

## Addendum to Report PDR-PCD-23-15

**To:** Chair Wright and Members of the Planning and Community Development Committee  
**From:** Alisha Buitenhuis, Planner  
**Meeting Date:** July 21, 2015  
**Subject:** **Addendum to 42-07-060-OPA-132 McQueen Merit Report**  
**Status:** Recommendation adopted by Committee as presented per Resolution PCD98-15; Endorsed by County Council August 4, 2015 per Resolution CC113-15;

### Recommendations

**THAT the proposed amendment to the County of Grey Official Plan to re-designate the subject lands from ‘Agricultural’ and ‘Hazard’ to ‘Agricultural with Exception’ and ‘Hazard’ for the lands described as Part of Lot 56, Concession 2, geographic Township of Egremont in the Township of Southgate, to allow for a lot addition be supported;**

**AND THAT the Addendum to Report PDR-PCD-23-15 regarding a proposed County Official Plan Amendment be received;**

**AND FURTHER THAT the appropriate by-law be prepared for consideration by County Council.**

### Background

The County of Grey has received an application to amend the County Official Plan to allow for a lot addition in order to increase the size of an adjacent schoolyard of a school which serves the horse-drawn buggy community. The reason for the application is that non-farm lot creation is not permitted within an Aggregate Resource Area by the County Official Plan (OP), and justification is required to demonstrate the appropriateness of a lot addition within the Agricultural designation.

The subject property is approximately 10.89 hectares in size and is legally described as Part Lot 56, Concession 2, geographic Township of Egremont, in the Township of Southgate. The property contains a detached dwelling serviced with a well and septic system, two small sheds, and a pond. The remainder of the land is heavily forested.

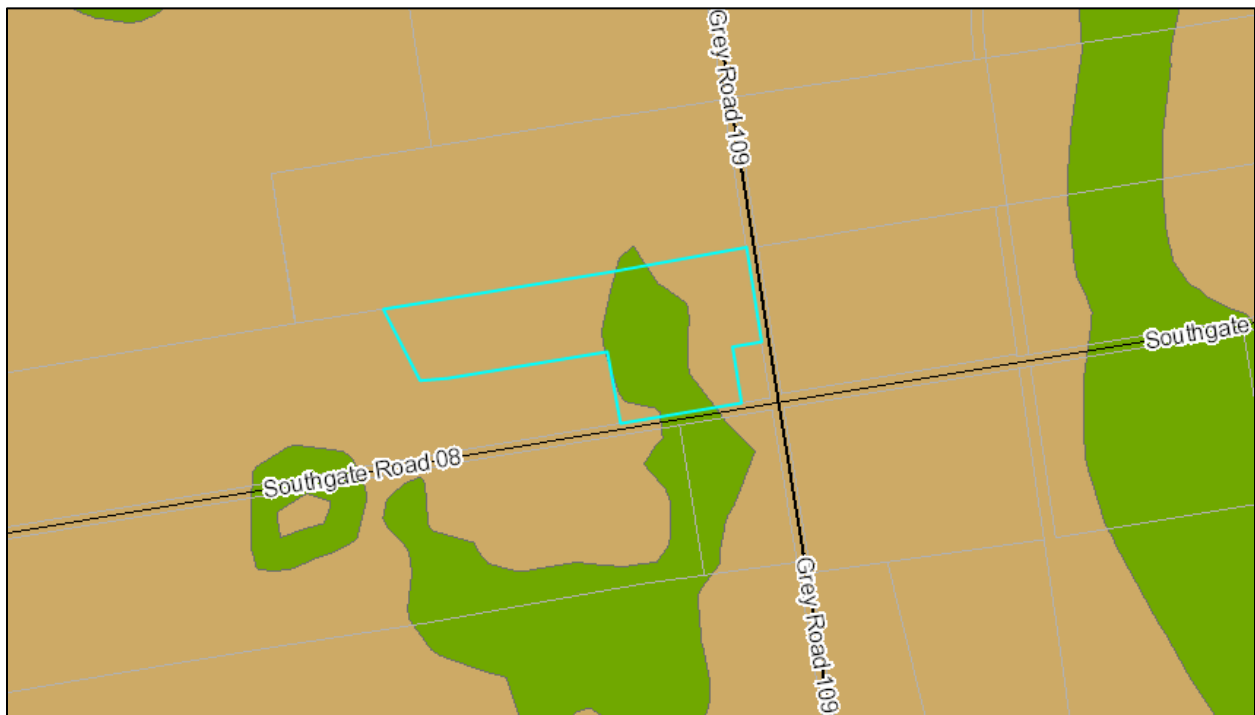
The subject property is located at the intersection of Grey Road 109 and Southgate Road 08. It is approximately 3.5 kilometres south of the village of Holstein, and 2.4 kilometres north of the town of Mount Forest. The surrounding area consists primarily of agricultural uses and Hazard Lands.

Ron Davidson, Land Use Planning Consultant Inc. has submitted a Planning Justification Report in support of the proposed amendment. No other reports or studies were deemed necessary at the time of pre-submission consultation.

A Township Zoning By-law Amendment and Consent Application are required from the Township of Southgate. The Consent Application was conditionally approved on June 24, 2015.

A Public Meeting was held on June 17, 2015. Minutes from that meeting can be found here: [Public Meeting Minutes OPA 132 McQueen](#)

### *Map 1 – Location of the Subject Lands*



### *Public/Agency Comments Received*

#### **Historic Saugeen Metis (HSM)**

In a letter dated May 25, 2015, HSM stated no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

## **Saugeen Valley Conservation Authority (SVCA)**

In a letter dated June 30, 2015, SVCA staff stated that the proposal is acceptable. No natural heritage features are associated with the school property or the severed parcel, however there is fish habitat associated with the Tyndall-Holliday Award Drain on the retained parcel. No negative impacts are expected to result from the proposed severance.

The Hazard Lands designation in the County Official Plan and the Environmental Protection Zone in the Township of Southgate Zoning By-law are located outside of the lands to be severed and will remain unchanged.

A portion of the retained parcel is subject to SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). Written permission from SVCA is required prior to any development in or near a Regulated Area or alteration to a watercourse or wetland.

## **Township of Southgate**

In a staff report dated June 24, 2015 regarding the related consent application, Township of Southgate staff stated that the application is consistent with the Provincial Policy Statement and conforms to the County of Grey Official Plan and Southgate Official Plan.

### *Analysis of Planning Issues*

Planning authorities must have regard to matters of Provincial Interest, the criteria of the Planning Act, and be consistent with the Provincial Policy Statement (PPS). Decisions must also conform to the County of Grey Official Plan and any Municipal Official Plans which are in force and effect.

## **Planning Act**

Section 2 of the Planning Act sets out matters of Provincial Interest, which all land use decisions shall have regard for. Subsections (b), *'the protection of the agricultural resources of the Province'*, (c), *'the conservation and management of natural resources and the mineral resource base'*, and (p), *'the appropriate location of growth and development'* are the most applicable to this application.

- b) The lands proposed to be severed are part of an undersized agricultural lot which is not currently in production. The school requires a larger yard for the safety of the students, and to prevent conflict between vehicles travelling on Grey Road 109 and the students (for example, baseballs have hit passing cars in the past). The lot addition will be located away from Grey Road 109 and will provide extra space to the undersized schoolyard. This school serves the horse-drawn vehicle community, which would make relocating outside of the Agricultural area difficult for access

reasons. No new development opportunities will be created through this application. With regard to Minimum Distance Separation requirements, the yard is being expanded further from the existing barns, and no new structures will be established on the property.

- c) The property is partially located within an 'Aggregate Resource Area'. The location of the lands to be severed would not be ideal for aggregate extraction as they are directly adjacent to the school, and are within close proximity to the dwelling on the retained parcel. The proposed lot addition would not further hinder aggregate extraction beyond what already exists.
- p) As previously mentioned, this school serves the horse-drawn vehicle community. This community mainly resides in the rural areas of the County, and as such, institutional uses can, in certain circumstances, locate outside of settlement areas. Based on the community the school services, and the fact that the school is already established, it is logical to expand it on this site rather than relocate to an urban area. This is an appropriate location for growth in this scenario.

## **Provincial Policy Statement**

Section 2.5.2.5 of the PPS requires that mineral aggregate resources and their adjacent lands be protected from development which would preclude or hinder the establishment of mineral aggregate operations. The lands to be severed and added to the school property are part of an existing undersized lot containing a dwelling, and are in close proximity to the existing school building. The lot addition will not further hinder aggregate extraction beyond what already exists.

Section 2.3.1 requires that prime agricultural areas be protected for long-term agriculture use and Section 2.3.6.1 allows for non-agricultural uses in prime agricultural areas only under certain circumstances. The school is used by the horse-drawn vehicle community, which would make locating outside of the agricultural area difficult for travel reasons. As the school already exists, it is reasonable to allow for an expansion of the schoolyard rather than relocate into an urban area. Minimum Distance Separation requirements are not an issue as the lot addition is further from the existing barns. No new structures will be established on the property.

## **Grey County Official Plan**

Section 2.7.3(6) of the OP states that non-farm lot creation is not permitted within Aggregate Resource Areas. The lands proposed to be severed and added to the schoolyard would likely never be extracted due to their proximity to the school and the dwelling on the retained parcel. The lot addition will not further hinder aggregate extraction beyond what already exists.

Section 2.1.4(2) allows for consents in the Agricultural designation where the land being conveyed is being added to an existing use or to provide for minor lot line adjustments

where an undersized remnant lot will not result and where adequate justification is provided. The lands being severed are part of an existing undersized lot. While Planning staff are generally not supportive of further reducing an undersized lot in the Agricultural designation, the school is in need of a larger yard, which is adequate justification for the severance.

Section 6.3 of the OP contemplates amendments to the plan, provided that the criteria of the relevant sections of the Plan can be addressed. Protecting Aggregate Resource Areas from incompatible uses is a major objective of the Plan, as is protecting the Agricultural resources of the County. This application will not further hinder aggregate extraction beyond what currently exists, and the justification for further reducing the size of the undersized Agricultural lot is adequate.

The applicant has submitted a Planning Justification Report to address Provincial and Municipal land use policy.

## Financial / Staffing / Legal / Information Technology Considerations

There are no expected financial, staffing or legal considerations beyond those normally encountered in processing an Official Plan Amendment application. The County has received an amendment application fee and peer review deposit with the file.

## Link to Strategic Goals / Priorities

The subject application is a private development application. The processing of such applications in a timely and effective manner would fall under the Planning department's core business mandate.

## Attachments

[DRAFT By-Law](#)

[DRAFT Schedule A](#)

Respectfully submitted by,

Alisha Buitenhuis  
Planner

Director Sign Off: *Randy Scherzer*