



LOFT PLANNING

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May 8, 2021

Ms. Lorelie Spencer, Planner
Municipality of West Grey
402813 Grey Road 4
Durham, ON
N0G 1R0

Dear Ms. Spencer:

**RE: Planning Justification Letter - Proposed Consent
382367 CONCESSION 4 NDR, Municipality of West Grey, County of Grey
ROLL #420528000211900**

We have been retained by JT EXCAVATING LTD., owner of 382367 CONCESSION 4 NDR in the Municipality of West Grey, to act as planners for a proposed consent application. The consent application proposes a severance to create a 40 hectare agricultural parcel. This Planning Justification Letter is being submitted as part of a complete application in support of the applications.

1.0 Location and Site Description

The Subject Lands are municipally described as 382367 CONCESSION 4 NDR, Municipality of West Grey and are legally known as, LOT 29 CONCESSION 5 NDR BENTINCK EXCEPT PART 3 PLAN 16R9550; PART LOT 28, 27 CONCESSION 5 NDR BENTINCK AS IN R556103 SAVE AND EXCEPT PARTS 1 & 2 PLAN 16R9550 AND PART 1 PLAN 16R11247; MUNICIPALITY OF WEST GREY.

The lands are located on the north side of Concession 4 NDR, and have an approximate area of 100 hectares. The property is comprised primarily of agricultural fields with a creek running along the property line to the West, and small wooded area located on the south east portion. There is an existing detached farm dwelling and three auxiliary outbuildings also located on the south east portion of property (Figure 1 – Location).

2.0 Existing and Surrounding Uses

The Subject Lands are comprised of active agricultural fields, with natural wood areas along a creek traversing the western property line and the south east corner. A dwelling and three auxiliary buildings are located on the south east portion of the property. The Subject Lands are surrounded by agricultural operations, residential properties and farm fields.

Existing and surrounding land uses are described as follows:

- **North: Agriculture**
- **East: Agriculture**
- **South: Residence, farm land**
- **West: Agriculture with residence**



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The lands are designated Agricultural, Rural and Hazard within the County of Grey Official Plan, and a portion of the aforementioned lands fall under the regulations of the Saugeen Valley Conservation Authority (SVCA). The Subject Lands present as a typical farm property in an area dominated by agriculture and aggregate operations.

3.0 Purpose of Applications

This Planning Justification Report has been prepared in support of a consent application. The consent proposes to sever a 40 ha agricultural parcel from the remainder of the lands. The Subject Lands were previously two separate parcels. The application for consent proposes to establish these lots on the original lot lines. The consent proposal is described as follows, (Figure 2 – Consent Sketch):

- **“Severed Lot”** – The proposed severed parcel is located on the eastern portion of the subject lands and is comprised primarily of farm fields but also is occupied by a small, wooded area and the farm dwelling and outbuildings. **The severed lands have a Lot Area of 40 hectares and a Lot Frontage of 400 metres.**
- **“Retained Lot”** – The retained parcel is located on the western portion of the subject lands, primarily comprising farm fields with a creek running along the property line to the west. **The retained lands have a Lot Area of 50 hectares and a Lot Frontage of 130 metres.**

Access to both the Severed and the Retained Lots will remain from Concession Road 4 and servicing will continue through private septic and sewage.

5.0 Policy Analysis

A review of planning documents must be undertaken to determine compliance of the application to the Planning Act as well as the provincial and municipal planning documents. A review of the proposed Consent Application based on the applicable planning documents made the following conclusions:

1. **The Application has Regard for Matters of Provincial Interest (Section 2) of the Planning Act, 1990.** The Applications will facilitate the creation of two agricultural parcels along original lot lines.
2. **The Application is consistent with the Provincial Policy Statement 2020.** The Provincial Policy Statement permits appropriate lot creation in Rural Areas.
3. **The Application conforms to the intent of the County of Grey Official Plan.** The County of Grey Official Plan permits limited consents in the Agriculture and Rural designation. The proposed consent would meet the applicable policies.
4. **The Application conform to the Municipality of West Grey Zoning By-law.** The Severed Lot and the Retained Lot comply with the Zoning By-law regulations that regulate uses on the Subject Lands.



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A detailed review of the applicable planning documents is provided in the following sections.

5.1 Planning Act

The Planning Act must be considered when reviewing development applications. In consideration of the proposed Consent, Sections 2 (Provincial Interest), 3 (Provincial Plans) and 53 (Consents) of the Planning Act apply.

Consideration of matters of "Provincial Interest" is required under Section 2 of the Planning Act. A wide range of provincial interests are identified such as the preservation of agricultural and natural resources and the appropriateness of development and built form in communities. The proposed parcels are within an area zoned for agricultural, resource recreational and residential uses, are of a configuration that is in keeping with other farm operations and residential properties in the area and will restore the lots to their original lot fabric. Accordingly, the division of the Subject Lands into two lots is appropriate.

Section 3 (5) (a) of the Planning Act requires that planning decisions be consistent with policy statements and conform to provincial plans that are issued under the Act. The Provincial Policy Statement (PPS) 2020 applies to the applications and is addressed in the following section.

Finally, Section 53 permits the approval of consents if a plan of subdivision is not necessary for the proper and orderly development of the municipality.

Conclusion: The proposed Consent meets the requirements of the Planning Act RSO.

5.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) 2020 recognizes that Ontario's prosperity and well-being rely on wisely managing change and promoting efficient development patterns that support viable communities, facilitate economic growth and protect the environment and public health and safety. Growth generally is directed to settlement areas and efficient development patterns that encourage a mix of housing, employment, recreation and park and open spaces are promoted. In regard to the application, relevant policies were identified in Section 1.0 that guide land use in Rural Areas and, specifically, on Rural Lands, and policies in Section 2.0 that address the protection of agricultural lands.

- **Rural Areas in Municipalities**

The policies in Section 1.1.4 generally guide land use planning in Rural Areas in support of the rural economy, the efficient use of infrastructure and the provision of housing. Rural areas comprise agricultural land, rural lands and rural settlement areas. The Subject Lands contain both rural lands and agricultural lands as defined by the PPS. Growth and development may be directed to rural lands in accordance with Section 1.1.5.

The proposed Consent will re-establish the previous lot fabric with any lands identified as "Agricultural" largely contained within the 40 ha "Severed" parcel and the remaining lands largely identified as "Rural" and "Hazard" comprising the "Retained" parcel. The proposed Consent will not impact the surrounding rural area and proposes a lot structure that is compatible with both the agricultural and rural uses that already exist on the property and within this area.



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- **Rural Lands in Municipalities**

Section 1.1.5 permits a range of uses on Rural Lands in municipalities including agricultural uses and residential development in the form of lot creation that is locally appropriate. The proposed Retained Lot contains the Rural lands to which Section 1.1.5 applies and is currently vacant. The proposed Consent will create two agricultural parcels that reflect other lots in the area and are considered compatible with the surrounding uses. The proposed consent would follow original lot lines.

- **Agriculture**

Section 2.3 applies to the portion of the property that is designated as Agriculture in the Grey County Official Plan. No change in land use is proposed for this area and the proposed Consent will create an original 40 ha farm parcel containing the lands identified as agriculture and the existing house and outbuildings. Section 2.3.3 permits a variety of uses including agricultural and related uses and Section 2.3.4 permits the creation of lots for a range of reasons. The proposed Consent will not fragment the agricultural lands nor introduce new uses on lands designated as Agricultural.

Conclusion: Consistency with the Provincial Policy Statement 2020 has been demonstrated.

5.3 County of Grey Official Plan

The Subject Lands are identified as Agricultural, Rural and Hazard on Schedule A Land Use Types Map 3 in the County of Grey Official Plan (Figure 3 - County of Grey Official Plan). The Rural and Hazard designation mostly apply to the proposed Retained Lot and the Agricultural designation, to the Severed Lot. The predominant land uses within the Agricultural and Rural Land Use Type include agriculture, aggregate extraction, recreation and forestry. No change in land use is proposed and the existing house and farming activities are permitted on the Severed Lot. A variety of uses are permitted on the proposed Retained Lot and no development is proposed for the lands designated as Hazard.

A review of the County's Official Plan identified relevant policy in Section 5 that guide land use in the Agricultural and Rural Land Use Types and Section 7.2 that provides policies for Hazard Lands. Lot Creation policies in Section 9.12 also must be addressed. Limited residential development and non-agricultural growth and recreational uses which benefit the countryside and the economy will be considered in accordance with the County's Plan (Section 5.1).

- **Agricultural Land Use Type**

The Agricultural Land Use Type recognizes Class 1, 2 or 3 agricultural land classifications and larger blocks of good agricultural land under active production with the intent of preserving these lands for agricultural use (Section 5.2). A range of uses are permitted in this land use type including all types and sizes of agricultural uses as well as agriculturally related and diversified uses. As stated, the portion of the Subject Lands that are within this designation are contained within the proposed Severed Lot and no new uses are being proposed. The severed parcel would have a lot area of 40 hectares. An existing house and three outbuildings are located on the proposed Severed Lot which are permitted by the policies that regulate this land use type.

The development policies in Section 5.2.2 require that the minimum lot size within the Agricultural land use type is 40 ha in accordance with Section 5.2.3 and the creation of new lots must comply with the



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MDS I formulae (policy 5.2.2). Section 5.2.3 permits a non-farm sized consent on a split land use type property (a split Agricultural and Rural land use type) if the entirety of the Agricultural land use type remains intact and the lands outside the Agricultural land use type meet the Rural land use type severance policies including lot density and frontage provisions (policy 5.2.3 5). The application meets the development criteria in Section 5.2.3 given that the proposed Retained Lot conforms to the policies that regulate the Rural Type Land Use.

• Rural Land Use Type

The predominant use of land in this land use type will be agriculture, aggregate, recreation and forestry. Resource based recreational uses and other appropriate rural land uses will be permitted provided they do not impact agriculture, forestry, aggregate extraction or the natural environment (Section 5.4). Development criteria in Section 5.4.2 includes the following relevant policies:

- Newly created farm-sized lots must be 20 ha.
- Minimum lot sizes for non-agricultural uses shall be determined by the municipal ZBL and must address Sections 8 and 9 of the County Plan.
- Non-agricultural uses permitted within the Rural Land Use Type must satisfy development policies of 5.2.2 where reference to farm lot sizes.

The lands identified as "Rural Type Land Use" are contained within the Retained Lot which is 50 ha in size. This lot size meets the minimum lot requirement for both the Agricultural and Rural land use types.

The Subject Lands are 90 hectares in lot area and the proposed Consent application would create 40 hectare parcel while retaining 50 hectares. Both lots meet the minimum lot size required for an Agricultural Land Use type and significantly exceed the Rural Land Use Type minimum lot size requirements. The intent of the "frontage-to-depth" ratio is to avoid narrow linear parcels of land. The proposed lots meet the intent of the County's Official Plan.

- ✓ The "visual" lot structure along this road will not be impacted by the Consent application as an approved driveway already exists through the proposed retained lands and any development will be undertaken at the rear of the property out of sight from the road.
- ✓ The proposed Consent will create two large agricultural parcels.
- ✓ Finally, the proposed lot structure can adequately sustain the permitted uses on the Subject Lands over the long term.

Accordingly, the Consent application meets the intent of Section 5.4.3 of the County's Official Plan as well as appropriately addresses the minimum lot size, density and "frontage to depth ratio" requirements.

• Hazard Lands

Portions of the Subject Lands are identified as Hazard Land Use Type which follow the watercourses that largely traverse along the southern portion of the property. New development generally is directed away from Hazard lands (policy 7.2); however, a variety of uses are permitted including forestry, conservation activities, parks, agriculture and resource based recreational uses where site conditions are suitable and the relative hazard impacts have been reviewed. Development and site alteration are not permitted within the floodway portion of a floodplain which is the entire floodplain unless a Two-Zone Concept is in use. Criteria are included in Section 7.2 9) which must be addressed



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prior to development or site alteration within the Hazard Lands Land Use Type including safety and safe access to the lands, consultation with the conservation authority, no adverse impacts and no other feasible alternatives being available.

No development or site alteration are proposed on lands identified as hazard. A building envelope outside of the hazard exists, and the entrance is existing and an entrance permit has been recently issued.

• Consent Policies

The Consent Policies in Section 9.12 require that the approval authority have regard for the policies of the County Plan in addition to the following:

- Land division is permitted by the applicable land use policies.
 - *The proposed lots are in conformity with the applicable land use policies.*
- Promotes development in an orderly and contiguous manner and not in conflict with the established development pattern.
 - *The Consent will re-establish the original lot structure which reflects the lot structure in the area.*
- Compatibility with future and existing adjacent land uses.
 - *No compatibility issues anticipated.*
- Servicing requirements in Section 8.9.
 - *Proposed lots can be adequately serviced through private septic and well.*
- Appropriate access can be achieved.
 - *Access is proposed from a publicly maintained road. Existing accesses will be utilized and a recent entrance permit has been issued for the retained parcel entrance.*
- Suitability of the lots for servicing and drainage.
 - *Both the Retained Lot and the Severed Lot are suitable for servicing and the Consent will not impact drainage.*
- Appropriately sized lots.
 - *Both lots meet the minimum lot requirements.*
- Compliance with MDS Formulae.
 - *MDS is met.*

The application appropriately addresses the consent policies under Section 9.12.

Conclusion: Conformity to the Intent of the County of Grey Official Plan has been established.

5.4 Municipality of West Grey Zoning By-law

The applicable zone regulations for the Severed Lot are as follows: (Figure 4 – Zoning)

Agricultural (A1)	Requirement	Proposed Severed Lot
Minimum Lot Area	40 ha	40 ha



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Minimum Lot Frontage	122 m	400 m
Minimum Front Yard	20 m	43 m
Minimum Interior Side Yard* <ul style="list-style-type: none"> For residential & accessory buildings For livestock buildings, structures and manure storage Other accessory structures 	6 m 18.3 m** 15.2 m	123 m/ 198 m 158 m / 152 m
Minimum Exterior Side Yard*	18.3 m**	Not Applicable
Minimum Rear Yard <ul style="list-style-type: none"> For residential buildings For accessory buildings to residential For livestock buildings, structures and manure storage Other accessory structures 	7.5 m 6 m 18.3** 18.3 m	950 m
Residential Dwellings <ul style="list-style-type: none"> Less than 2 storey Floor Area Minimum Two or more storey Floor Area Minimum Building Height 	83.6 m2 102.2 m2 2.5 storeys	130 m2+
Lot Coverage	15%	>1%

Rural (A2)	Requirement	Proposed Severed Lot
Minimum Lot Area	20 ha	50 ha
Minimum Lot Frontage	122 m	130 m

A review of the Municipality of West Grey Zoning By-law concludes that both the Retained Lot and the Severed Lot meet the applicable zone standards.



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6.0 Conclusions

This Planning Report has been prepared in support of the application for Consent to facilitate the severance of the subject lands into separate, conveyable parcels. The application is in keeping with the Planning Act RSO 1990, consistent with the Provincial Policy Statement, 2020, and conforms to the County of Grey Official Plan and the Municipality of West Grey Comprehensive Zoning By-law. Furthermore, it is our opinion that the applications represent good land use planning.

Yours truly,

Kristine A. Loft BES BAA MCIP RPP
Principal

Attached:

Figure 1 – Location

Figure 2 – Consent Sketch

Figure 3 – County of Grey Official Plan

Figure 4 – Municipality of West Grey Zoning By-law

Issuance of Entrance Permit for Retained Parcel

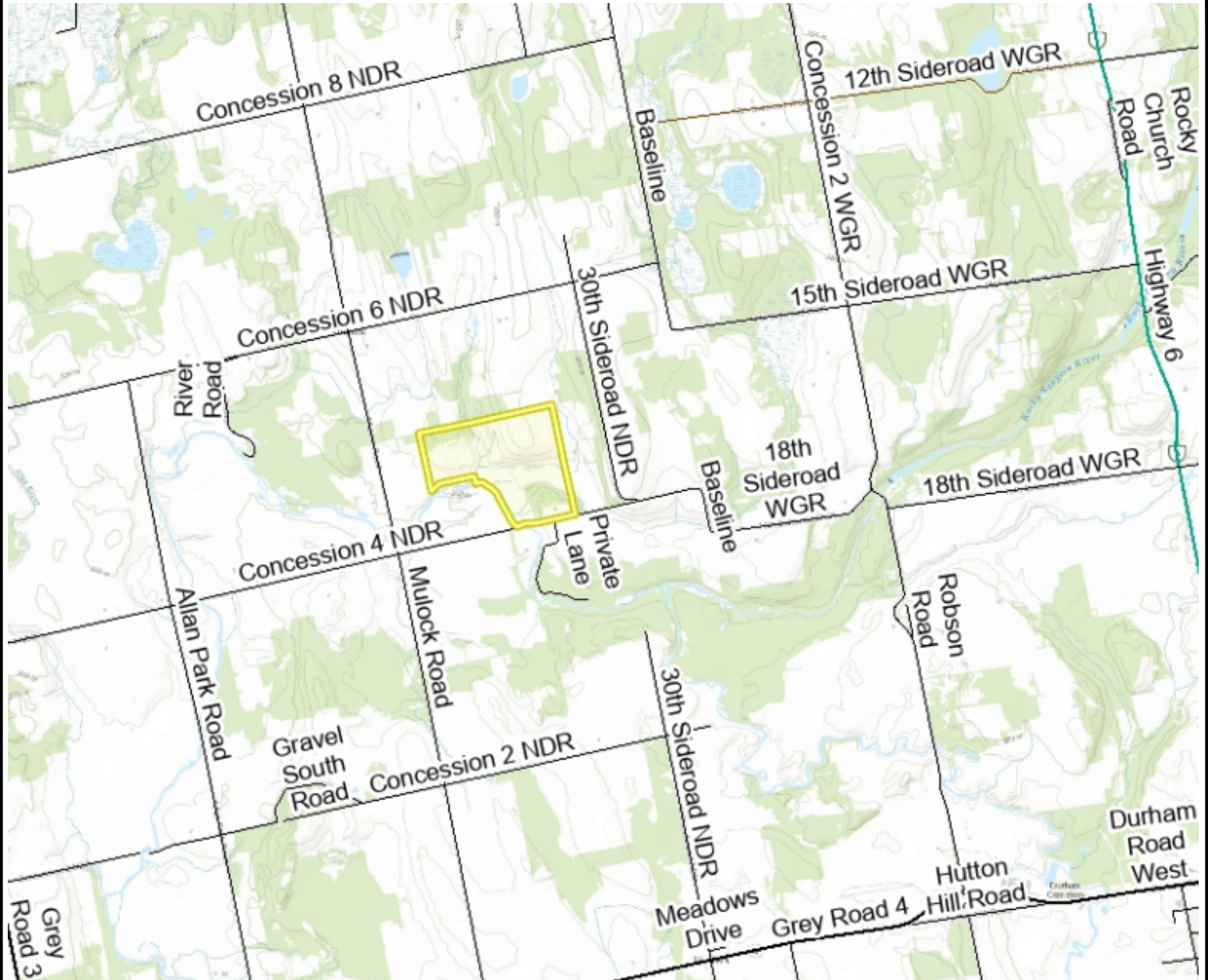


Figure 1
Consent Sketch
382167 Concession 4 NDR, West Grey

Planner-Agent:



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Municipal #:

Project #:
TRE.33919

Date:
May 10 2021

Scale:
Not to scale



Figure 2
Consent Sketch
382167 Concession 4 NDR, West Grey

Planner-Agent:



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Municipal #:

Project #:

TRE.33919

Date:

May 10 2021

Scale:

Not to scale



Figure 3
Zoning By-law
382167 Concession 4 NDR, West Grey

Planner-Agent:



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Municipal #:

Project #:

TRE.33919

Date:

May 10 2021

Scale:

Not to scale

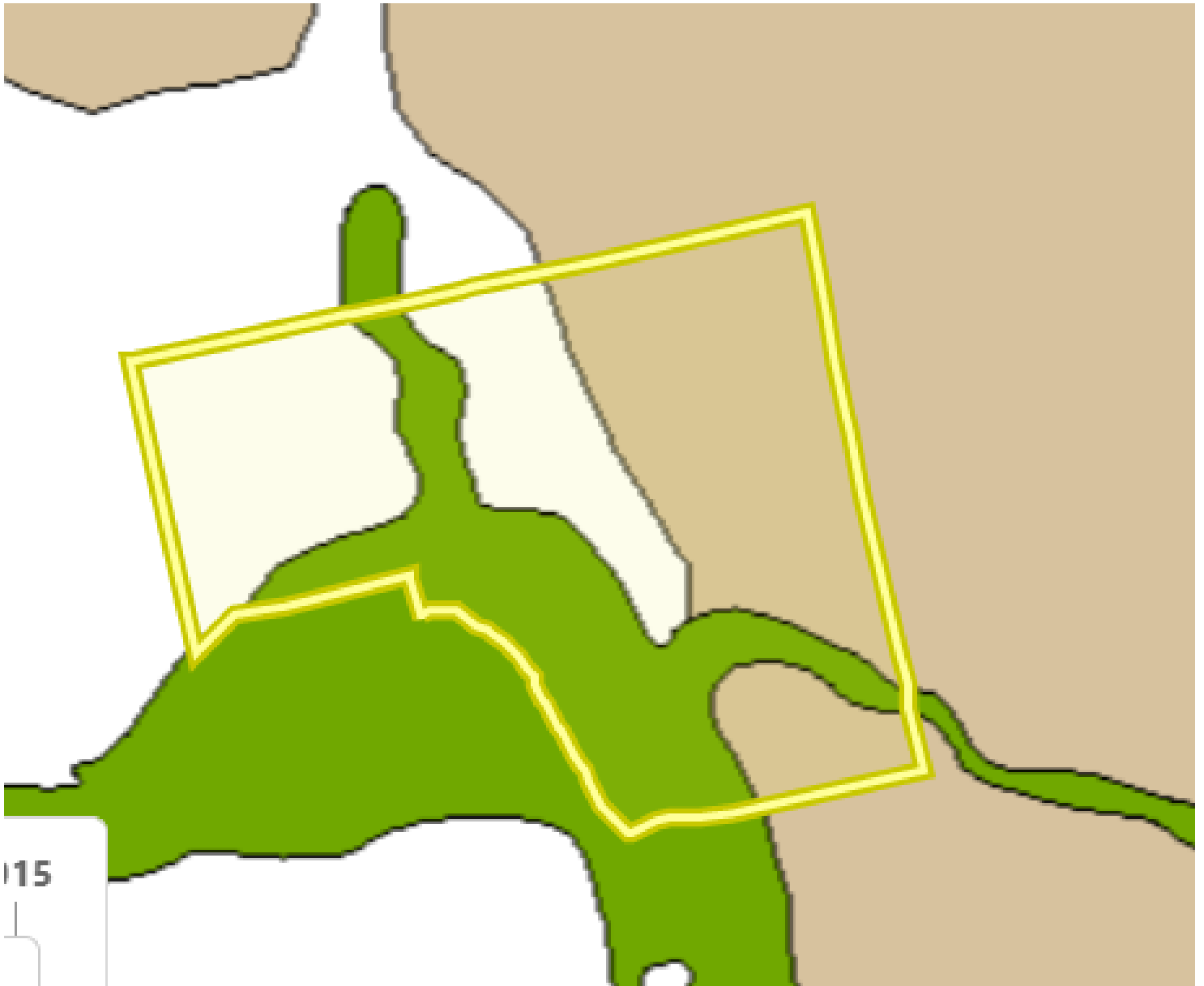


Figure 4
Official Plan
382167 Concession 4 NDR, West Grey

Planner-Agent:



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Municipal #:

Project #:

TRE.33919

Date:

May 10 2021

Scale:

Not to scale



Entrance Permit No. 20 – 2021

Roll Number: **4205-280-002-11900-0000**

Severance Application No.: **N/A**

Permit Issued To: **JT Excavating**

Classification of Entrance: **Farm - Alteration**

Entrance Location: **Concession 5 Part Lot 29**

Length of Culvert: **30'** Size of Culvert: **18"** Width of Entrance: **30'**

Distance approaching traffic is visible from the point of entrance to the Municipal road as per classification of entrance.

From the Right: **492'**

From the Left: **500'+**

Indicate which, if any, of the following will be affected:

☐ Road ☐ Drainage ☐ Trees, Shrubs, Plantings ☐ Signs ☐ Guiderail ☒ **Nil**

Indicate which, if any, modification to existing driveway:

☐ Paving ☐ Concrete ☐ Other _____ (specify)

☒ **Approved**

☐ Not Approved

Comments: **The resident's mailbox across the road will have to be relocated to the West.**

Dated at the Municipality of West Grey
This **4th** day of **May, 2021**


Municipality of West Grey
Public Works Road Supervisor

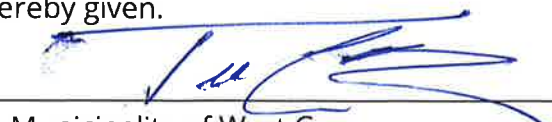
Final Inspection of Entrance:


Date of Approval


Approved by Public Works Road Supervisor

This entrance permit has been inspected and deemed satisfactory by the Director of Infrastructure & Public Works. Approval to return the security deposit to the permit holder in the amount of \$ 400.00 is hereby given.

this 4 day of May, 2021


Municipality of West Grey
Public Works Road Supervisor