



# Staff report

<b>Meeting date:</b>	May 2, 2022
<b>Title:</b>	ZA07.2022 – BOERKAMP Dairy Farms Limited
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

## Recommendation

That committee receive Planner Spencer’s report and the recommendation that the appropriate by-law be brought forward to council for consideration at a future meeting.

## Executive summary

The applicants have a related file which will be considered by Committee of Adjustment on May 2, 2022. In review of the application it was noted that a zoning amendment would be required to address the deficient lot frontage and area of the newly created parcel. The recommendation to committee will include the following conditions:

### B04.2022:

The purpose of the application for consent is to sever one (1) 0.8 hectare residential parcel and retain one (1) 36.4 hectare rural parcel. The effect of which will create a newly created residential parcel.

The following conditions are recommended:

1. Payment of any outstanding municipal taxes, if applicable
2. Payment of the entrance permit fee
3. Receipt of an entrance permit for the newly created parcel
4. Payment of the zoning by-law amendment application fee
5. Passage of a zoning by-law amendment
6. Payment of the \$500.00 parkland dedication fee for the newly created parcel.

## Background and discussion

The property is municipally identified as 521020 Concession 12 NDR and legally identified as part lot 1, concession 12 NDR in the geographic township of Bentinck.

The subject lands are designated as ‘rural’ and ‘hazard’ within the County of Grey Official Plan with identified significant woodlands and a natural heritage linkage.



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## Legal and legislated requirements

To determine the consistency of the proposal planning staff previously conducted a review of the Provincial Policy Statement (PPS, 2020), County Official Plan and the Municipality's Comprehensive Zoning By-law 37-2006 as part of the consent process. For council's reference this review has been included in italics below.

### 1. Provincial Policy Statement 2020 (PPS)

*The Provincial Policy Statement 2020 (PPS) requires that municipalities are consistent with the policies of the Province in making decisions on land use planning matters.*

*Section 1.1.5 within the PPS provides guidelines as they relate to the development of rural lands within the municipality.*

*Section 1.1.5.8 specifically requires that new land uses, including the creation of new lots comply with minimum distance separation (MDS). Planning staff have reviewed aerial photography in combination with information provided by the applicants agent and an MDS calculation has been completed. One (1) livestock facility exists in proximity to the proposed lot creation. The balance of farmland in the area is predominantly used for cash cropping purposes. Based on the information provided by the Applicant and GIS mapping planning staff are satisfied that the requirements of MDS are met in accordance with section 1.1.5 of the PPS.*

*The subject lands are considered a rural area within the municipality and the creation of limited non-farm residential lots is permitted subject to various factors. Hazard lands meander through the subject lands and are generally related to Deer Creek. The newly created lot will be entirely within the rural land use designation.*

*Hazard lands are identified under the Official Plan on the subject lands in various locations. The hazard designation contains woodlands, wetlands and ponds. Section 3.1.1 of the PPS echoes the policies of the County Official Plan discussed in section 2. Development and site alteration shall be directed outside of identified hazard areas. As previously noted, there is no development or site alteration proposed within the hazard lands on the subject property.*

*Based on the above, planning staff are satisfied that the proposed lot creation is consistent with the 2020 PPS.*

### 2. County of Grey Official Plan

*The subject lands are designated as 'rural' with a portion of 'hazard' on the southeast corner of the property under the County of Grey Official Plan.*

*Policy 5.4.3(1) of the County of Grey Official Plan, specifically determines the density policies to permit lot creation based on the original crown survey. Based on the original crown survey of the subject lands a total of four (4) lots are permitted on the subject lands, including the retained parcel based on several factors. The County Plan does identify*



significant woodlands on the property in addition to a natural heritage linkage. Both constraints are located well outside of the proposed lot creation. This application is considered acceptable under the density provisions of the County Plan.

Policy 7.2 of the Official Plan does not permit development or site alteration in the hazard lands designation unless the use is associated with conservation of natural resources, agriculture, passive public parks or public utilities. Development is not proposed in proximity or within the hazard land designation.

Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application.

3. The Municipality of West Grey Comprehensive Zoning By-law 37-2006

The municipality of west grey comprehensive zoning by-law zones the subject lands as A2 (rural), A3 (restricted rural), C6 (rural commercial) and NE (Natural Environment). The newly created parcel would be located entirely within the A2 zone. The rural commercial zone will be removed as part of this application as the former sawmill has ceased in use. Exception 26 specifically permitted the additional sawmill use. The lands will revert to the A2 (rural) zone.

The following provisions related to the A2 zone and have been evaluated against the proposed lot creation. Details in the chart below contain the provisions related to both the severed and retained parcels. The provisions apply differently based on lot sizes within the A2 zone.

<b>A2 (reduced lot regulations)</b>	<b>Required</b>	<b>Provided (severed)</b>	<b>Planning satisfied</b>	<b>staff are should</b>				
<b>Lot area, minimum</b>	20.0 ha.	±0.8 ha.						
<b>Lot frontage, minimum</b>	122.0 m	±80.0 m						
<b>Front yard, minimum</b>	20.0 m	Not applicable						

Committee accept the recommendations, this amendment will satisfy a condition of consent.



<b>A2 (standard regulations)</b>	<b>Required</b>	<b>Provided (retained)</b>
<b>Lot area, minimum</b>	20.0 ha.	36.4 ha.
<b>Lot frontage, minimum</b>	122.0 m	±313.0 m

### Financial and resource implications

None.

### Staffing implications

None.

### Consultation

- County of Grey Planning & Development Department
- Saugeen Valley Conservation Authority

### Alignment to strategic vision plan

Pillar: Build a better future  
Goal: Review municipal official plan policies  
Strategy: Take a co-operative approach to development

### Attachments

- Aerial and official plan mapping
- Aerial and zoning map
- Commissioned application form
- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments
- Draft zoning by-law
- Draft schedule 'A'

### Next steps

That the appropriate by-law be brought forward for 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading at a future meeting. Once three (3) readings of the by-law have been granted, staff will notify of the passing to commence the appeal period (20 days). Provided no appeals are received, the applicants will



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be advised that a condition of consent for file B22.2021 has been fulfilled.

Respectfully submitted,



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP  
Manager of Planning and Development