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**BY EMAIL ONLY**

May 8, 2023

**SSPL File No. 43035**

2748537 Ontario Inc.  
c/o Steve Simon, President  
164 Graham Road  
West Lorne, ON N0L 2P0

**Re: Proposed Rezoning Applications to Facilitate New Agricultural-Related Uses  
at 0 Pioneer, Municipality of West Elgin**

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Dear Mr. Simon,

Storey Samways Planning Ltd. (SSPL) was retained by yourself, through Jim DiMenna, P.Eng., of Metal Building Solutions Inc. (MBSI), to prepare a planning opinion report, as required by West Elgin Planning staff, to support a rezoning application affecting 0 Pioneer Line, Part of Lot 15, Concession 8, in the Community of Alborough Township, to permit, as additional permitted uses, Farm Equipment Sales and Service<sup>1</sup>, and Agricultural Industrial Establishment<sup>2</sup>, on a roughly 8.9 ha (22 ac.) existing agricultural lot. This letter is intended to serve this purpose.

**LOCATION AND BACKGROUND**

The roughly 8.9 ha (22 ac.) subject parcel is located on the north side of Pioneer Line, just west of the Community of West Lorne. The site maintains approximately 295 m (958

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<sup>1</sup> *FARM EQUIPMENT SALES & SERVICE shall mean the use of land, buildings or structures where farm vehicles and equipment are stored for the purpose of sale, lease, or hire and where such vehicles and equipment are repaired or serviced for purposes of being maintained in an operable condition.*

<sup>2</sup> *"AGRICULTURAL INDUSTRIAL ESTABLISHMENT" means the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses. These include, but are not limited to, such goods as farm machinery and equipment used for the tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of subsurface drainage materials and equipment.*

ft.) of frontage, with access, on Pioneer Line. Please refer to Appendix A.

The property is currently vacant and under cultivation. Abutting the parcel to the north is a closed rail corridor, with a mix of woodlots and farmland beyond that; to the east and west, on both sides of Pioneer Line, is a mix of rural residential uses, farmland and woodlots; and immediately to the south, opposite, is a vacant farm parcel, with wooded areas surrounding that.

The subject property is designated Agricultural by the Municipality of West Elgin Official Plan, and is zoned General Agricultural, A1, by the Zoning By-law.

Steve Simon and Simon Innovations

For further background and information for the reader, it is noted that it is your intent that the zoning amendment to also permit manufacturing, assembly, packaging, and sales and service of specialized parts to be installed on farm equipment, will facilitate the construction of a new farm building on the site, and in this regard, you provided the following overview:

*The intent for the building is to have a facility where I can operate:*

- 1. Farm operations such as maintain our current family farm equipment (combines, tractors, sprayers, planter, tillage equipment).*
- 2. House current farm equipment.*
- 3. Office space to run day to day operations with current companies.*
- 4. Warehouse space to receive, package and ship product for agricultural purpose.*
- 5. Space to house personal hobby vehicles, machines and equipment.*

*We supply to local and international clients as well as other agricultural distributors and or dealers.*

*We currently design and manufacture my patented products where we package our outsourced materials. Kit the product together and produce a final product that gets installed on field sprayers. This portion of the business' will be maybe 10% of the space. The bulk of the space is to have enough space for the farm business equipment and hobbies.*

*Today our current farm operation is about 1500 acres and I custom spray for the local Agris Co-op in Dutton for the past 20 years. Started my innovations company in 2015. We have finally come to find the ideal location for our new home and continue the growth of our Farm operation and also add success in our innovations to make an impact with our products in the agricultural community.*

*Our logo says it all. "Revolutionizing Agricultural Spraying"*

*Simon Innovations appreciates this opportunity and we look forward to our future business together!*

It is also noted that it was identified by West Elgin planning and building staff that the industrial and/or commercial components in the new building, which you describe in your comments above, was not permitted as-of-right by the applicable A1 zone provisions. As a result of this, the industrial and/or commercial components would need to be permitted, by way of zoning by-law amendment, on a site-specific basis.

That said, it is my opinion the proposed commercial sales & service component would fall under the definition of a Farm Equipment Sales & Service use. However, for clarification and assurances for your business moving forward, it is also my opinion that the manufacturing and assembly activities which you undertake, should fall under a new definition to be introduced into the West Elgin Zoning By-law, and permitted as such – that definition and use being an Agricultural Industrial Establishment, further described and discussed later in this report.

Finally, it is also my opinion that the other activities that you describe above, are directly related to your personal, and family farm operations and would be permitted as-of-right within the standard A1 zone.

## **ANALYSIS**

### Provincial Policy Statement, 2020 (PPS)

*Section 1.1.4, Rural Areas in Municipalities, states:*

*Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas.... It is important to leverage rural assets and amenities and protect the environment as a foundation for a*

*sustainable economy.*

Further, *Section 1.1.4.1(f)* states:

*(Healthy, integrated and viable rural areas should be supported by) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*

And *Section 1.1.4(i)* states:

*(Healthy, integrated and viable rural areas should be supported by) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.*

## *Section 1.7 Long-Term Economic Prosperity*

*Section 1.7.1* states:

*Long-term economic prosperity should be supported by:*

- (a) Promoting opportunities for economic development and community investment-readiness;*
- (g) Providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- (i) Sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintain and improving the agri-food network.*

## *Section 2.3 Agriculture*

*Section 2.3.1* states:

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

*Section 2.3.3.1 (Permitted Uses) states:*

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

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations...*

Comment: as per the Municipality of West Elgin Official Plan, the subject parcel is designated Agriculture. As such, the above noted PPS policies are considered, and discussed in greater detail below in this Analysis section under Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 – a document which provides an interpretation to the PPS policies as they relate to agricultural areas.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 (Guidelines)

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas is a comprehensive document which covers multiple facets of land use planning relating to agriculture in Ontario, which includes discussion on agricultural and non-agricultural uses, setbacks, lot creation, and PPS references.

For the purposes of this letter, the relevant parts of the Guidelines are discussed below, with the goal of determining whether or not the proposed *farm equipment sales and service* establishment, and *agricultural industrial establishment*, is appropriate on the subject agricultural lot, and as a result, whether or not the requested zoning amendment is consistent with the Provincial Policy Statement. An overarching set of comments and an opinion is provided at the end of this discussion, covering both the PPS policies and the Guidelines document.

*Section 1.3 Objectives and Criteria for Permitted Uses*

*The criteria for the uses in prime agricultural areas are specifically derived from PPS policies and definitions. They revolve around two key objectives:*

- 1. Maintaining the land base for agriculture (PPS Policy 2.3.1)*
- 2. Supporting a thriving agricultural industry and rural economy (PPS Vision and PPS Policy 1.1.4).*

As noted above in the PPS references, there are three types of permitted uses in prime agricultural areas:

1. Agricultural
2. Agriculture-Related
3. On-Farm Diversified

#### *Section 1.4 Principles of Permitted Uses*

*The intent of the PPS and these guidelines is to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development and:*

- *Agriculture remains the principle use in prime agricultural areas*
- *Prime agricultural areas are protected for future generations*
- *Land taken out of agricultural productions, if any, is minimal*
- *Regard is given to the long-term (multi-generational) impact on prime agricultural areas*
- *Normal farm practices are able to continue unhindered*
- *Agricultural and rural character and heritage are maintained as much as possible*
- *Uses are compatible with agricultural uses*
- *They make a positive contribution to the agricultural industry, either directly or indirectly*
- *Servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context*

Further, in Section 1.4:

*Permitting a wide range of compatible uses in prime agricultural areas is intended to enable:*

- *Agriculture and farm operators to prosper*
- *Development of new farm products*
- *Valued/necessary rural services to be available*
- *Diversification of the rural economy and tax base*
- *Job creation that helps stabilize and grow rural communities*
- *Greater awareness and appreciation of agriculture in the area.*

For the information of the reader, the following definitions, as per the PPS, are provided:

***Agricultural Uses:*** means the growing of 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; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

***Agriculture-Related Uses:*** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

***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.

For the purpose of this letter, based on the PPS definitions above, it is my opinion that the proposed *farm equipment sales and service* establishment, and *agricultural industrial establishment*, based on my discussions with you, and West Elgin planning staff, falls under the definition of Agriculture-Related Use.

#### *Section 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.*

Comment: as is indicated above, the Guidelines of Permitted Uses in Ontario's Prime Agricultural Areas provides a lay-person interpretation of the PPS Agriculture policies, and provides general examples for the information of the reader. I note that as per the

title of the document, the document provides a set of guidelines and is not in itself a set of policies which are to be followed. That said, the Guidelines do echo the PPS policies which all development applications must be consistent with.

As I provided above, it is my opinion that a *farm equipment sales and service* establishment, and *agricultural industrial establishment*, use on the property is a clear example of an Agriculture-Related Use, which the PPS agricultural policies contemplate and supports. This opinion is based on the comment of yours that I referenced earlier in this letter, being:

*"We supply to local and international clients as well as other agricultural distributors and or dealers.*

*We currently design and manufacture my patented products where we package our outsourced materials. Kit the product together and produce a final product that gets installed on field sprayers. This portion of the business' will be maybe 10% of the space. The bulk of the space is to have enough space for the farm business equipment and hobbies.*

*Today our current farm operation is about 1500 acres and I custom spray for the local Agris Co-op in Dutton for the past 20 years. Started my innovations company in 2015. We have finally come to find the ideal location four our new home and continue the growth of our Farm operation and also add success in our innovations to make an impact with our products in the agricultural community.*

*Our logo says it all. "Revolutionizing Agricultural Spraying"*

Comment: it is my opinion that the proposed rezoning to permit the *farm equipment sales and service* establishment, and *agricultural industrial establishment*, is not only consistent with the PPS, but it also assists in implementing important policies surround food and food security for local, regional and global communities, while at the same, does not appear to offend any of the remaining PPS policies.

#### West Elgin Official Plan (OP)

The West Elgin Official Plan contains many policies which speak to economic growth and sustainability, and to the agricultural sector in West Elgin. The subject parcel is designated Agricultural Area. I discuss below those relevant policies with which, in my opinion, your project conforms and supports. I also note other policies contained within



the OP have been considered in my review, however, I see them as neutral and which your application does not offend.

## *SECTION 2 ECONOMIC DEVELOPMENT*

### *SECTION 2.1 GOALS AND OBJECTIVES*

*The following goals and objectives are designed to foster economic development in West Elgin:*

- a) to maintain agriculture as a significant component of the local economy and the infrastructure necessary to support it;*

### *SECTION 2.2 AGRICULTURE*

#### *2.2.1 Intent*

*The Municipality recognizes and values the contribution of agriculture to the local economy and shall support those measures which lead to increased production, strong commodity prices, diversity of crops, adjustments to changing marketing conditions, adoption of new practices and technology and economies of scale provided such measures are environmentally sustainable and without adverse impacts on the community.*

#### *2.2.2 Infrastructure*

*The Municipality shall use its best efforts to maintain and improve the physical infrastructure necessary to ensure a productive and efficient local agricultural economy.*

#### *2.2.3 Agriculturally-related Commercial and Industrial Uses*

*The establishment of agriculturally-related commercial and industrial uses and the retention and expansion of existing uses which directly serve the needs of the farm community shall be encouraged and facilitated in locations considered appropriate for these purposes by this Plan in accordance with Section 6.2.3 and other applicable sections of this Plan.*

## SECTION 6.2 AGRICULTURE

### 6.2.3 *Agriculturally-related Commercial and Industrial Uses*

*Agriculturally-related Commercial and Industrial Uses* *Agriculturally-related commercial and agriculturally-related industrial uses that are directly related to serving the needs of the farm community and are required to be, or benefit by being, in close proximity to farming operations shall be permitted subject to the following criteria:*

*a) a demonstrated need exists for the use within the planning horizon;*

Comment: the market itself has both established the need, and demand, for the products which you design and sell to the local farming community. It is not anticipated that within such a strong agricultural community and economy which West Elgin boasts that the demand for your products and services will diminish over time.

*b) reasonable alternative sites including sites within designated settlement areas which avoid prime agricultural areas do not exist and where a location in a prime agricultural area is being proposed, lower priority agricultural lands are considered;*

Comment: it is not uncommon to see agricultural-related commercial and industrial uses located adjacent to built-up areas, such as West Lorne in this case. Also, in your circumstance, the subject parcel is undersized by today's farm standards, and although there has been cultivation of the land in the past, the smaller size does not in itself lend to efficient cultivation based on the size of your farming operation as a whole.

I also note that the farm building itself would normally be permitted at this location, and as your commercial activities will only account for a nominal footprint within the building, I view this as an efficient use of the building and land upon which it will sit.

*c) specialty crop areas are not impacted;*

Comment: specialty crops are not grown on this site, nor have any been identified in the immediate area. As such, there will be no impact.

*d) suitability of the site for the purposes intended;*

Comment: the site is deemed suitable for the intended purpose.

*e) availability of an adequate and potable water supply;*

Comment: municipal water service is available and will be employed.

*f) approved waste disposal means or facilities;*

Comment: the new building will require a new private waste disposal system to be installed. This will be addressed at the time of a building permit.

*g) access, or proximate access, to a hard surfaced road subject to the approval of the authority having jurisdiction;*

Comment: the site is serviced by an existing access to Pioneer Line, which is a hard-surfaced municipal road.

*h) measures, if need be, to ensure compatibility with neighbouring land uses;*

Comment: it is not anticipated that the proposed use will cause any issues of incompatibility with the surround farms and rural residential uses. However, any mitigation measures, such as setbacks and landscaping, will be addressed as part of a future site plan approval process.

*i) compliance with the Minimum Distance Separation Formula (MDS I);*

Comment: no MDS issues are presented by the proposal.

*j) an amendment to the Zoning By-law; and*

Comment: an application for zoning by-law amendment shall be filed to permit the proposed agricultural-related use.

*k) entering into a site plan agreement.*

Comment: noted. Application for site plan approval will be filed following a favorable decision of Council on the zoning by-law amendment application.

Overarching Comment: similar to the comment on the PPS above, it is my opinion that the proposal conforms to the West Elgin Official Plan; supports many important policies regarding economic development and agriculture; and offends no others.

#### West Elgin Zoning By-law (ZBL)

As indicated earlier in this report, the subject property is currently zoned General Agricultural, A1. This zone permits the following uses as-of-right, subject to certain performance standards criteria being met:

- *accessory living quarters for seasonal farm help*
- *agricultural use*
- *agri-tourism use*
- *bed and breakfast establishment*
- *cabin*
- *converted dwelling*
- *dog kennel*
- *existing cemetery*
- *farm winery*
- *home occupation*
- *hunting preserve*
- *landing strip*
- *riding school*
- *production of oil and natural gas*
- *single unit dwelling*
- *secondary farm occupation*
- *wildlife preserve*

It is noted that the above list of permitted uses does not permit farm-related commercial and industrial activities as-of-right.

#### Zoning By-law Amendment

In order for the proposed commercial and industrial components of your business operation to locate at the subject site, and to provide long-term certainty to your operation, it is recommended that a site-specific zoning amendment be sought to:

- 1) Introduce the definition of *Agricultural Industrial Establishment* into the West Elgin Zoning By-law, the definition being:

*"AGRICULTURAL INDUSTRIAL ESTABLISHMENT" means the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses. These include, but are not limited to, such goods as farm machinery and equipment used for the tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of subsurface drainage materials and equipment.*

- 2) Add an Agricultural Industrial Establishment as an additional permitted use;
- 3) Add Farm Equipment Sales & Service as an additional permitted use.

For the reasons discussed above in this letter, I see no issues of incompatibility with the adjacent agricultural operations, or rural residential uses, raised by the proposed use on the subject property, and I am of the opinion that the proposed rezoning is appropriate.

## **CONCLUSION**

The proposed rezoning at 0 Pioneer Line, in Part of Lot 15, Concession 8, in the Municipality of West Elgin to add farm equipment sales and service, and agricultural industrial establishment, as additional permitted uses is consistent with the Provincial Policy Statement, and is in conformity with the West Elgin, and for the reasons outlined in this letter, represents good planning.

Therefore, it my recommendation that your application for zoning by-law amendment be approved by West Elgin Council.

Prepared by:



David French, BA, CPT  
Storey Samways Planning Ltd.

Attachments:

Appendix A – Location Map

## APPENDIX A

