

Staff Report

Report To: Council
Report From: David Smith, Manager of Planning and Development
Meeting Date: March 18, 2025
Subject: ZA03.2025 – Bearinger (Davidson)

Recommendations:

That in consideration of staff report 'ZA03.2025 – Bearinger (Davidson)', Council directs staff to bring forward a bylaw to authorize the passing of a zoning bylaw amendment as it relates to ZA03.2025.

Highlights:

- The purpose of the zoning bylaw amendment application is to amend the 'A3 Restricted Agriculture' and the 'NE Natural Environment' zone to permit an On-Farm Diversified Use (OFDU).
- Municipal Address: 042438 Road 71.
- The zoning would permit a shop with a gross floor area of 1200m² with the entire OFDU footprint (shop, power generation room, outdoor storage, parking, loading area) covering 6330m².
- At this time the OFDU would entail a welding and powder coating (painting) workshop although the site-specific zoning would permit 'Industry, Dry' as a general land use.
- The closest residential dwelling is approx. 360m across Road 71 to the northwest from the proposed OFDU shop.

Previous Report/Authority:

None.

Analysis:

Comments - Agencies

West Grey Public Works: No concerns.

West Grey Building: No planning concerns. Owner is notified that the building shall comply with the Ontario Building Code with regard to proximity to the existing agricultural building, the cladding and the percentage of unprotected openings and requirement for water protection for fire fighting. Sprinklers may be required.

West Grey Fire: No concerns.

Grey County: Grey County Planning Ecologist has no concerns. An Environmental Impact Study is not required. Provided D-6 Guidelines can be addressed County Planning staff have no concerns with the subject application.

Grey County Transportation: No concerns.

Saugeen Valley Conservation Authority: A SVCA Permit is required. - Staff find the application acceptable.

Comments - Public

There have been no comments received as of the date of writing this report.

Background

The lot is municipally known as 042438 Road 71. The lot is 43.7ha. (108ac.) in size with frontage onto both West Grey Road 71 and Grey Road 6. There is an existing house and 'accessory buildings/barns'. The proposed OFDU would be in close proximity to the existing house. The lot is a combination of farmland and forest.

Provincial Planning Statement 2020 (PPS)

As of October 20, 2024, the new Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter.

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The lot is designated as Rural and Hazard in the County of Grey Official Plan. Other identified constraints/policy issues include Aggregate Resource Area and Significant Woodlands.

The OFDU would be located on lands designated as Rural.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*. Policy 2.6.1(d) identifies a range of permitted uses on Rural lands including:

agricultural uses, agriculture-related uses, on-farm diversified uses and normal farming practices in accordance with provincial standards.

On Farm Diversified Uses (OFDU): *"means uses that are secondary to the principal agricultural use of the property and are limited in area. On-Farm Diversified Uses*

include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products ...”

The proposed manufacturing shop is classified as an OFDU and is permitted in a Rural area. The OFDU would be located on a 43.7 ha. agricultural parcel. The OFDU would be secondary to the agricultural use in size.

The proposed use must also be sustainable from a service level and infrastructure perspective:

Development that can be sustained by rural service levels should be promoted.

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

The OFDU will not require any special infrastructure that would be considered unusual for a rural property. Individual private well/water supply and on-site septic system is provided.

Garbage/recycling services – Roadside garbage and recycling pickup is available for residential waste. Waste from the OFDU would need to be removed by a private waste hauler. There are no issues regarding the potential volume of garbage and/or recycling.

Stormwater – The property is of sufficient size to handle stormwater on-site due to any increase in impermeable area (parking lot, increased lot coverage).

Fire Protection/Fire Access – No concerns.

Lighting – Dark sky friendly lighting will be required if there is any exterior lighting proposed.

Most of the subject property, including the area for the OFDU, and all of the surrounding lands are within an identified Aggregate Resource Area. Policy 4.5.2.5 Protection of Long-Term Resource Supply states:

In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a) resource use would not be feasible; or

b) the proposed land use or development serves a greater long-term public interest; and

c) issues of public health, public safety and environmental impact are addressed.

The OFDU would not be a sensitive use that would need to be ‘protected’ during the planning for a new aggregate operation. There are also multiple residential dwellings within one kilometre of the proposed OFDU that could severely curtail the potential to establish a new aggregate operation. The OFDU itself will not remove a significant

amount of the aggregate resource. It is the opinion of the Manager of Planning and Development that considering the location of the proposed OFDU the future extraction of the aggregate resource would not be feasible.

The County of Grey Official Plan identifies Significant Woodlands, a natural heritage feature, within 120 metres of the proposed OFDU. Policy 4.1.5 states that:

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 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.

Grey County Planning Ecologist has reviewed the application and has no concerns. An Environmental Impact Study was not required.

The Manager of Planning and Development is of the opinion that the proposed zoning amendment is consistent with the PPS.

County of Grey Official Plan (Grey OP)

The lot is designated as Rural and Hazard on Schedule 'A' of the Grey OP.

The Grey OP also identifies Aggregate Resource Area and Significant Woodlands constraints on the property.

The OFDU would be located on lands designated as Rural.

Section 5.2.1 Uses Permitted Policies allows for OFDU in the Rural designation. Home Industries such as welding, manufacturing/fabrication are examples of OFDU's that are permitted.

Section 5.2.2 Agricultural Development Policies provides additional policy direction on the establishment of a OFDU on lots 20 ha. or greater in size:

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. 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.

Table 8: On-Farm Diversified Use Size Criteria

<i>Land use type</i>	<i>Property Size</i>	<i>On-Farm Diversified Use Maximum Size</i>
<i>Rural</i>	<i>20 hectares or greater</i>	<i>The lesser of: i) 2% of the total size of the property, or</i>

		<p><i>ii) a maximum combined area* of the use of 8,000 square metres.</i></p> <p><i>*This shall include buildings, laneways, parking, outdoor storage, servicing, exhibition areas, and/or amenity areas occupied by the on-farm diversified uses. Shared laneways/servicing, farm buildings or landscaped areas also used by the farm are not included in the calculation of total use size.</i></p>
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17) The gross floor area of the buildings (combined total for all buildings associated with the on-farm diversified use) shall not exceed 20% of the total area of the on-farm diversified use.

19) Prior to considering a new on-farm diversified use, it shall be demonstrated that the following criteria can be met:

- a) The use or activity does not interfere with, or generate off-site adverse impacts, and is compatible with surrounding uses,*
- b) The use or activity can be sustained by local service levels and infrastructure,*
- c) The buildings to be used meet all Building Code requirements for the type of use being proposed,*
- d) The scale of the operation is secondary to the active agricultural use on the farm property, and appropriate to the site and the surrounding area,*
- e) The timing and duration of activities does not hinder agricultural operations on site or in the area,*
- f) For special events, the use or activity represents an occasional activity and is not a regular occurring activity and does not have permanent structures, and*
- g) On-site parking can be accommodated without impacting the agricultural operation.*

20) Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines, or any successor thereto, shall be considered for any new on-farm diversified uses or an industrial nature in the Agricultural, Special Agricultural, or Rural land use types, to guide the separation of industrial uses from nearby dwellings, institutional uses, or other sensitive non-agricultural uses.

Size – The Maximum Combined Area (including shop, parking, power room and outdoor storage) will be 6330 m² [a max. of 8000m² is permitted].

The gross floor area of all buildings (combined total for all buildings associated with the OFDU) will be 1115 m² or 17.6 percent of the Maximum Combined Area [a maximum of 20% of the Maximum Combined Area is permitted].

Compatibility – Ministry of Environment Conservation and Parks ‘Guideline D6 Compatibility between Industrial Facilities’ would classify the operation as Class I with a ‘potential influence area’ of 70m.

The D6 Class I ‘recommended minimum separation distance’ to a incompatible use, such as a residence, is 20m. The OFDU zoned area would be setback approx. 360m from the nearest residence. The proposed OFDU would meet the setback requirement. For reference, the D6 Class II ‘recommended minimum separation distance’ to an incompatible use, such as a residence, is 70m.

Noise - A significant change in noise is not expected due to the change in land use. The workshop will meet the setback requirements of MECP Guideline D6.

Sewage disposal - The site is sufficiently large enough to accommodate any needed septic disposal system.

Potable water - There are no concerns regarding the volume of potable water needed.

Environmental - Grey County Planning Ecologist has reviewed the development and is of the opinion that an Environmental Impact Study is not required.

Traffic – Road access will be maintained via Road 71 and Grey Road 6. There may be some increased road traffic from deliveries to and shipping from the OFDU but this is not expected to significantly tax the road system. Grey Transportation has no concerns over the potential traffic generated nor issues with the current construction of the road.

Fire Protection/Fire Access - The existing eastern driveway/entrance will be used for both the OFDU and the access to the barn.

Aggregate resource constraint/protection has been evaluated/reviewed under a previous section.

The Manager of Planning and Development is of the opinion that the proposed zoning amendment maintains the general intent and purpose of the Grey Official Plan.

Municipality of West Grey Zoning Bylaw 37-2006

The lot is zoned ‘A3 Restricted Agriculture’ and ‘NE Natural Environment’. The OFDU would be located on lands zoned ‘A3’ with a small portion on lands currently zoned ‘NE’.

The current ‘NE’ zoning on the lot does not match the Grey OP Hazard land mapping – the Hazard mapping covers less area than the current ‘NE’. If the ‘NE’ zone were to match the Grey OP Hazard mapping the proposed OFDU would be entirely on lands zoned ‘A3’. The ‘NE’ zone will be modified to match the Grey OP Hazard mapping.

The West Grey zoning bylaw allows for Home Industries on ‘A3’ zoned lands. Home Industry means “an occupation or business conducted for gain or profit as a secondary use to the main permitted use.”

Section 6.14 Home Industry Regulations of the zoning bylaw goes further by providing example of uses:

Home industries, where listed as a permitted use may include such uses as a carpentry shop, a welding shop, a machine shop, custom workshop, furniture fabrication, assembly, and repair; a tool and repair shop, and a small engine repair shop but shall not include autobody repairs or automobile sales, service and repair; automotive washing establishment, the sale of gas, or a wrecking yard;

Section 5.2.1 Uses Permitted Policies of the Grey OP however goes further in that it allows “*Home industries (e.g. sawmill, welding or woodworking shop, manufacturing / fabrication, storage of boats or trailers, biomass pelletizer)*”.

The Grey OP OFDU ‘permitted uses’ and the permitted uses of Section 6.14 of the West Grey Zoning Bylaw are very similar but the West Grey Zoning Bylaw is currently more restrictive than the Grey County Official Plan.

Planning is recommending that the site-specific bylaw for this amendment allow a ‘Industry, Dry’ as the permitted use:

INDUSTRY, DRY, means an industry, which by nature of its operation, process, or fabrication of raw materials or services rendered does not require a significant water supply and does not produce wastewater as part of the industrial process.

The Industry, Dry definition must be used in combination with the Industrial Use definition in order to understand its full meaning:

INDUSTRIAL USE, means, without limiting the generality thereof, the manufacturing, assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, cleaning, washing, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting for sale, warehousing, storing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof; or the production or storage of building or construction equipment or materials.

Section 6.14 Home Industry Regulations of the West Grey zoning bylaw can still be useful when reviewing OFDU proposals as illustrated in the table below:

Section 6.14 Home Industry Regulations	Proposed	Comment
a) It is secondary to the main permitted use on the lot and does not create a traffic hazard or nuisance;	The majority of the 43.7ha. parcel will remain in agricultural production or as forested lands.	Complies. There were no traffic issues identified by Grey County Transportation.

Section 6.14 Home Industry Regulations	Proposed	Comment
<p>b) It <i>may include such uses</i> as a carpentry shop, a welding shop, a machine shop, custom workshop, furniture fabrication, assembly, and repair; a tool and repair shop, and a small engine repair shop but shall not include autobody repairs or automobile sales, service and repair; automotive washing establishment, the sale of gas, or a wrecking yard;</p>	<p>Welding, powder coating workshop. 'Industry, Dry'</p>	<p>A 'Industry, Dry' is similar in nature to those uses permitted in a Home Industry. Industry, Dry would be consistent with the Grey County Official Plan.</p>
<p>c) The retail sale of any goods or items constructed, assembled, produced, created and finished within the home industry shall be permitted. The retail sale of all other goods shall be limited to 20% of the total floor area occupied by the home industry;</p>	<p>Not applicable</p>	<p>No comment.</p>
<p>d) The floor area of a home industry shall be limited as follows: - The home industry shall not occupy more than 233 m² (2,500 ft²) of floor area on any property zoned A1, A2 or A3 comprising 0.9 ha. or more; - In no instance shall the home industry be permitted in more than one accessory building.</p>	<p>Lot is 43.7ha. (108ac.) in size. New shop size proposed is 1115 m².</p>	<p>The new shop would comply with the Grey County of Grey OP maximum size of 1600 m² (20% of 8000 m²)</p>
<p>e) No more than one home industry shall be permitted on a property.</p>	<p>Not applicable</p>	<p>No comment.</p>
<p>f) No building or structure used for a home industry shall be located within 15.24 m (50 ft) of a lot line, nor within 91.44 m (300 ft) of a lot line of a vacant lot comprising less than 4.1 ha (10), nor within 91.44 m (300 ft) of a residence on a separate lot;</p>	<p>Proposed shop would be approx. 60 m to the lot line. Proposed shop would be approx. 360m to the residence on the lot to the northwest.</p>	<p>Complies. The proposed shop would comply with the setback requirements set out in MECF Guideline D6.</p>

Section 6.14 Home Industry Regulations	Proposed	Comment
g) Outside storage of materials, containers, or finished products shall be to the rear of the main building and barred from view;	Proposed storage would be located to the south side of the new shop building.	A Tree Buffer will NOT be required. The outdoor storage would be located well off County Rd 6 (117m) and West Grey Road 71 (+/- 80m).
h) At no time may any home industry employ on-site more than a maximum of two employees who do not reside on the lot on which such home industry is conducted; and		This type of regulation is very difficult for the Municipality to enforce and is not included as a condition.
i) There shall be no advertising other than a non-illuminating sign which has a maximum size of 1.487 m ² (16 ft ²).		To be included in the site specific zoning.

The new shop would comply with most of the West Grey Home Industry Regulations.

The zoning amendment would:

- i. limit the location of the OFDU on the property to a location immediately to the east of the existing house with the Home Industry shop to be located no closer than 53m to the Lot Line, Front;
- ii. limit the Home Industry Total Area to a Maximum Combined Area (including shop, parking, power room and outdoor storage) of 6400 m²;
- iii. limit the Home Industry gross floor area of all the buildings to 1200 m²;
- iv. allow 'Industrial Use, Dry' as the permitted use;
- v. require dark sky friendly exterior lighting, if any;
- vi. require parking, storage, loading areas etc. to be located within the Home Industry Total Area;
- vii. limit advertising to a non-illuminating sign which has a maximum size of 1.487 m² (16 ft²).

The OFDU will not be placed under site plan control. The site-specific zoning will be sufficient to regulate the use.

The Manager of Planning and Development is of the opinion that the proposed zoning amendment maintains the general intent and purpose of the West Grey Zoning Bylaw and represents good planning.

Financial Implications:

Potential appeal to the Ontario Land Tribunal.

Climate and Environmental Implications:

As reviewed in this Report.

Communication Plan:

As required by the Planning Act, R.S.O. 1990, as amended.

Consultation:

As required by the Planning Act, R.S.O. 1990, as amended.

Attachments:

1. Schedule A – Bearinger (Davidson)
2. Site Plan – Bearinger (Davidson)
3. Aerial and Street View
4. Grey County OP - Schedule A
5. Grey County OP - Schedule B
6. Grey County OP - Appendix B
7. SVCA Regulated Area
8. West Grey Zoning

Recommended by:

David Smith, RPP, MCIP Manager of Planning and Development



Submission reviewed by:

Michele Harris, Chief Administrative Officer

For more information on this report, please contact David Smith, Manager of Planning and Development at planning@westgrey.com or 519-369-2200 Ext 236.