



# YORK REGION

## FEDERATION OF AGRICULTURE

SERVING THE FARM COMMUNITY SINCE 1940

November 15, 2023

Town of Georgina  
26557 Civic Centre Road, R.R. #2  
Keswick, Ontario L4P 3G1

Re: Item 10.1.b and 16.1 Countryside Zoning By-Law No. 600, Nov. 15, 2013 Council Meeting

Dear Mayor Quirk and Council,

The York Region Federation of Agriculture appreciates the opportunity to provide comments on the proposed Countryside Zoning By-Law (CZBL). We understand what a monumental task this project has been and commend you for the work that has been done to get this close to the completion of Phase 1 of the Zoning By-law Project.

The York Region Federation of Agriculture (YRFA) is a non-profit general farm organization representing over 600 registered farm business members in York Region. We are farmers working for farmers on issues, legislation and regulations affecting farms in the Region as well as decisions that will affect agriculture into the future. We are passionate and dedicated to ensuring the agriculture sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of the agriculture sector in the Region.

As noted in your Official Plan, *"Agriculture is an important component of the Town, both as a way of life and as a major contributor to the local economy."* Two of Georgina's Sustainability Objectives are *"to provide a balance between conservation and the use of natural resources for economic benefit";* and *"to ensure that all land use decisions consider the impact of future development on air, water, soil and climate including the availability of clean drinking water, agricultural lands and products, and natural resources"*. The Countryside Zoning By-Law plays an integral part in guiding the Town's ability to achieve these objectives and it is important to ensure as much as possible uses are permitted as of right and the balance between the protection of Agricultural land and uses and Environmental protection is maintained.

Please see the list of specific comments below.

Thank you for your consideration. The York Region Federation of Agriculture looks forward to further consultation through out the development of the Countryside Zoning By-Law.

Sincerely

Kim Empringham  
Secretary/Treasurer/Director  
York Region Federation of Agriculture  
york@ofa.on.ca

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Comments on Specific portions of the proposed Georgina Countryside Zoning By-Law (CZBL)

1. (CZBL) Definition: 2.137 MAJOR DEVELOPMENT:

*Means the:*

- . Creation of four or more lots;*
- . Construction of a building or buildings with a ground floor area of 500 m<sup>2</sup> or more; or,*
- . Establishment of a major recreational use.*

(Georgina OP) Definition: Major Development:

*means:*

- (a) the creation of four or more lots;*
- (b) the construction of a building or buildings with a ground floor area of 500 square metres or more; or,*
- (c) the establishment of a major recreational use.*
- (d) in Section 5.5, the following definition applies for Major Development: Consists of: (i) the construction of a building or buildings and any other impervious surface (e.g. road, parking areas, sidewalks) with a cumulative ground floor area of 500 square metres or more; (ii) the establishment of a major recreational use.*

*Excludes: on-site sewage systems, low density residential, barns and other non-commercial structures that are accessory to an agricultural operation.*

Comments:

Why has the exemption for barns that is present in the Georgina OP been removed in the CZBL?

2. CZBL 2.230 Definition USE, AGRICULTURAL:

*means the use of land, water, building or structure for the purpose of growing crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storage, value-retaining facilities and accommodation for full-time farm labour where the size and nature of the operation requires additional employment; and including the sale of such produce, crops, fish or livestock on the same lot. Peat extraction is not considered an agricultural use.*

Comments:

The end of the second last sentence (“*and including the sale of such produce, crops, fish or livestock on the same lot*”) of the definition should be changed to reflect the fact that most farm operations own or rent multiple lots and various crops and livestock could be grown on each one. The intent of this definition is that crops and livestock that are produced by a farm



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operation can be sold from one of the lots that the farm operation owns or rents, not that the crop or livestock is only permitted to be sold from the lot it is produced on.

3. *CZBL 5.21 MINIMUM DISTANCE SEPARATION FORMULAE*

*New residential land uses and new or expanding livestock facilities shall comply with the Minimum Distance Separation (MDS) formulae as follows:*

*(a) No new buildings shall be constructed on a lot which is adjacent to a property containing any buildings or structures used for the raising of livestock, except in accordance with the requirements of the MDS One (MDS I). This provision shall not apply to a dwelling on the same property as the livestock use, additions to existing dwellings, or new dwellings on lots within a registered plan of subdivision; and,*

Comments:

The introductory sentence referencing residential land uses is misleading and should apply to all adjacent land uses.

4. *CZBL 5.43 USES PROHIBITED IN ALL ZONES*

*Notwithstanding any provision of this By-law to the contrary and in conjunction with Section 1.3, the following uses are prohibited in all zones:*

- *Abattoir (except as part of a permitted agricultural use)*
- *Manufacture and/or storage of a fertilizer from dead animals or human waste or the manufacture of fertilizer from animal waste*
- *Mushroom farm*
- *Rolling mill*
- *Slaughtering of animals (except as part of a permitted agricultural use)*
- *The storage of fertilizer from animal waste (except as part of a permitted agricultural use)*

Comments:

Many of these uses were likely previously prohibited due to smell or noise. These uses would likely trigger Minimum Distance Separation. There are many solutions available now to mitigate these issues. Most of these uses are integral to a healthy Agricultural System. These prohibited uses should be permitted, with mitigation of noise or smell, to support the Agriculture System in Georgina.

CZBL SECTION 6 – REQUIREMENTS FOR RESIDENTIAL USES

5. *6.3 TEMPORARY ACCOMMODATIONS FOR SEASONAL FARM WORKERS*

*No person shall use any land or erect, alter or use any building or structure for the purpose of temporary accommodations for seasonal farm workers, as defined in this By-law, except in*



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accordance with the following provisions:

*(a) Lot Area (Minimum)*

*20 ha if no single detached dwelling exists on the lot.*

*10 ha if a single detached dwelling exists on the lot.*

*(b) Site Requirements*

*Temporary accommodations for seasonal farm workers must:*

*(i) Use the same entrance to the street as a principal residence;*

*(ii) Be separated from the principal dwelling by a minimum of 30 m; and,*

*(iii) Comply with Sections 6.1(c), (d), (e), (f), (h) and (i).*

*(c) Occupancy and Use*

*Temporary accommodations for seasonal farm workers shall only be used between the first day of April and the last day of November per calendar year. Notwithstanding these provisions, a maximum of two farm workers may be housed within the temporary accommodations between the first day of December and the last day of March.*

*Temporary accommodations for a maximum of 40 seasonal farm workers is permitted on the lot at any given time if no other single detached dwelling exists on the lot. If the lot contains an existing single detached dwelling, temporary accommodations for a maximum of 30 seasonal farm workers is permitted on the lot at any given time.*

*(d) Floor Area (Minimum)*

*A minimum floor area of 3.72 m<sup>2</sup> shall be provided for each seasonal farm worker in every room used for sleeping purposes.*

*(e) Ontario Building Code*

*Temporary accommodations for seasonal farm workers will be subject to obtaining a building permit, which will ensure that all accommodations conform to the Ontario Building Code and all applicable laws.*

Comments:

- Why the minimum lot areas of 10ha and 20ha
- Why the separation from principal dwelling of 30m which could also result in the Seasonal housing not being situated within the farm building cluster and having to build on crop land
- The April to December and December to March restrictions as well as the maximum number of workers permitted on the lot are antiquated as it does not reflect the needs of the variety of different types agricultural operations that employ TFW's and the periods during the year they are required.
- Provincial TFW housing requirements for the minimum sleeping area per person is 7.44m<sup>2</sup>. The Federal changes have not been released yet.

CZBL SECTION 8 – RURAL-COUNTRYSIDE (RU-C) ZONE

6. 8.2 PERMITTED NON-RESIDENTIAL USES

- *Agricultural use*
- *Cannabis production facility, designated*

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- *Cannabis production facility, licensed*
- *Conservation use*
- *Day care, private home*
- *Home industry*
- *Home occupation*
- *Kennel*
- *Short-term rental accommodation*

### Comments:

Agriculture-Related and On Farm Diversified Uses should be included as a permitted uses 'as of right' in the CZBL with the provisions suggested in the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas to support the Agricultural System.

### CZBL SECTION 9 – AGRICULTURAL PROTECTION (AP) ZONE

#### 7. 9.2 PERMITTED NON-RESIDENTIAL USES

- *Agricultural use*
- *Cannabis production facility, designated*
- *Cannabis production facility, licensed*
- *Conservation use*
- *Day care, private home*
- *Home industry*
- *Home occupation*
- *Short-term rental accommodation*

#### 3.1.3 Prime Agricultural Area Policies of the Greenbelt Plan 2017

*For lands falling within prime agricultural areas of the Protected Countryside, the following policies shall apply:*

*1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*

#### *York Regional OP*

*5.1.4 That within the Agricultural Area, Holland Marsh Specialty Crop Area and Rural Area, normal farm practices and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are supported and permitted.*

*5.1.5 That agricultural uses, agriculture-related uses and on-farm diversified uses shall be permitted in accordance with Provincial guidelines, as further defined through local official plan policies. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.*



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*Georgina OP*

*6.1.1 Permitted uses in the Agricultural Protection Area designation and Specialty Crop Area include:*

- (a) Agricultural uses;*
- (b) Agriculture;*
- (c) Agriculture-related uses;*
- (d) On-farm diversified uses;*
- (e) Sustainable forestry and other activities connected with the conservation of soil, water resources and wildlife;*
- (f) A single detached dwelling;*
- (g) An accessory apartment;*
- (h) An accessory apartment in a detached accessory building or structure;*
- (i) A garden suite;*
- (j) Temporary accommodations for seasonal farm workers;*
- (k) A home occupation;*
- (l) A home industry;*
- (m) Mineral aggregate operations subject to policies in Section 4.10; and*
- (n) Short-term Rental Accommodation may be permitted within a single detached dwelling, or an accessory apartment on the same lot as a single detached dwelling.*

*6.1.9 Agriculture-related uses and on-farm diversified uses may be permitted to locate in the Agricultural Protection Area and Specialty Crop Area subject to the provisions of the Zoning By-law. Where an amendment to the Zoning By-law is required, applications for the development of agricultural-related uses or on-farm diversified uses shall:*

- (a) Minimize the use of prime agricultural land;*
- (b) Demonstrate there are no alternative locations within the Agricultural Protection Area having poorer soils or lower agricultural capability;*
- (c) Incorporate appropriate separation distances from farm operations in accordance with the Minimum Distance Separation Formulae and Guidelines, where merited by a higher density or human occupancy or activity or significant visitation by the broader public to an agricultural area;*
- (d) Be located on an assumed public road and shall not compromise the design and function of the road;*
- (e) Be serviced with an adequate waste disposal system and an adequate water supply; and*
- (f) Be compatible with the surrounding land uses.*

*6.1.10 Temporary farm gate sales of produce or goods that are primarily grown or made on the farm shall be permitted subject to provisions in the Zoning By-law.*

Comments:

Agriculture-Related and On Farm Diversified Uses should be included as a permitted uses 'as of right' in the CZBL with the provisions suggested in the OMAFRA *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* to support the Agricultural System.

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### CZBL SECTION 10 – ENVIRONMENTAL PROTECTION (EP) ZONE

#### 8. 10.2 PERMITTED NON-RESIDENTIAL USES

- Conservation use
- Day care, private home
- Existing agricultural use
- Home occupation
- Passive recreational uses, trails and walkways
- Short-term rental accommodation

#### 3.2.2 Natural Heritage System Policies of the Greenbelt 2017

*For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:*

1. *The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.*
2. *New buildings or structures for agriculture, agriculture-related and on-farm diversified uses are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.*

*The York Region Official Plan Consolidation 2016 Sustainable Environment Policies found in:*

*2.1.10 That notwithstanding policy 2.1.9, within the Regional Greenlands System, the following uses may be permitted subject to meeting the requirements of applicable Provincial Plans:*

- c. the full range of existing and new agricultural, agricultural-related and secondary agricultural uses and normal farm practices is permitted;*
- d. new buildings or structures for agriculture, agricultural-related and secondary agricultural uses subject to Section 2.2 of this Plan;*

Comments:

The Regional OP in-effect during the creation of the Georgina OP and the current Regional OP both include a full range of existing and new agricultural, agricultural-related and secondary (OFDU) uses and buildings. Agriculture-Related and On Farm Diversified Uses should be included as a permitted uses 'as of right' in the CZBL with the provisions suggested in the OMAFRA *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*. Not permitting 'as of right' is very costly and time consuming and is not supportive of the Agricultural System.

#### 9. Georgina OP

*5.1.1.4 Where agricultural, agricultural-related and secondary uses and normal farm practices are permitted in the underlying land use designation, new buildings or structures for agricultural, agriculture-related uses and secondary uses are not subject to Section 5.1.1 but are subject to Section 5.3.*



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*5.3.1.9 Existing residential and agricultural uses may be permitted to expand subject to the policies of 5.3.1.10 and 5.3.1.12. All other existing uses within the Environmental Protection Areas become non-conforming uses and will be subject to the provisions of Section 5.9.*

*5.3.1.10 Existing agricultural operations in accordance with normal farm practices are permitted and it is not the intent of this Plan to limit the ability of these agricultural operations to continue. Expansions to existing agricultural buildings and structures and farm and nonfarm dwellings and accessory uses thereto, are permitted subject to the existing uses policies of Section 5.9.*

*5.3.1.11 New buildings and structures for agricultural uses will be required to provide a 30 metre vegetation protection zone from a key natural heritage feature or key hydrologic feature, but may be exempted from the requirement of establishing a condition of natural self-sustaining vegetation if the land is, and will continue to be, used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore key hydrologic features and ecological functions.*

*5.4.5. New buildings, structures and uses as well as accessory uses and accessory buildings or structures, and the expansions to existing buildings and structures, shall only be permitted in a vegetation protection zone along the Lake Simcoe shoreline if:*

*(a) There is no alternative but to place the structure in this area and the area occupied by such structures is minimized;*

*(b) The ecological function of the vegetation protection zone is maintained; and*

*(c) Pervious materials and designs are used to the extent feasible.*

*The implementing Zoning By-law will establish regulations that will limit the extent of development within the vegetation protection zone that may occur as of right in order that existing buildings and structures may expand or to permit the development of existing vacant lots of record.*

Comments:

The above policies in the Georgina OP do not appear to be reflected in the proposed CZBL policies in relation to existing and new agricultural, agriculture-related, and on-farm diversified uses and expansions.





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### SECTION 12 – RURAL COMMERCIAL (RC) ZONE

#### 10. 12.2 PERMITTED NON-RESIDENTIAL USES

- *Bakery or bakeshop*
- *Bank*
- *Bowling alley*
- *Building supply and equipment establishment*
- *Business or professional office*
- *Catering establishment*
- *Clinic, health care*
- *Clinic, veterinary, but not including outdoor canine runs or animal containment areas*
- *Club, commercial or private*
- *Dry cleaning establishment*
- *Equipment sales establishment*
- *Garage, mechanical*
- *Garden centre*
- *Hawker or pedlar use*
- *Hotel*
- *Kennel*
- *Laundromat*
- *Leisure vehicle sales establishment*
- *Motel or motor hotel*
- *Motor vehicle cleaning establishment*
- *Motor vehicle fuel bar*
- *Motor vehicle sales and/or rental establishment – automobile, commercial and\or recreational vehicles*
- *Place of amusement*
- *Printing shop*
- *Refreshment vehicle, bicycle unit or cart*
- *Restaurant*
- *Retail store, convenience*
- *Service shop, heavy, light or personal*
- *Studio*
- *Terminal, bus or truck*
- *Theatre*
- *Tourist information centre*
- *Wholesale establishment within a building of which at least 25% is used for retail sales; retail sales area may not exceed 185 m<sup>2</sup>*

#### Comments:

At least one third of the permitted uses above would qualify as Agriculture-Related Uses.  
Agriculture-Related Uses should be permitted 'as of right' to support the Agricultural System.



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### Example of how Agriculture-Related Uses and On-Farm Diversified Uses can be implemented:

As an example only of how the OMAFRA Guidelines on Permitted Uses in Prime Agricultural Areas can be implemented in a Zoning By-Law, the following is an excerpt from the Brant County Zoning By-Law:

### 6.3 Agriculture-Related Use

Agriculture-related uses to principal farming operations may be permitted subject to the following criteria:

a) The *agriculture-related use* shall not be permitted in *natural heritage features* or *wetlands* identified in Schedule 'B' or Schedule 'C' or as per Section 2.3.2.1 of the

County of Brant Official Plan (2012) except for expansions to existing buildings and structures where it is demonstrated that there is no alternative, the expansion into the feature is minimized and is directed away from the feature to the maximum extent possible and the impact is minimized and mitigated to the maximum extent possible.

b) A vegetation protection zone is to be maintained as natural self-sustaining vegetation that is no less than 30 metres for wetlands, permanent and intermittent streams, fish habitat, and significant woodlands.

c) The maximum lot coverage for an agriculture-related use shall not exceed 30% of the total lot area of the subject lands.

d) The majority of the product processed, preserved, packaged and/or stored shall be from the farm operation on the subject lands, including crops used to produce wines, beers, spirits, or similar products.

e) If a value-retaining use provides support to surrounding farm operations within a reasonable distance of the subject lands, it shall be considered an agriculture-related use.

f) An agriculture-related use may be subject to the Province of Ontario's Minimum Distance Separation (MDS) Guidelines for compatibility between livestock facilities and sensitive land-uses.

g) The agriculture-related use shall be secondary to the principal farm operation on the subject lands.

h) Prior to an agriculture-related use being established on a property, site plan control shall be applicable to mitigate the impacts of items such as but not limited to traffic, parking, emissions, noise, water and wastewater usage, relevant environmental approvals, landscaping, buffering, size and scale in relation to the applicable requirements of By-Law 61-16.

i) Wineries may be an agriculture-related use subject to the requirements as set out herein.

### 6.4 On-Farm Diversified Use

*On-farm diversified uses* accessory to principal *farming operations* may be permitted subject to the following criteria:

a) An *on-farm diversified use* shall only be permitted accessory to a *farm Operation* on the same *lot*.

b) *On-farm diversified use(s)* shall not exceed a combined total of either one (1) hectare or two percent (2%) of the area of the lands on which the use is proposed, whichever is lesser.



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- c) The *gross floor area* of all *buildings* or *structures* used for an *on-farm diversified use* shall not exceed twenty percent (20%) of the land area, as stated in clause 2 above.
- d) The land area and the area of existing *buildings* or *structures* used for an *on-farm diversified use* may be discounted at the rate of fifty percent (50%). Where an *on-farm diversified use* uses the same footprint as a demolished agricultural building, the land area for the *on-farm diversified use* may be similarly discounted by fifty percent (50%).
- e) One hundred percent (100%) of the area needed for *parking areas* and *outdoor storage* for the *on-farm diversified use* shall be included in the area calculation.
- f) Where an *on-farm diversified use* uses an existing farm laneway, or *parking area*, the area of the laneway or *parking area* shall not be included in the area calculations.
- g) Services required for the *use* proposed are provided on the same *lot*, to the satisfaction of the County of Brant, and shall not have any negative impacts on neighboring and surrounding land *uses*.
- h) *On-farm diversified uses* that include agri-tourism and farm experience activities shall be directly related to the principle agricultural *use*.
- i) Production lands which are used for the growing of crops and are simultaneously used as part of an activity area, such as a corn maze, shall not be included in the area calculations for the *on-farm diversified use*. However, these activity areas shall not exceed five percent (5%) of the total *lot area* of the subject lands.
- j) An *on-farm diversified use* shall be subject to the Minimum Distance Setbacks (MDS) Guidelines, except where an *On-farm diversified use* does not generate a significant amount of visitors and does not include agri-tourism or food services or provide accommodations on site.
- k) The *on-farm diversified use* must meet all applicable requirements of the Ontario Building Code, the Ontario Fire Code, municipal Implementation Guidelines, and requires an approved building permit to legally establish the *use*.
- l) The *on-farm diversified use* shall not be permitted in *natural heritage features* or *wetlands* identified in Schedule 'B' or Schedule 'C' or as per Section 2.3.2.1 of the County of Brant Official Plan except for expansions to existing buildings and structures where it is demonstrated that there is no alternative, the expansion into the feature is minimized and is directed away from the feature to the maximum extent possible and the impact is minimized and mitigated to the maximum extent possible.
- m) A vegetation protection zone is to be maintained as natural self-sustaining vegetation that is no less than 30 metres for wetlands, permanent and intermittent streams, fish habitat, and significant woodlands.
- n) Prior to an *on-farm diversified use* being established on a property, site plan control shall be applicable to mitigate the impacts of items such as but not limited to traffic, parking, emissions, noise, water and wastewater usage, relevant environmental approvals, landscaping, buffering, size and scale in relation to the applicable requirements of By-Law 61-16.
- o) Wineries, craft breweries, cideries and distilleries are considered *on-farm diversified uses* and shall be subject to the requirements of Subsection 6.4.
- p) An agricultural event is considered an *on-farm diversified use* and shall be subject to all requirements within Subsection 6.4 of the By-Law. Agricultural events that are beyond the



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scale of an *on-farm diversified use* shall only be permitted on a temporary basis through a temporary zoning by-law amendment.