



## **Staff Report PL2020-052**

**Title of Report:** PL2020-052-B8-20Murray and Brenda Calder  
**Department:** Clerks  
**Branch:** Planning Services  
**Council Date:** September 23, 2020

### **Recommendation:**

**Be it resolved that** the Committee of Adjustment receive Staff Report PL2020-052 for information; and

**That** the severance be approved with the following conditions:

- 1. That** a zoning by-law amendment be approved and in full force and effect.
- 2. That** the large agricultural severed piece be consolidated with the lot 123342 Southgate Road 12.
- 3. That** a survey be provided; and
- 4. That** all outstanding taxes, fees and charges are paid, if any.

### **Property Location: 123330 Southgate Road 12**



### **The Proposal:**

The purpose of the proposal is to sever 8.29 hectares of land containing the house, repair shop and accessory building from the larger farm holding. The retained parcel, comprising 28.62 hectares and containing one poultry barn, would be merged on title with the adjacent 1.89 hectare lot containing the other two poultry barns and accessory building, thereby forming a 31.52 hectare parcel. No new lot would be created as a result of this lot line adjustment.

The effect of the proposal would be to reorganize the lot lines to have one parcel form 31.52 ha that contains all of the barns and a separate 8.29 ha parcel that would contain the house, repair shop and accessory building. No new lots would be created.

**Background:**

A Zoning By-law amendment application has been applied for and the file C12-20 can be found at the following link:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notices.aspx#C12-20-Murray-Brenda-Calder-Calweb-Holdings-Ltd-Associated-with-application-B8-20->

A virtual public meeting was held on August 26<sup>th</sup> and the application has not come before council for a decision.

The Consent application B8-20 was submitted and the file can be viewed at the following line:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notices.aspx#B8-20-Murray-Brenda-Calder-Associated-with-application-C12-20->

Comments received from commenting agencies include:

County planning staff recommend deferral of the subject application until such time as further assessment can be completed for -the potential location of the poultry barn (i.e. is there an opportunity to have this situated entirely in the Agricultural designated lands?), potential impacts to the neighboring residential units of the proposed development, and County OP conformity.

Public Works indicates that the road is a rural asphalt standard and that a road widening appears to have been taken.

Building Department indicates that Farm Nutrient Management may require review.

Historic Saugeen Metis have concerns or objections

Enbridge Gas has no concerns.

Comment: County comments suggest that the location of the poultry barn a determining factor for the consent application. The consent should be viewed on its own as far as whether or not the consent represents good planning. It should not be view as to where the location of buildings should go. The consent makes a lot of sense separating the settlement area portion from the agricultural portion of the lot. The location of the barn however can be reviewed at a later date with the

review of the Zoning By-law amendment application. If the justification does not support the location of the barn there is still an option to locate the barn further away from the settlement area.

### **Policy Review:**

#### **Provincial Policy Statement:**

The Planning Merit Letter prepared by the applicants Consultant Ron Davidson has reviewed the Provincial Policy Statement and concluded that the proposed consent to sever is consistent with Provincial Policy. The Township concurs with this assessment.

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

The County of Grey in their comments indicate that there may be some conformity issues with the proposed location of the barn and therefore the application should be deferred.

The location and orientation of the barn is not what this application is evaluating and so on that basis the application should be approved. The location of the barn will be determined with the review of the Zoning amendment and ultimately with the building permit which is required to meet applicable law.

The applicant's consultant has reviewed the County of Grey Official Plan and concluded that the proposed consent to sever meets the policies of the official plan.

The Township agrees with the conclusion.

#### **Township Official Plan:**

The Township Official Plan has the subject lands partially within the settlement area of Holstein and designated as village community. The Eastern portion of the lands is designated as Agricultural and Hazard lands. The proposed lot line adjustment proposes to sever the lot approximately along the Settlement area boundary. The Severed portion would then be added to the backward P shaped lot as indicated in the drawing attached to this report. The result is that no new lots will be created.

The Consent policies in the Official Plan state in section 5.1.2 that:

2. Consents may be considered where the land being conveyed is to be added to an existing farm or non-farm use or to provide for minor lot line adjustments or correct lot boundaries. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot.

The retained lot will be entirely within the Settlement area and therefore will not be considered an undersized remnant lot. The lot line adjustment would be supported by this policy.

Based on the above, and the consultants letter of merit the consent to sever meets the intent of the policies of the Official Plan and should be approved.

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

The existing 1.89 hectare lot containing the two barns and repair shop is currently zoned 'A2-40' and 'EP'. The 'A2-40' permits, in addition to those uses typically allowed in the 'A2' zone, a "welding and hydraulic shop".

The existing 37.91 hectare parcel, which is occupied by a house, barn and accessory building, is zoned 'A2-248', 'A2', 'A1' and 'EP'. The 'A2-248' zoning applies to the area near Southgate Road 12 where the dwelling and accessory building exist and allows for a front yard of 11.5 metres.

The 'A2' zone permits agricultural uses and buildings, but does limit new or expanding livestock operations. Section 7.1 states:

The provisions of Section 6 - Agricultural Zone (A1) shall apply hereto, except that no new livestock operations or no expansion to the livestock operation shall be permitted if:

The number of nutrient units on the farm is 100 or more and the ratio of nutrient units to tillable acres on the farm unit is 2 or greater, where nutrient unit equivalency is defined on the attached Table "1" of Sub-section 32.

OR

The number of nutrient units on the farm unit is 150 or more and the ratio of 1 units to tillable acres is greater than one.

If the proposed barn was to be located on lands zoned 'A2', then relief from this particular provision would be necessary since the expanded livestock facility would exceed these maximum standards. The chosen site for the barn is not zoned 'A2'; however, the intent of the 'A2' zone should still be considered.

The zoning by-law amendment will dictate not only where the lot sizes but where the proposed barn will be located and it may end up having to be located in the A1 zone near Side Road 41. The important part to remember is that the consent in and of itself is a sound planning decision. The location of the barn can be determined during the rezoning process.

### **Financial Implications:**

There are no financial implications with the approval of the consent application.

**Concluding Comments:**

Based on the above and the attached planning reports, provided that there are no negative comments received it is the Township staff's recommendation that the consent be conditionally approved.

Respectfully Submitted,

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



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

**Attachments:**

1. Consultants Planning Letter
2. Proposed Consent drawing.