



**TOWNSHIP OF MELANCTHON
COMMITTEE OF THE WHOLE ELECTRONIC MEETING
THURSDAY, SEPTEMBER 16, 2021 – 6:30 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/88950723545?pwd=UEZ1dWlmVmFyL2lCeFVhNXRJR1lXZz09>

Meeting ID: 889 5072 3545

Passcode: 553633

One tap mobile

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AGENDA

- 1. Call to Order**
- 2. Additions/Deletions/Approval of Agenda**
Motion - that the Agenda be approved as _____.
- 3. Disclosure of Pecuniary Interest**
- 4. Adoption of Draft Minutes – July 15, 2021**
Motion: that the minutes of the Committee of the Whole Meeting held on July 15, 2021 be approved as circulated.
- 5. Business Arising from the Minutes**
- 6. Correspondence**
- 7. General Business**
 1. Unfinished Business - Discuss By-law 44-2012 – On Farm Business Uses By-law
 1. PowerPoint Presentation from Chris Jones, Township Planner – Review of Zone Regulations for On-Farm Diversified Uses
 2. Comments from Harve Lyon dated July 7, 2021, Harve Lyon - Presentation from the September 2, 2021 Council meeting and Mr. Lyon's comments made at the September 2, 2021 that he wanted to be on record
 2. Other/Addition(s)
- 8. Delegations**
- 9. Adjournment and Date of Next Meeting**
Motion: that we adjourn Committee of the Whole at _____ p.m. to meet again on _____ at _____ p.m. or at the call of the Chair.
Or
That we adjourn Committee of the Whole at _____ p.m. to meet again at the call of the Chair.

Township of Melancthon

Review of Zone Regulations for On-Farm Diversified Uses

September 16, 2021



Overview

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



Agricultural Uses

Under Provincial Policy municipalities are required to:

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

Agricultural Uses – Definitions

Agricultural uses

- nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production;
- *value-retaining facilities; and,*
- accommodation for full-time farm labour.

On-farm diversified uses

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

Therefore:

-Agricultural Uses-

(On-farm diversified uses)



Publication 851 – Guidelines on Permitted Uses in Agricultural Areas

Value-Retaining Uses

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

Value-Added Uses

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



Value-Retaining Facilities

Characteristics

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

Examples

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

Type of Use

- *agricultural uses or agriculture-related uses*

Value-Added Facilities

Characteristics

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

Examples

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

Type of Use

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



On-Farm Diversified Uses – Criteria Pub. 851

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



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

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

Component Parts:

1. Definition
2. Permitted Uses
3. Regulations



The Definition

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

Analysis:

- F, S, L – yes
- HBB-V, C - discuss



The Permitted Uses

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



Permitted Uses

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



Permitted Uses - Analysis

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



The Regulations

- i) *Ancillary retail commercial sales and service activities, including accessory retail sale of products produced by the on-farm business use, shall be limited to a maximum of 10 percent of the gross floor area of the building. (L, C)*
- ii) *Any permitted use shall require a Change of Use Certificate from the Township.*
- iii) *Only one permitted use is allowed on any qualifying lot. (L, C)*
- iv) *The lot shall be eligible for the Farm Property Class tax rate and must be used for a farming business that has a current and valid Farm Business Registration number. (F)*
- v) *The minimum lot area shall be 20.23 hectares. (F, S)*
- vi) *The minimum lot frontage shall be 150 metres. (C)*
- vii) *The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4 hectares. (L, C)*
- viii) *The use shall be located in a separate building or buildings that are not associated with any other use on the lot. (S, C)*



The Regulations

- ix) All buildings and structures shall be set back a minimum of 22.8 metres from any lot line, 121.9 metres from the closest lot line of a vacant lot having a maximum size of 4.1 hectares, and 121.9 metres from a dwelling on a separate lot. (C)
- x) The minimum separation distance between on-farm business uses shall be 500 metres. (L), (C)
- xi) The maximum combined total floor area of all buildings shall be 418.06 square metres. (L), (C)
- xii) All buildings shall have a peaked roof and the maximum building height shall be 9.2 metres measured vertically from the abutting finished ground level to the peak of the roof. (C)
- xiii) All business operations, storage and loading spaces shall be located within fully enclosed buildings. (L), (C)
- xiv) There shall be a landscaped buffer strip provided between the use and the nearest open public road... (C)



The Regulations

- xv) Compliance with noise emission standards. (C)
- xvi) Operated by the owner and a maximum of four employees. (L), (C)
- xvii) Not be offensive, obnoxious or dangerous...(C)
- xviii) No advertising other than a small sign. (C)
- xix) Hours of operation (C)
- xx) Neither a home occupation or a home industry shall be permitted uses in conjunction with an on-farm diversified use. (L), (C)



Regulations - Analysis

20 regulations

- 17 of the regulations address compatibility requirements
- 8 of the regulations address the limited area requirement
- 2 of the regulations address the need to locate on a farm
- 2 of the regulations address the secondary nature
- 1 of the regulations is a policy
- 1 of the regulations is administrative



Context

- Approximately 650 parcels with lot areas of 20.23 ha
- 39 on-farm business have been established in the Township
- All of these uses are manufacturing businesses



Observations

- OFDU buildings are characterized by quality construction
- Businesses have been well-kept
- Not aware of complaints (noise, odour)
- Truck traffic is a concern
- Regs need to be consistent with PPS
- Regs need to conform with the Official Plan
- Regs need to be fair and reasonable
- Agriculture needs to be the priority use
- OFDU needs to be a secondary use
- Zoning cannot require prime farmland to be kept in production nor can it require farmers to own it



Framework to Update the By-law

- The definition and permitted uses could be consolidated to more clearly articulate what is permitted and what is not permitted as an OFDU to align with the PPS
- Accessory retail should be a regulation and hours of operation should be removed
- Better distinction between value-retaining uses and value-added uses
- Alignment with existing uses and regs in the A1 Zone
- Separation from sensitive uses could be simplified
- No definitive basis to reduce or eliminate the separation requirement



Next Step

- Prepare draft zoning by-law amendment
- Public consultation/public meeting
- Council consideration and approval

To: Mayor White and Council

RECEIVED

JUL 21 2021

From: ~~Harve Lyon~~

Date: July 7, 2021

Re: Farm Business By Law

At the last council meeting various points of the Farm Business By Law were briefly discussed. As set out below I would add to that discussion.

The Deputy Mayor stated that cash cropping 200 acres is not profitable. I totally agree. In such instances the shop plays a key, if not the most important, role in making the farm economic. In many cases the small barns, sized for a very limited number of cattle, does little to change the situation. Bigger barns were standard more than 100 years ago. Of course the situation is even worse for the 50 acre farms. It is generally accepted that a 100 acre farm is uneconomic unless an intensive livestock operation is undertaken. Since the shops are absolutely key to the viability of these farms, the value of the shop must figure into the value that the munonites are prepared to pay for land. This may be good for the tired old farmer who is shucking land, and of course, real estate agents, but agriculture?

Plan # 10.2

4110 4 2 2021

In my opinion the provisions set out in our Farm Business By-law are not consistent with the OP. There are various adjustments that could be made to bring it in line, but probably the easiest thing to do would be to adopt that of Grey Highlands.

There was some discussion about possibly adjusting the 500m separation between shops. In my opinion this provision has served us well. It minimizes the adverse impacts on non-Mennonite landowners, and minimizes the concentration of impacts on our roads. Both impacts were a serious problem prior to implementing the By-law. Of course were we to adopt Grey Highlands By-law. I think we could consider doing away with the required separation between shops.

Councillor Meneer correctly noted that an event facility was not listed as a permitted business. With the potential for conflicts with many accepted farm practices it was assumed that such business (including camp sites) would logically be located on rural lands away from active farming areas. Can a posh wedding reception survive a heavy dose of the hystek bouquet from a recent spreading.

What is often raised is - couldn't we (farmers) be more accommodating. Here I say an emphatic No. The farmer is totally dependent on the weather. A very clear case in point. One of the common uses of the hystek product is to inject it after the 1st cut of hay has been taken off. I started 1st cut mid-June, and with the weather what it is and has been, I'll be lucky to finish by late July. So what state do I tell the event planner to keep open. No, the only option is to make the booking and take his chances. Farms frequently change hands (especially in the New Survey) and with the change may come a new suite of farming practices. Although it may seem quietly bucolic at the present the future may not be so sweet.

As an aside, hystek is in the process of expanding its facility in Dundalk. In the past use of this product was limited by supply. With the expansion the product will be more readily available with wider application. The product is quite popular with the Mennonites

In summary, although the Mennonites will always want more, the provisions of the By-law don't seem to dampen the pace of their land acquisitions. Two new purchases on the 4th NE. What is unclear to me is the the continually over capitalization of uneconomic 100 acre farms. will have on the Township in the long term.

Respectfully
Harve Hya



Denise

I read your e-mail. I guess you were looking for my notes for the presentation.

I have attached the rest, you already have page 10

I probably shorted some of it to try and keep it within the allowed limit. If you don't need - now file.

Denise

Sept 2 Presentation notes

- A couple of weeks ago Chris showed a map with 47 shops. Most of these have been built in the last 10 years. With the number of farms that have been purchased just around my little corner we will easily reach 75 within the next 10 years and heading for 100.

So what?

- The provisions in our by-law - size of shop, shop separation, separate buildings - are not slowing down the rapid pace of development.
- This density of shops represents a loss of some 200 acres of PAH and in addition, at least for a generation, of some 1000 acres of PAH from the producing agricultural industry land base. (Horses)
- To nationalize - maybe - this lost of PAH there must be a real, significant positive contribution to the agricultural industry
- It must be clearly recognized that, with the exception of a couple of early ones, these shops are in no way agricultural related. They are purely industrial plants - i.e. branch plants for the like of Home Hardware!

I note from that authoritative newspaper the Dundalk Herald, that Southgate requires certain steps to have a water reservoir for emergency use by the fire department. Since the area of our shops is served by this same department the water reservoir requirement should be harmonized between the two townships.

Uses like event facilities are identified as permitted uses on rural lands in our ZP. Having said that, this use may be permitted on PAtk as an on-farm diversified use. Because of the frequency with which properties are changing hands the farm environment is rapidly changing. As a result, it is not possible to assess with any confidence the risk of future conflicts. I support the use of a temporary use zoning by-law for a period of up to 3 years as provide by the Planning Act.

GPU
Page 70

- On-farm diversified uses that might grow beyond what was initially permitted are not supported
- Quoting from an article titled So, sue me. Robert Scriven of Oldies, Enneaves, D'Agostino & Scrivens says. "The countryside is changing and although litigation is often thought of as remote, it's increasingly closer to home."

500m Between Shops

This separation serves 3 specific purposes.

1 To the extent practicable the separation reduces the adverse impacts on neighbours resulting from multiple adjacent shops.

2 It provides some opportunity for farms to expand. Larger farms are inevitable. Allowing farms the flexibility to become larger is key to agricultural viability and to achieving the PPS requirement of protecting PAH for long term use in agriculture. It also helps promote a diverse farming community. In my mind this is healthy.

SPU page 8

3 It reduces, to a reasonable degree, the concentration of severe impacts on our roads. The shops are by far, the largest source of in-township generated truck traffic. We know in unfortunate detail the negative effects resulting from clustered shops. It cost the residents of the township some 100,000 \$ to repair the Macdonald end of the 4th line.

7
Minimum lot size of 50 acres / 20 ha

10 years ago I argued and argued against this minimum lot size. The main thesis of that argument was that -

for more than a century farmers have clearly indicated that the 50 acre lot was not economically viable. As a result most were combined to form 100 acre farms or larger. Because they generally had such limited potential there would be problems ensuring that agriculture was the principle use of the lot relative to an industrial shop.

So what did we get? Lets look at the shop on the 50 acre lot, lot 240 con 1 N.E., Hint the building's pretty?

What's in the barn? - manure storage, hay storage, buggy storage, horse stalls and the business area - a pen for 40 ewes and followers.

This is no more than something to keep the kids busy.

The shop ^{with up to 4 employees} is clearly the primary use of the lot

When the owner put up the big bucks for the lot was that so he could establish an farming operation comprising 40 ewes or so he could build a pretty good size shop and have up to 4 employees?

lot 261 SW - it again very pretty buildings.

First, the bank barn was bulldozed. Yes it was probably well beyond its 'best before date'. but with a capacity of probably 60-70 head it clearly indicated the agricultural potential of the farm. - a potential established 50-75 years ago.

So we move to 2021 and what do we get?

Same pretty buildings and in the barn - the same as above. Except in this case the business plan is for 20 short keep steers. (I've been running 200 for the past number of years.)

These residents are not farmers. They have reduced the farming operation to such a ridiculously low level with the obvious intent that farming not interfere with the time they can devote to working in their shop.

They have opted to not locate in Grange Highlands. There the shops are so small they would have to have a significant farming operation to make ends meet. And Southgate - bigger shops, but might have to put up a 100-200 head barn. - None of that. They are here because Melancthon requires only minimal farming and you get a reasonably sized shop.

Melancthon is no industrial light weight.
We are well on our way to becoming a
rural industrial park.

2021 Tax rate and levies by-law.

	million CVA 32	Comparison
Melancthon		
Amarantle	12	x3
East Granafa	67	6x
Grand Valley	67	6x
Monro	18	2.5x
Orangeville	64	
Melmar	0.5	70x
Shelburne	48	
Southgate	30	25% more

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Plumish

Here's the request that I wanted recorded at the last council meeting:

~~None~~

I request that the following be recorded.

Approvals under by-law 44-2012 are to be paused until the following deficiencies in the by-law are addressed.

1. The wording secondary to the principle agricultural use of the property must be modified / clarified to ensure that with the permitted use (shop) agriculture is the principal use of the property, that the property owner is fully invested in terms of time and talent in the operation of that agricultural use, and that the use represents a real, substantial positive contribution to the agricultural industry.

2. The minimum lot size must be increased to 100 acres

GPUHS ■ PPS allows municipalities to develop their own criteria for permitted uses in municipal planning documents

■ Mr. Shirk must be kept abreast of any changes to the by-law or its application.