



Report To:	Township of Southgate Council
Meeting Date:	2025-03-19
Report Number:	PL2025-021
Title:	Site Alteration Permit Application Martins Farm Services Inc, 311303 Highway 6, Concession 1, Div 3 Part Lots 28, 29 former Egremont, Township of Southgate
Open/Closed Session:	Open Session
Reviewed By:	Bill White, MCIP, RPP, Triton Engineering Senior Planning Consultant
Approved By:	Kenneth Melanson, MCIP, RPP Director, Development & Community Services
Approved By:	Jim Ellis Interim Chief Administrative Officer

Executive Summary:

This report details a request for a Site Alteration Permit for the above noted lands. The site contains vacant commercial buildings (former John Deere Dealer) east of Highway 6 north of Mount Forest. In addition to the Site Alteration Permit, the applicant's have submitted a Site Plan proposing a new farm related industrial/commercial use for the property.

The applicant proposes placing fill to restore part of the site to original grade and establish 1% slopes from the edge of gravel to the Conservation Authority regulated area. The following is submitted:

- Fill Plan (Prepared by Long Environmental Engineers and Planners),
- Protocol (Testing and Deposition of Fill On-site),
- Certificate of Insurance (\$5 million),
- Saugeen Valley Conservation Authority (SVCA) Approval.

Filling a site as proposed is regulated under Township [By-law 2017 as amended by By-law 2025-012](#). Council may approve placing fill if the overall use of the site is improved, the intent of the By-law is met, and community interest is served. Work must start within six months, fill must be clean and free of waste, and approvals from agencies like Conservation Authorities or Ministry of Transportation obtained. Staff recommend issuance of the Site Alteration permit subject to conditions of Schedule "C" of the By-law and once a Site Plan Agreement can be executed.

Recommendation:

Be it resolved that Staff Report PL2025-021 for a Site Alteration Permit by Martins Farm Services Inc. at 311303 Highway 6 be received for information; and

That Council direct staff to issue a site alteration agreement upon execution of a Site Plan Agreement or, if needed, a Site Alteration Permit Agreement confirming the provisions of Schedule "C" of the Site Alteration By-law.

Reasons for Recommendation:

The application was reviewed by Township Public Works, Planning and Building Departments, as well as Triton Engineering. The SVCA has issued approval. The applicant has provided the requirements set out in [Township Site Alteration By-law](#).

Subject to either a site plan agreement for the overall development of the site or a separate site alteration agreement being executed if needed, a site alteration permit can be issued subject to the provisions in Schedule "C" to the [Township Site Alteration By-law](#).

Proposal:

The applicants propose placing 110,000 cubic metres of fill on the subject lands according to the Fill Plan (**Attachment 1**):

1. Within a triangular area south of the existing buildings and gravel parking.
2. To establish 1% slopes from the gravel parking lot to the SVCA regulated area.

All truck traffic hauling fill to the site is proposed along Provincial Highways. Gravelled areas receiving fill will display farm equipment. Areas not surfaced for parking will receive 20 cm (8") topsoil and seeded. **Attachment 2** is an overlay of the Site Plan and air photo information supplied by the applicant's Ontario Land Surveyor.

Background/Site Context:

The subject lands have +-415 metres frontage on Highway 6, an average depth of +-825 metres, 34-hectares lot area and are located about 1 kilometre north of Grey Road 109 north Mount Forest. The property contains three buildings (formerly John Deere Sales and Service), farmland, woodlands, wetlands and rolling lands (see **Attachment 2**). Fairbanks Creek passes through the site. Across Highway 6 is McFarlin Drive which contains a number of rural residential lots fronting on the Grey Road 6 by-pass.

Township [By-law 2017 as amended by By-law 2025-012](#) was passed under the Municipal Act to regulate the placement of fill on sites

Application Review – Municipal Act – Provincial Interest:

[Section 142 of the Municipal Act](#) provides local municipalities the authority to pass a by-law:

1. regulated the placing of fill, removal of topsoil, and altering grades,
2. require a permit to be obtained for fill alteration,
3. impose conditions on permit.

Exceptions in the Act limit certain situations where a site alteration by-law does not apply including normal agricultural practices, aggregate licenses, or if site plan or subdivision agreements apply. The [Township Site Alteration By-law](#) recognizes those exemptions.

Application Review – Provincial Policy Statement (PPS 2024):

[Provincial Planning Statement 2024](#) defines "Site alteration" as grading, excavation, and placing fill to change the natural vegetation and form of a site. Section 4.1 prohibits site alteration in wetlands, woodlands, fish or wildlife habitats is prohibited as is site alteration on adjacent natural heritage lands unless there are no negative impacts on ecological function. Cultural heritage and archeological resources shall not be impacted by site alteration. The application is *consistent with* the [PPS 2024](#) and Provincial Guidelines.

Application Review – County of Grey and Township Official Plans:

The County and the Township Official Plans implement requirements in PPS 2024 regarding protecting natural and cultural heritage resources so there is no negative impact resulting from site alteration. This application complies with policy in both Official Plans.

Application Review – Southgate Zoning By-law:

The subject lands are zoned Agricultural-1 (A1), Rural Commercial-4 (C4) and Environmental Protection (EP) in the Township Zoning By-law. The C4 zone permits farm supply outlets, farm equipment sales, agricultural bulk sales, farm produce outlets and accessory uses servicing the agricultural community. **Attachment 1** shows fill being placed mainly in C4 zoned areas.

Application Circulation and Public Comments:

The application was circulated for public comment according to the [Township Site Alteration By-law](#). There has been no public feedback received. The SVCA has approved the site alteration proposal and will inspect the work when completed.

Conclusion:

Township Staff, supported by Triton Engineering, recommend approval of the site alteration permit subject to the provisions in Schedule “C” of the [Township Site Alteration By-law](#) including but not limited to the following:

1. Provisions for site alteration being included in the site plan agreement providing for the re-development of the site in accordance with the C4 zone, or in a separate site alteration agreement if work proceeds before full site development if necessary.
2. The permit is valid for one year but shall expire if work has not started
3. Permits and approvals from other applicable agencies are obtained and in full force and effect such as the Saugeen Valley Conservation Authority, and Ministry of Transportation.
4. Fill monitoring and testing protocols are followed as submitted.
5. Dust control, mud tracking, sedimentation precautions and site restoration requirements are installed, maintained and applied as outlined.
6. Deposits and securities are provided and retained by the Township until clearance by Staff.

Link to Township of Southgate Strategic Plan:

Priority: A Thriving Economy

Goal: Goal 1: Support the Growth and Development of Existing Businesses in Southgate

Action Item: 1 e). Enable Agriculture Business to Develop or Enhance Value-Added Opportunities on their Farms (e.g, Agritourism Activities, Buildings to Support Farm Activities)

Attachment(s):

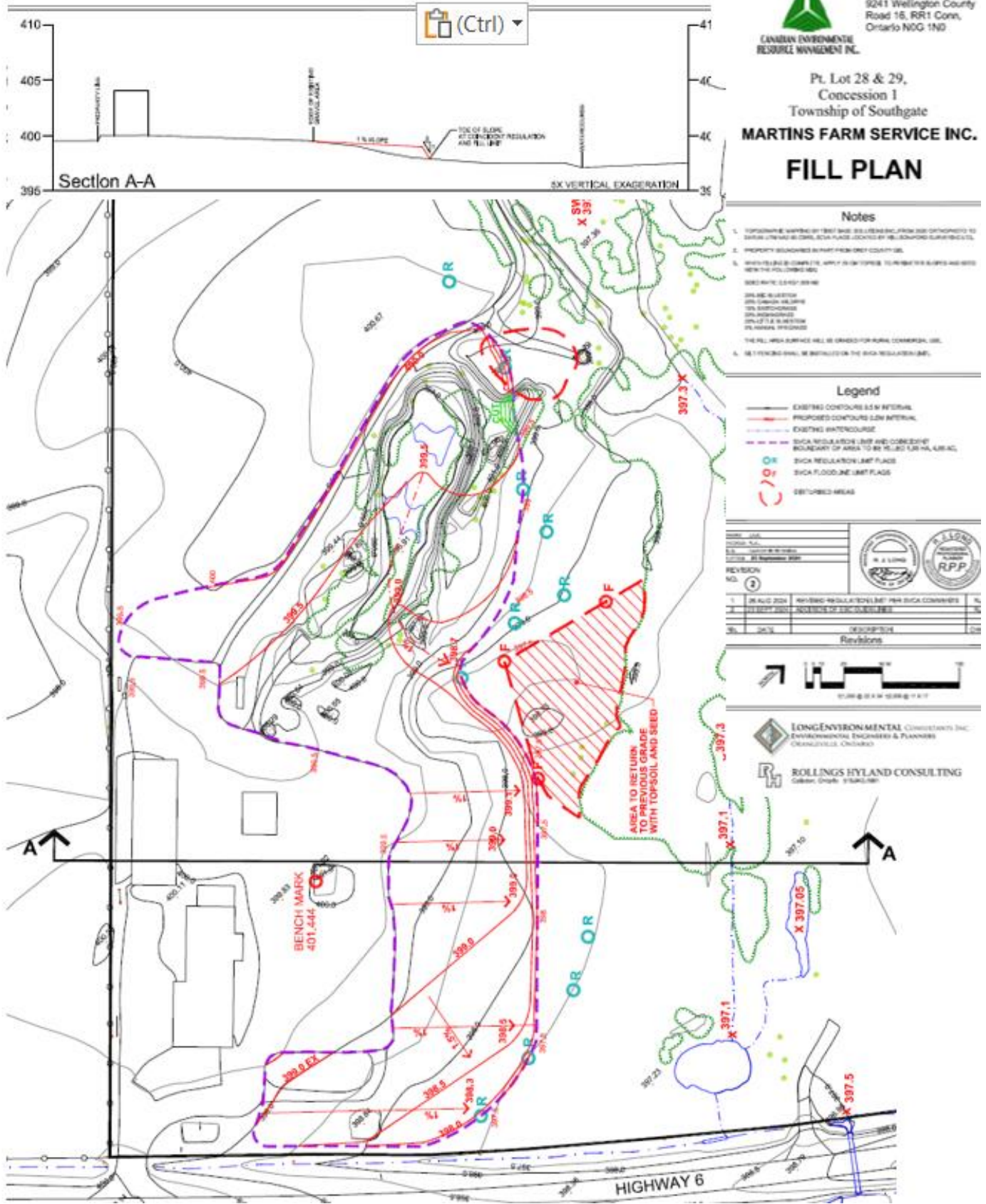
Attachment 1 – Fill Plan

Attachment 2 – OLS Fill Plan Air

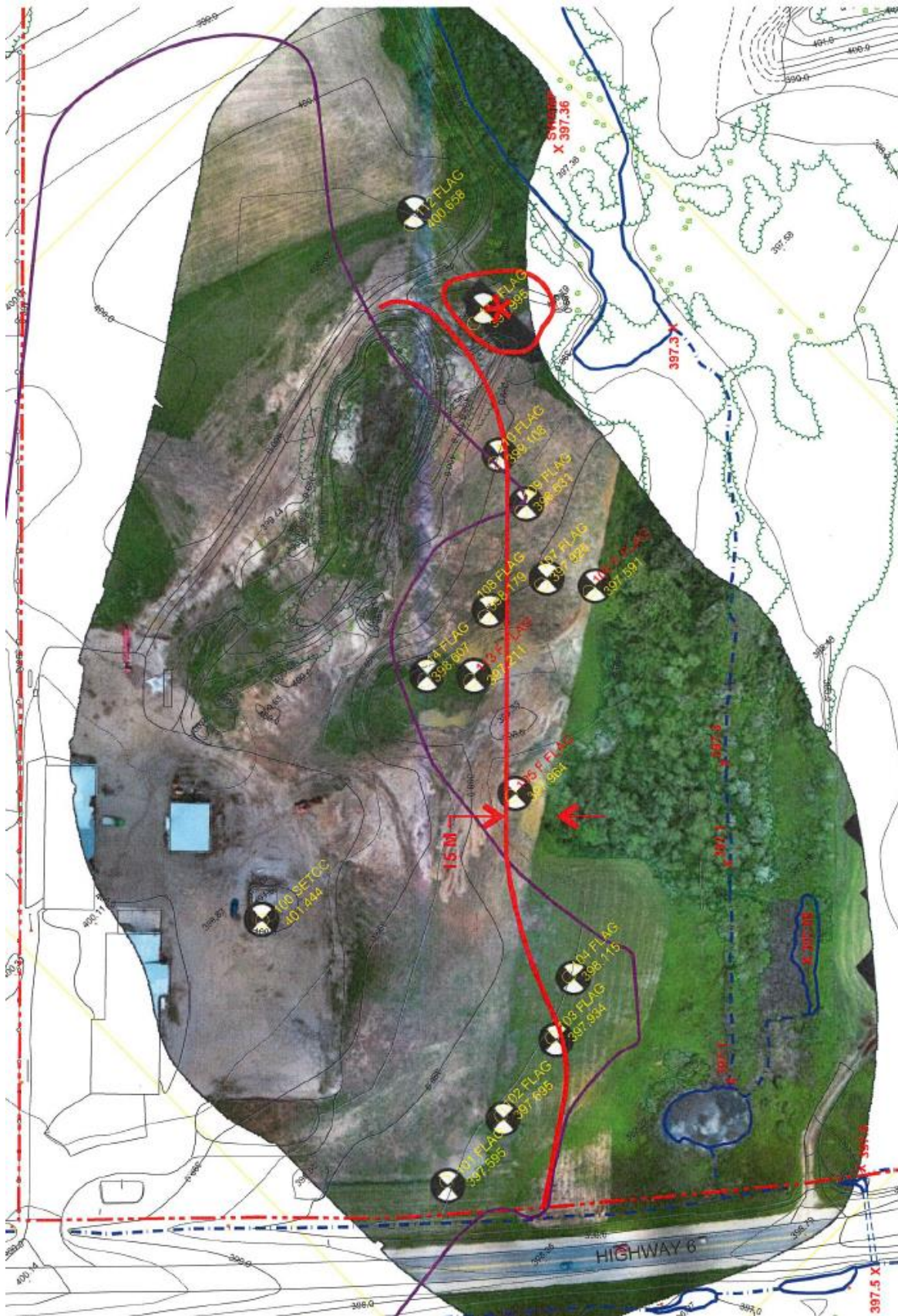
Attachment 3 – Aerial Image of Subject Lands & 2024 Google Street View of Subject Lands

Attachment 4 – Site Alteration Permit

Attachment 1 – Proposed Fill Plan



Attachment 2 - OLS Fill Plan Overlay



Attachment 4 – Sample Site Alteration Permit

**Site Alteration Permit
Pursuant to By-law 2017-049**

Permit Details	
Permit Number:	SAP2025-001
Civic Address of site:	311303 Highway 6
Legal description of site:	Concession 1, Div 3 Part Lots 28, 29 former Egremont, Township of Southgate
Applicant name:	Martins Farm Service
Applicant phone number:	
Date application submitted:	February 26, 2025 (notice of complete application issued)

This permit hereby authorizes the Approval Holder, to place fill, remove topsoil or alter the subject site, located within the Township of Southgate, subject to the conditions provided in Schedule A, attached to this permit and the approved plans submitted with this Approval.

This permit is not a Building Permit or Zoning Approval. The applicant is required to follow all other applicable Township, County, Provincial or Federal regulations and laws. The applicant must also follow all applicable regulations for the appropriate Conservation Authority.

No work authorized by this permit may commence until all conditions have been cleared to the satisfaction of the Township of Southgate.

This permit must be posted in a conspicuous location on site or produced when requested.

Date of Council approval:	March 19, 2025
Date of Permit expiry:	March 19, 2026
Date of expiry if no work commenced:	September 19, 2025

Jim Ellis
Interim Chief Administrative Officer

Lindsay Green
Municipal Clerk

Schedule A to Permit SAP2025-001

Conditions of Approval

1.
 - a) An approval shall remain valid for a period of one (1) year from the date of issuance, but shall expire six (6) months after the date of issuance, if work under the Approval has not yet commenced.
 - b) An approval extension of six (6) months may be requested by the Owner sixty (60) days prior to the expiration of the approval period, in writing for applications which are about to expire, provided the proposed work has not been revised and the Applicant is not in contravention of the requirements of this By-law.
 - c) An approval which is no longer valid or has expired may, at the sole discretion of the Township, be renewed for a six (6) month period from the date of invalidity or expiry provided that the proposed work has not been revised, and that the Applicant is not in contravention of the requirements of this By-law.
 - d) A request under Subsection (c) shall be made in writing to the Township accompanied by payment of the applicable Approval fee in accordance with the other terms in Section 5.2 of this By-law.
2. All Approvals shall contain the following conditions:
 - a) The issuance of an Approval does not relieve the Owner of Land, Applicant, or Approval Holder from any responsibility to obtain all other approvals that may be required from any level of government or authority having jurisdiction or any agencies thereof, or the requirement to comply with jurisdiction by-laws, legislations or regulations.
 - b) A Site Alteration Approval is not transferable to another property.
 - c) The work shall be done at the request of, or with the consent of, the Owner of the lands where the proposed Site Alteration is to be performed.
 - d) Owner may not commence any site works on the subject site (i.e. within the regulated area) of the Conservation Authority, until a permit has been issued by the appropriate authority, if required. The Township requires proof of consultation with the Conservation Authority prior to Township approval and Permitted Site Works proceeding.
 - e) The Owner cannot commence work until an entrance permit is acquired from the applicable road authority.

- f) All Fill to be Dumped or placed shall be clean and free of waste, asphalt, trash, rubbish, glass, liquid or toxic chemicals, hazardous waste, or contaminants within the meaning of the Environmental Protection Act.
- g) The sediment ponds, if applicable, shall be surrounded with construction/security fencing to restrict access, and must be reflected on the Site Plan drawing.
- h) Any off-site site nuisances (i.e. dust, weeds, standing water) shall be minimized and mitigated as necessary by the Owner and reflected in the operations plan.
- i) No ponding or alteration of existing surface water flow resulting directly or indirectly from the Site Alteration shall be caused on adjacent Lands.
- j) Where required, the finished Grade surface shall be protected from Erosion by sod, turf, seeding for grass, greenery, asphalt, concrete, or other means either singly or in combination, within two months of completion of the Site Alteration work, or as specified by the Township.
- k) All trenches in which piping is laid as part of the Drainage system shall be inspected by the Township prior to backfilling the excavation.
- l) Erosion and sediment control measures shall be provided around all disturbed areas in a manner satisfactory to the Township prior to the commencement of the Site Alteration, and shall be maintained in good working order until the Site is stabilized.
- m) All Fill shall be properly compacted using acceptable Engineering practices, unless it is being stockpiled temporarily on the Site for future use.
- n) The Approval Holder and Owner shall ensure that natural Drainage or any natural or human-made Watercourse or water body is not altered in such a manner that will negatively affect other properties adjacent or the environment.
- o) If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of an Approval, the Owner of the Land, Applicant or Approval Holder shall immediately cease all activity on the property and contact the Township and other appropriate authorities.
- p) If required by the Township based on an Engineer's recommendation, the Owner will be required to drill a test well close to the boundary between any adjacent Lands and the Owner's adjoining lands, as a result it is recommended to keep the stockpile or fill areas at least 40 m from the

boundary of an adjoining property.

- q) No Site Alteration operations shall be performed:
- i. On any Saturday or Sunday, or Statutory Holiday;
 - ii. Using Highways to access or egress from the Site except those Highways designated Haul Routes;
 - iii. Before 7:00 a.m. or after 6:00 p.m. during any weekday Monday through Friday using Highways to access or egress from the Site;
 - iv. In contravention of the Township's *Noise By-law*;
 - v. That exceeds one hundred (100) truckloads of Fill per day arriving at, or leaving the Site using Highways to access or egress from the Site;
 - vi. Prior to submitting to the Township a schedule of the anticipated starting and completion dates for each Site Alteration activity including schedule for the use of the designated Haul Routes; and
 - vii. Prior to submitting to the Township a submission detailing Site Erosion control measures and dust control measures that will be implemented and maintained during and following construction operations, as required.
- r) A Site Alteration performed pursuant to an Approval shall not detrimentally affect the quality and quantity of water in adjacent properties.
- s) The Owner and Occupant of the Land and Any Approval Holder ensures that all vehicles to and from the Site follow the designated Haul Routes to and from the Site.

3. Every Approval Holder shall:

- a) Provide proof satisfactory to the Township that the Site has been adequately reinstated and stabilized in accordance with this By-law and the plan accompanying the Approval;
- b) Give notice to the Township to carry out a final inspection to confirm that all relevant terms of this By-law have been complied with;
- c) Following the completion of the Works, and before the release of any deposit or portion thereof, provide a statement of a professional Engineer and/or Ontario Land Surveyor retained by the Approval Holder certifying that:
 - i. The grading has been completed in accordance with the plans submitted;
 - ii. The finished project does not detrimentally affect Drainage on adjacent properties;
 - iii. The finished project does not detrimentally affect the quality and quantity of water in wells on adjacent properties; and

- iv. Site stabilization of the altered areas on the property have appropriate protection from future erosion.
 - d) Prior to commencement of works under an Approval, certify that the Fill introduced to the Site contains no contaminants within the meaning of the *Environmental Protection Act*, R.S.O. 1990, c.E. 19, as amended;
 - e) Keep all Highways free of debris originating from the Site Alteration;
 - f) The use of tracking pads (i.e. mud mats) during soil receiving or removal operations will be required to prevent tracking of soils onto the public roadway when trucks exit the site. The contractor and/or the Owner will be responsible to inspect daily and remove any mud and/or debris as required from the roadway; and
 - g) During performance of a Site Alteration, perform the following minimum inspections and procedures:
 - i. At least once per day, scrape all Highways that have been fouled;
 - ii. At least four (4) times per day inspect the adjacent roadway and entrance are free of soil debris; and
 - iii. At least once each week on Friday night and Saturday morning, clean all Highways that have been fouled.
4. Soil Testing, Site/Soil Management, and Reporting Protocol is to address the following:
- a) Report to the Township test results of soils, prior to the material being received by the Owner at the frequency recommended by the Owner's environmental consultant and not less than once per week and/or one test per four hundred (400) tonnes of material received;
 - b) Report to the Township that the actual test results of the soils being received by the Owner will be provided to the Township and in addition to the Owner giving a report that states that the material is in accordance to Provincial standards, and that the materials is suitable for the intended use and pose no risk to the existing natural environment and local ground water. This report is to be submitted to the Township for comment prior to the material being placed on the Lands;
 - c) Inspection and management protocols of the operation to ensure that only tested material is being received; and
 - d) Incorporate a reference to the MOE (Ministry of Environment) documents dated January, 2014 titled "Management of Excess Soil – A Guide for Best Management Practices" and dated April 15, 2011, titled "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental

Revocation of Application Approval

1. Where the ownership of the Land for which a Variance or Exception has been granted is transferred while the Variance or Exception remains in effect, the Approval Holder, prior to the completion of the transfer, shall provide written notice of both the pending transfer and the Site Alteration status to both the Township and the new Owner, and the new Owner shall within thirty (30) days of the completion of the transfer either:
 - a. Provide the Township with a letter and written plan describing the remaining scope of the site work to comply with all the conditions under which the existing Approval was issued; or,
 - b. Apply for and obtain a new Approval in accordance with the provisions of this By-law.
2. In the event that neither the letter and written plan prescribed by Clause 1.a of this section, nor a complete application for a new approval under Clause 1.b of this section is received by the Township within the said period, the existing Approval may be revoked by the Township, and the Approval Holder shall thereupon cease and desist forthwith all operations being conducted under the authority of the revoked Approval, save and except for the proper clean-up of the Site Alteration works already undertaken.
3. Where it is determined that the Approval Holder has provided misleading or false information on the application, or has contravened the provisions of this By-law or the requirements or conditions of the Approval, the Township may revoke said Approval and the Approval Holder shall thereafter cease and desist all operations being conducted under the authority of the revoked Approval, save and except proper clean-up of the Site Alteration works already undertaken.