

EVALUATION REPORT

PLANNING DEPARTMENT

To: Mayor and Members of Council

From: Ashley Sawyer, Planner, County of Middlesex

Date: July 16th, 2025

Re: RECOMMENDATION REPORT

Application for Zoning By-law Amendment – ZBA-6-2025

**Lot 22 and Part of Lot 23, Concession 2, in the Geographic Township of
McGillivray, Municipality of North Middlesex, County of Middlesex
34210 Neil Road**

Owner: Lucan Feeders Inc (c/o Darryl Robinson)

Applicant/Agent: Caroline Baker, Baker Planning Group

Purpose and Effect

The purpose and effect of the Zoning By-law Amendment application (File No. ZBA-6-2025) is to permit the establishment of a permanent second dwelling on the subject lands to be specifically used for farm worker housing to support the existing agricultural operation on the lands. The dwelling is proposed to accommodate four (4) farm workers and will be one-storey in height and approximately 190.0 m² (2,045.14 ft²) in size. Additionally, Minimum Distance Separation (“MDS”) setback relief is required to the neighbouring parcel at 34219 Neil Road which contains horses. The MDS setback required is 164 m (538.06 ft) whereas 150 m (492.13 ft) is proposed. The Zoning By-law Amendment application proposes to rezone the subject lands from ‘General Agricultural (A1) Zone’ to ‘General Agricultural Exception 118 (A1-118) Zone’.

Background

The subject lands have a municipal address of 34210 Neil Road, and are located south of Clandeboye Drive, on the east side of Neil Road. Surrounding uses are predominantly agricultural in nature and there is one (1) rural residential parcel located southwest of the lands at 34151 Neil Road. The lands are legally described as Lot 22 and Part of Lot 23, Concession 2, in the Geographic Township of McGillivray, Municipality of North Middlesex, County of Middlesex.

The subject lands contain one (1) single-detached residential dwelling that currently accommodates a maximum of three (3) farm workers, and various agricultural structures such as one (1) livestock facility that contains cattle, one (1) grain elevator and the associated grain elevator operation with five (5) bins and an indoor and outdoor storage area, three (3) accessory storage facilities for equipment and three (3) open manure facilities. The lands are currently serviced by privately owned wells and a privately owned septic system, and there are two (2) existing accesses to Neil Road. No new access is proposed.

The applicant/agent has noted that “the owner is proposing to construct on-farm housing to support the existing operation on the Site. Housing for the workers will include constructing a new single-storey building, oriented to Neil Road, that would provide accommodation for up to four (4) staff and interior renovations to the existing single detached dwelling on the Site for up to three (3) staff. The accommodation will provide permanent on-farm housing for the needed agricultural workforce, addressing broad-reaching challenges with housing affordability and workforce shortages, all with the premise to enable and sustain enhanced agricultural operations. Within the new proposed building, there will be four (4) self-contained suites with a bedroom and private bathroom and a communal living area with eating and cooking facilities.” The livestock facility on the subject lands is approximately 20,000 m² (215,000 ft²) in size. The existing agricultural operation currently has twenty (20) full-time employees.

Policy and Regulation Background

The subject lands are within a ‘Prime Agricultural Area’ as defined by the Provincial Planning Statement. The subject lands are within the ‘Agricultural Areas’ land use designation per ‘Schedule A’ of the Middlesex County Official Plan and within the ‘Agricultural Area’ land use designation per ‘Schedule A’ of the North Middlesex Official Plan. Additionally, the lands contain ‘Hazard Lands’ per ‘Schedule A’ and ‘Woodlands’ 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. 35 of 2004, as amended. A portion of the lands are regulated by the Ausable Bayfield Conservation Authority (the “ABCA”), however, all proposed development is located outside of the regulated area.

Additional policy and regulation background can also be found in the Planning Justification Report submitted with the application by the applicant/agent which is attached.

Provincial Planning Statement (2024)

The Provincial Planning Statement is issued under the authority of section 3 of the *Planning Act* which came into effect on October 20th, 2024. According to section 3 of the *Planning Act*, as amended, decisions made by planning authorities “shall be consistent with” the PPS. The PPS emphasises the protection of agricultural areas. The policy is intended to be read in its entirety, and the principal policies applicable to each proposal is to be applied. The principal policies of the PPS that are applicable to the proposed development are summarized below.

Section 4.3 – Agriculture

Planning authorities are required to maintain and enhance a geographically continuous agricultural land base. Prime agricultural areas “shall be designated and protected for long-term use for agriculture. Permitted uses in prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. A principal dwelling associated with an agricultural operation shall be permitted as an agricultural use, except where prohibited as a requirement of a surplus farm dwelling severance.

Section 4.3.2 – Permitted Uses

Agricultural uses are permitted in prime agricultural areas, and are defined as “the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, **and housing for farm workers, when the size and nature of the operation requires additional employment.**”

County of Middlesex Official Plan

Protecting agricultural lands from the intrusion of land uses not compatible with agricultural operations and preserving and strengthening the ‘Agricultural Area’ is of the utmost importance. All of the ‘Agricultural Area’ designation in Middlesex County is classified as a ‘Prime Agricultural Area’ as defined by the Provincial Planning Statement.

Section 2.3.9 – Agricultural Area Policies

Agriculture is a predominant activity in the County and local food production is a priority. The primary use of land in the Agricultural Area shall be agriculture, agriculture-related uses and on-farm diversified uses. Agriculture is defined as “the growing of crops, including nursery, biomass and horticultural crops; raising of livestock and other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including, but not limited to livestock facilities, manure storages, value-retaining facilities, **and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.**”

Temporary or permanent residential units for farm labour are permitted if grouped with the existing farm buildings. Consents are not permitted for farm labour lots. The County encourages local municipalities to include policies in their local official plan addressing considerations including demonstration of need, minimizing the loss of agricultural land, building size, adequacy of services, access, and Minimum Distance Separation.

North Middlesex Official Plan

The Official Plan emphasizes the importance of the agricultural production as both an industry and way of life and strives to protect and strengthen the agricultural community. New non-farm residential lots are prohibited to prevent the fragmentation of farmland, ensure that prime agricultural areas remain viable and to reduce land use conflicts between farm and non-farm uses. Minimum Distance Separation Formulae (“MDS”) shall be used to establish appropriate standards for separating incompatible uses from existing, new or expanding livestock facilities. The MDS calculations shall be implemented through the Zoning By-law.

Section 6.4 – Agricultural Land Use Designation

The majority of land within the Municipality is designated as an ‘Agricultural Area’. This designation is intended to strengthen the agricultural community, protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to contemporary agricultural practices.

The primary use of lands in the 'Agricultural Area' shall be for farming, agriculture uses and agriculturally-related uses. Agricultural uses are defined as "the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; **and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.**"

North Middlesex Zoning By-law

The subject lands are zoned 'General Agricultural (A1) Zone' which permits the existing agricultural use and single-detached dwelling. A minimum lot area of 39 ha (96.4 ac) and minimum lot frontage of 150 m (492 ft) is required.

The 'General Agricultural (A1) Zone' permits for a range of agricultural and related uses, whether they be for an intensive agricultural operation or a non-intensive agricultural operation. Intensive agricultural operations mean a modern, industrial-scale operation with significant livestock numbers or specialized crops which exceeds 250 nutrient units and generally requires more infrastructure (i.e. manure storage and ventilation systems). Agriculture is defined as "the use of lands, buildings or structures or portions thereof for the purpose of forestry, field crops or fruit farming, market gardening and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings, including a roadside stand for the sale of produce grown on the farm except that livestock operations are not included."

A second detached residential dwelling associated with an agricultural use "shall only be permitted by way of Temporary Use By-law. The second detached residential dwelling shall only be used for the purposes of boarding seasonal farm labourers."

Proposed Zoning

The 'Severed Parcel' is proposed to be rezoned from the 'General Agricultural (A1) Zone' to 'General Agricultural Exception 118 (A1-118) Zone' to permit for one (1) farm labour residence that has a maximum size of 190.0 m² (2,045.14 ft²). This farm labour residence will be grouped with the existing farm building cluster and the amendment will also add a 'Farm Labour Residence' and 'Farm Building Cluster' definition specifically for the subject lands. Additionally, a reduced MDS I setback will be included. The applicant/agent has confirmed that the proposed dwelling complies with all other applicable zoning provisions.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Agricultural uses include accommodation for full-time farm labour when the size and nature of the operation requires additional employment. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. To minimize impacts on agriculture, the housing for full-time farm labour shall be located within the farm building cluster and take as little land out of agricultural production as possible. Housing for workers must meet minimum health and living conditions, which can be confirmed upon further consultation with local public health officials, building departments and other agencies to ensure compliance with all applicable regulations and policies.

Minimum Distance Separation (MDS) Document

This document notes that livestock farming is a major contributor to Ontario's economy, generating significant employment and revenue. As farms grow larger and more complex, the fewer rural residents are directly involved in farming, and challenges emerge as a result of incompatible rural development which can limit farm expansion and lead to complaints about odours. This document emphasizes that Ontario has long-standing land use policies aimed at preserving farmland and supporting ongoing agricultural activity. The intent of MDS setbacks is to prevent land use conflicts and minimize nuisance complaints from odour.

MDS I setbacks are not required to be met for dwellings from an existing livestock facility or anaerobic digester located on the same lot as the proposal, but they are required to maintain a setback from existing livestock facilities on neighbouring lands. Land uses are categorized as either Type A (less sensitive) or Type B (more sensitive). The proposed dwelling for farm labour is considered a Type A use, as it involves an agriculturally related dwelling on an existing lot. MDS I calculations were completed, and the site complies with all required setbacks from neighbouring properties except for one (1): the existing horse barn at 34219 Neil Road, which is home to thirty (30) horses and located to the west of the subject lands. This horse barn requires a MDS of 164.0 m (538.05 ft) whereby 156.0 m (511.81 ft) is proposed.

Consultation

Notice of the application was circulated to required agencies, as well as property owners within 120 m of the subject lands, and was posted on the subject lands in accordance with the requirements of the Planning Act. Comments submitted prior to the submission of this report are summarized below.

Agency	Comments
Ausable Bayfield Conservation Authority	<p>"From the information provided, the proposed second dwelling and associated works appear to be located outside of the regulated areas on the property. As such, the Ausable Bayfield Conservation Authority (ABCA) does not oppose the approval of the requested Zoning By-law Amendment."</p> <p>The ABCA letter has been attached for Council's information.</p>
Canada Post	No concerns.
County of Middlesex Emergency Services	<p>If approved, the following comments apply:</p> <ol style="list-style-type: none">1) The farm labour housing shall be given a separate proposed 911 property address from the existing 911 property address of 34210 Neil Road so it better identifies the residential property from the existing farming business.2) The proposed 911 property address be submitted to the Municipality of North Middlesex in consultation with the County of Middlesex for approval.

	<p>3) If the 911 property address is approved for the farm labour housing that it be posted to municipal standards at the main entrance to the property off Neil Road so it is maintained, visible and unobstructed so emergency responders can easily identify the 911 property address when responding from either direction from the Neil Road road allowance.</p> <p>4) That the approved 911 property address for the farm labour housing also be installed on the face of the building so emergency responders can easily identify the 911 property address/building when entering the private road from the Neil Road entrance.</p>
County of Middlesex Engineer	No concerns.
Entegrus	No concerns.
North Middlesex Chief Building Official	No concerns.
North Middlesex Director of Infrastructure and Operations	“Properties are only permitting one water connection. The Proponent will need to ensure that internal private plumbing, in compliance with OBC and through the building permit process, servicing both the originally served infrastructure in addition to the new dwelling from one master meter pit that must be installed at property line, completed with a backflow.”
North Middlesex Drainage Superintendent	No concerns.
Thames Valley District School Board	No concerns.
Public Comments	No comments were provided prior to the submission of this report.

Analysis

There is a growing and sustained need in Ontario to provide more options for housing farm labourers to support the agricultural industry. The Zoning By-law Amendment application will rezone the subject lands to facilitate the development of one (1) structure with four (4) ‘Farm Labour Residence’ units contain within it, with a maximum size of 190.0 m² (2,045.14 ft²) and specially define ‘Farm Labour Residence’ and ‘Farm Building Cluster’ and permit the use on the subject lands. Farm labourer housing is classified by the

Provincial Planning Statement (PPS), Middlesex County Official Plan and the North Middlesex Official Plan as an agricultural use which is permitted in a prime agricultural area. The North Middlesex Official Plan aligns with both the PPS and the MC OP in prioritizing agricultural land protection and promoting agricultural activities as the primary land use in the 'Agricultural Area'. The policies recognize the importance of on-site farm labour housing to support agricultural productivity while maintaining the integrity of prime agricultural lands. The structure will not be located in an area currently used for agricultural crop production. The Middlesex County Official Plan encourages local municipalities to include policies in their local Official Plan addressing considerations including demonstration of need, minimizing the loss of agricultural land, building size, adequacy of services, access, and Minimum Distance Separation. As Council is aware, the North Middlesex Official Plan Review is currently in progress, which will include aligning the Official Plan policies with the Middlesex County Official Plan and Provincial Planning Statement, and subsequently an update to the North Middlesex Zoning By-law.

The North Middlesex Zoning By-law does not currently contemplate or define farm labour housing, and the definition of agriculture does not specifically include farm worker housing, meaning that the Zoning By-law is inconsistent with the Provincial Planning Statement and does not conform to the Middlesex County Official Plan or the North Middlesex Official Plan. Farm labour housing has historically been considered a "temporary" use, often intended for seasonal or short-term employment periods. The nature of farm labour has evolved significantly, with modern agricultural operations relying on full-time, year-round employment for continuous management of livestock and crop production. The current operations include twenty (20) full-time labourers, three (3) of which are currently housed on the subject lands. Implementing temporary housing solutions has proven challenging for several reasons. One major issue is that in some instances temporary structures may be substandard for year-round operations and do not meet modern health and safety standards. Additionally, despite being labeled as "temporary," these structures still require a significant financial investment for construction, maintenance and servicing. With the increasing cost of material and labour costs, temporary units are no longer an inexpensive option. It is staff's opinion that considering permanent farm worker housing solutions is more practical and economically viable, while also ensuring safe, adequate and long-term accommodations for farm labourers. Further, the proposed permanent residence will provide year-round housing for full-time farm labourers and does not meet the intent of Section 7.2.6 of the Zoning By-law, as it is not temporary in nature nor exclusively intended for solely seasonal farm labourers.

To ensure that the Zoning By-law Amendment is consistent with the Provincial Planning Statement and conforms to the Middlesex County Official Plan and the North Middlesex Official Plan, a draft by-law has been prepared which defines a 'Farm Labour Residence' as "one (1) dwelling that is accessory to the principal agricultural use on the lands, solely occupied by full-time farm labourers who predominantly work on the lands to which the dwelling is located, where the size and nature of the farm operation requires additional employment." Additionally, that the dwelling shall be self-contained and clearly subordinate in scale, size and function to the primary agricultural use, that it shall be located within 50.0 m (164.04 ft) of the farm building cluster, that it shall not take any land out of agricultural crop production, that it shall be prohibited from being severed from the property, that it shall not be located within lands as defined and regulated by the Ausable Bayfield Conservation Authority, that it shall comply with MDS setbacks, and that it shall

be serviced to the satisfaction of the Municipality. The 'Farm Building Cluster' shall be defined as "the grouping of farm related buildings or a farm dwelling, in an arrangement which maximizes the agricultural area and potential of the farm lot."

Minimum Distance Separation (MDS I) calculations have been completed for the proposed development and demonstrate full compliance with required setbacks from all surrounding livestock facilities, with the exception of one (1): an existing horse barn located at 34219 Neil Road, west of the subject site. The barn, which houses approximately 30 horses, requires a setback of 164.0 metres (538.05 feet), while the proposed dwelling is situated 156.0 metres (511.81 feet) away, representing an 8.0 metre (26.25 foot) difference. Staff concur with the applicant/agent that the proposed reduction is minor in nature. The odour potential from the horse barn is considered low relative to the operation on the subject lands, which as noted above, houses approximately 12,000 cattle. Given the scale and odour profile of the cattle operation, any potential nuisance from the horse barn would be negligible by comparison. Additionally, the horse barn is located farther from the proposed dwelling than the on-site livestock facilities. Therefore, the proposed setback is reasonable and will not negatively impact the continued use or future viability of the adjacent agricultural operation.

Staff are satisfied that the Zoning By-law Amendment is appropriate and are of the opinion that the subject application is consistent with the Provincial Planning Statement and in conformity with the Middlesex County Official Plan and Adelaide Metcalfe Official Plan.

Attachments

1	Public Meeting Notice and Location Map
2	Site Sketch
3	Planning Justification Report
4	MDS Calculations
5	ABCA Comments
6	Draft By-law and Schedule A

Recommendation

THAT Council receive the report for information for Zoning By-law Amendment ZBA-6-2025, which proposes to rezone the subject lands from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 118 (A1-118) Zone';

AND FURTHER THAT the associated implementing By-law be **APPROVED** and read a first, second, and third and final time in open session.