



## Committee of adjustment report

<b>Meeting date:</b>	May 2, 2022
<b>Title:</b>	B04.2022 – 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 approve application B04.2022 (BOERKAMP) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of an entrance permit application;
- Receipt of an entrance permit to the newly created parcel;
- Payment of the zoning by-law amendment application fee;
- Approval of a zoning by-law amendment; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

### Executive summary

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 purpose of the application 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 new residential parcel.

### Background and discussion

The site is comprised of approximately 37.2 hectares. The subject lands were previously used for a sawmill and single detached dwelling unit however, they have since been removed and the property is currently vacant. Approximately 26 hectares of the farm is used for cash-cropping purposes..

To determine the consistency of the proposal planning staff have conducted a review of the Provincial Policy Statement (PPS), County Official Plan and the Municipality's Comprehensive Zoning By-law 37-2006.

#### 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.



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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>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
<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



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In order to address the deficient lot area of the newly created parcel in addition to the reduced lot frontage a zoning by-law amendment will be required. The applicant's agent has submitted the application concurrently to be addressed by Council.

Provided a zoning amendment is a condition of consent, planning staff are satisfied that the application maintains the general intent and purpose of the municipality's zoning by-law.

## Legal and legislated requirements

None.

## 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

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

## Next steps

Following provisional approval of this application, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twelve (12) months from the date of decision to satisfy all conditions, provide draft deeds and a survey for approval by the municipality, and have the same registered by their lawyer at the land registry office.



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Respectfully submitted,



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Manager of Planning and Development