelt Plan.
- 139.3.7 It is the policy of the Region to:
  - (1) Prohibit development or site alteration within the Key Features of the Greenbelt Natural Heritage System, except in accordance with policies of this Plan.
  - (2) Prohibit development or site alteration on lands adjacent to the Key Features of the Greenbelt Natural Heritage System unless the proponent has evaluated the ecological functions of these lands through an Environmental Impact Assessment in accordance with Section 139.3.7(4).

Regional staff reviewed the application and are satisfied that the horticultural trade use as proposed conforms to the agricultural and natural heritage system policies of the ROP.

## Town Official Plan

### Effect of Appeals to OPA 31 on the Subject Application

At the time of application submission, Official Plan Amendment No. 31 (OPA 31), the Town's conformity amendment, which was adopted by Town Council on June 14, 2010, and approved with modifications by Halton Region on November 22, 2018, was still under appeal, with the majority of the appeals having an effect on a number of inter-related rural area policies and schedules. Although Sections 4.1.1.14 and 4.1.1.15 relating to horticultural trade uses were not specifically appealed, uses permitted within the Agricultural Area designation as well as Section 4.1.1.13 (Small-Scale Businesses) which sets out criteria that horticultural trade uses must achieve, were appealed.

Based on the foregoing, staff accepted the commencement of a zoning by-law amendment application without an Official Plan Amendment (OPA) as staff had been working with the appellants to resolve the appeals and were anticipating that the matters would be addressed with the Ontario Land Tribunal (OLT) at the earliest possible time. The applicant was advised that that the application would be reviewed in the context of the relevant policies as set out in OPA 31, but staff would not be in a position to take a technical report forward until the appeals to OPA 31 that had the potential to affect the subject application were resolved. Alternatively, if the appeals were not resolved in a timely manner and the applicant wanted to proceed with the 2022 summer season, an



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Official Plan Amendment (OPA) could be applied for and brought forward for Council adoption.

On April 7, 2022, staff presented evidence and a series of settlements to the OLT for the majority of the rural appeals. On May 11, 2022, the OLT issued its decision to support the settlements and declared that OPA 31 was in full force and effect, with the exception of one site-specific appeal. The modifications accepted by the OLT in relation to the general rural appeals are now part of the Town's Official Plan and the horticultural trade use policies as well as those policies tied to the use, remain unchanged.

Within the Town's Official Plan, the subject lands are designated "Agricultural Area" with a "Greenbelt Natural Heritage System Overlay" as shown on Schedule 1 - Town Structure Plan and Schedule A - Rural Land Use Plan. Schedule M - Key Features Within the Greenbelt and Natural Heritage System, also identifies the lands as containing Natural Heritage System Key Features and Enhancement Areas, Linkages and Buffers. Schedule O - Agricultural System and Settlement Areas, also identifies the lands as being Agricultural System outside of Prime Agricultural Areas.

Consistent with the Regional Plan, the purpose of the Agricultural Area designation as set out under Section 4.4.1.1 is to "recognize and support agriculture as the primary activity and predominant land use in the Agricultural System" and ensure the continued viability of agriculture by protecting the land base for such uses and prohibiting incompatible land uses. Permitted uses within the Agricultural Area designation include but are not limited to:

- all types, sizes and intensities of agricultural operations;
- normal farm practices;
- existing uses;
- single detached dwellings on existing lots;
- a dwelling accessory to an agricultural operation (subject to additional policies);
- non-intensive recreation uses;
- forestry, wildlife and fisheries management and conservation uses;
- transportation and utility facilities;
- secondary uses associated with a dwelling, including home occupations, cottage industries and bed and breakfast establishments subject to additional policies; and,
- the following uses only if located on a commercial farm and secondary to the farming operation:
  - i) home industries in accordance with the policies of subsection 4.1.1.6 and 4.1.1.7 of this Plan;

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- ii) retail uses with a gross floor area not exceeding 500 square metres and the majority of the commodities for sale, measured by monetary value, produced or manufactured on the farm, and,
- iii) agriculture related tourism uses with a gross floor area not exceeding 500 square metres.
- iv) animal kennels serving the agricultural community primarily, in accordance with the policies of Section 4.1.1.16 and 4.1.1.17 of this Plan.
- v) Veterinary clinics serving primarily the agricultural community, outside of prime agricultural areas within the Greenbelt Plan Protected Countryside;
- vi) small-scale businesses that provide supplementary income to the farming operation in accordance with Section 4.1.1.13 of this Plan.
- vii) subject to approval of a zoning by-law amendment and site plan approval, horticultural trade uses in accordance with Section 4.1.1.14 and 4.1.1.15 of this Plan.

Official Plan policies specifically related to the Horticultural Trade Use are as follows:

- 4.1.1.14 Horticultural trade uses, where permitted within the Agricultural Area and the Regional Natural Heritage System shall be subject to the policies of this Plan and shall require an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:
- a) the use meets all the criteria under Section 4.1.1.13;
  - b) the farm property accommodating the uses is at least 4 hectares in size;
  - c) at least 70 per cent of the arable area of the farm property accommodating the use is dedicated to the growing of horticultural plants;
  - d) the use is located within the existing farm building cluster, with only minor rounding out of the cluster permitted provided that there are no tree removals;
  - e) the gross floor area of the use does not exceed 500 square metres;
  - f) the outdoor storage area does not exceed 1,000 square metres;
  - g) the use including buildings, outdoor storage, parking areas, and loading/unloading zones is adequately screened from neighbouring properties and public highways; and,
  - h) the use can be accommodated by the private water supply and waste water treatment systems located on the property;
- 4.1.1.15 A horticultural trade use shall also be subject to a Site Plan Agreement in accordance with Section 5.6.3 of this Plan.

## Background

Section 4.1.1.13 states that where permitted within the Agricultural Area and Regional Natural Heritage System, small -scale businesses that provide supplementary income to the farming operation that are located on a commercial farm and secondary to the farming operation may be permitted provided that:

- a) their scale is minor and does not change the appearance of the farming operation;
- b) their impact such as noise, odour and traffic on surrounding land uses is minimal and will not hinder surrounding agricultural uses; and,
- c) they meet all criteria as stated in the On-Farm Business Guidelines adopted by Regional Council.

Consistent with the ROP, Section 5.10.6 defines Horticultural Trade Uses as follows:

HORTICULTURAL TRADE USES means a non-farm business associated with the sale, supply, delivery, storage, distribution, installation, and/or maintenance of horticultural plants and products used in landscaping, but does not include uses associated with the principal agricultural operation.

As outlined in Section 4.10, the purpose of the Greenbelt Natural Heritage System shown as an overlay on Schedule A - Land Use Plan, is to implement policies of the Provincial Greenbelt Plan as they apply to its Natural Heritage System. The Greenbelt Natural Heritage System represents a systems approach to protecting natural features and functions within the Greenbelt Plan Area and its construct is equivalent to that of the Regional Natural Heritage System. Numerous Key Features, within the Regional Natural Heritage System and within the Greenbelt Natural Heritage System are shown on Schedule "M".

As outlined in Section 4.10.1.5, refinements to the boundaries of the Greenbelt Natural Heritage System are not permitted unless as a result of amendments to the Greenbelt Plan but refinements to the boundaries of the Key Features within the Greenbelt Natural Heritage System may be considered through a Subwatershed Study, an individual Environmental Impact Assessment, or similar studies accepted by the Town and Region.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2020), the Greenbelt Plan (2017), the Halton Region Official Plan and the Town of Milton Official Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conforms to the applicable Provincial, Regional and Local land use planning policies and regulations.

### **Zoning By-law 144-2003, as amended**

The subject lands were previously zoned Site-Specific Rural Temporary Use (T12-A2\*203) that permitted on a temporary basis, a horticultural trade use subject to special site provisions, and Greenlands A (GA). Since the temporary use provisions expired, the subject lands reverted back to the general Rural (A2) and Greenlands A (GA) Zones under the parent Zoning By-law 144-2003, as amended. The A2 Zone permits agricultural



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operations (that includes horticultural crops and trees), and horticultural nursery uses, but does not permit horticultural trade uses, as of right.

The current Zoning By-law Amendment application proposes to rezone the subject lands from the current Rural (A2) and Greenlands A Zones to a Site-Specific Rural (A2\*325) Zone, and revised Greenlands A (GA) Zone to permit the continuation of the existing small-scale horticultural trade use on a permanent basis, and recognize site-specific provisions consistent with the initial temporary use by-law that regulated the size of the horticultural trade use as well as the extent and location of the outdoor storage area. As previously noted, the outdoor storage area has been increased slightly to capture all of the outdoor materials that are part of the operation (inside and outside of the bins) and to allow for some flexibility, if needed.

A draft amending zoning by-law is attached as Appendix 1 to this report.

## Site Plan Control

Should the zoning by-law amendment application be approved, a scoped site plan approval process will be required to address the specific on-site activities associated with the horticultural trade use.

## Discussion

### Public Consultation and Review Process

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act and the Town's Official Plan via written notice to all properties within 300 metres of the subject lands, as well as an ad in the Milton Canadian Champion Newspaper on December 23, 2021. The statutory public meeting was held on January 17, 2022 and no members of the public spoke at the meeting. Staff did receive one formal written submission in support of the application, which has been attached as Appendix 2 to this report.

### Agency Consultation

The proposed Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region provided detailed comments on the initial Environmental Impact Assessment (EIA), prepared by Terrastory Environmental Consulting Inc., dated July 20, 2021, and requested that the proposed buffer area/setbacks (in accordance with the Town's Zoning By-Law) from the limit of the RNHS Key Features be illustrated on all applicable figures and drawings, and that the areas used for material storage/stockpiling be clearly denoted in relation to the required setback. Regional staff did note concerns with what appeared to be material storage slightly located within what may be a buffer area to the RNHS Key Features, as well as

## Discussion

wildlife habitat mixed within bulk materials. This concern is addressed in the Summary of Issues section below.

Conservation Halton staff noted that while turtle species were not observed on site, the proximity to the adjacent wetlands and watercourse could provide suitable habitat for these species and recommended that a best management practice be added the mitigation measures proposed in the EIA.

Zoning staff offered clarifying text changes in relation to the site-specific zoning by-law and also identified that two of the existing bins as well as some loose bulk materials appeared to be encroaching into the required buffer adjacent to the limit of the Greenlands A (GA) Zone. Similar to the Region, Zoning staff recommended that the required 7.5 metre setback from the limit of the GA Zone, as required by Zoning By-law 144-2003, as amended, be shown on the appropriate schedules.

A revised EIA addressing the above noted concerns was provided with the second submission materials.

All other circulated agencies either offered no comment or no objections to the approval of the application.

## Summary of Issues

### Bulk Materials Located Within the Required Buffer Adjacent to the Greenlands A (GA) Zone Boundary

As the development is existing, Terrastory on behalf of the applicant prepared an EIA that focused on characterization of natural heritage features (on and adjacent to the property), daily operations of the landscaping business, and recommendations for best practices. All maps and figures were updated as recommended to show the applicable natural heritage system boundary (refined Greenlands A (GA) Zone) as well as the 7.5 metre setback from the limit of the Greenlands A (GA) Zone required by the Town's Zoning By-law.

The Site Plan attached as Figure 2 to this report, shows that bulk materials storage bays are located within the existing development envelope adjacent to the valley. These storage bays, consisting of walls made of concrete blocks prevent encroachment and material spills when not overfilled. Terrastory noted in the EIA that observations made on site indicated that the height of materials in several storage bays exceeded the height of the bay walls. In one area, excess bulk materials were stored outside of an enclosed bay. It was noted in the EIA that it is not always possible to accurately estimate the amount of bulk materials that will be available and in times of material shortages, as was seen over the past couple of years, it may be advantageous for the applicant to stockpile greater amounts of materials than what is typically needed to mitigate against the potential for future shortages and lost business. In addition to the aforementioned, it was observed that two of the existing bays appeared to be slightly encroaching into the required 7.5 metre setback / buffer area. These observations were consistent with those noted by Town and regional staff in their comments.

## Discussion

To protect the vegetation within the valley from smothering, the following measures were recommended in the EIA:

- Ensure that bulk materials are, to the extent feasible, contained within concrete storage bays. This may necessitate an increase in storage bay height and/or installation of additional bays.
- Direct staff to even out the top of bulk materials upon delivery to a storage bay so that the height of the materials does not exceed that of each bay.
- Prior to the start of the 2022 season, move the location of the bulk materials bays 1-2 metres southward from their current location so that the minimum 7.5 metre separation distance is achieved. This will mitigate against accidental spills/overflow of bulk materials into the natural area.

The applicant has agreed to implement the above noted recommendations to ensure that the key features within the natural heritage system are protected.

### **Amending Zoning By-law (Z-25/21)**

In order to permit the existing horticultural trade use on a permanent basis, a zoning amendment containing a site-specific Rural Zone (A2\*325) and revised Greenlands A (GA) Zone boundary is required. A portion of the lands that are not feasible for use as part of the horticultural trade use (i.e. the southwest corner of the property adjacent to Guelph Line) will continue to be zoned Rural (A2).

#### Rural (A2) Site-Specific Zone

The amending Zoning By-law proposes the following provisions:

- permission for the horticultural trade use on the subject property,
- a site-specific definition that is consistent with the policies of the ROP and Town OP; and,
- site-specific provisions detailing components of the existing operation.

There are no changes proposed to the operation or the provisions introduced through the initial temporary use by-law approved by the OMB, with the exception of an increase in outdoor storage area, and some minor text revisions for clarification.

#### Schedule B

An additional schedule has been added to the by-law to show the delineation of the revised Greenlands A (GA) Zone, the required 7.5 metre setback and the permitted outdoor storage area locations.

The draft Zoning By-law Amendment is attached as Appendix 1 to this report.

## Conclusion

