



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

January 30, 2025

Municipality of West Grey
402813 Grey Road 4
RR 2
Durham, ON
N0G 1R0

Attention: David Smith
Manager of Planning

Dear David:

**Re: Zoning By-law Amendment Application
Part Lots 71 and 72, Concession B
Geographic Township of Normanby
Municipality of West Grey
042438 Road 71
Owner: Ervin and Janet Bearinger**

Further to recent pre-consultation discussions with your office regarding the above-noted property, enclosed please find a completed Zoning By-law Amendment application and required fee.

To assist your office in evaluating this proposal, I offer the following:

Purpose of Application:

The proposed Zoning By-law Amendment will rezone 6330 square metres of the subject property 'A3' (Restricted Agriculture) to 'A3-x' (Restricted Agriculture with exception) to permit a welding / power coating shop under the "on-farm diversified use" policies of the Grey County Official Plan.

Background:

Ervin and Janet Bearinger own a 43.78-hectare farm property located at the southwest corner of the Grey Road 6 / Road 71 intersection, approximately 1.5 kilometres southwest of Mount Forest, in the former Township of Normanby, as shown on Figure 1 of this Planning Justification Report.

Situated on the Bearinger property are their house, barn, workshop, and coverall storage building. Mr. Bearinger actively farms the subject property and also operates a small welding business within a section of the workshop in accordance with the home industry provisions of the West Grey Zoning By-law.

Mr. Bearinger proposes to erect a 1115-square metre building and relocate his business into this new structure. The operation will be expanded to include powder coating. Approximately 74.32 square metres of office space will be provided within the building.

Parking will be available at the front of the new structure and outdoor storage will be provided at the rear.

A Site Plan showing the existing and proposed buildings, parking, and storage areas is provided on Figure 2.

The expanded business operation will continue to provide custom work for area farmers and others, and it will also include the assembly, welding, and powder coating of other products.

The operation will employ Mr. Bearinger and four other staff. The hours of operation are expected to be 7 am to 5 pm, Monday to Friday, and occasionally Saturday mornings.

Subject Lands:

The cluster of buildings are located near the northeast corner of the property and are accessed from a driveway along Road 71. Approximately 18 hectares of the 43.78-hectare farm are cash-cropped. The balance of the property is forested, except for a small area of scrubland on the east side of the property.

Adjacent Land Use:

Most of the lands within the immediate vicinity of the subject property appear to be used for agricultural purposes. A few non-farm residential lots also exist nearby.

County of Grey Official Plan:

i. Land Use Designation

The subject lands are designated 'Rural' and 'Hazard Lands' on Schedule A of the Grey County Official Plan, as per Figure 3 of this Planning Justification Report. The new building would be constructed on lands designated 'Rural'.

ii. On-Farm Diversified Uses

The Grey County Official Plan gives consideration to on-farm diversified uses in both the 'Rural' and 'Agricultural' land use designations. Table 7 of the Official Plan provides examples of on-farm diversified uses which include *"home industries, e.g. welding shop"*.

The relevant policies for on-farm diversified uses are found in Section 5.2.2 *Agricultural Development Policies* which states:

- 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.*

Notwithstanding the above, home rural occupations may be permitted in the Rural land use type on lots less than 10 hectares in size, which exceed the size limitations in Table 8, only where permitted in municipal zoning by-laws, or where adequate justification has been provided in support of a zoning amendment.

Table 8: On-farm Diversified Use Size Criteria

Land use type	Property Size	On-farm diversified Use Maximum Size
Agricultural	20 hectares or greater	The lesser of; <ul style="list-style-type: none"> • 2% of the total size of the property, or • a maximum combined area of the use of 8,000 square metres
	Less than 20 hectares	Bed and breakfasts and/or home rural occupations within the dwelling only.
Special Agricultural	10 hectares of agriculturally productive area or greater	The lesser of; <ul style="list-style-type: none"> • 2% of the total size of the property, or • a maximum combined area of the use of 8,000 square metres
	Less than 10 hectares of agriculturally productive area	Bed and breakfasts and/or home rural occupations within the dwelling only.
Rural	20 hectares or greater	The lesser of; <ul style="list-style-type: none"> • 2% of the total size of the property, or • a maximum combined area of the use of 8,000 square metres
	Less than 20 hectares	The lesser of; <ul style="list-style-type: none"> • 2% of the total size of the property, or • a maximum combined area of the use of 2,000 square metres

16) *When determining the size of the on-farm diversified use it 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 shall not be included in the calculation of total use size. The passing of an implementing zoning by-law*

amendment will generally be required to permit new on-farm diversified uses, unless otherwise permitted 'as-of-right' in municipal zoning by-laws.

Comment: Given the size of this 'Rural' designated property and the above policy, the proposed 'A3 - exception' zone can be applied to a maximum of 8000 square metres of land. That notwithstanding, the proposed 'A3 - exception' zone will only apply to 6330 square metres of land, which will provide ample area for the new building, parking, loading, and outdoor storage.

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.*

Comment: The area of the building intended to be used as the welding / powder coating shop represents 17.62% of the area to be rezoned to 'A3 - exception'.

18) *Municipalities may choose to limit the size and accessory uses related to wineries, cideries, breweries, meaderies, or distilleries, based on local characteristics, and/or the availability of servicing.*

Comment: This policy is not relevant.

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.*

Comment: The proposed welding shop should not have a negative impact on any adjacent land uses or residents, nor should it be disruptive to the nearby agricultural operations. More information on potential impact, specifically in regard to the Province's D-6 Guidelines, is provided below.

Farming will continue to be the principal use of the land. The welding shop will be an accessory use and will supplement the family's farming income.

The new use will not place additional demand for services on the Municipality.

There is ample area on the property to accommodate the limited number of vehicles that will visit the site. Relief from the minimum parking requirement, however, is being requested as explained later in this Report. It should be noted that the employees, who will be from the local Mennonite community, will be delivered to the property in the morning by one vehicle and picked up at the end of the workday. Therefore, there is no need for employee parking.

- 20) *Ministry of the Environment, Conservation and Parks (MECP) D-6 Guidelines, or any successor thereto, shall be considered for any new agricultural-related uses or 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. Uses which are covered as normal farm practices by the Farming and Food Practices Protection Act (FFPPA) shall not be required to meet the D-6 Guidelines, provided they meet all required Provincial noise, air, water, and wastewater standards.*

Comment: The D-6 Guidelines would classify the intended operation as a "Class I Industrial Facility", which is defined as:

A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has

low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

The Guidelines state that lands situated within 70 metres of a Class 1 Industrial Facility are considered to be located in an area of potential influence. On this note, the closest dwelling is approximately 367 metres to the northwest, and therefore the proposed on-farm diversified use should not be of concern. That notwithstanding, the following additional information is worth stating:

The proposed welding shop is not expected to create a negative impact on any adjacent sensitive receptors, which in this case would be the neighbouring residences. A welding shop would generally not create any air, water, or wastewater pollutants.

The powder coating component of the business should also not cause concern. Powder coatings contain no solvents and therefore emit negligible, if any, polluting volatile organic compound, which is a chemical that can vaporize into the air – like steam from a boiling pot of water. This a clean process, allowing exhaust air from the coating booth to be returned to the plant, and thereby causing less oven air to be exhausted to the outside. The powder coating will occur in a separate booth within the new building.

The onsite operations could possibly generate a minor amount of noise; however, the neighbours should not be impacted because of the following:

- The doors on the new building will face south, except for the office door. Any small amount of noise that could be emitted would only project southward. The closest dwelling to the south is about 438 metres away.
- Truck traffic will mostly involve pick-up trucks. Larger trucks may be involved infrequently, i.e., approximately one truck per week.
- The business will operate only during normal business hours.

With regard to the Minimum Distance Separation (MDS) formulae, Section 5.2.2, subparagraph 5) of the Official Plan states the following:

- (a) *MDS I will generally not be required for on-farm diversified uses, except where a municipality has required MDS to apply in their municipal official plan or zoning by-law. For the purposes of MDS, on-farm diversified uses should be considered a Type A land use.*

Comment: As noted, the County of Grey Official does not apply the MDS formulae. A local Official Plan does not exist for this area of West Grey.

iii. Aggregate Deposits

Schedule B of the Grey County Official Plan applies the 'Aggregate Resource Area' constraint to most of the subject property, as shown on Figure 3. The intent of this policy is to protect sand and gravel deposits for possible future extraction by limiting development on such lands.

Section 5.6.2 *Aggregate Resource Area Policies* states the following:

- 7) *In Aggregate Resource Areas shown on Schedule B, new non-agricultural uses may be considered on existing lots of record, where they are a permitted use in the Agricultural, Special Agricultural, or Rural land use types. Where such non-agricultural uses are not permitted by those land use types, and an official plan amendment is required, new non-agricultural uses may only be permitted if:*
 - a) *The extraction of the aggregate resource is not feasible due to the quality or quantity of material or the existence of incompatible development patterns. The quality and quantity of the material will be determined by having a qualified individual dig test pits within the area proposed for the non-agricultural development; or*
 - b) *The proposed land use or development serves a greater long-term interest of the general public than the aggregate extraction; and*
 - c) *Issues of public health, public safety, and environmental impact are addressed.*

Notwithstanding the foregoing, a proposed land use that conforms with the Official Plan and Zoning By-law, but requires Site Plan approval pursuant to Section 41 of the Planning Act, shall not be required to address the above criteria.

Given that the 'Rural' land use designation permits an on-farm diversified use on an existing lot of record, the review described above does not apply.

iv. Natural Heritage

The forested lands on the property are identified as 'Significant Woodland' on Appendix B of the Official Plan, as shown on Figure 4. The natural heritage policies of the Official Plan prohibit development in a 'Significant Woodland' or within 120 metres unless it can be demonstrated that the woodland feature or its function would not be impacted.

The proposed site development shown on Figure 2 will all occur within the 120-metre adjacent lands. More specifically, the southwest corner of the proposed graveled storage area will be situated approximately 30 metres from the closest portion of the 'Significant Woodland'. The area of the development and the lands immediately adjacent to the woodland are actively cash-cropped, and therefore the lands provide very little, if any, ecological benefit to the woodland. For this reason, the development proposed in this location should not negatively impact this natural heritage feature. This proposal was presented to the County Ecologist during the pre-consultation exercise, who advised that the proposed development was acceptable and that an Environmental Impact Study would not be required.

Appendix B also identifies two small pockets of 'Other Wetlands', as illustrated on Figure 4. Development and site alteration are generally not permitted within 30 metres unless no impact on the wetland feature can be demonstrated. Both of the 'Other Wetlands' features are over 150 metres from the proposed development area.

v. Policy Review Conclusion

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

Provincial Planning Statement:

The Provincial Planning Statement (PPS) permits on-farm diversified uses on prime agricultural areas and on rural lands. The PPS provides the following definition:

On-farm diversified uses: 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. Ground-mounted solar facilities are permitted in

prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

Section 2.3.3.1 of the PPS includes the following policy for on-farm diversified uses in prime-agricultural areas:

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.

Although this policy appears to apply only to prime agricultural areas, proper land use planning would suggest that this policy also be applied when considering an on-farm diversified use on rural lands. On this note, this Planning Justification Report has already demonstrated that no impact on the surrounding agricultural operations should occur.

The PPS also contains policies that protect natural heritage features, such as significant woodlands, and areas of known aggregate deposits. Both of these matters have been adequately addressed above.

The policies of the PPS require municipalities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses.

The proposal complies with the relevant policies of the PPS.

Municipality of West Grey Zoning By-law:

The subject lands are currently zoned 'A2' (Rural), 'A3' (Restricted Rural), and 'NE' (Natural Environment) on Schedule A of the Municipality's Zoning By-law, as shown on Figure 5.

The area of the property subject to the Zoning By-law Amendment is situated within the 'A3' zone, except for a very small area in the southwest corner which is zoned 'NE'. The 'NE' zone boundary would appear to be inaccurate since the newer hazard mapping found in the County of Grey Official Plan does not place any of the area to be rezoned within the 'Hazard Lands' designation. There should be no issue in removing the 'NE' zone from that small area, which will simply be used for outdoor storage.

The West Grey Zoning By-law does not include a special zone for on-farm diversified uses, and therefore a site-specific zone (i.e. 'A3-x') will be placed on the development lands. As stated earlier in this Report, approximately 6330 square metres of the site are subject to this Zoning By-law Amendment.

The text of the new 'A3-x' zone will limit the on-farm diversified use to welding and powder coating.

The West Grey Zoning By-law does not include a minimum parking space requirement specifically for on-farm diversified uses but does require a minimum standard for industrial uses. It is uncertain whether the industrial parking space requirement should apply, but to err on the side of caution, the requested Zoning By-law Amendment includes relief from the parking standard. A building of this size would typically require 13 parking spaces for an industrial use, whereas only five parking spaces are being provided. A reduced parking requirement is reasonable, given the following: First of all, the employees will not be parking on the site because they will not own vehicles. The staff, which will come from the Mennonite community, will be delivered to the property in the morning by one vehicle and picked up at the end of the workday. Secondly, the nature of the business does not warrant much customer parking because of the limited number of clients that will visit the site; and, for those customers that frequent the property, they will likely drive directly to the loading area at the rear of the building. For this reason, five parking spaces should be ample.

Based on the foregoing, the following wording is recommended for the text of the By-law:

Those lands zoned 'A3-x' shall be used in accordance with the 'A3' zone provisions excepting however that an on-farm diversified use involving welding and powder coating shall also be permitted provided:

- i. the floor area of the business does not exceed 1115 square metres; and,*
- ii. a minimum of five parking spaces are provided.*

Concluding Comments:

The proposed rezoning has planning merit and can be given favourable consideration.

I trust your office will deem the application complete. Should you require additional information, please do not hesitate to contact the undersigned.

Before scheduling the public meeting, please advise of the potential meeting date to ensure my availability. Your assistance in this matter is sincerely appreciated.

Respectfully submitted,

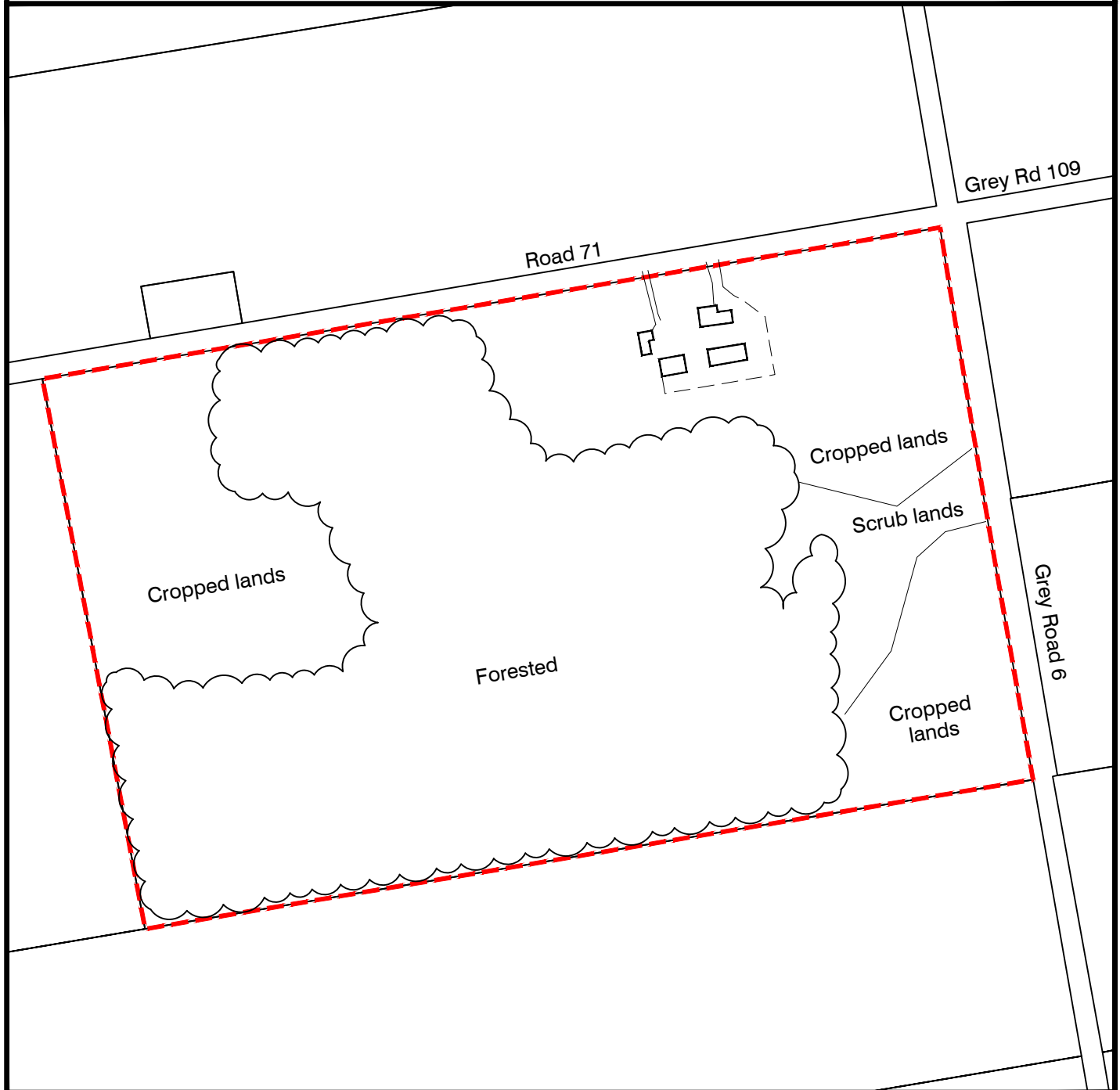
A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized, cursive style.

Ron Davidson, BES, RPP, MCIP

c.c. Ervin and Janet Bearinger

Figure 1: Existing Features

 Subject Property

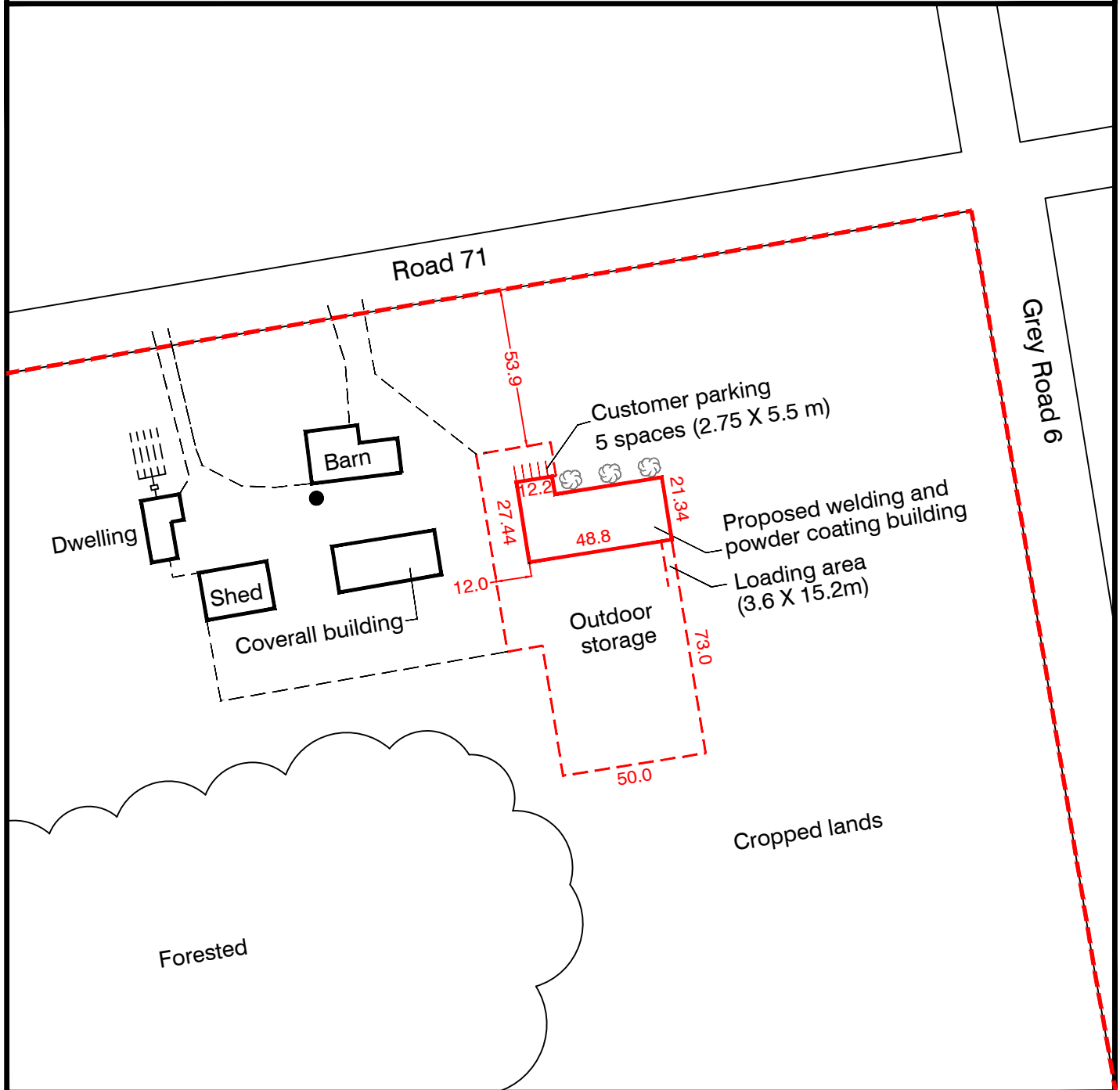
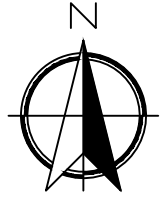


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SCALE 1:5500

Figure 2: Proposed Development



 Subject Property

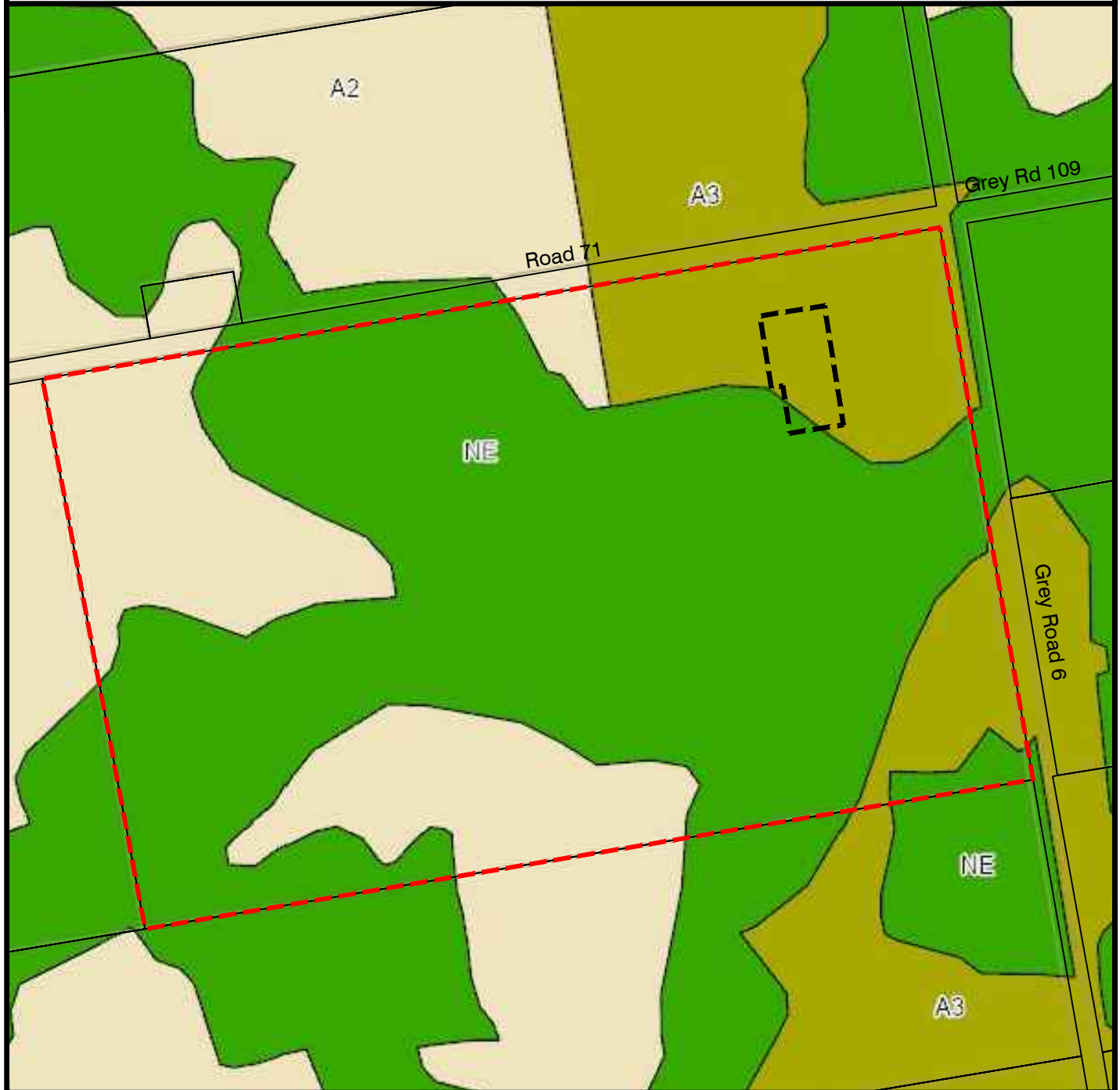
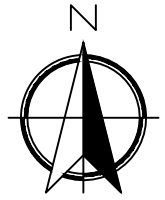


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Figure 3: West Grey Zoning By-law Schedule A



-  Subject Property
-  Lands Subject to Zoning By-law Amendment

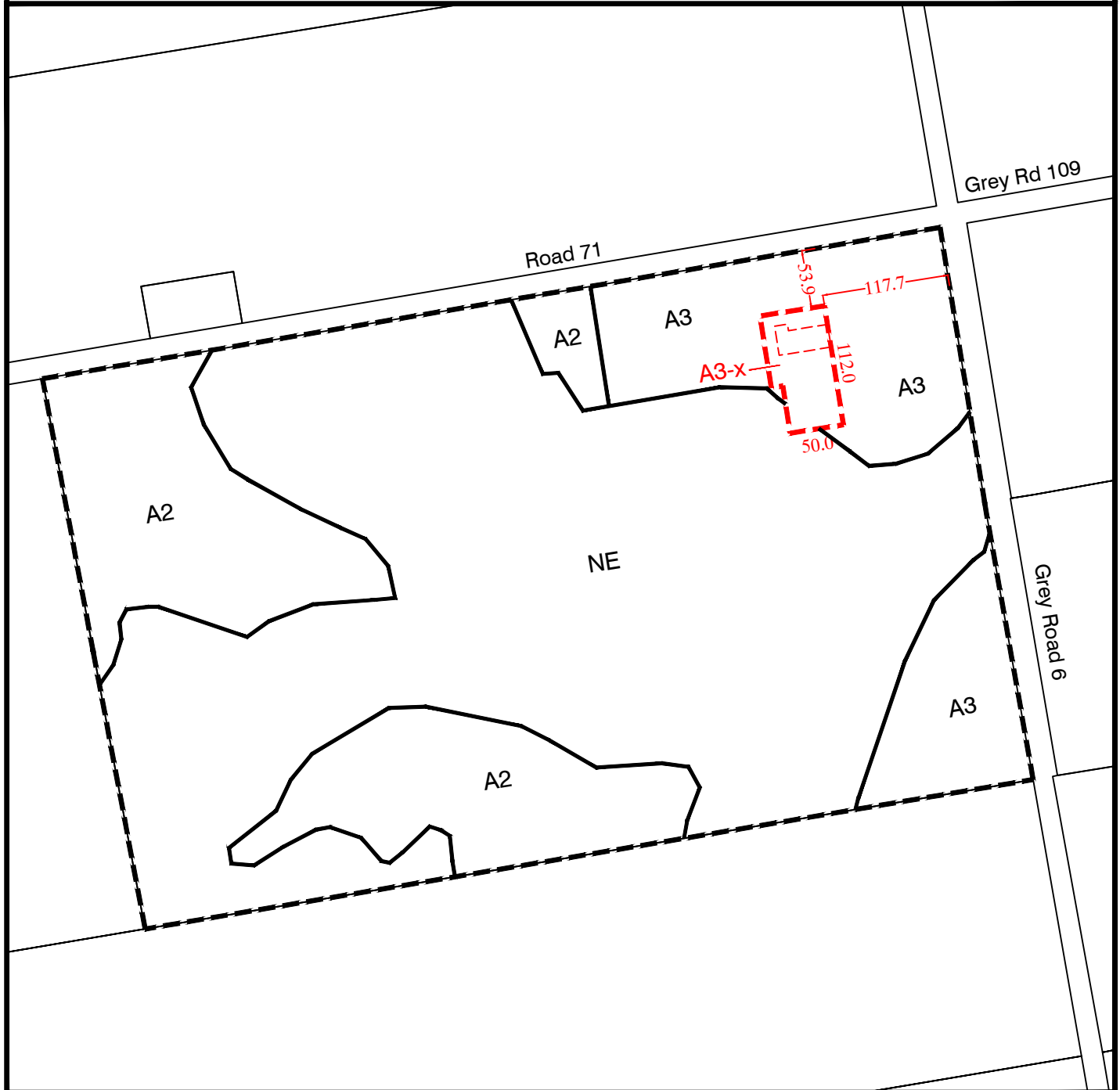
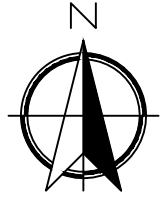


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Figure 4: Proposed Zoning





-  Subject Property
-  Lands Subject to Zoning By-law Amendment

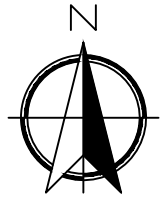


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Figure 5: Grey County Official Plan Schedule A




-  Subject Property
-  Lands Subject to Zoning By-law Amendment
-  Rural
-  Hazard Lands

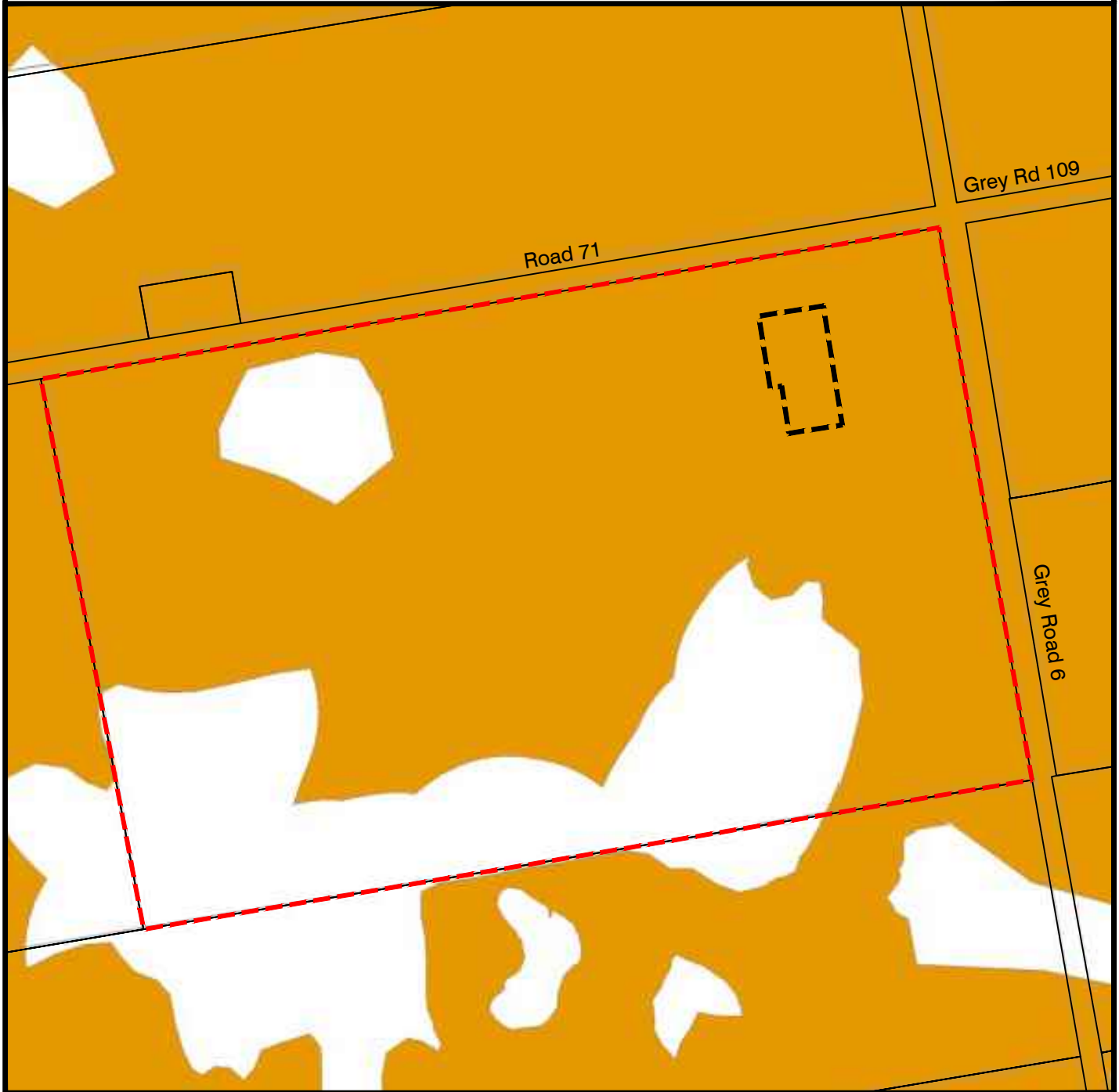


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Figure 6: Grey County Official Plan Schedule B





-  Subject Property
-  Lands Subject to Zoning By-law Amendment
-  Aggregate Resource Area

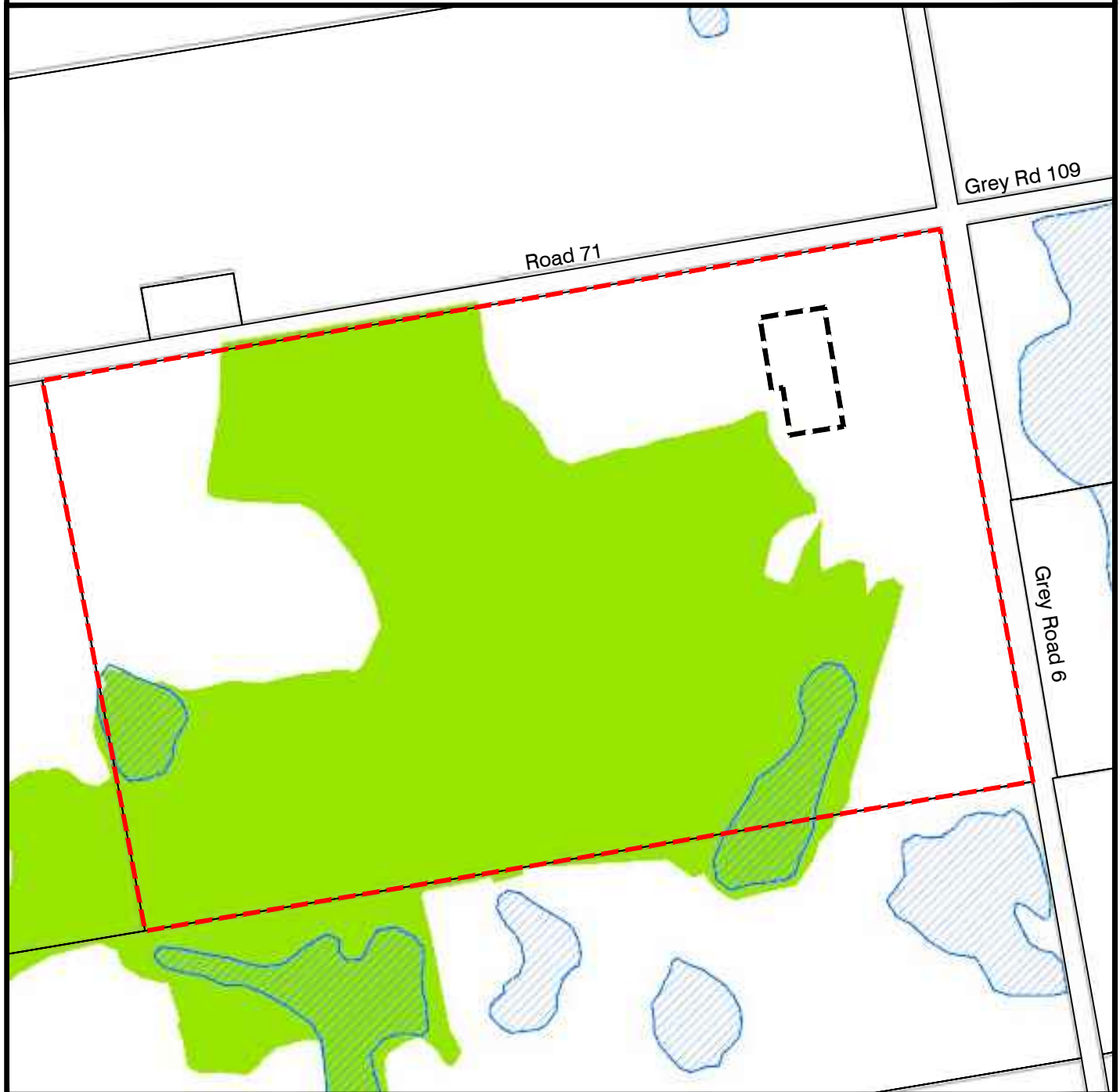
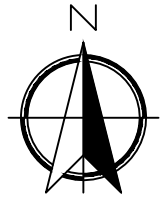


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Figure 7: Grey County Official Plan Appendix B

-  Subject Property
-  Lands Subject to Zoning By-law Amendment
-  Significant Woodlands
-  Other Wetlands



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