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**Date:** July 13, 2021

**To:** Mayor and Council

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Town Planner

**RE:** Zoning By-law Amendment Application ZBA/14/21 by  
Rock Island Investments Inc.  
2037 Peterson Lane  
Pt. Lot 8, Concession 2 ED  
Pt. Part 1 RP 12R 6854  
Roll No. 3711 300 000 23801

**Report No.:** PS 2021-049

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## RECOMMENDED ACTION

That Council:

Approve Zoning By-law Application ZBA/14/21 to amend the zoning of the subject parcel, Pt. Lot 8, Concession 2 ED, Pt. Part 1 RP 12R 6854, known as 2037 Peterson Lane from 'Agriculture (A1)' to 'Agriculture Exception 85 (A1-85)' to permit the use of a rural residential dwelling for worker housing, and adopt the implementing by-law.

## BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the west side of Peterson Lane south of Road 3 E, as shown in Appendix A. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 0.234 ha (0.578 ac.) consisting of a single detached dwelling and outbuilding. The lot has an existing municipal water service along with connection to the municipal sewer system. The applicant is seeking to rezone the subject parcel to permit the use of the dwelling for worker housing. The total number of workers to be housed in the dwelling located on the subject property is 14, as indicated by the applicant.

## **DISCUSSION**

### **1) Provincial Policy Statement**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): “The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.”

Section 1.7.1 states that “Long-term economic prosperity should be supported by:

- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;”

Section 2.3.1 states that “2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.”

Section 2.3.2 states that “Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.”

Comment: The Provincial Policy Statement (PPS) supports the protection of agricultural lands by minimizing land use conflicts. By permitting worker housing on rural residential lots, the potential conflict is eliminated since the proposed use is directly related to and supports the agricultural economy of the Town. There are no issues of Provincial significance raised as a result of the proposed zoning-by law amendment.

### **2) Town of Kingsville Official Plan**

The subject property is designated ‘Agriculture’ and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. The following goals are applicable to this request:

- a) To preserve prime agricultural lands for agricultural purposes;

Comment: the provision of worker housing in the agricultural areas supports the preservation of prime agricultural lands for agricultural purposes.

- b) To allow farm operators to engage in a wide range of agricultural activities including greenhouse farming;

Comment: the provision of working housing supports agricultural activities of all types including greenhouse farming.

- c) To restrict the type and amount of non-farm development in the area designated “Agriculture”;

Comment: Rural residential development is non-farm development. By permitting its conversion to a supportive agricultural use it reduces the opportunity for land use conflict between farm and non-farm development.

- d) To ensure the conservation, preservation and enhancement of the rural character of the Town as a cultural resource;

Comment: This relates back to item a) and the preservation of prime agricultural areas for agricultural use. The main activity that conserves, preserves and enhances the rural character is maintaining the area for agricultural uses of all types.

The following policies for Section 3.1. also apply:

- a) The predominant use of land shall be agricultural and associated uses, including growing of crops and raising livestock, forestry and conservation uses;

Comment: The key point in this policy is “associated uses”. Worker housing, regardless of the type of agricultural use, is an associated use much like other uses that help to directly support all forms of agricultural use in Kingsville.

- b) Greenhouse farming including packing and shipping facilities and on-site housing are permitted in the “Agriculture” designation and the agricultural zones of the Zoning By-law and are subject to site plan control;

Comment: This particular policy was the main point at issue during the LPAT hearing for similar applications that were presented for Council's consideration. The policy states that on-site housing is permitted, what it does not say is that off-site housing is not permitted. If policy direction is to change moving forward “associated uses” would need to be more clearly outlined and on-site housing clearly noted as the only form of worker housing that is permitted in the agriculture designation.

One additional point that was raised by the applicant is the fact that the provision of worker housing in the rural areas has the potential to reduce the need to seek other housing locations particularly within the urban area. This then helps to maintain the rental stock in urban areas providing living opportunities for those working in the urban areas.

### **3) Town of Kingsville Comprehensive Zoning By-law**

The subject property is currently zoned ‘Agriculture (A1)’.

Comment: The proposed amendment would do two things; 1) it would introduce a definition for worker housing, agricultural in the current zoning by-law; and 2) place the lands into an Agriculture exception zone that will permit worker housing as an additional use on a rural residential lot. The introduction of the worker housing definition provides a more accurate description versus that of bunkhouse since the proposed use will not visually differ from that of a standard dwelling. The proposed amendment will continue to permit a single detached dwelling (rural residence) in the event that the use were to change in the future.

Provincial Policy and the Kingsville Official Plan, with recent clarification by the Tribunal support worker housing in the agricultural designation. This type of housing is directly related to providing a service to a permitted agricultural use, however it does raise concern for both abutting property owners and the community as a whole. Housing stock in all areas, resale, new and rental is in very low supply. By not providing the majority of worker housing directly on the farm it does put additional pressure on that limited stock that would not be so in other communities. Permitting off-site housing also has the potential to reduce the need for users to supply on-site housing and shift the responsibility to the community as a whole rather than the end user. Administration does recognize these concerns and is moving toward more specific language in the Official Plan and possible update to the Comprehensive Zoning By-law. At the same time we are seeing many greenhouse operations building and expanding on-site housing inventory to minimize the need for supplementing with off-site locations.

## **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

## **Link to Council 2021-2022 Priorities**

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☒ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw

- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities

## **FINANCIAL CONSIDERATIONS**

There are no proposed changes to the assessed value of the property since it is already residential. Therefore, there are no financial considerations.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120m of the subject site boundaries are required to receive the Notice of Open House/ Public Meeting by mail. At the time of writing, no public comment has been received.

### **Agency & Administrative Consultation**

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- No objections. Full comment provided in Appendix B.

#### **2) Town of Kingsville Management Staff**

- Ontario Building Code to be met for any conversion of the existing dwelling
- The site has existing municipal water & sanitary sewer connections

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