



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Acting Commissioner, Development Services
Date:	January 17, 2022
Report No:	DS-002-22
Subject:	Public Meeting and Initial Report - Proposed Amendment to the Town's Zoning By-law by Oak-Ridge Horticultural Farm Nursery Inc. to permit the continued operation of the existing horticultural trade use on a permanent basis on lands municipally known as 11565 Guelph Line (Town File: Z-25/21)

Recommendation: THAT Report DS-002-22 BE RECEIVED FOR INFORMATION.

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*XX) Zone and a Greenlands (GA) Zone with potential refinements.

Although Official Plan Amendment No. 31 (OPA 31), the Town's conformity amendment was approved in large part by Halton Region in November 2018, including the permitted uses within the Agricultural Area, appeals to policies and schedules that may affect the subject lands remain outstanding. Notwithstanding this, Town staff has advised the applicant that an application to amend the Zoning By-law to permit the existing use on a permanent basis on the subject lands may be filed, recognizing that work is still ongoing to resolve the appeals. Depending on the final resolution of these appeals, an Official Plan Amendment may be required at a later date should the result of the appeals result in an issue of non-conformity.

The application is complete pursuant to the requirements of the Planning Act and is being processed accordingly. Upon completion of the consultation and review process, a Technical Report, including recommendations, will be brought forward for Council consideration. The Technical Report will address issues raised through the consultation and review process.

REPORT



Background

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

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

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 2 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. Accordingly, these lands are regulated by Conservation Halton and are zoned as Greenlands A. There is also a telecommunications tower (unrelated to the landscaping business) at the northwest corner of the subject property, adjacent to Guelph Line. Attached as Figure 2 is an updated site plan, which was provided with the subject application and outlines where the aforementioned features and structures are located.

The topography of the site is sloping, with the highest point located at the northeast, and sloping towards Guelph Line, and more steeply to the north towards the adjacent Mountsberg Creek Valley. 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.

Proposal:

Oak-Ridge Horticultural Farm (Oak-Ridge) is a small-scale horticultural trade use business 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

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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.

As outlined in the policy section below, although OPA 31 was approved in large part by Halton Region, including the permitted uses within the Agricultural Area, appeals to policies and schedules that may affect the subject lands remain outstanding. Notwithstanding this, Town staff advised the applicant that an application to amend the Zoning By-law to allow the horticultural trade use on a permanent basis on the subject lands, may be filed, recognizing that work is still ongoing to resolve the appeals. Planning Policy staff did note that depending on the final resolution of these appeals, an Official Plan Amendment may be required at a later date.

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. There are no changes to the existing use or operation, but potential refinements of the Greenlands A (GA) Zone may be required to reflect the environmental study work undertaken in support of the application.

The following information has been submitted in support of the Zoning By-law Amendment application, and are currently under review:

- 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;
- 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.

Discussion

Planning Policy

The subject lands are designated "Rural Area" and "Greenlands A" as shown on Schedule A - Land Use Plan of the Town of Milton Official Plan (Consolidated August 2008). The Greenlands A designation is reflective of the environmental features that occupy the subject property. The purpose of the Rural Area designation is to "recognize and protect

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agriculture as a primary activity and land use and protect, maintain and enhance environmental features”. The Rural Area designation permits agricultural uses but does not currently permit a horticultural trade use.

Official Plan Amendment No. 31 (OPA 31), the Town’s conformity amendment, was adopted by Town Council on June 14, 2010, and approved with modifications by Halton Region on November 22, 2018, however seven appeals were filed. The Urban Area policies (save and except for drive thru’s) and schedules are in force and effect, however, due to the broad scope of the rural appeals and the inter-related nature of the policies and schedules, staff has cautioned that many of the rural area policies and schedules are not yet in effect.

OPA 31 designates the subject lands “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:

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- i) home industries in accordance with the policies of subsection 4.1.1.6 and 4.1.1.7 of this Plan;
- ii) retail uses with a gross floor area not exceeding 500 sq m 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 sq m.
- 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 sq m
 - f) the outdoor storage area does not exceed 1,000 sq m;
 - g) the use including buildings, outdoor storage, parking areas, and loading/unloading zones is adequately screened from neighbouring properties and public highways;

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- 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.

As per Section 5.10.6 of OPA 31, Horticultural Trade Uses are defined 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 of OPA 31, 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.

Effect of Appeals to OPA 31 on the Subject Application

Although Section 4.1.1.14 and 4.1.1.15 relating to horticultural trade uses are not specifically appealed, uses permitted within the Agricultural Area are subject to other policies of the Plan. Those policies and related schedules are subject to appeal. In addition, Section 4.1.1.14 a) refers to the criteria in Section 4.1.1.13 (Small-Scale Businesses), which is also under appeal.

Technically, an Official Plan Amendment is required to establish the horticultural trade use under the current situation. It should be noted however, that staff is working with the appellants to resolve the agricultural system appeals at the earliest possible time. Timing of resolution and agricultural policies coming into effect are unknown at this time.

Staff will accept the commencement of a zoning by-law amendment application without an OPA at this time. Staff will be reviewing this application in the context of the relevant policies as set out in OPA 31 as noted above. However, staff will not be in a position to take a technical recommendation forward until the appeals to OPA 31 that affect the subject application are resolved. Should the appeals to OPA 31 result in issues of non-

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conformity, an OPA may be required at a later date to establish the proposed use on a permanent basis.

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 have expired, the subject lands have now reverted back to the general Rural (A2) and Greenlands A (GA) Zones under the parent Zoning By-law 144-2003, as amended.

The application seeks to amend the current Rural (A2) Zone to a Site-Specific Rural (A2-XX) Zone to permit the continuation of the existing small-scale horticultural trade use on a permanent basis, and recognize specific provisions consistent with the initial temporary use by-law to regulate the size of the horticultural trade use as well as the extent and location of the outdoor storage area. The Greenlands A (GA) Zone, if required, will be refined in accordance with Environmental Impact Assessment provided in support of the application.

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.

Public Consultation and Review Process

The application was deemed complete on October 8, 2021. Notice of a complete application was provided on October 25, 2021.

Notice for the statutory public meeting has been provided pursuant to the requirements of the Planning Act on December 23, 2021 through 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.

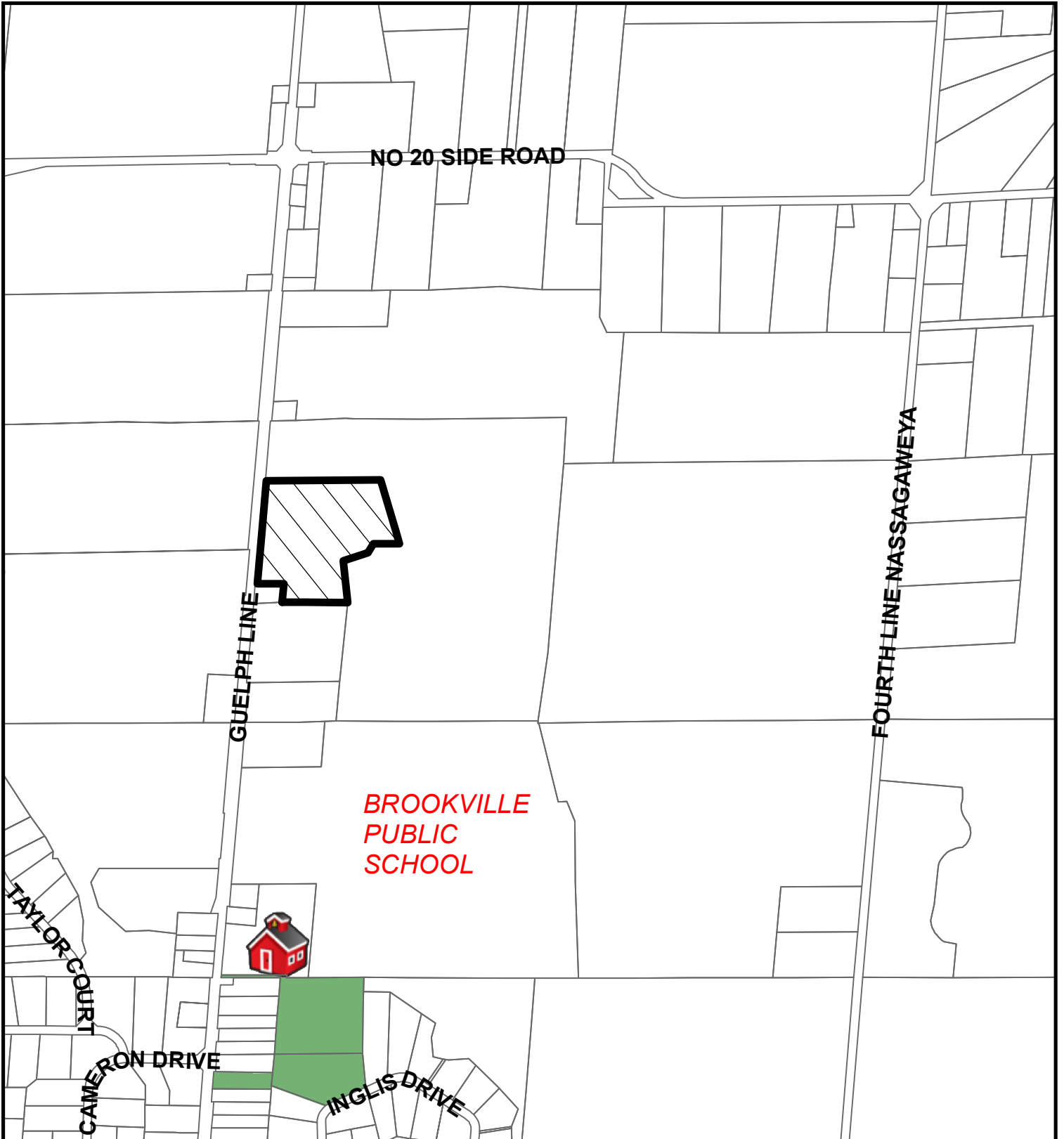
Agency Consultation

The application was circulated to internal departments and external agencies on October 27, 2021. Staff have identified the following items to be reviewed and addressed:

- delineation of the Greenlands A (GA) Zone boundary
- site-specific zone provisions
- status of OPA 31 appeals/approvals and its effect on the subject application

A technical report with recommendations will be brought forward for Council consideration at a later date, upon completion of the evaluation of the application.

FIGURE 1 LOCATION MAP

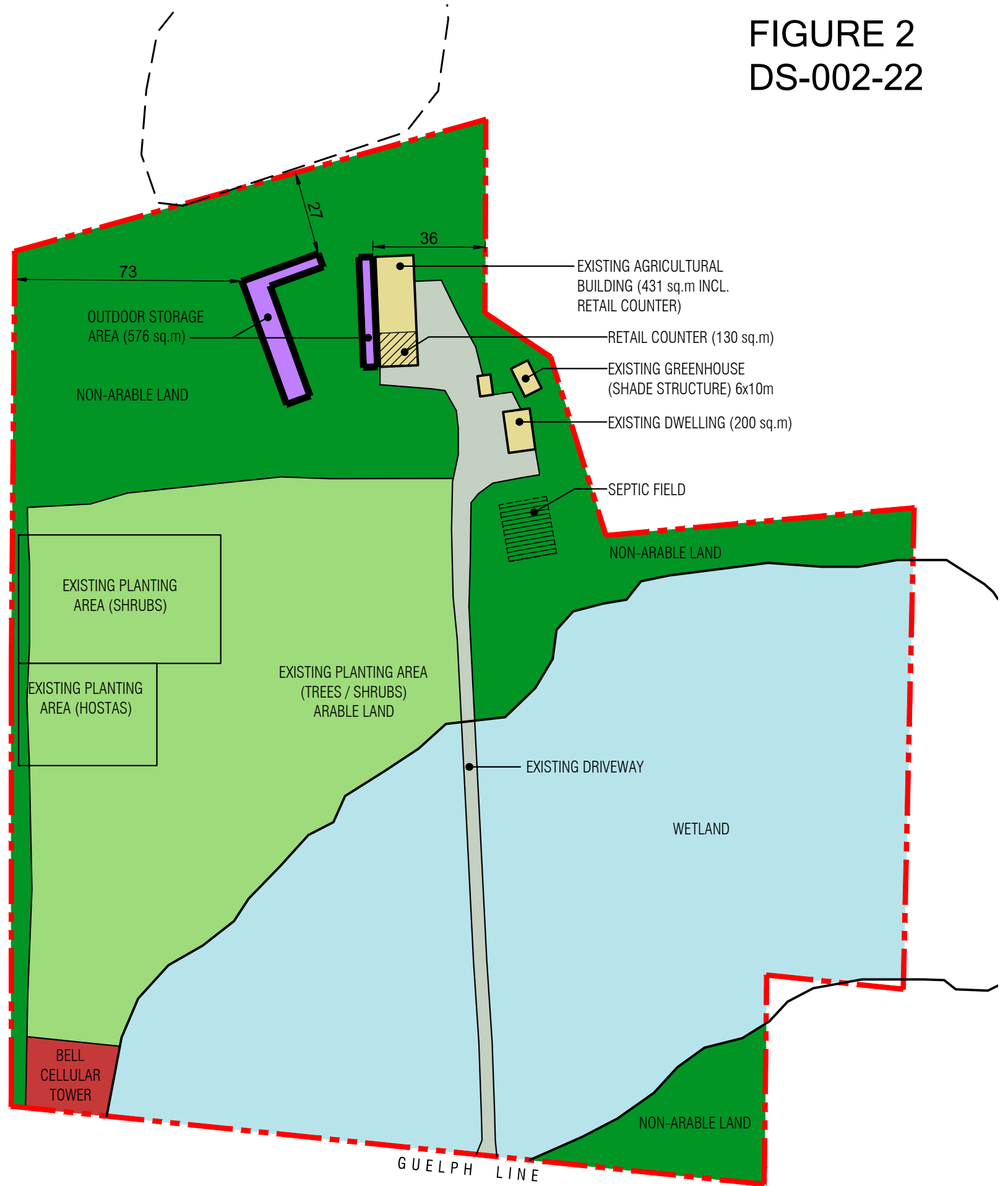


Council Meeting Date: December 13, 2021	Scale: 1: 12,000	Files: Z-25/21	Development Services Department
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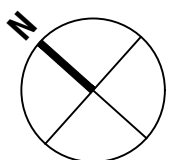


Subject Property

FIGURE 2
DS-002-22



LAND USE		
AERABLE	1.814 ha.	24.82 %
NON-AERABLE	2.049 ha.	28.03 %
WETLAND	3.037 ha.	41.54 %
BUILDINGS	0.063 ha.	0.86 %
DRIVEWAY	0.222 ha.	3.03 %
OUTDOOR STORAGE	0.058 ha.	0.79 %
BELL CELLULAR TOWER	0.064 ha.	0.87 %
TOTAL	7.310 ha.	100 %



PROJECT: Oak-Ridge Horticultural Farm - 11565 Guelph Line Milton, Ontario	PROJECT No: 2009/04	<i>Wellings Planning Consultants Inc.</i> 513 Locust Street, Unit B - Burlington, Ontario t - 905-681-1769 e - glenn@wellingsplanning.ca
	DATE: October 6, 2021	
DRAWING TITLE: Conceptual Site Plan	SCALE: 1:1500	<h1>SK-07</h1>

DRAFT

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. _____ - 2021

Being a by-law of the Town of Milton to amend the Town of Milton Comprehensive Zoning By-law 144-2003, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P13, as amended in respect of the lands described as Part of Lot 19, Concession IV (Nassagaweya), 11565 Guelph Line.

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1.0 THAT** Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by changing the existing Rural A2 Zone to a site-specific Rural A2 Zone – Special (A2*xx) Zone for the lands shown on Schedule A attached hereto.
- 2.0 THAT** Section 13.1 is amended by adding Section 13.1.1.xx to read as follows:
 - i) Notwithstanding Section 10.1, Permitted Uses, for lands zoned site-specific Rural A2 Zone – Special (A2*xx) on Schedule A, a Horticultural Trade Use is a permitted use. For the purposes of this By-law, the definition of Horticultural Trade Use is as follows:

Horticultural Trade Use

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.

- ii) For lands zoned site-specific Rural A2 Zone – Special (A2* xx) on Schedule A, the following provisions apply to the Horticultural Trade Use:
 - a) The gross floor area for the Horticultural Trade Use shall not exceed 130 square metres within the existing agricultural accessory building;
 - b) The outdoor storage area for the Horticultural Trade Use shall not exceed 600 square metres. The outside storage area shall consist of bins used for the storage of landscaping products and vehicles associated with the Horticultural Trade Use only and the land area covered by each bin shall be used in the calculation of the maximum 600 square metres of storage; and,
 - c) The location of the outdoor storage area for the Horticultural Trade Use shall be restricted to the area shown on Schedule “B” attached to this By-law.

3.0 If no appeal is filed pursuant to Section 34 (19) of the *Planning Act*, R. S. O. 1990, c.P13, as amended, or if an appeal is filed and the Ontario Land Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Land Tribunal amends the by-law pursuant to Section 34(26) of the *Planning Act*, as amended, the part or parts so amended come into force upon the date the Tribunal’s Order is issued directing the amendment or amendments.

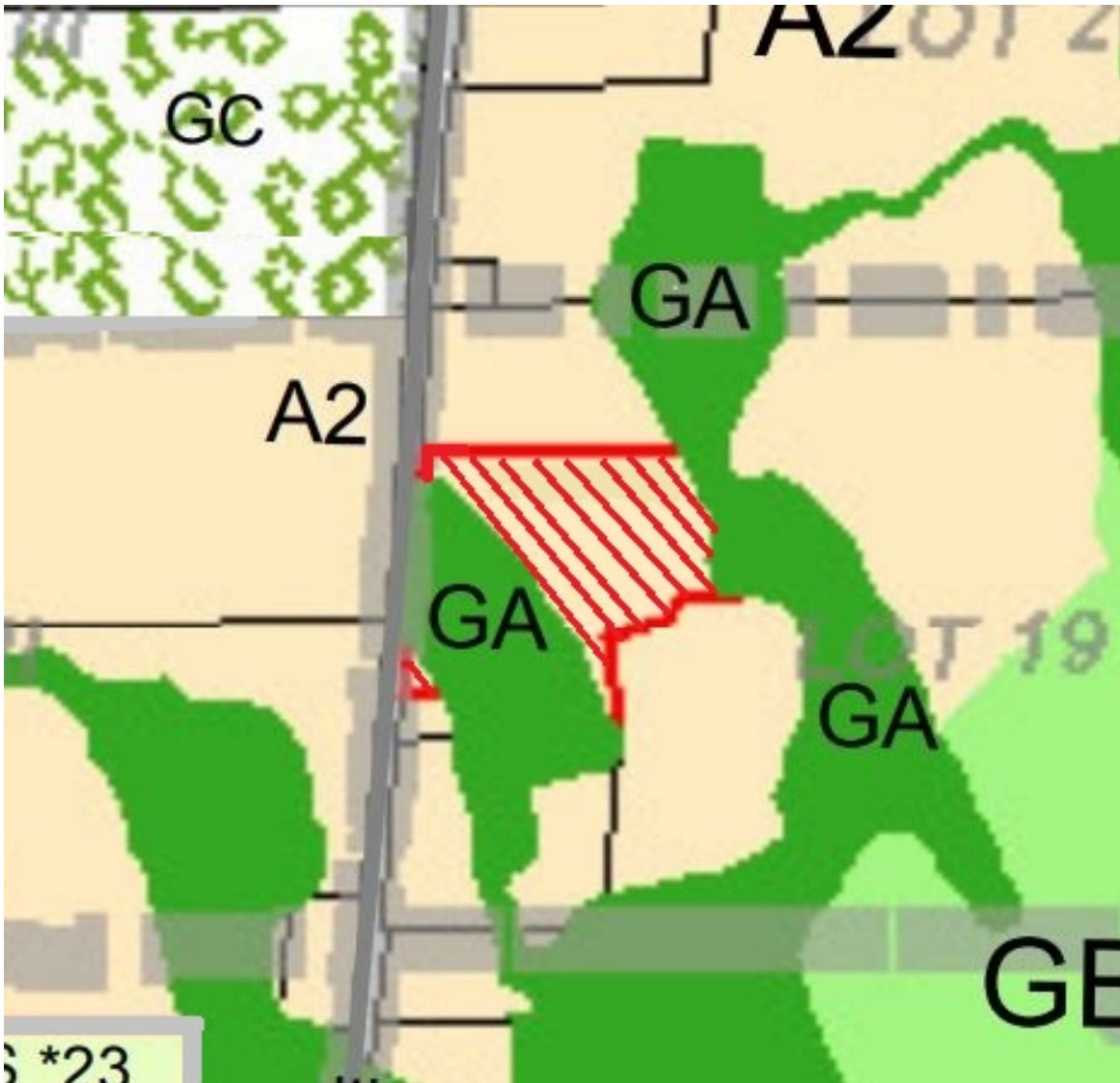
READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this _____
day of _____, 2021

G. A. Krantz Mayor


Meaghen Reid Town Clerk

SCHEDULE A
TO BY-LAW NO. 144-2003
TOWN OF MILTON

CON 4 PT LOT 19 RP 20R4892 PART 1
11565 GUELPH LINE
TOWN OF MILTON

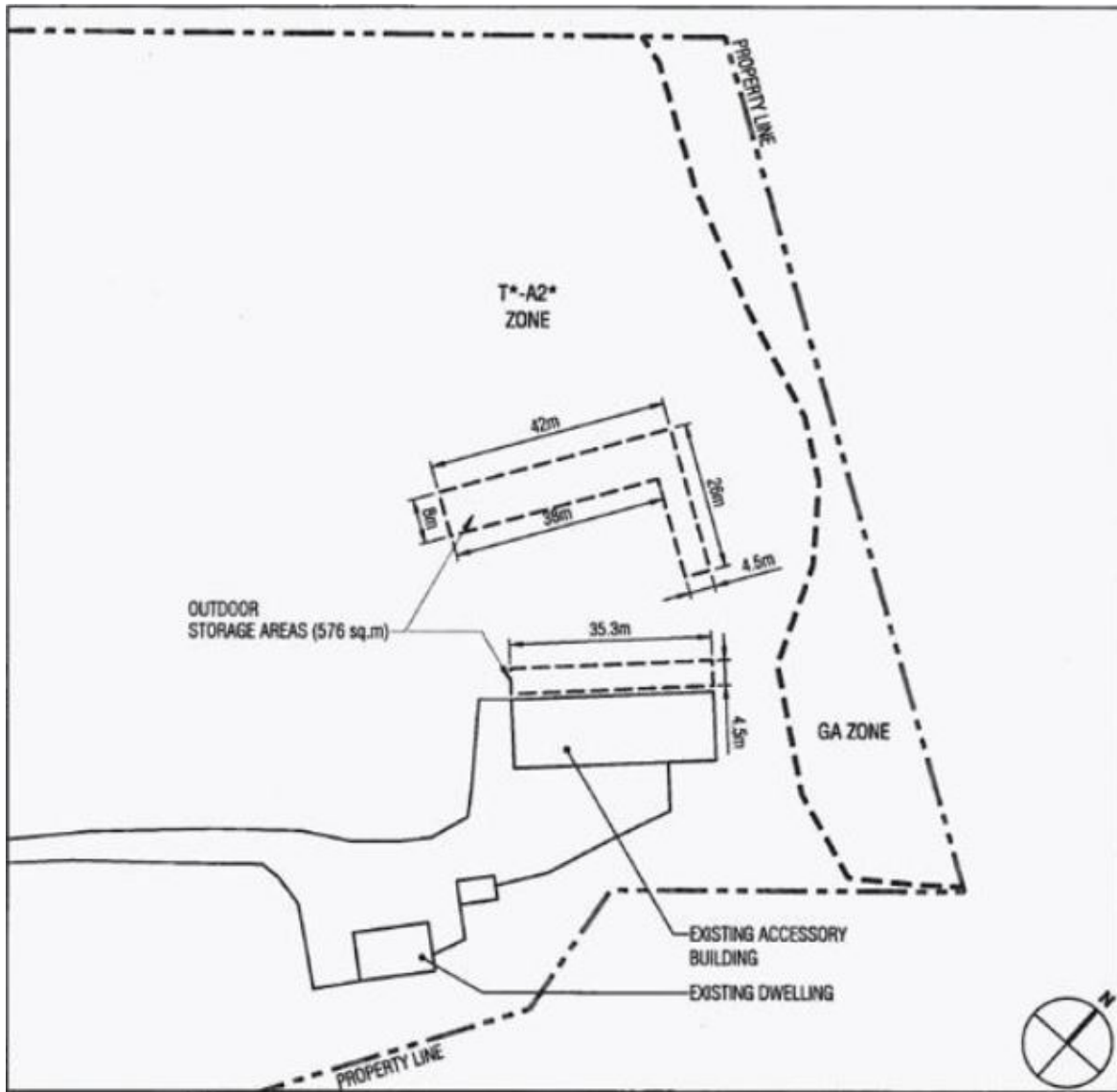


THIS IS SCHEDULE A
TO BY-LAW NO. PASSED
THIS XX DAY OF XXX, 2021.

 Site-specific Rural A2 Zone – Special (A2* xx)

SCHEDULE B
TO BY-LAW NO. 144-2003
TOWN OF MILTON

CON 4 PT LOT 19 RP 20R4892 PART 1
11565 GUELPH LINE
TOWN OF MILTON



THIS IS SCHEDULE B
TO BY-LAW NO. PASSED
THIS XX DAY OF XXX, 2021.