



**TOWNSHIP OF MELANCTHON  
SPECIAL ELECTRONIC COUNCIL MEETING  
STATUTORY MEETING REGARDING  
ON-FARM DIVERSIFIED USES  
TUESDAY, JANUARY 25, 2022 – 6:00 P.M.**

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Join Zoom Meeting

<https://us02web.zoom.us/j/81448125024?pwd=MFduNkJjRXgxWWVSSTRtQ0VEaXE4QT09>

Meeting ID: 814 4812 5024

Passcode: 005594

One tap mobile

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Dial by your location

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+1 647 558 0588 Canada

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Meeting ID: 814 4812 5024

Passcode: 005594

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**1. Call to Order**

**2. Land Acknowledgement Statement**

*We will begin the meeting by sharing the Land Acknowledgement Statement:*

We would like to begin by acknowledging that Melancthon Township recognizes the ancestral lands and treaty territories of the Tionontati (Petun/Wyandot(te)), Haudenosaunee (Six Nations), and Anishinaabe Peoples. The Township of Melancthon resides within the lands named under the Haldimand Deed of 1784 and the Lake Simcoe-Nottawasaga Treaty (Treaty 18).

These territories upon which we live and learn, are steeped in rich Indigenous history and traditions. It is with this statement that we declare to honour and respect the past and present connection of Indigenous peoples with this land, its waterways and resources.

**3. Approval of Agenda**

**Motion – that Council approve the Agenda as circulated.**

**4. Declaration of Pecuniary Interest**

**5. General Business**

1. Statutory Meeting for a Zoning By-law Amendment regarding On-Farm Diversified Uses in the Township of Melancthon
2. Draft Zoning By-law Amendment
3. PowerPoint Presentation – Review of Zone Regulations for On-Farm Diversified Uses – September 16, 2021
4. Public Comments received to date:
  1. Enbridge Gas
  2. David Thwaites
  3. Harve Lyon

**6. Confirmation By-law**

Motion - that leave be given to introduce a By-law to confirm the proceedings of the Council of the Corporation of the Township of Melancthon at its special meeting held on January 25, 2022 and it be given the required number of readings and numbered 6-2022.

**7. Adjournment**

Motion – that we adjourn this Special Meeting of Council at \_\_\_\_\_p.m.

## **Notice of a Public Meeting for a Zoning By-law Amendment Regarding On-Farm Diversified Uses in the Township of Melancthon**

Council for the Township of Melancthon has initiated a work program to update its zone regulations with respect to on-farm diversified uses. The update will specifically address the definition of and regulations for on-farm diversified uses, which are essentially small businesses which operate in conjunction with an active farm operation.

Interested members of the public are welcome to attend a virtual public meeting with Council to learn more and comment on this initiative. The meeting date is **Tuesday, January 25<sup>th</sup>, 2022 at 6:00 p.m.**

If you wish to attend the virtual meeting, the virtual meeting link will be posted to the Planning Notices page of the Township's website – <https://melancthontownship.ca/planning/planning-notices/>. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

The Township of Melancthon has had zone regulations for on-farm business in place since 2012. On this basis the proposed amendment would serve only to update these existing regulations. The amendment would be applicable to the entire Township and therefore a key map has not been provided. A draft of the amendment as well as some additional background information is available for download from the Township's website.

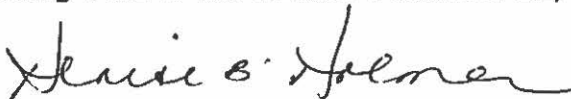
The purpose of the public meeting is to ensure that sufficient information is made available to enable the public to generally understand the proposed Zoning By-law Amendment. Any person who attends the public meeting shall be afforded an opportunity to make representations to Council in respect of the proposed amendment.

If you wish to be notified of the decision of the Council for the Corporation of the Township of Melancthon in respect to the proposed Zoning By-law Amendment, you must submit a written request (with forwarding addresses) to the Clerk of the Township of Melancthon at 157101 Highway 10, Melancthon, Ontario, L9V 2E6 fax (519) 925-1110

If a person or public body files an appeal of a decision of the Council for the Corporation of the Township of Melancthon, as the approval authority in respect of the proposed Zoning By-law Amendment, but does not make oral submissions at a public meeting or make written submissions to Council before the proposed amendment is approved or refused, the Ontario Land Tribunal may dismiss all or part of the appeal.

Further information regarding the proposed amendment is available to the public on the Township's website or by contacting the Township of Melancthon Municipal Office on Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Mailing Date of this Notice: December 22, 2021



Denise B. Holmes, AMCT  
CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON  
BY-LAW NO. \_\_\_\_\_  
(OFDU DRAFT AMENDMENT – October 18, 2021)

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon to define and regulate home based business.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS Council of the Corporation of the Township of Melancthon wishes to update the definitions and regulations governing home based business and has sought public input with respect to the proposed definitions and regulations;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Zoning By-law 12-79 as amended, is further amended by deleting Section 2.34 and replacing it with the following new sections:

2.34 **HOME INDUSTRY** means a small-scale, legal business activity of an industrial nature accessory to a residential use or agricultural use and conducted entirely within an accessory building. Where a home industry is accessory to an agricultural use, the use shall be located within the farm cluster of buildings, which shall include a dwelling. For the purpose of this definition, a home industry shall not include the repairing, storage or recycling of motor vehicles, mobile homes, boats, heavy equipment and recreational vehicles, which includes, but is not limited to campers, motor homes, motor cycles, all terrain vehicles, personal water craft and snowmobiles.

2.34 a) **HOME OCCUPATION** means the use of part of a dwelling unit for a legal business activity that produces a product or service in a manner which is clearly accessory to the principal residential use of the dwelling unit.

2. And Furthermore, Section 2 is further amended by adding the following new subsection after Section 2.55:

2.55 a) **ON-FARM DIVERSIFIED USE** means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business. For the purpose of this definition, an on-farm diversified use shall not include event facilities, the repairing, storage or recycling of motor vehicles, mobile homes, boats, heavy equipment and recreational vehicles, which includes, but is not limited to campers, motor homes, motor cycles, all terrain vehicles, personal water craft and snowmobiles.

3. And Furthermore, Section 3 is amended by deleting Section 3.13 and replacing it with the following new section:

**3.13 HOME BASED BUSINESS**

1) **Home Occupations**

A home occupation is permitted in any dwelling unit and is subject to the following regulations:

- a) No more than one employee, in addition to the residents of the dwelling unit, shall be engaged in the business;
- b) Any dwelling unit containing a home occupation shall be occupied as a full-time residence by the owner/operator of the business which shall be confirmed by the current address on record with the Municipal Property Assessment Corporation;

- c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage;
- d) No more than one home occupation shall be permitted in any dwelling;
- e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50 square metres or 25% of the gross floor area of the dwelling.
- f) There shall be no goods, wares or merchandise offered or displayed for sale on the premises other than those produced on the premises;
- g) There shall be no outside storage of materials, goods or vehicles in conjunction with the home occupation use;
- h) There shall be no external advertising other than a sign no larger than 1 square metre that may be placed in the front yard or may be affixed to the exterior wall of the dwelling;
- i) A home occupation shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the dwelling unit;
- j) Neither a home industry nor an on-farm diversified use shall be permitted uses in conjunction a home occupation; and,
- k) The following uses shall not be permitted as a home occupation:
  - i) Adult entertainment use;
  - ii) Dating/escort services;
  - iii) Construction/landscaping contractors' yards;
  - iv) Tattoo parlours;
  - v) Taxi service depot, delivery or dispatch establishments; and
  - vi) Any use involving the storage, repair, maintenance and/or towing of motor vehicles or recreational vehicles

## 2) Home Industries

One home industry is permitted on a lot in the General Agricultural (A1) or Specialty Agricultural (A2) Zones subject to the following regulations:

- a) Not more than 2 employees, who are not residents of the lands utilized for the home industry, shall be permitted;
- b) Any lot upon which a home industry is located shall be occupied as a residence by the operator of the business which shall be confirmed by the current address on record with the Municipal Property Assessment Corporation;
- c) The building or structure housing the home industry shall be dedicated solely to the home industry and shall be set back a minimum of 22.8 metres from any lot line, 121.9 metres from the closest lot line of a vacant lot having a maximum size of 4.1 hectares, and 121.9 metres from a dwelling on a separate lot.
- d) The minimum lot area shall be 2.0 hectares;
- e) The maximum gross floor area of any building or structure housing a home industry shall not exceed:
  - i) 92.9 square metres for lots having a lot area between 2 ha and 10 ha;
  - ii) 185.8 square metres for lots greater than 10 ha in lot area.
- f) The driveway accessing the home industry shall be shared with the driveway that is utilized for the principal use on the lot;
- g) The sale of goods shall be limited to those products that are manufactured, processed, fabricated, or produced on the premises;
- h) All business operations, storage and loading spaces shall be located within the building or structure housing the home industry;
- i) A maximum of two licensed motor vehicles utilized in conjunction with the home industry shall be permitted;
- ~~j) Any permitted home industry shall operate only during any part of the following time periods: between 7:00 a.m. and 7:00 p.m. on Mondays to Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays;~~
- k) There shall be no external advertising other than a sign no larger than 1 square metre that may be placed in the front yard or may be affixed to the exterior wall of the dwelling; and,
- l) Neither a home occupation nor an on-farm diversified use shall be permitted uses in conjunction a home industry.

3) On-Farm Diversified Uses

- a) The following uses may be permitted in the General Agricultural (A1) Zone as an On-Farm Diversified Use as a secondary use to an agricultural operation:
- i) ~~Dry manufacturing, welding and machine shops and wood working shops; repair services other than an automobile repair shop or public garage;~~
  - ii) ~~Welding and machine shops;~~
  - iii) ~~Wood working shops;~~
  - iv) ~~Band saw mills with covered storage of saw logs;~~
  - v) ~~Greenhouses and market gardens;~~
  - vi) ~~Garden centres;~~
  - vii) ~~Tree nurseries;~~
  - viii) ~~Compatible commercial or retail uses including but not limited to storage and refrigeration of regional agricultural products, and production, sales and marketing of value-added agricultural products derived from regional sources;~~
  - ix) ~~Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;~~
  - x) ~~Agricultural support and contracting services that facilitate the production, marketing and distribution of agricultural products;~~
  - xi) ~~On-farm and off-farm sales and marketing of predominantly regional agricultural products and experiences;~~
  - xii) ~~Locally made arts and crafts; and,~~
  - xiii) ~~Ancillary retail sales of on-farm produce and value-added products and service activities.~~
- b) On-farm diversified uses shall be subject to the following regulations:
- i) Ancillary retail commercial sales and service activities, including accessory retail sale of products produced by the on-farm business use, shall be limited to a maximum of 10 percent of the gross floor area of the building. This regulation shall not preclude the establishment of a road side, seasonal farm-produce stand between June and October provided the produce stand is not comprised on any permanent building or structure with a floor area greater than 10 square metres and provided off-street parking can be accommodated.
  - ii) Any permitted use shall require a Change of Use Certificate from the Township.
  - iii) Only one permitted use is allowed on any qualifying lot.
  - iv) The lot shall be eligible for the Farm Property Class tax rate and must be used for a farming business that has a current and valid Farm Business Registration number.
  - v) The minimum lot area shall be 20.23 hectares with at least 70% of the land area in an active state of agricultural use.
  - vi) The minimum lot frontage shall be 150 metres.
  - vii) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4 hectares.
  - viii) The use shall be located in a separate building or buildings that are not associated with any other use on the lot.
  - ix) All buildings and structures shall be set back a minimum of 22.8 25 metres from any lot line, no further than 25 metres from other farm buildings and 121.9 metres from the closest lot line of a vacant lot having a maximum size of 4.1 hectares, and 121.9 metres from a dwelling on a separate lot.
  - x) The minimum separation distance between on-farm diversified business uses shall be 500 metres.
  - xi) The maximum combined total ground floor area of all buildings shall be 418.06 square metres. An upper mezzanine shall also be permitted for storage purposes and shall have a maximum floor area of 150 square metres. An office and/or bathroom facility shall also be permitted and shall not exceed 50 square metres in total floor area. Where an on-farm diversified

*use includes a bathroom the building shall be connected to a Class 4 sewage disposal system.*

- xii) *All buildings shall have a peaked roof and the maximum building height shall be 9.2 metres measured vertically from the abutting finished ground level to the peak of the roof and shall be located behind the rear wall of the dwelling.*
- xiii) *All business operations, storage and loading spaces shall be located within fully enclosed buildings.*
- xiv) *There shall be a landscaped buffer strip provided between the use and the nearest open public road. The landscaped buffer strip shall consist of either a minimum 2 metre wide continuous strip of land containing or planted with at least one row of coniferous trees having a minimum height of 2 metres and spaced at a maximum of 3 metre centres or containing a continuous 2 metre high tight board fence. Where necessary, driveways and walkways may cross this landscaped buffer strip. Where existing vegetation provides the equivalent of this buffer, no further planting or fencing is required.*
- xv) *The use shall comply with the applicable noise emission standards of the Ministry of the Environment and, where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards.*
- xvi) *The use shall be operated by the owner of the lot and a maximum of four employees.*
- xvii) *The use shall not be offensive, obnoxious or dangerous to the neighbours or the area by reason of: the emission of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution; interference with radio or television; or the significant increase in vehicle traffic due to frequency of deliveries by commercial carriers or patron parking.*
- xviii) *There shall be no advertising other than a non-illuminating sign having a maximum size of 1 square metre.*
- xix) *~~Any permitted on-farm business shall operate only during any part of the following time periods: between 7:00 a.m. and 7:00 p.m. on Mondays to Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays.~~*
- xx) *Neither a home occupation nor a home industry shall be permitted uses in conjunction an on-farm diversified use.*

4. And furthermore, Section 4.6 of Zoning By-law 12-79, as amended, is hereby deleted and Section 4.7 is renumbered to 4.6.

5. In all other respects, the provisions of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the xxth day of June 2017.

READ A THIRD TIME and finally passed this xxth day of June 2017.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Note: Draft ZBA was discussed by Committee of the Whole on October 21, 2021 and Committee provided the following comments:**

- Reduce minimum distance between OFDU's on separate parcels of land from 500 m to 200 m;
- Sawmills should not be removed;
- Size of shop could increase/decrease depending on separation distance.

# **Township of Melancthon**

## **Review of Zone Regulations for On-Farm Diversified Uses**

September 16, 2021



# Overview

1. Provincial policy and guideline for OFDU
2. Summary of Melancthon zone regulations
3. Analysis of provincial policy and guidelines against Municipal regulations
4. Framework to update zone regulations



# Agricultural Uses

**Under Provincial Policy municipalities are required to:**

1. Identify “prime agricultural areas”;
2. Within this area only the following uses are permitted:
  - a) “Agricultural uses”
  - b) “On-farm diversified uses”
  - c) “Agricultural related uses”



# Agricultural Uses – Definitions

## Agricultural uses

- 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;
- *value-retaining facilities; and,*
- accommodation for full-time farm labour.


## On-farm diversified uses

- **Secondary** to the principal agricultural use of the property,
- **Limited** in area.
- Include, but are not limited to, home occupations, home industries, agri-tourism uses, *and uses that produce value-added agricultural products.*

Therefore:

**-Agricultural Uses-**

(On-farm diversified uses)



# Publication 851 – Guidelines on Permitted Uses in Agricultural Areas

## **Value-Retaining Uses**

“Value-retaining facilities located on farms serve to maintain the quality of raw commodities produced on the farm to ensure they remain saleable...includes refrigeration, controlled atmosphere storage, freezing, cleaning, grading, drying...minimum amount of processing, such as grading eggs. Agricultural commodities undergoing value retain processes are often shipped in bulk to value-added operations.”

## **Value-Added Uses**

“Value-added facilities differ from value-retaining facilities...they process agricultural commodities into new forms or products to enhance their value...chopping, canning, bottling, wine-making, packaging for retail use..Value-added uses do not meet the definition of agricultural uses but may satisfy the definition for agricultural-related or on-farm diversified uses.”



### **Value-Retaining Facilities**

#### **Characteristics**

- maintain the quality of agricultural commodities (i.e., prevent spoilage) or provide a minimum amount of processing to make an agricultural commodity saleable
- agricultural commodities are produced on the farm

#### **Examples**

- controlled-atmosphere storage, cleaning, grading, drying, sorting, evaporating maple sap into syrup, honey extraction, simple (bulk) packaging

#### **Type of Use**

- *agricultural uses or agriculture-related uses*

### **Value-Added Facilities**

#### **Characteristics**

- process agricultural commodities into new forms that enhance their value
- may add off-farm inputs

#### **Examples**

- pressing apples and bottling cider, wine-making, grain milling, cherry pitting and preserving, chopping and canning carrots, grain roasting for livestock feed, retail-oriented packaging

#### **Type of Use**

- *agriculture-related uses or on-farm diversified uses*



## On-Farm Diversified Uses – Criteria Pub. 851

1. Located on a farm (F)
2. Secondary to the principal ag. use of the parcel (S)
3. Limited in area (L)
4. Includes home occupations, home industries, ag-tourism uses and uses that produce value-added ag. products (**HBB-V**)
5. Shall be compatible with and shall not hinder surrounding agricultural operations (**C**)



## By-law 33-2017 (originally 44-2012)

Originally established to permit and regulate on-farm diversified use (industrial workshops)

### **Component Parts:**

1. Definition
2. Permitted Uses
3. Regulations



## The Definition

*means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business.*

### **Analysis:**

- F, S, L – yes
- HBB-V, C - discuss



## The Permitted Uses

- i) *Dry manufacturing, trades and repair services other than an automobile repair shop or public garage; (HBB-V, C)*
- ii) *Welding and machine shops; (HBB-V,C)*
- iii) *Wood working shops; (HBB-V,C)*
- iv) *Band saw mills with covered storage of saw logs; (discuss)*
- v) *Greenhouses and market gardens; (discuss)*
- vi) *Garden centres; (discuss)*
- vii) *Tree nurseries; (discuss)*
- viii) *Compatible commercial or retail uses including but not limited to storage and refrigeration of regional agricultural products, and production, sales and marketing of value added agricultural products derived from regional sources; (discuss)*



## Permitted Uses

- ix) *Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production; (discuss)*
- x) *Support services that facilitate the production, marketing and distribution of agricultural products; (discuss)*
- xi) *On-farm and off-farm sales and marketing of predominantly regional agricultural products and experiences; (discuss)*
- xii) *Locally made arts and crafts; and, (discuss)*
- xiii) *Ancillary retail sales and service activities. (discuss)*



## Permitted Uses - Analysis

- 3 of the uses capture the principle types of OFDUs that have been approved in the Township (manufacturing, welding, wood working)
- 3 of the uses may be agricultural uses (greenhouses, garden centres, tree nurseries)
- 1 of the uses could be a home occupation or secondary uses to agriculture (support services for production, marketing, and distribution)
- 3 of the uses address retail, off-farm sales and supplemental sources of on-farm income.

## Donna Funston

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**From:** Municipal Planning <MunicipalPlanning@enbridge.com>  
**Sent:** Wednesday, December 22, 2021 1:11 PM  
**To:** Donna Funston  
**Subject:** RE: On Farm uses ZBA notice of public meeting

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

Alice Coleman  
Municipal Planning Analyst  
Long Range Distribution Planning  
—

**ENBRIDGE**  
TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**

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**From:** Donna Funston <[dfunston@melancthontownship.ca](mailto:dfunston@melancthontownship.ca)>  
**Sent:** Wednesday, December 22, 2021 1:05 PM  
**To:** [executivevp.lawanddevelopment@opg.com](mailto:executivevp.lawanddevelopment@opg.com); [municipal.circulations@ugdsb.on.ca](mailto:municipal.circulations@ugdsb.on.ca); [planification@csviamonde.ca](mailto:planification@csviamonde.ca); Municipal Planning <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [circulations@wsp.com](mailto:circulations@wsp.com)  
**Subject:** [External] On Farm uses ZBA notice of public meeting

### CAUTION: EXTERNAL EMAIL

This email originated from outside Enbridge and could be a phish. Criminals can pretend to be anyone. Do not interact with the email unless you are 100% certain it is legitimate. Report any suspicious emails.

Please find attached the zoning by-law amendment notice of public meeting for the on farm diversified uses by-law in Melancthon.

Thanks,  
Donna

JAN 25 2022

## Denise Holmes

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**From:** David Thwaites [REDACTED]  
**Sent:** Tuesday, January 18, 2022 1:09 PM  
**To:** Denise Holmes  
**Subject:** Farm Use Bylaw Commnets  
**Attachments:** SUBMISSION OF COMMENTS.docx

Denise:

I have attached my written comments for purposes of the Township Public Meeting scheduled for January 25, 2022.

Thanks

David Thwaites

## SUBMISSION OF COMMENTS – MELANCTHON DRAFT BYLAW ON-FARM DIVERSIFIED USES

The starting point for my comments is that any planning and development of the Township of Melancthon must proceed with the recognition that The Township is by its nature, its history and its geography rural and predominantly agricultural. Any change in its character and development must proceed with great caution. This has been underlined by Provincial Policy Statements and Policies, by the Official Plan of the Township and even by the Township Zoning Bylaw which dates back to 1979. It is perhaps of note that the Township comprehensive Zoning Bylaw does not provide for any lands zoned for Industrial and, even, in any general Commercial zone.

Proper planning and development should not be conducted piecemeal and even when it might it must be done very carefully and cautiously, especially when the proposed change might well impact the character and nature of the Township. It is noted that the Township either intentionally or by neglect has determined not to engage and conduct a comprehensive review and redraft of the comprehensive Zoning Bylaw, 1979, in now over forty years. It is submitted, as I note I supported when I was on Council and as did other members of Council at the time, that a comprehensive review should have been and should be conducted before any piecemeal change that by its nature has broad application across the Township.

The now proposed draft Bylaw must be considered in light of the following:

- a. Comprehensive Zoning Bylaw, 1979
- b. Zoning Bylaw amendment 44-2012
- c. Zoning Bylaw amendment 33-2017.

In the context of the current proposed Bylaw it must be remembered that the Township Official Plan has not changed and that the Bylaw 44-2012, which the Township seeks to amend, is now less than ten years old, as underlined by the further passage of Bylaw 33-2017, less than five years ago. That timeline should tell current Council that there is something materially wrong with another proposed redraft, especially absent an overall review of the Zoning bylaw and land uses in the Township. I would further note that while Bylaw 33-2017 was considered, discussed and passed it did not substantively amend the provisions related to the On Farm Uses section, telling us that less than five years ago Council determined that there was no good reason to change.

It is certainly my understanding that Bylaw 44-2012 received vigorous discussion only after an appeal to the OMB (now LPAT) was resolved contingent on such discussions between the various interested parties, including those with a vested interest in operating Secondary to Agriculture use. Council should not need to be reminded that the snowball effect of change is not good planning especially when it might well undermine the good faith “product” of those discussions, ie Bylaw 44-2012 and moreso without very strong evidence and an even stronger good planning rationale.

Before one proceeds further it is necessary to put in context what is key and underlines Bylaw 44-2012.

Bylaw 44-2012 only permits certain non-farm uses on Agriculture zoned lands IF the use is a secondary use to the principal use, agriculture. Secondary Use is defined; it must be secondary to an agricultural operation and production, full stop. That was understood when the Bylaw was resolved after extensive discussion and the Bylaw passed. Anything less than meeting that definition is contrary to the very essence of the Bylaw. Any effort to denigrate from the key understanding is wrong, especially if done without a full comprehensive Zoning/land use review and study and done without a full understanding of the impact of Bylaw 44-2012 in and through the Township, including compliance with the ongoing requirement that Agriculture **MUST** always be the principal and ongoing use for lands zoned Agriculture.

As I consider the draft revisions I see no good reason and certainly no good planning rationale for the proposed changes. In fact the development allowed for by the 2012 Bylaw has allowed for approximately forty developments and as one drives about the Township one sees the impact, at least from the road, for it would seem, in too many instances, the 'secondary' component of the land use has taken over and the required primary agriculture use has been lost or marginalized. This is wrong and inconsistent. The issue is not addressed in any real fashion in any planning report that is available for the public to consider. What has been the experience of the forty? What are the concerns and if any concerns, who has them and what are they? What are the concerns of those impacted by the "forty"? What does the evidence tell us about land use, compliance, and any need for change? To open the door for even more relaxed development is simply an invitation to build the snowball.

One might suggest it is the "bad apples" that create the concern but the fact is there are bad apples and there has been little or no control over the current, apart from the any further resulting from more open development. It is not sufficient to say, we will create less stringent controls and monitor when in fact history tells us there is very little monitoring or control, this being reflected not just with this Bylaw but with Bylaws such as Property Standards.

As I reflect on both the current Bylaw and the draft Bylaw, in the context of what the Township faces, I am very concerned by the proposed changes. In fact, if I were asked to comment, I would suggest, if anything, that Bylaw should be tightened and be more restrictive.

What the Township has and will have under the draft bylaw is a planning regime of Industrial uses without any Industrial zoning. That is not good and it is certainly not good planning.

The OMAFA Policy 851 recognizes and underlines the foregoing in any number of statements throughout the policy. The starting point is that the Farm **MUST** be actively in agricultural use. It must be an agricultural farm that is operated with the view to gain and earning a livelihood. The requirement continues, even after a secondary use might be permitted. I appreciate that for some farmers this has been and may be a real challenge, especially with current economics but guess what "current economics" has been a challenge for farmers dating back many, many years (for myself my family has been involved in farming/agriculture since the early 1800s in Canada). Current economics should not

and does not substitute for good planning and give reason to build snowballs in a vacuum.

The OMAFA Policy mandates that not only must the land be operated actively and primarily as agricultural use but that it continues. From my observations this does not appear to be the case here in Melancthon. It might be a better policy to enforce what you presently have before opening the door further, for once the horse starts to run it might prove very difficult to capture. The draft Bylaw fails to recognize and honour that mandate.

The OMAFA Policy mandates that the area of secondary use be restricted ie any liberalization of use or any related prescriptions must proceed only with great caution and after much deliberation. The proposed draft Bylaw fails to address and reflect such a mandate.

The OMAFA Policy mandates that the character of the area/Township not be changed to be inconsistent with Agriculture and even rural living. The draft Bylaw fails.

For example draft Bylaw redefines setback (500 m to 200 m) and it provides that only 70 per cent of the land be agriculture use, a figure I submit is so inconsistent with and contrary to the OMAFA Policy. In draft Bylaw 3(a)(x) the "definition" is so vague that it amounts to almost nothing and is an invitation to any applicant to challenge any refusal though LPAT, a challenge the applicant would no doubt win.

If the Township is to consider an amendment to the current Bylaw then it might well be that a more restrictive term be imposed/created, namely limit the size of the industrial secondary use shops so that the secondary use is maintained without threat of taking over the primary agricultural.

With respect the Township Council is approaching the issue incorrectly. If the Township is going to have a reconsideration of its nature and character, do it first through a review of the Official Plan and the comprehensive Zoning Bylaw. The Township should not be looking at scattered zoning change addressed piecemeal and lot by lot, that is not good planning.

Second, do it by building a strong foundation with a bylaw that has both definition and purpose, namely ensure that the current Bylaw is being truly and properly implemented and enforced consistently to ensure the "bad apples" are not even be given a chance to grow. If there is a problem, and I believe there is, then the bad apples need to be addressed and removed. The message needs to be clear and there should be no doubt of the Township purpose, intent and "permission", for the "recognition of a "secondary non-farm use" is exactly that "permission" not a "right or entitlement". The proposed draft does not do this at all, in fact to the contrary.

Further if a review is to be considered, do it with a focused consideration of the OMAFA principles for

the permitted uses as set out in 851, that is agricultural use is to be principal, prioritized in use and preserved over anything secondary in use.

Finally, the Township, on the face of the draft Bylaw, has in considering this draft failed to consider any number of other and related issues. There is no reference to infrastructure, ie roads for example. This has, as I understand previous comments from some Councilors, been an issue be it with transport truck use of municipal roads/culverts/bridges and even the character of roads which are either paved or gravel, even before the Roads Plan adopted by Council in January, 2020. None of these considerations are reflected in any planning background study or report for the Melancthon public to consider and certainly the absence of such reflects that Council has not turned its collective mind to these related issues. It is not sufficient to consider and pass Bylaws without **ALL** of the factors and considerations, thus the need for good, comprehensive planning.

Thank you for considering my comments.

David Thwaites



To: Mayor White and Council  
From: Anne Lyon  
Subject: OFDA Draft Amendment Oct 18, 2021  
Date: January 17, 2022

I submit the following comments <sup>to</sup> the regulations applicable to on-farm diversified uses.

### 1. Protection for rural residential lots

The current 500m separation between shops is key to protecting these lots from unacceptable impacts. If this distance is reduced or eliminated then specific set backs must be provided to protect these lots.

A case in point is the residential lot on Lot 29, Cor 4 NE. No additional shops can be permitted proximate to this residence. When the new agricultural system is implemented the creation of new residential lots will be seriously constrained. Lets make sure we protect the ones we have.

## 2. Minimum distance between OFOUs (Shops)

I firmly believe the current 500m separation distance has served the Township well. Reducing the distance to 200m will not work.

It should be recognized that there are 4 full concessions of 50 acre lots west of 10 Highway. The width of these lots is approximately 200m, so we could end up with shops every 200m. This should clean out the existing residents. No roads can handle this concentration of industrial shops. The 200m separation will not work.

The clear alternative to the 500m separation distance is to eliminate it completely and reduce the shop size to 250 m<sup>2</sup>. This size is successfully in play in other Townships. The clear advantages of the reduced size are —

- Reduced negative impact on roads.
- Reduced impact on <sup>all</sup> existing rural residents and rural residential lots of record.
- The agricultural and rural character more likely to be maintained. The industrial shop is not as dominant.
- No lots are sterilized; i.e. do not qualify for a shop

I really see only two options: 500m separation with the existing 418 m<sup>2</sup> shop size or reduce the shop size to 250 m<sup>2</sup> and eliminate the minimum separation distance completely.

### 3. A solid farming operation required

During the development of 44-2012 there were endless discussions re the interpretation of 2 particular provisions 46(a) "meaning of secondary to agriculture", together with 46(b), i.e. "supplemental source of on-farm income".

These discussions were always attended by a cadre of future shop owners. At the end of the day there was a clear understanding that a solid farming operation was required to qualify a shop. Bylaw 44-2012 was finally passed and the applications came in. Older farm buildings were upgraded and modernized, silos, new barns and new farm houses were built. We were then in a position to check some boxes.

- The supplemental income provided by the shop would strengthen the sustainability of the family farm.
- These farms participate in and make a real, long lasting positive contribution to the agricultural industry.
- With the strengthened sustainability of the family farms the prospects for intergenerational participation in agriculture are significantly enhanced.
- The shops provide rural employment opportunities.
- The upgraded farms enhance the agricultural and rural character of the area.
- The enhanced sustainability of the family farms help ensure that agriculture remains the principle use in prime agricultural areas.

All of the above are underpinned by the SHOP/FAMILY FARM tandem.

In more recent years the previous understanding of what was required to qualify a shop appears to have changed. We now have farm lots where the shop is the principal use of the property.

A clear and specific provision must be included in the Bylaw that sets out the scope and nature of the agricultural operation required to qualify a shop. Owning a farm property and doing only enough farming to qualify for the Farm Property Tax Class does not qualify a shop.

I have previously suggested that the appropriate provisions be rewritten to ensure that, with the permitted use (shop) agriculture is the principal use of the property, that the property owner is fully invested in terms of time and talent in the operation of that agricultural use, and that the use represents a real, substantial, positive contribution to the agricultural industry.

This is the most important provision in the whole Bylaw and <sup>must</sup> not be buried in an 11 line definition.

## 4 Additions

- Add to 3, b, iii. - Should the qualifying lot be comprised of more than one original survey lots (i.e. two or more 50 acre lots) no severance of the original qualifying lot will be permitted.
- Adequate space must be provided to ensure off-road loading and unloading of large service trucks.  
(We don't need a repeat of the 8<sup>th</sup> line situation.)

With the large number of industrial shops already in place and the many tens that can be projected for the future the character of the Township will be completely altered. I submit that at this juncture it is appropriate to temporarily pause approval of any new applications, that a thorough professional study of the pros and cons of the existing 40+ shops be undertaken, and with the understanding provided by this study formulate the way forward.

Respectfully

