

<b>To:</b>	Warden Halliday and Members of Grey County Council
<b>Committee Date:</b>	February 8, 2018
<b>Subject / Report No:</b>	42-03-620-OPA-140 / Addendum to Report PDR-CW-41-17
<b>Title:</b>	Official Plan Amendment 140 Final Report
<b>Prepared by:</b>	Scott Taylor
<b>Reviewed by:</b>	Randy Scherzer
<b>Lower Tier(s) Affected:</b>	Township of Georgian Bluffs
<b>Status:</b>	Recommendation adopted by Committee as presented per Resolution CW51-18;

## Recommendation

1. That all written and oral submissions received on Official Plan Amendment Number 140 were considered and helped to make an informed recommendation and decision; and
2. That Addendum to Report PDR-CW-41-17 be received, and that Amendment Number 140 to consider site specific exceptions for lands described as Part Lot 23, Concession 19, Geographic Township of Keppel, in the Township of Georgian Bluffs, to re-designate the subject lands from the 'Agricultural' designation to the 'Agricultural with Exceptions' designation, be supported, and a by-law to adopt the County Official Plan Amendment be prepared for consideration by County Council.

## Executive Summary

This report considers a proposed official plan amendment in the Township of Georgian Bluffs to permit the severance of a surplus farm dwelling. The amendment is required because the original farm parcel is less than 40 hectares in size, which in the 'Agricultural' designation is the required minimum, before a surplus farm dwelling can be severed. Accompanying the official plan amendment application, are applications for consent and zoning by-law amendment to the Township of Georgian Bluffs. It is recommended that Amendment Number 140 be supported and a by-law to adopt the amendment be prepared for consideration by County Council.

## Background and Discussion

Grey County has received an application from the owner at 402558 Grey Road 17 to amend the County of Grey Official Plan. The subject lands are legally described as Part Lot 23, Concession 19, geographic Township of Keppel, in the Township of Georgian Bluffs. The amendment would allow an exception to the 'Agricultural' designation to permit a surplus farm dwelling severance. The severance will create a 0.74 hectare non-farm lot containing a farmhouse, along with the barn and storage building. The retained balance of the farm (~29 hectares) will be used for cash-cropping purposes, and rezoned to prohibit new residential dwellings. The proposed development requires consent and rezoning applications from the Township of Georgian Bluffs. Through this exception to the Agricultural designation, a surplus farm dwelling severance will be considered, which is not currently permitted by the County Plan for a lot of this size (i.e. the County Plan permits surplus farm dwelling severances on 40 hectare parcels and this parcel is 29.7 hectares).

The subject lands are located along the south side of Grey Road 17, approximately 900 metres west of Wolseley, the site also fronts along Mountain Lake Drive to the south. Mountain Lake Drive is only seasonally maintained, while Grey Road 17 is maintained year-round. A new access off Grey Road 17 can be located in the northeast section of the property, or a field entrance off of Mountain Lake Drive could also be sited in the south of the property. Currently the lands are approximately 29.7 hectares, of which approximately 28.7 hectares are cash-cropped. Situated on the property are the aforementioned dwelling, barn and storage building. No livestock currently occupy the barn. The size and shape of the proposed severed parcel have been carefully designed in order to minimize the amount of cropland that will be taken out of production from the severance. In order to keep the existing septic system with the dwelling, it is necessary to include a three-metre wide swath of cropland along the east side of the house. This means approximately 240 square metres of current cropland will be lost. An air photo showing the subject lands and surrounding properties has been included as Map 1, while the proposed severance boundaries are shown on Map 2 below.

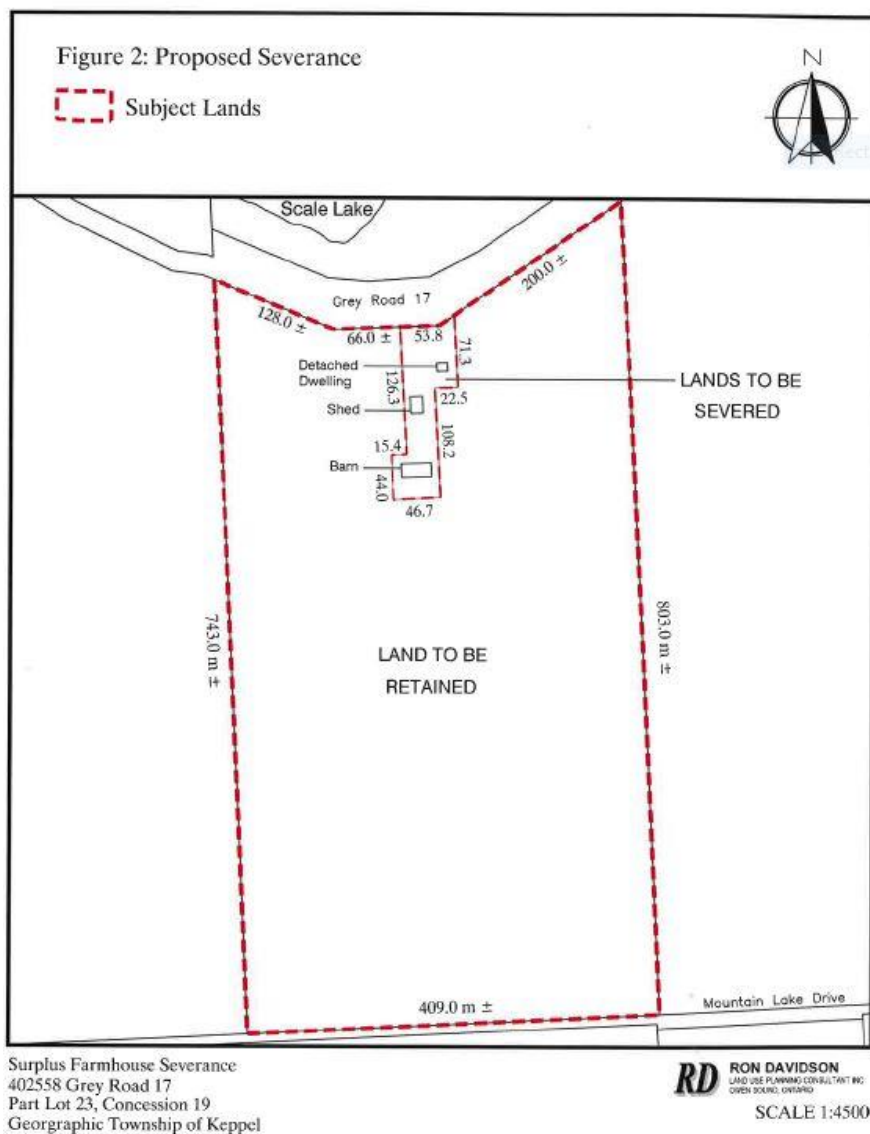


## Map 1: Airphoto of the Subject Property and Surrounding Lands

Surrounding the subject lands are wetlands and a forested area to the north. To the east, west and to the south of the property is a mixture of wetland, forested areas and areas that are currently in agricultural production.

Ron Davidson, Land Use Planning Consultant Inc. has submitted a Planning Justification Report in support of the proposal, and Orion Environmental Solutions have prepared an Agricultural Impact Assessment. Copies of all reports and background materials can be found at the below link.

[Link to OPA 140 Background Materials](#)



## *Map 2: Proposed Severance (Courtesy Ron Davidson, Land Use Planning Consultant Inc.)*

A joint public meeting with the Township of Georgian Bluffs was held on November 15, 2017. A copy of the minutes from the public meeting can be found at the below link.

[Public Meeting Minutes](#)

Kelly Henderson, who did the majority of the County Planning work on this file, originally drafted an early version of this staff report. Kelly has since taken another planning position elsewhere, so staff completed the report in her absence.

## Public and Agency Comments Received

### *Public Comments*

#### **Victoria Boulter dated, November 14, 2017**

In an email, Ms. Boulter noted concerns about the lot shape and size of the proposed non-farm parcel. She also raised concerns with the access to Grey Road 17, specifically the 'S-Bend' near the property and the poor visibility that can occur at this section of the road.

The County received one verbal comment at the public meeting, where Victoria Boulter;

'Thanked County staff for providing clarity about the file prior to the meeting. She was happy to hear that the road will be reconstructed by the Transportation Services department in 2018. She would like it put in writing that there should be a band of trees planted to protect the drifting snow over that farmland. She is also concerned with the odd shape of the property and wondered if it could be changed to a rectangle shape to help for future owners.'

### *Agency Comments*

Comments were received from the following agencies.

#### **Niagara Escarpment Commission, dated November 14, 2017**

The Niagara Escarpment Commission (NEC) noted that the subject property is not located within the areas of the Niagara Escarpment Plan or within the Development Control area. The NEC has no objection to the subject amendments or consent, provided the applications conform to the County Official Plan policies.

#### **Historic Saugeen Metis, dated October 10, 2017**

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department have reviewed the relevant documents and have no objection or opposition to the proposed land re-designation, rezoning, and land severance.

## **Grey County Transportation Services, dated January 15, 2018**

Transportation Services have provided multiple sets of comments on this file. Most recently in January 2018 Transportation Services noted they have no concerns with the revised entrance proposal. Transportation Services have also noted that this section of Grey Road 17 is due for reconstruction in 2018.

## **Bluewater District School Board, dated October 20, 2017**

The School Board has no comments or concerns with this planning application at this time.

## **Hydro One, dated October 2, 2017**

Hydro One has reviewed the documents concerning the noted application and have no concerns at this time.

## **Grey Sauble Conservation Authority, dated November 10, 2017**

Grey Sauble Conservation Authority (GSCA) generally has no objection to the approval of the subject application. A permit is required from GSCA should any development and/or site alteration be proposed within the area regulated under Ontario Regulation 151/06. We are also recommending that the 'Wetland' zone be revised to the Provincially Significant Wetland boundaries.

## **Ministry of Municipal Affairs, dated October 19, 2017**

The Ministry of Municipal Affairs got comments from the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA), who noted that 'they have reviewed the Planning Report and Agricultural Impact Assessment prepared. It appears that the proposed consent for a residence surplus to a farm dwelling is consistent with the lot creation policies of the Provincial Policy Statement (PPS). The consultant has stated in the Planning Report that the required MDS setback is exceeded. In addition, Section 2.3.4 of the PPS is addressed. The County should ensure that the residence is in fact surplus to a farming operation as per the PPS definition.'

## **Township of Georgian Bluffs Operations Department, dated October 6, 2017**

The Township of Georgian Bluffs Operations Department have no comments on this application.

## **Township of Georgian Bluffs Planning Department, dated December 22, 2018**

The Township Planner noted;

*"There was no opposition recorded at the Public Meeting or in the agency comments as noted in the Township of Georgian Bluffs staff planning report PL.2017.39. I have attached a copy of the planning report and the minutes from the November 15, 2017 Public Meeting for your reference. The Township has no further concerns with respect to Grey County Official Plan Amendment 140."*

# 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 Municipal Official Plans or Provincial Plans in effect. In this case, neither the Township Official Plan nor the Niagara Escarpment Plan are in effect for this property.

## Provincial Interest – Legislation, Policy, Guidelines

Section 2 of the *Planning Act* sets out matters of Provincial interest, which all land use decisions shall have regard for in rendering any decision under the Act. Most notable to this proposed Official Plan Amendment are the following clauses, with some staff comments below.

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

There are no significant environmental features mapped in the area to be severed on the subject lands. The proposed development site is adjacent to small pockets of Significant Woodlands and Other Identified Wetlands, as well as Provincial Significant Wetlands. A small portion of karst topography also exists on the south end of the retained parcel. The proposed development will not impact these environmental features, as development already exists on the severed parcel and it is simply a new lot line being added.

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

The subject property is designated 'Agricultural' on Schedule A to the County Official Plan. Within the Agricultural designation, surplus farm dwelling severances are permitted, however there is criteria that needs to be met in order to qualify for a severance 'as-of-right'. The PPS also contemplates this type of severance, and does not place a minimum lot size on the farm parcel that must be met before a severance can be considered.

The proposed development will remove approximately 240 square metres of current cropland out of production. However, this is required in order to keep the existing septic system with the dwelling. An Agricultural Impact Assessment was completed for this property and reviewed by OMAFRA staff.

### **(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;**

The provision of effective water, wastewater, and communication systems has not been questioned for this application. The proposed dwelling is already serviced, and no new residential dwellings can be built on the retained lands.

Initially, some concerns were raised about getting safe access to the retained parcel off Grey Road 17, which is the only abutting road that would provide year-round access. Transportation Services staff have found an entrance location on the property which meets the County standards for new entrances. Transportation Services staff have also noted that the road will be reconstructed this year, to alleviate some of the current road concerns.

### **(o) the protection of public health and safety,**

Some questions raised prior to and at the public meeting stemmed from concerns over potential access to the property and the road conditions in the area, but these have been addressed above.

The proposed official plan amendment has regard for matters of Provincial interest under the *Planning Act*.

## Provincial Policy Statement (PPS 2014)

Section 2.3.4.1 of the PPS provides for the lot creation in prime agricultural areas for a residence surplus to a farming operation as a result of farm consolidation. These permissions are conditional on ensuring that new residential dwellings are prohibited on the vacant remnant farm parcel. The proposed severance is required as a result of farm consolidation, where the current farmer does not need an additional house. This severance and farm operator would meet the Provincial criteria for eligibility for a surplus farm dwelling severance. Associated with the official plan amendment, is a zoning amendment to the Township that will rezone the retained parcel for no new residential dwellings.

Another requirement of the PPS is that the severed lands be as small as possible, to remove minimal land from agricultural production. The proposed severed lot, ~ 0.74 hectares, is abnormally shaped, to remove minimal lands from the remnant farm, other than those required for the house, outbuildings, and septic system. As part of the development review process, questions arose as to whether or not additional lands could be included with the severed lands, to facilitate the future residential landowner having some livestock. The PPS is however clear that the severed lands are to be *“limited to a minimum size needed to accommodate the use and the appropriate sewage and water services”*. County staff cannot favourably recommend a larger sized severed parcel as it would not be consistent with the PPS.

Section 2.3.3.3 of the PPS requires Minimum Distance Separation (MDS) formulae to be met for new land uses or the creation of lots. MDS setback can be met for the proposed use, and all required setbacks have been exceeded. It should be noted that the existing barn, which is not currently used for livestock purposes, will be severed with the house to avoid potential land use conflicts in the future.

The applicant has submitted a Planning Report and an Agricultural Impact Assessment report that are aimed at addressing the agricultural policies of the PPS. County, Township, and Provincial planning staff are satisfied with the contents of these reports.

Section 2.1 of the PPS requires the protection of significant natural heritage features across the Province. As noted above, there would not appear to be any impacts on significant environmental features as a result of these applications. GSCA staff have not raised any environmental concerns in this regard.

Proposed Amendment 140 is generally consistent with the PPS.

## County of Grey Official Plan

All new development proposals within the County must conform to the purposes and policies of the Official Plan.

The proposed amendment would not be changing the principle use of the farm; it would reduce the size of the retained parcel to 28.96 hectares and create a non-farm lot of approximately 0.74 hectares. As noted above, the subject lands are currently designated as 'Agricultural' on Schedule A to the County Plan. An amendment is required for the proposed development as the subject property is an undersized farm parcel (approx. 29.7 hectares) and therefore does not qualify for a surplus farm dwelling severance 'as-of-right'. Section 2.1.4(1) of the County Official Plan permits the creation of one lot in the Agricultural designation provided that the original farm parcel is a minimum of 40 hectares and no lot creation has been provided for in the past. It shall be noted that the original Lot 23, Concession 19, geographic Township of Keppel, was 40 hectares in size. However, because of the lake and the bend in Grey Road 17, which bisects the original Lot 23, the 40 hectare parcel was not kept as one contiguous parcel.

Both the County Plan and the PPS limit lot creation in the Agricultural designation to preserve as much land as possible for farming and food production, and to limit the possibility for conflict between farm and non-farm neighbours. Surplus farm dwelling severances are a divisive issue across the Province. Many farm groups also seem to be 'divided' on this topic. Some people are of the opinion that severing a house will create land use conflict in the future, and render the retained of lesser value if it cannot have a dwelling on it. This same opinion questions whether these retained parcels could also be an impediment to young farmers entering the industry, and needing land and a dwelling. However, others have pointed out that farming is a business, and like many other types of businesses, the key to growth is expansion. Many farmers need to grow their land-base but have no need for additional houses, and no desire to be landlords. The ability to sever a surplus farm dwelling severance is a necessary tool for farmers to be able to expand their businesses, and preserves these houses from being torn down or falling into disrepair.

County staff and Council have had many discussions on the 'pros and cons' of surplus farm dwelling severances. While the County used to take a more restrictive approach to surplus farm dwelling severances; the County was forced to 're-think' this approach following an unsuccessful defense of our policy at the Ontario Municipal Board (OMB). The County's current policy closely aligns with the PPS, which permits such severances. One area of deviation, is the requirement for needing 40 hectares to qualify for such a severance, i.e. the County requires a minimum of 40 hectares before one can be considered for a surplus farm dwelling severance, whereas the PPS does not. County Planning staff still believe this to be a reasonable criterion. However, in this case an exception is being considered based on the fact that it was the road which bisected the 40 hectare original lot, not the creation of additional non-farm parcels.

The requirements for official plan amendments are outlined in section 6.3 of the County Plan, while the detailed Agricultural policies are found in section 2.1 of the Plan. It is the primary objective of the Plan to protect the 'primary way of life' through farming operations continuing to be the dominant land use. Therefore, Agricultural productivity of the land is a key consideration in assessing this application. It is for this reason that the Agricultural Impact Assessment was required. This Assessment supports the proposed severance and notes that minimal land will be removed from production.

County staff have been reticent to consider surplus farm dwelling severances on smaller farms, for fear of 'setting a precedent' which opens our Agricultural lands up to too many non-farm severances. County staff have carefully considered this application, and spoken with our colleagues at the Province on the matter. Staff do not view this as precedent setting for the



entire Agricultural designation, but rather see it as a somewhat unique circumstance where a road has bisected the original lot (i.e. from the original crown survey).

Provincially Significant Wetlands have been designated north of Grey Road 17, and in a very small portion on the eastern boundary of the proposed retained parcel. The Wetlands will not be disturbed by this severance, as no new dwellings or development (other than creating the new lot boundary) are being proposed through these applications. A small portion of the retained parcel has been mapped within the 'Special Policy Area' (karst) mapping on Appendix A to the County Plan. No development is being proposed within this section of the property, and no new residential dwellings would be permitted on the retained parcel. Significant Woodlands have been mapped north of Grey Road 17 and south of Mountain Lake Drive, but these features will not be disturbed by the proposed severance.

## County of Grey's Local Agricultural Food Strategy

Grey County's Local Agricultural Food Strategy completed a strengths, weaknesses, opportunities and threats (SWOT) analysis, which examined threats to the industry, i.e. changes to the external environment that negatively impact the operation or sector. One threat that was identified was restrictive/limiting land use regulations, i.e. farm severances. One of the actions within this strategy is to support efforts to protect and expand the land base under production. One of the tasks under this action is to coordinate with the County's Planning department to implement policies that focus on protection of land base, within a framework of flexible policies that support and protect a wide range of agricultural practices. This proposed Official Plan Amendment will help to support this strategy and action on a site-specific basis.

The Agricultural consent policies, including criteria for surplus farm dwelling severances, will be an important discussion on the draft Recolour Grey policies.

The proposed Official Plan Amendment application conforms to the goals and intent of the County Official Plan, and would appear to align with other objectives of the County, including Economic Development. Staff would however recommend a cautious approach to considering new lot creation in the Agricultural designation, including surplus farm dwelling severances.

## Legal and Legislated Requirements

There are no anticipated legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. Should the application be appealed to the Ontario Municipal Board additional legal resources may be required. However, it should be noted that if County Council approves Amendment 140, and that decision is appealed, then the County would not be a party to the hearing, unless otherwise directed by Council to do so.

## Financial and Resource Implications

There are no anticipated financial or staffing considerations associated with the proposed official plan amendment application, beyond those normally encountered in processing such applications. The County has collected the requisite application fees for this application.

## Relevant Consultation

- ☒ Internal: Planning and Transportation Services Staff
- ☒ External: Township of Georgian Bluffs, required agencies under the *Planning Act*, and the public

## Appendices and Attachments

[Report PDR-CW-41-17](#)

[Proposed Official Plan Amendment # 140 Text](#)

[Proposed Official Plan Amendment # 140 Land Use Schedule](#)