



Date: Tuesday, December 12, 2023
From: Michael Benner, Principal Planner
Subject: **B-17-23 Schlegel Surplus Farm Dwelling Severance**
Report DEV2023-56

This document and its attachments are public and available in an accessible format upon request.

Recommendation

It has been demonstrated that application B-17-23 for Tyson Schlegel for lands described as Part Lots 4 and 5, Concession 20 Keppel Township, 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. Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, it is recommended that the application 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 a supporting Zoning By-law Amendment be in force and effect to re-zone the lands to:
 - a. A site-specific zone under the AG Zone to prohibit the future construction of a new residential dwelling of any type on the retained lands, and;
 - b. Recognize a reduced lot frontage of 64 metres for the severed lands.



Application Summary

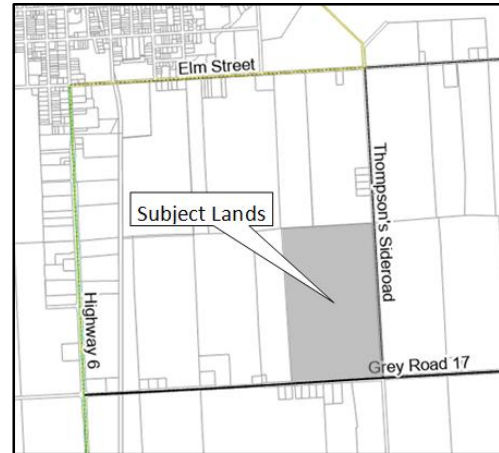
Owner: Tyson Schlegel

Agent: Ron Davidson

Civic Address: 401183 Grey Road 17

ARN: 42036200051100

Application B-17-23 proposes to sever an area of approximately 2.136 hectare lot containing a house and farm buildings that are surplus to the needs of the farmer. 58.344 hectares will be retained for continued agricultural use.



	Retained Lot	Severed Lot
Lot Area	58.34 hectares	2.136 hectares
Frontage	342.3 metres and 187.8 metres	64 metres
Lot Depth	1014.6 metres	279.5 metres
Lot Width	599.1 metres	110 metres (at rear)
Servicing	Nil	Private Well / Private Septic
Existing Structures	Nil	House, Barn, 3 Sheds
Proposed Structures	None	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

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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 12.1 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 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-10-23) which is being considered concurrently with this application.

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

Grey County Official Plan

Schedule A of the County OP designates the subject lands as 'Agricultural'. Section 5.2.3(1) states that,

b) Where a house is deemed surplus to a farm operation as a result of farm consolidation, a lot may be severed provided that:

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'. For the purposes of this policy, the 'bona fide farmer' must have a farm business registration number. A 'bona fide farmer' is defined to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, and other similar ownership forms.

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 (including any unused livestock facility, if this does not make the lot excessively large), a well, and a sewage treatment and disposal system, while ensuring that as little land as possible is removed from the agricultural lands.

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.

4) The severance of a surplus farmhouse shall comply with Provincial MDS Formulae. For the purposes of this 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

5) Given that no new house can be built as a result of the surplus farmhouse being severed from the land holding, the requirements 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; and,

6) The existing farmhouse is habitable at the time of application.

7) If an existing livestock facility is located within close vicinity of the surplus farmhouse, it is recommended that it be included in the severed parcel and be converted to a decommissioned livestock facility.

8) If a livestock barn is located on the retained parcel and fails to meet MDS requirements relating to a severed surplus farmhouse, it is recommended that it be converted to a decommissioned livestock barn.

9) Policies 5.6.2(8) and 5.6.6(2) shall not constrain a surplus farmhouse severance. Non-farm size lot creation (i.e., the surplus farmhouse and accessory buildings if applicable) may be considered under this policy section where an Aggregate Resource Area, Bedrock Resource Area and/or Shale Resource Area has been identified.

The application and submitted Planning Justification report appear to address these requirements.

Schedule A of the County OP also indicates that the subject lands contain 'Hazard Lands'. However, the proposed severance is located outside of these Hazard Lands.

Appendix B of the County OP also indicates the subject lands contains or is adjacent to 'Significant Woodlands', 'Significant Wildlife Habitat', potential 'Habitat for Threatened and/or Endangered Species', 'Fish Habitat', and 'Other Wetlands'. It is Grey County staffs understanding that there is no infrastructure development associated with this application and there is sufficient developable area outside of the heritage features on previously disturbed land. As such, it is Grey County Staffs opinion that the potential impact to natural heritage would be negligible and the requirement for an Environmental Impact Assessment (EIS) can be waived.

Based on this review, the proposal is consistent with the relevant provisions of the Grey County Official Plan.



Township of Georgian Bluffs Zoning By-law 2020-020

1. The subject lands are zoned as Agricultural (AG) and Environmental Protection (EP) in the Township's Zoning By-law. A concurrent zoning by-law amendment, Z-10-23, has been applied for requesting to re-zone the lands to:
 - a. A site-specific zone under the AG Zone to prohibit the future construction of a new residential dwelling of any type on the retained lands, and;
 - b. Recognize a reduced lot frontage of 64 metres for the severed lands.

These amendments will bring both the severed and retained lands into conformity with the Zoning By-law.

Relevant Consultation

Notice of Complete Application and Notice of Public Hearing was circulated on November 14, 2023 to various agencies for review. The following comments were received and are attached to this report:

Grey County Planning and Development Services Department comments received November 23, 2023.

County Transportation Services has reviewed the subject application and have a comment stating The severed and retained lots would front on to Grey Road 17. As a condition of approval, a Road Widening of 17 feet (5.18 metres) shall be conveyed to the County of Grey along the frontage of the County Road for both the severed and retained parcels, where applicable. This shall be legally conveyed at the expense of the applicant. Any future requests for entrances onto the County Road would require a separate entrance permit.

Provided Georgian Bluffs staff are satisfied that the Planning Justification Report addresses the criteria listed above, low impact development and infrastructure is implemented, and County Transportation Services requirements are met; County Planning staff have no concerns with the subject application.

Hydro One Networks comments dated November 27, 2023.

No concerns.

Source Water Protection Agency comments dated November 15, 2023.

Please 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.

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Conclusion & Recommendation

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Respectfully Submitted:

Original signed by Michael Benner

Michael Benner, MCIP, RPP



Report Approval Details

Document Title:	DEV2023-56 B-17-23 Schlegel.docx
Attachments:	<ul style="list-style-type: none">- B-17-23 Consent application.pdf- B-17-23 Site Plan.pdf- B-17-23, Z-10-23 Planning Report.pdf- Notice Of Public Hearing and Complete Application B17 Z10 (Schlegel).pdf- County Comments B-17-23 and Z-10-23 Schlegel.pdf- Hydro Comments.pdf- Source Water Protection Comments.pdf
Final Approval Date:	Dec 6, 2023

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

Niall Loble, Director of Community Services