

October 28, 2022

Wendy Van Keulen, Community Development Coordinator
Township of Edwardsburgh/Cardinal
18 Centre St.
PO Box 129
Spencerville, ON K0E 1X0

**RE: Proposed Site Plan Application
3609 County Road 21
Part Lots 35 & 36, CON 6
Geographic Township of Edwardsburgh
Township of Edwardsburgh/Cardinal
Owners: Pamela Malcomson and David Malcomson**

Dear Ms. Van Keulen,

The owners of 3609 County Road 21 are currently operating a sawmill on the property established through approved building permits from the Township of Edwardsburgh/Cardinal. A workshop, timber barn, and one cover-all building were granted permit approval. The second cover-all building was applied for through permit but accidentally constructed prior to the issuance of the final permit. Due to the size of the operation and its location on Agriculturally designated and zoned lands, a Zoning By-Law Amendment and Site Plan application was requested by the Township for the sawmill use due to its size. The Township's new Zoning By-Law 2022-37 shows the subject property in the Agriculture (A) zone with a Flood Plain Overlay.

Upon review and investigation of the size permissions set forth by the On-Farm Diversified (OFD) Use policies in the Provincial Policy Statement (PPS) 2020, expanded on in Publication 851 – Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, the recommended size for OFD Uses is up to 2% of the total lot area, to a maximum of one hectare. The subject property measures 12.86ha in size. The current sawmill operation on the property including all buildings, access roads, and storage areas comprises a total area of 0.51 hectares accounting for 3.97% of the overall lot area. The proponent would be seeking to permit up to 1ha of area for the OFD Use. Home industries such as sawmills are listed as permitted On-Farm Diversified Uses in Publication 851. The Agriculture zone permits On-Farm Diversified Uses. The Official Plan and Zoning By-Law documents for the Township do not include any provisions or zoning standards relating to permitted sizes of On-Farm Diversified Uses. Publication 851 does not

require a cap of 2% of the lot area for OFD Uses, rather the guideline recommends the standard is up to 2% of the total lot area, to a maximum of one hectare. The proponent is seeking to permit up to 1 hectare of area to be used for the OFD Use.

Given the Official Plan and Zoning By-Law does not cap the size of the OFD Use, OFD uses are permitted on Agriculturally zoned lands, and Publication 851 only provides recommendations not requirements for the size of OFD uses, permitting up to 1ha of land for use by the sawmill would be appropriate for the site. A Zoning By-Law Amendment is not required to permit the use, however the site-specific rezoning is proposed to establish the limit of 1ha for the sawmill to ensure the use does not exceed the maximum set forth by Publication 851.

SUBJECT PROPERTY

The subject property falls at 3609 County Road 21 (See Figure 1) and contains a single detached dwelling, outdoor amenity spaces, garden areas, agricultural fields, and natural heritage areas at the southern end along the river. The property owners recently began establishing a sawmill operation on the property through building permits issued by the Township.



Figure 1 – Aerial View of 3609 County Road 21

A new workshop was constructed in the location of an old wood shed, the old shed being visible on aerial photos. A timber barn was built behind the existing dwelling in the location of a small garden. Two cover-all buildings were constructed on the property, the second prior to obtaining an appropriate building permit from the Township. A mulcher is present in Coverall #1 which takes the wood slabs and leftover pieces to ensure no waste from the operation. Wood slab storage currently takes place next to Coverall #1. Additionally, the proponent has planned to drill a second well on the subject property at 3609 CR21. The log storage areas must be kept wet during the warmer months to deter insects from eating the log and compromising the product. Pictures taken of the current operation as it exists in July, 2022 are shown in Figures 2 – 7.



Figure 2 – Coverall No. 1 (looking south)



Figure 3 – View inside Coverall No. 2



**Figure 4 – View Inside Coverall No. 1
(red machine is the mulcher)**



Figure 5 – View of the Workshop (looking south)



Figure 6 – View of the log storage area south of Coverall No. 2



Figure 7 – View of the Temporary Log Storage Area west of Coverall No. 1

PROVINCIAL POLICY STATEMENT (PPS) 2020

The Provincial Policy Statement provides policy direction related to land use planning while providing for appropriate development that protects resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement (PPS) 2020 was issued under section 3 of the *Planning Act* and came into effect May 1, 2020, replacing the Provincial Policy Statement issued April 30, 2014.

Section 1.0 of the PPS speaks to Building Strong Healthy Communities with policies for Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns found under Section 1.1. The proposed sawmill building on the agricultural property located at 3609 County Road 21 will promote efficient development and land use patterns which maintain the majority of the agricultural production area for continued agricultural use while providing a new On-Farm Diversified Use on the property in the form of a sawmill. In the current housing / commercial development markets, demand for wood and other building materials is high with supplies scarce. A sawmill located on the property will help sustain the financial well-being of the Province and municipality by providing materials to facilitate new growth and development (Sec. 1.1.1a). The new use will allow the current residential dwelling on the property to be maintained, ensuring an appropriate mix of residential uses in the area (Sec. 1.1.1b). Buildings and storage areas associated with the new use will be setback appropriately from the natural heritage features and areas on the property helping to avoid any potential environmental or public health and safety concerns (Sec. 1.1.1c). Efficient planning of the new use will support growth management and intensification of the site through integrated land planning ensuring the agricultural nature and use of the property is maintained. The site

has access to a County Road with internal road systems capable of handling the sawmill associated traffic. New buildings will be located mainly outside of the agricultural crop areas with hydro servicing in place to ensure land consumption and servicing costs are minimized (Sec. 1.1.1e). The new use will not impact any proposed or potential future Settlement Area expansions (Sec. 1.1.1d) and will conserve biodiversity on-site (Sec. 1.1.1h).

Section 1.1.4 of the PPS speaks to Rural Areas in Municipalities which include both rural lands and prime agriculture areas. Introduction of a sawmill business on the property will promote diversification of the economic base in the rural area and provide employment opportunities for several people. The sawmill will take logs and mill them down, providing value-added products that can be used to support a wide range of development opportunities (Sec. 1.1.4.1f). The new economic activities will be provided in prime agricultural areas in accordance with the policies of Section 2.3 of the PPS (Sec. 1.1.4.1i) and Publication 851 outlining Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Section 1.1.5 of the PPS speaks to Rural Lands in Municipalities stating permitted uses include On-Farm Diversified Uses (Sec. 1.1.5.2d), homes occupations and home industries (Sec. 1.1.5.2e). The proposal will be compatible with the rural landscape due to its location on the property and can be sustained by current rural service levels (Sec. 1.1.5.5). Adverse impacts from the use are not anticipated on abutting residences and/or farm operations that would require increased separation (Sec. 1.1.5.6). A new On-Farm Diversified use coupled with the current agricultural activity on the site will help support and promote a diversified rural economy minimizing constraints on abutting agricultural uses (Sec. 1.1.5.7). The sawmill would be consistent with the policies of Sections 1.1.4 and 1.1.5.

Section 1.3 of the PPS speaks to Employment and the promotion of economic development and competitiveness. The most common form of employment uses in agricultural areas involves the hiring of farm hands for crop planting, cultivation and production. Opportunities to support a diversified economic base are not always readily available in agricultural areas. The sawmill requires several employees to maintain the proper daily operations of the business, ensuring new employment opportunities are introduced by the use. A sawmill on the subject property would provide a wider range of economic activity on the site with value-added products that provide materials to meet the needs of existing and future businesses (Sec. 1.3.1b). Development will be compact, minimized to well under one hectare of the overall lot area, incorporating compatible employment uses (Sec. 1.3.1d). Additional employment opportunities provided from the new On-Farm Diversified use would be consistent with Section 1.3 of the PPS.

Section 1.6.6 of the PPS speaks to Sewage, Water and Stormwater servicing. “Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts” (Sec. 1.6.6.4). The dwelling is currently serviced by private water and sewage services. Employees of the sawmill business utilize a washroom space inside the current dwelling. No new private servicing is proposed in the new sawmill associated buildings. The sawmill use does not require large quantities of water. All new buildings are located in an open, pervious area with all driveways built using pervious materials to ensure infiltration and minimize impacts from stormwater.

Section 2.0 of the PPS speaks to the Wise Use and Management of Resources with Natural Heritage policies found under Section 2.1 and Water policies found under Section 2.2. The On-Farm Diversified Use proposed for the property would be located well beyond the natural heritage features and functions on the southern end along the river (Sec. 2.1.1) and will not affect the long-term ecological function or biodiversity maintaining important linkages (watercourse on the east side) to the natural features (Sec. 2.1.2). Development and site alteration would not occur in any significant natural features or on adjacent lands. The water features of the river, linkages and functions are not anticipated to be changed or impacted negatively by the new sawmill use.

Section 2.3 of the PPS provides Agriculture policies for the protection of prime agricultural areas including specialty crop areas or lands with prime agricultural soils. Planning authorities shall designate prime agricultural areas in accordance with provincial guidelines (Sec. 2.3.2). The Township has designated the entire property as Agricultural Resource Policy Area in the Official Plan and zoned it Agriculture (A) with a Flood Plain Overlay in the Zoning By-Law. Schedule A to the United Counties of Leeds and Grenville Official Plan also shows the property in an agricultural designation. The lands would be subject to the policies of Section 2.3 of the PPS. Of note, all of the flooded lands at the back of the property which are unsuitable for farming are designated Agricultural Resource Policy Area.

Prime agricultural areas are where prime agricultural lands predominate (Sec. 2.3.1). The PPS does not provide a definition or indication of what constitutes predominate uses. A common definition is *“to be the strongest or main element; to be greater in number or amount.”* The agricultural areas on-site represent only 36.3% of the overall parcel with the remainder being used for residential purposes and natural heritage features and areas. The natural areas extend to abutting parcels comprising significant amounts of their overall lot areas. Agricultural uses

are not the predominate form of land uses in the area between the South Nation River and County Road 21. Natural heritage features and areas form the predominate land use on the property and abutting parcels. These lands are not suitable for agricultural use. Despite the lands not being used predominantly for agriculture their underlying designation requires the policies of the PPS 2020 to be addressed.

In prime agricultural areas permitted uses include agricultural uses, agriculture-related uses and on-farm diversified uses (Sec. 2.3.3.1). The agricultural crop production occurring within the fields is a permitted use for the property as is the existing dwelling. A sawmill operation is proposed for the property to be accessed from an existing gravel laneway along the edge of the current field area. Building permits have been issued for the property by the Township, already permitting several buildings associated with the sawmill operation. A sawmill is not a permitted use within the Agricultural Resource Policy Area. However, pursuant to Sec. 2.3.3.1 of the PPS, agriculture-related uses and on-farm diversified uses are permitted.

Based on the PPS definition, 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.”* The sawmill is not a farm-related activity as the logs processed do not directly come from the farm itself, or abutting farms. It could be argued the sawmill provides products and materials that could be used by farmers for the construction of agricultural buildings, but the use itself does not directly relate to agriculture. The sawmill would not meet the definition of an agriculture-related use.

An on-farm diversified use 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, agri-tourism 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.”* Based on the limited area of the sawmill use, it would be secondary to the agricultural crop production occurring on the property. Further, the natural heritage areas and wetland features on-site comprise a larger overall area than the agricultural fields. The primary use of the property is not strictly limited to agricultural uses. The PPS does not provide further policy direction on on-farm diversified uses. However, Publication 851 - Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas provides further direction and will be outlined in the next section of this report.

Section 2.3.6 of the PPS speaks to Non-Agricultural Uses in Prime Agricultural Areas applicable to the proposed use given a sawmill is not considered an agricultural use. Planning authorities may permit limited non-residential uses in prime agricultural areas pursuant to Section 2.3.6.1b of the PPS given the following are demonstrated:

1. *the land does not comprise a specialty crop area.*
2. *the proposed use complies with the minimum distance separation formulae.*
3. *there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and*
4. *alternative locations have been evaluated, and*
 - i. *there are no reasonable alternative locations which avoid prime agricultural areas; and*
 - ii. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

OMAFRA mapping resources were investigated which showed no Specialty Crop Areas existing on or abutting the property. The sawmill use is not considered sensitive and would comply with any applicable MDS setbacks. Section 1.1.2 states sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs. Currently, the Province of Ontario is experiencing a housing shortage with material like wood and lumber in short supply. A sawmill located on the property will help supply local builders, contractors and private property owners to ensure materials shortages do not result in development delays. The use would meet an identified need within the current planning horizon.

With respect to alternate locations, the proponent has already been granted several building permits to construct buildings associated with the sawmill use on the property. These permits were issued by the Township and significant investment was made to establish the sawmill with the understanding the use was permitted through the permits issued. No planning related issues arose until the Township felt the operation was too large. Given the investment made in the property, relocation of the use would not be financially viable. Reasonable alternatives are not possible as the use is already established lawfully through permits on the property, the exception being the last cover-all building constructed before the issuance of the building permit. The development has been centralized on the property to maintain sufficient setbacks from neighbours ensuring existing surrounding uses are not impacted (Sec. 2.3.6.2).

There are no minerals or petroleum resources identified on or abutting the property in accordance with **Section 2.4** of the PPS.

Section 2.5 of the PPS speaks to Mineral Aggregate Resources which have been identified pursuant to the Official Plan for the United Counties of Leeds and Grenville and the Official Plan for the Township of Edwardsburgh / Cardinal. Pursuant to 2.5.2.5 of the PPS:

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 subject property been used for agriculture for over 50 years. Tertiary deposits identified on the properties are located partially in the fields but mainly within the natural heritage and floodplain features along the river. Resource use would not be feasible due to existing uses. The proposed OFD Use would serve a greater long term public interest as it represents a value-added home industry that protects the primary use of the property for agriculture. Due to dust and site activity associated with aggregate extraction agricultural uses would likely not continue if an operation were proposed.

Section 2.6 of the PPS speaks to Cultural Heritage and Archaeology. Agricultural production and the on-farm diversified use (sawmill) occur well beyond the naturalized areas along the river and are unlikely to contain any resources of cultural heritage or archaeological significance in accordance with the policies of the PPS. The lands have been tilled and farmed for decades and would be unlikely to contain any significant finds.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety with policies for Natural Hazards found under Section 3.1. The rear of the property along the South Nation River falls within a Flood Plain Overlay. All development related to the on-farm diversified use will occur outside of the flooding limits of the river (Sec. 3.1.1b). Development and site alteration will not occur within any areas that may be inaccessible due to flooding on the property (Sec. 3.1.2c). The development area would not be considered unsafe due to the presence of hazardous forest types that could be subject to wildland fires (Sec. 3.1.8). Development will be directed away from any natural hazards.

Section 3.2 of the PPS speaks to Human-made Hazards. The property is in a rural / agricultural area and has not contained any previous uses that may have resulted in contamination of the

land or water. The proposed sawmill use will not involve any processes that would create the potential for contamination of the site.

Overall, as long as the sawmill use complies with the on-farm diversified use policies set forth in Publication 851 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas it would be consistent with the provisions of the Provincial Policy Statement (PPS) 2020.

PUBLICATION 851 – GUIDELINES ON PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS

Publication 851 has been set forth to complement, be consistent with and explain the intent of the PPS policies and definitions providing guidance on agricultural, agriculture-related and on-farm diversified uses as described in Policy 2.3.3 of the PPS. As outlined in the previous section, the proposed sawmill use would fall under the definition of an on-farm diversified use. Section 2.3 of the document speaks to On-Farm Diversified (OFD) Uses. The list of potential OFD uses may vary widely as long as they meet the PPS criteria for OFD Uses as set forth in Section 2.3.1. All of the following criteria must be met in order to qualify as an On-Farm Diversified Use:

1. *Located on a farm*
2. *Secondary to the principal agricultural use of the property*
3. *Limited in area*
4. *Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural product*
5. *Shall be compatible with, and shall not hinder, surrounding agricultural operations*

1. Location on a Farm

The proposed sawmill is located on the property at 3609 County Road 21. This property is active agricultural crop land farmed by a local farmer for the last 40 years. The agricultural lands will continue to be farmed after the sawmill operation is fully established.

2. Secondary to the principal agricultural use of the property

A portion of the subject property, aside from the residential dwelling and natural areas at the rear along the South Nation River, is used for agricultural crop production. Based on the survey

of the property the lot measures approximately 128,595 square metres in size. The area of agricultural field production is roughly 46,653 square metres (See Figure 8) or about 36.3% of the total parcel. The area of the OFD use is approximately 3.97% of the overall property. Assessment of whether the use is secondary is measured in both spatial and temporal terms. The spatial limits are set forth in Criteria #3 and will be explained in detail to show the total area meets the spatial requirement. Temporal considerations apply to uses that are temporary or intermittent. The proposed sawmill would not be considered a temporary use, though one of the log storage areas along the southwest property line would be. Based on the limited area of the OFD use compared to the agricultural field areas the use would be considered secondary to the primary agricultural use.



Figure 8 – Area of Agricultural Production on the Property

3. Limited in Area

Ensuring the proposed OFD uses are limited in area is one of the main criteria for establishing what is appropriate for non-agricultural OFD uses on agricultural lots. The intent is to minimize the amount of land taken out of agricultural production, to ensure agriculture remains the primary land use, and to limit off-site impacts to ensure compatibility with surrounding agricultural operations. The preferred approach to the limited in area criteria is to account for the total footprint of the OFD use on a lot coverage basis by determining the total land unavailable for agricultural production as a result of the OFD use. All aspects should be accounted for in the calculation including buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The area is based on the individual

parcel of land, not a cumulative total, for instance if the farm operation is spread over multiple lots. The criteria allow for discounted footprints if the OFD uses resulted from a retrofit of existing buildings. Existing laneways shared between agricultural uses and OFD uses are not counted. The area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways and parking are counted at 100% of their size. The guidelines recommend *“that the standard for the acceptable area occupied by an on-farm diversified use is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²).”*

All of the OFD related buildings currently constructed on the property were done so with proper building permits and approved in the locations shown on the sketch prepared by ZanderPlan, with the exception of Cover-all #1 which was built before the issuance of that permit. The workshop was constructed outside of the field areas in the location of a previous wood shed. It does not displace or make unavailable any land previously used for agriculture as it was located outside the extent of the field areas. The timber barn was constructed behind the current dwelling in the grassed area outside of the fields where a small vegetable garden had been located. It does not displace any agricultural fields. The two coverall buildings and log storage are located in the field area but on the periphery. The minimal amount of agricultural fields was taken to accommodate those features. The gravel driveway accessing the sawmill was constructed in the same location along the edge of the fields on the southwest side of the property as the previous field access. The parking area for employees falls between the work shop and timber barn outside of the agricultural field areas. Though some fields have been displaced a significant portion of the sawmill was established outside of the agricultural field areas on-site in the grassed areas which forms part of the residential dwelling.

Based on the sketch submitted by ZanderPlan the main gravel driveway accessing off of CR21 runs along the side of the west field forming a loop around Coverall #1. The driveway continues east between the timber barn and workshop. All of these gravel driveway areas are used by both the OFD use and the agricultural use. The farmers who use the fields have combines measuring up to 30 feet wide and use the gravel driveway for access into the fields on the east and west sides of the sawmill. *“It is recommended that the area of existing laneways not be included in area calculations. This will encourage on-farm diversified uses to locate within existing farm building clusters and minimize impacts on agricultural production”* which is the approach taken for the sawmill and the current driveway access. The shared driveway is not considered part of the OFD use, however the looped driveway around Cover-all #1 used solely for the sawmill would be included. Figure 9 shows the total area accounted for in the OFD use.

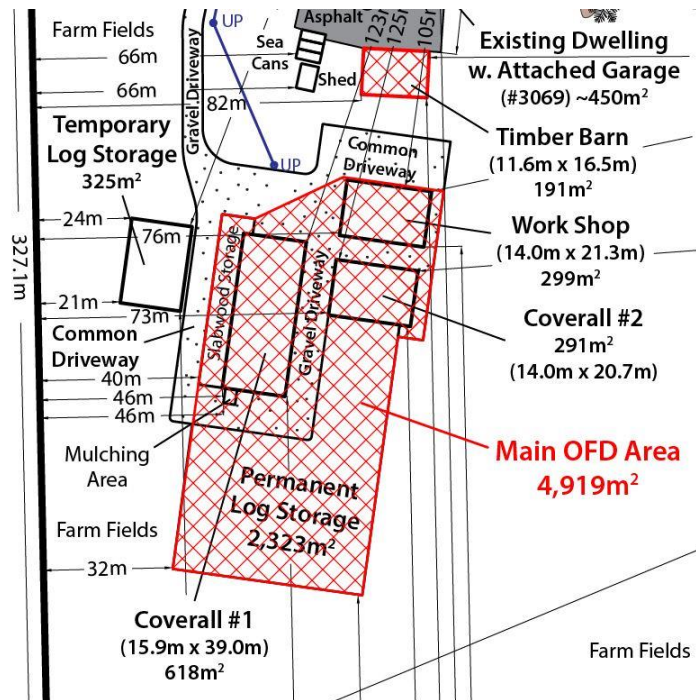


Figure 9 – Buildings / Features included in the OFD Use

Timber Barn – 191m²

Main OFD Area (including coveralls, workshop and log storage) – 4,919m²

Total = 5,110m² / 128,595m² = 3.97%

Of note, approximately 500m² of the 4,919m² OFD area and the timber barn are located outside of the previous agricultural field areas. The area unavailable for agricultural production as a result of the use would be 4,228m² or 3.29% of the property. Based on Figure 8 earlier in this report 42,425m² worth of agricultural fields would remain after the OFD use is established. The OFD use is only 12.04% the size of the remaining agricultural fields ensuring agriculture remains the primary use of the lot.

The area of gravel driveway shown outside of the red hatch is common driveway used by both the sawmill operation and the farmers who manage the fields. Between the workshop and timber barn is a gravel area where employees park, this is used by the farmers to access the east fields. The portion of gravel driveway on the east and south sides of Coverall #1 has been counted solely toward the OFD use. The timber barn is separated from the OFD area by existing landscaping that has been maintained. The entirety of the Timber Barn has been included in the OFD area. Overall, the area is an interpretation of the main area used by the operation pursuant to discussions with the proponent. Due to the nature of the business it is possible

wood may need to be temporarily stored outside the hatched area, such as within the temporary log storage area shown on the plan. A delivery may be left in a more accessible location outside the hatched area for pickup. The business is dynamic, but the main daily operations occur within the 4,919m² area shown in Figure 9.

Publication 851 is a guideline that provides recommendations not requirements. While the property is slightly above the recommended 2% lot area the total size is close to half the maximum permitted size for an OFD Use. Some of this area, specifically the timber barn, work shop, and parts of the OFD driveway area fall outside of historic limit of the fields on-site making the actual disturbance of agricultural fields lower than the total area of the sawmill. Overall, the proposal is consistent with the PPS and Publication 851 with respect to the size limitations. The farmer who manages the fields and the crops, who is not the proponent Mr. Malcomson, has no objection to the sawmill on the property as it permits continued agricultural production while allowing the proponent to maximize the potential of his property.

Publication 851 states *“if the area of a proposed on-farm diversified use exceeds the recommended area thresholds in these guidelines, give consideration to PPS Policy 2.3.6 on non-agricultural uses in the prime agricultural areas.”* Policy 2.3.6 of the PPS was addressed earlier in this report. The lands do not comprise a Specialty Crop Area (2.3.6.1), the use complies with minimum distance separation formulae (2.3.6.2), and there is an identified within the planning horizon as housing demand and supplies are high (2.3.6.3). While alternative locations may be available, based on the investment made and the development that was lawfully permitted by the Township it is no longer feasible to locate the use elsewhere. The use was lawfully established through permit indicating the Township recognized the location as being suitable for such a use.

Given the Publication 851 permits a maximum size of up to 1ha for an OFD Use the proponent is seeking permission to have the flexibility to increase the sawmill up to 1ha in size. There are no provisions in Publication 851 which says a use cannot be considered an On-Farm Diversified Use if it exceeds 2% of the lot area as long as it does not exceed 1ha.

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural product

Publication 851 also provides several examples of what could constitute On-Farm Diversified Uses in Section 2.3.2 of the document. Examples include:

- *Value-added uses that could use, feedstock from outside the surrounding, agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)*
- *Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)*
- ***Home industries** (e.g., **sawmill**, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)*
- *Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)*
- *Retail uses (e.g., farm market, antique business, seed supplier, tack shop)*
- *Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)*

A sawmill is directly stated in Section 2.3.2 as an example of an on-farm diversified use per the Publication 851.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations

The OFD use on the property will utilize the existing gravel access also used by the farm operators for access into the fields. The uses are well separated from property lines leaving enough buffering and separation to abutting agricultural uses. Continued use of the sawmill would not hinder any abutting operations or use of the property for agriculture in any way.

Overall, the policies of the PPS and Publication 851 - Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas consider a sawmill as an On-Farm Diversified Use if the criteria outlined are met. The sawmill would be located on a farm, would be secondary to the agricultural use, would comprise more than 2% of the lot area but less than 1ha, is a recognized home industry OFD use, and is compatible with surrounding agricultural operations. The use would be consistent with the policies of Publication 851.

Despite being fully designated Agricultural Resource Policy Area more than half the property is natural heritage associated with the abutting river. A large residential use with several outdoor amenity spaces is located on the lot. The owners of the dwelling and operators of the sawmill do not farm the fields on-site. The property does not function like a typical agricultural farm. Despite the underlying designation it is the opinion of ZanderPlan the varied uses of agricultural, residential, and natural heritage make the property more suited to a further

diversification of uses. The overall impact on crop yield and agricultural use is negligible compared to the benefits from the sawmill use on the property.

UNITED COUNTIES OF LEEDS AND GRENVILLE (UCLG) OFFICIAL PLAN

The subject property at 3609 County Road 21 falls in the Agricultural Area designation on the UCLG Official Plan Schedule A – Community Structure and Land Use (See Figure 10) with Tertiary Sand and Gravel Resource Areas in some areas pursuant to the UCLG Official Plan Schedule B – Mineral Resources and Aggregate Resources (See Figure 11). Other than the River there are no other Natural Features or Areas shown on Schedule C to the UCLG Official Plan. Flood Plains are identified pursuant to the UCLG Official Plan Schedule D – Natural and Human-made Hazards (See Figure 12). The property contains Natural Heritage System, Features and Areas mapping pursuant to Appendix 2 – Natural Heritage System Strategy of the UCLG Official Plan (See Figure 13). The areas proposed for the OFD use are not impacted by Source Water Protection Areas as shown in Appendix 3 or Wildland Fire Hazard Areas as shown in Appendix 4 of the UCLG Official Plan.

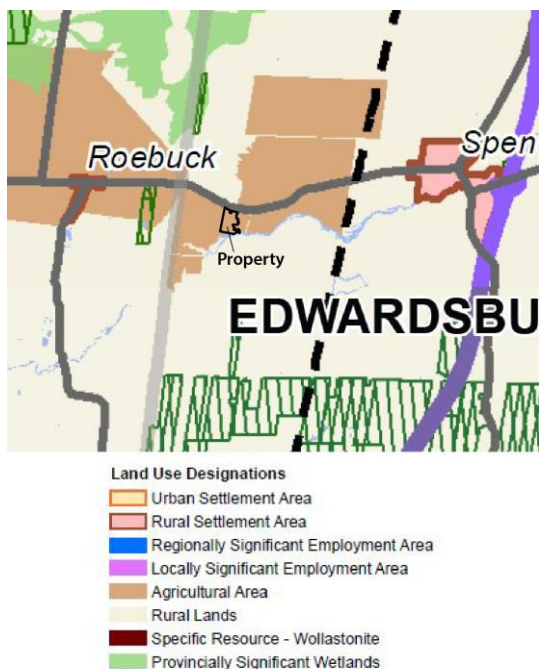


Figure 10 – UCLG Official Plan Schedule A

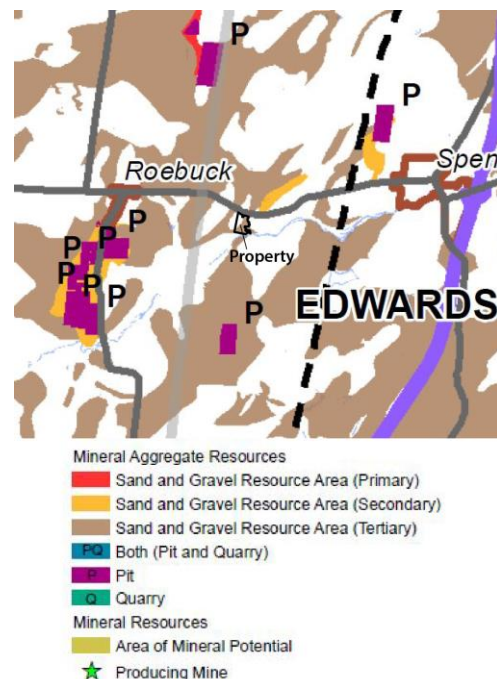


Figure 11 – UCLG Official Plan Schedule B

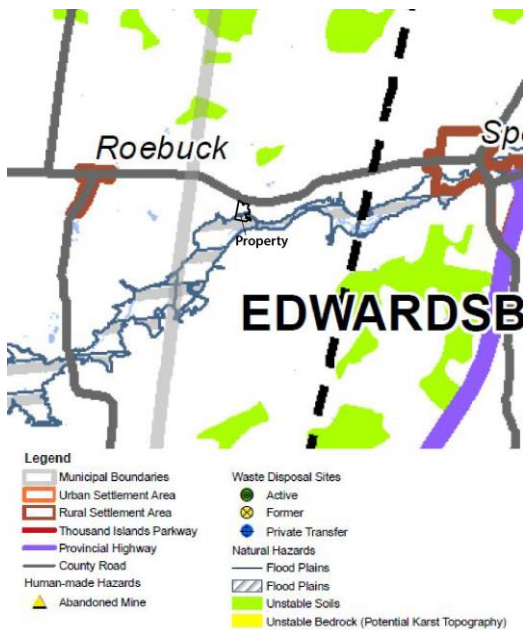


Figure 12 – UCLG Official Plan Schedule D

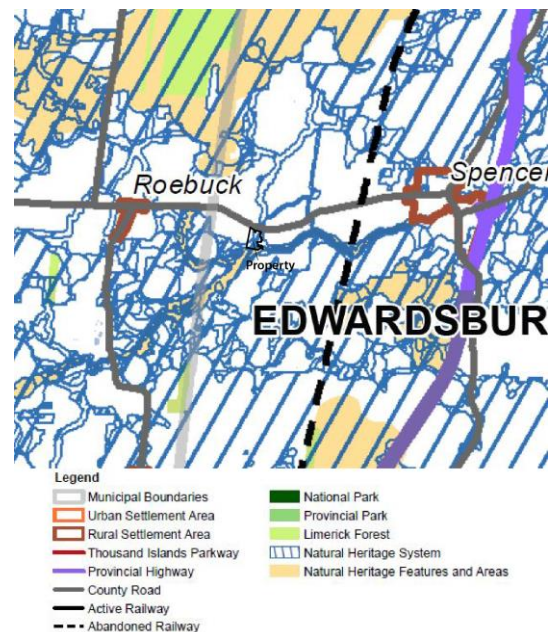


Figure 13 – UCLG Official Plan Appendix 2

Section 3.0 of the UCLG Official Plan speaks to the Rural Area with objectives to support a healthy, integrated and viable Rural Area in **Section 3.1**. Permitting a sawmill operation would maintain the existing rural character of the property, locating uses to the rear of the residential development but outside of the natural features (Sec. 3.1a). Maintaining the 0.5ha of OFD area and allowing up to 1ha, with some of that located outside of existing fields, protects the prime agricultural areas and ensures their continued viability while promoting complementary uses (Sec. 3.1b). Growth and development shall provide opportunities for home occupations and home industries (Sec. 3.1d). A sawmill will promote diversification of the economic base and provide employment opportunities through goods and services related to the use of resources (Sec. 3.1g). The OFD use will take place outside of the natural heritage features on the southern ends of the property thereby conserving biodiversity, connectivity and the ecological benefits of these features (Sec. 3.1j). The use meets the objectives of the Rural Area.

Section 3.2 of the Official Plan provides policies for Agricultural Areas. Lands within the Agricultural Area designation are based on the agricultural areas established in the local municipal Official Plans, designated on Schedule A to the Official Plan. Agricultural lands will be protected for agricultural uses unless appropriate justification is provided for alternative land uses, and shall accommodate a diverse range of agricultural uses, agriculture-related uses and on-farm diversified uses. The sawmill use on the properties will still maintain agriculture as the prime activity (Sec. 3.2.1a), maintain and enhance the agricultural resource base with a new OFD use (Sec. 3.2.1b), will protect prime agricultural lands from fragmentation by limiting

development to 1ha of lot area (Sec. 3.2.1c), will promote normal farm practices of the remaining lands (Sec. 3.2.1d), and will promote a diverse, innovative and economically strong agricultural industry by accommodating an on-farm diversified use (Sec. 3.2.1e). The new On-Farm Diversified Use would meet several of the objectives of the Agricultural Area designation of the UCLG Official Plan.

Permitted uses for the Agricultural Area are set forth in **Section 3.2.2** of the UCLG Official Plan. The primary use of the property will remain the growing of crops (Sec. 3.2.2b). A single residential dwelling is permitted for the lot (Sec. 3.2.2c). On-farm diversified uses are permitted pursuant to Section 3.2.2e which states:

On-farm diversified uses are secondary to the principal agricultural use of the property, and are limited in area. Proposed on-farm diversified uses will be compatible with, and will not hinder, surrounding agricultural operations. On-farm diversified uses will be permitted, including but not limited to: home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm's products on the farm property, sales outlets for agricultural products produced on the farm, and agri-tourism uses such as farm machinery and equipment exhibitions (on a temporary basis), farm tours, petting zoos, day camps, rural events, hay rides and sleigh rides, processing demonstrations, pick-your-own produce establishments, small-scale farm theme playgrounds for children and small-scale educational establishments that focus on farming instruction. The local municipal Official Plan will establish land use policies and provisions related to on-farm diversified uses.

As shown earlier in the report, the “limited in area” criterion set forth in Publication 851 states a maximum 2% of the lot area of the subject property up to 1ha can be used for OFD uses. The UCLG Official Plan does specify a size maximum for an OFD use rather it shall be secondary to the principal agricultural use and will be compatible with surrounding agricultural uses. The sawmill comprises a significantly smaller area of the lot compared to the agricultural fields and is located centrally on the site well separated from abutting agricultural operations. Home industry, such as a sawmill, is directly stated as a permitted On Farm Diversified Use. Of note, the farm fields at 3609 CR21 are managed by a local farmer, the proponent does not tend the fields. The sawmill operation provides a diversification of uses for the property without displacing the farmer and is consistent with Section 3.2.2 of the Official Plan.

Land Use Policies for the Agricultural Area designation are set forth in **Section 3.2.3** of the UCLG Official Plan. The development proposal complies with permitted uses for the agricultural area without the need for an Official Plan Amendment (Sec. 3.2.3a). The sawmill use does not involve the housing of livestock and would not be subject to Minimum Distance Separation Formulae (Sec. 3.2.3c). Rezoning can be tailored to establish provisions relating to *“built form, lot design, parking, screening/buffering, outside storage, and landscaping for any agriculture-related use and on-farm diversified use within the Agricultural Area”* (Sec. 3.2.3e).

Section 3.5 of the UCLG Official Plan speaks to Mineral, Mineral Aggregate and Petroleum Resources. A portion of the property has Tertiary Sand and Gravel Resource areas identified in the Official Plan. *“The Counties will ensure the long-term protection and appropriate management of mineral resources, including mineral aggregate resources, minerals, and petroleum resources. It is also recognized that a balance must be struck between the competing priorities for the protection of the mineral resources, the protection of existing established sensitive uses and the need to address other goals of the Official Plan in accommodating growth and prosperity in the Counties.”* The property has been used for agricultural production for well over 40 years. The establishment of new on-farm diversified uses that protect the primary use of the lands for agriculture would protect existing established sensitive uses while addressing goals relating to growth and prosperity by allowing a sawmill use which provides valuable materials used in land development.

Section 3.5.2 of the UCLG Official Plan provides Mineral Aggregate Resources policies for lands with primary, secondary and tertiary sand and gravel resources. The Official Plan states *“the identification of deposits of mineral aggregate resources on Schedule B and in the local municipal Official Plans does not presume that all lands located within these areas are suitable for the establishment of new or expansions to existing mineral aggregate operations. Furthermore, the deposits of mineral aggregate resources identified on Schedule B and in the local municipal Official Plans are not intended to be reserved in totality for extraction of these resources over other potential land uses in these areas”* (Sec. 3.5.2a). Lands along this stretch of County Road 21 are zoned and designated for agricultural uses. New aggregate operations would displace the agricultural production, introduce greater impacts on the river system, and potentially affect abutting agricultural production.

Pursuant to **Section 3.5.2f** of the UCLG Official Plan *“development and activities in known deposits of mineral aggregate resources and on adjacent lands, with the exception of any use in an Urban and Rural Settlement Area and/or Employment Area and agricultural uses, which would preclude or hinder the establishment of new mineral aggregate resource operations or*

access to the resources will only be permitted. . .” The current use is agriculture and the on-farm diversified uses are supported on agricultural properties. Additionally, the deposit identified on Official Plan Schedule B runs in a north to south direction through the river and natural heritage features on the property. Continued agricultural use with associated on-farm diversified uses would be permitted on the lands with Tertiary Sand and Gravel Resources.

Section 4.0 of the UCLG Official Plan speaks to Natural Heritage, Water Resources and Cultural Heritage. The proposed on-farm diversified uses will be located well beyond the natural heritage and water features on the rear of either property. Agricultural fields will remain the closest land use to the natural areas and treed vegetation existing on the properties. Given the proposed use is not anticipated to have any impact on the natural features, function, connectivity, and continued use of the natural areas on either property the policies of Section 4.0 will not be addressed further.

Section 5.0 of the UCLG Official Plan speaks to Natural and Human-Made Hazards. The rear of property at 3609 County Road 21 has Environmental Protection – Wetland (EP-w) and Environmental Protection – Flood Plain (EP-f) zoning. The new OFD use will be located well outside of the natural hazard areas on the rear of each property. The proposed rezoning of each property will not include any of the lands in either of the Environmental Protection zones. Given development will occur well outside the hazard lands, and no man-made hazards exist on-site, the policies of Section 5.0 of the Official Plan will not be addressed further.

The United Counties of Leeds and Grenville Official Plan permits on-farm diversified uses limited in area in the Agricultural Area designation, and permits agricultural uses on lands designated Tertiary Sand and Gravel Resource. The sawmill as a home industry would be permitted under the policies of the UCLG Official Plan.

TOWNSHIP OF EDWARDSBURGH CARDINAL OFFICIAL PLAN

The subject property at 3609 County Road 21 falls in the Agricultural Resource Policy Area on the Township of Edwardsburgh Cardinal Official Plan Schedule A – Land Use and Transportation (See Figure 14) and is partly designated Flood Plain and Sand & Gravel Resources on the Township of Edwardsburgh Cardinal Official Plan Schedule B – Development Constraints (See Figure 15). Both constraints are identified on the south side of the lot away from the agricultural fields and proposed on-farm diversified use. The property falls in Algonquin Traditional Territory pursuant to Appendix B of the Township’s Official Plan.

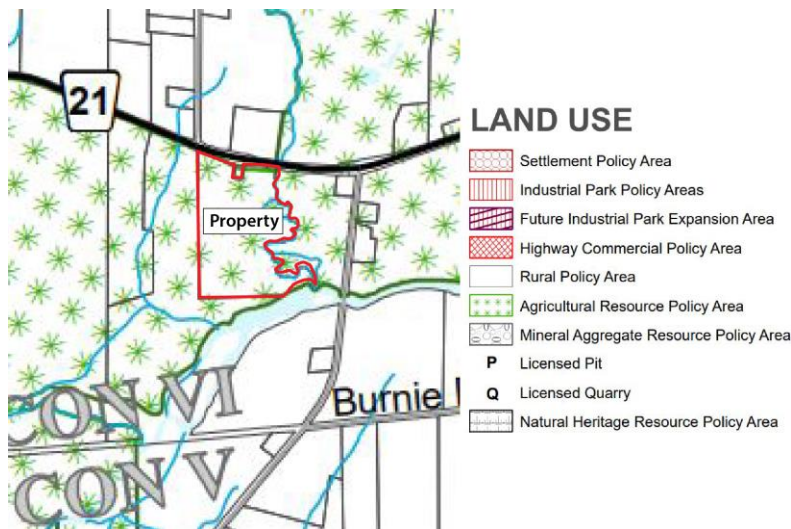


Figure 14 – Township of Edwardsburgh / Cardinal Official Plan Schedule A

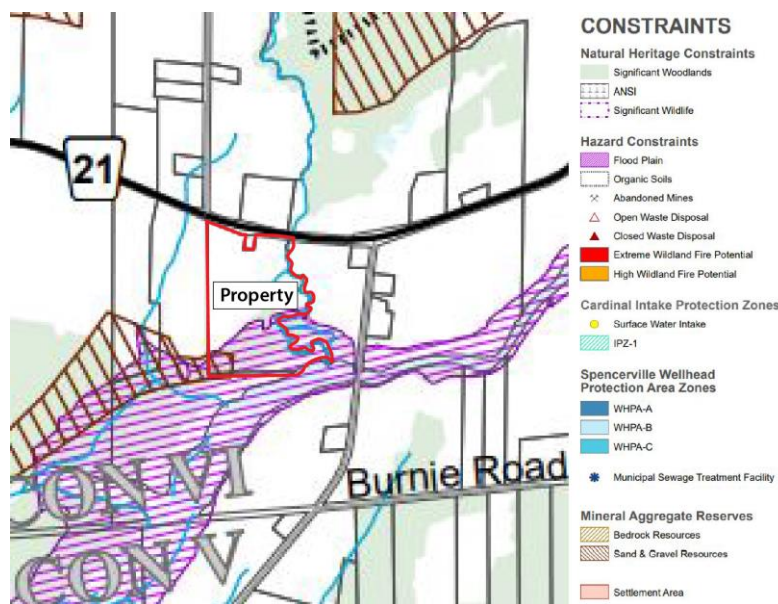


Figure 15 – Township of Edwardsburgh / Cardinal Official Plan Schedule B

Section 3.5 of the Township's Official Plan speaks to the Agricultural Resource Policy Area which has been placed on prime agricultural areas predominantly characterized by soils designated Classes 1 – 3 in the Canadian Land Inventory for Agricultural Capability. The entire property falls within the Agricultural Resource Policy Area, but the areas outside of the farm fields on-site are considered Class 6 soils pursuant to Canadian Land Inventory Soil Capability for Agriculture. The Class 6 soils comprise nearly half the property. 3609 CR21 would not be considered predominantly Class 1 – 3 soils.

Pursuant to Section 3.5.2 permitted uses include *“on-farm diversified uses which means those uses that are secondary to the principal agricultural use of the property and are limited in area. Examples of permitted on-farm diversified uses include home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm’s products on the farm property. In addition, agri-tourism uses such as bed and breakfasts, pick-your-own, produce markets, farm tours, farm gate sales and small-scale farm theme rural events are also permitted.”* It has been demonstrated in this report that the sawmill is consistent with the On-Farm Diversified Use policies of the Provincial Policy Statement and Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Home industries, including sawmills, are listed as permitted OFD uses for agricultural properties in the Agricultural Resource Policy Area designation.

Section 3.6 of the Official Plan speaks to the Mineral Aggregate Resource Policy Area designation. Sand and Gravel Resources are identified in the Official Plan, as seen in Figure 11 above. The County OP shows these deposits as tertiary. *“Many of the areas of tertiary deposits are small and fragmented, and others are significantly larger and/or represent areas where deposits are concentrated. Given that the sand and gravel resources are primarily of tertiary significance and many are small and fragmented, it is recognized that not all deposits are suitable to support commercial activity for aggregate extraction.”* The mapped aggregate reserve deposits on the subject properties are limited to the southern portions of the lots outside of the agricultural fields and the areas proposed for the OFD use. The deposits coincide with the flood plain locations on either property. Pursuant to 3.6.3.7:

In areas identified as Mineral Aggregate Reserves, and on adjacent lands, development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if:

- 1. The resource use would not be feasible; or*
- 2. The proposed land use or development serves a greater long-term public interest; and*
- 3. Issues of public health, public safety and environmental impact are addressed.*

The resources on the property are identified within the flood plain and natural heritage features on the south sides of the lots. Given existing uses and the location of the deposit resource use would not be feasible. The current agricultural production and proposed on-farm diversified use would serve greater long-term interest than establishing an aggregate operation on lands zoned and designated for agriculture.

With respect to the flood plain and natural heritage features and areas on the properties all are located outside of the primary agricultural fields and the proposed locations for the OFD Use on each property. As such, the development would not impact these features or their ability to continue functioning properly. Any policies relating to flood plain and natural heritage will not be addressed further. The proposed OFD use would comply with the policies and provisions of the Township of Edwardsburgh / Cardinal Official Plan.

TOWNSHIP OF EDWARDSBURGH / CARDINAL ZONING BY-LAW No. 2022-37

The Township has recently passed a new Zoning By-Law 2022-37 which shows the property at 3609 County Road 21 in the Agricultural (A) zone with a Flood Plain Overlay (See Figure 16). The proposed OFD Use will be limited in area located well beyond the Flood Plain Overlay at the rear of the property. The Zoning Amendment will seek to re-zone the portion of 3609 County Road 21 outside of the overlay from Agricultural (A) zone to Agriculture – Exception (A-x) to recognize the OFD sawmill use at a size of up to but not exceeding 1ha. The area within the Flood Plain Overlay will remain in the Agricultural (A) zone.

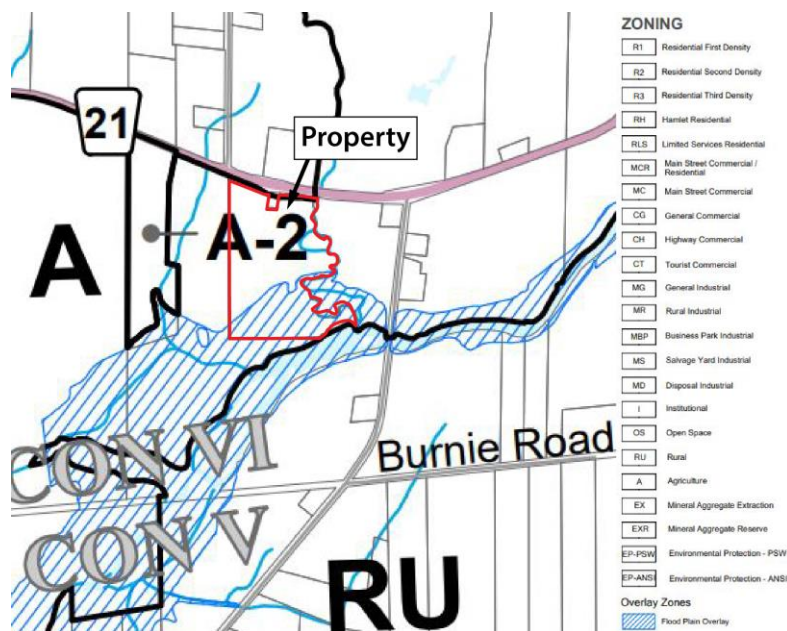


Figure 16 – Township of Edwardsburgh / Cardinal Zoning By-Law Schedule A

Section 3.0 of the Zoning By-Law sets forth General Provisions for development within the Township. **Section 3.6** speaks to Loading Space Requirements for any commercial, institutional or industrial uses which involves the transfer of goods, wares, merchandise or raw materials.

The sawmill operation does not have a dedicated loading space. The site has been designed to allow for truck traffic to pick up or drop off any materials. Similarly, customers who may come to the site for an order do not have dedicated loading spaces.

Section 3.13 of the Zoning By-Law speaks to Open Storage stating it “shall be permitted as an accessory use to a permitted use within any zone other than a Residential, Institutional, Open Space, General Commercial, Main Street Commercial / Residential or Main Street Commercial zones.” The log storage proposed as part of the OFD use will be located behind the OFD buildings outside of the front yard or any minimum required side or rear yard or water setback (Sec. 3.13.1). The gravel driveway, parking and loading areas for the use will not be occupied by the log storage (Sec. 3.13.2). Log storage would be accessory to an On-Farm Diversified use and separated well over 30 metres from any Residential or Rural zones (Sec. 3.13.3). The log storage would be permitted pursuant to the Open Storage policies of the Zoning By-Law.

Section 3.14 of the Zoning By-Law speaks to Parking Requirements for uses. The residential dwelling located on the property has an attached garage to the rear accessed off the main driveway to the house, not the OFD gravel driveway. The garage provides parking for the residence. Employees of the sawmill park in the common driveway area between the work shop and timber barn. Parking spaces are not delineated rather provided as a parking area. For the purpose of the Zoning By-Law the site can meet the parking requirement for the dwelling and OFD use.

Section 4.6 of the Zoning By-Law provides Home-Based Business policies defining it as:

HOME-BASED BUSINESS shall mean an occupation, trade, business, profession or craft conducted as an accessory use to the use of a dwelling by the dwelling occupant(s) and includes the following:

- Instruction of students;
- Respite care or day care, provided that no residential accommodation is provided;
- Occupations in the areas of a personal service, a service outlet or a tradesperson’s establishment, all as defined in this By-law;
- Food catering business;
- Pet grooming;
- Office for conducting a business or profession;
- Studio of an artist, artisan or craftsman

The sawmill operation on the property would not be considered a home-based business for the purposes of Section 4.6 as the operation does not occur within the primary residence. The use would be considered a home industry. The previous Zoning By-Law contained several provisions for home industries which have been removed from the new Zoning By-Law 2022-37.

Section 4.10 of the Zoning By-Law speaks to Shipping Containers and Storage Containers. The site contains three (3) shipping containers which are used as storage for the residential dwelling. They are not used for the sawmill. A shipping container will be permitted as accessory to a permitted use in the Rural (RU) or Agriculture (A) zone subject to the following:

1. *A maximum of four (4) shipping containers shall be permitted;*
2. *The shipping container shall not be located in the front yard;*
3. *Where a shipping container abuts a Residential zone, the minimum required yard shall be 10 m, and in the case of any other zones, the requirements for accessory buildings shall apply;*
4. *Where a shipping container is situated on a lot abutting a residential use, a continuous buffer strip consisting of a berm, fence or landscaping having a minimum combined height of 1.5 m shall be provided so as to screen the shipping container from the street or dwelling.*

A single dwelling is a permitted use in the Agriculture (A) zone making the storage containers on-site a permitted accessory use. There are currently three (3) containers on the property, they are located behind the dwelling well outside of the front yard, and they do not abut a residential zone. The storage containers would be permitted on-site.

Section 13 of the Zoning By-Law speaks to Agricultural Zones with permitted uses and zone provisions for the Agriculture (A) zone found under Section 13.1. As previously stated, a single dwelling is a permitted use for the lot. Section 13.1.1 also permits On-Farm Diversified Uses defined as:

ON-FARM DIVERSIFIED USE *shall mean 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, agri-tourism uses, and uses that produce value-added agricultural products, but shall not include a cannabis production and processing facility, as defined herein.*

It has been established the OFD Use is secondary to the agricultural nature of the property. The agricultural fields account for significantly more area on-site. The definition does not provide any cap or requirement for what limited in area means. In the absence of specific policy the recommendation per Publication 851 is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²). The proponent is seeking to have 1ha of the parcel for the OFD Use. The limiting factor is the undersized nature of the subject property. It is the opinion of ZanderPlan this meets the intent of the limited in area criteria.

Upon review of the new Zoning By-Law 2022-37 the On-Farm Diversified Use is permitted in the Agriculture Zone with no additional provisions indicating limits or caps on the size of the use. The General Provisions, Specific Use Provisions, and Agriculture (A) zone provisions can all be met without the need for any exceptions. The sawmill is a home industry which is permitted as an OFD use per the zoning definition and is recognized specifically in Publication 851 as being a home industry suitable for agricultural properties as an OFD Use. Overall, the use is permitted for the property without the need for a Zoning Amendment.

SUMMARY

The property owners have begun to establish a sawmill use as a home industry on the property at 3609 CR21 through building permits issued by the Township. The larger cover-all building on the property was constructed prior to the issuing of the final building permit. Development on the site was considered too extensive to be permitted in the Agricultural (A) zone and Agriculture Resource Policy Area designation without a Zoning Amendment to permit the use. Upon review it was determined the sawmill currently comprises slightly less than 4% of the total lot area. The proponent is seeking to permit up to a maximum of 1ha for the OFD Use. The use would be consistent with the policies of the Provincial Policy Statement and Publication 851, and supported by the policies of the upper and lower-tier Official Plans and Zoning By-Law.

Should you have any further questions please do not hesitate to contact the undersigned.

Sincerely,



Chris Clarke, B.Sc., CPT



Tracy Zander, M.Pl, MCIP, RPP