



## **Staff Report PL2020-017**

**Title of Report:** PL2020-017-C17-19 Brenden McDonald  
**Department:** Clerks  
**Branch:** Planning Services  
**Council Date:** June 3, 2020

**Recommendation:**

**Be it resolved that** Council receive Staff Report PL2020-017 for information; and  
**That** Council direct staff to bring forward the Official Plan Amendment for adoption and the zoning by-law amendment for approval at the July 8, 2020 Council meeting; **OR**

**That** Council provide direction to staff to suggest to the applicant that lot 7 Con 13 be merged with the subject lands prior to the severance taking place and for the zoning application to be modified to reflect that no additional residence can be constructed on Lot 7 con 13 as well as the retained portion of lot 6 con 13.; **OR**

**That** Council refuse the application as it does not comply with the Provincial Policy Statement or the Township of Southgate Official Plan.

**Property Location:**



**Subject Lands:**

The subject land is legally described as Con 13, Pt Lot 6, Geographic Township of Proton. The lands are further described as 185197 Grey Road 9.

**The Proposal:**

The purpose of the official Plan application is to allow for an additional lot to be created in the agricultural designation. The lot is a surplus farm severance. The purpose of the zoning by-law amendment application is to implement the Official Plan Amendment and consent by rezoning the retained lands to prohibit residential development and recognizing a new minimum lot area of 96 acres. The minimum lot frontage of the severed parcel will also be recognized as 90m in the residential type 6 exception (R6-457). The effect of the proposed zoning by-law amendment would be to change the zoning symbol on the severed lands from Agricultural (A1) to Residential Type 6 exception (R6-457) to allow for a lot with a reduced lot frontage. The zoning symbol on the retained lands will go from Agricultural (A1) to Agricultural Exception (A1-458) to recognize the reduced lot area and prohibit further residential development on the property.

**Background:**

An Official Plan Amendment and Zoning bylaw amendment were submitted to the Township and assigned a file number C17-19 & OPA3-19. The documents associated with the files can be found at the following link:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C17-19-and-OPA3-19-Brenden-McDonald>

A Public meeting for the applications was held on December 18<sup>th</sup> at 9am. Comments received from the public meeting include.

Enbridge gas has no concerns.

Historic Saugeen Metis have reviewed the documents and have no concerns.

Public works indicates that the road access is a County road and therefore County jurisdiction.

Saugeen Valley Conservation Authority indicate the proposed zoning by-law amendment and proposed OP amendment are acceptable to SVCA staff.

Grey County indicate that provided the SVCA provides positive comments they have no objections to the proposal.

**Financial Considerations:**

There are no financial implications for the Township as a result of these applications.

**Staff Review:**

Cuesta Planning Consultants Inc. provided a detailed review of policy in the planning justification report submitted with the proposal. Generally, the Township agrees with the findings of the report with a few exceptions, which will be reviewed below.

**Provincial Policy Statement(PPS):**

The applicants submitted a review of the 2014 PPS unfortunately the clergy principal does not apply to PPS 2020. As such the following review is based on the 2020 PPS. It is also noted that the changes to the PPS are largely an update to the PPS and the majority of the applicable policies remain the same.

The PPS 2020 is to be reviewed in its entirety however, I have chosen only to highlight the most relevant policies to the proposed surplus farm severance.

The lands are considered to be prime agricultural lands in section 2.3.3.1 of the PPS.

Section 2.3.3.3 requires that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distances separation formulae.

The applicants agent suggests in their planning report that the proposal meets MDS because MDS guideline 9 exempts surplus farm severances.

MDS Guideline 9 states as follows:

*"For a proposed severance of a residence surplus to a farming operation:*

*1. Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding livestock facilities or anaerobic digesters and the existing dwelling."*

In staffs, opinion the Township Official Plan does require that new lot creation complies with the MDS formulae and does not stipulate any relief from the policy

based on the type of severance being sought. This will be explored further in the Official Plan portion of this planning report.

Township staff agree with the Cuesta planning report indicating that the proposed surplus farm severance complies with the policies of section 2.3.4.1. and the remainder of the PPS policy.

### **County of Grey Official Plan:**

The County of Grey Comments indicate that they please the proposal is consistent with the County of Grey Official Plan.

### **Township Official Plan:**

The Township has a more restrictive policy with respect to surplus farm severances within the agricultural designation. A Township Official Plan policy can be more restrictive and still be consistent with the upper tier planning documents and PPS.

The Township Official Plan designates the subject lands as Agriculture and Hazard lands within the Township Official Plan. Only limited lot creation is permitted with the agricultural designation

#### *5.1.2 Consent Policies*

*5.1.2(4.) New lots created for a residence surplus to a farming operation as a result of a farm consolidation is permitted, provided an implementing zoning by-law is passed which ensures that new residential dwellings are prohibited on any vacant remnant parcel.*

Comment: This policy is clear that Surplus farm severances are contemplated within the Township Official Plan provided and implementing zoning bylaw is passed prohibiting future residential development.

- 5.1.2(5.)      iii.the minimum distance separation distance can be met; and,  
iv.the lot severed for the non-farm use, will not create more than two lots per original township lot.

Comment: This policy states that MDS must be met. The type of severance for which an exemption may be sought is not mentioned and therefore MDS guideline 9 can not be applied. In my opinion, this policy must still be complied with unless specific relief is applied for.

The second policy above indicates the lot density provisions for which the Official Plan amendment has been submitted. If the remnant parcel was merged with Lot 7 Con 13 which is also owned by the applicant this policy the Township would consider this policy addressed. Having two lots spread over 200 acres would achieve the same affect as having a density of 2 lots per original Township lot.

In my opinion the Township should request that the applicant to consider amending their application to include and merge Lot 7 Con 13 which is owned by the applicant.

The General lot creation policies of the Official Plan also support the policy that new lots must comply with the Minimum Distance Separation Formulae, where appropriate. In staff's opinion relief must be provided to exempt the application from this policy.

*7.4(k)The creation of new lots must comply with Minimum Distance Separation Formulae, where appropriate.*

Township staff agree with the Cuesta Planning Consultants Planning report that the proposal conforms with the other policies of the Township Official Plan save those mentioned above.

Based on the above the proposal is consistent with the Official Plan Policies save and except for the lot density provision which relief has been applied for and the MDS policies of the Official Plan. If the applicant were to revise their application to include the adjacent lot 7 con 13 (merged) and include relief from MDS then Township Staff could support the proposed amendment.

### **Zoning By-law:**

An amendment has been applied for to recognize the reduced lot areas and frontages of the severed and retained lots and to prohibit future residential development on lot 6.

Based on the review of the Township Official Plan Policy, it is Township staff's opinion that lot 7 con 13 should be included with the zoning application to prohibit future residential development on the subject lands to maintain the density provisions of the Official Plan and comply with the Provincial Policy Statement.

Relief from MDS requirements should also be included in the bylaw amendment should it come forward.

### **Concluding Comments:**

The review above indicates that the proposal does not conform with the Township Official Plan regarding the lot density provisions and the MDS provisions. Relief has been requested for the lot density provisions but not the MDS provisions. In staff's opinion the density provisions could be met if the lands were merged with lot 7 con 13.

Based on the above and the supporting materials with the application, Township staff recommend that Council direct staff to engage with the applicants agent and request that lot 7 Con 13 be merged with the subject lands prior to a severance taking place and for the applicant to modify the zoning application to reflect that no additional residence be constructed on Lot 7 con 13 as well as the retained portion of lot 6 con 13.

Respectfully Submitted,

**Municipal Planner:** *Original Signed By*  
Clinton Stredwick, BES, MCIP, RPP



**CAO Approval:** *Original Signed By*  
Dave Milliner, CAO

**Attachments:** None.