

Date: 2022-06-01

File: C05W01.005 & 21T-10001B

Subject: **SUPPLEMENTARY RECOMMENDATION REPORT**
Application to Amend the Zoning By-Law and for a proposed Draft Plan of Subdivision
(Request to reduce the minimum separation distance from Maple Lodge Farms)
Glen Schnarr & Associates - 1212949 Ontario Inc.
Part of Lot 1, Concession 5, W.H.S.
Block 96 and 97 of Draft Plan 21T-10001B
Ward: 6

Contact: Nitika Jagtiani, Development Planner, Development Services, 905-874-3847 (Nitika.Jagtiani@Brampton.ca) or David VanderBerg, Manager, Development Services, 905-874-2325 (David.Vanderberg@Brampton.ca)

Report Number: Planning, Bld & Ec Dev-2021-874

Recommendations:

1. **THAT** the report titled: **Supplementary Recommendation Report**, Application to amend the Zoning By-law and for a proposed Draft Plan of Subdivision, **Glen Schnarr & Associates - 1212949 Ontario Inc.**, Block 96 and 97 of Draft Plan 21T-10001B, Ward 6 (C05W01.005 and 21T-21001B), dated June 1, 2022 to the Planning and Development Committee Meeting of July 25, 2022 be received;
2. **THAT** the Zoning By-law Amendment and Draft Plan of Subdivision applications submitted by Glen Schnarr & Associates on behalf of 1212949 Ontario Inc., File: C05W01.005 and 21T-10001B, be approved, on the basis that they represent good planning, including that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan and the City's Official Plan for the reasons set out in this Supplementary Recommendation Report;
3. **THAT** the amendments to the Zoning By-law, generally in accordance with the attached Appendix 4 to this report be adopted;

4. **THAT** the staff be directed to amend the approval of Draft Plan 21T-10001B to allow the development of Blocks of 96 and 97 within it, in general accordance with the conditions in Appendix 6 of this report;
5. **THAT** no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 34(17) of the Planning Act, R.S.O. c.p. 13, as amended.
6. **THAT** a copy of this report and Council resolution be forwarded to the affected stakeholders for information.

Overview:

- This application was previously approved, in principle, by Council in October, 2011 and thereafter the plan of subdivision for it was draft approved in October, 2012. However, a portion of the lands were not draft approved with any residential lots, but rather with a future Development Block due to its location within Secondary Plan Special Policy Area 16 (SPA 16).
- SPA 16 provides for a 450 metre sensitive land use separation buffer to protect the Maple Lodge Farms poultry processing operations and associated farming located on the west side of Heritage Road. The policy allows the potential for separation distance reductions subject to certain criteria and collaboration with the affected stakeholders.
- Based on the submissions provided and stakeholder meetings, Planning Staff support the request to reduce the separation distance as it pertains only to the subject property from 450 to 285 metres for the reasons outlined in this report.
- This application to amend the Zoning By-law and for a proposed Draft Plan of Subdivision proposes the further development of 20 single detached residential lots, 12 residential reserves block to form future lots, a Natural Heritage System Block, and the extension of Boundary Creek Path and Brasstown Valley Trail. This report recommends that Council approve the applications and enact the Zoning By-law Amendment.
- Staff is also seeking direction to amend the conditions of draft approval to facilitate the development of these lands for residential purposes.
- This application represents good planning, is consistent with the Provincial Policy Statement, and conforms to the Provincial Growth Plan, the Region of Peel Official Plan and the City of Brampton Official Plan.

- **The proposal is consistent with the “2018-2022 Term of Council Priorities” by supporting “A City of Opportunities” theme. The proposal is consistent with the direction of building complete communities to accommodate growth for people and jobs.**

Background:

Glen Schnarr & Associates Inc., on behalf of their client 1212949 Ontario Inc. (Ashley Phase II Lands), filed this application for an Amendment to the Zoning By-law and for a Draft Plan of Subdivision. Council previously approved, in principle, the application in October, 2011 and thereafter the plan of subdivision for it was draft approved in October, 2012. However, a portion of the lands were not draft approved with any residential lots, but rather with a future Development Block due to its location within Secondary Plan Special Policy Area 16 (SPA 16), which relates to separation distance from Maple Lodge Farms chicken processing lands – see below for further details.

Riverview Heights Block Plan

The Official Plan Amendment for the Riverview Heights Block Plan (being the larger planning area that includes the subject lands) was appealed and subsequently approved at the Ontario Municipal Board (OMB) in 2010. Part of the appeal included Special Policy Area 16 (Maple Lodge Separation) which was intended to protect the Maple Lodge farming and poultry processing operations on the west side of Heritage Road from future urban development that was proposed on the east side of the road.

On August 27, 2010 an Order by the OMB was issued to resolve the final wording of SPA 16 and on December 30, 2010 a subsequent Order of the OMB forwarded the consolidated text of the approved Chapter (D) of the Bram West Secondary Plan.

Special Policy Area 16 (Maple Lodge Farm Separation)

Special Policy Area 16 (SPA 16) of the Bram West Secondary Plan requires landowners with properties located within 450 metres of the Maple Lodge Farm (MLF) operation to work with the City, MLF and the Province to establish appropriate site specific, separation distances between sensitive land uses (such as residential) and the MLF fields. The 450 metre requirement was consistent with the Province’s separation distance standards in 2010 when the policy was approved. A transition of authority from the Ministry of Environment (MOE) to the Ministry of Agriculture, Farming and Rural Affairs (OMAFRA) was being contemplated at that time, with the possibility of a revised policy framework. It was therefore appropriate to incorporate transitional policy wording into SPA 16 in order to provide flexibility for individual property owners to demonstrate on a site specific application basis whether a reduction of the 450 metre separation distance was appropriate.

The transition of responsibility to OMAFRA, pursuant to the *Nutrient Management Act*, included a revised policy framework of odour classifications for farming operations, such as Maple Lodge Farms, which are now subject to a minimum separation distance range of between 50 metres and 450 metres. The Provincial framework does not offer any guidance as to which specific distance between 50 metres and 450 metres should apply to a particular situation. The City, MLF and proponents of site specific separation distance reductions to the 450 metre minimum have negotiated previous requests for reductions.

The applicant for the subject next phase of development for this plan of subdivision, for an added 20 residential lots is seeking a reduction in the minimum required MLF separation distance from 450 metres to 285 metres in support of their applications to amend the Zoning By-law and for a Proposed Draft Plan of Subdivision (please refer to Appendix 1).

SPA 16 contemplates the continued use of MLF's fields for the spreading of biosolids as well as co-operation among interested stakeholders to determine whether a reduction of the 450 metre separation distance is feasible and supportable for future sensitive land uses. The appropriate minimum separation distance would then be determined, on a site by site basis, contingent on the details specific to the proposed development to ensure that the MLF operations will continue to be protected. Specifically, proposals for reduced setbacks within SPA 16 are required to consider the following:

- Detailed review of technical studies that support a separation distance between the fields and the proposed residential areas within Special Policy Area 16 that is less than what is normally required at the present time;
- Establishing alternative land uses within Special Policy Area 16 which are less sensitive to environmental impacts and require a separation distance between the fields and residential areas that is less than the 450 metres normally required at the present time; and,
- Phased development or establishing less sensitive interim lands uses within Special Policy Area 16 that coincide with the longer term vision for the area, which may reduce the need for the current separation distance.

In summary, the policies of SPA 16 are applicable to any sensitive land use development in this area and provides specific direction where a reduction is being proposed. Each application is to be assessed on its own merits and accordingly, must be vetted internally by various City departments and external agencies. All development applications requesting a reduction from the sensitive land use setback requirements must also consider feedback from the affected stakeholders.

Maple Lodge Farms (MLF)

MLF operates a poultry processing plant which includes a private sewage facility east of Winston Churchill Boulevard and west of Heritage Road.

Approximately every five years, MLF uses the Jean May field for the agricultural practice of spreading biosolids referred to as Non-Agricultural Source Material (“NASM”). The MLF biosolids has been assigned an Odour Category Two (OC2) material category rating based on the requirements of the *Nutrient Management Act*. As per the OMAFRA regulations, MLF’s OC2 material category sets out a setback range between 50 and 450 metres that is to be applied to the sensitive land use buffer. Unfortunately, there is no discernable means set out by which to determine what the appropriate setback should be for any given situation. It is also noted that any public odour concerns that are forwarded to the Province will be assessed and, if deemed necessary, setback distances on the MLF’s lands could be increased to address the concern. The City must take a pragmatic approach to balancing stakeholder interests regarding SPA 16 reductions.

Applicant Requests for Setback Reductions in SPA 16

Glen Schnarr & Associates, on behalf of their clients Ashley Lands, are requesting a reduction in the minimum required MLF separation distance from 450 metres to 285 metres in support of the associated applications to amend the Zoning By-law and for a Proposed Draft Plan of Subdivision. In support of the reduction, the applicant has submitted an Odour Assessment (prepared by SLR Consulting (Canada) Ltd., dated February 2021) for staff review.

The planning for Special Policy Area 16 is to be completed and approved by City Council prior to the draft approval of any subdivision plan and the enactment of any implementing zoning by-law. The policies contained within Special Policy Area 16 provides the City with direction to work with all interested stakeholders, including the Province, Maple Lodge Farms and the proponents of development within Special Policy Area 16. This collaboration is intended to determine whether lesser separation distance between the fields and residential areas is feasible and supportable in accordance with provincial regulation.

To date, reductions to the minimum 450 metre separation distance have been granted for lands subject to SPA 16. In 2015, a reduction to the 450 metre minimum separation distance was obtained by Ashley Oaks Homes as a result of an OMB decision to accommodate a reduced separation distance of 225 metres (City File: C05W03.007 & 21T-12001B). Similarly in 2017, Great Gulf Homes received Council Approval to accommodate a reduced separation distance of 300 metres (City File: C05W04.005 & 21T06024B).

Lands directly to the north of Ashley lands owned by Ashley Heritage Joint Venture with 840966 Ontario Inc., are currently under appeal. They are requesting a reduced setback distance from 450 metres to 50 metres (City File: C05W02.008 & 21T-19015B).

Current Situation:

The purpose of this report is to advise Council that the Odour Assessment Study, prepared by SLR Consulting (Canada) Ltd., dated February 2021, on behalf of their client

Ashley Heritage Joint Venture and 840966 Ontario Limited for the reduction of the SPA 16 has been received.

City staff has actively worked with MLF and other stakeholders subject to the special policy area to best understand the implications to the MLF operations and have now concluded that a setback reduction, from 450 metres to 285 metres, will maintain an appropriate balance between the proposed urban development on the subject lands and the need to provide adequate protection for the continuation of the MLF operations.

In addition to meetings with the stakeholders, staff sent a letter to the planning agents for Maple Lodge Farms on July 28, 2021 noting that staff supported the proposed 285 metre setback and asking if Maple Lodge Farms had any issues with that setback. MLF provided a response on August 18, 2021 (attached as Appendix 7) that stated their preliminary assessment found the SLR findings to not be reliable and the odour impacts to be understated. They also noted that they were in the process of completing a D-6 Compatibility Assessment and a technical review of the SLR findings. MLF has not made a public submission to the City regarding the D-6 Guidelines since the submission of the letter. The D-6 Guidelines are a provincial document that provides guidelines for addressing potential conflicts between industrial and sensitive land uses. They establish areas of influence and minimum separation distances for different types of industrial facilities. The area of influence and minimum separation distance from sensitive land uses for Class 3 facilities - the heaviest industrial uses - are 1000 metres and 300 metres, respectively.

Given the different positions on the odour issues, the City retained WSP to peer review all materials submitted in regard to odour issues for this application. For this application, the applicable study is the Odour Assessment Study, prepared by SLR Consulting (Canada) Ltd., dated February 2021. WSP's summary of the peer review of that study is attached as Appendix 8. It concludes that based on their assessment the proposed setback distance of 285 metres from the biosolids application field is appropriate. Furthermore, it is illustrated by Figure 1 (Finger Lands Setback Plan) in Appendix 8 that the part of the subject lands proposed to be developed are outside of the identified 1000 metre area of influence for a Class 3 facility.

Staff is satisfied based on the WSP's technical review that the proposed setback reduction is consistent with the policies set out in SPA 16 of the Secondary Plan. It is also noted that:

- The 450 metre sensitive land use setback contained in SPA 16 was based on the original MOE Guidelines and OMAFRA, as the current provincial regulatory body, has adjusted the required setback between NASM operations and sensitive land uses for operations with Maple Lodge Farms classification to provide for a minimum range of 50 metres to 450 metres;
- The requirements within SPA 16 expressly contemplates a reduction in the separation distance based on further technical study or changes to provincial guidelines;

- Best efforts have been made through the block planning process to limit the amount and proximity of residential land uses on Scottish Heather Development Inc. and Ashley Homes lands within SPA 16 by designating less sensitive land uses (i.e. a stormwater management pond) in this area;
- The requested setback by Ashley lands of 285 metres is in between the previously approved setbacks of 225 metres (Ashley Lands) and 300 metres (Scottish Heather Development Inc.);

As such, Staff is recommending that Council approve the application and enact the attached Zoning By-law for it and that they be directed to issue draft approval of the Plan of Subdivision with conditions generally in accordance with those in Appendix 6.

In accordance with the requirements of SPA 16, staff will provide the stakeholders with a copy of this Supplementary Recommendation report in order to advise of our intention to proceed with a reduction of separation distance from 450 metres to 285 metres on the Ashley lands site.

Corporate Implications:

Financial Implications:

There are no financial implications associated with this rezoning and amendment to the corresponding draft plan conditions.

Other Implications:

A Zoning By-law Amendment (Appendix 4) and an Amendment to the Conditions of Draft Plan Approval (Appendix 6) are required to implement the requested reduction in separation distance for Ashley (Phase II) lands.

Notice of the passing of the Zoning By-law Amendment would be issued in accordance with section 34(18) of the Planning Act and subject to a right of appeal pursuant to section 34(19) of the Planning Act.

The amendment of draft plan conditions will involve issuance of notice pursuant to section 51(45) of the Planning Act, which would be subject to a limited appeal right to the Ontario Land Tribunal as contemplated in section 51(48) of that statute.

Term of Council Priorities:

The proposed draft plan is consistent with the “A City of Opportunities” theme. It supports the building of complete communities to accommodate growth for people and jobs. The proposal satisfies this by:

- Efficiently using land and resources;

- Directing development to an existing settlement area that is within proximity of existing transit, commercial areas, and institutional uses; and,
- Providing opportunity for efficient growth within an existing community.

Living the Mosaic – 2040 Vision

This report directly aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres. This report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’. The proposed development supports Brampton 2040 Vision 3 for a Complete Neighborhood as it maintains the principles of a complete neighborhood by accommodating a variety of housing types to the needs of the community. A portion of the site is designated as ‘Valleyland’ and a number of recreational opportunities are planned throughout the development.

Conclusion:

The request by Glen Schnarr & Associates on behalf of their client, 1212949 Ontario Inc., to reduce the sensitive land use separation distance from 400 to 285 metres has been considered thoroughly with regard to the direction in SPA 16. Staff have reviewed the proposed changes with City staff, agencies and affected stakeholders, and has retained WSP to complete a peer review of the technical information related to odour matters. Staff is satisfied that the proposed development and reduced setbacks are appropriate for the area.

Planning Staff is satisfied that the information made available to the public and interested Stakeholders through the processing of this application is sufficient so as not to require any further public notice with regard to the proposed zoning by-law amendment as set out in section 34 (17) of the *Planning Act*. The conditions of draft plan approval are recommended to be amended to reflect new residential lotting on the subdivision plan. No revisions to Special Policy Area 16 are proposed.

In summary, the application is appropriate for the orderly development of the lands and represents good planning.

Authored by:

Reviewed by:

Nitika Jagtiani, MES (Pl.), LEED AP ND
Development Planner
Planning & Development Services

Allan Parsons, MCIP RPP
Director
Planning & Development Services

Approved by:

Jason Schmidt-Shoukri, MPA OAA RPP MCIP
Commissioner
Planning, Building and Economic Development Department

Attachments:

Appendix 1: Draft Plan of Subdivision

Appendix 2: Location Map

Appendix 3: Context Development Plan including Maple Lodge Farms and associated separation setback distance

Appendix 4: Draft Zoning By-law Amendment

Appendix 5: Riverview Heights Block Plan

Appendix 6: Amendment to Conditions of Draft Approval of Plan of Subdivision

Appendix 7: Correspondence from Maple Lodge Farms

Appendix 8: WSP Peer Review of SLR Odour Assessment Study