

Staff Report

Report To: Council
Report From: David Smith, Manager Planning and Development
Meeting Date: March 18, 2025
Subject: ZA01.2025 – Boerkamp (Davidson)

Recommendations:

That in consideration of staff report 'ZA01.2025 – Boerkamp (Davidson)', Council directs staff to bring forward a bylaw to amend bylaw 37-2006 as it relates to ZA01.2025.

Highlights:

- The purpose of the application is to zone two lots (Severed Lot 1 and Severed Lot 2) to satisfy the conditions of two Provisional Consents.
- 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'.
- Grey County Planning Ecologist is of the opinion that an Environmental Impact Assessment is not required.

Previous Report/Authority:

[B03.2025 and B04.2025 - 521106 Concession 12 NDR](#)

Analysis:

Comments - Agencies

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

West Grey Building: Septic system to be located wholly on severed lot.

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: Staff find the application to be acceptable.

Comments - Public

One written comment from the public has been received as of the date of writing this report. Comments noted are:

- We are in a farming community. We would like to build a barn on our farm in the future which is beside the farm [to the east] that Mr. Boerkamp would like to sever.

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 2.6.5 requires new land uses, including the creation of lots to comply with the Minimum Distance Separation formulae. This is reviewed under the Grey Official Plan section below.

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 area proposed for rezoning is 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 zoning application does not include any 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 zoning bylaw amendment is 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 Rural Land Use Type notes that the Rural designation offers flexibility for lot creation (both agricultural and non-agricultural) with a wide range of lot sizes.

Limited lot creation is allowed in the Rural designation 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 need 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 lots to comply with the Minimum Distance Separation (MDS) Formula.

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.

Severed Lot 1: There is an existing dwelling on proposed Severed Lot 1. The MDS Report submitted noted that the proposed **lot** would not meet the MDS I requirement for the existing livestock facility to the west. However, Guideline #41 of the MDS states that when a proposed lot with an existing dwelling is going to be >1ha., the MDS I setbacks are measured as the shortest distance between the existing dwelling and the livestock facility. In this case, Severed Lot 1 complies with Guideline #41 of the MDS.

Severed Lot 2: The proposed lot is vacant. The MDS Report submitted demonstrates compliance with the MDS I requirements for Severed Lot 2.

New Livestock Facilities or Expansions to Existing Livestock Facilities: New Livestock Facilities or Expansions to Livestock Facilities must comply with MDS II. MDS II calculates the separation required between the livestock facility and ALL sensitive uses i.e., institutional or residential uses. The Table below provides an indication of the MDS II setbacks required for two livestock types/number.

Type of Livestock	# of Livestock	MDS II Distance
Swine/Weaners (7-26kg) / Liquid inside, underneath slatted floor	300	184m
Beef Cows including calves to weaning, confinement / Solid outside, no cover	50	146m

In general, the neighbouring farm lots are large (100 ac. / 96 ac.) which may provide sufficient MDS II setback distance to construct a new livestock facility.

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. 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		
i. Residential dwellings	iii. 20 m	v. 14 m
ii. Bldgs. Accessory to dwelling	iv. 20 m	vi. +20 m
Interior Side Yard, Minimum		
ii. Residential dwellings	ix. 6 m	xi. 10 m
ii. Bldgs. Accessory to dwelling (over 14m ²)	x. 15.2 m	xii. 10 m
Rear Yard, Minimum		
ii. Residential dwellings	xv. 7.5 m	xvii. 14 m
v. Bldgs. Accessory to dwelling	xvi. 6 m	xviii. 14 m
Residential Dwellings		
Floor Area, Minimum		
x. two or more storey	xx. 102.2 m ²	xxi. 179 m ²

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 of the buildings.

The zoning for Severed Lot 1 would be changed to 'A2-537 Rural Exception'.

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

The reduced Lot Area and reduced Lot Frontage is in keeping with an overall desire to retain active farmland.

Severed Lot 2 as proposed would however conform to Section 9.3 Reduced Lot Regulation for the A2 zone. The zoning for Severed Lot 2 would be changed to 'A2-538 Rural Exception'. The Retained Lot will meet the regulations of the A2 zone regarding Lot Area, Minimum and Lot Frontage, Minimum. There are no changes to the 'NE Natural Environment' zone.

The Manager of Planning and Development is of the opinion that the zoning amendment as proposed represents good planning.

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:

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

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 or 519-369-2200 Ext. 236.