

EVALUATION REPORT

PLANNING DEPARTMENT

To: Mayor and Members of Council

From: Ashley Sawyer, Planner, County of Middlesex

Date: December 4th, 2024

Re: INFORMATION REPORT

Application for Official Plan Amendment – OPA 16

Application for Zoning By-law Amendment – ZBA-23-2024

**Part of Lot 13, Concession 7 ECR, in the geographic Township of McGillivray,
Municipality of North Middlesex, County of Middlesex
(3610 West Corner Drive)**

Owner/Applicant: Christin (Tina) Gokstorp

Agent: Rita Jabbour, Registered Professional Planner at RJ Planner

Purpose

The purpose of this report is to provide Council and the public with information on the Official Plan Amendment and Zoning By-law Amendment applications in regard to the statutory Public Meeting requirement. This Public Meeting will provide Council and the public an opportunity to ask questions and seek additional information, as well as provide feedback for consideration. A recommendation report will be brought back before Council at a later date, after feedback from the Public Meeting and the agency circulation has been received and taken into consideration.

Official Plan Amendment

The Official Plan Amendment application (File No. OPA 16) proposes to create a Special Agricultural Policy Area that will permit the specially defined agri-tourism and on-farm diversified use(s), as well as one (1) permanent detached Additional Residential Unit, in addition to the agricultural uses currently permitted on the subject lands.

Zoning By-law Amendment

The Zoning By-law Amendment application (File No. ZBA-23-2024) proposes to rezone the subject lands from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 113 (A1-113) Zone' to specially define and add 'On-Farm Diversified Use,' 'Agri-Tourism Use,' and a detached 'Additional Residential Unit' as permitted uses on the subject lands. The ARU is proposed to have a minimum front yard setback of 15.0 m (49.21 ft) and be located in what the North Middlesex Zoning By-law defines as the front yard of the subject lands. A minimum of 1 parking space per off-grid farm vacation suite is proposed in addition to the required parking spaces. As noted above, the ZBA will ensure that the proposed OFDU is limited to 2% of the lot area up to a maximum of 1.0 ha of land, in accordance with the provincial guidelines.

Background

The subject land is legally described as Part of Lot 13, Concession 7 ECR, in the geographic Township of McGillivray, Municipality of North Middlesex, County of Middlesex, with a municipal address of 3610 West Corner Drive. The subject lands are located on the north side of West Corner Drive, east of McLean Road. Surrounding uses are predominantly agricultural in nature. A portion of the lands are regulated by the Ausable Bayfield Conservation Authority.

The subject lands currently contain a single-detached dwelling, three farm buildings and agricultural lands in crop production. The lands are approximately 39.0 ha (97.16 ac) in size of which approximately 15 ha (37.0 ac) contain natural areas and woodlands. These areas are not currently identified as environmentally significant features. The lands are currently serviced by the municipally owned water system and a privately owned septic system, and there are two existing accesses to West Corner Drive.

The owner/applicant is affiliated with Good Food Farms which is a “women owned and managed social enterprise focused on regenerative farming practices” with their primary products currently focused on outdoor free range pastured chicken products and perennial fruit and nut trees. Good Food Farms currently produces items such as “pre marinated kabobs, seasoned chicken burgers, breakfast patties, honey garlic wings, bone broth, soups, pot pie, quiche, enchiladas, smoked chicken and more.” Their business focus primarily is on direct-to-consumer sales through farmer’s markets.

The owner/applicant wishes to establish an On-Farm Diversified Use (OFDU) which includes an “Agri-Tourism Use on the lands that is primarily focused on promoting and educating people on the sustainable practices of the farm and the exceptional local whole foods grown in the region, and encouraging people to connect with the natural features of the lands and the area.” The owner/applicant wishes to construct three (3) short-term off-grid vacation suites (bunkies) that are sustainably designed and will have an attached greenhouse and covered porch. Each bunkie will be approximately 780 ft² to 1,000 ft² in size, will be powered by solar, will have its own holding tank for water and its own composting toilet. The location of the bunkies will be determined at the time of Site Plan Control. In the future, the owner/applicant “may wish to offer yoga and massage services for patrons, and, establish a commercial kitchen and/or on-farm store where products from livestock raised on the farm can be processed to create value added products which can then be sold.” The application notes that these are future considerations that will not currently be included in the Site Plan Control application but may be added through a future amendment as the business evolves.

A key map and the Planning Justification Report, which outlines the proposal in greater detail, is attached to this report.

Policy and Regulation Background

The subject lands are within an ‘Agricultural Area’ in the Middlesex County Official Plan and contain ‘Natural Heritage’ features and lands regulated by the Ausable Bayfield Conservation Authority. In the North Middlesex Official Plan, the lands contain the ‘Agricultural Area’ land use designation and ‘Hazard Lands’ per ‘Schedule A’ and ‘Woodlands’ as per ‘Schedule C.’ A portion of the property is also designated as a ‘Significant Natural Area’ per ‘Schedule C’ of the North Middlesex Official Plan. The

subject lands are currently zoned 'General Agricultural (A1) Zone' within the North Middlesex Zoning By-law. No development or site alteration is proposed within the natural areas or woodlands.

All policies cited below are meant to be read in their entirety, but the sections noted are in staffs' opinion the principally applicable.

Provincial Planning Statement (PPS 2024)

Section 3 of the Planning Act, as amended, remains unchanged and notes that decisions made by planning authorities "shall be consistent with" the PPS 2024. Policies "represent minimum standards, and planning authorities and decision-makers may go above and beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Planning Statement."

Section 2.5 – Rural Areas in Municipalities

The subject lands are located within a prime agricultural area in a rural area. Rural areas should be supported by building upon rural character and leveraging rural amenities and assets, 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, providing opportunities for sustainable and diversified tourism and providing opportunities for economic activities in prime agricultural areas.

Section 2.6 – Rural Lands in Municipalities

Agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices are all considered permitted uses on rural lands. An agricultural-related use is defined as "farm-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity." An on-farm diversified use is defined as "uses that are secondary to the principal agricultural use of the property and are limited in area. On farm-diversified uses may include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems."

Section 4.1 – Natural Heritage

Natural heritage features and areas "shall be protected for the long term." Development and site alteration is not permitted in areas including, but not limited to, identified as significant wetlands, significant woodlands, lands containing a significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 4.3 – Agriculture

Prime agricultural areas shall be protected for long-term use for agriculture. As such, in prime agricultural areas, permitted uses and activities area agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. "Agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations."

In addition to the above, “a principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agriculture use” except in the instance where the retained farmland of a surplus farm dwelling severance has been rezoned to prohibit the establishment of new dwellings and additional residential units. Otherwise, where a residential dwelling is permitted on a lot in a prime agricultural area, one detached additional residential unit is permitted provided it complies with the following:

- Complies with minimum distance separation formulae
- Is compatible with and would not hinder surrounding agricultural operations
- Has appropriate sewage and water services
- Addresses any public health and safety concerns
- Is of limited scale and located within, attached, or in close proximity to the principal dwelling or farm building cluster
- Minimizes the amount of land taken out of agricultural production

Additional residential units are not permitted to be severed off on their own distinct and separate parcel, however may be severed off with a residence surplus to a farming operation.

Section 5.2 – Natural Hazard

Planning authorities, in consultation with their conservation authorities, must identify hazardous lands and sites. Development and site alteration shall generally be directed to areas outside of hazardous lands and sites that are unsafe for development.

County of Middlesex Official Plan

Section 2.3.7.4 – Additional Residential Units

An additional residential use is defined as “a dwelling unit that is self-contained, subordinate to, and located within the same building or on the same lot of a primary dwelling unit.”

Additional residential units created in prime agricultural areas “shall be grouped with the primary dwelling, shall meet Minimum Distance Separation formulae, and shall be prohibited from being severed from the property unless as part of the severance of the primary dwelling unit as a residence surplus to a farming operation.”

Section 3.3 – Agricultural Areas

Protecting and strengthening agricultural areas is of the utmost importance. These areas “shall be preserved and strengthened with the goal of sustaining the agricultural industry and promoting local food production.”

Limited on-farm diversified uses are permitted subject to the criteria in the Provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, a publication by the Ontario Ministry of Food, Agriculture and Agribusiness (OMAFRA, previously OMAFRA). On-farm diversified uses may be subject to site specific zoning regulations and remain classified as an “Agricultural Area” designation.

An on-farm diversified use is defined as “uses that are secondary to the principal agricultural use of the property and are limited in area.” They include, but are not limited

to, uses such as home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Additional Residential Units are permitted in accordance with Section 2.3.7.4.

Section 3.3.5 – Agriculture-Related and On-Farm Diversified Uses

These uses are “directly related to, and supportive of, agricultural operations.” Examples include, but are not limited to, agri-tourism, farm equipment repair shops and feed mills. A more comprehensive list can be found in the Provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.

Agriculture-related and on-farm diversified uses are permitted provided the following policies are considered:

- The use cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities
- Must comply with Minimum Distance Separation Formula
- May require a site-specific Zoning By-law Amendment
- Shall not require large volumes of water or generate large volumes of effluent
- Shall be serviced with appropriate water and sewage
- Shall be located and designed to minimize potential adverse impacts on adjacent residential or other sensitive uses by buffering measures (i.e. landscaping, setback, layout)
- Must provide appropriate road sightlines
- Must adhere to the local Official Plan
- Shall be in accordance with the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas
- Must remain designated as an Agricultural Area
- Must consider the relationship of the proposed use to the underlying farm operation

North Middlesex Official Plan

The subject lands are predominantly designated as an ‘Agricultural Area’ in which the policies are “intended to strengthen the agricultural community.” The lands also contain ‘Hazard Lands,’ ‘Woodlands’ and a portion is designated as an ‘Area of Natural and Scientific Interest.’ As Council is aware, the Municipality is currently in the process of updating the Official Plan. Policies within the current Official Plan, primarily as it pertains to additional residential units and on-farm diversified uses, are outdated and inconsistent, or non-existent, and are not consistent with the Provincial Planning Statement and do not conform to the Middlesex County Official Plan.

The North Middlesex Official Plan intends to preserve agriculture as the primary land use and notes that agriculture contributes significantly to the local economy. Promoting the viability of farm operations is prioritized.

Section 6.4 – Agricultural Area Land Use Designation

The North Middlesex Official Plan does not specifically contemplate on-farm diversified uses but does permit for agriculturally-related commercial and industrial operations provided they meet the criteria of Section 6.4.2 f. Agriculture-related uses are defined in

the Official Plan as “farm related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.”

Section 6.4.2 f) permits for “agriculturally-related commercial and industrial uses that are clearly supportive of and directly related to agricultural operations and required in close proximity” subject to the following criteria:

- The location on the property is not currently used for agricultural purposes
- The use cannot locate in a settlement area and must be in close proximity to farming activities
- Complies with Minimum Distance Separation Formulae
- Shall not require large volumes of water nor generate large volumes of effluent
- Shall be serviced with municipal water and sewage were possible
- Shall be accessed via a County road
- Shall provide for minimum sight distances
- Shall be located and designed to minimize the potential adverse impacts on adjacent residential and other sensitive land uses with buffering, landscaping, etc.
- Shall be subject to a site-specific Zoning By-law Amendment
- Shall be subject to Site Plan Control

The North Middlesex Official Plan does not currently contemplate permanent detached accessory residential dwellings, however it does permit for “granny flats” or garden suites (temporary structures) provided the use does not conflict with existing farming operations of with any Natural Heritage Features. A temporary use is permitted for a maximum period of three (3) years provided a temporary use Zoning By-law Amendment is passed. These temporary structures are classified as small independent buildings, physically separate from the principal dwelling unit, permitted to use existing site services in lieu of full municipal services.

Section 7.0 – Environmental Policies

It is a priority of the Official Plan to “protect and enhance significant natural features and functions, and to reduce the risk to public safety and property from natural hazards, such as flooding and unstable slopes.”

Section 7.3.2 specifies that no new development shall be permitted on Hazard Lands other than uses associated with the management of the Hazard Lands. All development and site alteration within or abutting lands identified as Hazard Lands requires an Environmental Impact Study be completed.

Section 7.3.4 states that development or site alteration within or adjacent to natural heritage features is prohibited unless it can be shown that there will be no unmitigated impacts on the form or function of the features. The retention of woodlands not identified in ‘Schedule C’ is encouraged.

North Middlesex Zoning By-law

Current Zone

The subject lands are zoned ‘General Agricultural (A1) Zone.’ The A1 zone permits for uses, including but not limited to, agricultural, conservation use, equestrian use, forestry use, home industry, home occupation, on-farm secondary business, sale of farm produce

from a farm, a single-detached residential dwelling and a second detached residential dwelling accessory to an agricultural use (via a temporary use by-law and only for boarding seasonal farm labourers).

Proposed Zone

The subject lands are proposed to be rezoned to 'General Agricultural Exception 113 (A1-113) Zone' to specially define and add 'On-Farm Diversified Use,' 'Agri-Tourism Use,' and a detached 'Additional Residential Unit' as permitted uses on the subject lands. The ARU is proposed to have a minimum front yard setback of 15.0 m (49.21 ft) and be located in what the North Middlesex Zoning By-law defines as the front yard of the subject lands. A minimum of 1 parking space per off-grid farm vacation suite is proposed in addition to the required parking spaces. As noted above, the ZBA will ensure that the proposed OFDU is limited to 2% of the lot area up to a maximum of 1.0 ha of land, in accordance with the provincial guidelines.

Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

The guidelines are meant "to be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed, they represent best practices."

Section 2.2 – Agriculture-Related Uses

Agriculture-related uses are defined in the PPS and are "directly related to and service farm operations in the area as a primary activity." Farm-related uses may include uses such as selling agriculture-related value-added products such as wine or cider made from produce grown in the area, vegetable processing, farm equipment repair shops, produce auctions, etc. The uses must be appropriate to the level of services available and are encouraged to re-use existing buildings, design new structures to fit in with the agricultural area, minimize outdoor storage and lighting, avoid major modification of land, visually screen from neighbours, and limit the use of signage. Uses such as large food processing plants, large wineries, micro-breweries and distilleries, furniture makers, rural retreats, seasonal storage, contractors' yards, etc. are not classified as agriculture-related uses.

Section 2.3 – On-Farm Diversified Uses

On-farm diversified uses "should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict." These uses are "intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas." They must be located on a farm that is actively in agricultural use, they must be secondary to the principal agricultural use on the property and limited in area (2% of the land up to a maximum of 1.0 ha in size). The area calculation accounts for all aspects of the proposal, such as the "buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads." An on-farm diversified use includes agri-tourism uses and uses that produce value-added agricultural products. Examples include farm vacation suites, zip lines, farm markets, a winery, cheese factory, etc. Large-scale equipment or vehicle dealerships, hotels, landscape businesses, uses that generate significant traffic, golf courses, institutional uses, and large-scale recurring events with permanent structures are not considered on-farm diversified uses.

Consultation

Notice of the application was circulated to the required agencies, as well as all property owners within 120 m of the subject property, and posted on the subject property, in accordance with the requirements of the *Planning Act*. The table below summarizes the comments received.

Agency	Comments
Ausable Bayfield Conservation Authority	<p>“From the information received, it is understood that the intent of the Zoning By-law Amendment Application is to rezone the entirety of the property from ‘General Agricultural (A1) Zone’ to ‘General Agricultural Exception 113 (A1-113) Zone’. The ABCA has previously expressed concerns of safe access to the portions of the property north of the watercourse and hazard lands. Any proposed development on the north side of the watercourse is subject to the ABCA’s safe access policies and may require some degree of engineering assessment. At this time, staff of the ABCA are unsure whether safe access concerns could be met. To date, the ABCA has not received a development plan which indicates the locations of all three off-grid farm vacation suites. As such, the ABCA has concerns for safe access and for rezoning the entirety of the property.</p> <p>The Ausable Bayfield Conservation Authority does not oppose the proposed Official Plan Amendment. However, the ABCA recommends that the Zoning By-law Amendment be adjusted to only rezone the south portion of the property following the hazard limit.”</p> <p>The letter is attached for additional context.</p>
Canada Post	No concerns.
North Middlesex Chief Building Official	<ul style="list-style-type: none"> - The municipality should narrow down the location of the on-farm diversified use. If 1 ha is permitted, then it should be shown on the map of precisely which area is to be included. - It should be clear of what’s not permitted, including wedding ceremonies/venues. - For the ARU, it should be clear of its size limits and location as compared to the primary dwelling and if it is included in the agri tourism proposal or if it’s simply another aspect of the application. - The fire chief should be asked to comment on fire department access to the cabins. The OBC states that all buildings need to be accessible for fire fighting but has no additional requirements given the building’s sizes. - Site plan control can be a good tool for regulating these.

North Middlesex Drainage Superintendent	No concerns.
Public Comments	No comments were submitted prior to the submission of this report.

Summary

A planning analysis will be provided in an evaluation report that will be brought before Council at a later date, after comments received from the public and the agency circulation have been taken into consideration.

Recommendation

THAT the subject report for Official Plan Amendment OPA-16 and Zoning By-law Amendment ZBA-23-2024, be received for information.

Attachments

- Location Map
- Planning Justification Report
- Draft Official Plan Amendment