

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** David Smith, Manager Planning and Development  
**Meeting Date:** March 4, 2025  
**Subject:** B03.2025 and B04.2025 – Boerkamp (Davidson)

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### Recommendations:

THAT in consideration of staff report 'B03.2025 and B04.2025 – Boerkamp (Davidson)' the Committee of Adjustment hereby grants provisional approval to consent applications B03.2025 and B04.2025 for the creation of new lots subject to the following conditions:

1. For file B03.2025:
  - i. THAT the owner provide a property tax certificate or, correspondence from the West Grey finance department, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this decision;
  - ii. THAT this decision applies only to the 'Severed Lot 1' as indicated on Schedule 'A' attached to and forming part of this decision. The severed lot shall substantially conform with Schedule 'A';
  - iii. THAT a Reference Plan (survey that is registered) be completed and a digital and/or hard copy be filed with the Secretary-Treasurer of the Committee of Adjustment, or an exemption from the Reference Plan be received from the Registrar. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration of the survey;
  - iv. THAT pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., Stamping of the deed));
  - v. THAT the owner provides a draft transfer prepared by a solicitor describing the legal description of the new lot;
  - vi. THAT an easement in favour of the dominant land (Severed Lot 1) for provision of, and access to, hydro/electrical service lines as indicated on Schedule 'A'

attached to and forming part of this decision is granted. The easement shall substantially conform with Schedule 'A';

- vii. THAT the owner pay a \$500 parkland dedication fee for the severed land in accordance with Section 51(1) of the Planning Act to the Municipality of West Grey;
- viii. THAT the Clerk of the Municipality of West Grey provide written confirmation that a zoning bylaw amendment is in force and effect; and

2. For file B04.2025:

- i. THAT the owner provide a property tax certificate or, correspondence from the West Grey finance department, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this decision;
- ii. THAT this decision applies only to the 'Severed Lot 2' as indicated on Schedule 'A' attached to and forming part of this decision. The severed lot shall substantially conform with Schedule 'A';
- iii. THAT a Reference Plan (survey that is registered) be completed and a digital and/or hard copy be filed with the Secretary-Treasurer of the Committee of Adjustment, or an exemption from the Reference Plan be received from the Registrar. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration of the survey;
- iv. THAT pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., Stamping of the deed));
- v. THAT the owner provides a draft transfer prepared by a solicitor describing the legal description of the new lot;
- vi. THAT the owner pays a \$500 parkland dedication fee for the severed land in accordance with Section 51(1) of the Planning Act to the Municipality of West Grey; and
- vii. THAT the Clerk of the Municipality of West Grey provide written confirmation that a zoning bylaw amendment is in force and effect.

### Highlights:

- The purpose of the application is to sever two lots (Severed Lot 1 approx. 1.05 ha; Severed Lot 2 approx. 0.8 ha.) and retain approx. 38.75 ha.

- An easement in favour of Severed Lot 1 for access to an existing hydro/electrical line is also proposed.
- Municipal address: 521106 Concession 12 NDR.
- The lot is designated 'Rural Land Use Type' and 'Hazard' in the County of Grey Official Plan with 'Significant Woodlands' and 'NHS Linkage' constraint features on the lot.
- The property is zoned 'A2 Rural' and 'NE Natural Environment'. A zoning bylaw amendment application is required for both severed lots and is a condition of Provisional Consent.
- Grey County Planning Ecologist is of the opinion that an Environmental Impact Assessment is not required.

### **Previous Report/Authority:**

None.

### **Analysis:**

#### **Comments - Agencies**

West Grey Public Works: Severed lots and retained to have an approved entrance permit and a civic address.

West Grey Building: No comment.

West Grey Fire: No concerns.

County of Grey: "... it is staff's opinion that the potential impact to natural heritage would be negligible and the requirement for an Environmental Impact Study can be waived.... County Planning staff have no concerns with the subject application."

Saugeen Valley Conservation Authority: SVCA staff find the applications to be acceptable.

#### **Comments - Public**

No comments from the public have been received as of the date of writing this report.

#### **Provincial Planning Statement 2024 (PPS)**

As of October 20, 2024, the new Provincial Planning Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter.

Section 3(5) of the *Planning Act* requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The parcel is located on 'Rural' and 'Hazard' lands as defined in the PPS. 'Natural Heritage' areas (Significant Woodlands and Natural Heritage system (NHS) Linkage) constraints are also identified on the parcel.

Policy 2.6.1c) of the PPS allows for residential development in a Rural area, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. The severed and retained lots are of sufficient size to accommodate private septic and well.

Policy 4.1.5 states that Natural Heritage features i.e., Significant Woodlands shall be protected for the long term and that development within, or adjacent to i.e., within 120 metres of the feature, shall be prohibited *unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions*. Severed Lot 1 would be within 120 metres of the Significant Woodlands. An NHS Linkage has been identified across the far south end of the property. The consents are not in, nor within 120 metres, of the NHS Linkage.

It is the opinion of the County Planning Ecologist that an Environmental Impact Study (EIS) is not required.

Policy 5.2 directs that development shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams and that development shall not be permitted within areas that could be rendered inaccessible during times of flooding. The two consents are not within, or include, lands designated as Hazard.

Severed Lot 1 is within 120 metres of lands designated Hazard. The SVCA has indicated that they have no concerns.

The Manager of Planning and Development is of the opinion that the consents are consistent with the policies of the PPS.

### **Grey County Official Plan (Grey OP)**

The lot is designated 'Rural' and 'Hazard Lands'. There is a 'Significant Woodland' constraint and 'NHS Linkage' constraints on a part of the retained lot. Parts of the lands are within the Saugeen Valley Conservation Authority Regulated Area. There is no development proposed within the 'Hazard Lands', the 'Significant Woodland' or the 'NHS Linkage'.

Section 5.4.3 Consent Policies (Rural) allow for limited lot creation provided the total number of parcels from the original 40-hectare, Crown-surveyed Township lot does not exceed four, including the retained parcel. The creation of two new lots would meet the Official Plan lot density limits.

New lots created in the 'Rural' area to be at least 0.8 hectares in size and to generally have a maximum of a 1:3 ratio of lot frontage to depth.

The proposed lots will meet the minimum lot area requirement of at least 0.8 ha.

Severed Lot 1, proposed as a flag lot with a frontage of 17 metres and a depth of approx. 264 metres, would not meet the 1:3 ratio. However, the size/dimensions of Severed Lot 1 would meet the general intent of the Grey OP to: i) retain as much farmland in active production has been satisfied and ii) prevent multiple long narrow lots being stripped off along roadways and/or lakes/waterbodies is still maintained.

Section 5.4.2(5) Development Policies (Rural) require both the severed lot to comply with the Minimum Distance Separation (MDS) Formula.

There is an existing dwelling on proposed Severed Lot 1. Proposed Severed Lot 2 is vacant.

There are two livestock facilities located within 750 metres of the subject property: one on the property to the north, and the other on the abutting lot to the west. An MDS Report has been submitted and has demonstrated compliance with the MDS I requirements.

Section 7.1(3) Core Areas and Linkages states that no development or site alteration may occur within Core Areas or Linkages, or within 120 metres of the feature, unless it has been demonstrated through an environmental impact study that no negative impacts will occur.

Section 7.4(1) states that no development or site alteration may occur within Significant Woodlands, or within 120 metres of the feature, unless it has been demonstrated through an environmental impact study that no negative impacts will occur.

The Grey Planning Ecologist has determined that an EIS is not required for the proposed development.

The Manager of Planning and Development is satisfied that the general intent and purpose of the Official Plan is being maintained by this application.

**Municipality of West Grey Comprehensive Zoning Bylaw 37-2006**

The subject lands are zoned ‘A2 Rural’ and ‘NE Natural Environment’ in West Grey zoning bylaw 37-2006.

Severed Lot 1 will not meet the regulations of the A2 zone regarding Lot Area, Minimum Lot Frontage, Minimum and Front/Sie/Rear Yard setbacks.

Severed Lot 1	Required	Proposed
Lot Area, Minimum	20 ha	0.8 ha
Lot Frontage, Minimum	122 m	17 m
Front Yard, Minimum - Residential dwellings	- 20 m	- 14 m

- Bldgs. Accessory to dwelling	- 20 m	- +20 m
Interior Side Yard, Minimum		
- Residential dwellings	- 6 m	- 10 m
- Bldgs. Accessory to dwelling (over 14m <sup>2</sup> )	- 15.2 m	- 10 m
Rear Yard, Minimum		
- Residential dwellings	- 7.5 m	- 14 m
- Bldgs. Accessory to dwelling	- 6 m	- 14 m
Residential Dwellings		
Floor Area, Minimum		
- two or more storey	- 102.2 m <sup>2</sup>	- 179 m <sup>2</sup>

The reduced yard setbacks and the reduced Lot Frontage is in keeping with an overall desire to retain active farmland. Requiring a 'square lot' would entail removing approx. 0.8 ha (2 acres) of active farmland from production. There will be sufficient side yard access around all the buildings.

Severed Lot 2 will not meet the regulations of the A2 zone regarding Lot Area, Minimum and Lot Frontage, Minimum.

Severed Lot 2	Required	Proposed
Lot Area, Minimum	20 ha	1.05 ha
Lot Frontage, Minimum	122 m	80 m

However, Severed Lot 2 would conform to the Reduced Lot Regulations of the A2 zone after severance:

Reduced Lot Regulations	Required	Proposed
Lot Area, Minimum	0.8 ha	1.05 ha
Lot Frontage, Minimum	30.5 m	80 m

The retained lot will meet the regulations of the A2 zone regarding Lot Area, minimum and lot frontage, minimum.

A condition requiring a zoning bylaw amendment to be in force has been included in the provisional conditions of consent.

The Manager of Planning and Development is of the opinion, provided a zoning bylaw amendment is approved and in force, that the consents are consistent with the intent of the West Grey Zoning Bylaw.

**Financial Implications:**

Potential appeal to the Ontario Land Tribunal.

**Climate and Environmental Implications:**

As reviewed in this Report.

**Communication Plan:**

As required under the Planning Act, R.S.O. 1990, as amended.

**Consultation:**

None.

**Attachments:**

1. Schedule 'A' – Boerkamp (Davidson)
2. Aerial
3. Grey OP - Schedule A
4. Grey OP – Schedule C
5. Grey OP - Appendix B
6. SVCA Regulated Area
7. West Grey Zoning

**Recommended by:**

David Smith, RPP, MCIP, Manager of Planning and Development

**Submission reviewed by:**

Michele Harris, Chief Administrative Officer

For more information on this report, please contact David Smith, Manager of Planning and Development at [planning@westgrey.com](mailto:planning@westgrey.com) or 519-369-2200 ext. 236.