

PLANNING REPORT

Dwelling Surplus to a Farm Operation Official Plan and Zoning By-law Amendment and Consent to Sever

Lot 5, SDR Lot 6 and 7
Concession 3
Township of Normanby
Municipality of West Grey
County of Grey

Prepared for:

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PLANNING JUSTIFICATION REPORT
Surplus Farm Dwelling Consent to Sever
Lot 5, Lot 6 and 7, Concession 3
Geographic Township of Normanby
Municipality of West Grey
County of Grey

1.0 BACKGROUND & CONTEXT

1.1 Purpose of Report

Cuesta Planning Consultants Inc. has been retained by Ben Rier, on behalf of Mr. Wally Schaus, to prepare the necessary applications to sever a surplus farm dwelling from an agricultural parcel. This report will examine the merits of the proposed consent by evaluating the proposal against policies contained in the Provincial Policy Statement, the Grey County Official Plan and the Municipality of West Grey Comprehensive Zoning By-law.

This report and accompanying applications are intended as well, to satisfy the requirements of Section 22 (4 & 5), 34 (10.1 & 10.2) and 53 (2 & 3) of the Planning Act, RSO 1990 regarding the submission of a complete application.

1.2 Location and Description of Subject Lands (Figure 1)

The subject property is located approximately 400 m south of the Hanover urban boundary with access onto Knappville Road. The subject property has an irregular shape due to a previous road deviation. The southwestern portion of the property also contains a wooded drainage system that flows northwest. The total holdings are approximately 46.8 ha (115.7 ac), composed of Lot 5 (13.0 ha) and Lots 6 to 7 (33.8 ha) Con 3. The legal description of the subject lands is 301138 Knappville Road Con 3, Lot 6 To 7 SDR and Con 3, Lot 5 SDR.

The parcel being created is approximately 1.2 ha (2.8± ac.) in area and contains a two-storey residence, five storage sheds, and one barn. The barn historically housed livestock but is presently use for dry-storage.

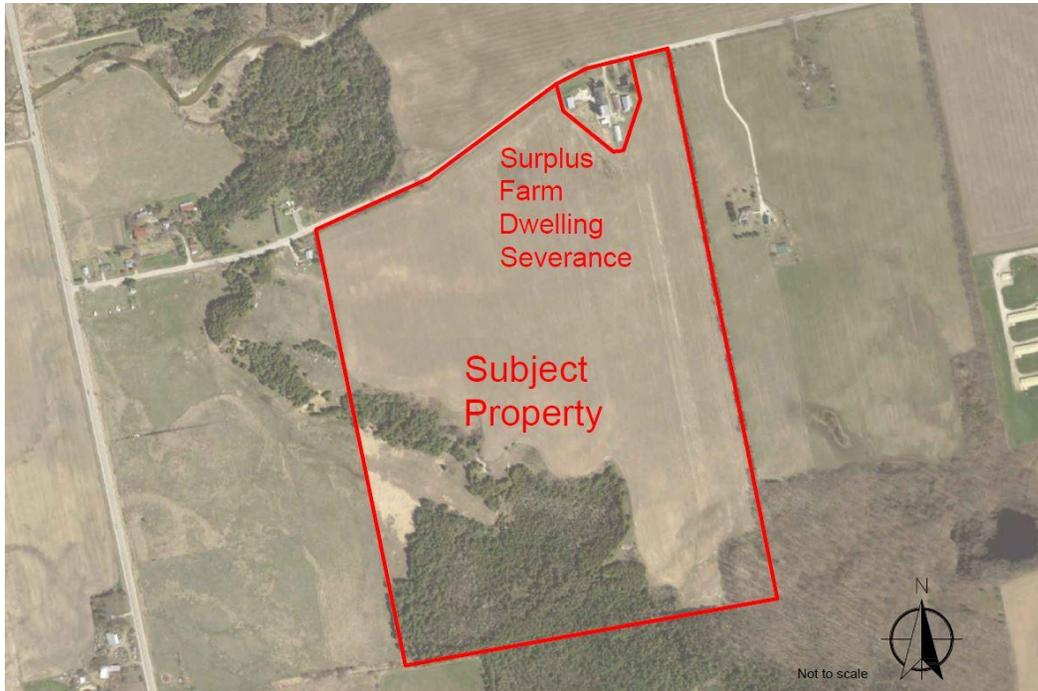


Figure 1: Subject Lands

1.2.1 Agricultural Resources

(Figure 2)

The Canada Land Inventory (CLI) mapping for the subject property identified 3 soil types on the property. CLI soil series are classified by Class from 1 to 7, with Class 1 soils defined as soils with no significant agricultural limitations to Class 7, soils defined as soils with no agricultural potential. The generalized soil types are described below.

Waterloo Sandy Loam is a poorly sorted, well drained, slightly stony, Class 5 soil series with strong slopes. Waterloo Sandy Loam can be cultivated, but crop yields are reduced due to low inherent fertility and erosion susceptibility due to the sloping topography¹.

Sullivan Sand is a well drained, essentially stone free, smooth gently sloping to irregular gently sloping, and a Class 3 soil². Gilford Loam is a well sorted gravel, poorly drained, and Class 4 soil³.

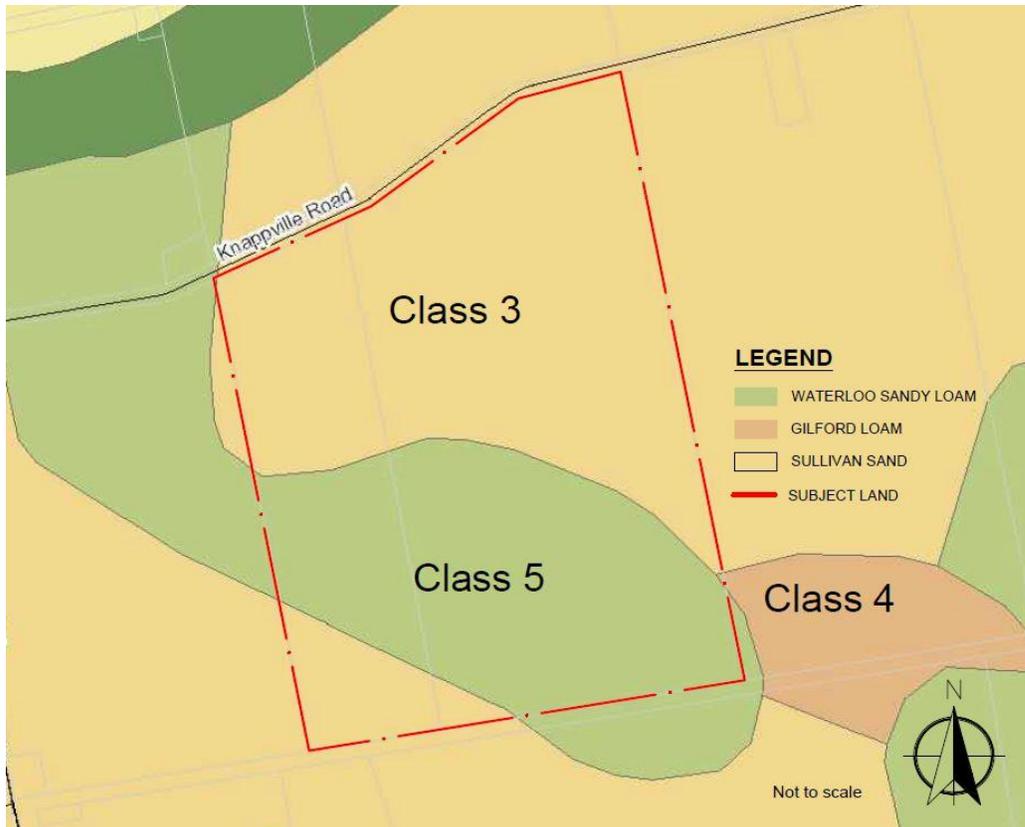


Figure 2: Canada Land Inventory Mapping - Agricultural Information Atlas

¹ p. 48, Report No. 17 of the Ontario Soil Survey, Gillespie and Richards (1954).

²p. 56, *ibid*

³p. 54, *ibid*

The agricultural resources on the land indicate that the majority of subject lands are generally well suited for cash crop.

1.3 Surrounding Land Use (Figure 3)

The subject lands are of a similar rural character to that of the surrounding agricultural lands. As stated previously, the subject lands are located approximately 400 m south of Hanover urban boundary. Lands to the north of the property, across Knappville Road, are used for cash crop production. North of this area is a wooded drainage system that flows westward. The lands to the east are agriculture in nature and are used in part for a trucking operation. The wooded portion in the southwestern portion of the subject lands contains a drainage system that meanders north and west.

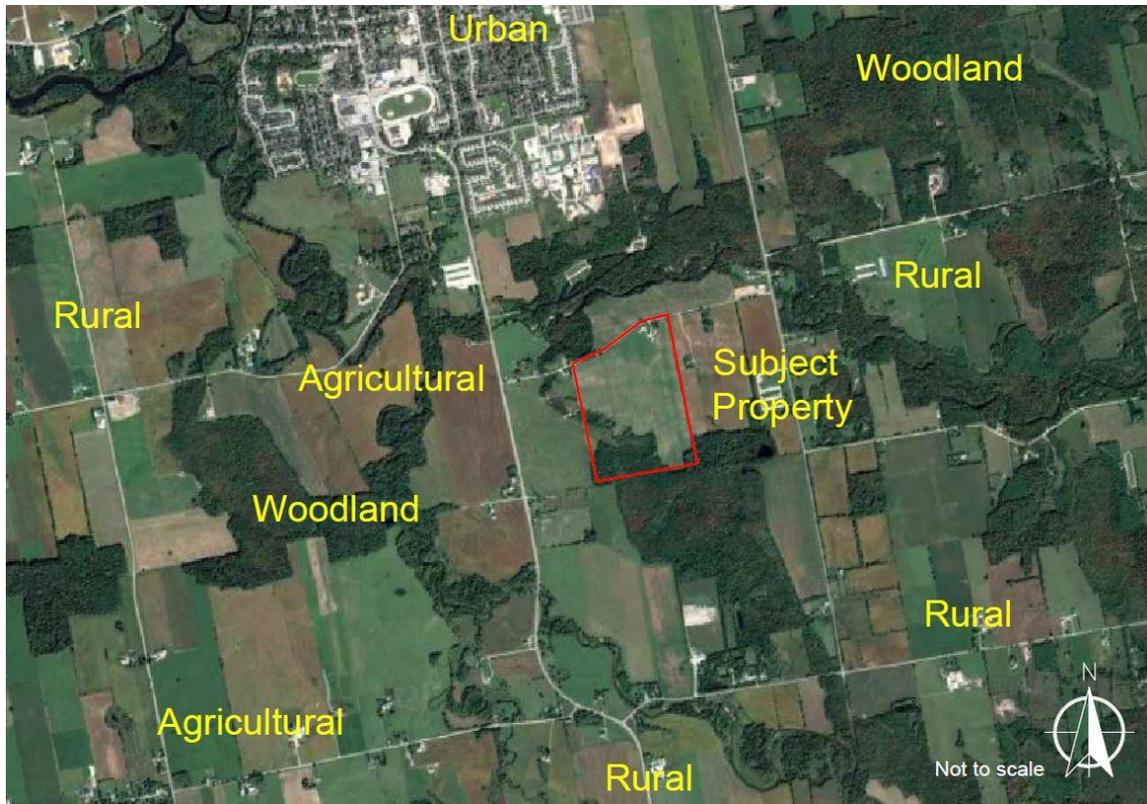


Figure 3 - Surrounding Land Use

1.4 Description of Proposal

(Figure 4)

This proposal is intended to create a lot which will contain the farm buildings that are surplus to the needs of the owner. The severance would create a ± 1.2 ha lot (± 2.8 ac) (see Figure 4). The retained agricultural parcel would be ± 45.67 ha (± 112.8 ac) in area. A zoning by-law amendment is required to permit the creation of the new lot and will also restrict any new residential development on the retained parcel in accordance with provincial and county policy. Because the location is within 400 m of the Town of Hanover, an amendment to the Grey County Official Plan is also required.

The severed lands will be accessed by means of the existing driveway. The retained lands will be accessed by means of an existing field entrance.

The approvals noted above are outlined and described in Table 1.

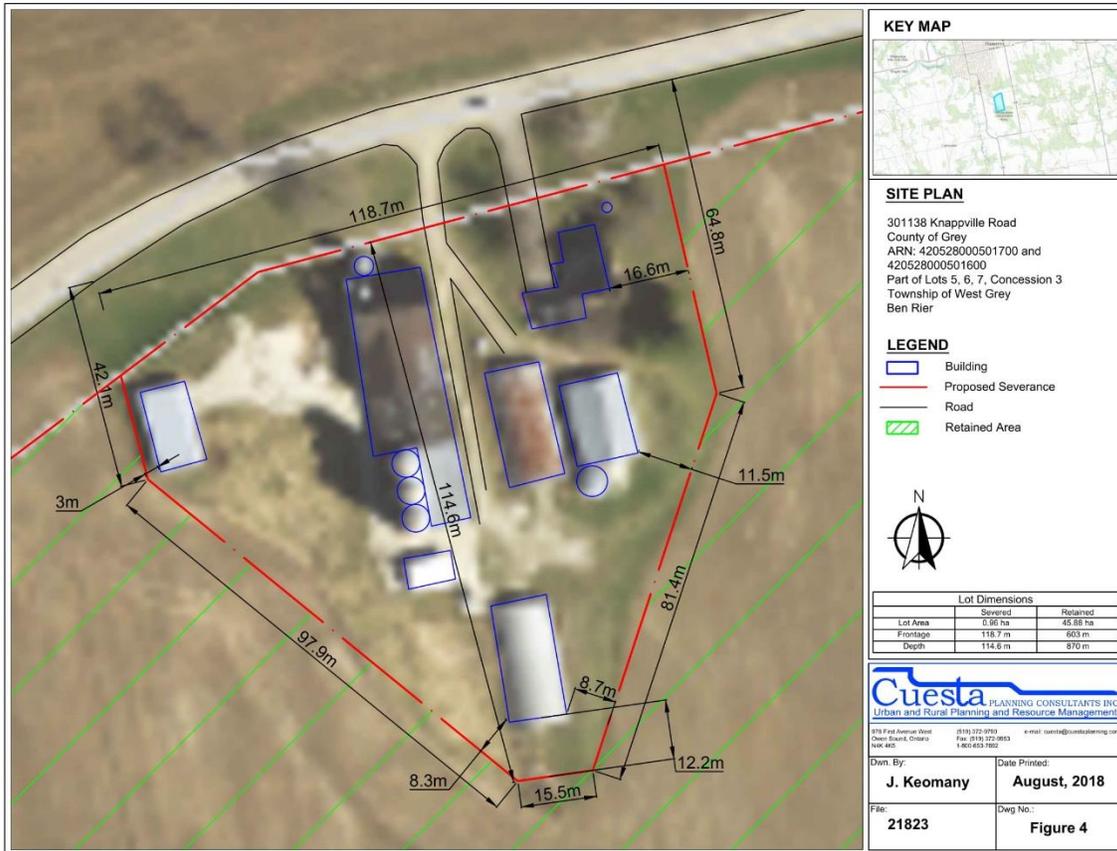


Figure 4 – Proposed Site Plan

Table 1 –Approvals Required

Application	Approval Authority
<p><u>Official Plan Amendment</u> To provide relief from the 500 m setback requirement for residential lot creation from an urban area.</p>	<p>County of Grey</p>
<p><u>Zoning By-Law Amendment (ZBA)</u> A Zoning By-law Amendment is proposed in order to create a lot for the surplus buildings and to place a restriction on the retained lands to prohibit residential development.</p>	<p>Municipality of West Grey</p>
<p><u>Consent to Sever</u> The consent to sever will create a lot for a residence surplus to a farming operation as permitted in the zoning bylaw amendment.</p>	<p>Municipality of West Grey</p>

1.5 Pre-Submission Consultation

The agent, Mr. Ben Rier has met with the County and local planning staff and reviewed the required approvals. The County noted that a zoning by-law amendment could not be processed without an amendment to the County Official Plan. The requirements have been confirmed by Cuesta Planning Consultants Inc. in discussions with the County Planning department staff.

2.0 LAND USE POLICY CONSIDERATIONS

The proposal will be reviewed in the following tables and text, with regard to its consistency with Provincial, County and Local Land Use policy. Table 2 examines the manner in which the proposal is consistent with the Provincial Policy Statement, while Table 3 addresses any issues related to the County Official Plan.

2.1 Provincial Policy Statement (PPS)

As stated under Section 3 of the Planning Act, all decisions by any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement (PPS). On April 30th, 2014 the Province of Ontario implemented the updated Provincial Policy Statement. Any decisions made, on or after this date, are to be consistent with the 2014 PPS. The following analysis will evaluate the proposal against applicable PPS policy.

2.1.1 Evaluation of Provincial Policy Statement

As noted above, any land use discussion must be tested against the applicable provisions of the PPS. Although the PPS is to be read in its entirety, the following provisions are deemed to be the most applicable to the consideration of the proposed amendments and lot creation:

Section 1.0 “**Building Strong Healthy Communities**”

Section 2.3 “**Agriculture**”

Table 2 – Provincial Policy Statement		
Section	Policy	Evaluation
1.0 Building Strong Healthy Communities		
1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns		
1.1.1 Healthy, liveable and safe communities are sustained by:		
a)	<i>promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</i>	The parcels will be assessed separately, providing an increase to the tax revenue for the Municipality. The new lot will create an efficient land use

		<p>pattern. The new lot creation does not diminish the rural character of the area.</p> <p>Additional municipal services are not required as no new residential development forms part of this application.</p>
c)	<p><i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i></p>	<p>No further development will occur on these lands as a result of this proposal. The consent will not have any impact on environmental or public health and safety policy.</p> <p>There are no natural features on the subject lands which may be impacted by this proposal.</p>
e)	<p><i>promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;</i></p>	<p>No farmland is consumed in the creation of the lot.</p>
<p>1.1.4 Rural Areas in Municipalities</p>		
<p>1.1.4.1 Healthy, integrated and viable rural areas should be supported by:</p>		
a)	<p><i>building upon rural character, and leveraging rural amenities and assets;</i></p>	<p>There will be no impact on the rural character of the surrounding area as a result of the Official Plan amendment, zoning by-law amendment and subsequent severance. Both the agricultural use and surplus dwelling will be maintained by this proposal.</p>
d)	<p><i>encouraging the conservation and redevelopment of existing rural housing stock on rural lands;</i></p>	<p>There is currently a residential use on the subject lands which will continue should the application be approved, thus meeting this policy goal.</p>
<p>2.3 Agriculture</p>		
<p>2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.</p>		<p>This proposal will protect the associated prime agricultural lands by rezoning the retained lot to prohibit future residential development.</p> <p>The proposal will not impact the existing agricultural use on the subject lands, meeting this policy goal.</p>
<p>2.3.3 Permitted Uses</p>		
<p>2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses,</p>		<p>There is no proposed change in use on the subject lands. The</p>

<p><i>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. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.</i></p>	<p>retained lands will be prohibitively zoned to prevent detached residential development from being constructed.</p>
<p><i>2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.</i></p>	<p>The agricultural use on the subject lands will continue in all areas that are currently tilled.</p>
<p><i>2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.</i></p>	<p>The creation of a new lot will not create an MDS conflict as the new parcel will contain the existing barn, as per MDS Guideline #14.</p> <p>In addition, according to MDS Guideline #9 (in part), “1. Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding livestock facilities or anaerobic digesters and the existing dwelling.”</p> <p>It would appear that any MDS concern with regard to this proposal is satisfied.</p>
<p>2.3.4 Lot Creation and Lot Adjustments</p>	
<p>2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p>	
<p>c)</p>	<p><i>A residence surplus to a farming operation as a result of farm consolidation, provided that:</i></p> <p><i>1. The new lot will be limited to a minimum size needed to</i></p> <p>The dwelling on the subject lands can be described as a residence surplus to the needs of the farming operation. The Schaus family owns other farm parcels in the immediate area of Grey</p>

	<p><i>accommodate the use and appropriate sewage and water services.</i></p> <p>2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approached which achieve the same objective.</p>	<p>County and reside elsewhere.</p> <p>The proposed surplus farm residence severance fulfills both criteria required by the PPS. The severed lot is sized to accommodate existing septic services, a private well and the farm buildings and avoid the loss of agrarian land.</p> <p>The rezoning application associated with this proposal will prohibit residential uses on the retained farm lot.</p>
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This proposal is consistent with the Provincial Policy Statement. While lot creation in prime agricultural areas is generally discouraged, surplus farm dwelling consents are an appropriate means of providing for limited rural residential development and retaining the rural housing supply while not impacting the agricultural economy in the area.

2.2 Grey County Official Plan (GCOP) (Figure 5)

The subject lands shown are identified as ‘Agricultural’, with a small ‘Hazard Lands’ designation under Schedule A of the Grey County Official Plan (GCOP). It will be demonstrated that the proposal maintains the intent of the provisions of the ‘Agricultural’ designation while not impacting the ‘Hazard Lands’ designation.

An amendment to the Grey County Official Plan will be required as the proposed surplus farm lot is less than 500 m from the Primary Settlement Area of Hanover.

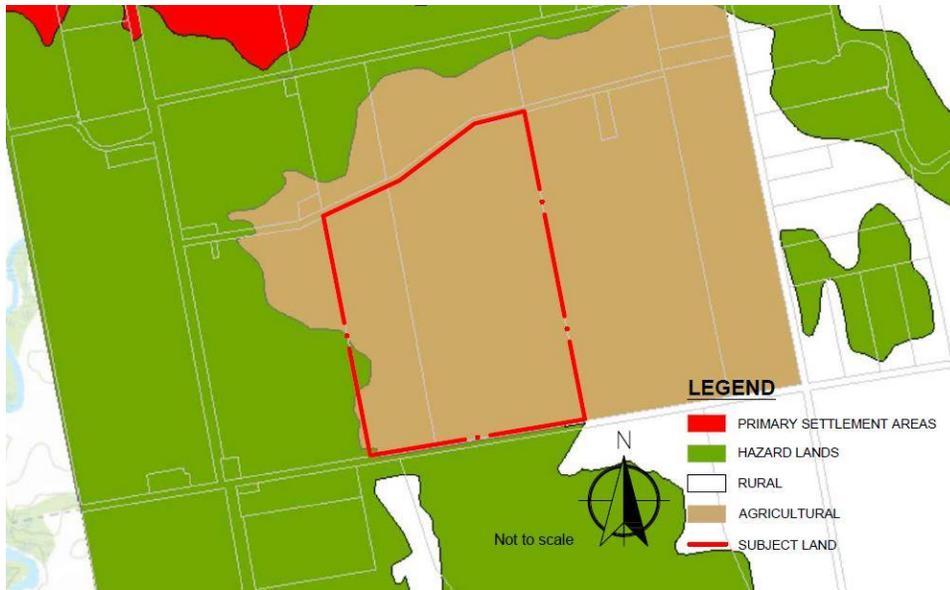


Figure 5: Grey County Official Plan Schedule A – Designations (excerpt)

Table 3 examines the applicable land use policy provisions contained within the Grey County Official Plan.

Table 3 – Grey County Official Plan		
Section	Policy	Evaluation
2.1 Agricultural Designation		
2.1.3 Development Criteria Policies		
(2)	<i>Minimum lot size within the Agricultural designation for non-farm permitted uses, identified in Section 2.1.2(2) shall be restricted to the minimum size required for the active aspects of the operation with as little acreage as possible taken out of productive agricultural land.</i>	No productive land will be removed as a result of this proposal. The subject property will be of a size large enough to contain the surplus farm residence, associated structures, and servicing.
(5)	<i>New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation (MDS) formulae. MDS will not be applied to new non-farm development on existing lots of record. The County considers the continuation of the rural way-of-life to be of primary importance to protect existing livestock farmers who may wish to expand. The municipal comprehensive zoning by-law shall incorporate the Minimum Distance Separation formulae.</i>	MDS Guidelines indicate that MDS I need not apply to surplus farm dwelling consents. Refer to the analysis of PPS Policy 2.3.3.3.
(6)	<i>New non-farm development within 500</i>	The proposed consent is

	<p><i>metres of a Primary Settlement Area boundary or within 300 metres of a Secondary Settlement Area boundary shall be limited to existing lots, where minor infilling and rounding out of existing development may be considered. Prior to development the applicant must demonstrate that the development is compatible with adjacent uses and would not create or contribute to hard servicing problems or would not prejudice future development. Non-farm lot creation within 500 metres of a Primary Settlement Area boundary or within 300 metres of a Secondary Settlement Area boundary shall not be considered.</i></p>	<p>approximately 400 m south of the urban area of the Town of Hanover, a Primary Settlement Area of Grey County. No new residential development is being proposed, therefore no impact on future development patterns in the area is anticipated. As well, the property is buffered from the urban area by a significant drainage and environmental system. In addition, the direction of urban growth in Hanover is east not south, therefore creating this surplus farm lot will not offend this policy.</p>
<p>2.1.4 Consent Policies</p>		
	<p>(1) A consent for one lot may be permitted provided the original farm parcel is a minimum of 40 hectares and no lot creation has been provided for in the past. The creation or acquisition of a lot by a public body (e.g. for a road deviation) will not be considered as a previous severance providing this does not result in an additional remnant lot. The options for a consent would be:</p>	<p>The proposal conforms to the policy as no previous consents have been created.</p>
<p>(a)</p>	<p><i>One lot severed to create a farm parcel of generally 40 hectares in size, provided the Development Criteria of Section 2.1.3 has been satisfied, or</i></p>	
	<p>(b) Where a residence is deemed surplus to a farm operation as a result of farm consolidation, provided that:</p> <p>(i) The owner of the lands to be severed is a ‘bona fide farmer’. For the purposes of this policy, the ‘bona fide farmer’ must have a Farm Business Registration number. A ‘bona fide farmer’ shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership and other similar ownership forms;</p> <p>(ii) The lot proposed for the</p>	<p>The proposed severance meets the GCOP policy with regard to surplus farm dwelling severances.</p> <p>Mr. Schaus is a bona fide farmer who has significant agricultural holdings in Grey and Bruce Counties.</p> <p>As can be noted in Figure 4, the</p>

<p><i>residence and buildings surplus to the farming operation shall be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands;</i></p> <p><i>(iii) The remnant parcel shall be rezoned to prohibit the future erection of a residential dwelling of any type on the agricultural lands provided that a residential dwelling does not exist at the time of severance;</i></p> <p><i>(iv) The severance of a residence surplus to a farming operation must comply with Provincial MDS Formulae. All livestock facilities within the vicinity of the proposed severance, including any livestock facility situated on the farm parcel from which the surplus farm residence is being severed, shall be used in determining Provincial MDS</i></p> <p><i>(vi) The existing residence is habitable at the time of application.</i></p>	<p>proposed lot provides for the lands occupied by the existing farm structures with virtually no intrusion into the area being cropped. A minimal amount of tilled land may be removed from production to reflect required municipal zoning bylaw setbacks. Servicing is located on the proposed parcel, with sufficient lot area to accommodate appropriately.</p> <p>The proposed zoning amendment is intended to provide for a lot size shown in Figure 4 and to place a restriction on the retained lands to prohibit residential uses.</p> <p>The provisions for MDS 1 setbacks do not apply to the proposed severance of a surplus farm residence and buildings.</p> <p>The existing residence shown on Figure 4 is presently being inhabited by the previous owner of the farm.</p>
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There would not appear to be any conflict with the intent or purpose of the above County policies.

2.3 Municipality of West Grey Comprehensive Zoning By-law (Figure 6)

The subject property is included under an 'A1 – Agricultural Zone'. The surplus farm dwelling lot will be recognized under 8.3 of the A1 provisions. Only agricultural activities will be permitted on the retained lands and the necessary residential restriction will be included in the zoning by-law amendment.

The following table compares the existing by-law provisions and the areas where minor modifications are required to facilitate the consent.

**Table 4 – Municipality of West Grey
 Comprehensive Zoning By-law
 General Agriculture (A1) Provisions**

Provisions	Required Agricultural Lot	Proposed Agricultural Lot	Required Surplus Farm Building Lot	Proposed Surplus Farm Building Lot
Min. Lot Area	40 Ha	±45.88 Ha	0.8 Ha	±1.2 Ha
Min. Lot Frontage	122 m	±603 m	30.5 m	±118.7 m
Min. Lot Depth		±870 m		±114.6 m
Min. Front Yard		N/A	18.3 m	±9.6 m
Min. Rear Yard		N/A	2.5 m	±12.3 m
Min. Side Yard		N/A	3 m	±3 m
Max. Building Height		N/A		
Max. Lot Coverage		N/A	20%	20%

In addition to prohibiting residential uses on the retained lot, the zoning by-law amendment will also need to legalize an existing non-complying front yard of ±9.6 m on the severed lands. There does not appear to be any immediate planning issues with regard to the existing depth of this front yard.

No further relief from the setback provisions of the comprehensive zoning by-law appear to be required in order to facilitate the proposed severance.

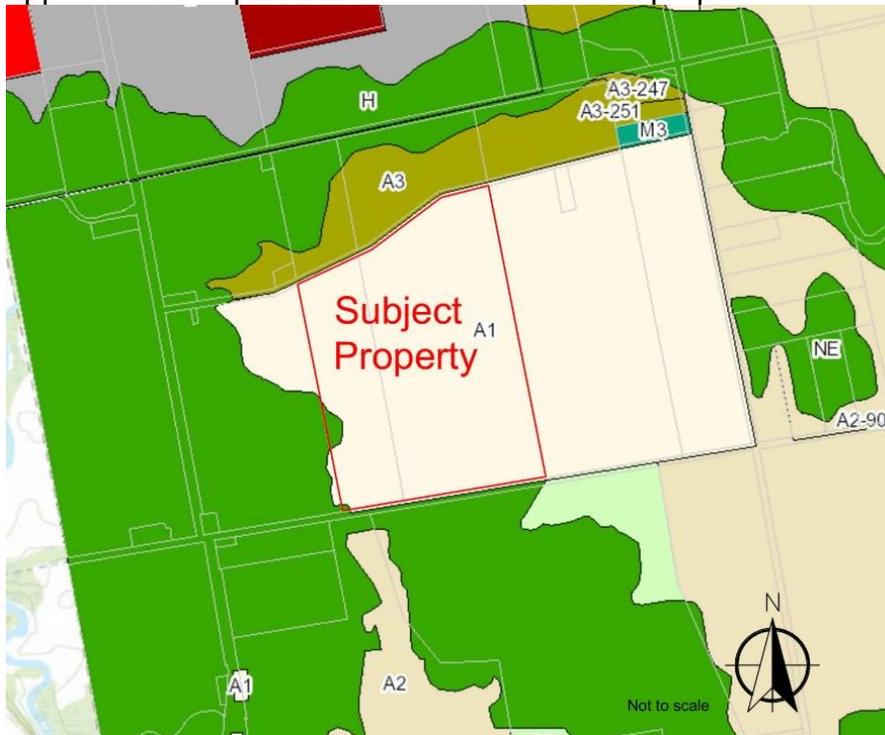


Figure 6 – Municipality of West Grey Comprehensive Zoning By-law (excerpt)

3.0 SUMMARY & CONCLUSIONS

The proposed severance represents an opportunity to maintain the existing on-site agricultural activity without altering the rural landscape of the area. The surplus farm dwelling severance will maintain a rural residence and therefore help maintain the rural housing stock and rural character of the area. The relief from the County Official Plan setbacks is quite minor as the proposed lot is buffered from the built area of Hanover by farmland and a significant natural environment area along the Beatty Saugeen River and associated valley lands.

Based on the foregoing report, the following is concluded:

- 1) This proposal is consistent with the Provincial Policy Statement;
- 2) This proposal conforms to the intent and purpose of the agricultural policies of the Grey County Official Plan;
- 3) The rezoning to restrict residential development on the retained lands will maintain the agrarian viability of the farm land on site and in the surrounding area;
- 4) This proposal conforms to the intent of the surplus farm dwelling policies of the Provincial Policy Statement and the Grey County Official Plan
- 5) This proposal represents good rural land use planning principles.

Submitted,



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