



Staff Report

Report Title: Commercial Fertilizer

Prepared By: Bill Klingenberg, Manager of Building and Planning

Department: Building

Date: Nov. 20, 2023

Report Number: BLDG-2023-11-26

File Number: C11

Attachments: none

Recommendation:

THAT the Township of Huron Kinloss Council hereby receives for information Report BLDG-2023-11-26 prepared by Bill Klingenberg, Manager of Building and Planning for information;

AND FURTHER authorizes Staff to include changes to the definition of Commercial business in the next housekeeping amendment of the Comprehensive Zoning By-law.

Background:

At the August 9, 2023 Committee of the Whole Meeting, Report [BLDG-20263-05-12](#) was received for information.

Committee requested Staff continue investigate regulating a buffer zone around residences, quantity permitted to be stored at one time, and impact to waterways. Staff were directed to investigate a By-law being brought forward. Staff were directed to make inquiries with the owner of the property where biosolid fertilizer was being stored.

Per Council direction, Staff additionally received a legal opinion on the laying and enforcing of a zoning violation with respect to the storage of commercial bio-solid fertilizer. The opinion received informs the basis of this report. The entire opinion is provided in closed session for Council review.

Discussion:

Staff have researched if there are municipal by-laws in other jurisdictions that could be adopted by Huron-Kinloss and found that there are not any specific bylaws.

In determining whether a buffer area, a maximum quantity of stored product on a particular property and whether we could regulate proximity to sensitive areas such as waterways, etc. staff have concluded that the most suitable approach is to clearly define what a commercial business is versus a normal farming practice.

Currently, large scale farming operations such as grain and corn drying operations have been treated as a commercial operation. Staff are taking a similar approach to this matter and are suggesting a clearer definition for a commercial operation or business in the Townships Comprehensive Zoning By-law.

The current definition is:

“Commercial Business” shall mean the activity of providing goods and services for purchase to the public.

The bylaw also has a definition for a farm business:

“Farm Business” shall mean those business that are limited in area and located on a farm, and depend directly on the farm in order for the business to operate. Examples include: farm-related tourism business, farm product sales outlet, cottage wineries, value-added processing or packaging, and pick-your-own operations.

The by-law can loosely be interpreted to include large scale farming operations however, could be better defined to eliminate ambiguity of the Commercial Business definition.

Staff are suggesting the definition for Commercial business include:

the use of land or business for business activity such as retail stores, Home Business, Farm Business, other farming related commodities not intended for use on the lands it is being stored upon or other commodities intended for sale to the general public.

With respect to buffers and setbacks, they generally are addressed through Provincial Legislation and farming standards.

The prevalent message Staff heard over the past months was largely to do with the amount of product being stored and the impression that a commercial business was occurring.

Staff is recommending adding to the Commercial Business definition to mitigate the amount of product permitted to be stored and the purpose for which it is used. This approach will limit the amount of product permitted and better define the use so that it can only be used on the land on which it is stored and not for public sale. For example: The property specific to the concerns this past summer would be permitted

to store 15% of the amount that was previously stored. (930 tonnes versus 5500 tonnes). The objective is to address the concerns received regarding the large quantity and associated smells, concern for run-off and the commercial use.

Staff will also continue to communicate with Provincial agencies as they determine their own mitigative measures concerning this product.

Financial Impacts:

None

Strategic Alignment / Link:

N/A

Respectfully Submitted By:

Bill Klingenberg, Manager of Building and Planning

Report Approved By:

Mary Rose Walden, Chief Administrative Officer