



TOGETHER, WE GROW – AGAIN!

# Municipality of Thames Centre Official Plan Review

## Discussion Paper: Agricultural Policies

April 2022

## Table of Contents

Introduction.....	2
Policy Background .....	2
Provincial Policy Statement (2020).....	2
OMAFRA’s Guidelines on Permitted Uses in Prime Agricultural Areas.....	3
County of Middlesex Official Plan.....	3
Thames Centre Official Plan.....	4
Topics of Interest.....	7
On- Farm Diversified Uses.....	7
Agriculture-Related Uses .....	7
Consents in Agricultural Areas.....	8
Minimum Distance Separation Formulae.....	9
Definitions .....	10
Recommendations and Next Steps.....	10

### Introduction

With approximately 364 farms located in the Municipality of Thames Centre, agriculture and its economic benefits play an important role (Statistics Canada, 2017 as cited by Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), n.d.). Prime agricultural land comprises the majority of the Municipality's land base and contributes to field crop production, the growing of fruits and vegetables, and the raising of livestock, among other existing agricultural uses in the Municipality. Although Thames Centre is fortunate to have a strong agricultural land base, prime agricultural land is a non-renewable resource with less than 5% of Ontario's land base accounting for prime agricultural land (OMAFRA, 2014). It is important that Thames Centre's prime agricultural land is protected for the long term through policies within the Official Plan.

This Discussion Paper has been prepared to provide a background of the current agricultural policy framework to be considered during Thames Centre's Official Plan Review. This paper also highlights several topics of interest related to agricultural policies in Thames Centre and concludes with recommended next steps for the Official Plan Review.

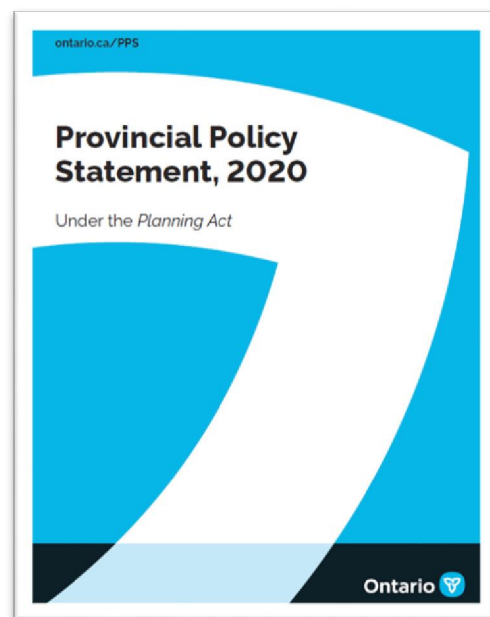
### Policy Background

Agricultural policies that inform the Thames Centre Official Plan come from the direction of the Province of Ontario and the County of Middlesex through policy, plans, and other sources such as OMAFRA's *Guidelines on Permitted Uses in Prime Agricultural Areas*. This section will provide policy context in relation to agricultural policies.

#### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the Planning Act, lays out the foundation for land use planning in Ontario with respect to matters of provincial interest. The policies that are set out in the PPS pertain to building strong healthy communities, the wise use and management of resources, and protecting public health and safety. As an important tool to describe the policies within the PPS at the local level and with local context, the Thames Centre Official Plan is required to be consistent with the PPS. This includes ensuring that the updated Official Plan provides planning strategies for the next 25 years. (Ministry of Municipal Affairs and Housing, 2020)

Agriculture is a matter of provincial interest as it contributes to the economic growth of Ontario and the quality of life of Ontarians. Policies surrounding agriculture and prime agricultural areas are set out in the PPS. In particular, the PPS states "*Prime agricultural areas shall be protected for long-term use for agriculture*" (MMAH, 2020). Per the policies set out in the PPS, planning



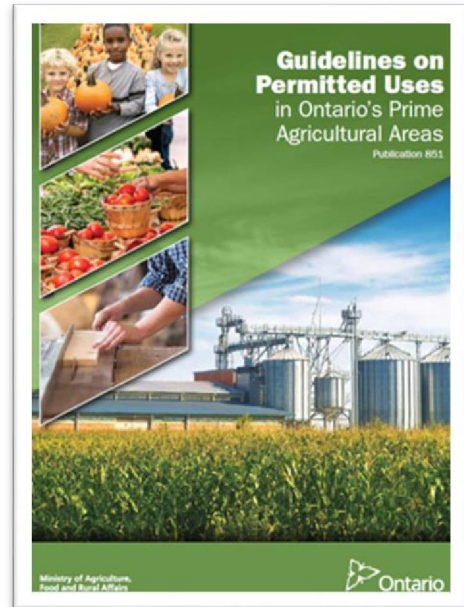
authorities are required to designate prime agricultural areas and specialty crop areas (MMAH, 2020). In the County of Middlesex, all of the land located outside of settlement areas is designated Agricultural Area and is considered Prime Agricultural Areas as defined by the PPS (County of Middlesex, 2021). The PPS also affirms that all types, sizes, and intensities of agricultural uses and normal farm practices are to be promoted and protected within prime agricultural areas (MMAH, 2020).

### OMAFRA's Guidelines on Permitted Uses in Prime Agricultural Areas

OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas explains the intent of the PPS policies and definitions as they relate to agriculture. The guidelines are consistent with and complement the PPS and help to work towards increasing the consistency of municipal approaches related to agriculture throughout Ontario (OMAFRA, 2014). As stated previously, prime agricultural land is a non-renewable resource. It provides a foundation for food production in Ontario and needs to be protected for the present and for the future (OMAFRA, 2014). The guidelines explores the three types of permitted uses within prime agricultural areas:

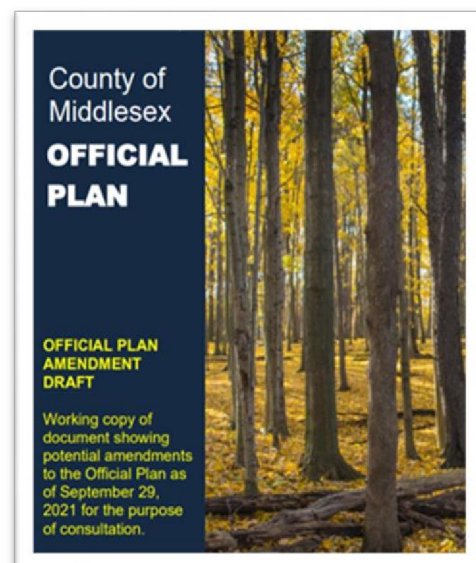
- agricultural uses
- agriculture-related uses
- on-farm diversified uses

Examples of each of the three types of permitted uses are laid out in the guidelines in addition to the PPS criteria for permitted uses. The criteria for these uses were developed using policies and definitions from the PPS (OMAFRA, 2014). The guidelines are an important tool that will help to add clarity to the PPS when creating Thames Centre's policies regarding the permitted uses in prime agricultural areas.



### County of Middlesex Official Plan

The County of Middlesex is an upper-tier government comprised of eight local municipalities, including Thames Centre. The County has an Official Plan that directs land use planning policy on a broad basis and is intended to set forth an upper tier policy foundation to provide policy direction to local municipalities in the development of local Official Plans and Zoning By-laws (County of Middlesex, 2021). Currently, the County is undergoing an Official Plan update to ensure that the policies within the Official Plan are consistent with the PPS.





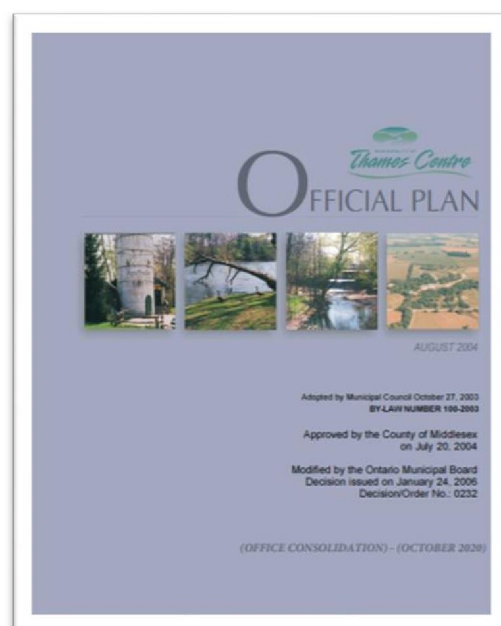
The County's Official Plan contains agricultural policies in regards to resource management in the County, growth management and includes detailed land use policies for Agricultural Areas. As mentioned, the County Plan indicates that all of the land within Middlesex, other than land identified as Settlement Areas is designated Agricultural Area and is considered Prime Agricultural Areas as defined by the PPS. As such, agriculture plays an important role in the County. The County Plan also requires local Official Plans to further identify specific land uses, including agriculture (County of Middlesex, 2021). It will be necessary to ensure that the policies within the Thames Centre Plan are in conformity with the County Plan being a requirement under the Planning Act.

### Thames Centre Official Plan

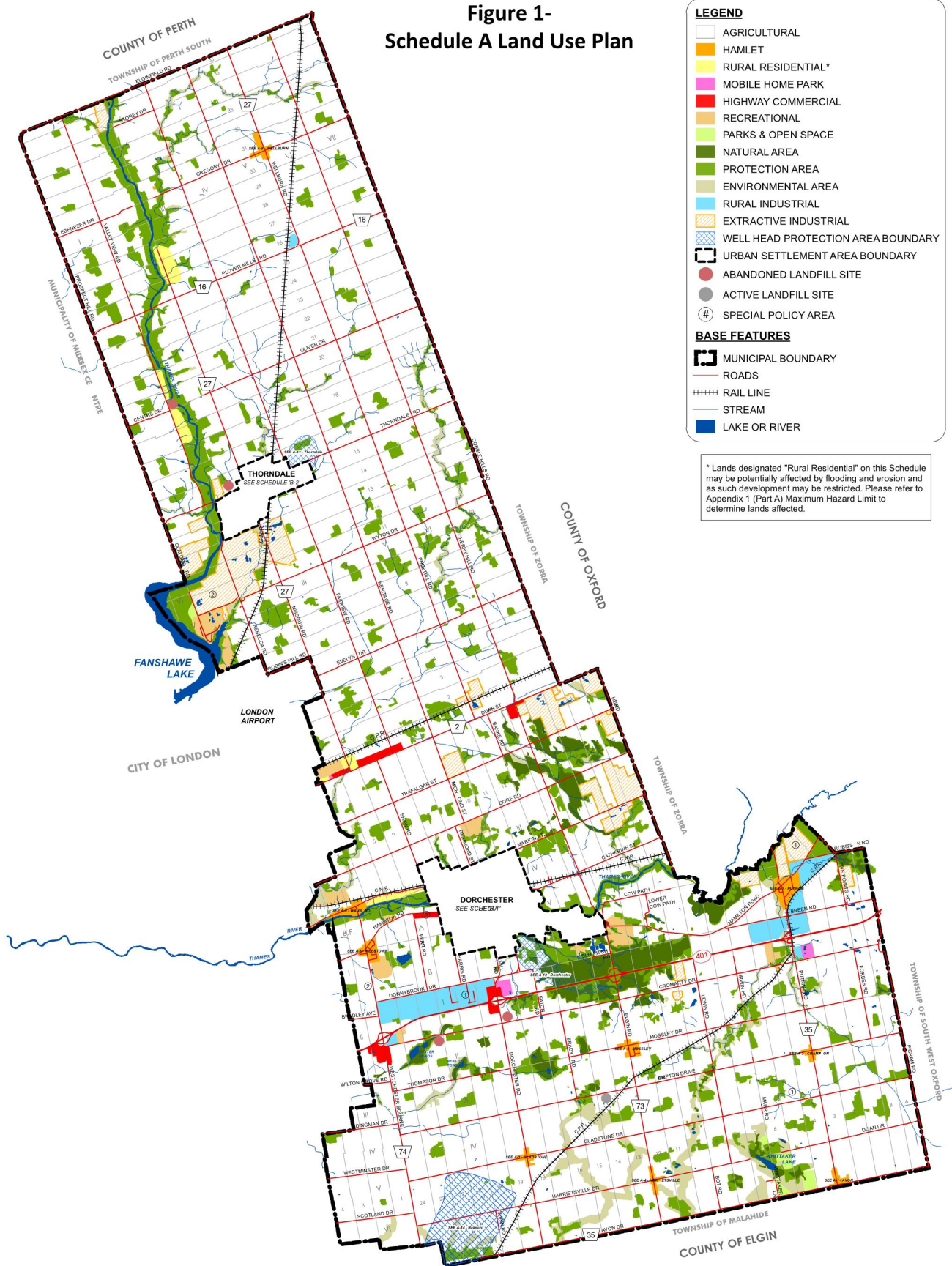
Thames Centre's Plan provides policies for agricultural areas within the Municipality. One of the primary goals under the agricultural policies of the Plan is *"to preserve and enhance prime agricultural lands and lands being used for agriculture,"* (Municipality of Thames Centre, 2003). As shown on **Figure 1**, areas designated Agricultural comprises the majority of the Municipality.

The agricultural land use designation is described in the Plan and refers to all agricultural land, including specialty crop areas as well as lands with Canada Land Inventory classes but is neither limited by areas designated for development or designations that apply to Thames Centre's Natural Heritage "Green System" Features (Municipality of Thames Centre, 2003). Further to the Canada Land Inventory classes, **Figure 2** shows the soil capability for agriculture within the Municipality. It is indicated by the dark orange colour and the light orange colour that Class 1 and Class 2 soils are predominant in the Municipality (Municipality of Thames Centre, 2003). This is important considering Class 1, 2 and 3 soils are prime agricultural land as defined by the PPS.

Additional policies under the Agricultural designation include policies regarding existing vacant lots, which may be used for the purposes of a single unit dwelling subject to various conditions, temporary second dwelling units on existing agricultural parcels, and second dwelling units either within a single detached dwelling or within an accessory building, and severances including farm splits and the disposal of a dwelling surplus to a farming operation as a result of farm consolidation.



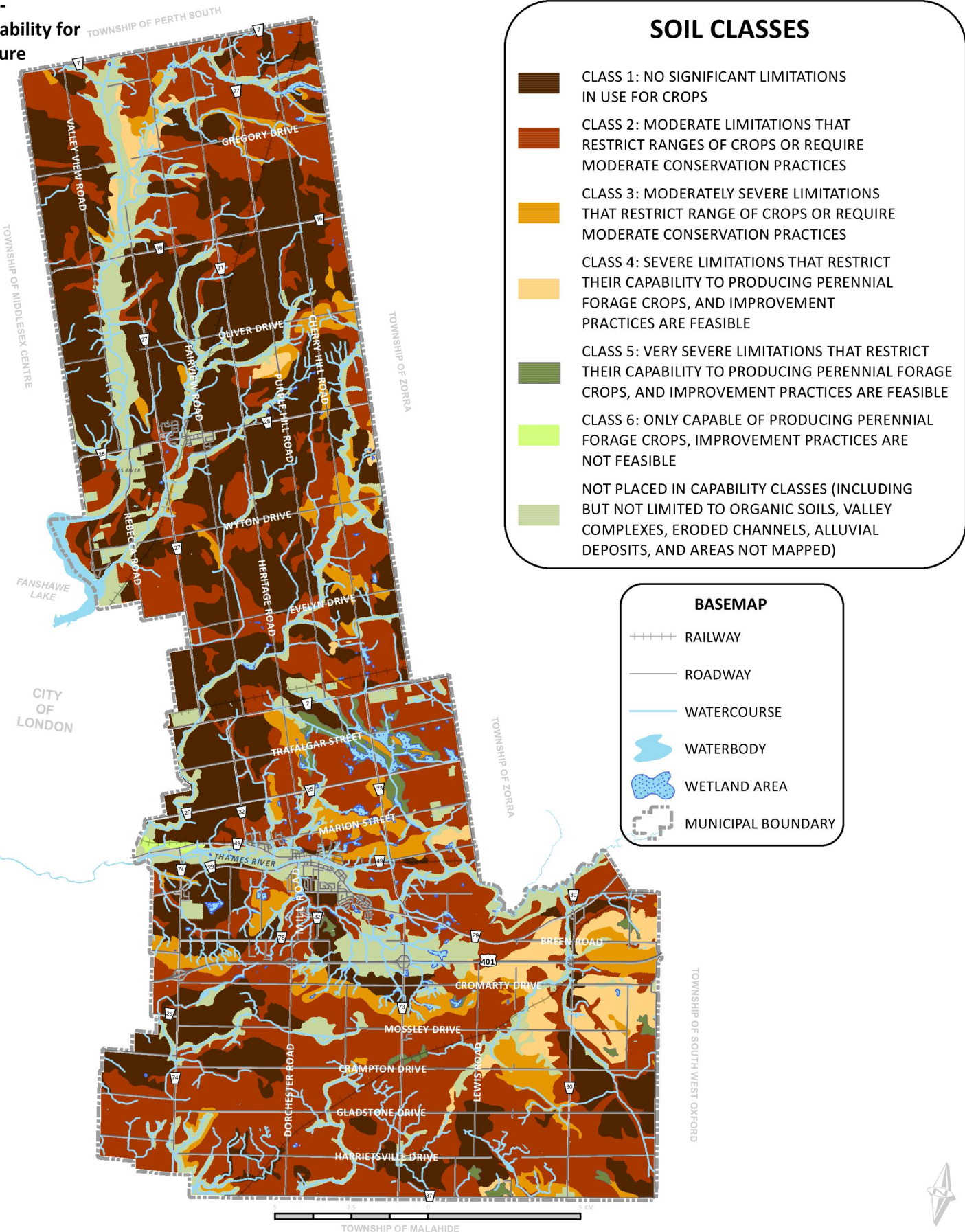
**Figure 1-  
Schedule A Land Use Plan**





**Figure 2-**

**Soil Capability for  
Agriculture**



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**SOIL CAPABILITY FOR AGRICULTURE**

MUNICIPALITY OF THAMES CENTRE

OFFICIAL PLAN

## Topics of Interest

This section explores topics of interest related to agricultural policies, including the review of current policies and new policies to be considered to help inform the Official Plan Review.

### On-Farm Diversified Uses

On-Farm Diversified Uses (OFDUs) have been identified as a permitted use within Prime Agricultural Areas subject to criteria laid out in the PPS and in OMAFRA's Guidelines on Permitted Uses in Prime Agricultural Areas. The criteria includes the use being located on a farm, secondary to the principal agriculture use of the property, limited in area, includes but is not limited to home occupation, home industries, agri-tourism uses and uses that produce value-added agricultural products, and lastly the use must be compatible and must not hinder surrounding agricultural operations. OFDUs are an opportunity for farmers to diversify and supplement their income in addition to accommodating value-added and agri-tourism uses in prime agricultural areas. Examples of OFDSs include wine tasting, retail uses such as a farm market, value-added uses such as a cheese factory, and home industries such as the seasonal storage of boats or trailers.

As part of its Official Plan review, the County is proposing new policies that reference OFDUs within the general policies (County of Middlesex, 2021) to ensure consistency with the PPS. OFDUs are not currently referenced within the Thames Centre Plan although this is an opportunity to set out policy direction for OFDUs to ensure consistency with the PPS within the Official Plan's agricultural policies.

### Agriculture-Related Uses

Another permitted use in prime agricultural areas identified by the PPS is agriculture-related uses (OMAFRA, 2014; MMAH, 2020). Agriculture-related uses are defined as *"farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity,"* (OMAFRA, 2014). The following criteria must be met in order for a use to qualify as an agriculture-related use:

- being a farm-related commercial or farm-related industrial use
- must be compatible with and must not hinder surrounding agricultural operations
- must be directly related to farm operations in the area, supports agriculture
- provides direct products and/ or services to farm operations as a primary activity





Examples of uses that could be considered agriculture-related uses include the processing of produce grown in the area, such as cider making, a flourmill, agricultural research centre, a farm equipment repair shop, and a farmer's market that primarily sells produce grown in the area (OMAFRA, 2014).

As part of its Official Plan review, the County is proposing new policies regarding agriculture-related uses to replace 'Farm-related commercial and industrial uses' (County of Middlesex, 2021). The Thames Centre Official Plan also touches on agriculture-related commercial and industrial uses which are quite similar to agriculture-related uses. To ensure that the Thames Centre Plan is consistent with the PPS and in conformity with the County Plan, it will be necessary to add agriculture-related use policies within the agricultural policies of the Thames Centre Official Plan, including a definition of the term as well as the prescribed criteria.

### Consents in Agricultural Areas

The PPS, the County Plan and the Thames Centre Plan include policy to ensure that agricultural lots that are created are the appropriate size for agricultural uses in the present and in the future. The PPS states that lot creation in prime agricultural areas is discouraged and may only be permitted for agricultural uses, agricultural-related uses, a residence surplus to a farming operation, and infrastructure. The PPS also states that the creation of new residential lots in prime agricultural areas is not permitted except in the case of a consent to sever a dwelling considered surplus to a farming operation as a result of farm consolidation (MMAH, 2020).

The County Official Plan states that non-farm related uses in agricultural areas have the potential to hinder the effectiveness of agriculture operations. Further, there can be more negative environmental impacts from scattered development in the form of residential, commercial, and industrial uses. To protect the agricultural area for agricultural uses, the County OP states that consents to sever a residence surplus to a farming operation may be permitted subject to criteria including the dwelling being built prior to January 1, 1999. It is noted that the January 1, 1999 date is currently under review as part of its Official Plan update (County of Middlesex, 2021).

Consents regarding minor boundary adjustments for legal or technical reasons are also discussed in the County Plan which states that they shall be considered granted that non-viable farm parcels are not created and no adverse impacts on agriculture are anticipated. For consents regarding new farm lots where the result would be the creation of a farm lot generally less than 40 hectares (99acres) in size, the consent would generally not be considered. The 40-hectare policy is under review as part of the County's Official Plan review. Additional consent policies within the County Plan include policies for consents for agriculture-related commercial and industrial uses and consents on land located within 300 metres of an active gravel pit (County of Middlesex, 2021).

When considering applications for consents in agricultural areas, the Thames Centre Plan states that regard shall be had for the need to discourage the fragmentation of farmland, agricultural capability of the land, the type of agricultural activity that is currently taking place and what is being proposed, the requirements of the Planning Act, the PPS, the County Plan, as well as the minimum farm parcel size set out in the Thames Centre Comprehensive Zoning By-law. Additional policies for consents are set out in the Thames Centre Official Plan including consents involving minor boundary adjustments, for

agricultural related commercial and industrial uses and consents on land located within 300 metres of an active gravel pit. It is noted that consents for the creation of a farm lot less than 40 hectares (99 acres) in size shall not be considered (Municipality of Thames Centre, 2003).

Consents to sever a dwelling considered surplus to a farming operation are common planning applications that are processed at Thames Centre. These consents are intended to help farmers expand their operations while also ensuring that the surplus dwelling, which may otherwise be considered a nuisance for a farmer to own and maintain, can be sold and occupied by a third party. The PPS, the County Plan and the Thames Centre Plan include policies for consents to sever a surplus farm dwelling. The Thames Centre Plan requires several criteria that need to be satisfied in order to sever a dwelling from a farm. This criteria generally includes:

- demonstration of farm consolidation (consolidation has or will occur through the acquisition of additional farm parcels)
- demonstration that the dwelling is surplus to the needs of the farming operation
- the dwelling has been inhabited as a residence of at least 10 years and provided the residence was built prior to the date specified in the County Plan
- the dwelling has been deemed to be habitable for human occupancy
- the parcel that is being created is the minimum sized needed to accommodate the use and the required water and sanitary waste disposal system.

It may be beneficial to review these policies to ensure they are clear and can that they can be understood by the general public. This may include further clarification of what farm consolidation means, what is required to demonstrate farm consolidation (i.e.: does the farming operation need to abut the subject lands?) as well as what is required to demonstrate that a dwelling is surplus to a farming operation. Additionally, it may be beneficial to further clarify the intention behind consents to sever a surplus farm dwelling to better inform why they may or may not be permitted.

### Minimum Distance Separation Formulae

An important tool to help reduce incompatibility issues related to odour produced from livestock operations is the Minimum Distance Separation (MDS) formulae and the setbacks that it establishes (Municipality of Thames Centre, 2003). The PPS requires new land uses such as the expansion of livestock facilities and the creation of new lots to comply with MDS formulae (MMAH, 2020). The County Plan also includes policies regarding MDS and is proposing revised policies to require agriculture-related uses and OFDUs to be located in conformity with MDS. Further, new proposals for non-





agricultural uses in the agricultural area are to comply with the MDS formulae. The County Plan notes that local Official Plans must contain implementation policies regarding MDS (County of Middlesex, 2021).

Similarly, the Thames Centre OP requires development in agricultural areas, such as new or expanding livestock operations, to comply with MDS requirements. The Thames Centre OP states that livestock and agricultural operations will be permitted in agricultural areas so long as the location of the livestock and agricultural operation complies with the MDS formulae, the Zoning By-law, and the Nutrient Management By-law. It is noted that along with the need to comply with the MDS setbacks, a buffer area will be established in the Zoning By-law to ensure that incompatibility issues between livestock operations and other sensitive uses are reduced. It may be beneficial to have all MDS policies located under the Agricultural designation policies rather than located in two different sections of the Thames Centre Official Plan. Additionally, it may also be beneficial to revise the policy that references the Zoning By-law establishing a buffer area to ensure incompatibility issues between livestock operation and other sensitive uses are reduced since the MDS formulae is relied upon to reduce incompatibility issues.

### Definitions

The PPS and the County Official Plan under review both lay out several definitions related to agriculture that are new or have been revised. The definitions within the Thames Centre Plan should be updated to be consistent with the definitions within the PPS and the County OP under review. This includes definitions such as on-farm diversified uses, agriculture-related uses, and a farm operation.

### Recommendations and Next Steps

This discussion paper has provided a background of the policies related to agriculture to help inform the draft official plan policies for the Thames Centre Plan. The various updates and revisions that may be required include the following:

- It is recommended that the Thames Centre OP sets out policies for OFDUs and agriculture-related uses.
- It is recommended that the home occupation policies within the Thames Centre OP are reviewed and revised if required.
- It is recommended that consent policies, including policies regarding severances for dwellings considered surplus to a farming operation, are revised to further clarify what is meant by the policies and criteria including their rationale.
- It is recommended that MDS policies are reviewed to ensure that they are clear and concise.
- It is recommended that the definitions within the Thames Centre OP are revised if necessary and include new definitions that are laid out in the PPS and within the County Plan under review.

Questions and comments for consideration can be submitted to [mbancroft@thamescentre.on.ca](mailto:mbancroft@thamescentre.on.ca).

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