



Date: Wednesday, February 07, 2024
From: Michael Benner, Principal Planner
Subject: **Z-11-23 Nagel Public Meeting**
Report DEV2024-005

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

Recommendation

It has been demonstrated that Application Z-11-23 for Juduth and Thomas Nagel which proposes to re-zone the severed parcel created by Application B-18-23 to reduce the required lot frontage and to rezone the retained lands to prohibit the future construction of a new residential dwelling of any type, and to reduce the side yard and rear yard setbacks for the severed lands is consistent with the 2020 Provincial Policy Statement, conforms with the County of Grey Official Plan, and maintains the general intent and purpose of the Township of Georgian Bluffs Zoning By-law 2020-020.

Subject to a review of comments arising at the public meeting, it is recommended that Application Z-11-23 be approved, and the amending by-law be forwarded to Council for adoption.

Application Summary

Owner: Juduth and Thomas Nagel
Agent: Cuesta Planning Consultants
Civic Address: 719409 Highway 6
ARN: 42036200212600

Application B18/23 proposes to sever a 2.84 hectare lot containing a two houses and farm buildings that are surplus to the needs of the farmer. 53.33 hectares will be retained for continued agricultural use. These applications were provisionally approved at the January 16, 2024 Committee of Adjustment meeting.



A zoning bylaw amendment is required to recognize:

- A reduced Lot frontage of 187 metres for the retained lands;

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Roll 42036200212600



- Restrict future residential use of the retained lands,
- Recognize a reduced interior side yard setback of 10 metres for the severed lands, and;
- Recognize a reduced rear yard setback of 10 metres for the severed lands

| | Retained Lot | Severed Lot |
|---------------------|---------------------|-------------------------------|
| Lot Area | 53.33 hectares | 2.84 hectares |
| Frontage | 187 metres | 277.9 metres |
| Lot Depth | 2851.9 metres | 131.1 metres |
| Servicing | Nil | Private Well / Private Septic |
| Existing Structures | Nil | 2 Dwellings, Barn, 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 dwellings located on the subject lands can be considered surplus to the residential needs of the applicant as they already own adjacent agricultural lands. The retained lands will be conveyed to another farmer for continued agricultural use. The applicant proposes a lot area of approximately 2.84 ha, which can be considered as a minimum size to accommodate the existing detached dwellings, 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 severed lands in order



to reduce the minimum lot frontage, rear yard and side yard provisions, and to rezone the retained lands to 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-11-23) 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.

Appendix A of the County OP indicates that the subject lands contain 'Wellhead Protection Zone D'. The proposed severance is, however, located outside of the Wellhead Protection Zone. The Grey Sauble Conservation Authority has noted no concerns in this regard.

Appendix B of the County OP indicates the subject lands is within the adjacent lands of 'Significant Woodlands'. County Planning Ecology staff have reviewed the subject application and have no concerns.

Appendix E of the County OP indicates that the subject lands contain 'Bedrock Drift Thickness – Less than 1m' and '1m to 8m'. The proposed severance is located outside of the area containing shallow bedrock.

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) in the Township's Zoning By-law. A concurrent zoning by-law amendment, Z-11-23, has been applied for requesting to re-zone the lands to:
 - a. A site-specific zone under the AG Zone to reduce the lot frontage and prohibit the future construction of a new residential dwelling of any type on the retained lands, and;



- b. Recognize reduced rear yard and side yard provisions 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 December 13, 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 January 3, 2024.

County Planning Ecology staff have reviewed the subject application and have a comment stating, The property contains and/or is adjacent to 'Significant Woodlands', 'Significant Wildlife Habitat', and 'Potential Habitat for Threatened and/or Endangered Species'. It is Grey County staffs understanding that the proposed development will be located adjacent to the features on previously disturbed and developed lands. 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 Study (EIS) can be waived.

In addition, it is Grey County Staffs understanding that the property contains protection areas that are subject to policies of the Source Water Protection Act. As such, the Risk Management Official of Drinking Water Source Protection should be tagged for comments on this application.

Provided our comments relating to Pre-Consultation Request – Nagel Severance and Zoning Amendment have been addressed and County Planning Ecology staff's comments are addressed; County Planning staff have no concerns.

Grey Sauble Conservation Authority comments received December 8, 2023.

The subject property is partially located within an area that is subject to the Source Protection Plan. GSCA has no objections with the proposed consent and zoning applications as they will not result in an impact to any areas regulated by Ontario Regulation 151/06 and/or natural hazards.



Conclusion & Recommendation

It has been demonstrated that Application Z-11-23 for Juduth and Thomas Nagel which proposes to re-zone the severed parcel created by Application B-18-23 to reduce the required lot frontage and to rezone the retained lands to prohibit the future construction of a new residential dwelling of any type, and to reduce the side yard and rear yard setbacks for the severed lands is consistent with the 2020 Provincial Policy Statement, conforms with the County of Grey Official Plan, and maintains the general intent and purpose of the Township of Georgian Bluffs Zoning By-law 2020-020.

Subject to a review of comments arising at the public meeting, it is recommended that Application Z-11-23 be approved, and the amending by-law be forwarded to Council for adoption.

Respectfully Submitted:

Original signed by Michael Benner

Michael Benner, MCIP, RPP



Report Approval Details

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|----------------------|--|
| Document Title: | DEV2024.05 Z-11-23 Nagel.docx |
| Attachments: | <ul style="list-style-type: none">- Nagel Zoning Amendment Application.pdf- Nagel Cover Letter.pdf- Nagel Planning Justification.pdf- RE_ Request for Comments - B18_23 and Z11_23 Nagel - Township of Georgian Bluffs.pdf- County Comments B-18-23 Z-11-23 Nagel.pdf- County Comments Nagel Severance and Zoning By-law Amendment (1).pdf- MTO Comments.pdf |
| Final Approval Date: | Jan 29, 2024 |

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

Brittany Drury, Director of Corporate Services

Niall Loble, Director of Community Services