



**Meeting Date:** April 23, 2025

**Prepared By:** Marion-Frances Ramos Cabral

**Submitted by:** Marion-Frances Ramos Cabral

**Report No:** PLA-24-2025

**Subject:** Application for Official Plan Amendment (OPA 67), filed by Oakview Land Use Planning (c/o Robert Brown) on behalf of Barbara Ferrari and Gabriele Ferrari

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**Recommendation:**

THAT the Official Plan Amendment No. 67, filed by Oakview Land Use Planning on behalf of Barbara Ferrari and Gabriele Ferrari, for the land legally described as Concession Gore N Part Lot 14 (former Township of Delaware) and known as 5606 Westdel Bourne, Municipality of Middlesex Centre, be REFUSED.

**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding an Official Plan Amendment for a property located at 5606 Westdel Bourne which is located on the east side of Westdel Bourne and north of Decker Drive. The property is legally described as Concession Gore N Part Lot 14 (former Township of Delaware).

A location map is included as Attachment 1.

**Background:**

The purpose and effect of the Official Plan Amendment application is to re-designate the subject land from the Agricultural designation to an Agricultural Special Policy Area designation to permit an 'on-farm diversified use' in the form of a contractor's yard (hydrovac business) including a slurry processing plant, material storage areas, equipment storage and parking, as well as the necessary berms, screening and/or landscaping. The slurry processing plant would process the soil and separate the gravel, sand and clay. The water can then be reused by the hydrovac vehicles in a closed-loop system. The area for the operations and slurry processing plant is proposed to be limited to a maximum 2 ha (4.9 ac) footprint (exclusive of the existing dwelling, yard and driveway area).

The subject land is approximately 10.36 ha (25.6 ac) in area and has 210 m (689 ft.) of frontage on Westdel Bourne. The land contains a single detached dwelling and two outbuildings. An existing contracting business (hydro-excavating/hydrovac) also operates from the property and uses the yard and buildings for equipment parking, and open storage and stockpiling; however, this is not currently permitted by the existing land use planning controls.

Approximately 3.3 ha (8.2 acres) is not farmed and used for the uses described above, and the balance of the land is actively farmed for cash-crops.

The applicant indicates that the business on the site ‘originally started as a concrete installation and finishing business’ and later expanded into providing hydro-excavating services. Hydro-excavating includes the use of high-pressure water to loosen the soil and dig a hole. The wet, muddy excavated material is then suctioned into a tank that is mounted on a hydro-excavator (hydrovac) truck and carried offsite’ ([Excess Soil By-law Tool 2.0](#), Canadian Urban Institute). This construction technique is used in a variety of applications, including digging trenches, locating underground utilities/gas lines, cleaning sewer pipes and excavating delicate structures.

The current business requires an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks for a waste management system which allows the business to haul waste in Ontario but does not allow for any waste disposal or processing on-site. A separate or new ECA from the Ministry will be required for the disposal of waste on the subject land to permit the business to operate in addition to the Planning Act approvals (i.e. Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval).

The land does not contain any natural heritage features nor is it regulated by the Kettle Creek Conservation Authority.

Surrounding land uses are primarily agricultural with rural residential uses, and some non-agricultural uses are located in proximity to the south.

### **Policy Regulation:**

#### Provincial Planning Statement, 2024:

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Planning Statement, 2024(PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 4.3 of the PPS speaks to ‘Agriculture’. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. Additionally, As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.

Permitted uses within prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. 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 provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources; or
- b) b) limited non-residential uses, provided that all of the following are demonstrated:
  - 1. the land does not comprise a specialty crop area;
  - 2. the proposed use complies with the minimum distance separation formulae;
  - 3. there is an identified need within the planning horizon identified in the official plan as provided for in policy 2.1.3 for additional land to accommodate the proposed use; and
  - 4. alternative locations have been evaluated, and
    - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
    - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

### **Middlesex County's Official Plan**

The County of Middlesex Official Plan designates the subject land as Agricultural Area. The County Plan recognizes agriculture as the predominant land use and an economic mainstay within the County. The Agricultural policies are intended to protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations.

Agricultural Areas shall generally permit the following use:

- a) agricultural uses;
- b) up to two farm residences provided the second farm residence is a temporary residential unit;
- c) forestry uses;
- d) mineral aggregate and petroleum extraction;
- e) conservation;
- f) public and private open space and recreation facilities (subject to Provincial Policy Statement 2020 policies for site-specific non-agricultural uses provided in Section 2.3.6.1 (b) of the Provincial Policy Statement);

- g) home occupation
- h) occasional agricultural demonstration events such as a plowing match;
- i) retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is located; and
- j) bed and breakfast establishments;
- k) Additional Residential Units in accordance with Section 2.3.7.4.
- l) Agriculture-related uses and on-farm diversified use in accordance with Section 3.3.5; and
- m) public uses.

Non-agricultural uses shall be encouraged to be located in identified Settlement Areas, and shall only be permitted in the Agricultural Area through an amendment to the local municipal Official Plan where it is demonstrated that the use will not:

- a) detract or adversely affect present and/or future agricultural operations;
- b) interfere with the viability of farm units;
- c) negatively impact the Natural Heritage System, or
- d) detract from the character of the agricultural community.

The amendment to the local municipal Official Plan to permit a non-agricultural use in the Agricultural Area shall address:

- the land does not comprise a specialty crop area
- the proposed use complies with the Minimum Distance Separation formulae;
- there is an identified need within the planning horizon for in Section 1.1.2 of the Provincial Policy Statement for additional land to accommodate the proposed use;
- alternative locations have been evaluated;
- impacts from any new or expanding uses or surrounding agricultural operations and lands are mitigated to the extent feasible;
- there are no reasonable alternative locations which avoid prime agricultural areas; and
- there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Examples of non-agricultural uses that are at times proposed within the agricultural area include, but are not limited to, off-season vehicle storages, rural event venues, manufacturers, contractor's yards, and landscape businesses.

Section 3.3.5 states that Agriculture-Related and On Farm Diversified Uses directly related to, and supportive of, agricultural operation, including feed mills, grain drying, abattoirs, agricultural research centres, farm equipment repair shops, agri-tourism and veterinary clinics may be permitted providing the following policies are considered:

- a) the agriculture-related and on-farm diversified uses cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities;
- b) such uses shall be located to conform with the Minimum Distance Separation Formula;
- c) where local zoning by-laws do not provide as of right zoning for agriculture related and on-farm diversified uses a site specific amendment to the Zoning By-law is approved;

- d) the agriculture-related and on-farm diversified uses shall not require large volumes of water nor generate large volumes of effluent and shall be serviced with appropriate water supply and sewage treatment facilities;
- e) agriculture-related and on-farm diversified uses shall be located and designed to minimize potential adverse impacts upon adjacent residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;
- f) the location agriculture-related and on-farm diversified uses must provide for a minimum sight distances from the access points in either direction along a County or local road;
- g) the site plan policies of local official plan;
- h) the agriculture-related or on-farm diversified uses shall be in accordance with the Provincial Guidelines on Permitted uses in Prime Agricultural Areas;
- i) for on-farm diversified uses, the relationship of the proposed use to the underlying farm operation;
- j) agriculture-related and on-farm diversified uses are to remain with the Agricultural Areas land use designation and are permitted without the need to amend this plan; and
- k) proposed access to highways under the jurisdiction of the Province of Ontario, or proposed access in proximity of such highways or interchange ramp terminals, shall be subject to the regulations and policies of the Ministry of Transportation and design and construction of these proposed accesses will be subject to the approval of the Ministry.

### **Middlesex Centre's Official Plan**

The subject land is designated 'Agricultural' by Middlesex Centre's Official Plan. Goals of the Official Plan include preserving agriculture as the primary land use outside of settlement areas within the Municipality, protecting agricultural areas from interference or encroachment from conflicting land uses, or uses which could reduce or negatively impact the future flexibility or efficiency of agricultural operations, and to encourage good farm management and stewardship practices.

Permitted uses within the Agricultural area includes all forms of farming, related buildings and structures, practices and uses of the land. Additional uses include the following:

- Commercial or industrial activities directly related to agriculture and required in close proximity to associated farming operations, or "value-added" agriculturally related uses as defined in Section 12.0.
- Retail sale of farm produce produced on individual properties or communally among neighbouring farms. Such communal operations should not be of a size, scale or nature likely to negatively affect the rural character of the area in question. Size and scale will be further regulated in the Municipality's zoning by-law.
- Forestry and woodlots.
- Bed and Breakfast Establishments.
- Home Occupations.
- Natural areas and conservation uses.

- Residence Surplus to a Farming Operation.
- Small scale public and private passive recreation areas, subject to site specific zoning.
- Commercial Wind Energy Generation Systems (CWEGS) subject to site specific Zoning By-law Amendment.

Section 2.5 states that Non-Agricultural Related Uses, save and except for those specifically permitted in this Plan are prohibited within agricultural areas.

In Section 10.1 of the Official Plan it is noted that the Plan may be amended upon consideration of all relevant issues relating to the public interest. It is further noted that the Municipality shall give consideration to the following criteria:

- a) Does the proposed amendment relate and conform to the vision for the Municipality of Middlesex Centre?
- b) Is there a demonstrated need or justification for the proposed change?
- c) Is the amendment in keeping with the Provincial and County policy?
- d) What are the effects of the proposed change on the demand for Municipal services, infrastructure, and facilities?
- e) Can the land affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?
- f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

It is noted that the adopted Official Plan amendment (OPA 59, adopted May 18, 2022), as modified and approved by the County of Middlesex (approved September 26, 2023) is not in-effect. However, it provides clarity with regard to on-farm diversified uses and non-agricultural related uses within a prime agricultural area that the Municipality can refer to while evaluating site-specific requests. Proposed policies are noted below:

Proposed Section 2.5 of OPA 59 states that non-agricultural uses may be permitted in the form of On-Farm Diversified Uses within the Agricultural Area, subject to the policies below and provided they satisfy the PPS definition of On-Farm Diversified Uses and the OMAFRA guidelines on permitted uses in Ontario's Prime Agricultural Areas. The intent to is allow farm operators to supplement their income through a secondary use or activity provided it does not become the primary use of the property.

- a) On-Farm Diversified Uses may include uses such as, but not limited to, home industries, agri-tourism, farm market, provided the criteria set out below are met.
- b) Any other non-agricultural use located on a farm that meets the criteria set out Section 2.5.1 may be permitted.
- c) All On-Farm Diversified Uses shall be subject to applicable policies to that use elsewhere in this Plan.
- d) Certain On-Farm Diversified Uses (such as Home Occupations) may be permitted as-of-right by the Zoning By-law, however a Zoning By-law Amendment may be

required to permit uses that are not generally permitted within, or accessory to, a residential dwelling.

- e) All On-Farm Diversified Uses shall be subject to site plan control.
- f) Proponents may be required to enter into an agreement with the Municipality to ensure the use adheres to the requirements of this plan.
- g) Examples of uses that would not be considered On-Farm Diversified Uses may include: equipment or vehicle dealerships, hotels, landscape businesses, manufacturing plants, trucking yards, full-scale restaurants, banquet halls, recurring events with permanent structures, large scale active-recreational uses or spectator sports facilities, among others.

Section 2.5.1 provides criteria for assessing On-Farm Diversified Uses. These uses must demonstrate that it will:

- a. Be secondary to the principal agricultural use of the property;
- b. Be limited in area to a maximum of 2% of the property on which the uses are located, to a maximum of 1 ha;
- c. Not prevent or preclude the on-going agricultural use of the property;

Site-specific zoning and Site Plan Control may be required to establish limits to the proposed use, location and time periods of operation, or other elements to ensure the proposed use meets the policies of this plan.

OPA 59 amends policies for Non-Agricultural Related Uses in Section 2.6 and permits limited non-residential uses provided the following are demonstrated:

- a) The land does not comprise a specialty crop area;
- b) The proposed use complies with the minimum distance separation formulae;
- c) There is an identified need within the planning horizon for additional land to accommodate the proposed use; and
- d) Alternative locations have been evaluated, and
  - i. There are no reasonable alternative locations which avoid prime agricultural areas; and
  - ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

### **Middlesex Centre's Zoning By-law**

The subject land is zoned 'Agricultural (A1)' in Middlesex Centre's Zoning By-law. The current zoning permits agricultural uses including a single detached dwelling, limited agriculturally related uses including existing grain handling facilities and riding schools, and limited non-agricultural uses such as a dog kennel, bed and breakfast, wayside pit and portable asphalt plant.

If the requested Official Plan Amendment is approved, the landowner will need to obtain a Zoning By-law Amendment to permit, as a minimum, *a contractor's yard or shop* and associated uses, or a *waste disposal site*.

## Consultation:

Notice of Complete Application and Public Meeting were circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 543/06.

Staff received comments from members of the public which are summarized below:

- Increasing (dump and hydro-vac) truck traffic exacerbates the existing traffic and road safety and speed issues
- Dumping of waste in the neighbourhood
- Negative impact on existing road conditions and safety, and the lack of regard of the existing trucks for farm equipment/slow moving vehicles, horse riders, cyclists, and people on township roads. Trucks appear to exceed weight allowance restrictions that are posted on Township roads year round
- Negative Impacts of the industrial use on neighbouring farming operations. The proposal should not be considered an on-farm diversified use or related to agricultural activities. Land has been removed from agricultural use for the existing and proposed operations, and the use should be considered a primary commercial/industrial use on the property
- Environmental impact as a result of the materials dumped on the site and contaminating groundwater, local ponds and farmland/farm uses. It is unknown what contaminants, biohazards, oils and unknown material is in the product being brought on site, and if there is active monitoring/testing. The activities on-site are understated and it is likely that sewage/effluent is being discharged uncontrolled into the environment
- Noise pollution currently generated by the trucks and machinery on the property impacts surrounding neighbouring properties and nearby livestock
- Impact to property values and aesthetics of the community. Existing operations on the site and the berm does not blend with the surrounding farm area, and the proposed development would further detract from the rural character of the neighbourhood
- Concerns with the existing operations which include hours/days of operation, excavation of trenches, high berming around the property, and the delivery, dumping, burying and burning of waste material
- Requests to have the Municipality stop the existing activity and berming that impacted water flow and drainage. Properties were flooded which resulted in changes to the municipal drains.
- Concern that there are other companies permitted to dump waste on site, and that the operations go beyond soil slurry
- Existing odour issues from the waste originating from the property
- Negative impact on air quality from burning waste and dust
- The existing ECA held by the proponent allows the handling of hazardous liquid and solid waste. However, the proponent states that only non-contaminated materials will be processed on-site
- Concerns with the water reuse from the proposed plant – clear water can be contaminated with dissolved materials such as metals, salts and hydrocarbons
- Concern with the lack of information provided of how the byproducts will be stored, tested, or disposed



- Concerns with the lack of enforcement on this property and other properties where material is moved
- There are other dumping stations that can receive the waste material

### **Agency Comments:**

At the time of writing this report the following comments had been received:

The Municipality's Chief Building Official did not provide comments at the time of writing this report. However, they are aware of the ongoing activities on the land and of the proposed use and have been involved with preconsultation meetings with the proponent. If approved, detailed comments related to the development of the site will be provided.

The Public Works and Engineering Department provided comments related to transportation and the road network. Westdel Bourne has a reduced limit in place from March 1 to April 30, this would preclude fully loaded vacuum trucks (or other large trucks) from using Westdel Bourne during this time period due to the damage they would cause to the roadway. If the proposed development is approved, Staff recommend that a clause or other tool be in place to restrict use of the site during this time period. Alternatively, the applicant can cover the costs of reconstructing the road to an asphalt surface which would be capable of supporting the types of vehicles looking to use the site year-round. The existing road edge at the entrance to this property is already breaking up from existing truck traffic and the change in use (or increase in use) would make this condition worse.

Kettle Creek Conservation Authority (KCCA) did not provide comments at the time of writing this report.

The Ministry of Environment, Conservation and Parks (MECP) is aware of the intentions to use this property for hydrovac liquid soil processing (a commercial/industrial use). At this time, there are no concerns related to the proposed activities. It is noted that these proposed activities will require an Environmental Compliance Approval from the MECP. The type of approvals will likely be related to Sewage and Waste Soil Disposal/Processing/Transfer, and the ECA would include a number of conditions and monitoring requirements.

The Ministry of Municipal Affairs and Housing (MMAH) did not provide comments at the time of writing this report.

The Ministry of Agriculture, Food, and Agribusiness (OMAFA) did not provide comments at the time of writing this report.

### **Analysis:**

The current Middlesex Centre Official Plan does not contain policies that permit 'on-farm diversified uses' or 'non-agricultural uses in the agricultural area'. However, these types of uses are permitted within the County Official Plan and PPS subject to criteria.

#### On-Farm Diversified Use

The requested Official Plan Amendment seeks to consider the proposed development as an 'on-farm diversified use', and an evaluation against relevant policies and guidelines is below.

The Provincial guideline, titled '*Guidelines on Permitted Uses in Ontario's Prime Agricultural Area*', aids municipalities, decision-makers, and proponents when interpreting and implementing agricultural policies of the PPS. On-farm diversified uses are permitted within prime agricultural areas and subject to the criteria within this Guideline. The criteria are evaluated below:

**1. Located on a farm**

The proposed use is located on a property that contains some active farming for cash crops. The land is limited in area and does not typically represent the minimum area required to establish a viable farming operation.

**2. Secondary to the principal agricultural use of the property**

The area comprised by the proposed use is less than the total farmed area. However, the existing hydrovac business and activities on the site appear to be the dominant and main use of the land, and the proposed use will further intensify the site.

**3. Limited in area**

Provincial guidelines generally limit on-farm diversified uses to 2% of the total area of the farm to a maximum of 0.8 ha (2 ac) inclusive of all buildings, infrastructure, parking, and outdoor use and storage. The applicant advises that the non-farmed area consumes approximately 3.3 ha (8.2 ac.) of the 10.36 ha (25.6 ac) property, and that the proposed use will be limited to 2 ha (4.9 ac) excluding the existing driveway, yard, and dwelling.

**4. Includes, but is not limited to, home occupations, home industries, agri-tourism and uses that produce value-added agricultural products**

The proposed use is considered to be an industrial use and does not produce value-added agricultural products nor have relation to the agricultural use of the land or surrounding area.

MECP further classifies the use as waste disposal or waste processing which further demonstrates that the use is an industrial use and cannot be considered an on-farm diversified use.

**5. Shall be compatible with, and shall not hinder, surrounding agricultural operations**

Planning Staff have identified concerns with compatibility of the proposed use with the surrounding agricultural operations, uses and activities. As stated, Planning Staff understand that the use is an industrial activity and should be located in a Settlement Area. The use introduces conflicts due to increased noise, odour, and dust, impact on groundwater and wastewater, and the use of the land as a processing and storage site for soil material and byproducts. Specific details of the operations need to be comprehensively evaluated to under the total impact on neighbouring agricultural operations.

The Guidelines also provide examples of uses that would typically not be considered as on-farm diversified uses and this includes industrial and commercial uses such as hotels, landscape businesses, large scale dealerships, manufacturing plants and trucking yards. Additionally, uses with high water and sewage needs and/or that generate significant traffic would not be considered on-farm diversified uses.

The County Official Plan provides criteria when evaluating on-farm diversified uses noted below:

- a) the agriculture-related and on-farm diversified uses cannot reasonably be located in a Settlement Area and must be located in proximity to farming activities;**

The proposed operations and use of the land is considered an industrial use and planning staff continue to direct such uses to Settlement Areas on industrial-zoned land where there are fewer sensitive land uses nearby and sufficient infrastructure to service the site and proposed use. There is no increased benefit to locate the proposed use within the agricultural area since the operations service urban and rural areas.

The Provincial Guidelines also clarifies that uses that process and/or store predominantly non-agricultural source materials are not agriculture-related uses that should be within the agricultural area even if the products are spread on farmlands. The primary function of these facilities is to manage non-agricultural waste streams rather than produce an agricultural product.

- b) such uses shall be located to conform with the Minimum Distance Separation Formula;**

A MDS 1 setback is required for all proposed amendments to rezone or redesignate land to permit development in prime agricultural areas presently zoned or designated from agriculture use. This shall include amendments to allow site-specific exceptions which add non-agricultural uses to the list of permitted uses for a lot.

The proposed use is considered a Type A land use which is characterized by lower density of human occupation such as industrial uses outside a settlement area. There are at least 2 barns for the keeping of livestock (i.e. horses) within proximity to the subject land on Decker Drive and Westdel Bourne. Planning Staff determined that the minimum separation distance from the 2 horse barns is approximately 130 m to 136 m. This calculation can vary depending on the type of animal and size, and size of the barn. However, based on available information the general location for the proposed use appears to meet the MDS setback.

- c) where local zoning by-laws do not provide as of right zoning for agriculture related and on-farm diversified uses a site specific amendment to the Zoning By-law is approved;**

The use is not permitted as of right, and the applicant will need to apply for a Zoning By-law Amendment to permit the use on this property in conformity with the Official Plan.

- d) the agriculture-related and on-farm diversified uses shall not require large volumes of water nor generate large volumes of effluent and shall be serviced with appropriate water supply and sewage treatment facilities;**

The proposed use requires large volumes of water as part of their operations. The applicant did not indicate the initial source of water for the operations. However, the applicant has informed staff that the operations will re-use water in a closed-loop system, therefore, water will not be taken from a well or discharged on the property often.

Sewage or effluent that is traditionally disposed in septic or sanitary systems is not expected. However, the operations expect to create, process, sort, and store the excess soil and other by-products on-site. The applicant indicates that some of material may be kept on-site for the long-term to berm the property, while other product is hauled off site for preparation and restoration.

- e) agriculture-related and on-farm diversified uses shall be located and designed to minimize potential adverse impacts upon adjacent residential or other sensitive uses by buffering measures such as landscaping, berming and building setback and layout;**

The existing property is bermed, however, it has not been reviewed by the Municipality to ensure it does not affect matters such as drainage, vehicle sight-lines, or ground water. Further, it has not been confirmed if the berms mitigate the noise from the existing or proposed operations.

The existing operations and proposed processing equipment will need to be reviewed as a source of noise emissions and noise attenuation measures such as barriers, berms and setbacks from sensitive land uses (on-site and off-site) will need to be implemented.

Neighbouring landowners have identified odour concerns from the existing operations due to the disposal of soil and waste material on-site. The applicant has not indicated how development on site will mitigate this impact nor if the proposed processing plant would reduce odour concerns.

Site-specific details and improvements to mitigate impacts would be implemented through site plan control. However, staff are of the opinion that based on the available information provided by the applicant and the scale of the operations, the proposed use will increase negative impacts on adjacent residential and sensitive land uses.

- f) the location agriculture-related and on-farm diversified uses must provide for a minimum sight distances from the access points in either direction along a County or local road;**

The proposed use appears to be setback from the roadway and would not impact the sight lines at the access points. However, the existing and proposed berming will need to be evaluated to ensure it is not within the public right-of-way and not impede with the point of access onto/off the property.

**g) the site plan policies of local official plan;**

The Middlesex Centre Official Plan contains design policies in Section 6.3 for site plans that are generally applicable to infill and urban type of land uses. However, some policies continue to apply such as appropriate site design for new industrial uses. This includes setbacks, massing, location of parking on-site to ensure the development plan mitigates impacts on adjacent land uses.

Section 10.5 details how site plan control will be implemented in accordance with the Site Plan Control By-law. The proposed use is not considered an exempt use or development. The Municipality will require the applicant to enter into a site plan agreement with the Municipality. As mentioned previously, on-site improvements and development will be reviewed through site plan control.

**h) the agriculture-related or on-farm diversified uses shall be in accordance with the Provincial Guidelines on Permitted uses in Prime Agricultural Areas;**

Evaluation of the proposed on-farm diversified use is provided below.

**i) for on-farm diversified uses, the relationship of the proposed use to the underlying farm operation;**

The proposed on-farm diversified use does not have a relationship with cash-crop farm operation occurring on the balance of the lands.

**j) agriculture-related and on-farm diversified uses are to remain with the Agricultural Areas land use designation and are permitted without the need to amend this plan; and**

An Official Plan Amendment is required to amend the Middlesex Centre Official Plan, and the lands will remain within the Agriculture designation in both the County Official Plan and Middlesex Centre Official Plan.

**k) proposed access to highways under the jurisdiction of the Province of Ontario, or proposed access in proximity of such highways or interchange ramp terminals, shall be subject to the regulations and policies of the Ministry of Transportation and design and construction of these proposed accesses will be subject to the approval of the Ministry.**

Development and access are not proposed in proximity to a Provincially controlled highway or interchange.

As a result of the assessment above, Planning Staff do not consider the proposed use an On-Farm Diversified Use since the scale and operations of the proposed use impacts sensitive land uses on site and on neighbouring properties, and further demonstrates that the use is more appropriately located in a Settlement Area. Additionally, the existing and proposed uses appears to be the primary activity on the land, and the cash crops and residential use are secondary activities.

### Non-Agricultural Uses in Prime Agricultural Areas

Planning Staff explored other opportunities that may permit the proposed use on the property. The PPS permits 'non-agricultural uses within prime agricultural areas' subject to criteria which is evaluated below. Planning Staff also identify that OPA 59 adopts similar policies to the PPS.

**1. Planning authorities may only permit non-agricultural uses in prime agricultural areas for:**

....  
**b) limited non-residential uses, provided that all of the following are demonstrated:**

**1. the land does not comprise a specialty crop area;**

The proposed use does not comprise a specialty crop area.

**2. the proposed use complies with the minimum distance separation formulae;**

Using available information, it appears that the proposed use complies with minimum distance separation formulae.

**3. there is an identified need within the planning horizon identified in the official plan as provided for in policy 2.1.3 for additional land to accommodate the proposed use; and**

Planning Staff are of the opinion that the proposed use is considered an industrial use and should be directed towards Settlement Areas where the use will be supported by the appropriate infrastructure and separated from sensitive land uses. Settlement Employment lands are designated in the Official Plan and zoned appropriately in the Zoning By-law for industrial uses like the proposed use throughout the Municipality. Additional Settlement Employment land is also being considered through OPA 59. There is no identified need within the planning horizon for additional land to accommodate the proposed use as it can be sufficiently accommodated within nearby Urban and Community Settlement Areas.

**4. alternative locations have been evaluated, and**

**a. there are no reasonable alternative locations which avoid prime agricultural areas; and**

**b. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.**

Planning Staff acknowledge that the land where the proposed use will be located has not been used for normal farm practices and agricultural uses for at approximately 10 years, and the proposed use on this land doesn't represent the reduction of active agricultural land. However, the existing hydrovac business (a non-agricultural use) has used the non-farmed area during this time, and the proposed use represents a further intensification of a non-agricultural use where agricultural activities may be located.

Middlesex Centre is generally considered to have prime agricultural areas outside of the Settlement Areas. There was no indication if other sites within Settlement Areas or other low-priority agricultural land was evaluated.

**2. Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance**

The agricultural system comprises a group of inter-connected factor to create a viable agri-food sector - prime agricultural areas and an agri-food network (inclusive of agricultural operations, infrastructure, services, and other assets important to the agri-food sector). An agricultural impact assessment (AIA) should be prepared to evaluate the total potential impact of the proposed use on the agricultural system. An AIA has not been prepared for by the applicant.

The County Official Plan discourages non-agriculture uses in prime agricultural areas, and direct them to be located in identified Settlement Areas. They may only be permitted if they meet the criteria identified in the PPS, as described above, and further criteria as follows. **The use will not:**

- a) Detract or adversely affect present and/or future agricultural operations;**
- b) Interfere with the viability of farm units;**
- c) Negatively impact the Natural Heritage System; or**
- d) Detract from the character of the agricultural community.**

Described in the evaluation above, the use is likely to adversely affect present agricultural operations on-site and on surrounding lands. The space used for the proposed use also consumes a significant portion of an undersized farm parcel which further interferes with the viability of the farm for cash-crops. On-site work such as berming and grading of the land will need to be further evaluated to avoid negatively impacting abutting farms. The proposed use is not anticipated to impact the Natural Heritage System as the system or natural heritage features are not located on the subject land or on abutting properties. Planning Staff identify that the proposed use is representative of an industrial use which is not agriculturally related nor does it fit within the context of the agricultural area, therefore, it detracts from the character of the agricultural community.

Planning Staff evaluated the OPA against criteria in Section 10.1 of the Official Plan which considers all relevant issues relating to the public interest. The Municipality shall consider the following:

**a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?**

The proposed amendment does not appear to support the Municipality's vision of preserving agriculture as the primary land use outside of settlement areas; protecting agricultural areas from interference or encroachment from conflicting land uses, or uses which could reduce or negatively impact the future flexibility or efficiency of agricultural operations; and to encourage good farm management and stewardship practices.

**b) Is there a demonstrated need or justification for the proposed change?**

Planning Staff evaluated the need for the amendment and are still of the opinion the proposed use should be directed to Settlement Areas where lands are designated for the proposed use, the use is separated from sensitive land uses, and lands are served by appropriate infrastructure.

**c) Is the amendment in keeping with the Provincial and County policy?**

As evaluated above, Planning Staff are of the opinion that the proposal is not consistent with the PPS and the County Official Plan, and does not appear to have regard for adopted policies of OPA 59.

**d) What are the effects of the proposed change on the demand for Municipal services, infrastructure, and facilities?**

The proposed use will increase demand and usage on municipal roads as described by Municipal Staff. It is not anticipated that the proposed use will have impact on municipal water and wastewater services.

**e) Can the land affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?**

Private well water usage, disposal of wastewater, and impacts on nearby municipal drains will need to be reviewed by Municipal staff to determine if the proposed use can be appropriately serviced with on-site improvements.

**f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?**

As assessed previously, the proposed development and overall operations introduces a non-compatible use into the agricultural area, and may increase noise, dust, and odour impacts on neighbouring land uses.

Traffic within the area is expected to increase on township roads which can conflict with agricultural equipment and vehicles, cyclists, pedestrians and horse riders that are common in this area.



Water and wastewater details to serve the proposed use need to be further evaluated to understand the impact of the processed material which will be stored on-site.

An archaeological assessment was completed by the applicant. It is identified in the Planning Justification Report that there is no evidence of archaeological potential in this area, however, Planning Staff have not been provided with the assessment. Planning Staff also requested that consultation with neighbouring First Nation communities occur as part of the Official Plan Amendment consideration due to the potential impacts from the use on groundwater and the natural environment in proximity to nearby Nations. Consultation has not been conducted to date.

Finally, Planning Staff reviewed the potential for the proposed use to be considered as 'waste management system' as defined by the PPS. A 'waste management system' can be considered as 'infrastructure' or a 'major facility' and Municipalities can consider opportunities for facilities through long-range planning of the Municipality. The PPS defines a 'waste management system' as "sites and facilities to accommodate waste from one or more municipalities included recycling facilities, transfer stations, processing sites and disposal sites". The intent of this policy is to plan for the appropriate size, type and location to accommodate current and future requirements as part of the Municipality's integrated waste management system. While solid waste collection and recycling is the primary focus, the policy also includes a broad range of waste that is collected, processed and deposited. Planning Staff consider long-range planning for a waste management facility a more intensive exercise due to the intensity of the use that requires a comprehensive evaluation. Waste management systems or facilities must still be planned to avoid sensitive land uses, minimize and mitigate adverse effects from nuisances, minimize risks to public health and safety, and be appropriately serviced by municipal infrastructure including road network.

Given the above, Planning Staff recommend that the requested Official Plan Amendment **be refused** as the application and proposed use are not consistent with the Provincial Planning Statement, 2024, and not in conformity with the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided without the benefit of receiving comments at the public meeting from members of the public, agencies, and Council. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the applications.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Planning Justification Report