



Report No: CP 2024-93
COMMUNITY PLANNING
Council Date: March 19, 2024

To: Mayor and Members of Township of South-West Oxford Council

From: Spencer McDonald, Development Planner, Community Planning

Application for Zone Change

ZN4-23-11 – Kyle & Breann Gillespie

REPORT HIGHLIGHTS

- The application for zone change proposes to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to recognize the existing farm market as an on-farm diversified use on the existing farm.
- It is the opinion of this Office that the proposal is consistent with the PPS and maintains the general intent and purpose of the Official Plan policies regarding on-farm diversified uses.

DISCUSSION

Background

OWNERS: Kyle & Breann Gillespie
224276 Ostrander Road, Tillsonburg, ON, N4G 4H1

LOCATION:

The subject property is described as Lot 7, Concession 9, (Dereham), Township of South-West Oxford. The lands are located on the south side of Ostrander Road, east of Plank Line, and are municipally known as 224276 Ostrander Road, Township of South-West Oxford.

COUNTY OF OXFORD OFFICIAL PLAN:

TOWNSHIP OF SOUTH-WEST OXFORD ZONING BY-LAW 25-98:

Existing Zoning: General Agricultural Zone (A2)

Proposed Zoning: Special General Agricultural Zone (A2-sp)

PROPOSAL:

The application for zone change proposes to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to recognize an existing farm market business ("Bre's Fresh Market") as an on-farm diversified use. The existing business is conducted out of two (2) existing structures which are approximately 18.3 m x 24.4 m (60 x 80 ft) and 14.6 m x 19.5 m (48 x 64 ft) for a cumulative area of approximately 730 m² (7,858 ft²) in size and situated generally as shown on Plate 3 of this report. The business grows produce on site as well as brings in local produce and other products from local growers/producers to offer for sale in the market.

The subject lands are approximately 10.5 ha (26 ac) in area, with approximately 140 m (459.3 ft) of frontage on Ostrander Road. The subject lands contain an existing single detached dwelling (c. 2016), an existing store/market building (c. 2022) and a storage building (c. 2013). Surrounding land uses are predominately agricultural to the northeast and the south, and residential to the immediate west (Rural Cluster of Ostrander).

Plate 1, Location Map & Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2020), provides an aerial view of the subject lands and the surrounding lands, as they existed in 2020.

Plate 3, Applicant's Sketch, identifies the location of the existing and proposed structures on the subject lands.

Application Review

PROVINCIAL POLICY STATEMENT:

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 2.3 of the Provincial Policy Statement (PPS) directs that prime agricultural areas shall be protected for long term agricultural use. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agricultural-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 (e.g. Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas) or municipal approaches, as set out in municipal planning documents, which achieve the same objectives. New land uses, including the creation of lots, and new or expanding livestock facilities shall also comply with the Minimum Distance Separation formulae.

According to the PPS, agricultural-related uses are 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.

Alternatively, on-farm diversified uses are defined as being limited in area and secondary to the principle agricultural use of the property. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

The province has published a guideline document on permitted uses in prime agricultural areas which details appropriate types of on-farm diversified uses and provides further direction on their review criteria, in accordance with the PPS.

This review criteria provides that such uses shall be located on a farm that is actively in agricultural use, and shall be secondary to the principal agricultural use of the property, meaning that the agricultural use of the property must continue to be the dominant use of the property.

Further, on-farm diversified uses shall displace little-to-no agricultural land and shall be limited in area and not require any site grading or drainage, unless it improves conditions for agricultural production.

In determining whether an on-farm diversified use is limited in area, consideration is to be given to the amount of land taken out of agricultural production and limiting off-site impacts such as traffic and changes to the rural character of the property to ensure compatibility with surrounding agricultural operations. Municipalities may choose to limit the scale of on-farm diversified uses by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm or the floor area of buildings and/or outdoor storage.

The approach to limiting the area of a proposed on-farm diversified use is to achieve a balance between farmland protection and economic opportunities for farmers and to provide flexibility for change in on-farm diversified uses.

To this end, the Guideline document provides that “limited in area” criteria be relative to the size of the farm property on which the on-farm diversified use is located and recommends that the standard for the acceptable area occupied by an on-farm diversified use is up to 2% of a farm parcel to a maximum of 1 ha (2.47 ac). The Guideline does note, however, that since the PPS requires settlement areas to be the focus growth and development, large-scale industrial and commercial buildings are more appropriately located in designated settlement areas.

OFFICIAL PLAN:

The subject lands are located within the Agricultural Reserve designation according to the Township of South-West Oxford Land Use Plan, as contained in the County of Oxford Official Plan. The policies of the Agricultural Reserve designation permit a wide range of farming uses together with accessory residential uses required for the farm and farm buildings and structures necessary to the farming operation. Agricultural-related uses and secondary uses, such as home occupations, are also permitted, in accordance with relevant review criteria.

Section 3.1.1 of the Official Plan directs that the goal of the Agricultural Reserve policies is to ensure prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses and by supporting the needs of the agricultural community by permitting land uses which are complimentary to and supportive of agriculture. The on-going goal of the Agricultural Reserve designation is to minimize conflicts between farm operations and commercial, industrial and residential developments.

Official Plan Amendment 269 (OPA 269), approved by the Minister of Municipal Affairs and Housing on February 2, 2024, introduces a policy framework for on-farm diversified uses (“OFDU’s”)

Section 3.1.4.3 of OPA No. 269 speaks to Secondary Uses and Agricultural Related Uses which are comprised of on-farm diversified uses and rural home occupations, together with agricultural-related uses, which are intended to provide opportunities to strengthen and diversify the rural economy, by allowing for the establishment of businesses and services that support or improve agriculture in the area, supplement and diversify farm incomes, and/or provide home based employment opportunities for farms and other rural residents.

Such uses must be compatible with and not hinder agricultural operations, be appropriate for rural services, and not undermine or conflict with the planned function of rural settlements and meet various other development criteria.

Section 3.1.4.3.2 – On-Farm Diversified Uses (OFDU) indicates that such uses are intended to provide reasonable opportunities for farmers to diversify their farming operation and/or supplement their income from farming, by allowing for certain small scale business activities to be established as a secondary use on the farm.

On-Farm Diversified Uses (OFDU) may be permitted on an agricultural lot in accordance with the policies of the Plan, subject to limitations to the type, size, scale and area to ensure that such uses are clearly secondary to the principal agricultural operation, compatible with surrounding agricultural operations, protect prime agricultural areas for the long term and do not undermine or otherwise conflict with the planned function of settlements.

OFDUs include, among other uses, farm-related tourism uses and are generally only permitted on an agricultural lot that is being actively farmed and the use is clearly secondary to the agricultural operation on the lot in terms of size, scale and importance. All proposals for OFDUs shall include a detailed description of the proposed use and be accompanied by a detailed site plan that clearly identifies all pertinent information required to consider the use and any other information deemed necessary by the approval authority.

Further, OFDUs will generally be limited to the minimum area required for the proposed use, not exceed 2% of the total lot area or 0.8 ha (2.0 acres) and avoid locating on productive agricultural land to the extent possible, with first priority being the re-use of existing agricultural buildings. The maximum gross floor area of all buildings and structures used for an OFDU shall be regulated via the Area Municipal Zoning By-law, however, in no case shall the cumulative gross floor area of all buildings and structures exceed 557 m² (6,000 ft²).

The recently approved policies contained in OPA 269 direct that OFDUs shall directly involve the farmer living on the same lot as the use and may also involve any other permanent residents on the lot and up to two employees who do not reside on the lot.

OFDUs shall be compatible with, and not hinder, surrounding agricultural operations and such uses shall be reviewed to ensure that potential compatibility issues with respect to traffic, noise, dust, odour, spraying and other agricultural activities and normal farm practices can be prevented and/or effectively mitigated. OFDUs shall be located in conformity with MDS I.

TOWNSHIP OF SOUTH-WEST OXFORD ZONING BY-LAW:

The subject lands are currently zoned 'General Agricultural Zone (A2)' according to the Township of South-West Oxford Zoning By-law, which permits a wide range of agricultural uses, including farm buildings and an accessory dwelling. The 'A2' zone permits a wide variety of agricultural land uses and requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.1 ft) for the establishment of any farm related buildings or structures.

The applicant is proposing to rezone the subject lands to 'Special General Agricultural Zone (A2-sp)' to permit the existing farm market as an on-farm diversified use.

According to the current provisions of the Zoning By-law, an on-farm diversified use is defined as any use on a farm that is conducted for gain or profit and is secondary and incidental to the principle use of the property for primary agriculture. The Zoning By-law also provides that such uses require an amendment to the Zoning By-law prior to their establishment.

AGENCY COMMENTS:

The Township of South-West Oxford Public Works Department, and the Township Chief Building Official provided comment indicating they have no concerns with the proposal.

Southwestern Public Health (SWPH) provided comments indicating that while an inspection will be required prior to the bakery/café being permitted to operate, SWPH has no objection to the application.

Oxford County Public Works Department provided comment indicating that they have no concerns with the application.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding this application were circulated to surrounding property owners on February 21st and February 28th 2024, respectively. At the time this report was written, no comments or concerns had been received from the public.

Planning Analysis

The applicants are proposing to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to recognize the existing farm market as an on farm diversified use. The applicants have indicated that the farm market has operated from the subject lands for a number of years and sells farm fresh produce grown on both the subject property and from other area farms.

According to the 2020 PPS, on-farm diversified uses are permitted on prime agricultural lands, provided they are in accordance with guidelines developed by the province. The Province's Guidelines on Permitted Uses in Prime Agricultural Areas recognizes farm-related commercial and industrial type operations, as on-farm diversified uses, provided they meet the previously discussed criteria for on-farm diversified uses.

Further direction from these guidelines respecting on-farm diversified uses states that such uses are intended to enable farmers to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas and requires such

uses to be secondary to the main use of the property for agricultural purposes, be limited in area and be compatible with surrounding agricultural operations.

Planning staff are of the opinion that in this instance, the location of the subject property lends itself to being well suited for the farm market as part of the settlement area. Although not currently within the settlement of Ostrander, the existing business represents a specific use directly related to agriculture, which also serves as an appropriate use to serve both the agricultural community and the settlement which it is immediately adjacent to. In light of both the agricultural and rural residential nature of the immediate area, there would appear to be minimal impact on surrounding land uses with respect to traffic and general compatibility.

It is recognized that the proposed on-farm diversified use will be secondary to agricultural use (the growing of crops) on the property and will generally be in keeping with the spatial criteria outlined in the Guidelines for Permitted Uses in Prime Agricultural Areas. Although both buildings comprising the farm market, at a cumulative of 730 m² (7,858 ft²) would appear to exceed the maximum of 557 m² (6,000 ft²), the storage building in particular is not entirely devoted to the needs of the OFDU, and therefore, can be considered accessory to the overall agricultural operation. In general, Staff are satisfied that the proposal meets the policy framework for an on-farm diversified use and is an appropriate value-added use for the existing farm operation. Staff are satisfied that the proposal appears to be consistent with the provincial guidelines surrounding on-farm diversified uses.

Further, with respect to the section of the approved policies of OPA No. 269 speaking to OFDU's generally not being permitted on agricultural lots less than 16 ha (39.5 ac) in area, staff are of the opinion that in this situation, the existing agricultural operation (and farm market) have operated for a number of years on the existing agricultural parcel which is 10.5 ha (26 ac) in area, and that the PPS provides direction which is supportive of all types, sizes and intensities of agricultural operations. In addition, the OP supports the promotion of local food and agri-business opportunities through the recognition of agriculture-related and on-farm diversified uses, as well as the promotion of the rural economy and tourism opportunities through the incorporation of farm-related tourism uses, rural home occupations, and rural entrepreneurial uses, as all of these uses contribute to the agricultural system within Oxford County. In light of the foregoing, staff are of the opinion that recognizing the existing farm market as a permitted use within its existing building, comprising an area of approximately 445.9 m² (4,800 ft²), as an on-farm diversified use is appropriate and justified for the subject lands.

It is the opinion of this Office that the applicant's request to recognize the existing farm market ("Bre's Fresh Market") as an on-farm diversified use maintains the general intent and purpose of the Official Plan regarding OFDU's and should therefore be given favourable consideration. Once the required mapping and by-law have been prepared, they will be presented to Council for final approval.

RECOMMENDATION

1. It is recommended that the Council of the Township of South-West Oxford approve-in-principle the zone change application submitted by Kyle & Breann Gillespie, whereby the lands described as Lot 7, Concession 9, (Dereham), Township of South-West Oxford are to be rezoned from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to facilitate the use of the lands for an on-farm diversified use as described in Report No CP 2024-93.

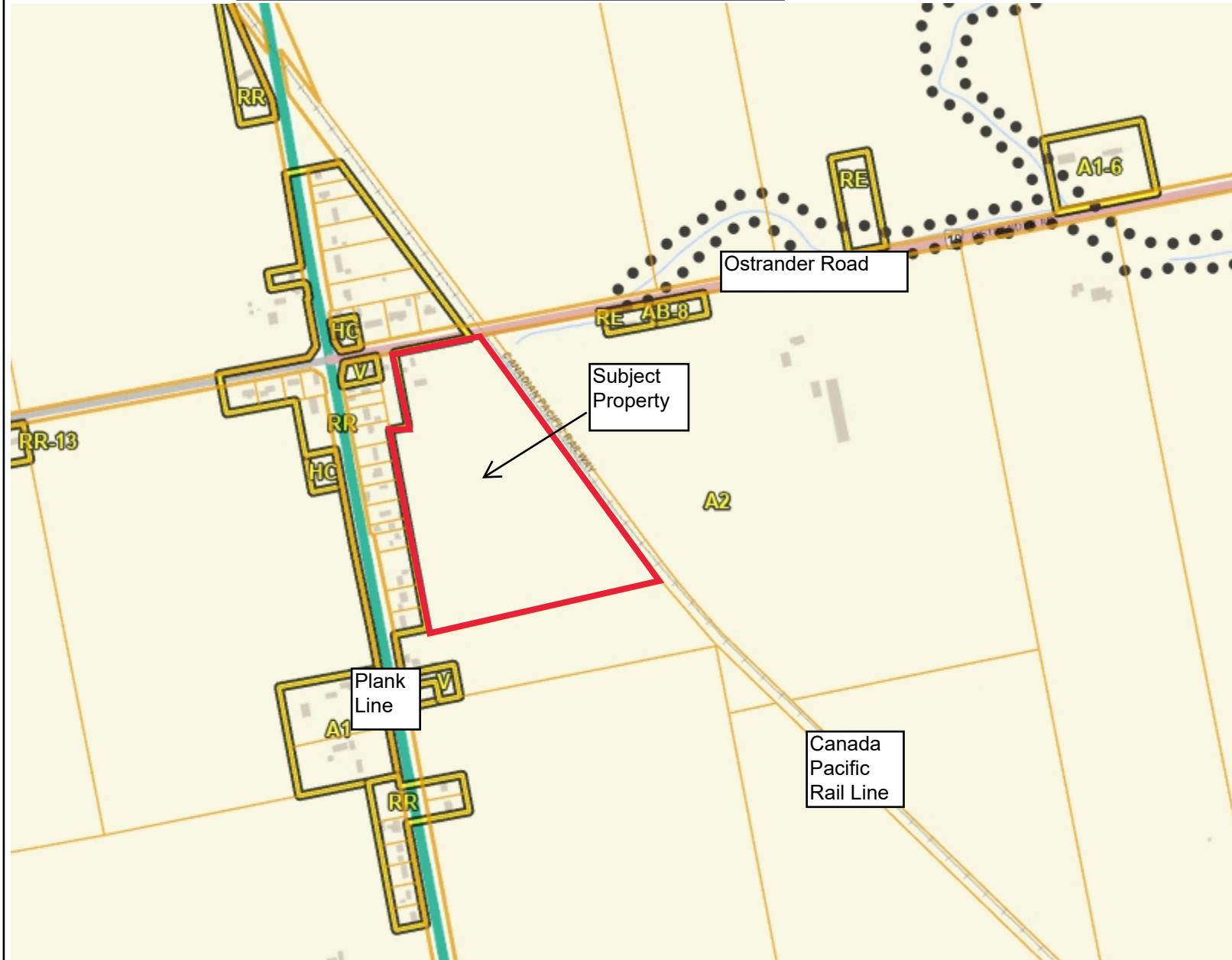
SIGNATURES

Authored by:

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Approved for submission:

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Manager of Development Planning



Legend

Parcel Lines

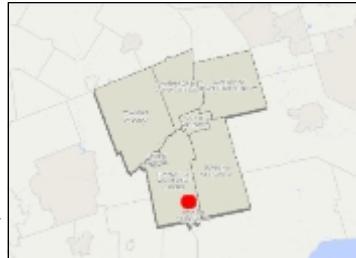
- Property Boundary
- Assessment Boundary
- Unit
- Road
- Municipal Boundary

Zoning Floodlines

- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines

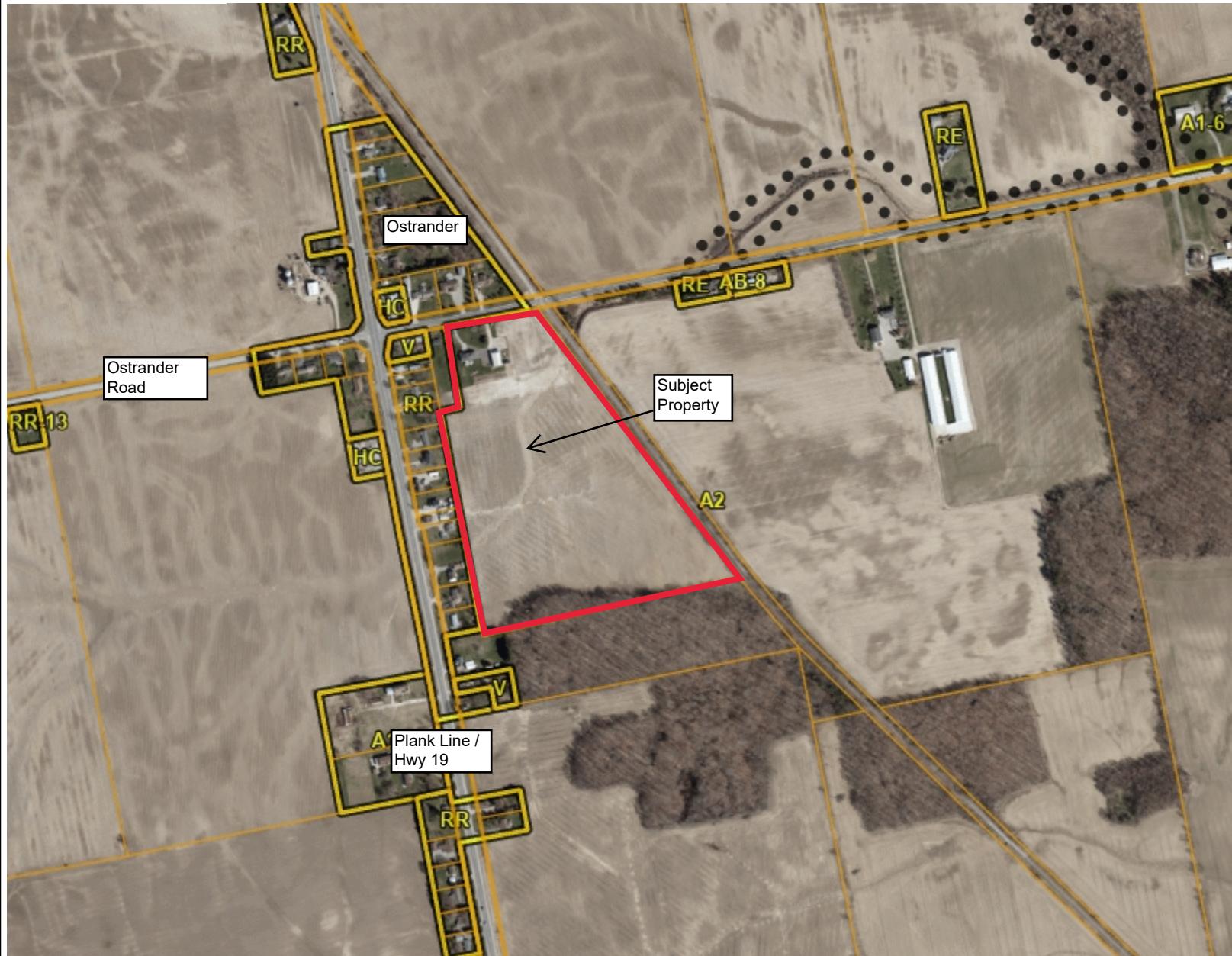
Land Use Zoning (Displays 1:16000 to 1:500)

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

February 16, 2024



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NAD_1983_UTM_Zone_17N



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March 12, 2024

Legend

Parcel Lines

- Property Boundary
- Assessment Boundary
- Unit
- Road
- Municipal Boundary

Zoning Floodlines

- Regulation Limit
- 100 Year Flood Line
- 30 Metre Setback
- Conservation Authority Regulation Limit
- Regulatory Flood And Fill Lines

Land Use Zoning (Displays 1:16000 to 1:500)

Notes





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