



DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2024-06

TO: Council

SUBMITTED BY: Harold O’Krafka, MCIP RPP PLE
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sharon Chambers, CAO

DATE: March 4, 2024

SUBJECT: ZCA-01-24, 1276 Wilby Inc. / The Planning Partnership, 1276 Wilby Road

RECOMMENDATION:

THAT Council approve Zone Change Application 01/24 made by 1276 Wilby Inc. and The Planning Partnership, affecting two agricultural properties collectively having the municipal address of 1276 Wilby Road, to:

1. Define a bunkhouse as a building or part of a building used for the temporary accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunkhouse is located on the farm on which the seasonal workers are employed.
2. Permit a one-storey, three-unit bunkhouse with a floor area of 241.5 square metres within a defined area on the subject lands to provide housing for a maximum of 18 seasonal farm workers.
3. To allow one, two-storey, additional dwelling unit (detached) having a maximum lot coverage of 134.5 square metres and to allow the unit to be located closer to the street line than the residential building to which it is accessory.
4. To limit residential uses on the combined agricultural parcel to one residential building – single detached that may include an additional dwelling unit (attached), one additional

dwelling unit (detached), and one bunkhouse, and to limit their location to a defined area on the subject lands.

SUMMARY:

The Township of Wilmot is in receipt of an application for an amendment to the Township Zoning By-law. The property is designated Prime Agricultural in the Township Official Plan and is zoned Zone 1 (Agricultural).

The application proposes the following:

1. to amend the agricultural zoning regulations to facilitate the conversion of one existing building to contain three dwelling units for housing of farm workers; and
2. to amend the additional dwelling unit regulations as they pertain to the size and location of an additional dwelling unit (detached).

In support of the application, the applicant has submitted a planning justification brief and supplementary planning response justifying the need for farm worker accommodation to establish an intensive fruit farming operation on the subject lands as well as identifying comparable locations within the region wherein similar fruit farming operations have been established successfully.

The recommendation implements the need for housing for farm workers based on a farm operation on a combined lot area of 21.3ha. Given the two farm parcels have not merged on title, the regulations are worded such that the residential uses apply to the entirety of the combined parcels and do not extend to each of the parcels separately.

BACKGROUND:

A Public Meeting was held on February 12, 2024. The following is a summary of comments received prior to and at the Public Meeting.

Public:

Trevor Herrle-Braun: questioning the viability of the farming operation. Full comments included as Attachment B.

Agencies

GRCA: no objections, but identifying that a GRCA permit is required.

WCDSB: no objections.

Region of Waterloo: no objections.

REPORT:

The Township of Wilmot is in receipt of an application for an amendment to the Township Zoning By-law. The lands to which the application applies are designated Prime Agricultural in the Township Official Plan and is zoned Zone 1 (Agricultural) within the Township Zoning By-

law 83-38, as amended. The application applies to two parcels currently held under separate ownership, with a combined lot area of 21.3ha.

The lands presently contain a single detached dwelling and three farm buildings. The owner of the lands intends to convert the active agricultural area to large scale fruit farm: specifically a pear and/or plum orchard. Given the size of the operation, housing accommodation will be required for both full time and seasonal farm labourers.

The owner plans to retain the existing home (one unit) and convert two existing outbuildings to a 2-unit and 3-unit building to provide farm worker accommodation.

To accommodate the proposed residential units, this application proposes the following:

1. to amend the agricultural zoning regulations to facilitate the conversion of one existing building to contain three dwelling units for housing of farm labourers; and
2. to amend the additional dwelling unit regulations as they pertain to the size and location of an additional dwelling unit (detached).

This report will discuss the existing additional dwelling unit provisions of the zoning by-law and associated amendments proposed by this application along with the introduction of temporary farm worker accommodations in the form of a bunkhouse.

Additional Dwelling Units

The current zoning permits up to three dwelling units on the property within a maximum of two detached buildings: a primary dwelling containing an “additional dwelling unit (attached)” and an “additional dwelling unit (detached)”.

Independent of any discussion regarding need for farm worker accommodation, the zoning would already permit 3 dwelling units combined between either 1 or 2 buildings. In this case the proposal is to utilize 2 buildings to provide a total of 3 units.

Under the current additional dwelling unit provisions, only the main dwelling is permitted to have more than 1 unit. As well, the additional dwelling unit may be no closer to the road than the main dwelling and have a floor area of no greater than 75% of the footprint of the main dwelling.

The proposal is to maintain the current dwelling as one unit and convert an existing farm building to a 2-unit dwelling. The existing home has a lot coverage of 130m². The existing farm building has a lot coverage of 134.5m² and is located behind the current home. To align with the additional dwelling unit regulations, the existing home (1-unit) would become the additional dwelling unit (detached), and the converted building (2-units) would become the main dwelling.

As such, the application proposes to allow the additional dwelling unit (detached) to be located closer to the front property line than the main dwelling. As well, the additional dwelling unit (detached) would be permitted to have the same footprint as the main dwelling given they are approximately the same size.

The intent of the additional dwelling unit regulations is to ensure that the dwellings are located in the same general area and that, in the case of smaller urban or rural properties, that the secondary dwelling unit not be the prominent focal point of the property. In those instances, requiring that the secondary detached unit be smaller and located further from the road than the main dwelling, ensures that main dwelling remains the primary focus of the property and establishes consistency along a street. In this instance, however, both structures are located over 100m from the road and as such, the placement of the units in proximity to the street and relative massing of the buildings does not present the same concerns as a small urban or rural property.

Modifying the regulations to allow two similarly sized buildings, in their current locations, to contain a total of three dwelling unit maintains the intent of the additional dwelling unit regulations. Whether those units are used for typical housing or farm worker accommodation is of no consequence to the application as three dwelling units are already permitted by right on the property.

Bunkhouse

In addition to the three units already permitted on the property, the applicant proposes to convert a second farm building to three units, to accommodate 18 seasonal farm workers. The introduction of this form of housing requires additional analysis to ensure the need is justified and the use conforms to the Official Plan.

The Official Plan contains policies to support the creation of additional housing for farm worker accommodation when certain criteria are met. The following are the criteria set out in the Official Plan as well as a summary regarding the application's consistency with the policies.

1. *The size, nature and productive capacity of the farm operation warrant additional farm employment for extended periods of time such that additional on-site accommodation is considered necessary.*

Within the planning justification report and supplementary planning response, the applicant has demonstrated the need for farmer workers to undertake the preparation of the farm, plant trees, for ongoing maintenance, and the eventual support for harvesting. Additionally they have shown the opportunity for these lands to support an intensive fruit tree operation based on OMAFRA climate zone data, and more significantly, based on experience within Waterloo Region wherein the applicant has active fruit growing operations.

The proposed farm worker accommodations for 18 seasonal farm workers (in addition to opportunities within the main residence and additional dwelling unit (detached)) aligns with OMAFRA's guidelines for farm worker needs based on the anticipated size of operation. Given the size of investment, ensuring that worker accommodation can be realized on this property forms an integral part in decision making before the investment is made.

The applicant currently operates three orchards in the Township of Woolwich of similar size that include plums, apples, pears, and apricots. Given the success of those orchards, the applicant is confident that an investment in this location will be equally fruitful.

Further to those comments received from Mr. Herrle-Braun, based on the documentation provided by the applicant and discussions with Township of Woolwich, staff are satisfied that sufficient justification has been provided to demonstrate the viability of fruit farming operations in the area and that farm labour accommodations will be needed through the stages of development of the fruit farm.

- 2. Any new permanent dwellings will be limited to bunkhouses or the conversion and/or expansion of existing farm-related residential units.*

The applicant proposes to convert an existing farm building to a bunkhouse. Should the building be proposed to be replaced in the future, the proposed zoning regulations would limit the location of any bunkhouse to the existing area of the farm containing buildings.

- 3. Any new temporary dwelling will be located near the existing farm buildings and will be removed if they are no longer required to accommodate farm employees.*

The building is not designed to be temporary, but the proposed zoning regulations would only allow its use for farm worker accommodations. Should the type of occupancy be proposed to change in the future, a subsequent zoning application would be required to consider the proposed change.

The zoning is proposed to define a bunkhouse to clarify the intended occupancy. The definition would be as follows:

Bunkhouse: A building or part of a building used for the temporary accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunkhouse is located on the farm on which the seasonal workers are employed.

- 4. The site can be appropriately serviced by private wells and individual wastewater treatment systems.*

Given the size of the property, the ability to service the proposed units with private water and individual sewage treatment is not in question. The associated permit for sewage works will ensure compliance with applicable Ontario Building Code and/or Ministry of the Environment regulations.

- 5. No new lot is created*

No new lots are proposed in relation to this application. Given the justification for farm worker accommodation is based on the combined area of both properties, staff had

requested that the properties be merged together. The applicant has explained that merger of the properties would result in significant financial impacts that would limit the investment potential in the farming operation. As such, staff have framed the proposed zoning regulations to limit dwelling units to the existing cluster of buildings on the property. While the properties are not merged, separately there would be no potential to create additional housing on the presently vacant parcel, essentially tying the properties together.

The Region of Waterloo supports that the applicant has provided sufficient justification to support the creation of housing for farm workers. Township staff concur that sufficient demonstration of need has been provided. Additionally, the applicant has provided adequate supporting evidence with respect to the anticipated farm viability based on similar locations within the region.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Facilitating farm diversification and agricultural investment aligns with goals of the Township to grow economic prosperity and to protect our agricultural lands.

FINANCIAL CONSIDERATIONS:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

ATTACHMENTS:

Attachment A	Site plan
Attachment B	Public comments
Attachment C	Draft amending by-law