

Ada Bonelli



April 7, 2025

Municipality of Middlesex Centre  
Attention: Planning Department  
10227 Ilderton Road  
Ilderton, ON  
N0M 2A0

**Objection to Official Plan Amendment (OPA 67) Application for 5606 Westdel Bourne**

Dear Marion-Frances Cabral Ramos

I am writing to formally protest the application for an Official Plan Amendment (OPA 67) concerning the property located at 5606 Westdel Bourne. As the owner of the neighboring property at [REDACTED] I have several concerns regarding the proposed changes, and I strongly object to this application for the following reasons:

1. **Environmental Concerns:** I am deeply concerned about the environmental impact of the proposed plan, specifically the potential for hydrovac materials to be dumped on the site. The risk of these materials seeping into farmland and contaminating the groundwater poses a significant threat to the local people. The surrounding properties, including mine, rely on clean, uncontaminated land and water. Allowing this activity would jeopardize both the environment and public health.
2. **Noise Pollution:** The noise generated by the trucks and machinery on the property is becoming unbearable. The frequent truck traffic and the use of heavy equipment such as excavators create an alarming level of noise. This disruption makes it difficult to enjoy peaceful activities such as gardening or hosting guests. We moved to this area for a tranquil and peaceful retreat, and the ongoing noise pollution is contrary to the peaceful atmosphere we sought when purchasing this property.
3. **Property Value and Aesthetic Concerns:** The presence of a business operation next door will undoubtedly have a negative effect on the value of our property. The visual impact of the berm around the barn, which does not blend well with the surrounding farm area, has already hindered our ability to improve our property. The proposed development would further detract from the aesthetic and rural character of the neighborhood.

For these reasons, I respectfully request that you reconsider the approval of this application. The environmental, noise, and property value impacts are significant concerns for myself and likely for other neighbors in the area. I urge the Municipality to take these factors into account when reviewing this application and to protect the integrity and quality of life in this community.

Thank you for your attention to this matter. I look forward to your response and hope that the Municipality will take appropriate action to address these concerns.

Sincerely,

Ada Bonelli

Property Owner, 

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**FW: Plan Amendment (OPA 67) Concerns**

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**From** Marion Frances Ramos Cabral <mcabral@middlesex.ca>

**Date** Wed 2025-04-02 12:27 PM

**To** Clerk <Clerk@middlesexcentre.ca>

**Marion-Frances Ramos Cabral**, MPlan, BURPL | Planner | 519-930-1006

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**From:** Ashley McFarlane <[REDACTED]>

**Sent:** March 29, 2025 2:50 PM

**To:** Marion-Frances Ramos Cabral <mcabral@middlesex.ca>

**Subject:** Plan Amendment (OPA 67) Concerns

**CAUTION:** This email originated from outside of the Middlesex County email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Dear Marion-Francis,

I am writing to express my concerns regarding the proposed land use change that may increase dump truck traffic and the dumping of vac truck waste in our neighborhood. As a resident and farmer in the area, I have serious reservations about the impact this will have on road safety and local farming operations.

Our family frequently travels Westdel Bourne, as often as daily, which has experience increased trucking traffic. The introduction of additional dump and vac trucks would only exacerbate the issues we already experience, posing risks to residents, school buses, and other commuters.

Additionally, we farm the land directly across from 5606 Westdel Bourne and have observed that dump truck drivers often show little regard for farm equipment, or people, on the road. This creates hazardous conditions for

those of us working in agriculture, as large, slow-moving farm machinery requires space and patience from other drivers something we are not currently seeing from dump truck operators.

I ask you to carefully consider the implications of this land use change and save our once quiet and quaint farming community.

Thank you for your time and consideration. I look forward to your response.

Sincerely,

Ashley McFarlane

[REDACTED]

[REDACTED]

To whom it may concern,

I live at [REDACTED] and my property borders 5606 Westdel Bourne. I have received a letter informing us of the application to change the official plan to allow the Westdel Bourne property to become an approved industrial heavy equipment business and dumping location under the disguise of an "on-farm diversified use." I am writing to express my extreme opposition to this application.

I have lived here for many decades and always have loved my property and my home. My property is both home to myself and my husband and also to my horses. Over the past few years, it has become increasingly less peaceful and more frustrating as I listen to the constant noise and deal with crumbling roads and truck traffic every single day.

There is obviously a large dumping business operating at 5606 Westdel Bourne. My husband and I have been forced to live with the constant noise of truck engines, equipment banging, beeping and the sound of heavy equipment running constantly. Why has this been allowed to happen and why is it being considered to be an approved use of a farm property?

This is a farming area with many excellent crops being produced here and livestock being raised. There are several horse farms and on most nice days, you will see both children and adults riding down the roads and through fields on horseback. This is not an industrial area.

It is no secret that what happens at 5606 Westdel Bourne is the running of an industrial business that flushes sewers and evacuates any kind of material from any kind of space. Neighbours have been calling on the Ministry of the Environment and Middlesex Centre to step in and shut this down for years, but instead we are notified of the potential to make this a legitimate operation that permanently destroys the enjoyment of many miles of residents.

We are all worried about environmental damage and land/water contamination, our roads are crumbling and the noise never stops. It is ruining the enjoyment of our rural properties that we have worked hard to obtain and care for. I hope Middlesex Centre will finally step in to do the right thing by denying this application and giving us our property enjoyment back.

I intend to continue to oppose this application in any way possible.

Sincerely,

Carole Minhinnick and Ray Morin

*Carole Minhinnick*  
*Ray Morin*



CAROLE A MINHINNICK  
[REDACTED]

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5606 Westdel Bourne / Oppose

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From Chad . <[REDACTED]>

Date Fri 2025-03-21 11:20 AM

To Clerk <Clerk@middlesexcentre.ca>

**CAUTION:** This email originated from outside of the Middlesex Centre email system. DO NOT click links or open attachments unless you are 100% sure that the email is safe.

My name is Chad Fowler and I live at [REDACTED]

I strongly oppose the notice to change the official use for 5606 Westdel Bourne and want to be added to the list to be contacted about all information relating to this file.

Chad Fowler

[REDACTED]

Sent from my iPhone

March 26, 2025

Re: Application for Official Plan Amendment  
Owner: Barbara Ferrari and Gabriele Ferrari  
Location: 5606 Westdel Bourne  
Planner: Marion-Frances Cabral Ramos

From: Chad and Lori Fowler

We live at [REDACTED] and are deeply concerned about an application to change the operational plan for 5606 Westdel Bourne. There are several reasons why this is a problematic request by the property owner. I could list many, but I will focus on a couple of the most impactful to myself and my family.

The nature and details of this application certainly do not appear to fit an on-farm diversified use as it is not asking to extend agricultural activities. Secondly, the environmental impact of what is already happening and what they want to make official is significant and far-reaching. Lastly, this area does not have road systems in place to support the heavy truck traffic this operation brings to the area.

To my first point, this area is an agricultural location with zoning as such. 5606 Westdel Bourne is zoned as an A1 agricultural property, it is not an industrial property. An on-farm diversified use as described has no justification here. Nothing in the proposal relates to agricultural use. A slurry plant, material/waste storage and a parking lot for commercial vehicles are not agricultural uses and do not enhance farm use. It is simply a creative effort to try and turn an agricultural property into an industrial one.

This farm is a 25 acre parcel and on it waste berms have been quickly growing, both taller and further out and even onto neighbouring properties owned by relatives. It is unacceptable that it has even been allowed to go on this long, let alone for council to consider the possibility of actively permitting it. Material dumped on site is from hydrovac excavation as well as sewer flushing. Both have a high likelihood of containing contaminants, biohazards, oils and even completely unknown materials. It is my understanding that there is an environmental regulation piece that should be in place and regular testing of materials to ensure compliance with environmental standards, this is what industrial properties are designed to accommodate. The odour emitted from this property on most days suggests that there are serious breaches of proper policies and procedures. All of us in this area rely on well water for drinking, bathing and sustaining our crops and livestock. We should not be unfairly put at this risk.

This is a rural location and as such, we have road structures designed to handle rural traffic flow, not industrial. Over the past few years the roads in this area, especially Westdel Bourne, have quite literally fallen apart. You can't drive on them without bouncing down the road and are regularly having to drive around potholes, pylons and obstacles fencing off missing parts of the roadway. One of these areas is atop a hill slope and presents a visual obstacle to oncoming traffic. It breaks down every few months. These roads are not even properly paved but rather use tar and chip as a surface. It should be obvious that they cannot sustain the enormous weight of these trucks which excessively exceed the weight allowance restrictions posted. These trucks are in excess of 40,000 lbs empty and 60,000 lbs full with a large amount of this weight distribution placed over the front steering axles. Traffic from these vehicles is daily, ongoing and year-round, additionally, waste trucks from other companies are being permitted to dump on this property. It is not only hydrovac trucks dumping but also sewer flushing ones as well.

As I stated earlier, there are many reasons why this proposal is problematic. It is troubling that it is allowed consideration and also allowed to continue to operate outside of proper regulations. As a group of nearby residents, we have been left scratching our heads as to why Middlesex Centre is entertaining this business to the degree that it is. Time to shut it down once and for all.

Chad Fowler and Lori Fowler

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## Planning Application for 5606 Westdel Bourne

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**From** Janet Clermont <[REDACTED]>

**Date** Fri 2025-03-21 11:31 AM

**To** Clerk <Clerk@middlesexcentre.ca>

CAUTION: This email originated from outside of the Middlesex Centre email system. DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Hello. I am a residential landowner located at [REDACTED] and am concerned with the impact of the proposed planning application for a Slurry Processing Plant. Please advise me of the upcoming public meeting. I anticipate that a public meeting will be held prior to any decision of council? Thank you in advance.



**RE: Notice of Application****Owner: Barbara Ferrari and Gabriele Ferrari****Agent: Oakview Land Use Planning (c/o Robert Brown)****Location: 5606 Westdel Bourne****Roll No: 393901905020502****Planner: Marion-Frances Cabral Ramos****To Middlesex Centre council:**

This letter is in response to a Notice of Application for Official Plan Amendment (the Application) to permit a contractor's business and associated hydrovac "slurry processing plant" to operate at 5606 Westdel Bourne, London Ontario (the "Property"). The owners of the land are identified as Barbara Ferrari and Gabriele Ferrari (the Applicants). I am writing a concerned resident who lives at [REDACTED] in close proximity to the Property.

The proposed "Slurry Processing Plant" is essentially a hazardous waste processing site and does not meet the definition of 'on-farm diversified use' (OFDU); furthermore, it falls outside of the intent of the Provincial Policy Statement (2020) ("PPS") and OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (hereinafter "the Guidelines"). The hazardous waste processing site has been operating on the Property for at least two years (at minimum) without permit and in contravention of the Municipality's Zoning By-Laws and Official Plan. The Property is currently zoned Agricultural and the current use of the Property for the processing of hazardous waste continues to operate in contravention of zoning by-laws, the Official Plan, and provincial legislation and impacts to water resources.

The crux of this application is whether or not the existing/proposed use of the property, as currently being carried out by Ferrari Hydrovac Services Ltd., can fit within the definition of an OFDU.

**Provincial Policy Statement (PPS)/OMAFRA Guidelines:**

The PPS outlines the policies for managing and directing land use to achieve effective and efficient development and land use patterns. The PPS clearly considers and prioritizes the preservation of agricultural lands and enhancement of agricultural uses as one of its key goals. There are limited exceptions. Such exceptions are clearly intended to complement rather than encumber agricultural uses of the area, and any loss of agricultural lands for non-agricultural purposes is to be minimized.

Section 2.3 of the PPS relates to Agriculture, with section 2.3.3.1 outlining the three permitted uses in the prime agricultural areas: agricultural uses, agricultural-related uses and on-farm diversified uses:

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.<sup>1</sup>

The Property is zoned agricultural and situated on prime agricultural land. The Guidelines are designed to help municipalities, decision-makers, and farmers interpret policies in the PPS on uses that are permitted in prime agricultural areas. The Guidelines stress the importance of agricultural land noting that **“Ontario’s prime agricultural land is a finite, non-renewable resource comprising less than 5% of Ontario’s land base. It is the foundation for food, fibre and fur production, the local food economy, agri-food exports, economic prosperity and the growing bio-based economy.”**<sup>2</sup> Our farmland must be protected, not just for this generation, but future generations to come.

The Guidelines outline the principles to follow in defining permitted uses (agricultural uses, agriculture-related uses and on-farm diversified uses) in prime agricultural areas to ensure settlement areas remain the focus of growth and development and:

- agriculture remains the principal use in prime agricultural areas;
- prime agricultural areas are protected for future generations;
- land taken out of agricultural production, if any, is minimal;
- regard is given to the long-term (multi-generational) impact on prime agricultural areas;
- normal farm practices are able to continue unhindered;
- agricultural and rural character and heritage are maintained as much as possible;
- uses are compatible with agricultural uses;
- they make a positive contribution to the agricultural industry, either directly or indirectly; and

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<sup>1</sup> Provincial Policy Statement (PPS) section 4.3.2 at page 23.

<sup>2</sup> OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas [Guidelines] at page 1.

- servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context.<sup>3</sup>

The Guidelines and the PPS stress that all types, sizes and intensities of agricultural uses and normal farm practices shall be protected in prime agricultural areas. Furthermore, agricultural uses, including OFDUs, must meet PPS environmental policies. **“For example, the environment is clean and healthy; and undesirable effects of development, including impacts on air, water and other resources are minimized; land, resources and biodiversity are conserved; and the quality and quantity of water resources are protected, improved and restored.”**<sup>4</sup>

To my knowledge, there has been no environmental impact study conducted on this very issue that the Guidelines and the PPS were designed to protect: what is the environmental impact of this proposed Slurry Processing Plant; in particular, what is the impact on the quality and quantity of the water. All of the surrounding properties are on well water. What steps will the municipality take to ensure our water is not affected on an ongoing basis?

### **On-Farm Diversified Use:**

The PPS defines an “on-farm diversified use” as:

...uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products.

Section 2.3.1 of the Guidelines sets out the PPS criteria for on-farm diversified use. All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS:

1. Located on a farm.
  - That is actively in agricultural use.
2. Secondary to the principal agricultural use of the property.
  - Meaning, agricultural uses must remain the dominant use of the property. This is measured in spatial and temporal terms;

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<sup>3</sup> Guidelines section 1.4 at page 3.

<sup>4</sup> Guidelines section 1.6 at page 5.

- This criteria also requires that little-to-no agricultural land be permanently displaced; does not require side grading and/or drainage;
  - Meet compatibility requirements (ie do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area);
  - and impacts to the site itself and surrounding agricultural operations are mitigated (ie compact, drainage).<sup>5</sup>
3. Limited in area (ie 2% of farmland to a maximum of 1 ha.) This criteria is intended to:
- Minimize the amount of land taken out of agricultural production;
  - Ensure agriculture remains the main land use;
  - Limits off-site impacts such as traffic, changes to the agricultural rural character, to ensure compatibility with surrounding agricultural operations;
  - Achieve the balance between farmland protection and economic opportunities for farmers.<sup>6</sup>
4. Includes home occupations, home industries, agri-tourism and value-added agricultural products.
5. Is compatible with, and does not hinder, surrounding agricultural operations. For example:
- a. Operations involving soil compaction;
  - b. Excessive noise;
  - c. Meets all environmental standards.

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

With respect to criteria #2, the proposed Slurry Processing Plant is not secondary to the principal agricultural use of the property. Based on the aerial images found at page 3 of the Planning Justification Brief prepared by Robert Brown dated January 21, 2025 (“Justification Brief”) and page 3 of the Application, it is clear that a significant amount of agricultural land relative to the Property has been permanently displaced, without a proper permit.

Here is a closer aerial view of the Property taken from the Middlesex County website that illustrates the desecration of the agricultural land (the County website indicates these images were captured in 2020):

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<sup>5</sup> Guidelines at pages 17-18.

<sup>6</sup> Guidelines at page 19.



According to the Justification Brief, the remaining land on the Property that is being farmed, is planted with cash crops. The Application describes the proposed business as follows: “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 Justification Brief goes into more detail with respect to how the hydrovac business operates and explains that the construction industry relies on hydro excavation for a number of tasks including digging trenches, locating underground utilities and gas lines, and cleaning sewer pipes. Nothing in the description of the hydrovac business is ancillary to farming. It would appear that the hydrovac and slurry processing plant is not secondary use but is fact a primary commercial/industrial use of the Property.

### **#3. Limited in area:**

According to the Justification Brief, the Slurry Processing Plant, material storage areas, equipment storage, parking, and berming occupies 2 ha. The Property is 10.36 ha in total. Which means the proposed OFDU would encompass at least 20% of the total Property. The Guidelines require that OFDUs occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha,<sup>7</sup> which is well in excess of the recommended limit.

### **#4. Includes home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products:**

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<sup>7</sup> Guidelines at page 21.

Again, the proposed Slurry Processing Plant does not meet the fourth criteria. The Guidelines note that the language related to uses under this exception require that these operations be at a reasonable scale, as discussed under the “secondary to ...” and “limited in area” criteria.<sup>8</sup>

**#5. Is compatible with, and does not hinder, surrounding agricultural operations:**

The fifth criteria requires that the OFDU be compatible with surrounding agricultural operations, including maintaining the agricultural/rural character of the area.

The surrounding land uses are:

- North: Agricultural lands including agricultural fields, single detached dwellings, and a horse farm ( [REDACTED] ).
- South: Agricultural lands including agricultural fields, single detached dwellings and a horse farm. ( [REDACTED] );
- East: Agricultural lands including a horse farm immediately east ( [REDACTED] ), agricultural fields, single detached dwellings ( [REDACTED] ).
- West: Agricultural lands, including agricultural fields and single detached dwellings ( [REDACTED] ).

There are a number of residential properties and horse farms, along with agricultural land with cash crops. The proposed Slurry Processing Plant is not in keeping with the agricultural/rural character of the area. The Slurry Processing Plant that has been in operation for at least two years has raised concerns for the residents living nearby. There have been complaints of excessive noise, smoke and smell emanating from the Property. I personally jog and walk past the Property on a daily basis and find it difficult to breathe due to the toxic odour emanating from the Property. Again, it is unclear what the effect the proposed Slurry Processing Plant will have on the air quality and water table: toxic air and water that the nearby residents and their livestock inhale and ingest.

Here is an aerial image copied from the Middlesex County website that illustrates the location of the Property in relation to the surrounding community:

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<sup>8</sup> Guidelines at page 21.





In addition to operating a Slurry Processing Plant on the Property for several years in contravention of the zoning by-laws, the business has been transporting soil from the Property to another nearby property at 8044 Decker Drive where 15-20-foot berms dominate the perimeter, presumably without proper approval from the province.

#### **Intent of the PPS/Guidelines related to OFDU:**

The intent of the PPS is to permit farmers to diversify their agricultural land use in a way that will compliment and contribute to the economic viability of their farms. The premise of the policy supports the common goals of protecting farmland while contributing to the development of agricultural livelihoods. Some examples of OFDUs include value-added uses such as a winery, bakery, farm market or small café or restaurant. The Guidelines require that the Property maintain the agricultural /rural character of the area by avoiding major modification of the land. The proposed Slurry Processing Plant simply does not align with the objectives of the Guidelines or PPS. Processing contaminated materials is not an extension of farming or agricultural use whatsoever. Furthermore, the use of agricultural land that will result in air, noise or odour emissions may require an Environmental Compliance Approval issued under the *Environmental Protection Act*, 1990.

The Guidelines also require that a OFDUs be compatible with other uses in the area and examine how the area would be affected. Considerations include: the cumulative impact on ground and surface water in the area, wear and tear on the roads, and traffic safety. The Guidelines expressly state that “[t]he intent of the PPS and these OMAFRA Guidelines is to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development and [...] they make a positive contribution to the agricultural industry, either directly or indirectly.”<sup>9</sup>

There is no evidence that the proposed Slurry Processing Plant contributes to the agricultural industry whatsoever.

According to the Guidelines, the OFDUs must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural production in the area. The OFDUs must primarily focus on supporting agriculture. The Justification Brief explains that the business on the Property has expanded into hydrovac services and notes that the construction industry relies significantly on hydro excavation for a variety of tasks including digging trenches, locating underground utilities and gas lines, cleaning sewer pipes and excavation. None of these services include agricultural services.

The proposed Slurry Processing Plant does not support, compliment, or enhance agricultural farming operations in the area. In fact, it is incompatible with the objectives of the PPS. The Guidelines provide a list of examples that are not OFDUs, including: sewage biosolids storage and composting facilities for non-agricultural source material. The materials that are being processed at the plant are not agricultural source material and should not be permitted. The list also includes: large-scale equipment or vehicle dealerships, hotels, manufacturing plants, trucking yards, uses with high water and sewage needs and/or that generate significant traffic.<sup>10</sup>

The Guidelines also provide a list of examples that could be classified as OFDU, including: veterinary clinics, winery, cheese factory, bakery, equipment repair, seasonal storage of boats or trailers, home occupations (ie professional office, bookkeeper, land surveyor), petting zoo, equine events, farm market, seed supplier, tack shop, and a small restaurant.<sup>11</sup>

### **Ontario Tribunal Cases:**

The Ontario Tribunal has provided further guidance on the interpretation of the OFDUs and non-agricultural use criteria by ruling on similar applications over the past handful of years. I have included a couple of cases that interpret non-agricultural use as it was suggested in the Justification Brief that the analysis was comparable to the Application before council (although it is my view the analysis is not comparable or relevant).

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<sup>9</sup> Guidelines at page 3.

<sup>10</sup> Guidelines at page 23.

<sup>11</sup> Guidelines at page 22.



Greenwood and Gardiner v. Oro-Medonte (2021) Township – TAB 1:

I would submit the most relevant case is *Greenwood and Gardiner v. Oro-Medonte (2021) Township [Oro-Medonte]*.<sup>12</sup> The application was to permit the development of a contractors' yard with storage of vehicles on a portion of the subject lands. The applicants had been operating their excavation business on the subject property despite it not being a permitted use. The applicants were essentially seeking to legalize the existing an ongoing use of the property to carry out the operations of their excavating business. The subject property was zoned Agricultural/Rural and had a large 50 x 100 building to store tri-axel trucks, a large parking area and a wide driveway with berms on each side to screen the operations. The area developed for the excavation business was 1 ha in size and was constructed without first obtaining the requisite permits from the municipality and was operated in contravention of the township's zoning bylaws. The issue was whether the use of the property fit within the definition of OFDU. Before moving their operations to the subject property, the business stored and staged its equipment and vehicles at an industrial property. In denying the application, the OTL made the following key points:

***“The Tribunal accordingly finds that KJ Excavating’s operations, as located at the Subject Property, is characteristic of a full-scale industrial operation which generates regular employee and business traffic on the surrounding roadways within a prime agricultural area.”***<sup>13</sup>

The Tribunal concluded that a ***“full-scale industrial operation ... cannot be appropriately located in a prime agricultural area (as an on-farm diversified use) unless it makes a positive contribution to the area’s agricultural industry, either directly or indirectly ... it must support and build upon rural character and leverage rural amenities and assets.”***<sup>14</sup>

***“The applicants did not contend, nor did the evidence show, that their excavation business is directly or indirectly connected to an agricultural operation, nor does it serve to support and build upon rural character or leverage rural amenities and assets.”***<sup>15</sup>

***“Furthermore it should be noted that the goals of the PPS are not only to preserve individually allotted agricultural lands within prime agricultural areas, it also aims to preserve the continuity of agricultural lands and uses within such areas. The reason being is that a patchwork of non-agricultural uses within prime agricultural areas, with potential to conflict with agricultural uses, will have a cumulative effect of restricting***

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<sup>12</sup> Ontario Land Tribunal (OLT) Case No. PL200165 December 16, 2021 [*Oro-Medonte*], attached at **Tab 1.**

<sup>13</sup> *Oro-Medonte* at para. 28.

<sup>14</sup> *Oro-Medonte* at para. 43.

<sup>15</sup> *Oro-Medonte* at para. 41.

***agricultural uses and normal farm practices on a broad scale. This is clearly contrary to the PPS.***<sup>16</sup>

*Meyer v. Thames Centre (Municipality) (2018) – TAB 2:*

The OLT ruled in *Meyer v. Thames Centre* [“*Thames Centre*”] that the operation of a trucking terminal on prime agricultural land was not a OFDU and was inconsistent with the PPS. The trucking terminal was described as a hauling operation with a number of dump trucks being carried out on the subject lands and when the dump trucks were not in operation, they were stored on the subject lands. The buildings included a 2,000 square foot accessory building. In denying the application, the OTL stated:

“... the Tribunal can only conclude that the [application] for a trucking terminal in a prime agricultural area that is designated and zoned for agricultural uses, and for which no permitted use for a trucking terminal is allowed, is not consistent with the PPS...”<sup>17</sup>

*Grass v. Kawartha Lakes (City) (2023) – TAB 3:*

In 2023 OTL case, the Tribunal denied an application to permit a trailer sales and storage use as an OFDU on prime agricultural land. The purpose of the application was to permit the storage and sales of 32 trailers on a portion of the subject property that was zoned A1; the trailer sales and storage establishment would not exceed 2,500 square metres. The current farming uses included hay, maple syrup and honey production. The surrounding property were used mostly for agricultural purposes with a combination of crops and livestock. The tribunal cited increased traffic concerns and the commercial nature of the proposed use as two of the reasons for denying the application.<sup>18</sup>

*Tannous v. Kingsville (Town) (2017) – TAB 4:*

The OMB denied an application to operate an automobile repair business as a non-agricultural use on prime agricultural land. The subject property contained an auto repair shop that operated in a 225 sq m building located at the rear of the property. There was no debate that an automobile repair business was not an agricultural use, agricultural-related use, or OFDU. The OMB noted there was sufficient land available in existing commercial and settlement areas of the town for an automobile repair establishment and there was not an identified need for additional land to justify such a use on the subject property.<sup>19</sup> Consequently, the OMB found the proposed use was inconsistent with the PPS.

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<sup>16</sup> *Oro-Medonte* at para. 38.

<sup>17</sup> Ontario Land Tribunal Case No. PL180063, June 27, 2018 [*Thames Centre*] at para. 22, **Tab 2.**

<sup>18</sup> Ontario Land Tribunal Case No. OTL-22-004350, June 1, 2023 [*Kawartha Lakes*] at para 77-78, **Tab 3.**

<sup>19</sup> Ontario Municipal Board Case No. PL160749, April 19, 2017 [*Kingsville*] at para. 12, **Tab 4.**

*Ummatie Cemetery v. Cramahe (Township) (2023) – TAB 5:*

In the 2021 case of *Ummatie Cemetery v. Cramahe* [Cramahe], the OLT denied an application to permit non-agricultural use to establish a cemetery and mausoleum on prime agricultural lands. The OLT ultimately concluded that the application was not in the public interest because the cemetery would result in the loss of farmland.<sup>20</sup> The applicants failed to show that there were no other lands in the rural (not prime agricultural land) that could accommodate the use proposed.<sup>21</sup> In denying the application, the OLT stressed the importance of agricultural land to the entire province: “... *it is not in the public interest to allow the proposed cemetery ... to be established on the subject lands, in effect, depriving the Province of productive prime farmlands and the agricultural crops derived to feed the citizenry of the Province.*”<sup>22</sup>

**Non-Agricultural Uses:**

The Justification Brief provides an analysis of non-agricultural uses on the basis that the proposed Slurry Processing Plant shares some characteristics of a non-agricultural nature and should be given consideration as a method of providing added assessment of the business and its potential impacts. It is my view that this comparison is irrelevant as “non-agricultural uses” is not the test to apply; however, because it is addressed in the Justification Brief, I will briefly address it here.

The Middlesex Centre Official Plan dated July 7, 2023 confirms at section 2.5 that non-agricultural related uses, except for those specifically permitted under the Plan, are prohibited within agricultural areas. The proposed Slurry Processing Plant is not listed as a permitted use.

The Middlesex County Official Plan provides additional information on what is considered non-agricultural use on prime agricultural land. Section 2.2.2.2 sets out the general policies and confirms that non-agricultural uses are discouraged in the prime agricultural areas, and that agriculture-related and on farm diversified uses shall be compatible with and not hinder, surrounding agricultural operations and must be compatible with the Guidelines.

The Guidelines identify what some limited non-agricultural uses in prime agricultural areas and include: a) extraction of minerals or b) limited non-residential uses, provided that the land does not comprise a specialty crop area; the use complies with the minimum distance separation formulae; there is an identified need; and alternative locations have been evaluated.

The proposed Slurry Processing Plant is not comparable to the extraction of minerals from soil on agricultural land. This processing plant is transporting external material from various non-agricultural sites and sources to be processed. Furthermore, it is unclear what specific external material will be processed at the proposed Slurry Processing Plant.

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<sup>20</sup> Ontario Land Tribunal Case No. OLT-23-000127 September 14 and 15, 2023 [Cramahe] at para.33 at **Tab 5.**

<sup>21</sup> *Cramahe* at para. 48 at **Tab 5.**

<sup>22</sup> *Cramahe* at para 66 at **Tab 5.**

The Applicant has not included enough information to conclude whether the land does not comprise a specialty crop, whether there is an identified need or whether there are alternative locations available.

Under section 3.2.1 of the Guidelines specifically requires “*rigorous assessment of need, evaluation of alternative locations and mitigation of impacts should be required by municipalities as part of a complete application for non-agricultural uses in the prime agricultural areas.*”

An application of the test for Non-agricultural Uses in Prime Agricultural Areas is discussed in the case of *Cramahe*, supra, and is discussed in the case law section of this letter and at paragraphs 70-81 of the decision (found at **Tab 5**). In *Cramahe*, the OLT stressed the Applicant had not studied alternative suitable sites for the proposed non-agricultural use, which led to the denial of the application.

Ultimately, the Application is to permit an ‘on-farm diversified use’ not a ‘non-agricultural use’ and consequently, it is not appropriate to consider the characteristics of ‘non-agricultural use’ as they are irrelevant and should not form part of the analysis whatsoever.

#### **The Environmental Compliance Appliance (ECA):**

The Justification Report refers to environmental considerations on page 7 and attaches an Environmental Compliance Approval (ECA) dated October 1, 2024 as Appendix B. The ECA is issued to Ferrari Hydro Vac Service Ltd for approval of “a Waste Management System servicing the Province of Ontario.” The ECA appears to suggest that the Slurry Processing Plant will be accepting materials from sources **across the Province of Ontario**. Section 2 of the Terms and Conditions of the approval indicate the operation of the waste management system “*is limited to the collection, handling and transportation of non-hazardous liquid industrial, hazardous liquid and hazardous solid waste ...*” and then lists the classification of acceptable waste as class nos. 135, 150, 221, and 251-254 inclusive as described in the *Ministry of the Environment, Conservation and Parks Waste Classes [MOE Waste Classes]*, as amended, January, 1986. The MOE Waste Classes that have been approved under the ECA include:

<b>Class</b>	<b>Description</b>	<b>Examples</b>
135	Wastes containing other reactive anions	Wastes containing chlorates; hypochlorite; bromate or thiosulphate.
150	Inert inorganic wastes	Sand and water from catch basins at car washes; slurries from the polishing and cutting of marble.
221	Light fuels	Gasoline, kerosene, diesel, tank drainings/washings
222	Heavy fuels	Bunker, asphalts, tank draining/washings/bottoms, spill clean up residues.
251	Waste oils/sludges (petroleum based)	Oil/water separator sludge; dissolved or flotation skimming; heavy oil tank drainage; slop oil and emulsions.
252	Waste crankcase oils and lubricants	Collected service station waste oils; industrial lubricants; bulk waste oils.

253	Emulsified oils	Soluble oils; machine oils.
254	Oily water/waste oil from waste transfer/processing sites	Waste oil and oily water limited to classes 251, 252 and 253 that have been bulked-blended/processed at a waste transfer/processing site.

This appears to be the list of the waste materials that the MOE has approved for the “*collection, handling and transportation*” to the Property, pending zoning approval. In my view, there is no reason for the hazardous materials to be processed at the Property. The ECO appears to contemplate “*collection, handling and transportation*” to the Property only, and explicitly prohibits the storage of the waste at the Property as outlined in Terms and Conditions #4:

*“Waste shall only be delivered to a waste disposal site or facility which has an environmental compliance approval, and only where the waste being delivered complies with the environmental compliance approval of the receiving waste disposal site or facility and **at no time shall waste be stored or transferred to your truck storage yard located at 5606 Westdel Bourne, London, Ontario.**”*

What steps, if any, are currently in place to ensure that the waste is currently being delivered to a waste disposal site and not stored or disposed of at the Property?

According to the Justification Brief, the applicant is planning to process the waste materials approved by the MOE at the Property in the future, if they are not already. If the municipality approves of the change in zoning, ALL of these contaminated solids will be accepted at the Property from across the Province. There is no reason for these contaminated materials to be processed on prime agricultural land. We do not want these contaminants in our neighbourhood.

#### **Lack of consultation with First Nations:**

There are three First Nation Reservations to the west of the Property: Oneida Nation of the Thames, Munsee-Delaware Nation and Chippewas of the Thames First Nation. The Justification Brief indicates on page 11 that the municipality requested or suggested that the Applicants consult with area First Nation Communities located to the west of the subject lands and hold an open house for abutting landowners that would be receiving public notice for the required planning approvals. At the time this letter was written, no consultation from the Applicants had taken place with the First Nations communities or the abutting landowners. The timing of the consultations should have taken place long before the public meeting was scheduled to give the neighbours and First Nations a chance to review the application and satisfy any concerns.

#### **Closing comments:**

The issue for council to decide is whether the proposed Slurry Processing Plant falls within the definition OFDU. It is clear that a waste disposal operation of this nature does not fit within the definition of an OFDU and is inconsistent with the intent of the PPS and the Guidelines. The proposed Slurry Processing Plant fits within the definition of industrial land use and should be

located on property that is designated Industrial Land Zoning. The Applicant has not presented any evidence with respect to what alternative sites are available. There are areas in the London area already designated as industrial and they should seek out properties in that area that do not affect residential or agricultural use. We must protect what is left of agricultural land. What is convenient and financially profitable for one business/family shouldn't be at the detriment of everyone else in the surrounding neighbourhood

It appears Ferrari Hydro Vac Service Ltd. has been operating this processing plant without a permit for at least the past two years. This operation needs to be shut down immediately and moved to an industrial site where it belongs. The municipality needs to issue a cease-and-desist order for violation of the Official Plan.

Thank you.

Janet Clermont

[REDACTED]

[REDACTED]

[REDACTED]

**Re: 5606 Westdel Bourne**

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**From** Janice Williams <[REDACTED]>

**Date** Fri 2025-03-21 1:50 PM

**To** Clerk <Clerk@middlesexcentre.ca>

CAUTION: This email originated from outside of the Middlesex Centre email system. DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Hello,

My name is Janice Williams. I am resident at [REDACTED]  
[REDACTED]

I wish to be notified of any further information and meetings related to the zoning change application for 5606 Westdel Bourne.

I would also like a copy of the application and any related studies done to support this application.

The property is already generating odours and creating swamp conditions in the drainage ditch in front of the property and leaching on to neighbouring lands. The trucks related to this business are often leaking and spilling onto the roadways. Also it is far too much heavy traffic for the rural road surface to sustain.

I will be looking forward to your response.

Thank you,

Janice Williams  
Sent from my iPhone

## Request for notification

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From [REDACTED] <[REDACTED]>

Date Mon 2025-03-24 2:50 PM

To Clerk <Clerk@middlesexcentre.ca>

CAUTION: This email originated from outside of the Middlesex Centre email system. DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Hi,

We would like to be notified of any upcoming meetings or communications regarding the application for official plan amendment submission by Barbara and Gabrielle Ferrari at 5606 Westdel Bourne.

Thanking you in advance,

Julie Allen

Richard Hickling

[REDACTED]

Sent from my iPhone