

29 April 2021

Sent via E-mail (dvanderwerff@middlesex.ca)

Durk Vanderwerff
Director of Planning
Planning Department
County of Middlesex
399 Ridout Street North
London, ON N6A 2P1

Dear Mr. Vanderwerff:

**Re: 1425 Melwood Drive, Township of Adelaide Metcalfe
Official Plan Amendment No. 13
File No. 39-AM-OPA13**

We are counsel to Trevor Kellar, Fred and Gail Cahill, and Chris and Margot Meier, the owners of the properties municipally known as 1457 Melwood Drive, 1745 Melwood Drive, and 1481 Melwood Drive, respectively. Our clients' properties are all located within the immediate area of 1425 Melwood Drive (the "Subject Property") in the Township of Adelaide Metcalfe (the "Township"), the property that is the subject of the above-noted Official Plan Amendment application. We write to outline our clients' concerns with the above-noted application for your consideration.

The owners of the Subject Property submitted Official Plan and Zoning By-law Amendment applications OPA01-2020 and Z02-2020 to re-designate the Subject Property to a site-specific Special Agricultural Policy Area designation and re-zone the Subject Property to Environmental Protection (EP-2) Zone to permit a specially defined Farm Winery and Assembly Hall, which includes overnight accommodations within a single detached dwelling (the "Applications"). These or similar uses (e.g. an event and wedding venue) have been operating illegally on the Subject Property for several years prior to the submission of the Applications and have significant noise and nuisance impacts on our clients and the enjoyment of their properties.

On 15 March 2021, Council of the Township enacted By-law No. 21 of 2021 ("By-law 21") and adopted Official Plan Amendment No. 13 (By-law No. 22 of 2021, herein referred to as "OPA 13") respecting the Applications. OPA 13 has been submitted to the County of Middlesex (the "County") for approval. Our client, Mr. Kellar, has appealed the enactment of By-law 21 to the Local Planning Appeal Tribunal (the "Tribunal").

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Our clients made both oral and written submissions to Council throughout the application process. Our clients made written submissions in December 2020. Our clients' previous lawyer, Elizabeth Cormier Professional Corporation, also provided written comments to the Township on 9 March 2021 and attended and made oral submission at the statutory public meeting held on 15 March 2021. A copy of Ms. Cormier's submissions are attached as **Attachment "A"** to this letter.

Concerns with OPA 13

The Subject Property is within a prime agricultural area as defined in the Provincial Policy Statement, 2020 ("PPS"). The Applications propose to establish non-agricultural uses in a prime agricultural area by way of site-specific Official Plan and Zoning By-law permissions, which do not conform to the County and Township Official Plan policies respecting agricultural areas, and are not consistent with the PPS respecting agricultural and rural areas and the protection of significant natural features. The proposed uses are not accessory or secondary to agricultural uses, as there are no agricultural uses on the Subject Property, and are not appropriate. OPA 13 does not appropriately address or have regard to matters of provincial interest, as set out in Section 2 of the *Planning Act*, including the protection of ecological systems, including natural areas, features and functions and the protection of the agricultural resources of the Province.

PPS

Policy 2.3.3.1 of the PPS states that the permitted uses and activities within prime agricultural areas are: agricultural uses, agriculture-related uses and on-farm diversified uses. The proposed uses on the Subject Property do not meet the definitions of any of these permitted uses.

Policy 2.3.6.1 of the PPS prescribes that planning authorities may only permit non-agricultural uses in prime agricultural areas in circumstances where specified criteria are satisfied. The Applications do not demonstrate that the proposed assembly hall use or farm winery use would satisfy the prescribed criteria for non-residential and non-agricultural uses. Furthermore, Policy 2.3.6.2 requires that impacts from any new or expanding non-agricultural uses are to be mitigated to the extent feasible, which has not been demonstrated.

OPA 13 is also inconsistent with the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*, which is intended to assist with interpreting the PPS policies regarding permitted uses in prime agricultural areas. The proposed uses do not fall into any of the permitted uses listed in Table 2 of these Guidelines. The Preamble to OPA 13 indicates that the proposed uses on the Subject Property "are considered to be consistent with the PPS criteria for a limited non-agricultural use in a Prime Agricultural Area, being that it is not located in a specialty crop area, complies with MDS, has a justified need, and alternative locations have been evaluated".

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The Applications have not demonstrated that the criteria of Policy 2.3.6.1b) have been satisfied. In particular, the Applications do not demonstrate the identified need for such uses within a prime agricultural area, nor that alternative locations within areas outside of prime agricultural area have been considered prior to the Subject Property being used for these non-agricultural uses.

Policy 2.1.5b) of the PPS requires that development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The Subject Property is located within the identified Ecoregions and the proposed uses on the Subject Property are located immediately adjacent to a significant woodlands. There have been no studies submitted to demonstrate whether there are negative impacts on these significant woodlands.

Section 3.0 of the PPS requires development to be directed away from areas of natural hazards due to risks to public health and safety. The proposed uses on the Subject Property are located immediately adjacent to a watercourse, and located within the floodplain of the watercourse. Policy 3.1.7 permits developments within hazardous lands provided that appropriate floodproofing and access standards are met, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result. The Applications have not demonstrated that Policy 3.1.7 has been satisfied.

County of Middlesex Official Plan

By-law 21 does not conform to the County Official Plan, including policies 2.2.1.2, 2.2.1.3, 2.2.2, 2.3.9, 2.3.10, and 3.3 which all encourage the protection of natural features and agricultural land for agriculture or agriculture-related uses.

In particular, Policy 2.2.1.2 (as well as Policy 2.2.4 of the Township Official Plan) requires the submission of a Development Assessment Report (DAR) to identify and describe any natural features and any potential impacts or mitigation measures on those features. To our knowledge, no assessments or studies relating to natural heritage or environmental features have been completed to adequately demonstrate that the proposed uses and operations have no adverse impact on environmental features, including significant woodlands and watercourses located on the Subject Property, and that there is adequate and appropriate floodproofing. This is not consistent with Provincial, County or Township policies regarding the protection of natural heritage features.

Township staff identified that no application to amend the County Official Plan is required to facilitate the proposed uses on the Subject Property. We do not agree. In accordance with Policy 2.2.2.2 of the County Official Plan, “non-agricultural-related development in the Agricultural Area shall require an amendment to the Plan and must not detract or adversely affect present and/or future agricultural operations, interfere with the viability of farm units, or detract from the character of the agricultural community”. The Applications do not demonstrate that the proposed uses on the Subject Property meet this criteria.

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In addition, the Subject Property is located within the regulation limit of the St. Clair Region Conservation Authority, and a flooding and erosion hazard area. The Applications, which do not include any environmental assessments or studies of the natural features and hazards on the Subject Property, have not satisfactorily addressed the requirements to identify, protect, and if required, mitigate any impacts on these significant natural features.

Other Concerns

Our clients are also concerned with noise compatibility issues arising from the proposed uses on the Subject Property. The mitigation measures proposed and implemented in the Applications are insufficient to mitigate noise impacts, particularly for Mr. Kellar who is an immediate neighbour.

On 1 February 2021, Township Council declined to enact a Farm Wedding/Events Licensing By-law that would allow noise to be controlled through a licensing process, even though the enactment and satisfaction of this By-law is identified in By-law 21 as a condition for lifting the holding provision for the Subject Property.

In addition, it appears that no analysis of traffic impacts have been completed to assess any potential impacts from the proposed uses on the road network in this area.

Conclusion

For the reasons above, our clients respectfully request that the County not approve OPA 13. Should the County decide to approve OPA 13, it is our clients' intention to appeal that approval so that the Tribunal may consider the appeals of the Applications together.

Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink, appearing to read "Kim Mullin", is written over the typed name.

Kim Mullin

KM

c. Clients

ELIZABETH CORMIER

PROFESSIONAL CORPORATION

Elizabeth K. Cormier, B.A., LL.B., Q.Med.

March 9, 2021

File No. **211666**

Via E-mail: jturk@adelaidemetcalfc.on.ca
spoirier@middlesex.ca

Township of Adelaide Metcalfe

2340 Egremont Drive
Strathroy, ON N7G 3H6

Attention: **Jennifer Turk**, Clerk/Acting Treasurer
Stephanie Poirier, Planner

Re:

1782767 Ontario Inc.
1425 Melwood Drive, Adelaide Metcalfe
Official Plan Amendment (No.13) OPA01-2020
Zoning By-law Amendment Application Z02-2020

Our office has been retained by Trev Kellar, owner of 1457 Melwood Drive, the property directly abutting the lands that are the subject of the above-noted Applications, Fred and Gail Cahill, owner of 1745 Melwood Drive and Chris and Margo Meier, owner of 1481 Melwood Drive. All three properties owned by my clients are within the immediate area of 1425 Melwood Drive, Sydenham Ridge, hereinafter the "Property" and are impacted by the activities at the Property.

My clients are opposed to the above referenced OPA and ZBA currently under consideration by Council. There are a multitude of issues and concerns that provide support for our clients' opposition which have not to date been addressed and are outlined herein.

My clients regularly hear music, voices, speeches and portable toilet door slamming emanating from the Sydenham Ridge facilities. The frequency of events at Sydenham Ridge, every weekend from Spring to Fall and now also through the week and in the Winter, is too much. My clients do not wish to be unneighbourly. At first, the Applicant's representatives seemed responsive and sympathetic and my clients were reassured that the impacts would be resolved. My clients have referred business to Sydenham Ridge and initially supported their events and gave the Applicant the benefit of the doubt with respect to the mitigation of impacts; however, my clients cannot enjoy peace and quiet at their properties due to the Sydenham Ridge activities. Sydenham Ridge has not been a good neighbour to my clients, which causes them significant loss of enjoyment of their properties and stress. Mr. Kellar has, as a result of the noise impacts, gone to stay at a motel, worn hearing protection to bed and has replaced all of the windows in his home, none of which have sufficiently resolved the noise and nuisance impacts being created at Sydenham Ridge. Additional details regarding my clients' concerns with respect to these matters are included in the February 18, 2020, presentation to Council by my clients, which confirm how deeply troubling the proposed amendments are to them.

Illegal Uses Creating Impacts

The Applicant has been illegally operating an event/wedding facility along with a variety of other business uses, for several years. It is unclear why the Township of Adelaide Metcalfe has not enforced its Building By-law and Zoning By-law in connection with the renovation and construction activities that have been carried on between 2015 to present. It is also unclear as to how the Property has been actively used for a variety of business pursuits and events which are illegal and are continuing.

A Change of Use Permit was issued by the Township on December 22, 2016. We have reviewed a Change of Use Permit (1 page) included in the Applicant's materials which does not provide any detail other than that the Permit was to allow "Retrofit existing barn for occasional Assembly use."

It appears the Change of Use Permit was not issued in accordance with section 3.4 of Building By-law No. 69-2011. Substantial physical alterations for uses not permitted by the Zoning By-law have been undertaken by the Applicant.

Change of Use and Building Permits are necessary to ensure that zoning requirements, fire and structural standards and building standards are met. Further, Change of Use Permits often require a Certificate of Occupancy for the premises. All permits must be issued in accordance with all applicable law. This has not occurred at the Property. Sufficient water and sewer services do not exist. Health and safety matters related to large group events have not been adequately addressed.

The Applicant has advised that the Property was acquired with the existing uses in mind. Planning due diligence is extremely important. Permitted uses under a Zoning By-law need to be investigated in addition to all other relevant layers of regulation before commencing any type of use that is not enumerated.

The Property is zoned General Agriculture (A) and Environmental Protection (EP). What has been applied for is permission to operate an Assembly Hall and Farm Winery. There is no such thing as a "Test Period" for illegal uses.

Please find attached a posting and photo of the Sydenham Ridge facility, fully renovated, dated November 8, 2015, more than a year prior to the issuance of the Change of Use Permit and also confirming that the 2016 season was already filling up. This represents blatant disregard by the Applicant for the rules and regulations applicable to the Property and the businesses.

The Applicant has intimated that both Township Council and also the Building Inspector and Fire Chief were all aware of the venue and were "*pleased and satisfied*" with the seven (7) Test events that occurred in 2016, all prior to the issuance of the Change of Use Permit on December 22, 2016.

The activities that have been carried out and advertised on the Property include, but are not limited to:

- Weddings for up to two hundred and fifty (250) people;
- Two (2) short term accommodation dwellings advertised on Airbnb;
- Musical "Mudman" Concert;

- Movie Filming;
- Annual Christmas Markets (34 vendors);
- Party Rental Business;
- Weekend Retreats;
- Aroma Therapy Workshops;
- Cooking Classes;
- Bachelorette weekends;
- Birthdays;
- Girls Getaways;
- Woodworking Workshop;
- Christmas Planter Sales
- Hot Stone Massage;
- Card Readings,
- Floral Workshops;
- Retail Florist Business, year-round, for on and off-site orders;
- Bridal Showers;
- Symposium/Conferences;
- Prom Party;
- Macramé Workshop;
- Yoga Retreats and Yoga Class series; and,
- Advertising for Memorial Celebrations (March 3, 2021)

*Chronology obtained from Facebook also enclosed.

Planning Act Applications

What is important to note is that there are currently no existing agricultural operations on the Property. The activities on the subject Property are not secondary to a primary agricultural use nor are they accessory to an agricultural use. The Planning Justification Report(s) provided by the Applicant do not include a proper analysis of the proposed non-agricultural uses. Our clients' Planner, Scott Allen, properly notes these outstanding issues in his letter dated February 18, 2020, attached hereto.

The proposed ZBA and OPA do not implement the Township's goals, objectives or policies and are not consistent with the Provincial Policy Statement. None of the existing buildings and structures on the Property have Legal Non-Conforming status for the uses being carried on. None of the uses carried on are "Accessory" to an Agricultural Use. None of the uses are subject to any operating standards or restrictions.

The definition of "Assembly Hall" in the Township Zoning By-law does not include or permit the range of uses being carried out on the Property:

***"Assembly Hall"** shall mean a building used for the assembly of persons for religious, social, charitable, philanthropic, cultural, private recreational or private educational purposes.*

An Assembly Hall use is not a permitted use in the Agricultural Zone.

The recent changes proposed to the definition of Assembly Hall are not reasonable or appropriate. Overnight accommodation is not a usual or incidental feature of an Assembly Hall. Further, there does not seem to be any mention of the Two (2) residential dwellings rented on the Property, being a seven (7) person Log Cabin and a ten (10) person Blue Bungalow, along with a plethora of other uses that have operated illegally and do not fit into the proposed definition of "Assembly Hall."

In addition to the permission for an Assembly Hall, the Applicant is also requesting permission for a "Farm Winery." The proposed definition for the Farm Winery does not provide any detail and is not consistent with the Agricultural zoning and designation.

Of most concern to my clients are the Noise impacts arising from amplified music, voices, traffic and the slamming of spring loaded doors found on portable toilets. My clients cannot enjoy the peace and quiet of summer evenings and weekends as a result of the constant events being held at the Property every single weekend. My clients have gone so far as to obtain their own professional sound consultant to carry out a noise study to measure sound levels impacting the enjoyment of their properties. The Noise Specialist, Jakub Wrobel, O2E Inc. Environmental Consultants has reviewed the noise studies completed by HGC Engineering, for Sydenham Ridge, which failed to consider the noise impacts arising from the outdoor events/ceremonies/partying, amplified voices, music in the upper-frequency ranges, vehicular traffic, and the "cocktail barn" east of the main barn. Background sound levels from 2020 were not used and the investigations performed on behalf of the Applicant focus on the music played within the event hall only. The noise from the crowds is not contained in the barn/event hall. The "sprawl" out of the main hall represents significant interference with our clients' enjoyment of their property. Beyond the issue of volume, the activities also intrude on my clients' privacy.

My clients have also retained a professional Land Use Planner, Scott Allen, MA, RPP of MHBC Planning, Urban Design & Landscape Architecture. Our clients' Planner, in an initial review of the Application materials, has identified that the Applications do not adequately address consistency with the PPS, noise impacts and potential ecological impacts, or compatibility with surrounding land uses. Please find attached the preliminary comments dated February 18, 2020, from MHBC Planning.

The Planning Justification Reports prepared on behalf of the Applicant, as amended, do not sufficiently recognize or address the surrounding land uses that are currently being impacted by the Applicant's activities. The PJR has not addressed the findings of the noise assessment carried out by my clients and which have not been addressed by the Applicant, notwithstanding assurances otherwise. We confirm that my clients have made submissions to the Township verbally and in writing regarding the proposed ZBA and OPA, which we trust form part of the Municipal Record. These previous submissions and the formal complaints and concerns enumerated therein are also relied upon by my clients.

There has not been any recognition of the traffic impacts generated for the large-scale events occurring on the Property. It must be recognized that one large wedding event would generate over one hundred (100) ingress and egress trips over a single-lane gravel driveway within a one-day timeframe. Hundreds of guests, caterers, and suppliers travel past my clients' properties, both before and after events, which generate traffic, noise, dust, and fuel emissions in the Agricultural area. Further, the impacts generated from Parking hundreds of vehicles on-site have not been considered. These impacts are not addressed or even mentioned in the Planning Reports.

The Planning Reports submitted on behalf of the Applicant propose a “future Farm Winery building” which would, in fact, result in new development of the Property creating additional undetermined impacts. This request for special zoning to permit the use and a new building is premature and could detrimentally affect regulated areas and may have environmental impacts. Further, the proposed “Farm Winery” has not been subject to any feasibility or viability study.

We confirm that meetings between my clients and the Applicant’s representatives have been held, however, the problems have not been resolved. The OPP have been involved. My clients’ sleep, health and enjoyment and privacy of their property have been significantly impacted. My clients’ properties are too close to Sydenham Ridge for them not to be impacted. My client Mr. Kellar’s bedroom window is 300 metres from the main event hall and 270 metres from the smaller hall, where ceremonies with outdoor speakers are held. The Meier’s residence is approximately 550 metres from Sydenham Ridge and the property owned by the Cahill’s, which includes a trailer park, ranch lodge and their home, is approximately 1.6 kilometres away. All of my clients are disturbed by the noise emanating from Sydenham Ridge.

Planning Evaluation by the Township and Public Agencies

The Planning Evaluation Report prepared for the Township by Erin Besch and Stephanie Poirier did not determine consistency with the Provincial Policy Statement. Further, the Planners did not determine conformity with the Township OP and County OP. The proposed uses are not agriculturally related and should be directed away wherever possible, are not essential to the agricultural economy, and belong in Settlement Areas. “General support” in the planning documents and “generally not opposed” and “generally do not offend” are opinions that do not meet the statutory requirements for approval of either of the OPA or ZBA Applications submitted by the Applicant to the Township.

The Planners have correctly identified that the issues related to compatibility and noise have not been sufficiently addressed.

The introduction of a Holding Provision is not an adequate condition to the zone change as it prohibits “development” from proceeding, however, it does not prohibit all of the business activities from proceeding. Further, the Zoning proposed will not permit the ongoing variety of Retail, Marketplace, Personal Services and Recreational uses that are carried on illegally and without approvals. We note that the “Cocktail Barn” has been used for several years without conformity to the Ontario Building Code and without smoke and carbon monoxide detectors and fire extinguishers, which highlight serious health and safety issues.

The St. Clair Region Conservation Authority (SCRCA) has confirmed that it requires consistency with the PPS, and that compliance with the Natural Hazards and Natural Heritage policies must be demonstrated. The Property is not located within a Special Policy Area approved by the Ministry of Municipal Affairs and Housing and Natural Resources and such provisions are not intended to apply to this Property. SCRCA requires that appropriate flood proofing be provided among other requirements.

Township Responsibility

We have reviewed the virtual online meeting attended by Township Council and staff on February 16, 2021. The current OPA and ZBA Applications must be processed and evaluated with impartiality. Where preferences and opinions are expressed that prejudice the merits of applications or predetermine the Applications being considered, it raises a reasonable apprehension of bias. Statements were made by Councilors related to getting the OPA and ZBA moved through without any "surprises" and avoiding delay. Statements were made by the CAO with respect to getting through the OPA and ZBA to get to the Site Plan process are inappropriate. Reference to the contents of the Site Plan Agreement that have been discussed with the Planner regarding traffic management, emergency access, parking, and accessibility must be analyzed in the OPA/ZBA process and not deferred to Site Plan approval. Further, the online discussion of using drywall to mitigate noise as part of the Site Plan Control agreement is concerning.

The Applicant was provided with the opportunity to make a presentation at this "General meeting" with respect to determining any further requirements for the OPA/ZBA and to confirm the fact that the Applicant was finishing its Site Plan. Please advise as to what plans, not aerial photographs, were provided in connection with the OPA and ZBA Applications, which are a requirement of the Township's Application process. In particular, please advise if the information referenced in section 26 of the Zoning Application was provided to the Township and/or County and whether that same information was provided to my clients or made available for public review.

In the event the Township decides that prohibited uses are permitted through the OPA/ZBA planning process, such uses must represent responsible and sound land use planning. The proposed OPA/ZBA do not represent sound or responsible land use planning.

We note that the Township may be proceeding with a Nuisance By-law, Noise By-law, and/or Business Licensing By-law. My clients see this as a positive step forward. Restrictions on frequency, hours, provisions for mitigation, buffering and ongoing management of nuisances that are functional and effective must be implemented. My clients have legitimate reservations about the enforcement of such By-laws, given that the offending activities most frequently arise on weekends and at night. Our clients have provided suggestions for potential provisions to the Township/County Planner, Stephanie Poirier on January 25, 2021, which is also relied upon. Kindly send future communications, notices and reports with respect to such proposed By-laws to the attention of my office.

Adoption of an OPA and ZBA subject to a Holding Provision is a planning tool that is used in appropriate circumstances, pursuant to the *Planning Act*. In the current situation, the adoption of the OPA and ZBA, prior to the existence of a Licensing By-law, which would be the subject of the proposed Holding Provision, clearly highlights the non-conformity and prematurity of any such approvals. Hypothetical regulatory details to be further considered and approved by Council in future are not acceptable or permissible planning tools pursuant to section 36(2) of the *Planning Act*. Conformity with section 5.13 of the Adelaide Metcalfe Zoning By-law and section 5.5 of the Adelaide Metcalfe Official Plan is imperative.

My clients have expressed longstanding concerns with respect to sound levels, time limits, frequency of events and limits on the number of people permitted inside and outside on the Property. Enforceable limits on permitted uses would go a long way towards the mitigation of impacts on my

clients' enjoyment of their properties. In the circumstances, a full and public Site-Plan Approval process should be mandated by the Township and/or County for the approval of any non-agricultural activities located on this particular Property.

We have reviewed Township Reports that make reference to a liquor sales license application made by the Applicant to the AGCO. In the circumstances, an application for liquor sales made to the AGCO should not be processed at this time. In addition, requests made by the Applicant's representatives and also by Township Councilors requesting that written assurances be sent to the AGCO with respect to the progress of the OPA and ZBA applications are not appropriate.

I wish to appear virtually as a delegation at your next scheduled Planning meeting, which we understand will be the statutory meeting required under the *Planning Act* for the two Applications on Monday, March 15, 2021, scheduled for 7:20 p.m. We look forward to receipt of your electronic access instructions.

We also wish to be notified of any decisions of the Township Council and any decision of the County of Middlesex in connection with these Applications.

Yours truly
ELIZABETH CORMIER
PROFESSIONAL CORPORATION
per:

Elizabeth Cormier
Electronically signed by
Elizabeth K. Cormier

EKC/am

cc. County of Middlesex, Durk Vanderwerff
SCRCA, Application Review
MMAH, Marion-Frances Cabral
Clients & Clients' Agents



February 18, 2020

Trevor Kellar
1425 Melwood Drive
Kerwood, ON
N7G 3H5

Dear Mr. Kellar:

**RE: Official Plan Amendment and Zoning By-law Amendment Applications
Sydenham Ridge Estates
1425 Melwood Drive
Our File: 2024'A'**

In response to your recent request, MHBC has conducted an initial review of the application materials relative to the planning policy framework applying to 1425 Melwood Drive. We have also had the opportunity to discuss the nature of this application with Erin Besch (Planner, County of Middlesex) on February 5, 2020.

The following outlines our preliminary comments relating to the application materials addressing the proposed assembly hall use:

1. **Proposed Non-Agricultural Use.** The applicant is proposing to establish an assembly hall as a non-agricultural use in a prime agricultural area by way of site-specific Official Plan and Zoning By-law permissions. Policy 2.3.6.1 of the Provincial Policy Statement (the 'PPS') prescribes that planning authorities may only permit non-agricultural uses in prime agricultural areas in circumstances where specified criteria are satisfied. In our opinion, the discussion provided in the Planning Justification Report (PJR) (dated December 2019) and the associated Addendum (dated February 7, 2020), prepared by Zelinka Priamo Ltd., does not adequately demonstrate that the proposed assembly hall use would satisfy the prescribed criteria for non-residential uses (particularly criteria related to the assessment of need for the proposed use and the evaluation of alternative locations for the use). In this respect, OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (the 'Guidelines') provides direction regarding the types of analyses required to address these criteria. In our opinion, to satisfy Policy 2.3.6.1 of the PPS, the applicant needs to illustrate that the proposal has consideration for the direction set out in the Guidelines.
2. **Compatibility.** The Noise Impact & Feasibility Study prepared by HGC Engineering (dated July 12, 2018) and submitted with the application identifies elevated off-site noise levels generated from an observed wedding reception on the premises. This report also sets out potential measures to mitigate impacts on neighbouring residences; however the original application materials did not include supplementary information indicating that mitigation measures were implemented and

found to effectively reduce off-site noise levels to acceptable levels. The PJR also does not appear to address the findings of the noise assessment.

Subsequent to the initial application submission, a letter has been prepared by the applicant (dated February 5, 2020) and enclosed with the Addendum, which outlined the remedial actions taken to address the noise concerns. Based on the information provided, it is concluded on Page 3 of the Addendum that the noise issues have been addressed. However, it is our understanding that these issues have not been resolved despite the actions listed in the letter. Further, the letter does not address how certain mitigation measures will be adhered to and administered. We are concerned that if these issues cannot be adequately resolved and enforced, the proposed use may be incompatible with the surrounding land uses, including the neighbouring residential dwellings.

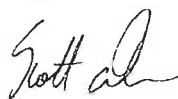
3. **Ecological Impacts.** Section 6.3 and Figure 7 of the PJR identify that the property contains woodland features and, that the outdoor ceremony area for the proposed assembly hall is located within the woodlands boundary. It is further stated in Section 6.3 of the PJR that, "The use of the existing buildings for an assembly hall would not create negative impacts on the woodland area, and timing of events associated with such uses would not result in a daily activities on-site close to the woodlands". Similarly, it is stated in Section 6.4 of this Report that, "There would be no impact on the existing environmental features by permitting the assembly hall use". Given the proximity of the proposed use to identified woodlands, in our opinion an environmental impact study, or similar assessment, should be completed to confirm that the operation of a proposed assembly hall will not adversely impact upon natural features and functions in the area.

In light of these concerns, in our opinion, the applicant should provide additional information to demonstrate that (1) the proposed assembly hall use is consistent with the PPS criteria for non-agricultural uses in prime agricultural areas, (2) the identified noise impacts and any potential ecological impacts resulting from this use can be addressed or mitigated, and (3) the proposed use is compatible with surrounding land uses. Based on the information provided to date, in our opinion the applicant has not adequately addressed these three key matters.

We trust this information is of assistance. Should you have any questions pertaining to our comments, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



Scott Allen, MA, RPP
Partner

cc. Eric Miles, MHBC



3



Sydenham Ridge Estate

@sydenhamridgeestate · Wedding Venue

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Sydenham Ridge Estate

November 8, 2015 ·

Welcome to the Facebook page of Sydenham Ridge Estate. We are located on 50 acres of beautifully kept grounds on the outskirts of Strathroy, Ontario. The Estate boasts a bounty of mature trees, a pond, a bubble brook, a majestic white pine forest and acres of manicured trails to explore.

With capacity for 250, our historic barn is full of charm and character. Between it's large sliding door, the loft and exposed beams, it can easily cater to the vision you have for your event.

With our 2016 season filling up, contact us to book a visit and discover what we already know to be true, Sydenham Ridge Estate is the perfect place for your event.



Activities at Sydenham Ridge listed on Facebook Page

- Booking for celebration of life memorials and receptions (Mar.3/21);
- Wedding season coming to an end (Oct.28/20);
- 4-week series of yoga starting October 21, 2020 (Oct.21/20);
- Restorative Yoga – Sold Out (Oct.8/20);
- 4-week yoga series starting September 16, 2020 (Sep.16/20);
- Online catalogue of rental items available, including tables, chairs, etc. (Aug.27/20);
- Yoga in the barn (July.15/20);
- 4-week summer series yoga classes (Wednesdays in July/20);
- Blue bungalow rental for girls' weekends, getaways, retreats (May.20/20);
- Sparkler Ceremony advertisement (May.14/20);
- In-house florist and floral studio (Mar.30/20);
- Full time in-house florist (Feb.26/20);
- Sydenham Ridge Christmas/Appreciation Party (Jan.4/20);
- Christmas planter workshops (Nov.14&21/19);
- Last wedding of the season (Oct.26/19);
- Fall Open House (Oct.21/19);
- Double wedding weekend (Aug.30/19);
- Double wedding weekend (June29&30/19);
- Flagstone staircase put in (May.30/19);
- Full swing into wedding season (May.24/19)
- Prom party for local high school (Preparation May.22/19);
- 3-year anniversary of hosting first wedding at Sydenham Ridge (May.14/19);
- Advertisement for bridal and baby showers (May.11/19);
- Floral work in full swing even though weddings not commenced until next week. Week long preparation for huge job, including Bouquet, 20 centerpieces, corsages, boutonnieres, and floral installation. Floral preparation for wedding in Bedford (May.11/19);
- A bridal shower held this past Sunday (May.7/19);
- Mother's Day floral workshops Thursday evening and Saturday morning (May.9&11/19);
- Luxury Weekend Retreat Giveaway (Retreat weekend May 3 - 5 valued over \$1500) (Apr.18/19);
- Spring mini sessions offered with photographer (Apr.5/19);
- Girls Inc. Symposium (Mar.21/19);
- Florist started floral wedding season with flowers for wedding in St. Marys previous weekend (Feb.28/19);
- Taking orders for fresh floral bouquets for Valentine's Day etc. - delivery service (mixed fresh bouquets \$50 +HST) (Feb.11/19);
- Posting 3 Saturdays available for 2019, all the rest booked (Feb.6/19);
- Taking Bookings for 2020 weddings starting January 19, 2019 (Jan.19/19);
- Florist (Brittney) made flowers for over 80 weddings last year (Jan.15/19);

- Christmas planter workshop is sold out for November 17 but November 15 and 22 workshops still available (\$50 per person) (Nov.14/18);
- Custom orders for Christmas planters being taken until November 30 (Nov.12/18);
- Second Annual Christmas market is in full swing. Amazing local vendors (Saturday Nov.3/18);
 - List of vendors for Christmas market posting
 - 34 vendors plus custom planters
 - Switching gears from weddings to Christmas (Oct.29/18);
 - New barn being moved onto its foundation (Sep.13/18);
 - Bouquets prepared for off-site weddings. Floral orders being taken for 2019 (Sep.10/18)
 - Double wedding weekend (Sep.9/18);
 - In-house florist and off-site floral orders advertisement (July.25/18);
 - Two wedding weekend (June.16/18);
 - Wood sign workshop advertised, subsequently cancelled (May.12/18);
 - Mother's Day Floral workshop (Thursday May.10/18);
 - Flower deliveries to Sarnia yacht club (May.5/18);
 - Floral Workshop (Apr.26/18);
 - Macramé workshop (\$75 per person) (Apr.22/18);
 - Spring floral workshop (\$65 per person) (Apr.19/18);
 - Goddess Weekend Retreat, including yoga classes, aromatherapy workshop, vegan cooking class, meals, angel card reading and meditation, and floral arrangement class (Apr.13-15/18);
 - Booking advertisement for Sydenham Ridge bungalow on Airbnb (Jan.5/18);
 - Nourish your soul retreat, including yoga, hot stones massage, and lunch (\$160) (Nov.25/17);
 - Holiday Giveaway for 6 people, including yoga, woodworking workshop, charcuterie board, makeup application, and photoshoot (meals and catering packages may be added) (Nov.23/17);
 - Pleased to offer retreats at Sydenham Ridge for bachelorette weekends, birthdays, girls' getaways, and small team-building trips. Cozy and luxurious accommodations and numerous a la carte spa and wellness offerings, creative activities, and catering packages (Nov.7/17);
 - First Annual Christmas Market (Nov.4/17);
 - Photo of large outdoor event (Oct.26/17);
 - Second Annual Open House. Favourite vendors included. (Oct.18/17);

- Photo of visit to Sydenham Ridge 2 years prior showing empty barn (Oct.12/17);
- Two weddings in the barn (Oct.7/17);
- Premier of the Black Donnelleys movie that was filmed at SR (Oct.6/17);
- Barn dance party photo, doors open, guests indoors and out (Sep.20/17);
- “Mudmen” performing at Sydenham Ridge Estates (Sunday Sep.17/17);
- Advertisement for “Mudmen” concert in the Barn, tickets being sold in the community (Aug.30/17);
- Long weekends generally mean a “double header” at SR (Aug.3/17);
- “and just like that we have a new barn... well new to us.” (July.25/17);
- Two wedding weekend at SR (July.1/17);
- First “double header” of the year (June.18/17);
- Photo of flower cooler room (June.12/17);
- Post re: weddings in January, February, March as well as summer weddings (June.10/17);
- Starting off wedding season (May.6/17);
- Looking beyond what was thought possible for a relatively small piece of land nestled in small-town Ontario (Jan.3/17);
- Thanks to all of the couples that made 2016, the inaugural season (Jan.1/17);
- Booking tours for Friday night (July.6/16);
- 2017 weddings are booking up. Only select dates left (June.7/16);
- The 2017 season is shaping up to be busy (May.22/16);
- Officially kicked off the 2016 season. Can’t wait to see all the incredible events to be held here. Photo of fully equipped barn with lighting, flowers, tables, table cloths, chandelier, etc. (May.15/16);
- Log Cabin, the second of the two accommodations available at SR (Apr.22/16);
- Thanks to all of the couples coming out over the winter months (Apr.20/16);
- All of the recent bookings have us “itching” for the upcoming wedding season (Feb.6/16);
- SR booth at the London Bridal Show (Jan.24/16);
- Our 2016 season is filling up nicely (Dec.17/15);
- SR Giveaway (Nov.30/15);

- 150-year-old barn moved to SR recently. Can comfortably hold up to 250 guests or arranged to suit small close-knit events (Nov.25/15);
- Offering quaint chapel as an option for their I-Do's (off-site) (Nov.11/15);
- Welcome to SR Facebook page. Historic barn with capacity for 250 can easily cater to the vision for your event. 2016 season filling up. (Nov.8/15);
- Video filming (at all times);
- Portrait shoots (at all times);