



Uses In Prime Agricultural Areas

And Agricultural Enforcement

Background

- Complaint from community that these uses are taking place (late 2016 /2017).
 - We were hearing from businesses in urban areas that farmers are not paying / having the same rules applied. Unfair competition (building permit/DC's, taxes, rules)
- In 2019 - committee created to review changes/address issues and consider policies to match the revised PPS and Guidelines (DS06-2019)
- In 2020 (DS06-2020)
 - changes implemented in Official Plan, Zoning and Strategic Plan Protect agr, support agr.,
 - Council direction to enforce and achieve compliance and address legal issues (health and safety, liability).
- Staff started enforcement in 2020
 - Due to concerns from the community about fairness of enforcement related to timing, Council directed staff to obtain a consultant to complete the enforcement within 1 year (2023). With a budget cost Council also supported a fee for enforcement to help in cost recovery.
- Also had legal advice that we needed to address the issue.
- In early 2023 Council directed staff to continue with enforcement using a consultant to complete the work in 1 year and with a cost recovery approach

So how did we get to the regulations we have in place....

Provincial Policy Statement

- 2.3.3.1 In prime agricultural areas, permitted uses and activities are: **agricultural uses, agriculture-related uses and on-farm diversified uses.**

Proposed agriculture-related uses and on-farm diversified uses shall be **compatible with, and shall not hinder, surrounding agricultural operations.** Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- Definitions:

- *Agricultural uses: means 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 accommodation for full-time farm labour when the size and nature of the operation requires additional employment.*
- *Agriculture-related uses: means those farm related commercial and farm-related 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.*
- *On-farm diversified uses: means uses that are **secondary to the principal agricultural use of the property, and are limited in area.** On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.*

PPS - Agricultural Related Uses – Guidelines

Agriculture-Related (six tests)

1. Farm-related commercial and farm-related industrial uses
2. Shall be compatible with and shall not hinder surrounding agricultural operations
 1. Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.
 2. Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).
 3. Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4). ***
 4. Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.
 5. The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.

3. Directly related to farm operations in the area
 1. Directly related to - the use should reflect the type of agricultural production in the area
 2. In the area - is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services.
4. Supports agriculture
5. Provides direct products and/or services to farm operations as a primary activity

refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain (e.g., seed or fertilizer supplier, farm equipment repair, value-added food and beverage processing and distribution or retail of agricultural commodities grown in the area).

To assess whether a proposed use meets the test of providing direct products and/or services to farm operations as a primary activity, municipalities should require evidence demonstrating that the use will service farm operations as a primary business activity (i.e., inputs are primarily produced in the area or customers are primarily farm operators in the area). As a best management practice, municipalities may require evidence that the use cannot be located in settlement areas or on rural lands.
6. Benefits from being in close proximity to farm operations

need to be located near the farm operations they serve

Examples

Figure 2 provides examples of uses that could be classified as *agriculture-related uses* if they meet all of the PPS criteria.



Apple storage and distribution centre serving apple farm operations in the area



Farmers' market primarily selling products grown in the area*



Processing of produce grown in the area (e.g., cider-making, cherry pitting, canning, quick-freezing, packing)*



Grain dryer farm operations in the area



Agricultural research centre*



Winery using grapes grown in the area*



Abattoir processing and selling meat from animals raised in the area*



Flour mill for grain grown in the area



Farm equipment repair shop*



Livestock assembly yard or stock yard serving farm operating in the area



Auction for produce grown in the area



Farm input supplier (e.g., feed, seeds, fertilizer (serving farm operations in the area

Examples of uses that would typically not be agriculture-related uses because they do not meet PPS definitions or criteria include:

- large food processing plants, large wineries and other uses that are high-water-use or effluent generators and are better suited to locations with full municipal services
- micro-breweries and distilleries
- contractors' yards, construction companies, landscapers, well drillers, excavators, paint or building suppliers
- sewage biosolids storage and composting facilities for non-agricultural source material
- antique businesses
- art or music studios
- automobile dealerships, towing companies, mechanics shop or wrecking yards
- rural retreats, recreational uses and facilities, campgrounds or fairgrounds
- conference centres, hotels, guest houses or restaurants
- furniture makers • institutions such as schools or clinics
- seasonal storage of boats, trailers or cars
- veterinary clinics
- trucking yards

PPS - On-Farm Diversified

5 Tests /Requirements:

1. Located on a farm
 - The on-farm diversified uses provisions in the PPS do not apply to small residential lots in the prime agricultural area
 - The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the Assessment Act, 1990.
2. Secondary to the principal agricultural use of the property
 1. be secondary to the principal agricultural use of the property - agricultural uses must remain the dominant use of the property
 2. Requirements around Temporal/Intermittent
3. Limited in area
 - minimize the amount of land taken out of agricultural production, if any
 - ensure agriculture remains the main land use in prime agricultural areas
 - limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations
 - based on the total land area that is unavailable for agricultural production as a result of the on-farm diversified use (i.e., the footprint occupied by the use, expressed as a **percentage of lot coverage**). existing laneways shared between agricultural uses and on-farm diversified uses are not counted
 - area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses is discounted (e.g., 50%)
 - area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%
 - on-farm diversified uses may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha
 - the gross floor area of buildings used for on-farm diversified uses is limited (e.g., 20% of the 2%)
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations
 - does not hinder surrounding agricultural operations
 - appropriate to available rural services and infrastructure
 - maintains the agricultural/rural character of the area
 - meets all applicable environmental standards
 - cumulative impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area

Examples



Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)*



Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)*



Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)



Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)*



Retail uses (e.g., farm market, antique business, seed supplier, tack shop)*



Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)*

Examples of uses that would typically NOT be on-farm diversified uses because they would not meet PPS definitions or criteria include:

- large-scale equipment or vehicle dealerships, hotels, landscape businesses, manufacturing plants, trucking yards
- uses with high water and sewage needs and/or that generate significant traffic, such as large food processors, distribution centres, full-scale restaurants, banquet halls
- large-scale recurring events with permanent structures
- institutional uses (e.g., churches, schools, nursing homes, cemeteries)
- large-scale recreational facilities such as golf courses, soccer fields, ball diamonds or arenas

Regional Official Plan

- Needs to be updated to address terminology and allow for On-Farm Diversified retail uses
- Currently restrictive with respect to retail





Township OP – On-Farm Diversified uses Consistent with PPS/Guidelines and ROP

- Policies were added in 2020 after a review and study
- Protect agriculture and farming
- Protect our rural countryside character
- Support farming (must be on a farm) – tied to the farm parcel it is on
- Some municipalities around Woolwich have not added such policies yet.
- Consistent with PPS/Guidelines and ROP
 - Consistent in that it can be the same or more restrictive, but cannot be more less restrictive
- Planning Act allows regulations
 - use of the land (that parcel)
 - erection of buildings or structures
 - type of construction and its height, bulk, location, size, floor area, spacing, character and use of buildings or structures, frontage and depth and proportion of the land area that any building or structure may occupy
 - loading or parking facilities
 - area, density and height

Township OP – On-Farm Diversified uses

Consistent with PPS/Guidelines and ROP

- a) Is located on a farm that is actively in agricultural use;
- b) Is limited in area to minimize the amount of land taken out of agricultural production, ensure agriculture remains the primary or main use, and to limit off-site impacts to ensure compatibility with surrounding agricultural operations;
- c) Be secondary to the principal agricultural use of the property in both spatial and temporal terms (spatial, must be secondary to the agricultural use and conform to the size as noted in d) below and temporal, for uses that are temporary or intermittent);
- d) Does not generally exceed 2% percent of the total size of the farm parcel up to a maximum of one hectare, and where:
 - a) Existing laneways shared between agricultural uses and on-farm diversified uses shall not be counted towards the maximum 2% size of the on-farm diversified use;
 - b) All aspects related to the proposed on-farm diversified use, such as buildings, outdoor storage, landscaped areas, berms, well and individual wastewater treatment systems, parking and new access roads form part of this maximum area. If more than one on-farm diversified use is proposed on a single property, the combined area of all on-farm diversified uses should be within the above maximum area;
 - c) Any buildings, structures or facilities associated with the on-farm diversified use, except roadside produce stands, will be integrated with the farm cluster and constructed in a manner that will allow for ease of conversion to an agricultural-use should the on-farm diversified use cease to exist;
 - d) Any retailing of products is minor and limited to those goods produced or manufactured primarily from the farm; and
 - e) The gross ground floor area of buildings used for on-farm diversified uses may be further limited in accordance with the Zoning By-law as noted further in this section below;
- e) Is not severed from the farm parcel;
- f) Does not include any use which is, or may become, obnoxious, offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, noise, fumes, vibration, refuse matter or water carried wastes; and
- g) Is not detrimental to the environment and complies with the environmental policies of Chapter 13 of this Plan.

Township OP – On-Farm Diversified uses

Determination of whether a proposed *on-farm diversified uses* is or will be minor in scale relative to the farm operation will include an evaluation of the relationship between the existing agricultural operation and the proposed *on-farm diversified uses* and may consider such matters as the physical scale and nature in both the farming operation and the proposed *on-farm diversified uses*, plus any other factors as may be deemed appropriate.

Ground-mounted solar facilities are permitted within *Prime Agricultural Areas* and *specialty crop areas* only as *on-farm diversified uses*.

Zoning By-law regulations shall incorporate provisions to ensure that the *on-farm diversified uses* remain secondary by:

- a) Limiting the uses to those that are secondary and limited to dry industrial, non high-water use/effluent generation operations, farm related commercial, commercial uses related to the principal farm use, home occupations, home industries / on-farm businesses, group homes, agri tourism uses, and uses that produce value added agricultural products;
- b) Remain minor in scale relative to the farming operations and farm size;
- c) Do not undermine the agricultural nature of the area; and
- d) Do not have the potential to significantly negatively impact adjacent land uses or address adequate separations to mitigate impacts.

Zoning – On farm diversified

	USES			
Farm Size	Veterinary Clinic, Dog kennel	Winery, cidery, meadery, Small scale micro-brewery, distillery operations, Indoor Seasonal storage, Retail Uses, Ground-Mounted Solar Facilities	Dry Industrial, farm related dry industrial, farm related dry commercial, Value Retention of farm products, Value Added	Non-Commercial Greenhouse (Floriculture/Horticulture) Sales Operation
4 to 5.9 ha.	Not permitted	Not permitted	Not permitted	See section 6.45
6 ha. or greater	0.50%	1%	2%	See section 6.45

Zoning cont..

- On-Farm Diversified Uses must be operated by the resident farmer, a resident member of the farm family or non-resident owner of the farm who farms the property.
- Coverage –
 - The total lot coverage (the “area of operation”) of any one, or more than one, of the uses noted above, cannot exceed the lesser of a maximum lot coverage of 2% or 1 hectare, which includes all the associated elements noted in Section 6.22.2a) above.
 - lot coverage of the On-Farm Diversified use shall include all associated buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and dedicated laneways with the use (the “area of operation”) but not include existing laneways shared between agricultural uses and On-Farm Diversified uses.
- Appearance –
 - All buildings and structures associated with an On-Farm Diversified Use shall be designed similar to a farm structure, and in accordance with the following:
 - a maximum height of 7.3 metres;
 - must have a peaked roof; and
 - be one storey, save and except a portion of the building may have a second floor which shall not exceed a maximum of 30% of the ground floor area of the building.
- Compatibility –
 - All buildings/structures, outdoor storage, display, parking and loading areas used in connection with the On-Farm Diversified Use (the “area of operation”) must be separated by at least 150 metres from buildings used for residential, recreational or institutional purposes located on an adjacent lot. New residences on an adjacent property must be a minimum of 180 metres from buildings housing an On-Farm Business for which a Certificate of Occupancy has been issued.
- Consistent with PPS in uses:
 - Veterinary clinics shall be large animal, or mixed large and small animal operations, but shall not primarily offer services for urban or typical household pets.
 - Dog Kennel may include pet day care, pet care, and dog training operations. A Dog Kennel (including any pet day care, pet care, and dog training operations), in part or any combination hereto, shall not exceed the lot coverage noted in 6.22.2. Such facilities may also be subject to regulations in the Animal Control By-law as applicable and where there is any conflict the more restrictive of the requirements shall apply.
- Retail limitation (ROP)
 - Accessory retailing is not permitted for any landscape or seasonal storage. For all other permitted uses, accessory retail areas are only permitted for goods produced on-site and not exceeding 15% of the total permitted floor area. For the purposes of measuring retail area noted above the following shall be use - the measurement of the display area plus 1 metre aisle space around the display area.



Process/Costs

- Roadside produce stand / sales from home
 - Certificate of Occupancy - Fee \$250 (plus an additional enforcement fee of \$150)
 - Fee \$400
- On-Farm Diversified (industrial, commercial, larger produce sales etc)
 - Certificate of Occupancy – Fee \$250
 - Total - Site Plan application - \$2500 (plus an additional enforcement fee of \$2000.00)
 - Initial submission fee \$4750.00
 - Subject to annual renewal \$100
- Agriculturally Related
 - Zone Change fees approx. 10,000 (plus an additional enforcement fees \$2000) plus consulting fees (min \$10,000)
 - Site plan Fees (approx. \$7000) plus consulting fees (approx. \$10,000).
 - Application fees of approx. \$20,000
- Building permit costs



Township Zoning

Home Business - Tradesperson

- Added in 2020
- Not permitted in other municipalities in the region
 - Similar to Mapleton, but Mapleton has some greater flexibility given they have less settlements and employment areas.
 - Are comparable/consistent with Centre Wellington comparable
- Gave opportunity to smaller lots that do not permit On-Farm Diversified, being less than 6 ha (too small to be a farm)
- Is to be a small-scale use/secondary to the residential use of the property. Is not to create an industrial lot.

Township Zoning - Home Business - Tradesperson

Where listed as a permitted use, Home Business – Tradesperson may be permitted within a single detached dwelling and/or a permitted accessory building on Agricultural (A) zoned properties up to **6 ha** in area, in accordance with the following:

- i. A Home Business – Tradesperson is limited to:
 - a) individuals employed in the building trades, including bricklayers and stonemasons; carpenters and joiners; electricians; lathers; painters; decorators and paper-hangers; plasterers; plumbers and steamfitters; sheet metal workers; general contractors; landscapers; flooring and carpet layers or home decorators or other similar trades which provide an installation service but do not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a personal service shop, contractors yard or retail store as defined herein;
 - b) a woodworking shop (fabricating which involves wood, such as furniture making and wood bending, but not including pallet making); or
 - c) blacksmithing.
- ii. The Home Business – Tradespersons shall be clearly secondary to the principal residential use of the lot and/or building.
- iii. The dwelling on the property is occupied by the owner/operator of the Home Business – Tradesperson.
- iv. There shall be no employees permitted other than a homeowner/operator or resident of the main dwelling for a use noted in 6.18.A) i.b) or c) noted above.
- v. For uses noted in 6.18.A) i.a) there shall be no more than two employees, who are not a resident in the main dwelling, operating, employed or sub-contracted as part of the business from the property.
- vi. An accessory building to the residence may be used for the storage of equipment, vehicles and supplies, provided that not more than a total floor area 100 sq.m. shall be devoted to such use and that no exterior alterations shall be made to any buildings or premises in connection with the Home Business – Tradesperson.
- vii. The amount of the dwelling's total floor area utilized by the Home Business for office space shall not exceed 35 sq.m..
- viii. There is no outdoor storage of goods or materials, including heaving equipment such as excavation machinery, or any vehicles not licensed for the road.
- ix. Shall not include any retail sales area including retail sale of building or construction supplies nor automobile, small engine or machinery repair.
- x. Shall not include any processing for uses noted in 6.18.1.a) above.
- xi. All buildings/structures and storage, display, parking and loading areas used in connection with a Home Business must be separated by at least 150 metres from buildings used for residential, recreational or institutional purposes located on an adjacent lot. New residences on an adjacent property must be a minimum of 180 metres from buildings housing a Home Business for which a Certificate of Occupancy has been issued.
- xii. The home business shall not create or become a nuisance in regard to noise, odour, dust, smoke, fumes, vibration, refuse matter or water-borne wastes, traffic generated or parking.
- xiii. Shall not be in addition to a Home Occupation in 6.18.
- xiv. No Home Business – Tradesperson shall be permitted until a Certificate of Occupancy has been issued by the Township, which shall be renewed annually. No change of use shall be made without the issuance of a new Certificate of Occupancy.

LIFE AND DEATH – Taxes (MPAC assessment)

- Zoning and taxes do not go hand in hand. Farmers get assessed by MPAC regardless of zoning. Can collect for back taxes if they catch it after the fact.
- When do they get taxed for commercial?
 - Farm – road side stand.. not taxed
 - Farm – going beyond a small roadside stand, selling value added items (jam, etc). 51% needs to come from farm. – taxed using the Assessment of agr. (land taxed at farm rate – as a farm price not a commercial or industrial assessed value), but charged a commercial tax rate on that land pay
 - Dual use – farm with a business not associated with the farm. Non-farm taxed at commercial/industrial rate and assessment (land value) portion of dual purpose



Recap/Where we are

- Current by-law created with community group and consultation
- Protect and support farming, farmland and rural character
 - A balance achieved with the farmers
- Consistent with Policy (level playing field across the Province) and the Strategic Plan
- Enforce to ensure health and safety, legal
- Cost recovery to complete the enforcement (\$106,000.00).
 - Almost all of the letters have gone out and we are working with landowners, which means almost all of the Township has been reviewed.
 - We are now aware of many of these operations
 - Majority of farm parcels have met the regulations for On-Farm Diversified (2%). If we had a lot that could not meet the regulations for similar reasons we would recommend a review if it would be appropriate to do a general amendment.
- We have worked with hundreds of landowners (who started without the legal permissions or expanded without permissions), most recently sent out about 200. Of which only few seem to raise concerns.



MOVING FORWARD

- Enforcement
 - On- Farm Diversified
 - Continue? Carry on, and any exceptions come to Council or Committee of Adjustment and staff recommend, Committee decides. Decision could differ from staff recommendation.
 - Pause - if some review is warranted? How long? Need clear direction.
 - Stop (what does that mean to operations we have addressed and to those that are not legal but we are aware, liability, what precedent does it set)
 - Review Home Businesses Tradesperson if necessary
 - Any pauses and reviews may add a new project to staff's workload

