REPORT

TO: Council
FROM: Michael Benner
DATE: January 27, 2020
REPORT: PL.20.05
SUBJECT: Z01.2020 AH Farms - Public Planning Meeting

RECOMMENDATION:

That Council receive Planning Report PL.20.05 for information related to the Public Planning Meeting associated with the application.

BACKGROUND AND ANALYSIS:

THE PURPOSE OF THE APPLICATION:


THE EFFECT OF THE ZONING BY-LAW AMENDMENT:

The effect of this By-law is to amend schedule ‘A-7’ from Agriculture (A1) and Hazard (H) to Agriculture (A1-374), and Agriculture (A1-375). Exception 374 would permit a reduced lot area of 37.7 hectares. Exception 375 would permit a reduced lot area of 37.8 hectares.

OPERATIONAL CONSIDERATIONS:

1.0 Background

The subject lands are known as 305374 Southline A. The lands have a total lot area of 75 hectares and a lot frontage of 584 metres. The lands are comprised of agricultural lands, creeks and woodlands. consent application B28.2019 proposes to divide the subject lands into 2 equal parts all with frontage on Southline A. The lands to be severed will be merged with an existing 1 hectare vacant parcel that is surrounded by the subject lands. The zoning amendment implements one of the conditions of the severance.
2.0 Planning Analysis

The following issues were reviewed as part of this application:

- The Provincial Policy Statement 2014;
- General Development Policies of the County’s Official Plan;
- General Development Policies of the Municipality’s Official Plan;
- Existing/Proposed Lot Configuration; and
- Permitted uses for the subject lands.

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) states that in respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Section 2.3. of the PPS provides policies related to Agricultural areas in municipalities. The PPS states that Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

Lot creation in Prime agricultural areas is restricted and only allowed for:

- agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

- agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

- a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 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; and,

- infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Planning Staff are satisfied that the proposal is consistent with the PPS 2014.
2.2 County of Grey Official Plan

The subject lands are designated as Agricultural and Wetland in the County's Official Plan. The predominant land use within the Agricultural designation will be agriculture and forestry.

Schedule A of the County's OP designates the subject lands as ‘Agricultural’. Policy 5.2.3(1)(a) of the County OP states that:

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:

(a) One lot severed to create a farm parcel of generally 40 hectares in size, provided both the severed and retained lots are 40 hectares in size and are both intended to be used for agricultural uses. Where a severance is proposed to create a farm lot smaller than 40 hectares, an official plan amendment will not be required, but an Agricultural Report is required by a qualified individual, (which may include an agrologist, agronomist, or a professional agricultural business degree)

Given the above, staff are satisfied that the proposal is consistent with County Planning policy.

2.3 Municipality of Grey Highlands Official Plan

The subject lands are designated as Agricultural and Hazard in the municipality's Official Plan. The purpose of the Agricultural designation is to ensure the long-term viability of the agricultural sector, the protection of prime agricultural areas, and that agricultural practices are integral and compatible with the natural and built environment.

All applications for Consent must comply with the Agricultural Consent Policies contained in subsection 4.1.3 of the Official Plan. Subsection 4.1.3.1. states that:

A consent for one lot may be permitted provided the original farm parcel is a minimum of 40 hectares and no non-farm lot creation has been provided for in the past. The creation or acquisition of a lot by a public body (ie. a road deviation) will not be considered as a previous severance providing this does not result in an additional remnant lot.

Staff are satisfied that the proposal is consistent with the municipality's Official Plan.

2.4 Municipality of Grey Highlands Comprehensive Zoning By-law No. 2004-50

The lands are zoned Agricultural (A1) and Hazard (H) in the Municipality's Comprehensive Zoning Bylaw. Amendments to Schedule 'A-7' will be required to change the zoning from Agriculture (A1) to Agriculture (A1-374), and Agriculture (A1-375). Exception 374 would permit a reduced lot area of 37.7 hectares. Exception 375 would permit a reduced lot area of 37.8 hectares. The Hazard zoning will not be amended.
3.0 Comments Received (Summary)

Comments were provided from the following departments and agencies:


Provided that all comments are addressed from the previous Consent application B28.2019, County planning staff have no further concerns.

The Saugeen Valley Conservation Authority: Comments dated September 26, 2019.

The application for consent is acceptable to SVCA staff.


No concerns.


No concerns.

Appendices

Appendix 1 – MGH Location Map
Appendix 2 – Aerial Map
Appendix 3 – Zoning Map
Appendix 4 – Agency/Department comments
Appendix 5 – Notice of Meeting and graphics

GREY HIGHLANDS STRATEGIC PLAN:
Respected Environment - Prioritize the stewardship of our lakes, rivers, and natural environment when making planning decisions pertaining to Municipal growth and development.

Approved By: Michael Benner, Director of Planning
Status: Approved - 21 Jan 2020
January 17th, 2020

Michael Benner, Director of Building and Planning Services
Municipality of Grey Highlands
206 Toronto Street South, Unit One P.O Box 409
Markdale, Ontario
N0C 1H0
*Sent via E-mail

RE: Zoning By-law Amendment Z01.2020
305374 South Line A
Municipality of Grey Highlands
Applicant/Owner: AH Farms Ltd.

Dear Mr. Benner,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP), Recolour Grey. We offer the following comments.

The purpose of the subject application is to amend the Municipality’s Zoning By-law 2004-50 to implement consent application B28.2019. The effect of this By-law is to amend schedule ‘A-7’ from Agriculture (A1) and Hazard (H) to Agriculture (A1-374), and Agriculture (A1-375). Exception 374 would permit a reduced lot area of 37.7 hectares. Exception 375 would permit a reduced lot area of 37.8 hectares.

County planning staff had previously reviewed and provided comment on Consent application B28.2019. Comments made on that application are still applicable to this Zoning By-law Amendment and County staff would recommend that the subject applicant review those comments. Regarding the Zoning By-law Amendment, County planning staff have no issues as it is part of the condition of approval for the Consent application.

Provided that all comments are addressed from the previous Consent application B28.2019, County planning staff have no further concerns.

County planning staff have no further concerns with the subject application.

Grey County: Colour It Your Way
January 17th, 2020

The County requests notice of any decision rendered with respect to this application. If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Hiba Hussain
Planner
(519) 372-0219 ext. 1233
hiba.hussain@grey.ca
www.grey.ca
SENT ELECTRONICALLY ONLY (BennerM@greyhighlands.ca)

September 26, 2019

Municipality of Grey Highlands
206 Toronto Street South, Suite 1
Markdale, Ontario
N0C 1H0

ATTENTION: Michael Benner, Director of Planning

Dear Mr. Benner,

RE: Application for Consent B28.2019
305374 Southline A
Roll No. 420818000512500
Part Lot 18 and 20, Lot 19, Concession 3 SDR
Geographic Township of Artemesia
Municipality of Grey Highlands (AH Farms Ltd. c/o Bowman)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the application for consent in accordance with the SVCA’s mandate, and the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018. The purpose of the application is to sever a rural lot with a lot area of approximately 26.3 hectares and a lot frontage of 85 metres onto Southline A and merge with the abutting lands (Roll Number 420818000512601). The retained parcel will have a lot area of 48.3 hectares and a lot frontage of 407 metres onto Southline A. The application is acceptable to SVCA staff, and the following comments are offered.

**Natural Hazards**

 Portions of the parcel are designated Hazard Lands in the Grey County Official Plan (OP), Municipality of Grey Highlands OP, and the Municipality of Grey Highlands Zoning By-Law 2004-50, as amended. In the opinion of SVCA, these schedules generally coincide with the SVCA Hazard Land Mapping. While portions of the severed parcel are designated hazard, SVCA staff is of the opinion there is sufficient area for development, outside the hazard land areas.

**Natural Heritage**

 The significant natural heritage features affecting the property include Significant Woodlands, Fish Habitat, Other Identified Wetlands, and potentially the habitat of Endangered Species and Threatened Species. We elaborate in the following paragraphs.
Significant Woodlands

Significant woodlands are identified on portions of the property, and on lands adjacent to the property, as per Appendix B Constraint Mapping, of the Grey County OP. Section 7.4(1) of the Grey County OP and Section 2.3 of the Grey Highlands OP, states in part 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 (EIS), that there will be no negative impacts on the natural features or their ecological functions. It is the opinion of SVCA staff that negative impacts to significant woodlands or their adjacent lands as part of the proposal would be negligible, provided any proposed development is not located within the significant woodlands. Based on the proposal, it is the opinion of SVCA staff that the preparation of an EIS could be waived, in accordance with Section 7.11.3(b) of the Grey County OP.

Fish Habitat

A tributary of the Saugeen River flows through the property and is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function. At this time, SVCA staff are not recommending the preparation of an Environmental Impact Statement (EIS) to address impacts to the adjacent lands to fish habitat, as SVCA staff does not anticipate any negative impacts to the adjacent lands to fish habitat as a result of this proposal.

Other Identified Wetlands

According to Appendix B Constraint Mapping of the Grey County OP, Other Identified Wetlands exist on the lands adjacent to the proposed retained parcel. It is the opinion of SVCA staff that potential impacts to the wetlands as a result of this proposal will be negligible, and we are not recommending the preparation of an EIS at this time.

Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

SVCA Regulation

Please be advised that portions of the retained and severed lands, are subject to the SVCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any “development” in a Regulated Area or alteration to a wetland or watercourse.
“Development” and Alteration

Subsection 28(25) of the Conservation Authorities Act defines “development” as:

a) the construction, reconstruction, erection or placing of a building or structure of any kind,
b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure,
c) site grading, or
d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA’s areas of interest are located associated with our Regulation for the subject property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at http://eprweb.svca.on.ca. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area on the proposed retained parcel, the SVCA should be contacted, as permission may be required.

Outstanding Matters

SVCA staff are working with the current owners to resolve an outstanding regulatory matter on the proposed severed parcel. Should you have any concerns regarding this, please contact our office directly.

Conclusion

The application for consent is acceptable to SVCA staff.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Megan Stansfield
Environmental Planning Technician
Saugeen Conservation

MS

cc: Israel Bowman, Agent (via email)
    Paul Allen, Authority Member, SVCA (via email)
Planning Application Comments

Department: Building

Date: January 07, 2020

File No: Z01.2020

Applicant: AH Farms Ltd.

Roll Number: 180.005.12500

Comments:

- Building Department has no concerns with the proposed zoning application to amend the Municipality of Grey Highlands Zoning By-law 2004-50 to implement consent application B28.2019. The effect of this By-law is to amend schedule ‘A-7’ from Agriculture (A1) and Hazard (H) to Agriculture (A1-374), and Agriculture (A1-375). Exception 374 would permit a reduced lot area of 37.7 hectares. Exception 375 would permit a reduced lot area of 37.8 hectares.

- The owner should be aware that any development in the future on the subject lands will require approved permits from all legislated authorities and meet the required regulations in place at time of application.

Name: Debbie Anderson, CBCO, BCIN 11900

Title: Chief Building Official
Hi Cassondra

PU has no comments on this applications at this time.

Thanks

Shawn Moyer,
Director of Public Utilities
The Municipality of Grey Highlands
(519-986-4784 * moyers@greyhighlands.ca

In accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Corporation of the Municipality of Grey Highlands wishes to inform the public that all information, including opinions, presentations, reports and documentation received by this office MAY be posted on the Municipality's website, included on a public agenda and/or made available to the public upon request.

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Cassondra Dillman
Planning Coordinator / Secretary-Treasurer, Committee of Adjustment
The Municipality of Grey Highlands

206 Toronto Street South, Unit 1, P.O.Box 409 Markdale, Ontario N0C 1H0
(519-986-1216 x 111 Toll-Free 1-888-342-4059 Fax 519-986-3643
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NOTICE OF PUBLIC MEETING

Application For Zoning By-law Amendment: Z01.2020

Monday, January 27, 2019 at 5:00p.m.
Municipality of Grey Highlands
206 Toronto St. S, Unit 1, Markdale, ON

Registered Owner: AH Farms Ltd.
Agent: Israel Bowman

Legal description: LT 19 CON 3 SDR ARTEMESIA; PT LT 18, 20 CON 3 SDR ARTEMESIA AS IN R480485 EXCEPT PT 15, 17R634; GREY HIGHLANDS
Civic Address: 305374 South Line A
Frontage: 582 m Depth: 1580 m Area: 75 ha
Having access on: South Line A
Assessment roll number: 42 08 180 005 12500

What is being proposed? The Municipality is seeking input on development application within 120 metres of your property that would require a zoning by-law amendment.

The purpose and effect of Zoning By-law Amendment Z01.2020: To amend the Municipality’s Zoning By-law 2004-50 to implement consent application B28.2019. The effect of this By-law is to amend schedule ‘A-7’ from Agriculture (A1) and Hazard (H) to Agriculture (A1-374), and Agriculture (A1-375). Exception 374 would permit a reduced lot area of 37.7 hectares. Exception 375 would permit a reduced lot area of 37.8 hectares.

Why? This meeting is an opportunity to learn about the proposed Zoning By-law amendments and provide feedback.

A Key Map is attached.

Where do I submit my comments?
Please submit written comments to the Clerk, Raylene Martell.

By mail or in person:
206 Toronto St. South, Unit 1
PO Box 409
Markdale, ON N0C 1HO
Fax: 519-986-3643
Email: clerk@greyhighlands.ca

Written comments are requested by January 24, 2020 so that they may be read at the public meeting for the benefit of everyone in attendance.

What can I expect at the Public Meeting?
The public meeting is an opportunity for members of the public to learn more about the proposal. Attendees can hear a brief presentation about the proposal, ask questions, and/or make verbal or written statements either in favour of, or in opposition to the proposed Zoning By-law Amendment. At the meeting members of the public will also hear a summary of any comments received about the proposed development prior to the public meeting.

When will a decision be made?
A decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting. After reviewing the application and any comments received, staff will bring a recommendation on this proposal to a future council meeting.

Want to be notified of a decision?
You must make a request in writing if you wish to receive a notice of any decision of Council on this proposal.

Your rights to appeal a decision:
If a person or public body does not make oral submissions at the Public Meeting or make written submissions to the Municipality of Grey Highlands prior to the proposed Zoning By-law is adopted, the Local Planning Appeal Tribunal may dismiss the appeal.

If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the Municipality of Grey Highlands before the proposed Zoning By-law is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

A Note about information you may submit to the Municipality:
Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and may be made available through the Council agenda process.

This document can be made available in other accessible formats as soon as practicable upon request.

Questions? Want more information? Ask the Planning Department.
Visit: 50 Lorne Street, Markdale, ON during regular office hours 8:30am to 4:30pm
Phone: 519-986-1216 x193 Email: planning@greyhighlands.ca Website: www.greyhighlands.ca