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**Date** Tuesday, January 17, 2023

**From** Rebecca Elphick, Consultant Planner

**Subject** **Joint Report for Consent Application B22/22 & Zoning By-law Amendment Application Z-17-22 for Blair & Brett Freeman**

**Report** PL.2023.03

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### Recommendation

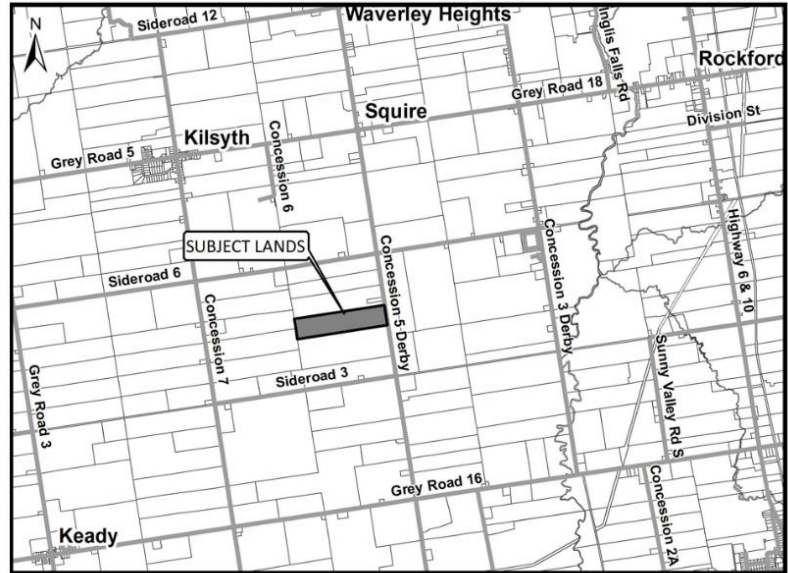
It has been demonstrated that application B22/22 for Blair & Brett Freeman for lands described as PT LT 5 CON 5 DERBY AS IN R203437; S/T DY9536; GEORGIAN BLUFFS, is consistent with the Provincial Policy Statement, conforms to the County of Grey's Official Plan, and complies with the intent of the Township of Georgian Bluffs' Zoning By-law 2020-020. It is recommended that the application be approved subject to the conditions noted herein.

It has been demonstrated that application Z-17-22 for Blair & Brett Freeman for lands described as PT LT 5 CON 5 DERBY AS IN R203437; S/T DY9536; GEORGIAN BLUFFS, is consistent with the Provincial Policy Statement, conforms to the County of Grey's Official Plan, and complies with the intent of the Township of Georgian Bluffs' Zoning By-law 2020-020. It is recommended that the application be approved.

### Application Summary

**Agent:** Ron Davidson  
**Owner(s):** Blair & Brett Freeman  
**Civic Address:** 177280 Concession 5 (PIN: 370820116)  
**Subject Lands:** PT LT 5 CON 5 DERBY AS IN R203437; S/T DY9536; GEORGIAN BLUFFS  
**ARN:** 420354000203800

**Proposal:** Application B22/22 proposes to create a surplus farm dwelling severance and retain two easements across the severed parcel to facilitate continued agricultural operations on the retained parcel. The application is submitted concurrently with an application for a site-specific Zoning By-law Amendment (Z-17-22) for the retained parcel to reduce the minimum lot frontage for an agricultural parcel from 200 m to 145 m, reduce the minimum lot area for an agricultural parcel from 40 ha to 39.2 ha, and prohibit residential uses in accordance with the surplus farm dwelling severance policy.



Severance application B22/22 proposes the following lot dimensions:

	<b>Severed</b>	<b>Retained</b>
Lot Area	1.376 ha	39.26 ha
Lot Frontage	11 m	145 m and 148 m
Lot Depth	Irregular	1344 m
Lot Width		304 m
Servicing	Well & Septic	None
Existing Structures	Detached dwelling & accessory buildings	None

## Policies Affecting the Proposal

### Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is issued under Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. In respect of the exercise of any authority that affects a planning matter, the *Planning Act* requires that decisions affecting planning matters “shall be consistent” with policy statements issued under the Act. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation. Therefore, only excerpts from the PPS pertinent to the proposal are highlighted below.

The PPS strongly encourages the protection of prime agricultural areas for long-term use for agriculture. Section 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that (1) the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and (2) the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The dwelling located on the subject lands can be considered surplus to the residential needs of the applicant as a result of their acquisition of the parcel. The applicant proposes a lot area of approximately 1.376 ha, which can be considered as a minimum size to accommodate the existing detached dwelling, accessory structures, well, and septic system. As a condition of consent approval, the applicant is required to secure a site-specific Zoning By-law Amendment to re-zone the proposed retained lands in order to reduce the minimum lot frontage for an agricultural parcel (from 200 m to 145 m), reduce the minimum lot area for an agricultural parcel (from 40 ha to 39.2 ha), and establish that residential uses are prohibited in accordance with the PPS and the surplus farm dwelling severance policy in the *County of Grey Official Plan, 2019* (County OP). The applicant has applied for a site-specific Zoning By-Law Amendment (under application Z-17-22) which is being considered concurrently with application B22/22.

The subject lands contain a forested area on their northwest corner, which is identified in Appendix B of the County OP as a 'Significant Woodland'. Section 2.1 of the PPS states that development and site alteration shall not be permitted in significant woodlands or adjacent to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The proposed severed lands are located approximately 465 m from the significant woodlands, so as not to be considered 'adjacent lands' as per the PPS. The applicant also proposes no new buildings or structures on either the proposed retained or severed lands.

Section 1.6.6.6 of the PPS states that planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The existing detached dwelling on the proposed severed lands is already serviced by an existing well and an existing septic system. Given that no new buildings or structures are proposed as part of this application and that no residential uses will be permitted on the proposed retained lands, the existing servicing on the subject lands will continue to be sufficient.

Based on our review, the proposal is consistent with the relevant provisions of the PPS.

## County of Grey Official Plan, 2019

The majority of the subject lands are designated 'Agricultural' with a small portion at the property's northeastern corner designated 'Hazard Lands' as per Schedule A of the County OP.

Permitted uses in the Agricultural land use type include residential uses associated with farming such as detached dwellings and accessory buildings on existing lots of record. The existing detached dwelling and accessory buildings on the proposed severed lands are thus permitted uses in the Agricultural land use type.

Lot creation in the Agricultural land use type is regulated by Section 5.2.3 of the County OP. This section states that lot creation is generally discouraged and may only be permitted for surplus farmhouse severances, among other scenarios. A consent for one new lot may be permitted provided the original farm parcel is a minimum of 40 hectares. The subject lands currently have a lot area of 40.64 ha, meeting this criterion. Where a detached dwelling is deemed surplus to a farm operation as a result of farm consolidation, a lot may be severed provided that:

Requirement	Proposal
1) The owner of the lands to be severed is a 'bona fide farmer' or as a condition of the consent application the lands will be sold to a 'bona fide farmer'.	The applicant is a 'bona fide farmer' with a farm business registration number.
2) The lot proposed for the surplus farmhouse (and accessory buildings if applicable) will be limited in area and shall only be of sufficient size to accommodate the surplus farmhouse to the farming operation, accessory buildings, a well, and a sewage treatment and disposal system, while ensuring that as little land as possible is removed from the agricultural lands.	The applicant proposes a lot area of approximately 1.376 ha, which can be considered as a minimum size to accommodate the existing detached dwelling, accessory structures, well, and septic system. Furthermore, only 0.04 ha of actively cropped land will be lost as a result of this severance (due to a 'squaring off' of the lot line along the south side of the severed lot), which can also be considered as minimal.
3) Unless added onto an abutting farm parcel that already contains a dwelling, the remnant farm parcel shall be rezoned to prohibit the future construction of a new residential dwelling of any type.	The applicant has applied for a site-specific Zoning By-Law Amendment which, among other matters, proposes to prohibit the future construction of a new residential dwelling of any type on the retained lands.
4) The severance of a surplus farmhouse shall comply with Provincial MDS Formulae. For the purposes of this	The subject lands contain no livestock facilities. As such, the

section, only livestock facilities situated on the farm parcel from which the surplus farmhouse is being severed, shall be used in determining Provincial MDS Formulae compliance.	applicant complies with the Provincial MDS Formulae.
5) Given that no new house can be built as a result of the surplus farmhouse being severed from the land holding, the requirement for an environmental impact study do not apply; however, no new surplus farmhouse severances will be permitted in the Aggregate Resource Areas identified on Schedule B to this Plan.	The proposed severed lands are not located in the Aggregate Resource Areas identified on Schedule B of the County's OP.
6) The existing farmhouse is habitable at the time of application.	The existing farmhouse is considered habitable at the time of the applications under consideration.

Appendix B to the County OP shows that the subject lands contain significant woodlands on their northwestern corner. Section 7.4 of the County OP states that no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions. As noted earlier, the proposed severed lands are located approximately 465 m from the significant woodlands, so as not to be considered 'adjacent lands' as per the County OP; and the applicant proposes no new buildings or structures on either the proposed retained or severed lands.

Section 10.5.16 of the County OP concerns lot creation and outlines the following matters to be taking into consideration.

<b>Requirement</b>	<b>Proposal</b>
1) The division of land is permitted by the appropriate land use policies.	The application conforms with the relevant policies of Section 5.2.3, which regulate land division within the Agricultural land use type.
2) The division of land shall promote development in an orderly and contiguous manner and shall not conflict with the established development pattern of the area.	The application conforms with the relevant policies of Section 5.2.3 and as such, promotes development in an orderly and contiguous manner and does not conflict with the established pattern of the area.

<p>3) The proposed use is compatible with existing and permitted future land uses on adjacent lands.</p>	<p>Lands within the immediate vicinity of the subject lands predominantly include agricultural lands, with residential lands located to the north. The proposed use is compatible with these surrounding land uses.</p>
<p>4) The size of any parcel of land created shall be appropriate for the proposed use and in no case shall any parcel be created which does not conform to the minimum provisions of the implementing zoning by-law.</p>	<p>The applicant proposes a lot area of approximately 1.376 ha, which can be considered as an appropriate size to accommodate the existing detached dwelling, accessory structures, well, and septic system. Furthermore, the proposed site-specific Zoning By-Law Amendment complies with the general intent of the Agricultural (AG) Zone, as discussed in the section to follow.</p>

Section 7.12.1 of the County OP speaks to parkland dedication and states that the County will, as a condition of the development of land for residential purposes, require that land in the amount of 5% of the land proposed for development be conveyed to the municipality for park or other public recreational purposes, pursuant to the provisions of the *Planning Act*.

Based on our review, the proposal conforms to all relevant policies of the County OP.

### **Township of Georgian Bluffs Zoning By-law 2020-020**

The subject lands are zoned Agricultural (AG) in the Township's Zoning By-law 2020-020 (Township Zoning By-law), with a portion of the subject lands in the northeast corner zoned Environmental Protection (EP).

The AG Zone establishes a minimum lot area of 40 ha for agricultural uses and no minimum lot area for residential uses; and a minimum frontage of 200 m for agricultural uses and no minimum frontage for residential uses. The proposed retained lands will have a lot area of approximately 39.26 ha and frontage of approximately 145 m and 148 m on Concession 5 Derby, which is less than the minimum requirement in the AG Zone. As noted earlier, the applicant is seeking to re-zone the proposed retained lands to a site-specific zone under the AG Zone to recognize the particulars of the retained lands.

Permitted uses in the AG Zone include agricultural uses and detached dwellings, among others. The existing detached dwelling on the proposed severed lands is thus a permitted use within the AG Zone. The detached dwelling is subject to the following requirements, based on Section 8.3 of the Zoning By-law.

Provision	Requirement	Detached Dwelling	Compliance
Lot Coverage	5%	< 5%	Y
Minimum Front Yard	10 m	393.3 m	Y
Minimum Exterior Side Yard	15 m	N/A	Y
Minimum Rear Yard	10 m	103.5 m	Y
Minimum Interior Side Yard	10 m	22.0 m	Y
Maximum Building Height	10 m	< 10 m	Y

The existing detached dwelling on the proposed retained lands meets all requirements of the AG Zone.

Section 5.1 of the Zoning By-law states that where this By-law provides that a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure provided that a principal building or structure is already in existence on the lot. As such, the existing sheds on the proposed severed lands can be considered permitted accessory uses. Requirements for accessory buildings and structures are set by Section 5.1.3 of the Zoning By-law, as follows.

Provision	Requirement	Shed 1	Shed 2	Compliance
Lot Coverage	1%	< 1 %	< 1 %	Y
Minimum Rear Yard	2.0 m	40.7 m	11.4 m	Y
Minimum Interior Side Yard	2.0 m	7.9 m	21.0 m	Y
Building Separation	2.0 m	> 2.0 m	> 2.0 m	Y

The existing sheds on the proposed severed lands meet all requirements of the Zoning By-law for accessory buildings or structures.

The approval of the Zoning By-law Amendment is a condition of approving the proposed severance referenced herein. As such, the applicant is proposing a site-specific re-zoning of the proposed retained lands to:

- a) Prohibit the future construction of a new residential dwelling of any type;
- b) Recognize a reduced minimum frontage of 145 m, where 200 m is required for lands zoned AG Zone used for agricultural purposes; and,
- c) Recognize a reduced minimum lot area of 39.2 ha, where 40 ha is required for lands zoned AG Zone used for agricultural purposes.

## Relevant Consultation

The Notice of Complete Application and Notice of Public Hearing was circulated to various agencies for review. The following comments were received:

**Grey Sauble Conservation Authority Risk Management Office (RMO):** In correspondence dated November 28, 2022, the RMO commented, “[p]lease note that this property is not located within a vulnerable source protection area where policies apply under the *Clean Water Act*, therefore we have no comments.”

**County of Grey Planning and Development Department:** In correspondence dated December 15, 2022, County staff noted that “should the applicant seek to injure or destruct trees on lands that extend more than 15 metres from the outer edge of a [building] of which a Building Permit has been issued, staff recommend consulting the County’s Forestry Management By-law.” Staff further commented that “provided that the proposed farmer is a ‘bona fide farmer’, County Planning staff have no concerns with the subject application.” Staff further noted no concerns with the application for a Zoning By-law Amendment, provided the comments relating to the severance application are addressed.

**Grey Sauble Conservation Authority:** In correspondence dated December 20, 2022, GSCA noted, “[w]e have reviewed the proposed severance and rezoning and generally have no objections – as no new construction will be facilitated by the proposal we do not anticipate any impacts to natural hazards, natural heritage, water, or areas regulated by O. Reg. 151/06. We note the retained lot will continue to be regulated by the GSCA.”

The Notice of Complete Application and Public Meeting was circulated to all property owners within 120 meters of the subject property. No written comments were received by the report submission deadline.

## Conclusion & Recommendation

### Consent Application B22/22

It has been demonstrated that the proposed application is consistent with the PPS, conforms with the County OP, and complies with the general intent of the Township Zoning By-law. It is recommended that Consent Application B22/22 be approved subject to the following conditions:

1. That a Reference Plan be completed, and a copy filed with the Municipal Clerk or an exemption from the Reference Plan be received from the Land Registry Office.
2. That, pursuant to Section 53(42) of the Planning Act, the ‘Certificate of Consent’ be affixed to the deed within two years of the giving of the Notice of Decision. Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e., stamping of the deed).
3. That the applicant pays the applicable consent certification fee at the time of certification of the deeds.
4. That the applicant pays 5% cash-in-lieu of parkland in accordance with the Planning Act.
5. That the applicant provide a letter from a BCIN designer or a structural engineer verifying that the existing farmhouse is habitable.
6. That a supporting Zoning By-law Amendment be in force and effect to re-zone the proposed retained lands to a site-specific zone under the AG Zone to:
  - a) Prohibit the future construction of a new residential dwelling of any type;



- b) Recognize a reduced minimum frontage of 145 m; and,
- c) Recognize a reduced minimum lot area of 39.2 ha.

### **Zoning By-law Amendment Application Z-17-22**

It has been demonstrated that the proposed application is consistent with the PPS, conforms with the County OP, and complies with the general intent of the Township Zoning By-law. It is therefore recommended that the Zoning By-law Amendment Application Z-17-22 for Blair & Brett Freeman be approved.

Respectfully Submitted:

Original signed by Rebecca Elphick

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Rebecca Elphick, M.Pl

## Report Approval Details

Document Title:	PL.2023.03 Joint Report for Z-17-22 B22-22 - Freeman.docx
Attachments:	<ul style="list-style-type: none"><li>- Notice Of Complete Application and Public Meeting Z-17-22 B22-22.pdf</li><li>- Consent-application---Freeman-R.pdf</li><li>- ZBA-Application---Freeman-R.pdf</li><li>- Planning-Report---Freeman.pdf</li><li>- Site-Plan---Freeman.pdf</li><li>- Draft Zoning By-law Amendment - Freeman_FINAL.docx</li><li>- County Comments Z-17-22 Freeman.pdf</li><li>- GSCA Comments - J Bousfield.pdf</li><li>- GSCA Comments - K Gillian.pdf</li></ul>
Final Approval Date:	Dec 31, 2022

This report and all of its attachments were approved and signed as outlined below:

Cynthia Fletcher, Chief Administrative Officer