

To:	Warden Halliday and Members of Grey County Council
Committee Date:	November 22, 2018
Subject / Report No:	County Official Plan Amendment 42-05-280-OPA-144 / Report PDR-CW-41-18
Title:	Wally Schaus Official Plan Amendment Merit Report
Prepared by:	Stephanie Lacey-Avon
Reviewed by:	Randy Scherzer and Scott Taylor
Lower Tier(s) Affected:	Municipality of West Grey
Status:	Recommendation adopted by Committee as presented per Resolution CW283-18; Endorsed by County Council on December 20, 2018 as per Resolution CC05-19.

Recommendation

1. That Report PDR-CW-41-18 regarding a proposed County Official Plan Amendment be received; and
2. That the proposal proceeds to a Public Meeting to consider an amendment to the County of Grey Official Plan on lands designated 'Agricultural' and 'Hazard Lands', to permit a surplus farm dwelling severance within 500 metres of the Primary Settlement Area boundary of the Town of Hanover, for the lands described as Lot 5, 6, 7 Concession SDR (301138 Knappville Road), geographic Township of Bentinck, Municipality of West Grey, provided the Municipality is prepared to hold a joint public meeting in consideration of the necessary local amendment requirements.

Executive Summary

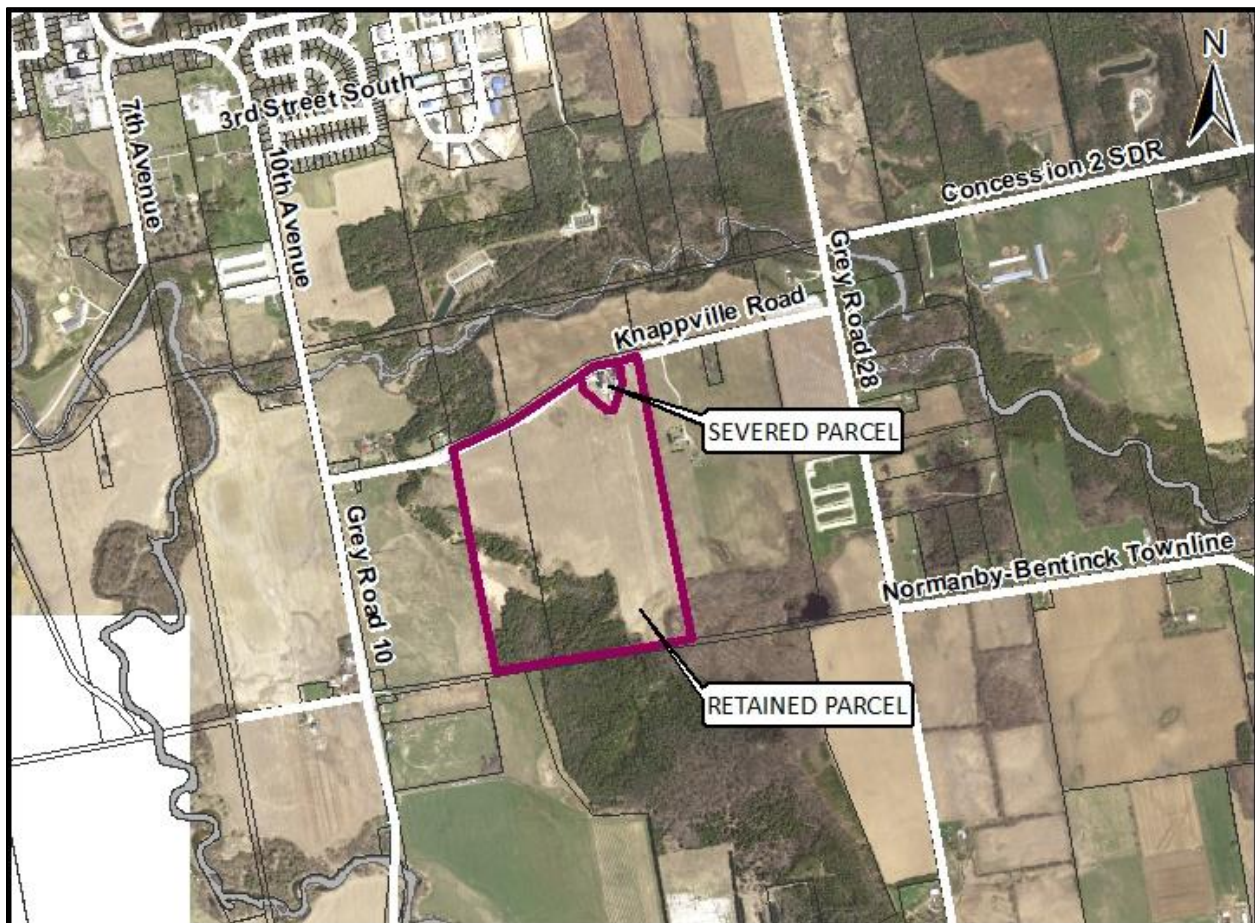
A proposed County official plan amendment application (42-05-280-OPA-144) has been submitted by Ben Rier on behalf of the property owner David Wally Schaus, to amend the agricultural development criteria policies, to allow for a surplus farm dwelling severance within 500 metres of the Primary Settlement Area boundary of the Town of Hanover. The County Agricultural development policies in the County Official Plan do not permit this type of lot severance, but consideration for this type of application is identified at the Provincial level. This surplus farm dwelling severance is intended to sever off the farm buildings that are surplus to the needs of the owner. This amendment also requires a zoning by-law amendment and a consent application to the Municipality of West Grey.

Background and Discussion

The County has received an application from Ben Rier on behalf of the property owner Wally David Schaus to amend the Grey County Official Plan. The amendment would allow exemption to the 'Agricultural' development policy 2.1.3(6) to permit a surplus farm dwelling severance within 500 metres of the Primary Settlement Area boundary of the Town of Hanover.

The proposed development also requires a zoning by-law amendment and a consent application to the Municipality of West Grey.

The subject lands are located at Lot 5, 6, 7 Concession SDR (301138 Knappville Road), geographic Township of Bentinck, Municipality of West Grey. Map 1 below shows the subject lands and surrounding area.



Map 1: Airphoto of the Subject Lands

The subject property is designated 'Agricultural' and 'Hazard Lands'. The lands are used for cash crop purposes by a bona fide farmer. The two-storey residence, five storage sheds, and one barn are deemed surplus to the current owner's needs, and are intended to be severed from the remaining farm parcel. Under consent policies 2.1.4(1)(b) of the County of Grey Official Plan, the proposed development meets the criteria for a surplus farm dwelling severance.

The subject lands are approximately 46.8 hectares (115.7 acres) in size, and the proposed severed parcel will be approximately 1.2 hectares (2.9 acres) in size. The lands immediately surrounding the subject property are predominantly used for agricultural purposes. With regard for natural heritage features, the subject property has significant woodlands on the southern end, and a stream that flows westward, just north of Knappville Road. There are no natural ecological or natural heritage features situated within 120 metres of the proposed severed parcel.

Cuesta Planning Consultants Inc. submitted a Planning Justification Report in support of the proposal. The applicant did engage the Municipality and the County in pre-submission consultation. A copy of the Report and background materials can be found at the below link:

[Link to Background Materials](#)

Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Decisions within the County must also conform to the County of Grey Official Plan, and any Provincial plans in force and effect.

A detailed planning analysis has not been undertaken at this stage. Following the public process, and agency comments, a thorough analysis and staff recommendation will be provided. Key Provincial and County policies have been flagged below for consideration.

Provincial Legislation – The *Planning Act*

Most notable to this proposed official plan amendment are the following clauses from the *Planning Act*, which will need to be considered.

(a) the protection of ecological systems, including natural areas, features and functions,

The identified natural heritage features on the subject property will not be altered or impacted as a result of this application.

(b) the protection of agricultural resources of the Province,

The subject property is designated 'Agricultural' and 'Hazard Lands' as per Schedule A of the County Official Plan. Within the 'Agricultural' designation, consents for new lot creation are generally discouraged except under a few circumstances. The County of Grey Official Plan and the PPS both contemplate surplus farm dwelling lot creation.

Provincial Policy Statement (PPS 2014)

Section 2.3.1 of the PPS states that prime agricultural areas shall be protected for long-term use for agriculture. The intent of the zoning by-law amendment is to zone the retained lands to prohibit future residential development.

Policy 2.3.3.3 also states, new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Furthermore, policy 2.3.4.1 outlines that lot creation in prime agricultural areas is discouraged and may only be permitted under a few circumstances, including for a residence surplus to a farming operation as a result of farm consolidation.

County of Grey Official Plan

Section 2.1.3(6) of the County Official Plan states that within the Agricultural designation, new non-farm development within 500 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.

Section 6.3 of the County Plan contemplates amendments to the Plan, provided the criteria of the relevant sections of the Plan can be addressed.

As noted above, following the public and agency processes, a thorough planning analysis and staff recommendation will be provided.

Legal and Legislated Requirements

The application will be processed in accordance with the *Planning Act*.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. The County has collected the requisite application fee and peer review deposit for this application.

Relevant Consultation

- Internal: Planning Staff
- External: Municipality of West Grey, required agencies under the *Planning Act*, and the public

Appendices and Attachments

None