



## Committee of Whole

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**Meeting Date:** May 25, 2021  
**Submitted by:** Durk Vanderwerff, Director of Planning  
**SUBJECT:** ADELAIDE METCALFE OFFICIAL PLAN AMENDMENT NO. 13;  
SYDENHAM RIDGE; FILE NO. 39-AM-OPA13

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### **BACKGROUND:**

1782767 Ontario Inc (Sydenham Ridge) has applied to amend the Adelaide Metcalfe Official Plan for lands located at 1425 Melwood Drive, described as Part Lot 4 Concession 6 (Metcalfe). Amendment No. 13 would establish a special agricultural policy area that would permit an 'Assembly Hall', overnight accommodations within a dwelling, and a 'Farm Winery' on a 19 hectare (47 acre) property.

The property contains barns and outbuildings, a dwelling, woodlands, agricultural land and is surrounded by agricultural and natural environment uses. Sydenham Ridge, understood to primarily be a Farm Wedding Venue, has been operating on the property for a number of years. In addition to Amendment No. 13, the proposal has been subject to a zoning by-law amendment (which has been appealed to the Local Planning Appeal Tribunal) and would be subject to site plan control and municipal licensing.

County Council is the Provincially delegated Approval Authority for locally adopted official plan amendments. This report summarizes the planning policy context and provides a planning recommendation for Council from the perspective of the Approval Authority. More detailed local planning analysis, as provided to Adelaide Metcalfe Council, is provided within the local planning reports and the most recent report is attached. In addition, a location map, a copy of Amendment No. 13, letters in opposition to the proposal, and the applicant's planning reports are attached.

### **ANALYSIS:**

The application was submitted to the Township in December 2019 and was subject to several public meetings and local review. Amendment No. 13 was adopted by Adelaide Metcalfe Council on March 15, 2021 and submitted to the County as the Approval Authority. The submission was accepted as complete by the County and a further

agency / ministry circulation was not undertaken although analysis relative to Farm Wedding Venues was undertaken.

### Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest and seeks to protect prime agricultural areas for long-term agricultural use. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. The PPS also supports opportunities for additional economic activities within the prime agricultural area and it is acknowledged that these objectives may at time compete with each other. The PPS requires that natural features and areas be protected for the long term and that development generally be directed to areas outside of hazardous lands.

Permitted uses within prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses however, within Middlesex County, a Farm Wedding Venue does not fit under those generally permitted uses. Policy 2.3.6.1(b) of the PPS provides an additional opportunity for municipalities to consider limited non-residential and non-agricultural uses in prime agricultural areas provided impacts on surrounding agricultural operations and lands are mitigated to the extent feasible and provided all of the following are demonstrated:

- (1) the land does not comprise a specialty crop area;
- (2) the proposed use complies with the minimum distance separation formulae;
- (3) there is an identified need ... for additional land to be designated to accommodate the proposed use; and
- (4) alternative locations have been evaluated, and (i) there are no reasonable alternative locations which avoid prime agricultural areas; and (ii) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

### County Official Plan

The County Official Plan provides land use policy direction on a broad basis by dealing with issues of Provincial and County interest. The subject lands are within the Agricultural Area designation and the purpose of this designation is to protect and strengthen the agricultural community and to protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations. Non-agricultural activities are to be closely scrutinized.

The property contains Significant Woodlands as delineated on Schedule C of the County Plan. Development shall be directed away from the Natural System wherever possible and the conservation authority shall be consulted on applications in proximity

to the Natural System. A portion of the property is within the Regulated Area of the St. Clair Region Conservation Authority (SCRCA).

The County Plan does not specifically address a Farm Wedding Event proposal and instead leaves atypical proposals, that can be considered in general conformity with the overall policy direction of the Plan, to be addressed within local official plans through the local amendment process.

#### Adelaide Metcalfe Official Plan

The subject lands are within the Agricultural Areas designation in the Adelaide Metcalfe Official Plan. The Official Plan recognizes that agriculture provides the major economic base of the municipality and therefore seeks to protect and preserve land for agricultural purposes. Similarly, the Official Plan seeks to protect and sustain the natural and environmental features and functions within the Township.

A Farm Wedding Venue is not expressly permitted and therefore is subject to the amendment process. The Official Plan includes criteria to be satisfied during the evaluation of amendments including desirability, appropriateness, demonstration of need, compatibility, suitability, adequacy of services, and compliance with MDS.

#### Planning Commentary

Agriculture is the predominant land use within the County and an important component of the economy and culture. The protection of agriculture and agricultural land therefore represent major policy directions of the PPS and the County and Township Official Plans. Non-agricultural activities are to be closely scrutinized and a site-specific local official plan amendment is the appropriate manner in which a proposal such as this should be considered. The accommodation and Farm Winery uses are considered to be supplemental to the Farm Wedding Venue.

In this case, I am satisfied that the PPS criteria (limited non-agricultural use, not specialty crop area, MDS compliance, justified need, alternative locations, impact mitigation) have been met or can be met through the completion of subsequent local approvals. The County and Adelaide Metcalfe official plans provide policy direction and evaluation criteria for local official plan amendments and I am satisfied that those criteria have been met or can be met through the completion of subsequent local approvals. The Municipality is also satisfied that those criteria have been met. Overall, the Farm Wedding Venue at this location is not anticipated to negatively impact agricultural land or agriculture.

The natural heritage and hazard policies of the PPS and the official plans have been considered during the local process and the St. Clair Region Conservation Authority (SCRCA) are satisfied subject to “*..floodproofing of the existing barn #2 and the outdoor*

*ceremony area's electrical power.. ..as a part the Site Plan approval process".* In addition, any renovations or expansions would require a permit from the SCRCA.

The planning policies generally direct non-agricultural land uses to settlement areas however there are some planning considerations that are unique to Farm Wedding Venues. Their location on a farm in a rural setting is difficult to achieve within a settlement area. It is also difficult to quantify the 'need' for such uses, although it is apparent that farm weddings are a trend within Ontario and Middlesex County.

The County has received comments in opposition to Amendment No. 13, as the Township did during the local process. The public comments in opposition to the proposal (and also received relative to other proposed wedding venues) generally express concern related to operational matters such as hours of operation, number of guests, number of events, trespass, and traffic. It is thought that surrounding land uses may experience an increase in traffic, noise, and lighting beyond what would typically occur within a rural context. Such matters are difficult to address using only land use planning tools and therefore it is recommended that municipalities utilize by-laws under the Municipal Act (there are a few options) to address such operational matters.

In this case, the paramount concern appears to relate to noise. HGC Engineering has completed noise reports for Sydenham Ridge and O2e Environmental Consultants have completed a noise report for an abutting land owner. There remains a disagreement on this matter and it is recommended that the Township engage a peer-review noise consultant to provide technical advice during the site plan process.

From the perspective of the County and its role as the Approval Authority, it is my opinion that the principle of the land use at this location is acceptable and that it is sufficient for the County to rely on the Township to establish / enforce the appropriate by-laws locally to address operational matters. Adelaide Metcalfe is currently examining the by-law options including noise, nuisance, and licensing. A site plan is required and the Township should be satisfied that noise mitigation is addressed in that process.

### Conclusion

I have reviewed Amendment No. 13 against the PPS, the County Official Plan, and the Adelaide Metcalfe Official Plan. I am satisfied that Amendment No. 13 is consistent with the PPS, conforms to the intent and purpose of the County's Official Plan and the Adelaide Metcalfe Official Plan, and represents sound land use planning subject to the additional local municipal controls. I am therefore recommending approval of Official Plan Amendment No. 13, as adopted.



**FINANCIAL IMPLICATIONS:**

The budget expense related to the Provincially delegated Approval Authority responsibility for local official plans is offset, to an extent, through the collection of application fees.

**ALIGNMENT WITH STRATEGIC FOCUS:**

This report aligns with the following Strategic Focus, Goals, or Objectives:

<b>Strategic Focus</b>	<b>Goals</b>	<b>Objectives</b>
Strengthening Our Economy	Encourage a diverse and robust economic base throughout the county	<ul style="list-style-type: none"><li>• Support opportunities to create a stronger and sustainable agricultural sector</li><li>• Create an environment that enables the attraction and retention of businesses, talent, and investments</li><li>• Attract visitors to Middlesex County</li></ul>

**RECOMMENDATION:**

That Amendment No. 13 to the Adelaide Metcalfe Official Plan be approved and that staff be directed to circulate a Notice of Decision as required by the Planning Act, and that the Notice of Decision indicate that all written submissions received on this application were considered; the effect of which helped to make an informed recommendation and decision.

Attachments

ADELAIDE METCALFE

MELWOOD DR

NAPIER RD

## LOCATION MAP

Description:  
OFFICIAL PLAN AMENDMENT NO. 13  
TOWNSHIP OF ADELAIDE METCALFE

File Number:  
39-AM-OPA13

Prepared by: Planning Department  
The County of Middlesex, March 31, 2021.



## LEGEND

 SUBJECT LANDS



1:8,000  
0 250 500  
Meters



**THE CORPORATION OF THE  
TOWNSHIP OF ADELAIDE METCALFE**

**BY-LAW No. 22 of 2021**

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 13  
TO THE OFFICIAL PLAN OF THE TOWNSHIP OF ADELAIDE METCALFE  
WITH RESPECT TO PART OF LOT 24, CONCESSION 6, (GEOGRAPHIC TOWNSHIP OF  
METCALFE); AND PARTS 3-5, RP 34R-566, TOWNSHIP OF ADELAIDE METCALFE**

**WHEREAS** under Section 17 of the Planning Act, R.S.O. 1990, c.P. 13, authorizes municipalities to adopt official plans and amendments thereto;

**WHEREAS** under Section 22 of the Planning Act, R.S.O. 1990, c.P. 13, permits persons or public bodies to request council to amend its official plan;

**AND WHEREAS** the requirements for the giving notice and the holding of a public meeting of this amendment have been met;

**AND WHEREAS** the Council of the Corporation of the Township of Adelaide Metcalfe deems it advisable to amend the Official Plan of the Township of Adelaide Metcalfe;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE AS FOLLOWS:**

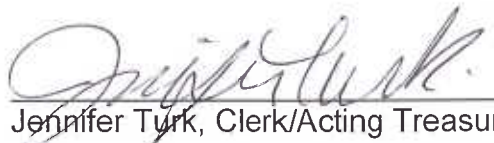
1. **THAT:** Amendment No. 13 to the Official Plan of the Township of Adelaide Metcalfe consisting of the attached text and Schedule 'A' is hereby adopted.
2. **THAT:** the Clerk is hereby authorized to make application to the County of Middlesex for approval of Amendment No. 13 to the Official Plan of the Township of Adelaide Metcalfe.
3. **THAT:** this By-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this 15th day of March, 2021.

Read a third time and finally passed this 15th day of March, 2021.



Kurtis Smith, Mayor



Jennifer Turk, Clerk/Acting Treasurer

**AMENDMENT NO. 13  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF ADELAIDE METCALFE**

**LOCATION:**           Part Lot 24, Concession 6; and  
                              Parts 3-5, RP 34R-566  
                              (geographic Township of Metcalfe)  
                              Township of Adelaide Metcalfe

**DATE:**                March 15<sup>th</sup>, 2021

**APPROVAL**  
**AUTHORITY:**       County of Middlesex

## **PART A - THE PREAMBLE**

### **1.0 PURPOSE AND EFFECT**

The purpose and effect of the Official Plan Amendment application is to re-designate the subject property from the Agricultural designation to an Agricultural Special Policy Area No.11 designation to allow, in addition to the existing uses permitted in an Agricultural designation, a specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and a “Farm Winery” in order to be able to host weddings and other similar events, which is otherwise not permitted.

### **2.0 LOCATION**

This amendment is specific to Part of Lot 4, Concession 6 (former Township of Metcalfe); and more specifically Parts 3-5 of RP 34R566, in the Township of Adelaide Metcalfe and known municipally as 1425 Melwood Drive. The subject lands are approximately 19.1 ha (47.2 ac) in size and are located on the southeast corner of Melwood Drive and Napier Road. The property contains a single detached dwelling and two barn structures.

### **3.0 BASIS OF THE AMENDMENT**

The subject lands are located within a prime agricultural area, which is intended to be protected for long-term agricultural uses, agriculture-related uses, and on-farm diversified uses. The proposed specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and “Farm Winery” uses do not meet the definitions of “agriculture-related use” or “on-farm diversified use” as set out in the PPS and the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas*. However, the PPS does enable planning authorities to permit limited non-agricultural uses in the prime agricultural area, provided they satisfy criteria. The proposed specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and “Farm Winery” 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.

The County Official Plan is not intended to prevent the development of areas designated for non-agricultural development in local Official Plans. The County Plan does not specifically address a proposal such as this. Instead, the County Plan leaves atypical proposals to be addressed within local Official Plans and through the local Official Plan Amendment process.

## **PART B - THE AMENDMENT**

All of this part of the Amendment entitled 'Part B - The Amendment', including the attached Schedule 'A', constitutes Amendment No. 13 to the Official Plan of the Township of Adelaide Metcalfe.

### **DETAILS OF THE AMENDMENT**

The Official Plan of the Township of Adelaide Metcalfe is hereby amended:

1. By adding a new Special Agricultural Policy Area to Section 3.1.10 of the Official Plan of the Township of Adelaide Metcalfe as follows:

**"3.1.10.11 Assembly Hall and Farm Winery**

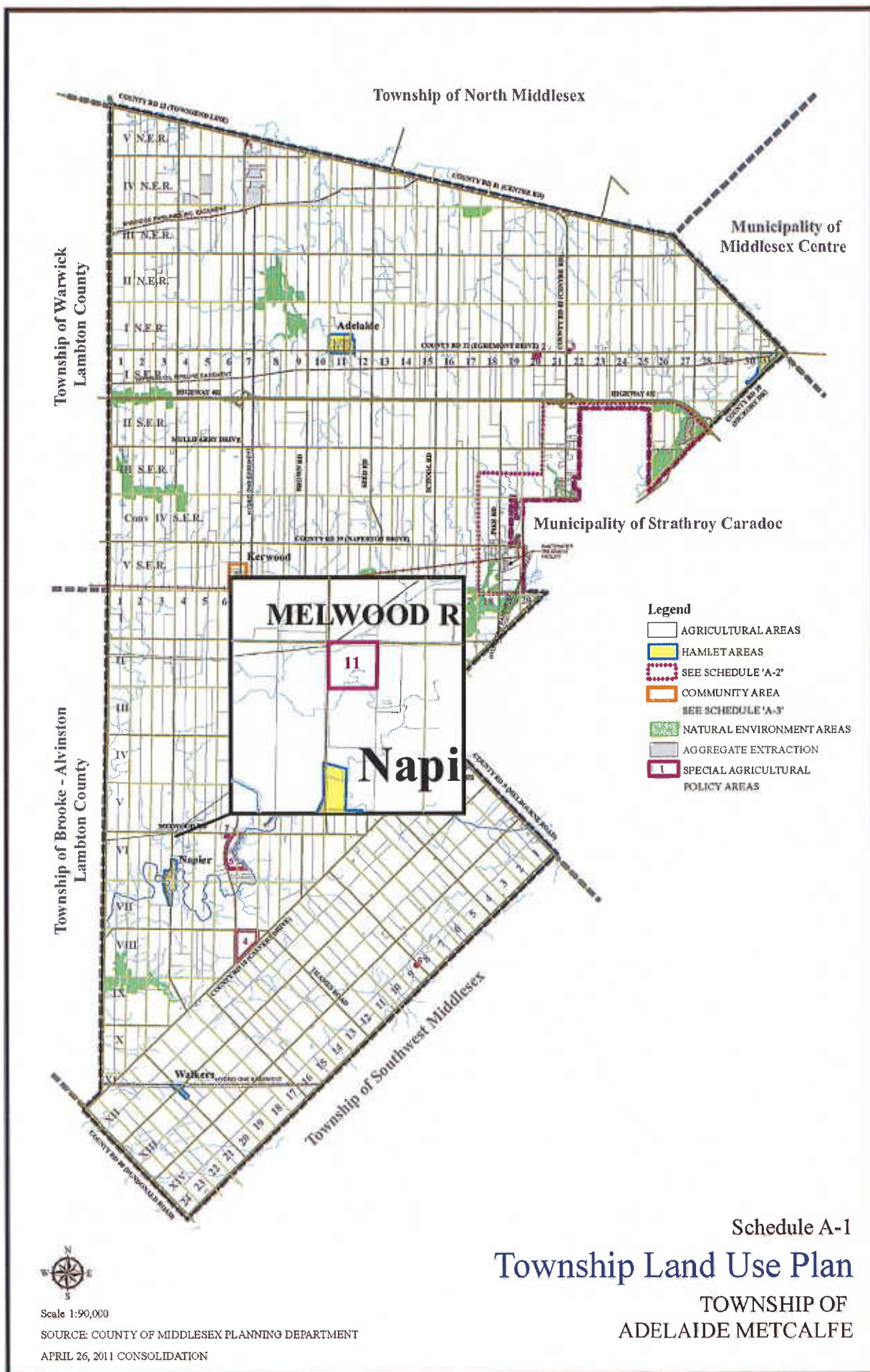
Within Special Agricultural Policy Area 11, as shown on Schedule "A-1", a specially defined "Assembly Hall", that would also include overnight accommodations within a single detached dwelling and a "Farm Winery", as defined within the Zoning By-law are permitted, subject to obtaining a license from municipal 'farm wedding/ events licensing by-law.

2. Schedule 'A-1' – "Township Land Use Plan" of the Official Plan of the Township of Adelaide Metcalfe is hereby amended by adding "Special Policy Area 11" for the land municipally known 1425 Melwood Drive and legally described as Part of Lot 4, Concession 6 (former Township of Metcalfe); and Parts 3-5, RP 34R566, in the Township of Adelaide Metcalfe, as shown on Schedule "A" to this Amendment.

Amendment No. 13 shall be implemented by means of a Zoning By-law passed pursuant to Section 34 of the Planning Act that will recognize the use of the lands for an Assembly Hall and Farm Winery.

The provisions of the Official Plan of the Township of Adelaide Metcalfe, as amended from time to time, shall apply in regards to the implementation of this amendment.

**Schedule 'A'**





# Township Planning Report



# PLANNING EVALUATION REPORT

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Meeting Date: March 15<sup>th</sup>, 2021  
Submitted by: Erin Besch, Planner and Stephanie Poirier, Planner  
Subject: **Application for Official Plan Amendment OPA No.13 &  
Application for Zoning By-law Amendment Z02-2020  
Part of Lot 4, Concession 6 (Geographic Township of Metcalfe); and  
more specifically Parts 3-5 of RP 34R566  
1425 Melwood Drive  
Owner: 1782767 Ontario Inc.  
Agent: Zelinka Priamo Ltd. c/o Casey Kulchycki**

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## PURPOSE

The purpose and effect of the Official Plan Amendment application is to re-designate the subject property from the “Agricultural Area” designation to a “Special Agricultural Policy Area” designation to allow a specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and a “Farm Winery” which are otherwise not permitted.

The purpose and effect of the Zoning By-law Amendment is to rezone the subject lands from the “General Agriculture (A) Zone” to a site-specific “General Agriculture (A-16) Zone” and from the “Environmental Protection (EP) Zone” to a site-specific “Environmental Protection (EP-2) Zone” to permit a specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and “Farm Winery” on the subject lands. The zone change would be subject to a Holding Provision, to ensure development does not proceed until the obtainment of a license from the Municipal ‘Farm Wedding/Events Licensing By-law’, and the completion of site plan control, including the registration of a site plan agreement on title.

As part of the Zoning By-law Amendment application the applicants have proposed to add the following definitions to the Zoning By-law:

*“**Assembly Hall**” shall mean a building used for the assembly of persons for religious, social, charitable, political, philanthropic, cultural, private recreational or private educational purposes. Overnight accommodations are also permitted within an existing accessory dwelling on the same parcel for up to 8 persons.”*

*“**Farm Winery**” Farm Winery shall mean the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A farm winery may also include a retail outlet, hospitality room, winery offices and a laboratory.*

A separate Site Plan Application would be required in order to develop the ‘Assembly Hall’ and ‘Farm Winery’ uses. This application has not been submitted at this time.

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# PLANNING EVALUATION REPORT

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## BACKGROUND

The applicant owns and operates an event/wedding facility on the subject lands, which are approximately 19.1 ha (47.2 ac) in size and are located on the southeast corner of Melwood Drive and Napier Road. The property contains a single detached dwelling and two barn structures. The dwelling and barns are all in use by the event hosting business. Vehicular access is provided by a single driveway from Melwood Drive, providing connections to the dwelling, barns and parking area. Access to the parking area is also located off Napier Road. A large portion of the subject land is identified as “significant woodland” under the Middlesex Natural Heritage System Study (2014), as well as within the regulated area of the St. Claire Region Conservation Authority (SCRCA).

Council will recall that the landowner applied for a permanent liquor license for the property. Previously, each on-site event was required to apply for their own liquor license through the Alcohol and Gaming Commission of Ontario (AGCO). The owners of the subject land would like to provide liquor through their own license, but to do so they are required by the AGCO to comply with all municipal by-laws. This includes the Zoning By-law, to which they do not currently comply. It is through this process that the applicant has initiated the amendments in order to satisfy all municipal by-laws and to receive a revised liquor license letter from the Township.

Planning and Township staff met with landowner Peter Budd and associate Marge Hendriks-Rutten on May 6, 2019 to discuss Township requirements for establishing conformity with the planning documents. Staff told Mr. Budd and Ms. Hendriks-Rutten that an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Site Plan Approval would be necessary. Staff also suggested the applicants obtain a planning consultant to assist them through the process. On December 17, 2019, the Township received the applications for OPA/ZBA submitted by Zelinka Priamo, planning consultants, on behalf of the owners. The consultant has also submitted a Planning Justification Report (PJR).

In support of the application, the applicants submitted a noise impact study prepared by HGC Engineering in July of 2018. The consultant conducted the study on April 7, 2018 and determined that the sound generated by the main reception barn exceeded the rural background sound at the nearest sensitive receptor (being the neighbouring dwelling). The study also suggested that “the sounds of amplified music and voice would need to be reduced by about 20 dB in order to be minimally audible and have minimal ‘potential to disturb’ at the closest neighbouring residences.”

The noise consultant listed a number of measures for both physical and electronic noise control, including: upgrading the exterior walls, windows and doors of the venue to increase their sound insulation; limiting the level of sound that is produced by the amplification system that can reduce the peaks of the music without audibly degrading the level or the quality of the music; and, administrative noise control measures including requiring all amplified audio to be routed through an in-house sound system, keeping windows and doors closed, controlling where patrons are allowed to congregate, etc.



## PLANNING EVALUATION REPORT

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The applicants have submitted an addendum to the original PJR in August 2020, which outlines the steps taken in response to the noise study results. These steps include a number of changes to the structures and specialized audio equipment, as well as administrative measures such as hiring a night security employee to enforce rules and maintain records of decibel levels. A full list of these measures are attached to this report.

In response to discussions with planning staff, the applicants have revised their application to request that the Assembly Hall use be restricted to the existing structures on the property including the single detached dwelling, the large reception barn and the “cocktail hour” barn. Additionally, any renovations or expansions to the barn structures would require permissions from St. Clair Region Conservation Authority, as they are located within the CA regulated area.

Planning staff previously prepared an information report that was heard at the February 18, 2020 Council meeting, which outlined policies related to the proposal and provided Council and the public an opportunity to ask questions and provide input. After direction from Council, planning staff prepared a follow-up recommendation report that was to be heard at the March 16, 2020 Council meeting, which was cancelled.

In August 2020, the applicant’s planner informed staff that a follow-up acoustical measurement study was done on the site to test the implementation of previously recommended noise control measures. The report, submitted by HGC Engineering, indicates that several modifications to the interior sound system in the main reception barn have been made, as were previously recommended. This included relocation of the loudspeakers, as well as limiting the volume of the interior sound system so that it cannot be increased beyond a certain level during events. The report also states that management of the venue indicated several additional noise control measures are to be undertaken, including a restriction on live music/bands, and that the large barn door be kept closed during events, with smaller man-doors used for ingress/egress.

The acoustical report concluded that the implemented noise control measures have reduced the sound levels of music at the venue to be equal to or less than the background sound at the closest neighbouring residential property, and indicated that sounds from the music were only faintly audible during momentary lulls in the background noise. A copy of this study has been attached to this report.

The applicant’s planner also indicated that alterations have been made to the “cocktail barn”, in an attempt to bring it into conformity with the Ontario Building Code and a “Group A temporary assembly hall occupancy” structure. To support this statement, the applicant has submitted a report provided by Edward J. Poon, Consulting Engineer, who completed a structural and architectural review of the “cocktail barn.” It was noted in his letter that emergency signage and lighting has been installed on the interior of the structure, as well as smoke and carbon monoxide detectors and fire extinguishers. As well, it was noted that the general structural components of the building appear to be in good order, in general conformance with the 2012 Ontario Building Code and buildings for temporary or occasional assembly occupancy. A copy of this letter has been attached to this report.

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# PLANNING EVALUATION REPORT

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Further, the applicant's planner informed staff that modifications have been made to the electrical outlet that was previously mounted to a bridge and provides service to the cocktail barn. Staff note that St. Clair Region Conservation Authority had identified this as an area of concern as it had the potential to create fire or electrocution hazards during a flood event. Staff have been informed that this outlet has been relocated and the hydro line waterproofed to reduce the concern.

A planning evaluation report was presented to Council on December 21<sup>st</sup>, 2020, which recommended that the OPA be adopted, the ZBA be approved, and that administration be directed to prepare for Council's consideration a 'Farm Wedding / Events Licensing By-law' subsequent to any potential future approval of Official Plan Amendment No. 13 by the County of Middlesex. Council made the decision to defer the application until further research was completed on the 'Farm Wedding / Events Licensing By-law'.

On February 1<sup>st</sup>, 2021, Council considered different types of by-laws that could be used to regulate wedding venues including business licensing, nuisance, and noise by-laws. Council made the determination to not entertain a Farm Wedding / Events Licensing By-law. Staff note that if the OPA and ZBA applications are approved, the proposal would be subject to Site Plan Approval, which could potentially include certain operational matters Council wishes to be addressed.

## POLICY CONTEXT AND ANALYSIS

The subject lands are located within the 'Agricultural Areas' designation of the Adelaide Metcalfe Official Plan, and within the 'General Agriculture (A) Zone' and 'Environmental Protection (EP) Zone' of the Zoning By-law.

### Provincial Policy Statement, 2020 (PPS):

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities *shall be consistent* with the PPS. The subject lands are within the *rural area* and are within the *prime agricultural area* per the definitions of the PPS. The principle policies of the PPS that are applicable to the proposed development include:

#### 1.1.4.1 "Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;  
...
- e) using rural *infrastructure* and *public service facilities* efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;  
...
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3."



## PLANNING EVALUATION REPORT

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1.1.4.2 “In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.”

2.3.1 “*Prime agricultural areas* shall be protected for long-term use for agriculture.”

“*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.”

2.3.3.1 “In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.”

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

2.3.3.2 “In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.”

2.3.6.1 “Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals*, *petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
  1. the land does not comprise a *specialty crop area*;
  2. the proposed use complies with the *minimum distance separation formulae*;
  3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
  4. alternative locations have been evaluated, and
    - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
    - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.”

2.3.6.2 “Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.”

2.1.1 “Natural features and areas shall be protected for the long term.”

2.1.2 “The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.”

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## PLANNING EVALUATION REPORT

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2.1.5 “*Development and site alteration* shall not be permitted in:

- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.”

2.1.6 “*Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.”

2.1.7 “*Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.”

2.1.8 “*Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological*

*function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.”

2.1.9 “Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.”

3.1.1 “*Development* shall generally be directed to areas outside of:

...

- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.”

3.1.2 “*Development and site alteration* shall not be permitted within:

...

- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.”

3.1.3 “Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.”





# PLANNING EVALUATION REPORT

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## The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas:

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas is a document created by the Ministry of Agriculture, Food and Rural Affairs. The guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed within the Guidelines, they represent best practices rather than specific standards that must be met in every case.

Section 3.2.1 of the guidelines speaks to the preliminary assessment of limited non-agricultural uses. It states that in prime agricultural areas, permitted uses are limited to agricultural, agriculture-related and on-farm diversified uses. Other uses must be directed to settlement areas or rural lands, unless they can be justified in accordance with Policy 2.3.6 of the PPS. Rigorous assessment of need, evaluation of alternative locations and mitigation of impacts should be required by municipalities for non-agricultural uses in the prime agricultural area.

In prime agricultural areas, limited non-residential uses are uses that include commercial, industrial, institutional or recreational uses but exclude residential uses. These uses may only be considered in prime agricultural areas if other locations are unavailable and if they meet the tests of PPS Policy 2.3.6.1 b). Limited non-residential uses must be limited in area based on the land area that would no longer be available to agriculture. The term "limited" also suggests that the use may be a single use rather than an assembly of uses.

Section 3.2.2 of the guidelines provides additional information on the demonstration of need for limited non-agricultural uses. This section states that planning justification will be required and that the scope of the study depends on the proposed use and starts by identifying the specific geographic market or service area for the proposed use. It usually includes information on and analysis of:

- the demand for the product or service
- an inventory of current suppliers/competitors
- how much of the current and future projected demand is met within a given market or service area
- distance to markets or clients
- economic impacts of the proposed use
- a preliminary assessment of the potential impacts on agricultural operations in the area

Section 3.2.3 speaks to the evaluation of alternative locations and states that under Policy 2.3.6.1 b) of the PPS, evaluation of reasonable alternative locations for limited non-agricultural uses is mandatory. Based on PPS policy 2.3.6.1 b), applicants must first look to lands outside prime agricultural areas and lower-priority prime agricultural lands.

Section 3.2.4 provides additional information on impact mitigation in relation to limited non-agricultural uses. It states that impacts from any new or expanding non-agricultural uses on





## PLANNING EVALUATION REPORT

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surrounding agricultural operations and lands are to be mitigated to the extent feasible. Examples of potential impacts include: loss of agricultural land, increased traffic and safety risks for slow-moving farm equipment operators and people in passing vehicles, farmer concern over lighting, noise, dust and other changes that are incompatible with agriculture, new or increased minimum distance separation requirements that may restrict future development or expansion of livestock facilities, etc.

### County of Middlesex Official Plan:

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. Schedule 'A' of the County OP designates the subject lands as 'Agricultural Area'. The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include:

2.2.1.2 "New development shall be directed away from the Natural System wherever possible."

2.2.2.2 "Non-agriculture development shall be encouraged to locate in identified Settlement Areas."

"Agriculture-related commercial and industrial uses shall only be permitted in the Agricultural Area where they are essential to the agriculture economy, require a location in close proximity to agriculture or cannot be located in identified Settlement Areas."

2.3.9 "Agriculture is the cornerstone of the County's economy and culture. A significant portion of the County's land base is farmed and the diversity of agricultural products is amongst the best in Ontario. Urbanization has however, created conflicts in the agricultural area and continues to encroach on prime agricultural land."

"The policies of this Plan are intended to affirm that agriculture is a predominant activity in the County. Non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary."

"The primary use of land in the Agricultural Area shall be agriculture, farm-related industrial and commercial uses in accordance with Section 3.3.5 and accessory uses. Agriculture-related uses shall be directed to Settlement Areas except where they are essential to the functioning of agriculture, require a location in close proximity to agriculture or would cause conflicts in Settlement Areas."

3.3.1 "The purpose of the Agricultural Areas designation is to protect and strengthen the agricultural community, a major economic component within the County, while recognizing the potential for a limited amount of development in existing locally designated hamlets."



## PLANNING EVALUATION REPORT

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“The Agricultural Areas policies protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations. These incompatible uses are most frequently identified as non-farm related residential dwellings on small lots. As a result, this Plan contains policies that limit the creation of new lots in Agricultural Areas.”

### 3.3.3 “Agricultural Areas shall general permit the following use:

- a) agricultural and related uses;
- b) up to two farm residences provided the second farm residence is a temporary residential unit;
- c) forestry uses;
- d) mineral aggregate and petroleum extraction;
- e) conservation;
- f) public and private open space and recreation facilities;
- g) home occupation;
- h) occasional agricultural demonstration events such as a plowing match;
- i) retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is located;
- j) bed and breakfast establishments; and
- k) farm related commercial and industrial uses in accordance with Section 3.3.5.”

#### Adelaide Metcalfe Official Plan:

As mentioned above, Adelaide Metcalfe designates the subject property as ‘Agricultural Areas’. The principle policies of the local Official Plan that are applicable to the proposal includes:

### 2.1 “The Township recognizes that agriculture provides the major economic base of the municipality.

This Plan establishes policies for the protection and preservation of land for agricultural purposes including policies that restrict non-agricultural uses.

The Township will promote and encourage forestry as a valid and important part of the agricultural economy. The Township will encourage the proper utilization and management of existing woodlots and provide protection, where possible, to assure the continued use and development of woodlots as an agricultural use of land. The Township will encourage the planting of additional woodland areas, where appropriate, and will discourage the use of existing woodlots for any non-farm related use.”

### 2.2.1 “The following goals relate to the Township’s natural environment identified on Schedules “A-1”, “A- 2” and “B.”

- a) To identify, protect, and sustain the natural and environmental features and functions within the Township.

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## PLANNING EVALUATION REPORT

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- c) To protect natural heritage systems, significant habitat of endangered species and threatened species, Areas of Natural and Scientific Interest, significant woodlands, significant valleylands and significant wildlife habitat through identification and the prohibition of development within such areas, as provided in Section 2.2.5 – Figure 1 Natural Environment Adjacent Land.
  - d) To prevent incompatible development within all environmental features of the Township, and to determine and limit the impact of permitted compatible development on features and functions.
  - ...
  - k) To identify natural hazard areas and regulate development within these areas.”
- 2.2.3 a) “The Township is located within the jurisdiction of two conservation authorities; the Ausable Bayfield and the St. Clair Region. Both conservation authorities, in co-operation with the watershed municipalities, has designated the Hurricane Hazel storm event as the regulatory floodplain standard that is appropriate for the physical condition of the watersheds. A “one zone” floodplain management system is generally used within the municipality. The one zone approach prohibits development within the floodplain and means an approach whereby development within the entire floodplain, as defined is prohibited. The Conservation Authority Regulated Areas have been delineated on Schedule B.”

### 3.1.2 “Permitted Uses

The primary use of land within the areas designated agricultural areas on Schedules “A-1” and “A-2” of this Plan shall be farming which includes the use of lands, buildings and structures for the growing of crops, including nursery and horticulture crops, raising of livestock, poultry and other animals, aquaculture and agroforestry.”

#### Adelaide Metcalfe Zoning By-law:

The subject lands are located within the ‘General Agriculture (A) Zone’ and the ‘Environmental Protection (EP) Zone’ of the Adelaide Metcalfe Zoning By-law.

The ‘General Agriculture (A) Zone’ primarily permits agriculture uses, as well as outdoor storage, conservations uses, single detached residential and accessory uses.

Permitted uses within the ‘Environmental Protection (EP) Zone’ of the Zoning By-law are restricted to conservation uses, existing agriculture and passive recreation uses.

“Notwithstanding section 20.1, no new buildings shall be permitted except those necessary for the control of flooding or erosion and which have been approved by the Ausable Bayfield Conservation Authority or the St. Clair Region Conservation Authority or appropriate body.”



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“Any site grading including the placement or removal of fill, or the alteration of a watercourse, or the alteration of change of use of any structure, or interference with a wetland shall be in accordance with the applicable regulations of the Ausable Bayfield Conservation Authority or the St. Clair Region Conservation Authority.”

The zoning by-law amendment application proposes to rezone the property to a site-specific ‘General Agriculture (A-16) Zone’, which would permit a specially defined “Assembly Hall”, that would also include overnight accommodations within a single detached dwelling and a “Farm Winery” on the subject lands.

The application also proposes to amend a portion of the ‘Environmental Protection (EP) Zone’ to site-specific provisions that would allow for an “Assembly Hall” use.

The applicants have proposed the following definitions to be added to the Zoning By-law:

*“Assembly Hall” shall mean a building used for the assembly of persons for religious, social, charitable, political, philanthropic, cultural, private recreational or private educational purposes. Overnight accommodations are also permitted within an existing accessory dwelling on the same parcel for up to 8 persons.”*

*“Farm Winery” shall mean the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A farm winery may also include a retail outlet, hospitality room, winery offices and a laboratory.*

### **Consultation**

The application was circulated to the prescribed agencies, as well as surrounding property owners. The following comments were received by agencies and Township staff:

The Township’s Chief Building Official recommended that the use of the existing single detached dwelling for short term rental accommodations be identified within the proposed site specific General Agricultural (A-16) zone and that staff explore the option of introducing a defined term for the use.

Additionally, the Township has only issued a change of use permit for the one of the two barns. Proper documentation is required for any existing barn to be used as an assembly use as defined by the Ontario Building Code.

An open building permit issued in April of 2018 for the new foundation for a relocated barn contains a letter from the owner stating that the barn is to be used for farm related storage, verification is required to ensure that no changes have occurred.

A winery meets the definition of distillery as defined in the Ontario Building Code, which is classified as a high hazard industrial occupancy. Distillery means a process plant where distilled



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beverage alcohols are produced, concentrated or otherwise processed, and includes facilities on the same site where the concentrated products may be blended, mixed, stored or packaged.

With both the assembly occupancy and the requested winery, site plan control and agreement should be required to ensure public health, fire protection and accessibility as per the Ontario

Building Code are provided onsite and within the buildings, this is also supported in the planning justification report and the addendum #2 which also indicates that an EIS and flood proofing measures can also be implemented.

The installation of permanent washrooms, including accessible washroom facilities in accordance with the Ontario Building Code is required.

The Township's Drainage Superintendent indicated no concerns with the application.

St. Clair Region Conservation Authority had previously provided comments and a recommendation that the applications be deferred until additional information regarding consistency with the PPS natural heritage and natural hazard policies be supplied by the applicant. The SCRCA has now provided revised comments based on the addendum to the PJR submitted by the applicant's consultant. A copy of the original letter from SCRCA is attached to this report. The revised comments are as follows:

"St. Clair Region Conservation Authority (SCRCA) staff previously provided comments regarding the above noted applications on February 7, 2020. Subsequent to our comments, SCRCA received an Addendum to the Planning Justification Report for the Proposed Assembly Hall and Farm Winery at 1425 Melwood Drive – Adelaide Metcalfe, prepared by Zelinka Priamo Ltd., dated February 7, 2020 and revised March 3, 2020. The following comments should be read in conjunction with our previous comments.

The Addendum to the Planning Justification Report has provided comments regarding policies 3.1.4 and 3.1.7 of the Provincial Policy Statement, 2014. SCRCA notes that policy 3.1.4 a) does not apply to the subject property, as the property is not located within a Special Policy Area approved by the Ministers of Municipal Affairs and Housing and Natural Resources. As per the definition within the PPS, a:

Special Policy Area: means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the

significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.



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A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside of the flood plain.

A Special Policy Area is not intended to apply to individual properties but to historic communities. The subject property has areas outside of the flood plain where development can occur and has been operating without conformity to the Official Plan or Zoning By-law.

Within regards to PPS policy 3.1.7, it must be demonstrated that no new hazards are created and existing hazards are aggravated. As outlined in our previous comments, the outdoor ceremony area has an electrical power outlet mounted to the bridge of the watercourse. The location of the electrical power outlet has the potential to aggravate the existing flooding hazard, as floodwaters can damage electrical system components and can create fire or electrocution hazards during a flood event. Therefore, SCRCA requires that appropriate floodproofing of both the existing barn #2 and the outdoor ceremony area's electrical power be demonstrated. This may require relocation of the outdoor ceremony area's electrical power. Should the assembly hall use be permitted, floodproofing will be required as a part of the Site Plan approval process and written permission under Ontario Regulation 171/06.

As outlined in our previous comments, SCRCA does not support the inclusion of the proposed Farm Winery use within the portions of the property currently zoned Environmental Protection.

SCRCA recommends the following as the proposed special provisions for the site-specific Environmental Protection zoning to permit only the Assembly Hall use:

Within the land zoned EP-\_\_ as shown on Schedule "A", Map 13 and as described as Part Lot 4, Concession 6, RP 34-566, Parts 3-5, permitted uses include an assembly hall, within existing buildings or structures. The assembly hall use requires site plan approval and must demonstrate appropriate floodproofing for the nature of the use, to be reviewed by the Conservation Authority. Any new buildings or structures shall be erected outside the EP zone."

### Public Comments:

During the February 18 2020 Council meeting, several nearby residents made comments to Council related to noise concerns from events hosted on the subject lands. They indicated that noise has been a concern since the first year of operation, and that while attempts may have been made to mitigate noise, the neighbours do not feel the efforts have been effective.

Trevor Kellar, whose property directly abuts the subject lands, indicated that he had hired a consultant in 2019 to conduct a noise impact study on his property, which he says demonstrates that the noise is above what is permitted by the Provincial noise guidelines. In late November, Trevor Kellar reached out again to staff and provided the following comments as well as a copy of the private noise study:

*"In Ms. Beschs' Planning Report of March 16 (which we were not aware of until August), we noted her comment that a copy of our 2019 noise study had not been provided to Council. To rectify this*

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*we are enclosing a document from O2e Consulting which certifies those 2019 levels, as well as their comments on the August 10, 2020 sound study by Sydenham Ridge Estates (SRE). In order to reinforce what 'normal' sound levels are in our neighbourhood, we also asked O2e to monitor for a weekend in July, 2020. Those levels are included in their document.*

*To summarize the key points of O2e's report:*

- O2e describe and certify the noise levels recorded on 4 weekend periods in **2019** which we presented to Council in February.*
- They report quiet levels of **30-35 dBs** during the evening hours of July 2-4, **2020** (and this is consistent with levels recorded and reported to Council for **2019**).*
- In regards to the SRE sound studies they note that ... "these investigations have focused on noise from programmed music played within the SRE facility barn/hall...." "Potential noise impacts associated with other activities at the SRE facility were not considered.*

*These include noise from outdoor events/ceremonies/partying, amplified voices, music in the upper frequency ranges, vehicular traffic, and the proposed 'cocktail barn' located east of the main barn."*

- They also note that the most recent study by Sydenham Ridge... "has used the background sound levels collected during the **2018** study to establish target limits for the design and assessment of noise control performance. It is unclear why the background sound levels collected during 2020 were not used." An illustration is included which overlays the SRE data with the **2020** background levels collected by O2e. "As shown, background sound levels in the targeted frequency bands of 63 Hz and 80 Hz were measured by O2e to be 7 dB below the background/target levels used in the HGC studies."*

*On another issue, in our February comments to Council we expressed concern about the Change of Use Permit that was issued to Sydenham Ridge on December 22, 2016. As we stated "We honestly don't understand the planning process that allowed this to occur without public discussion." That question was not addressed in Ms. Besch's Planning Report of March 16, 2020, and we are seeking clarification."*

A copy of the neighbouring noise study has been provided to Council as well as the applicant in advance of the public meeting and is also attached for reference. It is noted that the Township does not have staff with qualified acoustical expertise. If this proposal was to be approved, it would be the recommendation of Staff that the Township engage an acoustical consultant to assist with any measures that would be included within the site-plan agreement to address noise.

Staff did follow up directly with the neighbor to inform them that a change of use permit falls under the building code, which does not require a public process.

During the December 21<sup>st</sup>, 2020 Council meeting, several nearby residents provided input to Council primarily related to noise and land use compatibility and continued to express the opinion that the attempts to mitigate noise have not been effective.



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Staff received a letter of opposition on March 9<sup>th</sup> 2021 from Elizabeth Cormier Professional Corporation, which has been included on the agenda.

### PLANNING ANALYSIS

The subject lands are located within a prime agricultural area, which is intended to be protected for long-term agricultural uses, agriculture-related uses, and on-farm diversified uses. The proposed Assembly Hall use does not meet the definitions of “agriculture-related use” or “on-farm diversified use” as set out in the PPS and the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas – Publication 851*. However, the PPS does enable planning authorities to permit limited non-agricultural uses in the prime agricultural area, provided they satisfy criteria.

Staff have reviewed the proposal in accordance with the criteria outlined in Section 2.3.6.1 of the PPS for establishing non-agricultural uses in a prime agricultural area.

The subject lands do not comprise a specialty crop area, nor are there livestock operations in the vicinity triggering MDS concerns. In regards to the identified need for the proposed use, planning staff are aware of the apparent farm event / wedding trend, but have not been provided any quantifiable analysis in this regard. While it is difficult to determine the long-term demand for these types of facilities, staff note that there are presently no similar event facilities operating in Adelaide Metcalfe, and few in Middlesex County as a whole.

Staff note that the subject lands are identified within the “Prime Agricultural Area” under the PPS, and are identified as a Class 2 soil type. A large portion of the property is zoned “Environmental Protection”, which does not permit agricultural uses except those that are existing, and negates a significant portion of the land from being actively farmed.

With regard to the evaluation of alternative locations, staff are of the opinion that the subject lands are generally supportive of the proposed Assembly Hall use, as no land will be removed from agricultural production and the potential for agricultural use overall is limited, based on natural heritage/hazard features. Additionally, the proposed facility would utilize existing structures, and no further development is being proposed that may negatively affect the environmentally sensitive areas on the lands. While staff are of the opinion that event venues in general are better located in settlement areas, it is recognized that the attraction for these facilities lie in the “rustic” rural setting, which may be difficult to achieve in a settlement area.

Policies related to Natural Hazards and Natural Heritage have been reviewed by the SCRCA. They are generally not opposed to the proposed applications, with several amendments that the applicants have incorporated into their revised applications. SCRCA recommends that the Farm Winery use not be permitted within the Environmental Protection Zone, as agricultural uses are restricted to only those existing. They also recommend that the Assembly Hall use is restricted to existing structures only, and any alterations to structures within the regulated area require permission from the CA in the future. Additional floodproofing of the smaller barn and electrical outlets that are located in the floodplain is required, with the applicant indicating that this has been done and would be confirmed at time of site plan approval.





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As indicated above, the County Official Plan (COP) and the Adelaide Metcalfe Official Plan (AMOP) designates the subject lands as 'Agricultural Area'. The protection of agricultural areas

is of primary concern within the policies of the Plans. Similar to the PPS, the COP and AMOP generally permit agriculture and related activities within the agricultural area, and directs other forms of development towards settlement areas.

While an assembly hall or event venue is not generally permitted within the COP, the appropriate manner in which to consider such a site-specific proposal is through the local official plan amendment process. Subject to the criteria included in the PPS and the AMOP, should the proposal be adopted locally, and should it be approved by County Council, the use would be deemed to conform to the County Official Plan. Therefore, an amendment to the COP for the proposed use is not required.

The AMOP contains policies that support the protection and preservation of land for agricultural purposes including policies that restrict non-agricultural uses in these areas. Planning staff are of the opinion that the proposed Assembly Hall use will not negatively affect neighbouring agricultural operations, nor will it affect the viability of the subject lands to participate in agriculture, as it is already significantly constrained. Therefore, planning staff are of the opinion that the proposal does not impact the protection and preservation of agricultural lands, and generally meets the intent of the AMOP.

Through the circulation process, the Chief Building Official requested that the use of the existing dwelling for short-term rental accommodations be addressed, as the current definition of Assembly Hall in the AM Zoning By-law and the Farm Winery definition as proposed by the agent do not contemplate overnight accommodations, nor does the rental of the structure meet the zoning by-law provisions related to a bed and breakfast. Subsequent to receiving this comment, the agent proposed to include a specially defined Assembly Hall use to be included in the site specific zoning that recognizes the existing dwelling for overnight accommodations.

Staff are also of the opinion that the definition for Farm Winery should be located within the site specific zone section of the Zoning By-law as opposed to the definitions section, and that the term 'hospitality room' be removed from the proposed definition, as other options for hospitality already are being proposed.

The agent has advised that the future Farm Winery is to be accessory to the Assembly Hall, where grapes will be grown on-site and wine produced will be available to events. No buildings or structures associated with the Farm Winery have been proposed at this time. Staff are of the opinion that the use of growing grapes on-site and the production of wine from the grapes does not generally offend the agricultural policies and note that it is not uncommon for limited processing or value addition to an agricultural crop to occur in agricultural areas such as jam or maple syrup making.

Staff are able to find general support within the planning policies for the proposal; however, staff are not satisfied that issues related to compatibility and noise can be sufficiently mitigated by the



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planning applications alone. Based on comments received by the neighbouring property owners, noise generated by the subject lands appears to continue to be an issue. Planning staff are unable to recommend approval for an event facility in the rural area without additional measures in place

to regulate the business, such as addressing the number of events per season, persons per event, traffic management, emergency plans, and hours of operation.

Generally, such operational matters cannot be readily addressed through land use planning controls such as zoning and site plan control. For this reason, planning staff recommend that a Township 'Farm Wedding/Events Licensing By-law' be developed to address operational matters related to this type of use within the agricultural area. As such, the recommended Official Plan Amendment references licensing and the Zoning By-law includes a Holding (H) provision for a license under a Municipal 'Farm Wedding/Events Licensing By-law'. This would allow the principle of the land use to be established at this time with the regulatory details to be further considered and ultimately approved by Council.

As a result, staff recommend that the following holding provision be added to Section 5.13 of the Adelaide Metcalfe Zoning By-law and be applied to the subject rezoning application:

"5.13.2        H-18   *Lot 4, Concession 6; Parts 3-5, RP 34R566 (Map 13):* The precondition for the removal of the holding (H) symbol shall be the obtainment of a license under the Township's 'Farm Wedding or Events By-law, and the completion of a site plan control application, including registering the agreement on title.' "

Planning Staff understand that Township Council considered several forms of by-laws to deal with the above noted operational matters and made the determination that a licensing by-law is not the most appropriate approach for the Township at this time. It is our understanding that more general noise and nuisance by-laws are to be considered in the future. While Planning Staff believe that a licensing by-law would be the most effective approach, an Official Plan and Zoning By-law amendment that include more general reference to Township by-laws have also been prepared.

### Summary

Based on the analysis above, staff are able to find general support within the planning policies for the proposal. Planning staff do however recommend that a Township 'Farm Wedding/Events Licensing By-law' be developed to address operational matters related to this type of use within the agricultural area, require the proposal to be subject to site plan control, and the recommended Official Plan Amendment and Zoning By-law Amendment are structured to reflect this.

It is recommended that Council consider adoption of Official Plan Amendment No. 13 and approval of the Zoning By-law Amendment at this time subject to a Holding provision. Should County Council approve Official Plan Amendment No. 13, Township administration could prepare for Council's consideration a 'Farm Wedding/Events Licensing By-law' under which a license would be the prerequisite for the establishment of the use on the subject lands. This would allow



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the principle of the land use to be established at this time with the regulatory details to be further considered and ultimately approved by Council.

While Planning Staff believe that a licensing by-law would be the most effective approach, an Official Plan and Zoning By-law amendment that include more general reference to Township by-laws have also been prepared.

### **RECOMMENDATION**

**THAT** Official Plan Amendment No. 13 be adopted, and forwarded to the County of Middlesex for consideration of approval.

**AND FUTHER THAT** the Zoning By-law Amendment be approved.

**AND FUTHER THAT** administration be directed to prepare for Council's consideration a 'Farm Wedding/Events Licensing By-law' subsequent to any potential future approval of Official Plan Amendment No. 13 by the County of Middlesex.

# Opposition Letters

29 April 2021

Sent via E-mail ([dvanderwerff@middlesex.ca](mailto: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".

29 April 2021

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.

29 April 2021

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@adelaidemetcalfe.on.ca](mailto:jturk@adelaidemetcalfe.on.ca)  
[spoirier@middlesex.ca](mailto: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'**

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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.

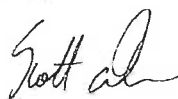
3. **Ecological Impacts.** Section 6.3 and Figure 7 of the PJR identify that the property contains woodland features and, that the outdoor ceremony area for the proposed assembly hall is located within the woodlands boundary. It is further stated in Section 6.3 of the PJR that, "The use of the existing 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

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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);

Wednesday, April 28<sup>th</sup>, 2021.

RE: Official Plan Amendment No.13  
File No. 39-AM-OPA13

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



Dear Durk Vanderwerff;

As owners of the Texas Longhorn Ranch, which is a business located east of Sydenham Ridge Estates, we are writing to express our opposition to this venue.

It has operated since 2015 (the first 2 seasons without a permit) and they have yet to address the noise issue. We as neighbours had numerous meetings the first year and a half to ask to have these noise issues resolved. We **still** hear the music, speeches, doors slamming and then there is the traffic leaving the venue in the middle of the night, which is right at the corner of our property. Some honking to others leaving, and just the noise of the traffic itself wakes up our Guests.

Some folks believe that a Wedding Licensing By-Law will fix the noise issue. But from personal experience, we did a couple weddings a year for about six years, the noise is ongoing through the night, with the takedown, clean up, caterers packing up, and then of course their vehicles leaving. We decided it was too much noise for our campground and neighbours, even though it was only one or two a year. Mostly family and friends' weddings.

Our business is based on an atmosphere of Well Being. We sell 'Peace & Quiet'. A 'Getaway' for those with PTSD, stressful jobs, or just some time for a couple to reconnect with each other away from their busy technical lives. Mental Health & Wellness. More than 56% of our Guests are Nurses, Doctors, Paramedics, Journalist, Firefighters & Police. We also get quite a few foreign visitors come to stay. They want to experience Rural Canada.

Sydenham Ridge is now booking more than one night a weekend for 2022. Our business will not be able to withstand the noise at night and during the day when folks are getting there and are excited. Hooting and hollering, enjoying seeing other wedding goers. **It is not quiet!**

In summary, this is the same scenario in which a wedding Barn in Oxford County (2017) was denied a zoning change for many of the same reasons that are taking place here. (Report NO. CP 2017-139)

We have enjoyed having Guests from all over the world now for the past 38 years. We would like to continue.

Thank you in advance,

Yours truly,

Fred & Gail Cahill

Texas Longhorn Guest Ranch  
1745 Melwood Drive



## **Statement to Middlesex County Council re Objection to Official Plan Amendment No.13**

File No. 39-AM-OPA13

My name is Trevor Kellar and I have lived in my home for 33 years (see attached which shows the three property owners immediately east and downwind of Sydenham Ridge who are objecting to this Amendment).

On December 22, 2016 Sydenham Ridge was issued a Change of Use Permit to "Retrofit existing barn for occasional use" - contrary to Section 3.4 of Building By-law No. 69-2011. The site had already been operating for two years and the single condition of 'occasional use' has been ignored.

With no planning process we suddenly had a commercial business operating every weekend May to October (twice on a long weekend) with large crowds (occupancy of the barn set at 238 people), and zero operating standards established by the Township.... a fundamental change to our rural neighbourhood.

As the attachment shows, building to building it is 300 m between my bedroom and the main wedding venue and 270 m to the 'cocktail' venue where ceremonies are held using outside speakers. However, in both cases the crowd activities are east of the buildings and thus even closer to me and others.

I have lived for several years with the noise from their operation and it has caused me a great deal of stress. It has disturbed my sleep, my health, and my enjoyment of my property. It intrudes into my property during the day and past midnight so that I cannot sit in my backyard or leave my windows open. This situation would not be tolerated in an urban environment and should not be acceptable in a rural setting where sound levels are even quieter than in town.

I have tried to cope in many ways: by leaving for a weekend when I knew an event was on, by getting up and going to a motel, by wearing hearing protectors to bed, and by replacing all the windows in my home.

In 2018, Sydenham Ridges' own sound studies documented noise problems from the barn music. In 2019, as the noise continued I hired a sound consultant, O2e Consultants. They randomly sampled on four occasions and all four were above the sound level recommended for rural areas by the Ministry of the Environment, Conservation, and Parks (Guideline NPC-300, August 2013). This was presented to the Metcalfe/Adelaide Council.

Sydenham Ridge now argues that the noise from the barn has been addressed. However, O2e points out that the sound studies tabled by Sydenham Ridge only address the sound generated in the barn and that "potential noise impacts associated with other activities at the SRE facility were not considered. These include noise from outdoor events/ceremonies/partying amplified voices, music in the upper frequency ranges, vehicular traffic and the proposed 'cocktail' barn ..."

In 2020 members of the Township Council have commented publicly that "they are trying to fix a mistake" and (to paraphrase) that "the decision is out of their hands". But I submit that the decision was not out of their hands in early 2019 when they informed Sydenham Ridge that they did not conform to zoning. They have continued to tolerate its' operation.

There is currently no noise by-law or license system in place for these venues, nor do the by-law officers work weekends when problems arise.

The amendment before you not only sanctions the current conditions but proposes an expansion with a winery and year round operations.

I respectfully submit that this is not an appropriate site for this type of business and it would not have been located here if it had followed a normal planning process. Please reject this Amendment.

Trevor Kellar

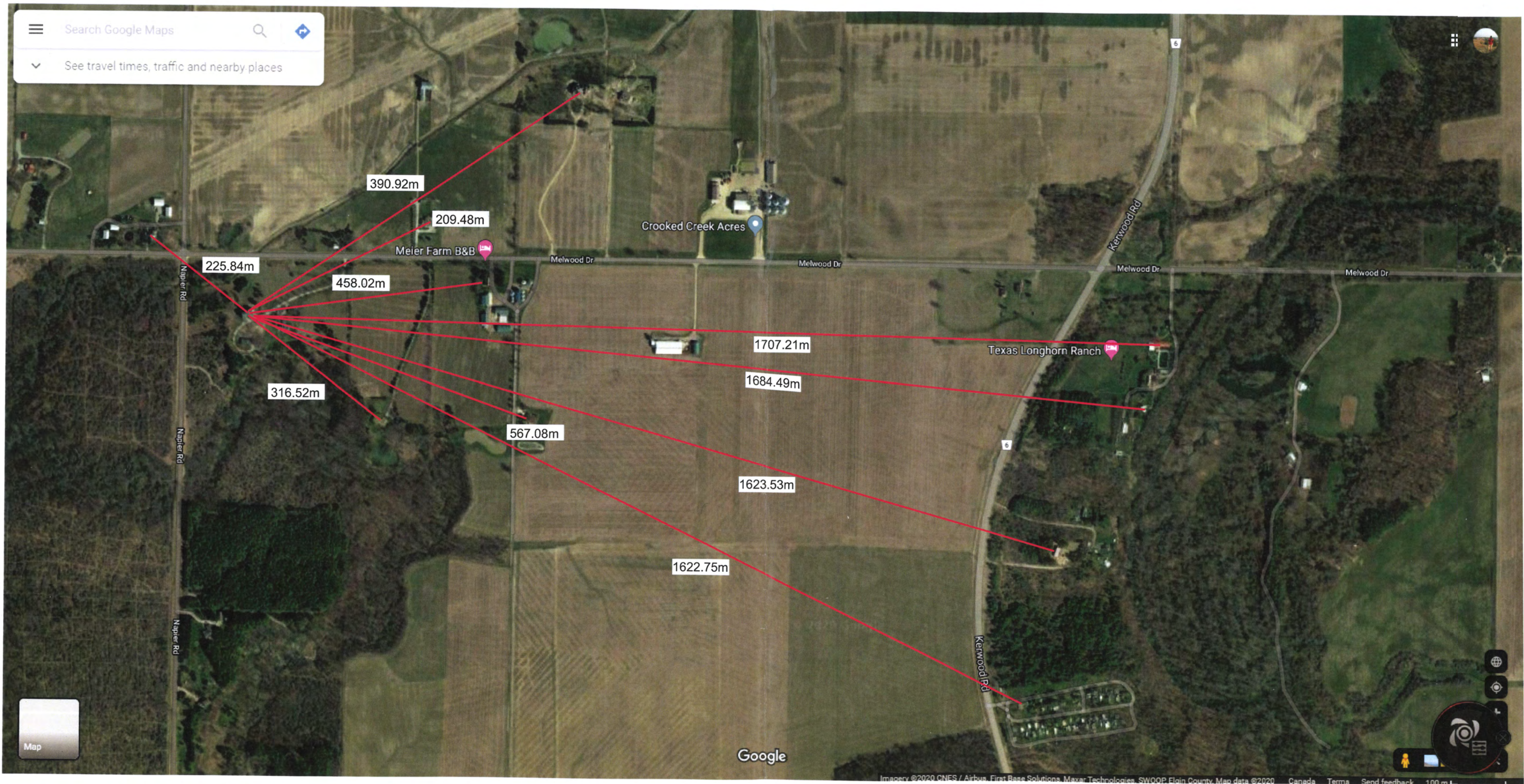
1457 Melwood Drive

Strathroy, Ontario

N7G3H5

April 28,2021







**Subject:** Re:

> Sent from my iPad

# Planning Reports



# Planning Justification Report

1425 Melwood Drive

Kerwood, Ontario

Sydenham Ridge Estates



December 2019



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*



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## 1.0 INTRODUCTION

On behalf of Marge Hendrikx-Rutten (the applicant), acting as agent for 1782767 Ontario Inc. (the owner), Zelinka Priamo Ltd. is pleased to submit an application to amend the *Middlesex County Official Plan*, the *Township of Adelaide Metcalfe Official Plan*, and the *Township of Adelaide Metcalfe Zoning By-law*, for the lands know municipally as 1425 Melwood Drive (the “subject lands”). The intent of the proposed amendments is to permit an Assembly Hall, and Farm Winery on the subject lands.

The purpose of the following land use Planning Justification Report is to evaluate the proposed Official Plan and Zoning By-Law Amendments within the context of existing land use policies and regulations, including the *2014 Provincial Policy Statement (PPS)*, the *Middlesex County Official Plan*, the *Township of Adelaide Metcalfe Official Plan*, and the *Township of Adelaide Metcalfe Zoning By-law*.

## 2.0 THE SUBJECT LANDS



Figure 1: The Subject Lands

The subject lands consist of one individual parcel located on the southeast corner of Melwood Drive, and Napier Road. The rectangular shaped subject lands have an approximate frontage



of 282m (925 ft) along Melwood Drive, an approximate frontage along Napier Road of 620m (2,034 ft), and an approximate area of 19.1ha (47.2 ac).

The subject lands are currently occupied by a single detached dwelling, and two (2) barn structures. The dwelling and barn structures have been used as an events/wedding facility for the past few years. Vehicular access is provided by a gravel single driveway from Melwood Drive, providing connections to the dwelling, barn structures, and parking area. A significant portion of the subject lands is wooded, and a watercourse crosses through the subject lands. The dwelling, and one of the barns are located outside of the flood prone area, while the second barn structure is within the flood prone area. The subject lands are relatively flat along the Melwood Drive frontage, and slope downwards towards the creek from approximately the midpoint of the dwelling to the south.

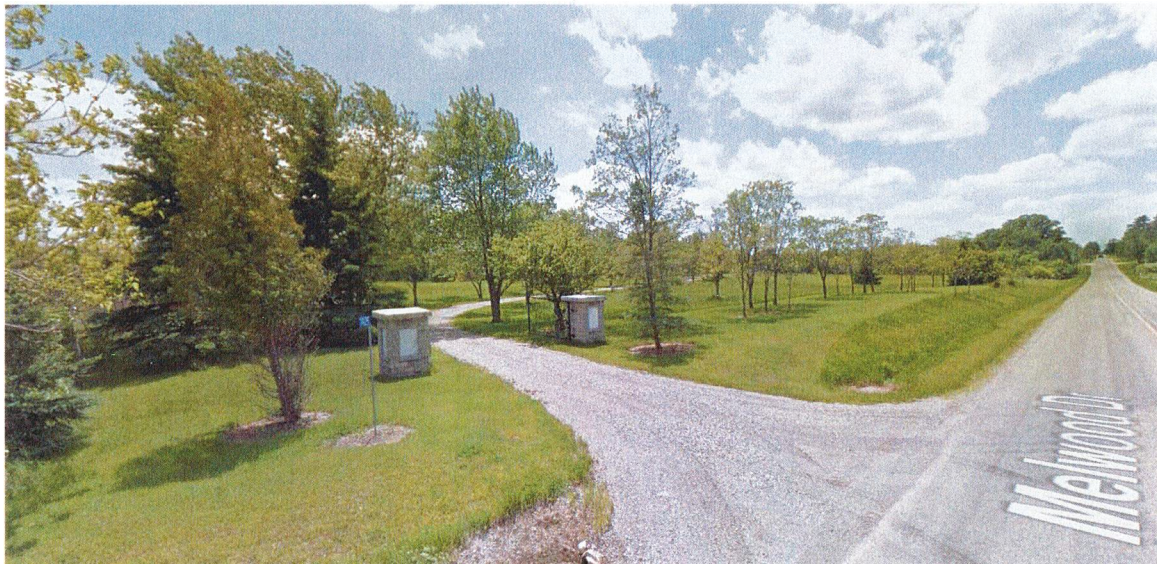


Figure 2: Streetview from Vehicular Access Point (looking southwest)

### 3.0 SURROUNDING LAND USES

Land uses surrounding to the subject lands are comprised of agricultural uses in all directions. In the immediate area, the dominant form of agriculture is comprised of cultivated field lands in the form of cash cropping. Identified significant woodlands are located on subject lands, and adjacent lands to the south, east, and west. Most of the nearby lands to the south, southwest and west are wooded, and are not cultivated or pasture lands.



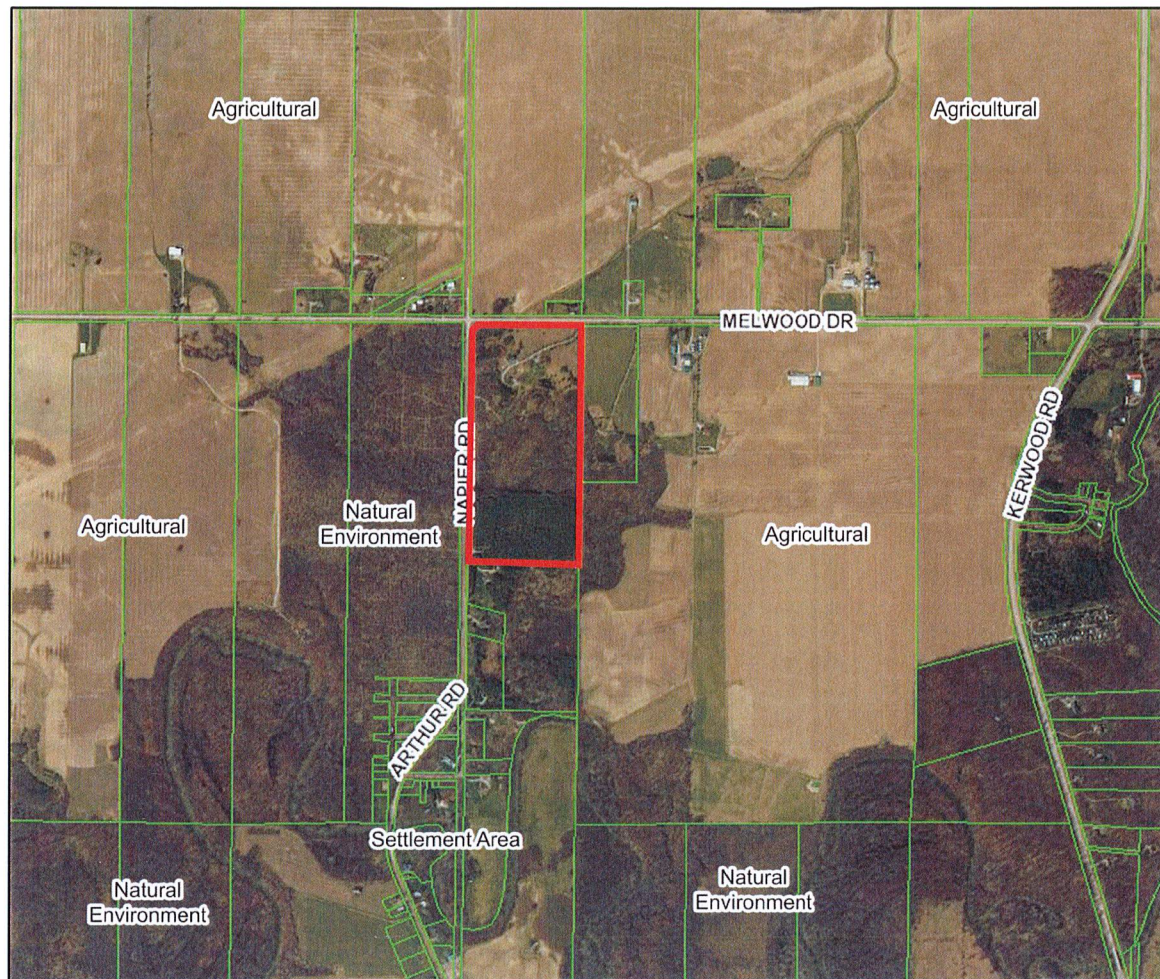


Figure 3: Subject Lands and Surrounding Context

## 4.0 PROPOSAL

The existing buildings on the subject lands (dwelling, and barn structures) have been used as an events facility/assembly hall for a number of years.

In 2016 an application for Change of Use was filed with the Township of Adelaide Metcalfe to permit the use of Barn #1 as an occasional assembly use. This process involved architectural plans, engineering stamps, and building and fire inspections. The Change of Use permit was granted in December of 2016, and a copy of that permit is included in this submission package.

Recently, it has been brought to the owner's attention that the current use is not in compliance with the Official Plan and Zoning By-law.

This proposal seeks to formalize the Assembly Hall use a permitted use in the Official Plan, and Zoning By-law, as well as add 'Farm Winery' as a permitted use in the Zoning By-law, as the



proponent has plans to cultivate grapes on the subject lands, and open a small winery on site to support the assembly hall use, and promote agri-tourism in the area.



Figure 4: Existing Features, and potential Vineyard locations

## 5.0 PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT

The Assembly Hall use is not contemplated within the current “*Agricultural Areas*” designation in the *Middlesex County Official Plan*, the “*Agricultural Areas*” designation in the *Township of Adelaide Metcalfe Official Plan*, nor within the current “*General Agriculture (A)*” and “*Environmental Protection (EP)*” zones in the *Township of Adelaide Metcalfe Zoning By-law*. As such, Official Plan Amendments to the *Middlesex County Official Plan* and *Township of Adelaide Metcalfe Official Plan* are required to permit the proposed use. In addition, a Zoning By-Law Amendment is required to add the proposed Assembly Hall and Farm Winery as permitted uses on the subject lands. The term, “Farm Winery”, will also need to be added to the Definition Section of the *Township of Adelaide Metcalfe Zoning Bylaw*.

An Amendment to *Township of Adelaide Metcalfe Official Plan* is proposed to re-designate the subject lands to a “*Special Agricultural Policy Area (SAPA #\_)*” designation. It is proposed that



a site-specific Special Agricultural Policy Area (Section 3.1.10 of the *Township of Adelaide Metcalfe Official Plan*) be applied to the subject lands to permit the Assembly Hall use in addition to all other permitted agricultural uses. Furthermore, a Zoning By-Law Amendment is proposed to re-zone the subject lands from the current “General Agriculture (A)” and “Environmental Protection (EP)” zones to site specific “General Agriculture (A-\_)” and “Environmental Protection (EP-\_)” zones to permit the Assembly Hall and Farm Winery uses.

## 6.0 PLANNING POLICY ANALYSIS

The following sections demonstrate how the proposed amendments are consistent with the applicable policies in the *2014 Provincial Policy Statement*, and are in conformity with the *Middlesex County Official Plan*, the *Township of Adelaide Metcalfe Official Plan*, and the *Township of Adelaide Metcalfe Zoning By-law*.

### 6.1 2014 PROVINCIAL POLICY STATEMENT (PPS)

The *Provincial Policy Statement (PPS)*, issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient, cost-effective development and the protection of resources. All planning applications, including Official Plan Amendment and Zoning By-Law Amendment applications, are required to be consistent with these policies.

In this section, relevant policies are bordered and in italics, with discussion on how the proposed application is consistent with that policy immediately after:

#### **Section 1.1.4.1**

*Healthy, integrated and viable rural areas should be supported by:*

- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- h) conserving biodiversity and considering the ecological benefits provided by nature; and*
- i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.*

All necessary facilities required to support the proposed assembly hall use are located on-site and are properly maintained. Existing rural infrastructure (private services) and public service facilities (road network) are sufficient to support the proposed change in use. The proposed uses add to the range of economic and employment opportunities available to the surrounding agricultural community. Given that the assembly hall use is proposed to be restricted to the existing dwelling and barn structures, and the outdoor ceremony area, the designated woodlands identified on the subject lands will remain as currently existing and will not be impacted by the proposed development.

**Section 1.1.5.3**

*Recreational, tourism and other economic opportunities should be promoted.*

To maintain the viability of the farm and surrounding agricultural community, the proposed use will implement a secondary means of providing supplementary farm income. The potential for a future farm winery use expands on the economic and agri-tourism opportunities for the subject lands and surrounding community. The proposed assembly hall will also encourage additional economic opportunities within the surrounding agricultural community.

**Section 1.1.5.4**

*Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

The proposed assembly hall and farm winery uses are considered appropriate and compatible uses within the context of the surrounding rural landscape and will not require the expansion or addition of rural municipal services.

**Section 1.1.5.5**

*Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*

As discussed throughout this report, the expansion of existing rural infrastructure and municipal services will not be required to service the proposed uses.

**Section 1.1.5.7**

*Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

The proposed assembly hall and farm winery uses are intended to provide additional economic opportunities for the property owner on an otherwise constrained rural property. As previously noted, there are no anticipated undue adverse impacts to surrounding agricultural operations by permitting the proposed assembly hall within the existing buildings on the subject lands.

**Section 1.1.5.8**

*Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.*

Given that the proposed Official Plan and Zoning By-law Amendments are intended to facilitate an assembly hall within the existing buildings, existing agricultural uses and normal farm practices will be preserved and will continue to function without interference.



**Section 1.1.5.9**

*New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

The proposed assembly hall complies with the minimum distance separation formulae.

**Section 2.3.1**

*Prime agricultural areas shall be protected for long-term use for agriculture.*

As discussed throughout this report, the proposed assembly hall use will not threaten the existing or future integrity of prime agricultural lands. The future plan of cultivating the subject lands as a vineyard for a farm winery use will introduce an agricultural operation on the subject lands where currently there is not one present. While the amount of table land for cultivation is limited, the proposed small scale winery will provide an expanded agricultural use not typically seen in the surrounding community.

**Section 2.3.3.2**

*In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*

Given that the proposed assembly hall is restricted internally to the existing buildings, surrounding agricultural operations will remain as they currently exist.

**Section 2.3.6.1**

*Planning authorities may only permit non-agricultural uses in prime agricultural areas for:*

- b) limited non-residential uses, provided that all of the following are demonstrated:*
  - 1. the land does not comprise a specialty crop area;*
  - 2. the proposed use complies with the minimum distance separation formulae;*
  - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and*
  - 4. alternative locations have been evaluated, and*
    - i. there are no reasonable alternative locations which avoid prime agricultural areas; and*
    - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

The subject lands do not comprise a specialty crop area, and do comply with the minimum distance separation formulae. There are no comparable uses (assembly hall or farm winery) proximate to the subject lands. In the immediate area, there are no alternative lands available of a lower agricultural priority and that are appropriately located to avoid prime agricultural areas. The subject lands are constrained from an agricultural perspective by the woodland

areas. A majority of the subject lands are not suited for productive agricultural uses, and the limited field area that is available is planned for future Farm Winery use.

**Section 2.3.6.2**

*Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.*

Given the intermittent nature of the proposed assembly hall use, the proposed use will not impact the functional capacity of present and future agricultural operations on the subject lands. All catering supplies, washrooms, and other facilities associated with any given event are to be transported to the site temporarily and removed upon completion or properly maintained by the supplier.

Based on the above, the proposed Official Plan and Zoning By-Law Amendments are consistent with the intent and the policies of the *2014 Provincial Policy Statement*.

Similar applications in Middlesex County have been examined under the on-farm diversified use; however, the Ministry of Municipal Affairs and Housing, in conjunction with the Ministry of Agriculture, Food, and Rural Affairs, has stated that these types of uses (assembly hall) should be considered as non-agricultural uses within an agricultural area, and be examined under Section 2.3.6 of the PPS. That analysis has been provided as part of this report, and a copy of that letter from the Ministry has been included in the submission package as part of our supporting documentation.

## **6.2 MIDDLESEX COUNTY OFFICIAL PLAN**

The subject lands are designated “*Agricultural Areas*” according to “Schedule ‘A’– Land Use” to the *Middlesex County Official Plan*.

The intent of the “*Agricultural Areas*” designation is to preserve the agricultural industry. This designation permits a range of agricultural and related uses, including farm residences, forestry uses, mineral aggregate and petroleum extraction uses, conservation uses, public and private open space and recreation facilities, home occupations, occasional agricultural demonstration events, retail stands, bed and breakfast establishments, and farm related commercial and industrial uses.

Assembly hall is not contemplated within the current “*Agricultural Areas*” designation. However the Official Plan does not specifically address a proposal such as this; instead the County Plan leaves atypical proposals to be addressed within the Local Official Plan and through the Local Official Plan Amendment process. As part of this report we did examine the proposal against the Official Plan policies with regards to amending the OP to demonstrate the proposal complies with those policies.





Figure 5: Excerpt from Middlesex County Official Plan - Schedule 'A' - Land Use

As per section 2.2.2.2 of the *Middlesex County Official Plan*, non-agriculture-related development in the Agricultural Area shall require an amendment to the County Official Plan and must not:

- a) *detract or adversely affect present and/or future agricultural operations;*
- b) *interfere with the viability of farm units; or*
- c) *detract from the character of the agricultural community.*

As discussed previously, the proposed assembly hall use will not interfere with the viability of the subject lands, future agricultural operations on the subject lands or within the surrounding area, or the character associated with the surrounding agricultural community. Given that the proposed assembly hall use is to be limited to the existing buildings, the subject lands will generally remain as they currently exist. It is noted that once the vineyard is established a new building may be proposed for the farm winery at that time.



### 6.3 OFFICIAL PLAN OF THE TOWNSHIP OF ADELAIDE METCALFE

The subject lands are designated “Agricultural Areas” as per “Schedule ‘A-1’– Township Land Use Plan” to the *Municipality of Township of Adelaide Metcalfe*.

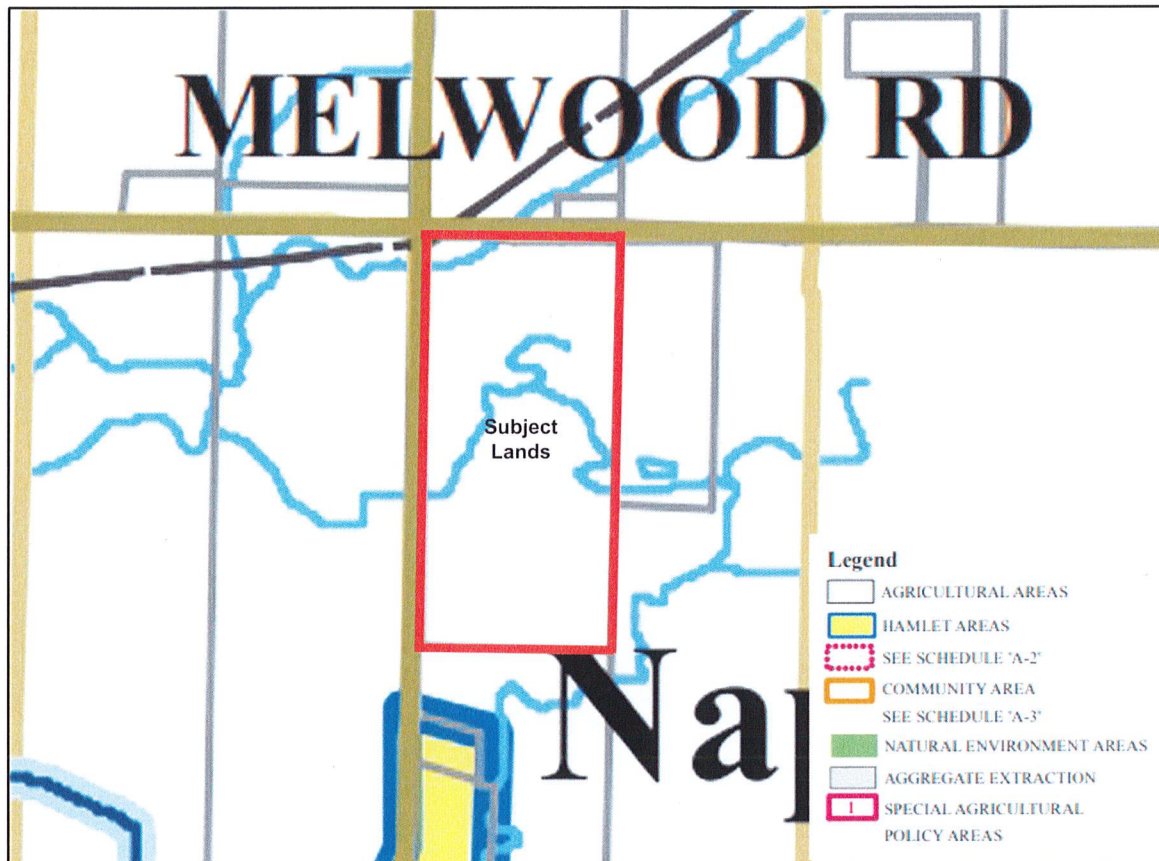


Figure 6: Excerpt from Township of Adelaide Metcalfe Official Plan - Land Use Schedule

The intent of the “Agricultural Areas” designation is to protect the agricultural land base and maintain the viability of agricultural resource areas, the agricultural industry, and agricultural communities. This designation provides for and regulates agriculture uses and agriculture related uses, including all forms of farming, principal farm dwellings, related buildings and structures, and practices of the land. Based upon discussions with municipal staff, the proposed assembly hall use, is not contemplated within the current “Agricultural Areas” designation. As such, an Official Plan Amendment is proposed to re-designate the subject lands to a “Special Agricultural Policy Area (SAPA #\_)” to permit the proposed assembly hall use on the subject lands in addition to all other permitted uses within the “Agricultural Areas” designation.

The subject lands are significantly constrained by natural features, and natural hazards with limited table land available for productive agricultural uses. The subject lands can be considered Lower Capacity Agricultural Lands. While there is presently no existing agricultural

operation on the subject lands, the proposed assembly hall would utilise the existing dwelling, and barn structures and would not detract from the use of the available table land for agricultural uses. The planned vineyard for a future Farm Winery would take advantage of the available table land to cultivate grapes for use by the future on-site winery. While the assembly hall would not be considered secondary to an agricultural use, it would be compatible and symbiotic with an on-site vineyard, and winery, and would expand the economic benefit of the subject lands, and increase agri-tourism of the community.

**Section 3.1.8** provides policy direction on Minimum Distance Separation, and the requirement that any new development, including expansion of existing agricultural operations, adhere to the required MDS setbacks. Based on our analysis, there do not appear to be any livestock facilities in the vicinity of the subject lands that would require and MDS analysis as any required setback would be achieved. It is our opinion that the MDS is satisfied for the proposed assembly hall use.

The subject lands also contain woodland features, and a portion of the subject lands are within the St. Clair Region Conservation Authority Regulation Limits. The existing buildings and structures, are not located within the woodlands boundary; however, the outdoor ceremony area is. The outdoor ceremony area consists of wooden benches facing an old mature oak tree that is used as a setting for weddings. The use of this area for the ceremony does not negatively impact the woodland feature. While interpretation of the regulation limit is difficult, it can be concluded that at least one of the existing barn structures is within the regulated area, and the second barn and the dwelling may be located within the limit. These are existing structures; and while the assembly hall is not currently permitted, the building can be used for other permitted uses. Development and site alteration are prohibited within Natural Environment Areas. The proposed change in use would not result in development, as the buildings, parking area, and ceremony area are existing features on the site, and no additional works are required. The future farm winery use may require a new building; however, there are areas outside of the Natural Environment Area that could accommodate such use. 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. The portion of the subject lands outside of the regulation limit could be utilised for the future farm winery building. Consultation with the Conservation Authority could explore the potential for future agricultural use.



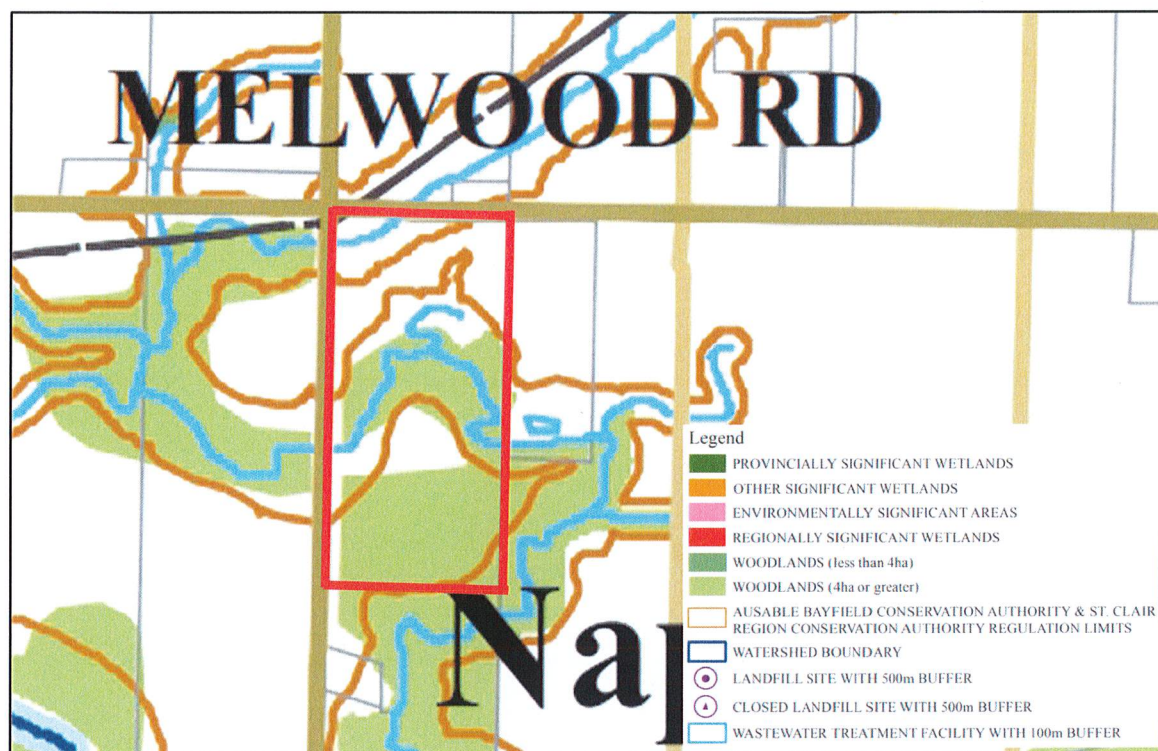


Figure 7: Excerpt from Township of Adelaide Metcalfe Official Plan - Natural Heritage Schedule

#### 6.4 THE TOWNSHIP OF ADELAIDE METCALFE ZONING BY-LAW

The subject lands are currently zoned “General Agriculture (A)” and “Environmental Protection (EP)” as per “Schedule ‘A’ – Key Map 13” to the *Township of Adelaide Metcalfe Zoning By-Law*.

The current General Agricultural zone permits the following uses: Accessory dwelling unit within a single detached dwelling, accessory use, agriculture, bed and breakfast, conservation, equestrian training facility, farm business, farm vacation, forestry, home business, outdoor storage, and single detached dwelling. The proposed Assembly Hall is not permitted, and the proposed Farm Winery, while it can be considered agricultural in nature in association with a vineyard, is not specifically mentioned in the definition of ‘agriculture’ and as such a Zoning By-law Amendment is required to ensure that these uses can be permitted on the subject lands in the future.

With regards to the proposed assembly hall use, it would be limited in the zoning to the existing buildings on the subject lands, the associated parking area, and the outdoor ceremony area. No new buildings are proposed as part of this proposal.

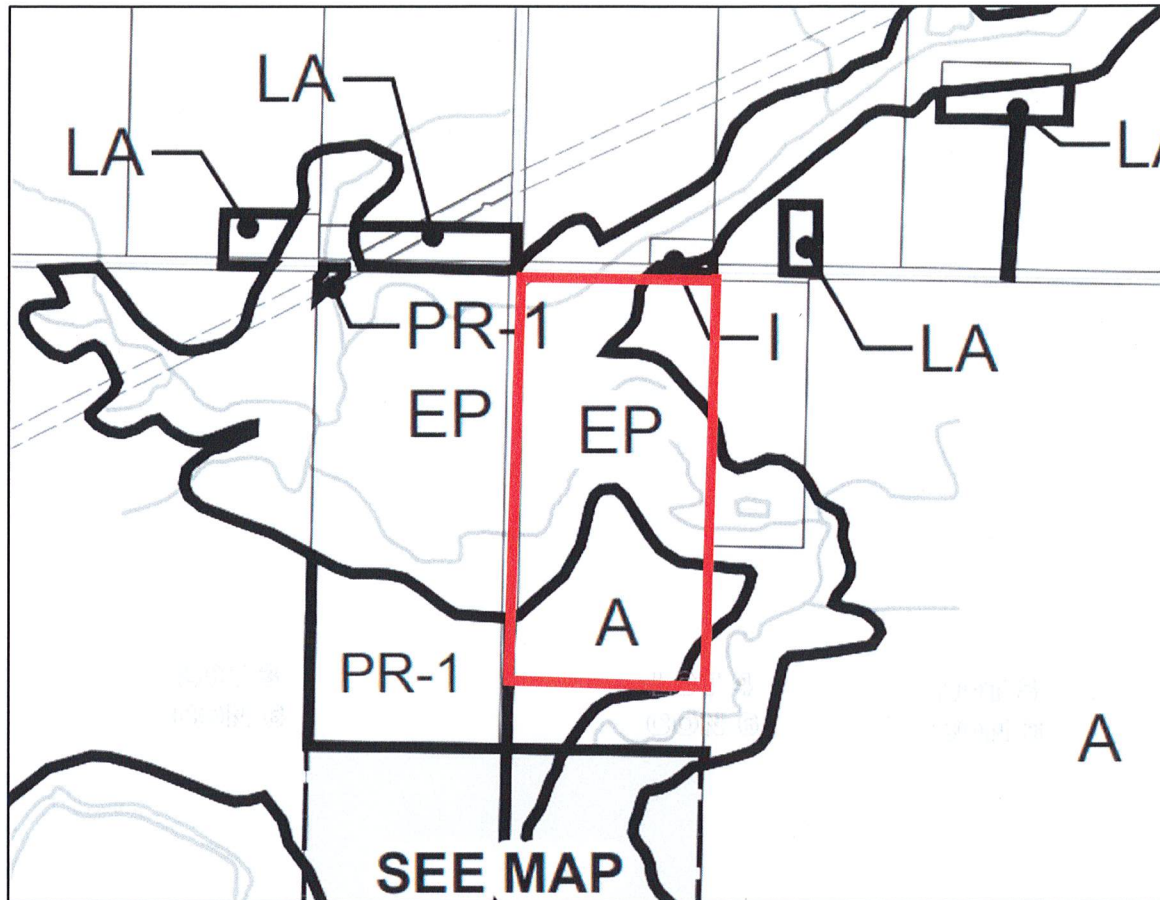


Figure 8: Excerpt from Township of Adelaide Metcalfe Zoning By-law

The Farm Winery use would be added as a permitted use to the subject lands, and the term would be added to the definition section of the Zoning By-law. The following definition was acquired from the Niagara-on-the-Lake Zoning By-law to provide a possible definition of the proposed use:

***Farm Winery*** - means a farm on which buildings and structures are used for the making of wines from fruit grown exclusively on site.

The current Environmental Protection zone permits the following uses: conservation, existing agricultural, recreational use – passive. The proposed assembly hall is not permitted, and the introduction of a Farm Winery would be considered a new agricultural use, and as such a special provision is required to ensure the portions of the subject lands contemplated for these uses are captured in a site-specific Environmental Protection (EP-\_\_) zone. There is no development proposed as part of this proposal as the buildings, parking area, and ceremony area associated with the assembly hall use are already existing and have been in use for some time. There would be no impact on the existing environmental features by permitting the assembly hall use.



The areas associated with the assembly hall use within the EP zone could be considered as a recreational use – passive; as per the definition as they are used for activities or use for gathering purposes at a lower density or frequency of human activity and does not require the construction of buildings (existing) or alteration of soil, or topography activity. The barn structures currently exist within the EP zone, and the outdoor ceremony area can be considered passive in nature, consistent with passive recreational uses, that are permitted within the EP zone.

A Zoning By-Law Amendment is proposed to re-zone the subject lands to site specific “General Agriculture (A-\_)” and “Environmental Protection (EP-\_)” zones, with special provisions as follows:

- Add “Assembly Hall” as a permitted use in addition to all other permitted uses.
- Add “Farm Winery” as a permitted use in addition to all other permitted uses.
- Add definition of “Farm Winery”

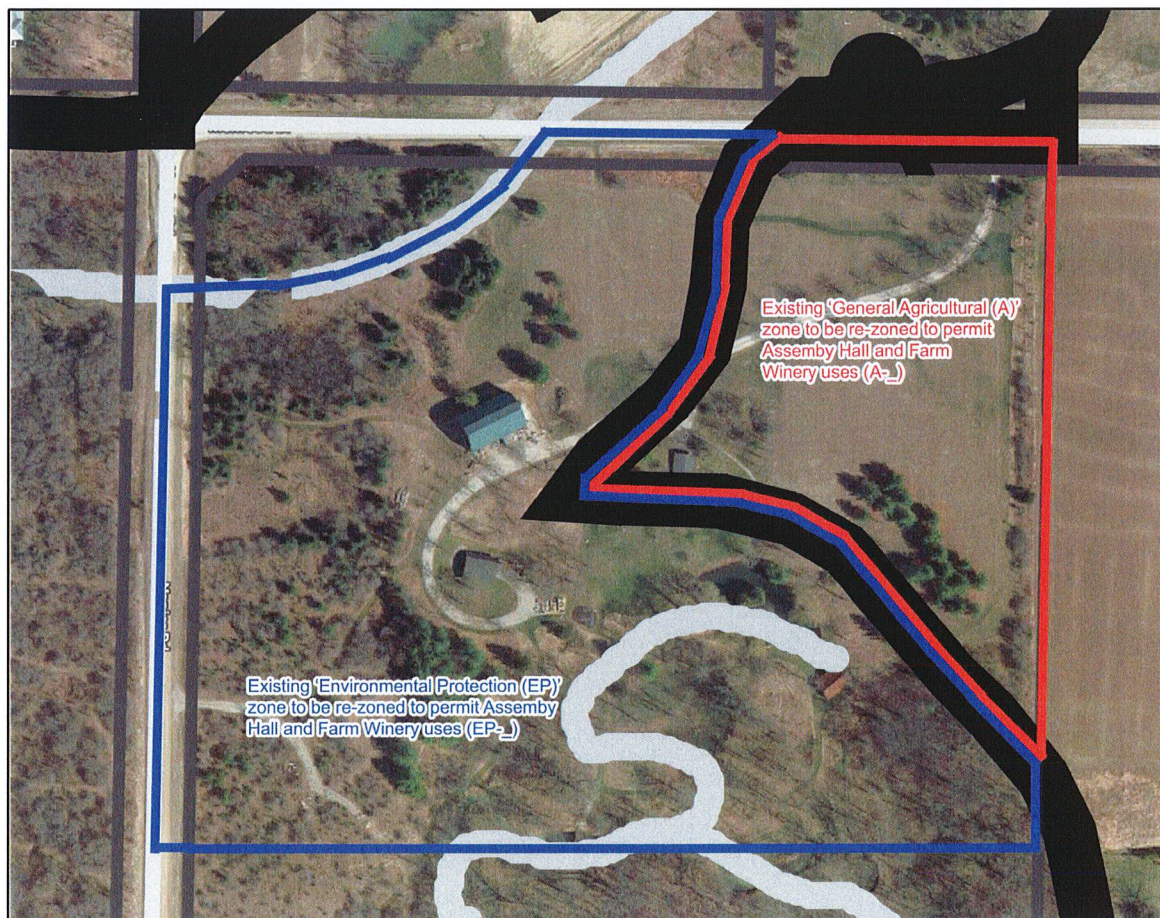


Figure 9: Proposed Zone Lines for Site Specific Provisions

The proposed Zoning By-law Amendment is intended to apply an appropriate zone consistent with the intent of the *2014 Provincial Policy Statement*, *Middlesex County Official Plan*, and *Township of Adelaide Metcalfe Official Plan*. The proposed assembly hall and farm winery are considered an appropriate change in use that will implement the proposed “*Special Agricultural Policy Area (SAPA #\_)*” and are consistent with the general vision for the “*Agricultural Areas*” designations by preserving adjacent existing agriculture operations and utilising an otherwise constrained rural parcel which will provide additional economic opportunities, and agri-tourism uses to the surrounding community.

## **7.0 CONCLUSION**

The proposed Official Plan and Zoning By-Law Amendments intend to permit an assembly hall and farm winery on the subject lands. The proposal adds to a range of uses in the area, providing additional economic and employment opportunities within the surrounding agricultural area. The subject lands provide for an appropriate location for the proposed use, making efficient use of existing buildings while also preserving agriculturally productive lands. Furthermore the subject lands are significantly constrained by natural features which detracts from their viability as a sustainable agricultural operation. The proposed assembly hall is considered compatible with surrounding agricultural context and will not impact the functional capacity of present and future agricultural operations. The proposed amendments are consistent with the intent and the policies of the *2014 Provincial Policy Statement (PPS)*, the *County of Middlesex County Official Plan*, the *Township of Adelaide Metcalfe Official Plan*, and the *Township of Adelaide Metcalfe Zoning By-law*. As such, the proposed development is considered appropriate for the subject lands and represents good planning practice.



**Addendum to**  
**PLANNING JUSTIFICATION REPORT**

**Proposed Assembly Hall and Farm Winery**  
**1425 Melwood Drive – Adelaide Metcalfe**

**PREPARED FOR**

Sydenham Ridge Estates

**PREPARED BY**



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

**February 7, 2020**

**Revised March 3, 2020**

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### APPENDIX A – Sound Attenuation & Action Taken

## **1.0 BACKGROUND**

In December 2020, applications for Official Plan and Zoning By-law Amendments were submitted to the Township of Adelaide Metcalfe, to permit the existing Assembly Hall use, and expand the permitted uses to include a Farm Winery on the subject lands.

A Planning Justification Report was prepared by Zelinka Priamo Ltd., and was submitted in support of the proposed OPA and ZBA. As requested by Township of Adelaide Metcalfe, and St. Clair Region Conservation Authority Planning Staff, this Addendum to the Planning Justification Report has been prepared to provide further analysis to address comments received on January 22, 2020.

## **2.0 THE PROPOSAL**

The existing buildings on the subject lands (dwelling, and barn structures) have been used as an events facility/assembly hall for a number of years.

In 2016 an application for Change of Use was filed with the Township of Adelaide Metcalfe to permit the use of Barn #1 as an occasional assembly use. This process involved architectural plans, engineering stamps, and building and fire inspections. The Change of Use permit was granted in December of 2016, and a copy of that permit is included in this submission package.

Recently, it has been brought to the owner's attention that the current use is not in compliance with the Official Plan and Zoning By-law.

This proposal seeks to formalize the Assembly Hall use a permitted use in the Official Plan, and Zoning By-law, as well as add 'Farm Winery' as a permitted use in the Zoning By-law, as the proponent has plans to cultivate grapes on the subject lands, and open a small winery on site to support the assembly hall use, and promote agri-tourism in the area.

## **3.0 APPLICATION AMENDMENTS**

The intent of the proposed OPA and ZBA applications is to recognise the existing Assembly Hall use and expand the permitted uses to include Farm Winery. The proposed OPA and ZBA would restrict the Assembly Hall use to the existing structures on the property including, the single detached dwelling, the smaller 'cocktail hour' barn,

and the larger reception barn. Both barn structures are within the CA regulated area, however only the smaller barn is within the floodplain. We are supportive of the ZBA containing verbiage that the only structures permitted are those that are existing and any future expansion/addition would require additional CA approval.

### ***Farm Winery Use***

The proposed farm winery use would be initially established in direct support of the Assembly Hall use. As the winery operation grows, the intent will be to expand into a small commercial operation with on-site sales, and tours of the facility bringing agri-tourism to the area. The proposed definition of 'Farm Winery' in the original planning report was pulled from Niagara-on-the-Lake. In response to the comments received expanding on the sale and tour components, a new definition is proposed as part of this addendum. This definition comes from the Municipality of Strathroy-Caradoc's Zoning By-law. The propose definition is as follows:

*shall mean the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A farm winery may also include a retail outlet, hospitality room, winery offices and a laboratory.*

### ***Noise Study***

A Noise Study was submitted as part of the OPA/ZBA package in support of the proposed Assembly Hall use. A follow up letter has been provided by Sydenham Ridge Estates outlining the timeline of the existing facility, the noise study, and the works completed to date addressing the recommendations of the study. The letter is attached to this addendum.

### ***Site Plan Approval***

We acknowledge the proposed change of use is considered as development as defined in the Provincial Policy Statement (PPS). Upon successful completion of the OPA/ZBA process a SPA process will be commenced to further address the existing conditions of the subject lands and their future use as an Assembly Hall and Farm Winery. During this SPA process any additional concerns from planning staff can be addressed.

## **4.0 PLANNING ANALYSIS**

In response to the comments received the following section provides additional analysis of PPS and OP policies as it relates to development within Natural Hazard lands, compatible lands uses, and evaluation of alternative locations. The analysis is as follows:

### ***Compatibility with the Rural Landscape***

The proposed Assembly Hall use is compatible with the adjacent rural landscape as it is able to utilise the existing conditions of the subject lands without significant impacts to adjacent agricultural operations. Impacts that could potentially arise from the use (e.g noise impacts) have been studied and addressed to ensure those impacts are mitigated. In addition the proposed assembly hall use is not a full time operation. The assembly hall use is seasonal running from late May through to October, weather permitting. The use has also been occurring on the subject lands for a number of years with only the noise complaint being raised during this time, and that issue has been addressed. The proposed use does not impede or impact the adjacent agricultural lands or operations from carrying out their day-to-day practices. The proposed assembly hall use does not require any alterations to the site in order to be accommodated, and has integrated with the existing natural features over its operating years without adverse impacts to the natural environment.

All services are brought in and managed by third party companies and no impacts to the subject lands, natural features or surrounding area are expected.

### ***Evaluation of Alternative Locations***

Policy 2.3.6.1(b.4) states that:

*Alternative locations have been evaluated, and*

- i. There are no reasonable alternative locations which avoid prime agricultural areas, and*
- ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*



The subject lands are significantly compromised by natural heritage/hazard lands which results in a small amount of table lands for agricultural uses. The limited area available for agricultural uses is not large enough to generate a self-sustaining operation. The natural heritage/hazard features are protected which limits the opportunities to expand an agricultural operation on this property. The existing building provide the needed facilities for the proposed assembly hall use, and as the lands are encumbered by other features these buildings would otherwise be limited in their potential uses.

There is a significant amount of agricultural operations in the immediate area, and location on any of these sites could potential remove lands from agricultural use in order to accommodate the necessary building to facilitate the assembly hall use. Lands that are immediately adjacent the subject lands to the west and south are similarly encumbered by natural heritage/hazards and these lands, while not prime agricultural lands, could be considered for a non-agricultural use, they lack existing structures needed to facilitate the proposed use, and in order to construct any buildings the natural heritage/hazards would be impacted.

The subject lands offer the ideal location for the proposed use as lands in the immediate area, and the greater Adelaide Metcalfe community do not provide a rural setting that, that already has the necessary built structures needed to facilitate the proposed use. While the surrounding lands are within a prime agricultural area, the subject lands have very limited lands availability for agricultural use, and what land is availability is proposed to be used for the future farm winery. The existing buildings and natural features on the subject lands provide the proposed use with the necessary facilities that are not available on another available land holding without new development, which has its own impacts, or potentially removing lands from agricultural use.

### ***Natural Hazards***

Section 3.1 of the PPS provide policy direction for development within Natural Hazards. The existing ceremony area, and small barn building are located within the floodplain. The ceremony area can be considered as a passive use which is permitted within natural hazard areas, and will not be analyzed in this section.

Section 3.1.4 states that:

*Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:*

*a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications;*  
*or*

*b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.*

The proposed OPA seeks to apply a special agriculture policy area to the subject lands to permit the assembly hall use within the natural hazard lands. All facilities associated with the proposed use are existing and have been in use for three years. The existing barn structure has been on the subject lands in its current location for at least 20 years based on available aerial photography. While discussions with the Ministry have not occurred to date, we would look to the governing CA for this area to determine whether the proposed use would require additional review by the Ministry. The proposed use does meet the definition of 'development' under the PPS, however it does not meet the definition of 'development' as define in the Planning Act, and there are no site alterations proposed as part of this application.

The small barn has been in its current location for many years and would have existed at the time of the most recent regulated area mapping. Due to this its impact on the floodplain is considered an existing condition and no alteration is proposed to the structure which would increase its impact.

Section 3.1.7 states that:

*Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:*

- a. development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;*
- b. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;*
- c. new hazards are not created and existing hazards are not aggravated; and*
- d. no adverse environmental impacts will result.*

The dwelling and barn structures are existing with the small barn being the only structure within the natural hazard lands. This barn has been in place since prior to 2000, and any will be reviewed through the Site Plan Approval process to ensure any necessary floodproofing measures are implemented. Any other works within the natural hazard lands can be addressed through the Site Plan Approval process to ensure the CA is satisfied with the operation of the ceremony area, and barn structure.

The ceremony and lower reception area are proximate to the edge of the regulated area, and the grade change on the subject lands. This lower area is served by a laneway (leading to the small barn), and a pedestrian staircase. In the event of an emergencies guests will be able to vacate the lower grade area via the roadway or staircase. It is approximately 100m from the ceremony area to the top of the slope, which is outside of the floodplain.

As the ceremony area, and buildings are existing features, and no new development is proposed, no new hazards will be created, and the existing floodplain is not impact by the addition of new buildings or features.

An environmental impact assessment was not required as part of this application. However, if at the time of SPA, through further consultation with the CA, if a scoped EIS is required, it can be addressed at that time. It is our opinion that given the activities on the subject lands are towards the edge of the environmental features, the impacts, if any, are minimal.

The proposed use would have no additional impacts on flood flows beyond existing conditions. We would like to work further with the local CA to ensure all concerns regarding the proposed change of use complies with the necessary regulations.

Section 2.2.3 of the Adelaide Metcalfe Official Plan provides policy direction for application within the regulated area. A portion of the subject lands is within the regulated area including the ceremony area, and existing barn structures. As part of an OPA or ZBA application a Development Assessment Report (DAR) may be required. To our knowledge this document was not required as part of this application. It is our understanding that as no site alteration is proposed the DAR requirement has been waived. The larger existing barn structure is located in the upper elevation of the subject lands and is not in the floodplain, however is captured in regulated area. The smaller barn is located in the lower elevation of the subject lands, and it is unclear if it's within the floodplain or the buffer portion of the regulated area. As no site alteration is proposed and the smaller barn structure has been in its current location for 20+ years, any impacts it may have on the floodplain area is an existing condition, and not future impacts would arise from the proposed assembly hall use.

## **5.0 CONCLUSION**

The proposal to permit an Assembly Hall and Farm Winery use on the subject lands is compatible with abutting properties, utilises a parcel with limited agricultural opportunities, and broadens the agri-tourism potential of the community. Based on the above, and as detailed in our Planning Justification Report, the proposed change of use is consistent with intent and policies of the 2014 Provincial Policy Statement, and the Township of Adelaide Metcalfe Official Plan. As such, the proposed development is considered appropriate and represents good land use planning practice.



February 5th, 2020

### **Sound Attenuation Studies and Remedial Actions Taken**

Sydenham Ridge Estates (SRE) opened its business in 2016 with a test year holding eight weddings. No complaints were registered to SRE in 2016.

In 2017, 30 weddings were held over the warmer weather months from May-October.

In 2017, some neighbours expressed concern about sound traveling to their locations.

The steps Sydenham Ridge Estates (SRE) has taken, on its own initiative and in response to neighboring concern regarding sound travelling, are:

1. SRE invited neighbors expressing concerns to a meeting to express their concerns to SRE staff and owners in the summer of 2017.
2. A search for a highly qualified, independent expert sound measurement and attenuation firm was conducted to investigate into traveling sound issues.
3. A firm, HGC Engineering, Mississauga, was immediately engaged to conduct a “sound study”, starting in April 2018 and to provide professional advice on the extent of the issue.
4. Various sound experts attended at the site to examine the location, topography, structures and equipment; they began to provide advice – even prior to completing their report interim and final reports.
5. A separate set of sound attenuation experts were engaged and proposed a new sound system.
6. An in-house sound system was selected as recommended, purchased and installed, then adjusted to ensure optimal acoustic performance in the building and to resolve any excessive bass sounds exiting the venue building.
7. Music volumes are limited to 80 decibels inside the barn via specific controls on the equipment.
8. A bass inhibitor was purchased and installed to the in-house sound system.
9. High quality sound attenuation equipment was purchased as recommended and installed throughout the barn.



10. Sound experts required a re-wiring of the speakers and locations of the speakers to focus the interior sound onto the center of the building, and off and away from the outer perimeter walls to reduce bass-travel via the walls, and to redirect the sound to the humans occupying the space in the center, as these are also acoustically preferred targets to absorb the sound.
11. Specialized sound absorption panel materials were purchased and installed as recommended around the perimeter field walls of the building, also covered with fabric to enhance the reduction effect.
12. 4 large sound absorption drapes were also installed as instructed on the beams to contain and mitigate sounds reaching the ceiling of the barn.
13. Additional air conditioning units were installed for greater interior comfort to ensure that doors are kept closed and sound contained.
14. Glass barriers were installed outside the east and south entrances to stop sound and redirect/mitigate sound escapes from traveling to the exterior as people move in and out of the barn doors.
15. A sound policy was introduced which instructed DJ's that they must connect to our in house sound system and must adhere to the sound limits. Every couple is made aware and each DJ must sign this document before their event takes place.
16. A night security employee has been hired to enforce all rules and routinely measure decibels in the barn and at the property lines, for which records are maintained.
17. SRE intends to continue to measure and monitor the effectiveness of the audio equipment and the effectiveness and condition of the attenuation materials via an independent sound expert firm, and to follow their recommendations.

All expenses for the sound study, professional advice, equipment and ongoing maintenance have been and shall remain the responsibility of Sydenham Ridge Estates and 17826767 Ontario Inc