



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

December 5, 2024

Township of Southgate
185667 Grey Road 9
Dundalk, ON
N0C 1B0

Attention: Victoria Mance, Junior Planner

Dear Victoria:

**Re: Application for Zoning By-law Amendment
Part Gore Lot A, Concession 9
Geographic Township of Egremont, Township of Southgate
County of Grey
411575 Southgate Sideroad 41
Owner: Mark and Irene Frey**

Further to recent pre-consultation discussions with your office, enclosed please find a completed Zoning By-law Amendment application.

To assist with your evaluation of the proposal, I am providing the following information:

The Proposal:

Mark and Irene Frey own a 21.55-hectare farm located along the east side of Southgate Sideroad 41, in the former Township of Egremont.

Mr. Frey proposes to erect a new building on the site, a portion of which would be used for a home industry that would involve the making of certified organic soil additive. This new one-storey building will comprise 1784 square metres of floor area, and the home industry will occupy one-half of this structure. The remaining floor space will be used in conjunction with the Freys' farming operation.

The making of the organic soil additive begins at another site, not owned by the Freys, where a food by-product is sent through a biodigester for the purposes of removing the methane. This produces a fine, powder-like material that has the appearance of ground coffee. Pending approval of the requested Zoning By-law Amendment, this product will then be trucked to the subject property where vegetable oil will be added in order to make it less dusty. The soil additive will be trucked away from the site directly to the consumer (i.e. organic farmers in the area), on an as-need basis.

This process will require the new building to be equipped with storage bins and an elevator used to load trucks, and is similar to a grain drying operation but does not require a dryer.

A land use of this nature is not permitted under the current zoning of the site, and therefore a Zoning By-law Amendment is required, as explained below.

Because the new building and machinery required to operate the proposed soil additive business includes most of the apparatus required to provide a grain drying service, Mr. Frey is requesting that the Zoning By-law Amendment be broadly worded to also allow for custom grain drying. Whereas Mr. Frey has no intention of drying grain in the near future, he would like to keep this option available in order to maintain a viable business.

The soil additive operation will employ only Mr. Frey and immediate family members. About 60 40-tonne trucks per year will be delivering the unfinished product to the Frey farm, and about the same number will be hauling the soil additive away. Half-load restrictions will be in place during the spring melt period. Should the business ever be expanded to include grain drying, nobody outside of the immediate family will be employed. Mr. Frey wishes to keep the business small-scale.

Subject Property:

The Frey farm is occupied by their residence, barn, small horse stable, and two storage buildings. Approximately 17 hectares are actively farmed. A forested area comprising 1.7 hectares also exists on the site.

The features of the subject property and the proposed building are shown on Figure 1 of this Planning Justification Report.

Adjacent Land Uses:

Lands within the immediate vicinity of the subject property are mostly used for agricultural purposes. A non-farm residential lot has been severed from the original Crown-surveyed property and is also owned by Mr. Frey. A number of residential lots have been established further south.

Township of Southgate Zoning By-law:

The subject property is zoned 'A1-301' (Agricultural with special provisions) and 'EP' (Environmental Protection) on Schedule A of the Township's Zoning By-law, as illustrated on Figure 2 of this Planning Justification Report.

The site-specific 'A1-301' zone was established when the (now) abutting residential lot was severed years ago. This special zone reduced a side yard provision for one of the existing buildings and placed a no-animal restriction on that same building. The text of the 'A1-301' zone reads:

A1-301

Notwithstanding the provisions of Section 6 or any other provisions to the contrary, the land zoned A1-301 shall be subject to the regulations of the A1 Zone, except for the following:

- a) Westerly side yard setback: 2.7m*
- b) Livestock are hereby restricted in the agricultural shed located at the westerly side yard and adjacent to the severed residential lot. No animals shall be housed in this shed.*

The 'A1-301' zone permits those uses that are allowed under the 'A1' zone, including agriculture, commercial greenhouses, detached dwelling, secondary dwelling unit, bed and breakfast, home industry, home occupation, temporary farm help accommodation, forestry, conservation, and accessory uses, buildings, and structures.

The new use proposed by Mr. Frey would not qualify as a home industry because of the amount of floor space being devoted to the soil additive operation. Home industry uses are limited to 100 square metres of floor area. For this reason, an amendment to the Zoning By-law is required.

To simplify matters, the property can maintain its current 'A1-301' zone symbol and allow for the new use by adding another provision. The following new text is recommended:

A1-301

Notwithstanding the provisions of Section 6 or any other provisions to the contrary, the land zoned A1-301 shall be subject to the regulations of the A1 Zone, except for the following:

- a) Westerly side yard setback of existing building: 2.7m*
- b) Livestock are hereby restricted in the agricultural shed located at the westerly side yard and adjacent to the severed residential lot. No animals shall be housed in this shed.*
- c) Additional permitted uses shall be the making of soil additive products and grain drying.*

The proposed Zoning By-law Amendment will also adjust the boundaries between the current 'A1-301' and 'EP' zones to reflect new mapping provided by the Saugeen Valley Conservation Authority (SVCA), as per their letter dated October 4, 2024 (attached). The recommended Zoning By-law Amendment schedule is provided on Figure 3 of this Planning Justification Report. Without this change to the Zoning By-law schedule, the owners would not be permitted to erect the new building in the location shown on the Site Plan because those lands are currently zoned 'EP'. It should be noted that the building site is also no longer located within the SVCA's Regulated Area, as shown on the drawing attached to their October 4, 2024 correspondence.

Official Plans:

County of Grey Official Plan:

Schedule A of the County of Grey Official Plan designates the Freys property as 'Rural' and 'Hazard Lands', as shown on Figure 4.

Please note that the 'Hazard Lands' designation boundary is no longer considered to be accurate, given the new SVCA hazard land mapping that has been provided. The recommended changes to Schedule A of the Official Plan can be made during the next Official Plan update.

The 'Rural' policies contained in Section 5.4 *Rural Land Use Type* of the Official Plan identify the land uses permitted within this designation, which include agriculture, agricultural-related, on-farm diversified uses, forestry, conservation, etc. The soil additive operation and grain drying would qualify as agricultural-related. Grain drying is specifically identified as an example of an agricultural-related use on Table 7 of the Official Plan.

According to Section 5.2.2 (5) (d), the Minimum Distance Separation (MDS) formulae does not apply to agricultural-related uses.

Section 5.2.2 (15) states the following with regard to on-farm diversified uses and agricultural-related agricultural uses:

- 15) *New on-farm diversified uses shall be limited in size and scale, as per Table 8 below and to those uses that can be sustained by local service and infrastructure levels. New agricultural-related uses shall also be limited to uses that can be sustained by local service levels. Municipal official plans may choose to set local road standards required for such uses, which are in-line with the level and type of traffic being generated by the uses. Traffic Impact Studies may be required to determine the impact of the proposed operation on the local road network, as per section 8.3 of this Plan. Servicing or Noise Studies may also be required for new or expanded on-farm diversified or agricultural-related uses. Municipal official plans or zoning by-laws may also choose to limit individual uses that could otherwise be directed to settlement areas. Agricultural-related uses are not required to be limited in size, whereas on-farm diversified uses are required to be limited to the sizes shown in Table 8. Subject to the size limitation requirements of Table 8 of this Plan and section 5.2.2(17), on-farm diversified uses may be considered on lots less than 10 hectares in size in the Rural land use type.*

Regarding the above, please take into consideration the following:

- An agricultural-related use is not limited in size by this policy. As such, the 892 square metre portion of the new building to be used for the soil additive operation and possible future grain drying conforms to the policy;
- In terms of the new business being supported by existing local service levels, the only relevant issue in this instance is the municipal road system. As noted above, the business will involve approximately 60 40-tonne trucks per year, which averages to just over one truck per week. Mr. Frey has been speaking with Township officials on this matter and is aware that half-load restrictions will

be applied during the spring melt. A Traffic Impact Study is not warranted for this small-scale operation; and,

- The soil additive operation will generate a minimal amount of noise with its minimal machinery and limited truck traffic. The operations will occur at the rear of the building, and therefore the low-volume noise resulting from the business should be substantially buffered by the new building as well as the existing structures on the site. The outdoor elevator will extend slightly above the height of the new building; however, the elevator will be operated by an electric motor, which will be relatively quiet. Should Mr. Frey add grain drying to his business in the future, the noise should not intensify since the dryer will be located inside the building. Mr. Frey is of the opinion that any noise emanating from the soil additive business or grain drying operation will be minimal and not audible from the front of his property. Mr. Frey and his family live on the subject property and also own the next closest dwelling, and therefore it is in his own best interest to mitigate potential noise to the greatest extent possible.

Based on the foregoing, the proposed use of the property is consistent with the Official Plan policies pertaining to agricultural-related uses.

No physical constraints apply to the property, according to the various schedules and appendices of the Official Plan.

In light of the above, the proposed Zoning By-law Amendment conforms to the Grey County Official Plan.

Township of Southgate Official Plan:

Schedule A of the Township's Official Plan designates the Freys property as 'Rural' and 'Hazard Lands', as shown on Figure 5 of this Planning Justification Report.

Please note that the 'Hazard Lands' designation boundary is no longer considered to be accurate, given the new SVCA hazard land mapping that has been provided. The recommended changes to Schedule A of the Official Plan can be made during the next Official Plan update.

The 'Rural' policies contained in Section 5.2 of the Township's Official Plan are identical to the County's Official Plan policies in terms of permitted uses. Table 1 of the Official Plan recognizes a grain drying operation as an example of permitted agricultural-related

uses. A small business that makes soil additives is very similar and should also be treated as an agricultural-related use.

Section 5.4.1.2 *Development Policies* states the following:

- 3) *Agricultural-related uses are not limited in size by this Official Plan; however, the Township's Zoning By-law may contain provisions that restrict the amount of land dedicated to the agricultural-related use and the size of the building(s). Agricultural-related uses shall conform to the Ministry of the Environment, Conservation and Parks D-6 Guidelines.*

During the pre-consultation discussions, Township staff advised that it might not be necessary to rezone only the section of the subject property where the new use will occur, but did advise that a closer look will be given to this matter after the Zoning By-law Amendment application has been submitted. Please note that the author of this Planning Justification Report has no issue with the Zoning By-law Amendment identifying the general location of the property where the agricultural-related use would be permitted.

With regard to the Province's D-6 Guidelines, please consider the following:

- The soil additive operation should qualify as a 'Class I Industrial Facility' given that the business is small scale, has a low probability of fugitive emissions, limits the hours of operation to daytime, and involves about one truck trip per week;
- The traffic associated with the grain drying operation would likely increase to several truck trips per week during the harvest season, however nothing else would change in terms fugitive emissions or hours of operations. As such, the grain drying operation should also fall within the 'Class I Industrial Facility' category. It's important to keep in mind that Mr. Frey's operation will remain small-scale and will only employ Mr. Frey and his children;
- The D-6 Guidelines recognize lands within 70 metres of a 'Class I Industrial Facility' to be within an area of potential influence and recommends a minimum separation distance of 20 metres. There are no houses or other sensitive land uses within 70 metres of the site. The closest house is 102 metres away, and that house is actually located on the subject property. The next closest receptor is the detached dwelling located on the non-farm lot that was severed from the original Crown parcel, which is about 120 metres from the proposed operation and also owned by Mr. Frey. Other nearby houses include a detached dwelling situated 290 metres west of the site, along the opposite side of Southgate

Sideroad 41, and another house located 355 metres to the northeast, along the south side of Southgate Road 10;

- Notwithstanding the proposal's compliance with the recommended setback of the D6 Guidelines, consideration should still be given all aspects of the operation;
- As explained earlier in this Planning Justification Report, the soil additive operation will involve an elevator located to the rear of the new building, and the elevator will operate using an electric motor, which is generally quiet. Any sensitive receptor located west of the new building should not be exposed to any noise since the new building and the existing structures on the site will buffer any noise that emanates from this new operation. Should the business expand in the future to include grain drying, no additional noise is expected since the grain dryer will be located inside the new building;
- The buildings on the subject property will not provide a noise buffer for the house located to the northeast.; however, that house is situated 355 metres away and is not expected to be impacted given the separation distance and the anticipated low noise level. The trees along the rear lot line of the subject property will provide for a visual screening of the site for that particular dwelling.
- Trucks entering and leaving the site will utilize the property's existing entrance/driveway along Southgate Sideroad 41. Approximately one truck per week, on average, will be visiting the site as part of the soil additives operation. Additional trucks will likely attend the property each week during grain drying season; however, the number of truck trips will still remain low given the small-scale nature of the business.
- Mr. Frey and his family live on the subject property and also own the next closest dwelling, and therefore it is in his own best interest to mitigate all potential noise any other issues to the greatest extent possible.

Of significant importance in the consideration of this application is the fact that the Township's Official Plan, which was prepared in 2022, is directing the next Comprehensive Zoning By-law to allow for agricultural-related uses listed in Table 1 to be permitted without requiring the landowner to go through the Zoning By-law Amendment process. That policy, contained in Section 5.4.1.2, states:

- 1) *The Township's Zoning By-law will generally permit, as-of-right, those agricultural uses and agricultural-related uses listed in Table 1 within the zone(s) that are applied to the countryside, except a marijuana/cannabis production facility.*

Due to recent staffing changes at the Township, a new Comprehensive Zoning By-law has not been prepared to implement the new Official Plan, and so a Zoning By-law Amendment is still necessary in order for Mr. Frey to proceed with his new business at this time.

In view of the above, it is evident that the proposed Zoning By-law Amendment conforms to the Township's Official Plan.

Provincial Planning Statement:

The Provincial Planning Statement (PPS) generally permits agriculture, agricultural-related uses, and on-farm diversified uses in prime agricultural areas. Section 2.3.3.1 states:

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.

The proposed soil additive and grain drying operation qualifies as an agricultural-related use, as explained in the PPS implementation document entitled Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which is discussed later in this Planning Justification Report.

The proposed use will be compatible with and not hinder other nearby farming operations.

Based on the above, the requested Zoning By-law Amendment is consistent with the PPS.

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

These Guidelines are intended to give direction to decision-makers when interpreting the PPS policies pertaining to prime agricultural areas.

The subject lands are recognized as not being situated within a prime agricultural area, as evidenced by the fact that the lands are designated 'Rural', as opposed to 'Agricultural', on Schedule A of the Grey County Official Plan. This notwithstanding, these Guidelines are still relevant. It reads:

Application to Rural Lands

These guidelines focus on the land uses permitted in prime agricultural areas, but they also have relevance for rural lands. Policy 1.1.5.8 of the PPS states that “agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected on rural lands in accordance with provincial standards.” In this context, the provincial standards include the PPS policy that these guidelines support.

Permitted uses on rural lands are more permissive than in prime agricultural areas. The province’s Introduction to the Provincial Policy Statement, 2014: Rural Ontario provides more detail (ontario.ca/cvg5).

Section 2.2.2 of the Guidelines recognizes grain drying as an example of an agricultural-related use. The soil additive operation is very similar in nature and should also be recognized in the same manner.

The following policies apply:

2.2.1 PPS Criteria for Agriculture-Related Uses

All of the following criteria must be met to qualify as agriculture-related uses in prime agricultural areas.

- 1. Farm-related commercial and farm-related industrial use.*
- 2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.*
- 3. Directly related to farm operations in the area.*
- 4. Supports agriculture.*
- 5. Provides direct products and/or services to farm operations as a primary activity*
- 6. Benefits from being in close proximity to farm operations.*

With regard to these policies, please consider the following:

- The proposed use, which takes a food by-product and converts it to a soil additive and is then sold to organic farms in the area, is clearly a farm-related industrial use, as is a grain drying operation;

- This type of business is compatible with farming and will not hinder any nearby agricultural operation; and,
- The soil additive will be shipped directly to organic farms in the area. The grain drying operation, should it occur, will also service area farmers. The intended use clearly supports agriculture and benefits from being in close proximity to farming operations.

Given the foregoing, the proposed Zoning By-law Amendment is in keeping with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Closing Comments:

The proposed Zoning By-law Amendment conforms to the Grey County Official Plan and Township of Southgate Official Plan and is consistent with the Provincial Planning Statement. Therefore, favourable consideration can be given to the rezoning request.

As noted earlier in this Report, this Zoning By-law Amendment would not be required if the Comprehensive Zoning By-law had been updated to reflect the new Southgate Official Plan.

Should you require any additional information, please contact the undersigned.

On a final note, please contact me to discuss a possible public meeting date before actually scheduling the meeting in order to ensure my availability.


Sincerely,

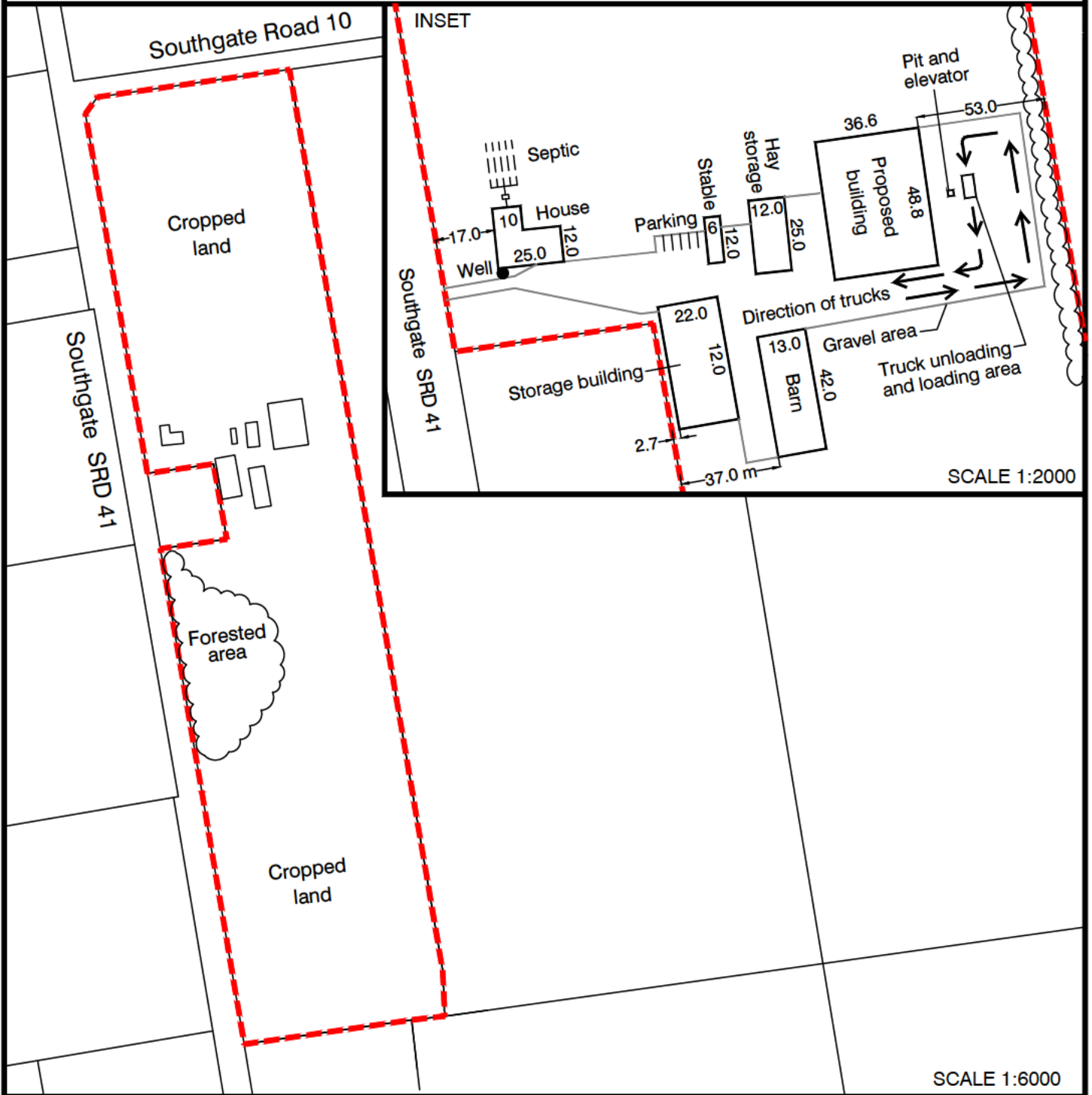


Ron Davidson, BES, RPP, MCIP

c.c. Mark Frey

Figure 1: Site Plan

 Subject property




Mark and Irene Frey
411575 Southgate SRD 41
Township of Southgate

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO

Figure 2: Township of Southgate Zoning By-law Schedule A



 Subject property




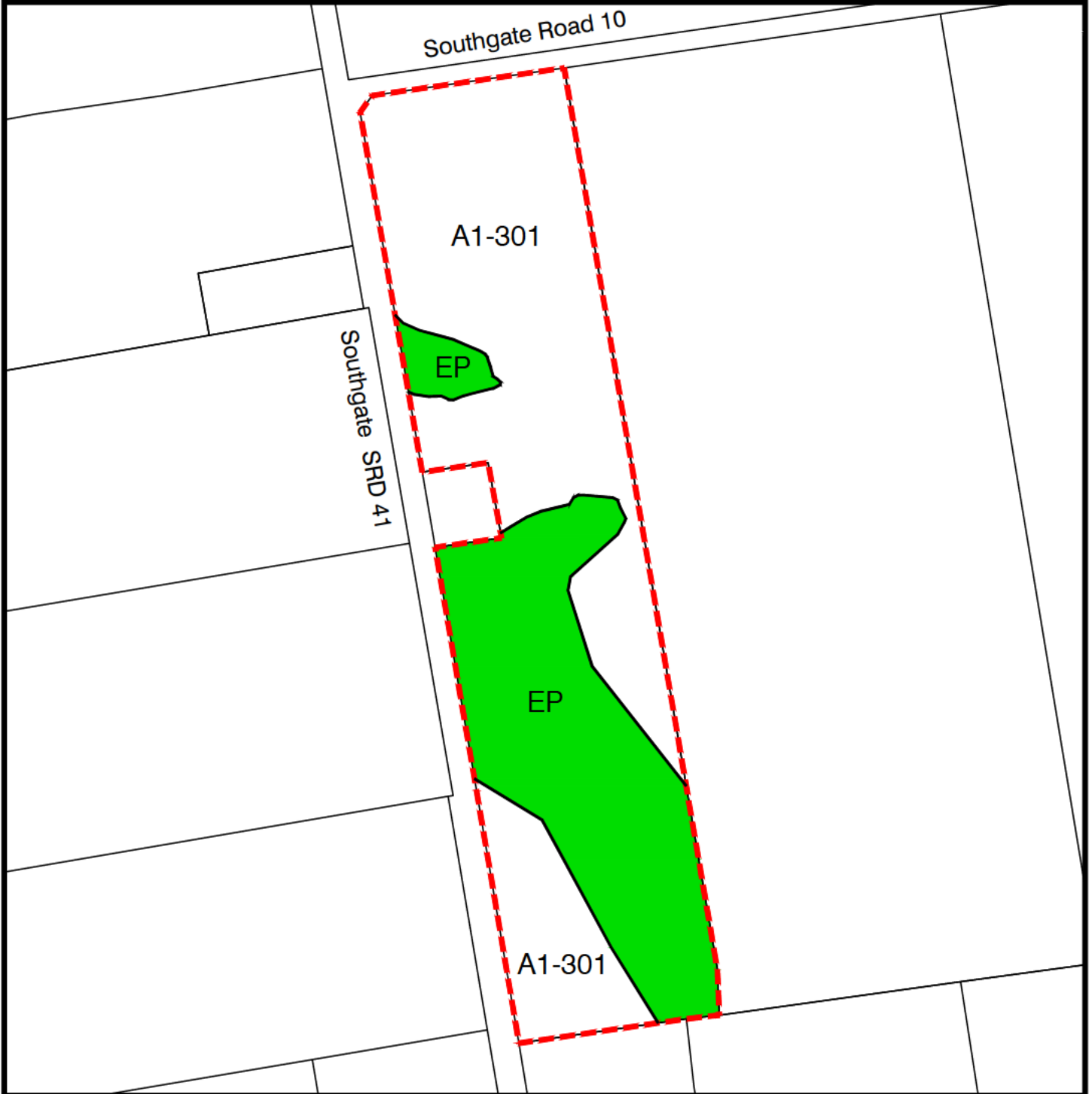
Mark and Irene Frey
411575 Southgate SRD 41
Township of Southgate

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

Figure 3: Proposed Zoning



 Subject property




Mark and Irene Frey
411575 Southgate SRD 41
Township of Southgate

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:6000

Figure 4: Grey County Official Plan Schedule A



- | | |
|--|---|
|  Subject property |  Rural |
|  Agricultural |  Hazard Land |






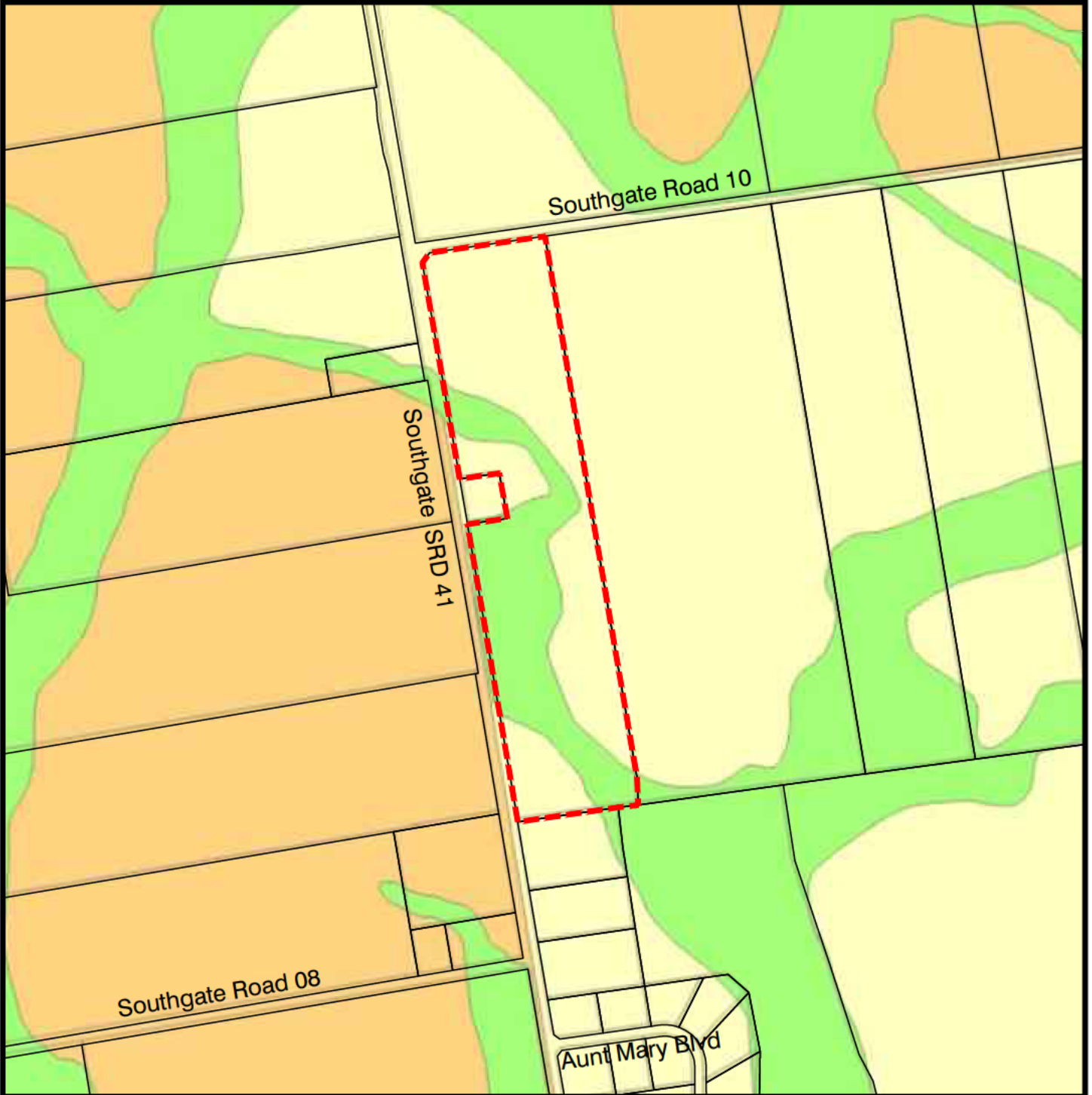
Mark and Irene Frey
411575 Southgate SRD 41
Township of Southgate

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

Figure 5: Township of Southgate Official Plan Schedule A



- | | |
|--|---|
|  Subject property |  Rural |
|  Agricultural |  Hazard Land |



Mark and Irene Frey
411575 Southgate SRD 41
Township of Southgate

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000