



PLANNING REPORT for the TOWNSHIP OF GUELPH/ERAMOSA Report # 23/20

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: December 11th, 2023
TO: The Mayor and Members of Council
Township of Guelph Eramosa
FROM: Meagan Ferris, Manager of Planning & Environment
County of Wellington Planning and Development
SUBJECT: **RECOMMENDATION REPORT**
Zoning By-law Amendment (03-22) – Sabine Viet
To permit special events on the subject lands as an on-farm diversified use
5028 Wellington Rd 44 (Ward 3)
ATTACHMENTS:

1. Area of Proposed Use
2. Public Comments received after October 3rd, 2022
3. Applicant's Response to Public Comments – December 2022
4. Applicant's Response to Public Comments – August 2023
5. Letter from William and Associates – September 2023
6. Draft Amending By-law

RECOMMENDATION

THAT the Council of the Township of Guelph/Eramosa receive Report 23/20;

THAT the Council of the Township of Guelph/Eramosa approve Zoning By-law Amendment Application ZBA 03/22 to rezone from Agricultural (A) and Environmental Protection (EP) Zone to a site specific Agricultural (A 21.207) Zone and a site specific Environmental Protection (EP 21.208) zone with a holding provision to facilitate a seasonal special events venue as an on-farm diversified use;

THAT Council of the Township of Guelph/Eramosa direct staff to issue the Notice of Passing of Zoning By-law Amendment Application ZBA 03/22 in accordance with Section 34 (18) of the Planning Act, R.S.O. 1990, c.P.13.

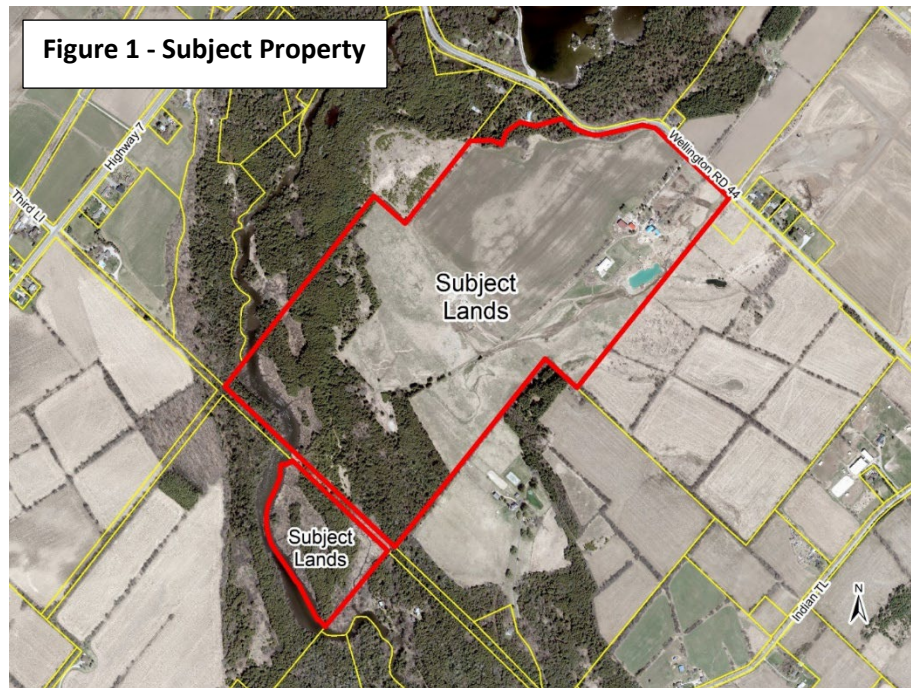
INTRODUCTION

The subject lands are known municipally as 5028 Wellington Rd 44 and are legally described as Concessions 2 & 3 Part Lot 4. The site is approximately 78.5 ha (194 ac) in size with frontage and access to Wellington Road 44. The site is an active farm and contains several buildings including an existing two-storey detached dwelling, a coach house, a decommissioned barn (proposed to be used for event space), and a livestock barn.

In addition, the property contains environmental features including significant woodlands, portions of the Eramosa River, slope valley and slope erosion features, as well as wetlands of local and provincial significance. It is noted that a portion of the property located on the south-western corner is split by an unopened road allowance known as Spirit Valley Path.

Surrounding land uses consist of agricultural uses, rural residential uses, natural features such as Eramosa River, Rockwood Conservation Area, as well as a licenced aggregate site. It is also noted that the subject lands are within 1 km of the Rockwood urban boundary. The subject lands and immediate surrounding uses can be seen in an aerial map within **Figure 1**.

This report is in addition to the Public Meeting Report (22/33) presented to Township Council on October 3rd, 2022. This report is meant to provide additional information and includes planning staff's recommendation.



PROPOSAL

The primary intent of the subject Zoning By-law Amendment is to amend the current Agricultural (A) Zone to a site specific Agricultural (A) Zone to permit the introduction of special event uses on the subject lands. The uses are intended to occur specifically within an existing decommissioned barn and on the lands immediately surrounding this area. The details of the proposal have been summarized below:

- Convert an existing decommissioned barn approximately 689.5 m² (Gross Floor Area) for event space. The applicant's agent has indicated the main floor level is approximately 341.6 m² in area. It is further understood that the barn is not intended to be heated or cooled;
- Introduce a separate, new access to be utilized by the patrons of the event venue;
- Outdoor space (existing terrace and landscaping) is proposed to be included with the event venue;
- A range of events are proposed including:
 - Rural education events (i.e. conferences, meetings, classes, retreats etc.);
 - Professional gatherings (i.e. gatherings for farmers and professional associations etc.);
 - Rural events (i.e. local food festivals, product launches, book readings etc.); and
 - Special occasion celebrations (i.e. weddings, baby and bridal showers, graduations etc.).
- Maximum attendance of 75 people with events hosted on an occasional basis (3 events per week);
- No commercial kitchen or food trucks are proposed and meals/snacks are intended to be provided by caterers;
- An area on-site has been identified to accommodate 25 parking spaces for the event venue;
- The application has indicated that a new septic system for the use can be accommodated and the existing well on-site is intended to service the existing buildings. It is also understood that temporary washrooms may be utilized as well.

Attachment 1 provides an overview of the area subject to the proposed event venue. It is also noted that the subject application proposes to clarify permission for passive recreational uses within the non-agricultural portions of the property (i.e. nature walks, snow shoeing, cross-country skiing etc.).

ADDITIONAL SUPPORTING DOCUMENTS

As part of the public meeting report, the various reports submitted in support of the subject zoning by-law amendment application were identified. Below includes additional information submitted to address outstanding items and comments from commenting agencies, Township consultants, and the public:

- Noise Control Feasibility Study addendum prepared by SS Wilson Associates (November 24, 2022)
- Site Plan SP1 and SP2 prepared by Aldershot Landscape Contractors L.P. (November 17, 2022)
- Storm Water Management Report prepared by Nextrans Consulting 2nd Submission (December 6, 2022)
- Traffic Brief Addendum prepared by Nextrans Consulting Engineers (November 25, 2022)
- Response to Public and Agency Comments prepared by MSH (December 7, 2022)
- Response to Public and Agency Comments prepared by MSH (August 13) 2023; and
- Letter from Williams and Associates Forestry Consulting Ltd. (September 8th, 2023)

As part of this report, planning staff have attached the response to public comments and the letter for the applicant's forester. These documents can be seen in **Attachment 3, 4, and 5**.

SUMMARY OF TRAFFIC AND NOISE TECHNICAL REVIEW:

Traffic Brief and Addendum

The applicant submitted a Traffic Brief prepared by Nextrans Consulting Engineers. This study assessed the existing road network, proposed trip generation for the use and the single-family dwelling during peak times (AM and PM), including the distribution of the trips generated, on-site parking and associated assessment, including parking requirements and on-site movement; and overall concluded that the surrounding traffic network can handle the proposed development and the impacts to the road network would be negligible.

As part of the review of this development proposal, the Township's consulting Engineer and the County Roads Department identified additional items to review such as sight lines and the need for turning lanes. Originally, the proposal intended to use the existing driveway as a shared access for the existing uses on-site and the proposed events venue; however, this was flagged as a concern by County Roads and the access was requested to be relocated. These comments were responded to by the applicant through an addendum Traffic Brief and an updated conceptual site plan showing a new entrance location. The addendum confirmed that turn lands are not required, which has been accepted by County Roads.

To improve the concern raised regarding sight lines, the driveway for the use was proposed to be relocated, as requested by the County, to a location with improved visibility. The new access is proposed to be approximately 47 metres further south on the property which is further away from the bend in the road on Wellington Road 44. This additional information has been reviewed by County Roads and a permit for the new entrance is required to address the final design details. The entrance location and design will be addressed through the requirement of a holding provision and site plan review. At the time of site plan and the permit, the County can also investigate other tools such as partially paving the west shoulder for right turn movements and illuminating the new access. Overall, County Roads has accepted that the proposal will not have a major impact on the function of the road.

Noise Study

In support of the subject application a Noise Control Feasibility Study was prepared by SS Wilson Associated. The study assessed the proposed use in relation to the closest dwelling (5015 Wellington Road

44) and identified that the use meets the criteria established by the Ministry of Environment and Climate Change, that any non-stationary noises like a PA System will not be clearly audible, and overall concluded that no mitigation measures were required.

Comments regarding additional data were provided by the Township's consulting Acoustic specialist and an addendum to this report was prepared to address these comments. It is noted that the addendum identified that the operator indicated that no outdoor music will be played within the outdoor area and amplified music will be restricted to being within the proposed event venue. However, despite this, SS Wilson and Associates assessed the noise impacts based on the worst-case scenario (i.e. 75 patrons outdoors and with amplified music/PA system). The study also assessed noise impacts for delivery vans and the worst-case scenario if occurring the day or evening.

Overall, it is concluded that the worst-case scenario meets the Ministry guidelines for noise and are predicted not to be clearly audible. Further, no mitigation measures have been identified as being required, but it is identified that a sound limiter could be utilized for the speaker. The noise study and its conclusions have been accepted by the Township's consulting Acoustic specialist.

PUBLIC CONSULTATION & COMMENTS

The subject Zoning Amendment application has been reviewed by the Township Consulting Engineers (R.J. Burnside); the Building Division; the Fire Department; Grand River Conservation Authority; and County of Wellington (Roads Division); Ministry of Transportation (MTO); and Wellington Source Water Protection. Planning had previously identified there were some outdistancing technical items to be addressed regarding the noise study, traffic brief, and storm water management report. These outstanding items have since been addressed to the satisfaction of the consultants and County and all commentators have expressed no objections regarding the zoning amendment application.

Notwithstanding the above, planning staff note that there are items identified proposed to be addressed through a holding provision and the site plan approval process. More details are provided under the Township Zoning By-law and Additional Applications sections of this report.

Public Comments

The public meeting for this application was held on October 3rd, 2022 at which four members of the public spoke in opposition to the application. Three written comments were received after the public meeting (**Attachment 2**). Responses from the applicant to the public comments can also be seen in **Attachment 3, 4 and 5**. The concerns heard from the public have been summarized below.

- **Traffic & Road Safety**

- **Planning Comment:** Commenters referenced accidents that have occurred on Wellington Rd 44 in the past and expressed concern regarding future road safety related to the proposed use.

From the County Roads perspective, the primary technical concern to safety is the existing sight lines. As such, the applicant has designed a new driveway and entrance location specific for the proposed special events venue. The applicant has indicated that the new entrance has been proposed approximately 47 metres further south on the subject lands, which improved the sightlines for those utilizing the new entrance for events. This additional information has been shared with the County Roads Department and it has been identified that the details of the entrance design will be addressed

through the entrance permit process. As part of a proposed holding provision, an entrance permit has been identified.

It is acknowledged that this area is a posted 60 km area and there are tools put in place by the County to assist with the concerns in the area. However, to assist with alleviating concerns for the introduction of the use as it relates to traffic and safety, as part of the draft zoning by-law in **Attachment 6**, staff have included a zoning provision that requires this use to go through the site plan approval process. Planning staff are also proposing that the subject lands be placed under a holding provision so that the use does not occur until certain items are addressed to the Township's satisfaction.

The site plan process will formalize all the design and technical elements of this development, including the new driveway location, with the County Roads entrance permit application being the mechanism to review the design entrance details and sight line concerns more thoroughly. Through the site plan and design details, the County can also look at utilizing additional tools to improve the sight line concerns.

It is also noted that the amending by-law proposes to set parameters around the use such as the number of patrons permitted on site and within the event space, the number of events, and to permit these uses outside of the winter months. Although the maximum number of people is established, this is a worst-case scenario, and events could include less people.

- **Noise**

- **Planning Comment:** Specific concerns raised were related to noise due to speakers, speech communication, traffic, and the impact of noise on the neighbourhood in general.

As part of the subject application, a Noise Study was completed, and an addendum report was provided. The study assessed the worst-case scenario, which is outlined in the Summary of Traffic and Noise Technical Review section of this report and concluded that the proposal meets the Provincial guidelines. The conclusions of this study have been accepted by the Township's consulting Acoustic specialist.

It is noted that the applicant's consultant had indicated that a sound limiter could be utilized as an added pre-caution. The need for a sound limiter can be addressed through the site plan process. Further, the proposed amending by-law clarifies that amplified music/sound is not permitted after 23:00 hrs.

- **Frequency of Events**

- **Planning Comment:** Concerns from the public included the frequency of events on the property. The applicant is proposing a total of 3 events per week with a maximum of 75 people per event. Planning staff note that the draft by-law prepared for Council's consideration proposes further provision that limits the events on the property between May 1st and October 1st and set parameters around certain days of the week. The intent of this provision is to ensure the use remains secondary to the principal use on the property. This approach is consistent with the approach taken by planning staff for other event venues.

Further, through the site plan control process, the Township may wish to explore implementing a monitoring programme for the use and/or discuss with the applicant if there is a plan in place to notify the immediate neighbours regarding upcoming events.

- **Impact to Environmental Features**

- **Planning Comment:** Prior to submitting this application, it is understood that the applicant completed tree removal on-site as part of the applicant's Forest Management Plan. A permit (FC89/20) from the County was issued in 2020 to allow management works to take place. At the public meeting and through additional written comments the public requested confirmation of the location of trails and pond. This information was provided by the applicant's Forester who completed the work and can be seen in **Attachment 5**.

It is also noted that Grand River Conservation Authority has provided comments of no objection to the proposal, and they have not identified the need for a retroactive permit. GRCA has recommend that the applicant submit plans for approval showing the land-use within the Environmental Protection (EP) Zone as part of Site Plan Control. As part of the draft Zoning By-law, staff have included the requirement for a site plan and agreement on the site which will require the trails be indicated on the approved site plan. The site plan application will also be reviewed by commenting agencies such as the GRCA.

In addition to the above, and although this work was previously completed through a tree removal permit, the use of this area for passive recreational usage is now proposed to be clarified. In an abundance of caution, planning staff have further proposed that a scoped environmental review be completed to the satisfaction of the Township as part of the holding provision. Planning staff suggests that as part of the site plan process, that the Township consult with its consulting Ecologist to assess the impacts and/or mitigation tools for the existing use.

- **By-law Compliance**

- **Planning Comment:** Concerns from the public included how the use of the property will be monitored and who should the public contact if the use becomes a public nuisance. Zoning by-laws are typically enforced by the complaint process through By-law Enforcement. If someone feels that a property is operating outside of the permissions of the zoning by-law, Township By-law Enforcement can be contacted to submit a complaint. The Township can also explore tools to assist with the monitoring of the use through the site plan process.

- **Provincial Requirements**

- **Planning Comment:** Within written and oral submissions, the public identified concerns regarding the appropriateness of the use including do uses specifically need to be related to the agricultural operation on-site, what restrictions apply to these uses, whether a non-resident can operate an OFDU etc.

Planning staff have prepared a detail review of the Provincial Guidance documents regarding this use as part of this report and have also consulted Ontario Ministry of Agriculture, Food and Rural Affairs staff. Planning staff are satisfied that the proposal, subject to the holding provision and site plan approval, is consistent with Provincial policy and the County Official Plan.

For clarification purposes, planning staff also notes that the use is not considered a home occupation or a farm home industry and as such is not subject to the limitations within the Zoning By-law. These permissions are for different uses, which would be permitted as of right, and could occur on-site in addition to the subject proposal, providing zoning compliance is met.

POLICY ANALYSIS

PROVINCIAL POLICY - PROVINCIAL POLICY STATEMENT (PPS 2020) & PROVINCIAL GROWTH PLAN (2019)

The Provincial Policy Statement (PPS) provides a policy framework on matters of provincial interest and guides land use planning and development within the Province of Ontario. The Provincial Growth Plan further builds on this policy framework by establishing guiding principles and policies that focus on growth, while also protecting the prime agricultural areas and agri-food network. The subject lands are designated in the County of Wellington Official Plan as Prime Agricultural, Core Greenlands and Greenlands. The PPS provides more detailed policies with respects to uses permitted in the Prime Agricultural Area.

Section 2.3 of the PPS provides policy direction for prime agricultural areas, within Section 2.3.1 stating that, “Prime agricultural areas shall be protected for long-term use for agriculture.” This section further specifies permitted uses within the prime agricultural areas as follows: (i) agricultural uses, (ii) agriculture-related uses; and (iii) on-farm diversified uses. The subject application is considered as an on-farm diversified use (OFDU). This use is defined by the PPS as “...uses that are secondary to the principal agricultural uses on the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products...”.

To assist municipalities in implementing the PPS policies, the Province has provided a guidance document entitled ‘Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas – Publication 851). It specifies that these uses should be related to agricultural, supportive of agriculture, or able to co-exist with agriculture without conflict. Planning staff have reviewed the subject proposal under the criteria set out within the Guidelines and offer the following for consideration:

Table 1. Criteria for On-Farm Diversified Use

| Criteria | Planning Comment |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Criteria #1 - Located on a farm</p> | <p>The requirement is clear that an on-farm diversified use must be located on a farm property that is actively in agriculture use and that the proposed OFDU is secondary to the agricultural use. It specifies that agricultural uses that occur on a farm are those that occur with the expectation of gain or reward and are not for production primarily for the use or consumption by members of the household of the owner or operator, or for purposes of pastime or recreation. It directs that the evidence may be requested that the property is actively farmed including a farm business number and tax class information.</p> <p>Based on planning staff’s review, we are satisfied the proposed use is located on an active farm and identify that:</p> <ul style="list-style-type: none"> • Confirmation has been provided that the property is taxed as a farm; |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • The applicant has confirmed they have a Farm Business Registration Number; • The subject property is approximately 78.5 ha (194 ac) in size, has been farmed in the past and is capable of being farmed; • The property contains existing agricultural buildings including a barn (311.97 m²), as well as the decommissioned barn (689.53 m²). The decommissioned barn is proposed to be used for the on-farm diversified use; • Through formal submissions and the public meeting, the property owner has advised that they: manage and participate in the farming activities on the property; have further advised that they have introduced new crops (organic buckwheat, rye, and garlic); confirmed that heritage wheat will be farmed on the subject lands by a third party tenant in 2023; and identified that they board horses on the subject lands and have orchards and gardens to enhance the property. • The applicant also identified some future measures proposed on the property including advising that they are proposing to continue improvements to the property through partnerships with the Rural Urban Learning, University of Guelph, and other local farmers. This will mean adding new crops as well as a range of livestock, but it is understood that this work has not yet been undertaken. However, Planning staff note that the policy requires the property to an active agricultural operation and does not consider future agricultural endeavours. • It is also understood that the property owner lives on-site; however, where the farmer resides is not specifically considered by the Provincial Guidelines. |
| <p>Criteria #2 - Secondary to the principle agricultural use</p> <p>&</p> <p>Criteria #3 – Limited in area</p> | <p>Criteria #2, the need to ensure a use is secondary to the agricultural use, also intends to ensure that the dominant use is, and continues to be, agriculture. The Guidelines direct that ensuring OFDUs are a subordinate use is measured through temporal and spatial mechanisms.</p> <p>Criteria #3 of the Guidelines specifically identify that the intent to minimize the amount of land taken out of agricultural production; ensure agriculture remains the main land use; and limit off-site impacts to ensure compatibility. The Guidelines also recommends that the maximum area for these uses should be capped at 2%, up to 1 ha (2.47 ac), also taking into consideration the farm size, and provides suggestions to include any parts of the use that remove the opportunity for agricultural, while also crediting certain elements as part of the spatial review (i.e. the use of existing barns/structures; existing driveways etc.)</p> <p>Planning staff are of the opinion that the provisions in the proposed amending by-law as seen in Attachment 6 ensure the use is secondary to the principle use through temporal and spatial measures and is limited in area. More specifically, the proposed by-law:</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • Permits events within the event venue on a seasonal basis from May 1st to October 31st. This is implemented through a definition of the term ‘<i>seasonal</i>’ and requiring a using to be seasonal has been consistently applied by the Township. Seasonal provisions also address that the building is not proposed to be heated or cooled; • Introduces a maximum capacity of the event venue of 75 people in total. • Provides limits for certain type of uses to certain days and to identify that a maximum number of events per week shall be no more than three events per week within their submission. • Limits the area. It is noted that the applicant has provided an estimate of area dedicated to the use that was approximately up to 0.54 ha (1.3 ac); however, it was unclear if this included the new access or the new septic system. To address this, planning staff have proposed that the area for the special events venue and associated uses such as the associated outdoor area/terrace, new access, parking, landscaping, new services be permitted up to a maximum area of 0.8 ha (2 acres). This exceeds the Township’s Zoning permissions but is less than the recommended value in the Provincial Guidelines. |
| <p>Criteria #4 – Includes, but is noted limited to, uses such as agri-tourism, home occupations etc.</p> | <p>The subject application proposes to introduce a use within an existing structure (decommissioned barn). The proposed events venue will repurpose an existing barn for this use which is located within the existing building cluster of the dwelling and coach house.</p> <p>The uses proposed include uses that have a focus on, support or promote agriculture, but also include uses that may appreciate a rural setting but may not require one. This proposal provides an opportunity to maintain the agricultural use, but also support opportunities for a unique agri-tourism use.</p> |
| <p>Criteria #5 - is compatible and shall not hinder agricultural operations</p> | <p>When considering permissions for on-farm diversified uses, there are a series of considerations to be given to determine land use compatibility, including but not limited to: the level of impact to the agricultural operation on-site, and other operations within the area; the use can be serviced by rural services and infrastructure; maintaining the agricultural and rural character of the area etc.</p> <p>In planning staff’s opinion, this development proposal and the proposed provisions in the draft amending by-law have adequately addressed compatibility. More specifically:</p> <ul style="list-style-type: none"> • The event venue, and associated uses are primarily focused within the existing building cluster which limits land being removed from agricultural purposes and re-uses and existing decommissioned barn. • The proposed zoning provisions limit the use from a temporal and spatial perspective which assists with land use compatibility. |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • The applicant has submitted a Minimum Distance Separation Letter Brief by DBH Soil Services Ltd. which evaluates surrounding barns as part of the application, with no impacts identified. • The applicant has assessed noise and traffic impacts, which have generally been accepted by both the Township and County. There are also tools being proposed (i.e. site plan approval and holding provision) to address final technical details. The event venue use will not be permitted until the site plan is approved and the holding provision is removed. • The amending by-law clarifies that the noise by-law is also applicable and amplified music and sound is not permitted from 2300 hrs to 0700 hrs Monday – Saturday, and from 2300 hrs – 0900 hrs Sundays. • A Servicing Design Brief was also prepared by the applicant that has indicated the use can be serviced via the existing well and a new septic system. The applicant has also indicated the use could utilize temporary washrooms. Planning staff do not have concerns with a new septic system provided it does not trigger the need for Provincial approvals. |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

It is further noted that the PPS has policies with respects to protecting natural features from development and site alteration and protecting mineral aggregate resources. Natural features are addressed through the below section. Planning is satisfied that the proposal and proposed amending by-law is consistent with Provincial policy and that this use will not hinder mineral aggregate resources.

COUNTY OF WELLINGTON OFFICIAL PLAN

The subject lands are designated as PRIME AGRICULTURAL, CORE GREENLANDS, and GREENLANDS in the County of Wellington Official Plan. Within the Prime Agricultural Area, Section 6.4.3 of the Official Plan establishes permitted uses, which includes, but is not limited to: agricultural uses; secondary uses (i.e. home businesses or farm businesses); agriculture-related uses, etc. provided they are compatible with and do not hinder surrounding agricultural uses.

Home businesses and Farm businesses are subject to section 6.4.4 of the Official Plan. This use is generally considered to be a farm business, which is required to be small-scale. When considering new land uses, Section 6.4.10 of the Official Plan requires that Minimum Distance Separation (MDS) be evaluated. Planning notes that the Provincial MDS Guidelines do not require on-farm diversified use to be subject to MDS. However, it is noted that MDS may be applied when introducing uses that are more intensive/introduce more potential conflicts. The applicant has completed an MDS review and identified seven (7) potential livestock facilities within 750 m of the property limits. It is noted the nearest potential facilities (4983 Spirit Valley Path & 8284 Indian Trail PV) are more than 700 m from the proposed facility. The study concludes that the MDS Guidelines are met.

As part of the re-zoning application, the applicant has proposed the occasional use of non-agricultural portions of the property for activities such as nature walks, snow shoeing, cross-country skiing and these uses may occur by those attending the event venue space and/or as part of specific educational programming such as farm tours. These trails were created as part of a Forest Management Plan. As there is a potential that patrons of the event venue may use these trails, clarification through the amending by-

law has been suggested. It is noted that the applicant has not indented to utilize the pond if it is considered part of the area calculations for the OFDU.

Section 5.6 of the County Official Plan allows existing uses and passive recreation in the Core Greenlands and Greenlands, subject to policies in Section 5.6.2. The GRCA has reviewed the proposal and has expressed no concerns or the need for a permit but has identified that the applicant should submit plans for the use in the environmental areas as part of the site plan process. Although these trails were created prior to this application, in an abundance of caution, planning staff are also proposing a holding provision requirement to allow a scoped environmental review and are applying site plan control to document what is existing.

Planning staff are satisfied that the proposal, subject to the proposed zoning regulations prepared by planning staff, represents compatible, small-scale farm business and that the concerns regarding the natural features area able to be addressed.

TOWNSHIP ZONING BY LAW 40/2016

The subject property is currently zoned as AGRICULTURAL (A) ZONE and ENVIRONMENTAL PROTECTION (EP) Zone. The event venue use is proposed within the A Zone, within the existing building cluster, and is being proposed within an existing decommissioned barn that is not heated or cooled. The associated components of the event venue use including the landscaping, parking, seasonal washrooms, terrace, driveway access etc. are generally within the existing building cluster, which is setback substantially from any natural features.

The applicant has also indicated that it is the owner's intent to allow for the use of the non-agricultural portions of the property for activities such as nature walks, snow shoeing, cross country-skiing by patrons of the event venue. Within the Agricultural (A) Zone, the use of the property for conservation uses are permitted, including passive recreation, and within the Environmental Protection (EP) Zone, passive recreation is a permitted use. The Township's Zoning By-law definition of passive recreation identifies these active as passive leisure activities such as walking, hiking, and cycling.

Due to the provisions of the By-law, planning staff have determined that the proposed use of the property for passive recreation is permitted as-of-right through the Conservation Use and the Passive Recreation use, independent of the On-farm Diversified Use on the property. However, as the intent is to allow patrons of the special events venue to use these trails, planning staff are recommending that this be clarified in the proposed amending by-law.

With respects to other zoning provisions, planning staff offer the additional review:

- **Parking** - based on the proposed maximum gross floor area of the existing barn, which is approximately 689.5 m², a total of twenty-five (25) parking stalls are required using the provisions for a 'Assembly Hall'. This parking category has been used for other similar applications. Based on the required parking, 2 accessible parking stalls plus 4% (a total of 3) is required. This will need to be demonstrated as part of the site plan.
- **Driveway Access** – Section 5.1.12.3 of the by-law establishes provisions for ingress and egress for agricultural uses. Any two-way driveway entrance will need to be a minimum of 6 m but not more than 12 m. The design of the new entrance and driveway will need to confirm compliance as part of the site plan review.

- **Area** – Section 6.2.9 of the By-law establishes a maximum area for farm home industries, kennels, and farm businesses. Although this use is not considered an as-of-right farm business, as per the Zoning By-law, these provisions would be applicable once the use is approved. Planning staff are proposing to modify this provision to allow a 0.8 ha (2 ac) area for all these uses including the proposed event venue, to align with Provincial permissions.

Proposed Zoning Provisions:

Planning staff have prepared a draft amending by-law which can be seen in **Attachment 6**. Planning staff is of the opinion that the introduction of the various provisions is appropriate to ensure consistency with Provincial direction for the use and to ensure the use is subordinate to the farming operation. As such, the amending by-law seeks to:

- define a seasonal special event venue
- set parameters for what seasonal means – May 1st – October 31st
- limit the scale of the use through provisions regarding the area of the use; total number of people permitted at an event (75 total), when events can occur and frequency of events (maximum 3 per week)
- provide clarification regarding the Township’s Noise By-law (#5001-5), minimum parking required, and the need for site plan approval
- provide clarification related to the passive recreation component of the proposal

Holding Provision

Planning staff are also proposing a holding provision be placed on the property so that additional items related to the site design and technical items are addressed prior to the use of the property being permitted to operate. The requirements of the holding include the following items:

- (i) Site plan approval, which will also address the driveway location and design, trails etc. and a site plan agreement
- (ii) A scoped environmental review for the existing trails
- (iii) Address any mitigation requirements of the noise and traffic study
- (iv) Approval of an entrance permit from the County of Welling Roads Division
- (v) implementation of the noise impact study, specifically the inclusion of noise limiter on any sound systems; and
- (vi) Address any outstanding items regarding on-site servicing

The holding provision can be seen in the proposed amending bylaw in **Attachment 6**. This provides an opportunity to ensure appropriate mitigation measures are addressed prior to the use taking place on-site.

Additional Applications - Site Plan

In addition to the subject Zoning By-law Amendment, a related site plan application is required. The Site Plan application allows for the implementation of the items identified by consultants including mitigation measures regarding the noise study and traffic brief, the relocation of the driveway, confirmation regarding servicing requirements on the subject lands, implementing comments from other agencies such as the trail review from the Grand River Conservation Authority. This process will review, finalize, and approve all of the technical details related to the site design, which includes parking, garbage, snow removal etc.

CONCLUSION

Planning staff are of the opinion that the subject proposal and the proposed amending by-law is consistent with the Provincial Policy Statement (2020), in conformity with the Growth plan (2019) and maintains the intent and purpose of the County of Wellington Official Plan and the Township’s zoning By-law subject to site plan control and a holding provision. Planning staff are of the opinion that the comments from the public have been considered and addressed through the subject application, where appropriate and applicable, or these comments can be address through the site plan approval process and related holding provisions.

The subject development proposal provides an opportunity for a farm property to introduce a small-scale farm business/on-farm diversified use and its owner to diversify and supplement their income by allowing special events to be permitted, on a seasonal basis. Planning staff are further satisfied that the proposed By-law represents appropriate development that is also consistent with the Provincial Guidelines for this use as the proposal is located on an active farm; is secondary to the primary agricultural use; is limited in area and frequency; and is compatible with the surrounding land uses and can coexist with the agricultural area without conflict provided site plan application approval is required and subject to a holding provision.

Respectfully submitted by
County of Wellington Planning and Development Department



Meagan Ferris, RPP MCIP
Manager of Planning and Environment











| |
|-------------------------------------------|
| Reviewed by Township of Guelph Eramosa |
| <hr/> Ian Roger, P.Eng. CAO |

Attachment 1: Area of Proposed Use



without prior written consent of Aldershot Landscape Contractors L.P.
 These documents may not be used for any other purposes other than the project for which they are prepared.

Legend

-  EX. DECIDUOUS TREES
-  EX. DECIDUOUS TREE TO BE REMOVED
-  PROPOSED DECIDUOUS TREE
-  EX. EVERGREEN
-  PROPOSED EVERGREEN TREE
-  EX. EVERGREEN/DECIDUOUS TREE TO BE RELOCATED
-  LIMIT OF DISTURBANCE
-  SWALE
-  TRAIL
-  LIMIT OF AREA DEDICATED TO EVENT BARN USE

Revisions

| No. | Date | Description |
|-----|------------|-------------------------|
| 6 | 07/12/2022 | Issued for Review |
| 5 | 06/23/2022 | Issued for Review |
| 4 | 07/12/2022 | Issued for Site Plan |
| 3 | 12/12/2022 | Issued for Review |
| 2 | 11/17/2022 | Revised as per comments |
| 1 | 08/01/2021 | Issued for Review |

ALC Aldershot Landscape Contractors
 100 Flat Road #aldershotlandscape.com
 800-680-7321

