



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

October 3, 2022

Township of Georgian Bluffs
177964 Grey Road 18
R.R. #3
Owen Sound, ON
N4K 5N5

Attention: Jennifer Burnett

Dear Jennifer:

**Re: Application for Consent and Zoning By-law Amendment
Part Lot 5, Concession 5, Geographic Township of Derby
Township of Georgian Bluffs
177280 Concession 5
Owner: Blair and Brett Freeman**

Enclosed please find completed Consent and Zoning By-law Amendment applications regarding a proposed lot creation on the above-noted property.

Also enclosed are:

- Township application fees and GSCA review fee; and,
- the Land Transfer Sheet.

To assist your office with its evaluation of this application, I offer the following:

The Proposal:

Mr. and Mrs. Freeman purchased the subject 40.64 hectare property in June, 2022, as per the attached Land Transfer Sheet. Situated on the farm is a detached dwelling, along with two accessory buildings and two solar panels.

Mr. Freeman is a bona fide farmer. He owns and actively farms two other agricultural properties in the area. The residence on the subject property is surplus to his needs and

therefore the owner propose to sever a 1.376 hectare non-farm residential lot containing the house and sheds, and retain the remaining 39.26 hectares of land. The solar panels would remain with the farm. The severance request would be considered under the “surplus farmhouse” policies of the Grey County Official Plan.

The proposed lot creation is illustrated on the severance sketch included in this Planning Report.

The owner also wishes to retain two easement across the severed parcel, as follows:

- A 3.0 metre wide easement that that recognizes the existing underground cables that feed electrical power generated by the two solar panels on the retained parcel to connect to the Hydro One system via the utility pole on the severed parcel; and,
- A 10.0 metre wide easement across the front portion of the severed parcel to permit a future tile field under the driveway when Mr. Freeman tiles his farmlands.

Both easement are illustrated on the attached sketch.

Approvals Required:

In order to sever the surplus farmhouse from the balance of the farm property, approval of the following is necessary:

- An application for Consent (to sever); and
- An application to amend the Township of Georgian Bluffs Zoning By-law to;
 - i. reduce the ‘minimum lot frontage’ requirement of a residential lot in the ‘AG’ zone, as it applies to the severed parcel, from 100 metres to 11 metres;
 - ii. reduce the ‘minimum lot area’ requirement of an agricultural lot in the ‘AG’ zone, as it applies to the retained parcel from 40 hectares to 39.2 hectares, and also to apply the “no dwelling” clause to this parcel.

The Subject Lands:

The subject property is located along the west side of Concession 5 Derby.

The site comprises 40.64 hectares of land and is occupied by the aforementioned house, barn, accessory buildings and solar panels. The buildings are situated in a cluster, at approximately 400 metres from the Township road.

Approximately 32.47 hectares on the property are actively cash-cropped.

A small forested area exists in the northwest corner of the lot.

An intermittent watercourse meanders through the site's northeast corner.

Adjacent Lands:

Land uses within the immediate vicinity of the subject property are represented predominantly by agricultural activity. A smaller, non-farm residential lot exists approximately 60 metres to the north of the site.

Official Plan:

The subject lands fall within the jurisdiction of the County of Grey Official Plan. No local Official Plan is in effect for this area of the Municipality.

According to Schedule A (Land Use) of the County Official Plan, the majority of the farm - including the entire area to be severed - is designated 'Agricultural'. The aforementioned, intermittent watercourse in the property's northeast corner is designated 'Hazard Lands'.

With regard to severances within the 'Agricultural' land use designation, Section 5.2.3 *Consent Policies* states (edited for relevancy):

Lot creation in the Agricultural land use type is generally discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances, infrastructure, and conservation lots in accordance with section 5.2.3 of this Plan.

- 1) *A consent for one new lot may be permitted provided the original farm parcel is a minimum of 40 hectares. The options for consent would be:*
 - b) *New residential lots are not permitted in the Agricultural land use type. 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 (where including accessory buildings 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.*

With regard to these policies, please note the following:

- The subject property exceeds the minimum 40 hectare lot area requirement.
- Mr. Freeman is a bona fide farmer with a farm business registration number. He owns and actively farms two other agricultural properties, those being:
 - i. A 66.49 hectare farm, which also serves as the residence for Mr. and Mrs. Freeman, located at 822433 Sideroad 1 (Township of Chatsworth); and

- ii. A 39.6 hectare farm located at 74 Concession 4 Arran (Municipality of Arran-Elderslie).
- All attempts have been made to keep the severed parcel as small as possible; hence, its odd shape. The lot is essentially only large enough to accommodate the house, accessory buildings, well and septic system. Approximately 0.04 hectares of actively-cropped land will be lost as a result of “squaring off” the lot line along the south side of the proposed lot, although this should be considered minimal.
 - The requested Zoning By-law Amendment will add the “no house” clause to the zoning of the retained parcel, which will prohibit the future construction of a new residential dwelling.
 - No livestock facility exists on the retained parcel and therefore no MDS conflict is being created.
 - The severed parcel is not situated within a ‘Aggregate Constraint Area’ on Schedule B of the County Official Plan. It’s worth noting that this constraint does apply to lands at the rear of the retained parcel; however, that particular area is situated approximately 495 metres from the severed parcel and does not create a conflict with the policies of the Official Plan.
 - The forested area located in the property’s northwest corner is identified as ‘Significant Woodland’ on Appendix B of the Official Plan. This area is approximately 465 metres from the severed parcel. Regardless of the separation distance between this natural heritage feature and the severed parcel, this is not an issue since no new development will occur as a result of the severance, as clearly stated in the policies above.

In view of the foregoing, the proposed severance and associated amendment to the Township’s Zoning By-law conform with the Grey County Official Plan.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) strongly encourages the preservation of prime agricultural land by generally prohibiting the creation of smaller farm parcels or residential lots in areas having strong agricultural capabilities. That notwithstanding, in a manner identical to the County’s Official Plan, Section 2.3.4.1 *Lot Creation and Lot Adjustment* of the PPS does give consideration to severances in prime agricultural areas involving:

- c) *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 approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;*

The dwelling located on the subject lands is clearly surplus to the residential needs of the Freemans as a result of them acquiring this farm parcel.

As noted earlier, the lot will be kept to minimum size, essentially only as large as necessary to accommodate the existing house, accessory buildings, septic system and well. A miniscule amount of actively-tilled farmland will be lost through this severance as is necessary to square-off the southerly lot line.

The PPS also contains policies that serve to protect areas of possible future aggregate extraction and significant woodlands. As explained above, the proposed severance would not conflict with such policies.

Based on the foregoing, the proposed severance should be deemed to be consistent with the PPS.

Township of Georgian Bluffs Zoning By-law:

The subject property is zoned mostly 'AG' in the Township's Zoning By-law. The intermittent water course in the northeast corner of the site is zoned 'EP'.

The minimum lot area and frontage requirements of the 'A1' zone for "agriculture lots" are 40 hectares and 200 metres respectively. The retained parcel will comprise only 39.26 hectares of land, and therefore this slight deficiency needs to be reflected in a site-specific zoning. To allow for a small margin of error, the amendment should reduce the lot area requirement to 39.2 hectares. The new site-specific zone for the retained parcel will also include a "no dwelling" clause as required by the County Official Plan and supported by the PPS.

The minimum lot area and frontage requirements for "residential lots" are 0.8 hectares and 100 metres respectively. The severed parcel will comply with the lot area standard but requires relief from the lot frontage provision to allow for a 11 metre frontage. This is necessary in order to keep as much cropped land as possible with the farm parcel.

Conclusion:

The proposed lot creation conforms with the Grey County Official Plan and is consistent with the Provincial Policy Statement.

The proposed to sever along with the two requested easements represent proper land use planning and therefore should be given favourable consideration by the Township.

Final Remarks:

Before scheduling the public meetings for the Consent and Zoning By-law Amendment applications respectively, please advise of the potential meeting dates to ensure my availability.

Respectfully submitted,



Ron Davidson, RPP, MCIP

c.c. Blair Freeman