



Meeting Date: February 19, 2020

Submitted by: Tim Williams, Senior Planner

Report No: PLA 06-2020

Subject: Official Plan Amendment (OPA 48) Action Trailers/ Shane Thompson for David Pranger; 4766 Egremont Drive

Recommendation:

THAT the Official Plan Amendment No. 48 for the land legally described as Part of Lot 1, Concession 10 (geographic Township of Lobo), Municipality of Middlesex Centre, be **ADOPTED** and forwarded to the County of Middlesex for consideration of approval.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to expand the adjacent trailer sales operations; specifically, the storage of trailers and no buildings or structures.

Background:

The purpose and effect of the Official Plan Amendment application is to re-designate a 0.8 ha (2 ac) portion of the subject property from the Agricultural designation to an Agricultural Special Policy Area designation to allow for outside storage and sales of trailers with no ancillary buildings. More specifically, the subject lands are located one property south of the corner of Wood Road and Egremont Drive. The property is located on the north side of Egremont Drive. The west are agricultural lands within Adelaide Metcalfe and to the south/southwest are lands within Strathroy-Caradoc. The lands subject to the application are comprised of 0.8 ha (2 ac) of the property municipally known as 4766 Egremont Drive. The land is legally described as Part of Lots 1, Concession 10, RP 33R5542 PART 1 (geographic Township of Lobo), Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Action Trailers operates their business at 4736 Egremont Drive on a 1.05 ha (2.6 ac) property that is triangular in shape. They are proposing to re-designate the adjacent subject lands being 0.8 ha (2 ac) of additional land to expand their business.

Action Trailers main property spans over the municipal boundary of Adelaide Metcalfe and Middlesex Centre. The property contains open storage of trailers as well as four buildings, two of which are connected. The business is primarily related to the sale of utility trailer and accessories. The owner has advised that because of the demand and type of sales they are engaged in, there is a need to increase stock.

The lands subject to the redesignation are currently being used to store addition utility trailers. The lands have been covered with a protective “membrane” and then gravel laid on top. This installation reduces the amount of gravel that would enter the soil making it easier to revert back to croplands if necessary. The owner of land subject to the OPA (4766 Egremont Drive) leases the subject land to Action Trailers.

This amendment will facilitate an expansion of the use but would not permit building or structures on the expanded property.

An illustration of the business before and after the construction of the open storeage is included as Attachment 2 and 3.

The subject land currently contains the trailer sales and storage facility which was expanded without planning approvals starting in 2017 and extending into 2019. On November 21, 2019 By-law enforcement issued a notice of non-compliance. In response, planning staff spoke with the property owner as well as the tenant (Action Trailers) and an Official Plan Amendment application was submitted on December 20, 2019.

To allow the expansion of their operation, Action Trailers will require a number of planning approvals including an Official Plan Amendment, a Zoning By-law Amendment, and site plan approval.

Policy Regulation:

The subject lands are designated as ‘Agricultural Area’ by the County of Middlesex Official Plan and ‘Agricultural’ by the Middlesex Centre Official Plan. The land is zoned ‘Agricultural (A1)’ by Middlesex Centre’s Comprehensive Zoning By-law.

The Action Trailer property (4736 Egremont Drive) is designated as ‘Agricultural Area’ by the County of Middlesex Official Plan, ‘Rural Commercial’ by the Middlesex Centre Official Plan and zoned ‘Highway Commercial (C2)’ by Middlesex Centre’s Comprehensive Zoning By-law.

Provincial Policy Statement:

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Policy Statement (PPS). The following PPS policies are most relevant to the proposed development and need to be considered when evaluating the subject application.

Section 1.1.4.1 of the PPS addresses healthy, integrated and viable rural areas should be supported by: 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;

Section 1.3.1 of the PPS directs Planning authorities to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

Section 2.3 of the PPS addresses prime agricultural areas and the long-term protection of these areas for agricultural use. Permitted uses within prime agricultural areas include; agricultural uses, agricultural-related uses and on-farm diversified uses.

Policy 2.3.6 of the PPS addresses non-agricultural uses in prime agricultural areas. The PPS directs that limited non-residential uses may be permitted within a prime agricultural area subject to evaluation criteria which are as follows:

- b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a *specialty crop area*;
 - 2. the proposed use complies with the *minimum distance separation formulae*;
 - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 - 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (MCOP) designates the subject property as Agricultural Area. The County Plan recognizes agriculture as the predominant land use and an economic mainstay within the County. The Agricultural policies are intended to protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations.

Section 2.3.4 of the Middlesex County's Official Plan addressed the importance of economic development as an important component of the County's Growth Management policy framework. Many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in the County.

Section 4.3 of Middlesex County's Official Plan indicates that the County Official Plan is not intended to prevent the development of areas designated for non-agricultural development in local Official Plans. The County Plan does not specifically address a proposal such as this. Instead, the County Plan leaves atypical proposals to be addressed within local Official Plans and through the local Official Plan Amendment process.

Section 4.4 of the County's OP outlines that the Plan is not intended to prevent the continuation, expansion, or enlargement of uses which do not conform to the designations and provisions of this Plan. At their sole discretion, Councils of the local municipalities may zone to permit the continuation, expansion or enlargement of legally existing uses, or variations to similar uses, provided that such uses: a) have no adverse effect on present uses of surrounding lands or the implementation of the provisions of this Plan; b) have regard for the MDS Formula as amended from time to time, if applicable; and c) are subject to any conditions that may be contained in a local official plan.

Middlesex Centre's Official Plan:

As previously mentioned the subject property is designated 'Agricultural' by Middlesex Centre's Official Plan. The designation of the subject lands permits primarily agricultural uses and residences surplus to a Farming Operation. The rear of the property (not the lands subject to the official plan amendment contain 'Significant Woodlands' as per Schedule B of the Middlesex Centre Official Plan.

Section 2.1 a) of the Middlesex Centre Official Plan directs that agriculture is the primary land use outside of settlement area within the Municipality.

Section 9.2.1 of the Middlesex Centre Official Plan addresses economic development, including the need for a wide economic base and the need to promote existing businesses and their expansion.

Section 9.3 of the Middlesex Centre Official Plan speaks to municipal infrastructure and servicing policies. These policies have a similar hierarchy as the PPS and the County Official Plan. As it relates to this proposal section 9.3.2.a) states, 'the principal means of

sewage disposal in agricultural areas of the Municipality is the septic tank and weeping tile system. It is anticipated that such systems will continue to be the principal means of sewage disposal outside of settlements in the foreseeable future, however the consideration of alternative and improved technologies is encouraged.'

Section 10.1 of the Official Plan addresses the possibility of amendment to the Plan provided all relevant issues relating to the public interest have been considered. It is further noted that the Municipality shall consider the following criteria:

- a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?
- b) Is there a demonstrated need or justification for the proposed change?
- c) Is the amendment in keeping with the Provincial and County policy?
- d) What are the effects of the proposed change on the demand for Municipal services, infrastructure and facilities?
- e) Can the land affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?
- f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

Consultation:

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

Building Services have reviewed the subject application and has not comments and/or concerns.

Public Works and Engineering has reviewed the subject application and has no comments and/or concerns.

St. Clair Region Conservation Authority has reviewed the subject application and has not comments and/or concerns.

Analysis:

The Planning Act requires all decisions made under the Act “be consistent with” the Provincial Policy Statement, 2014 (PPS).

Under the PPS, prime agricultural areas are defined as areas where prime agricultural lands predominate. Even though Action Trailer’s current operation is a non-farm use, it is situated in a prime agricultural area. In such area, permitted uses and activities according to the PPS include: agricultural uses, agriculture-related uses and on-farm diversified uses. Notwithstanding, the PPS provides policy direction to planning authorities to permit limited non-residential uses in prime agricultural areas subject to criteria.

The subject expansion satisfies such criteria as the lands are not within a specialty crop area and are not in close proximity to a livestock operation, thus alleviating the requirement for Minimum Distance Separation (MDS) compliance. The subject official plan amendment would permit the expansion of a growing business that has operated on the adjacent property 4736 Egremont Drive as a legal use in a prime agricultural area for almost 15 years, thereby satisfying that there is an identified need for additional lands to be designated and that expansion at alternative locations is not feasible. The owner of Action Trailers has advised that given how established the use is and to expand elsewhere would require “shuttling” stock to and from a second location which would be less desirable.

As noted above the County Official Plan designates the subject lands Agricultural Area. Permitted uses within this designation include agriculture as well as farm-related commercial and industrial uses. Notwithstanding, the County Plan is not intended to prevent the continuation, expansion or enlargement of non-farm uses which do not conform to the Agricultural Areas designation. The County Plan goes further to provide for local municipalities to rezone to allow the continuation, expansion or enlargement of legally existing uses provided such uses have met the criteria. These criteria have been addressed or are capable of being addressed through the site plan approval process.

The Middlesex Centre Official Plan addresses the possibility of amendment to the Plan provided all relevant issues relating to the public interest have been considered. The criteria noted have been addressed. More specifically the vision of the Municipality to have a diverse economic base, encouraging the expansion of existing business, as well as using resources wisely in terms of utilizing private services. There is a demonstrated need as the existing business has outgrown the space that they had and expanded twice, once in 2017 and again in 2018 to the current size 0.8 ha (2.0 ac). The expansion does not include any municipal or private services the official plan amendment would not permit any buildings or structures. The expansion is efficient use of the existing road infrastructure by having a consolidated location to operate from. The open storage area will include no additional road access points or infrastructure to be constructed. The open storage area is constructed with a membrane with gravel on top to protect the ground

from being impacted by the gravel. This will allow the use of the land to revert back to agricultural if the use ceases and it can be done with less cost and effort. The remaining portions of the property at 4766 Egremont Drive will continue to be farmed without impact.

Further to this, the subject proposal complies with the policies of the Middlesex Centre Official Plan in that it is consistent with the PPS and in conformity with the County Official Plan. In addition, the subject proposal is justifiable in that the re-designation would facilitate the expansion of a growing local business.

According to the Middlesex Centre Zoning By-law, the lands at 4766 Egremont Drive are zoned Agricultural (A1) and the lands at 4736 Egremont Drive are zoned site-specific Highway Commercial (C2). The applicants have advised that the lands within Special Policy Area are proposed to be re-zoned from Agriculture (A1) to Agriculture (A1-#) in order to permit the additional use of trailer sales and open storage and allow the expansion of Action Trailers as well as allow for continued Agricultural uses. The owner has indicated that they will be applying for the Zoning By-law amendment as well as site plan approval once the official plan amendment application is heard by County Council.

Based on the foregoing, the subject proposal is consistent with the Provincial Policy Statement and conforms to the Middlesex County Official Plan and constitutes sound land use planning. It is for this reason that planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Photo of prior to expansion

Attachment 3 – Photo of expansion