



LOFT PLANNING

P.O. Box 246, STN MAIN
Collingwood, Ontario
L9Y 3Z5

705.446.1168
kristine@loftplanning.com
loftplanning.com

July 29, 2024

Mr. David Smith
Manager of Planning
Municipality of West Grey
402813 Grey Road 4
Durham, Ontario
NOG 1R0

By email only: David Smith planning@westgrey.com

Dear Mr. Smith:

RE: Planning Justification Letter (ZBA and Consents)
142239 Grey Road 9, Municipality of West Grey
PT LT 26-27 CON 10 NORMANBY AS IN GS36602 EXCEPT PT 2 EXPROP PLGS53524; WEST GREY
E 1/2 OF S 1/2 LT 27 CON 10 NORMANBY EXCEPT PT 6 EXPROP PL GS53524; WESTGREY
PT LT 28 CON 10 NORMANBY AS IN GS152255; WEST GREY
420501000210000
File: BEA-75623-221 (MARTIN, BRUBACHER, BRUBACHER)

1.0 INTRODUCTION

We have been retained by Mr. Mervin Martin, Mr. Elvin Brubacher and Mr. Stuart Brubacher, to act as planners related to two Consents and a Zoning By-law Amendment submission on the aforementioned lands. The proposal will create two severed lots and a retained lot. The proposed Zoning By-law Amendment will implement the consents and recognize a reduced lot areas for the two severed lots as well as a reduction in lot frontage. A preconsultation meeting was held on October 25, 2023. As a result, the following technical reports were requested, Planning Justification Report, Agricultural Report (request of the County of Grey) with MDS Calculations. It was also noted that the location for an entrance to the centre lot would be in close proximity to Hazard Lands and the SVCA should be contacted. As a result, we did contact GSCA and paid fee for a Site Visit. Following a site visit with the applicants, SVCA commented on March 14, 2024, that they could support the entrance location based on their mandate (correspondence part of this submission).

This Planning Justification Report as well as an Agricultural Report is being submitted as part of a complete application. The MDS calculations are within the PJR Letter.

2.0 LOCATION



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The subject lands are municipally known as 142239 Grey Road 9, Municipality of West Grey and legally described as **PT LT 26-27 CON 10 NORMANBY AS IN GS36602 EXCEPT PT 2 EXPROP PLGS53524; WEST GREY; AND E 1/2 OF S 1/2 LT 27 CON 10 NORMANBY EXCEPT PT 6 EXPROP PL GS53524; WESTGREY; AND PT LT 28 CON 10 NORMANBY AS IN GS152255; WEST GREY.** The lands are located on the north-east corner of Grey Road 9 and Sideroad 25 in the Municipality of West Grey.

3.0 SITE DESCRIPTION & SURROUNDING USES

The subject lands consist of three original lots, where two previous lots have been severed. The lands are therefore irregular in shape and have a lot area of 109 hectares and a lot frontage of 856 meters on to Sideroad 25 (Figure 1 – Subject Lands). The lands are described as agricultural with an existing single detached residential dwelling with two accessory structures and a barn for livestock. The existing farm cluster is located on Lot 26. The lands include agricultural lands and woodlands. (Figure 2 – Aerial). A tributary of the Beatty Saugeen River flows through the retained parcel.

The lands are designated Agricultural and Hazard in the County of Grey Official Plan. Appendix B identifies the lands as containing Significant Woodlands. The lands are zoned Agricultural (A1) and Natural Environment in the Municipality of West Grey Zoning By-Law (37-2006). The lands are regulated by the Saugeen Valley Conservation Authority.

The subject lands are surrounded by agricultural, rural and hazard lands to south and west and agricultural and hazard lands to the north and east.

4.0 DESCRIPTION OF PROPOSAL

The proposed consent will create Severed Lot 1 with a lot area of 39.6 hectares and a lot frontage of 389 meters as well as Severed Lot 2 with a lot area of 29.5 hectares and a lot frontage of 198 meters. The consent will also create a retained parcel with a lot area of 40.7 hectares and a lot frontage of 400 meters onto Grey Road 9 (Figure 3 – Consent Sketch). A Zoning By-law Amendment has also been submitted to rezone the lands to implement the consent.

The applications are described as follows:

1. Consent:

Severed Lot 1:

- Lot area: 39.6 ha
- Lot frontage: 389 m onto Grey Road 9.

Severed Lot 2:

- Lot area: 29.5 ha.



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- Lot frontage: 198 m onto Grey Road 9.

Retained Lot:

- Lot area: 40.7 ha.
- Lot frontage: 400 m onto Grey Road 9.

2. Zoning By-law Amendment

Purpose: To rezone the lands to implement a consent.

Effect: To rezone a portion of the lands from Agricultural (A1) and Natural Environment (NE) to Agricultural, Agricultural (A1-X), Agricultural (A1-XX) and Natural Environment Exception (NE). Exception X will recognize a reduced lot area of 39 ha and recognize all buildings and structures to comply. Exception XX will recognize a reduced lot area of 29 ha. **We have requested lot areas that are slightly less in order to allow some leniency based on the size of the lands.*

5.0 PLANNING ANALYSIS

A review of planning documents was undertaken to determine compliance of the Applications to the Planning Act and the provincial and municipal planning documents. A review of the applications in light of the planning documents made the following conclusions:

1. **The Applications Have Regard for Matters of Provincial Interest (Section 2 of the Planning Act, 1990).** The proposed consents and zoning by-law amendment will facilitate the creation of two additional agricultural lots. The west severance contains a single detached residential dwelling, a barn and two accessory structures, while the middle severance and the retained lot contain no existing structures. The severances will not impact the Hazard Lands on the property. MDS I is met.
2. **The Applications are in the Public Interest.** The Applications will facilitate two severances on the subject lands, creating two agricultural parcels and retaining an agricultural parcel. The land was a large landholding, have been purchased by three farms, and these applications will facilitate two additional new agricultural operations.
3. **The Applications are Consistent with the Provincial Policy Statement 2020.** The proposed Applications are consistent with policies of PPS. Continue to support agricultural uses and are supported by an extensive Agricultural Study.
4. **The Applications Conform to the County of Grey Official Plan.** The proposed Applications conform to the policies that guide land uses. The proposed Applications conform to the Official Plan, continue to support agriculture by creating two additional agricultural farms. The Official Plan policies provide specific policies related to



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undersized agricultural parcels. At the County's request, and Agricultural Study was completed to support the use of the policies. We would opine, that the Agricultural Study is completed by an accredited Agrologist – who met on site with the former owner and new owners to understand the historical agricultural uses, and the intended agricultural uses. The Agricultural Report is part of this complete submission.

5. **The Proposed Applications generally comply with the Zoning By-law.** The proposed Applications generally meet the intent of the Zoning By-law. A Zoning By-law Amendment is required and is outlined in subsequent sections.

A detailed review of the applicable planning documents is provided in the following sections.

5.1 PLANNING ACT

The Planning Act must be considered when reviewing development applications.

- **Section 2 – Matters of Provincial Interest**

Planning applications must have regard for “Provincial Interest” under Section 2 which includes:

- Protection of ecological systems, including natural areas and functions,
- Conservation of features of significant scientific interest,
- Protection of health and safety and,
- Appropriate location of development.

The applications will facilitate the creation of two severed lots and a retained lot all with frontage onto Grey Road 9. The severed lands are within the Agricultural and Hazard land use types and will not negatively impact the Hazard Lands on the property. It is not anticipated that the proposed consents will pose an adverse impact on the natural heritage features. These areas are well treed and will remain intact. The lands are serviced by private well and septic. The lands are currently 109 ha in size. The proposal will create two additional farms and retain the existing farm intact. The consents will allow two new agricultural lots, with farm clusters – and provide opportunities for individual ownership and farm structures.

- **Section 3 – Consistency and Conformity to Provincial Policy**

Planning decisions must be consistent with the Provincial Policy Statement. The Provincial Policy Statement (PPS) 2020 applies to the Applications and is addressed in the following section.

- **Section 53 – Consents**

The approval of land division through consent is permitted if a plan of subdivision is not necessary for the proper and orderly development of a property. A plan of subdivision is not necessary for the creation of two lots.

Conclusion: The proposed applications meet the requirements of the Planning Act



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5.2 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest in regard to land use planning and development within Ontario. The PPS directs growth to settlement areas; however, the PPS recognizes the importance of supporting the viability of rural areas and that the wise management of land use may involve directing, sustaining and promoting development. The wise use of resources is a way to ensure that the biodiversity and protection of ecological processes are recognized as a key provincial interest.

- **Section 1.1.4 – Rural Areas in Municipalities**

In the context of the PPS, the subject lands are considered within the Rural Areas policies. The rural area policies in the PPS recognize that viable rural areas are supported by building upon rural character, promoting regeneration and diversification of the economic base, conserving biodiversity and using rural infrastructure efficiently (policy 1.1.4.1).

The proposed consents will facilitate the creation of two agricultural parcels (one retained) where one large agricultural parcel exists. The consents will allow for two agricultural parcels, where two additional farm clusters will be established. The lots remain large in lot area. The proposed severed lots would be consistent with the surrounding rural character and would not negatively impact natural heritage features. The proposed consents would meet MDS – keeping in mind that these are large agricultural parcels where MDS is related to farm cluster envelopes and not lot lines. At this time, the only intended use is agricultural uses and a farm cluster including a single detached dwelling and accessory buildings.

- **Section 2.3. – Agriculture**

Section 2.3 of the PPS provides that the prime agricultural areas shall be protected for long-term use for agricultural. The subject lands are designated Agricultural. Permitted uses within the designation include proposed agriculture-related uses and on-farm diversified uses provided they are compatible with and not hinder surrounding agricultural operations. The proposed uses include single detached dwellings, accessory structure and agricultural buildings. There are no OFDU's proposed at this time. A further planning process would be required in the future, should an OFDU be proposed.

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. S2.3.3.3 provides that, new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. We confirm MDS is met (See Agricultural Report).

We have submitted an Agricultural Report which provides a review of conformance of the Provincial Policy Statement as it relates to Agriculture.



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- **Section 2.0 – Wise Use and Management of Resources**

Section 2.1 requires that natural features and areas be protected for the long term. It is not anticipated that the proposed severances will impact the Natural Environment (NE) lands. These lands will remain zoned NE.

- **Section 3.0 – Protecting Public Health and Safety**

This section of the PPS directs development away from natural or human-made hazards. The proposed development is not located on natural hazard lands. No impact is anticipated.

Conclusion: Consistency with the Provincial Policy Statement has been demonstrated.

5.3 COUNTY OF GREY OFFICIAL PLAN

The subject lands are designated Agricultural and Hazard in the County of Grey Official Plan (Figure 4 – County of Grey Official Plan). The lands are identified as containing Significant Woodlands on Appendix B of the County of Grey Official Plan.

Development policies for the Agricultural land use type are contained in Section 5.2.2 of the Official Plan. The Official Plan states that “newly created farm lots should generally be 40 hectares (100 acres) in size, in order to reduce the breakup of farmland”.

Section 5.2.3(1) provides policies for severances of agricultural parcels as follows,

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) that addresses the following criteria:

1) Agriculture shall be the proposed use of both the severed and retained lots, *Each of the severed and retained lots will be utilized for agricultural purposes. The lands are made up of three original lots, and three owners have purchased the property – in order to create two additional farm parcels. There are farm clusters proposed for each parcel. The zoning that will implement the consents will be the A1 zone – and as such, only permitted uses will be applicable. There is no change in permitted uses applied for.*

2) A farm business plan is required, demonstrating the viability of the severed and retained uses for the farm operations proposed. Three farm operations are proposed to take place on the three properties.

This report contains details on the intended agricultural uses proposed.



- 3) Demonstration that both the severed and retained lots will be economically viable and flexible to respond to economic change. The applicant shall provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal shall be provided to the satisfaction of the County, in consultation with the Province.

An Agricultural Report has been submitted as part of this complete submission.

- 4) Demonstration that nearby lots of similar size and farm capability to the proposed lots are not available and suitable for the intended agricultural use,

The proposed lots are still large parcels having lot areas of 38 ha and 29 ha. These lots cannot be considered by municipal or county staff to be small or extraordinary. The 38 ha lot is slightly shy of the 40 ha minimum as a result of a lot that exists from the overall original lot. We are unaware of when this lot was created – but we anticipate this lot was created as a farm retirement lot when these types of severances were created. The 29 ha lot is still greater than the minimums in the Rural or Special Agricultural designations. The lands are irregular in shape and include Natural Environment area along the frontage. We did have the Saugeen Valley Conservation Authority visit the site to review the proposed entrance location and confirm that an SVCA Regulatory Permit would be available. SVCA provided comments on March 14, 2024, indicating that, “SVCA staff find the proposal to be acceptable. Part of the proposed development is within a SVCA Regulated Area and will need permission from the SVCA.”

- 5) The suitability of both the severed and retained lots should be assessed based on: The type and size of agricultural operations common in the area or to the type of agricultural operation proposed, or ii. Demonstration that a new viable form of agriculture is suitable for the area and lot sizes proposed,

See Agricultural Report.

- 6) Demonstration that both the severed and retained lots remain sufficiently large to permit a change; in the agricultural product produced, an adjustment in the scale of operation, or diversification;

See Agricultural Report.

- 7) Both the severed and retained lots shall comply with Provincial MDS Formulae.

MDS I is met.

Section 7.2 guides land use policies on Hazard Lands. In general, the Official Plan directs new development away from Hazard Lands. A portion of the subject lands are designated Hazard; however, these lands are not impacted by the proposed consent. There are no negative impacts to natural heritage features anticipated. The lands will continue to



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be designated and zoned accordingly. And, as noted above, SVCA has completed a site visit and reviewed the proposal finding that they can support the development proposal.

Section 9.12 provides policies that must be addressed when the division of land is considered. The approval authority must have regard to the policies of the County of Grey Official Plan, the Planning Act, and the following circumstances:

- *Land division is permitted by the relevant land use policies.*
- *Promotes orderly and contiguous development.*
- *Compatibility with existing and future land uses on adjacent lands.*
- *Servicing requirements are met.*
- *Access to a public road.*
- *Suitable soil and drainage conditions.*
- *Size of parcel is appropriate for the use.*
- *Compliance with the MDS formulae.*

The proposed consents meet the requirements under Section 9.12. The Consent application conforms to the Agriculture land use type policies by creating two new agricultural parcels. We have provided an Agricultural Report relating to the lot sizes of the proposed lots and their ability to support agricultural operations. Access will be provided from Grey Road 9. Entrances are expected to be available, and SVCA did review the entrance to Consent 2 – to ensure this location could be supported. Both the severed and retained lots would be serviced by private well and septic. The proposed consents are compatible with the surrounding agricultural area, is appropriate and meets MDS.

Proposed Agricultural Operations:

Consent 1 Lot:

Customers: To sustain family and localized area.

Product: Cash crop to be rotated.

Geographic Area to Focus On: Localized area.

Transportation: By tractor or truck.

Labour (Staffing): 3-5 staff, family members.

Livestock will be focused on horses for transportation purposes and possible small livestock for personal use.

Consent 2 Lot:

Customers: To sustain family and localized area.

Product: Cash crop to be rotated.

Geographic Area to Focus On: Localized area.

Transportation: By tractor or truck.

Labour (Staffing): 3-5 staff, family members

Livestock will be focused on horses for transportation purposes and possible small livestock for personal use.



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Conclusion: Conformity to the County of Grey Official Plan has been demonstrated.

5.5 MUNICIPALITY OF WEST GREY

The lands are zoned Agricultural (A1) and Natural Environment (NE) (Figure 5 – Municipality of West Grey Zoning By-law).

Below is a compliance chart:

A1 Zone	Required	Consent 1	Consent 2	Retained
Lot Area	40 ha	39 ha	29 ha	40 ha
Lot Frontage	122 m	389 m	198 m	400 m

A Zoning By-law Amendment is required as follows:

That Section 35.1 of Bylaw No.37-2006 is hereby amended by adding the following paragraphs:

A1-X

Notwithstanding section 8.2 of Bylaw 37-2006, as amended, those lands zone A1-X as shown on Schedule 'A' shall be used in accordance with the 'A1' zone excepting however that:

- a. Minimum required lot area shall be 38 ha.
- b. All buildings and structures are deemed to comply.

That Section 35.1 of Bylaw No.37-2006 is hereby amended by adding the following paragraphs:

A1-XX

Notwithstanding section 8.2 of Bylaw 37-2006, as amended, those lands zone A3-XX as shown on Schedule 'A' shall be used in accordance with the 'A3' zone excepting however that:

- a. Minimum required lot area shall be 29 ha.

6.0 CONCLUSION

This planning letter has been prepared in support of applications for two Consents and Zoning By-law Amendment. The Applications are in keeping with the Planning Act RSO 1990, are consistent with the Provincial Policy Statement, 2020, and conforms to the County of Grey Official Plan, and the Municipality of West Grey Zoning By-law, as applied for. Furthermore, it is our opinion that the applications represent good land use planning.

Respectfully Submitted,

LOFT PLANNING INC.



LOFT PLANNING

Kristine Loft

Kristine A. Loft, MCIP RPP
Principal

- Figure 1 – Subject Lands
- Figure 2 – Aerial
- Figure 3 – Consent Sketch
- Figure 4 – County of Grey Official Plan
- Figure 5 – Municipality of West Grey Zoning By-law
- Figure 6 – Proposed Entrance

Appendix

Draft Zoning By-law Amendment

P.O. Box 246, STN MAIN
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L9Y 3Z5

705.446.1168
kristine@loftplanning.com
loftplanning.com



Figure 1
Subject Lands
142239 Grey Road 9
Municipality of West Grey

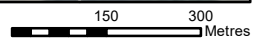
150 300
Metres



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August 2024



Figure 2
 Subject Lands - Aerial
 142239 Grey Road 9
 Municipality of West Grey



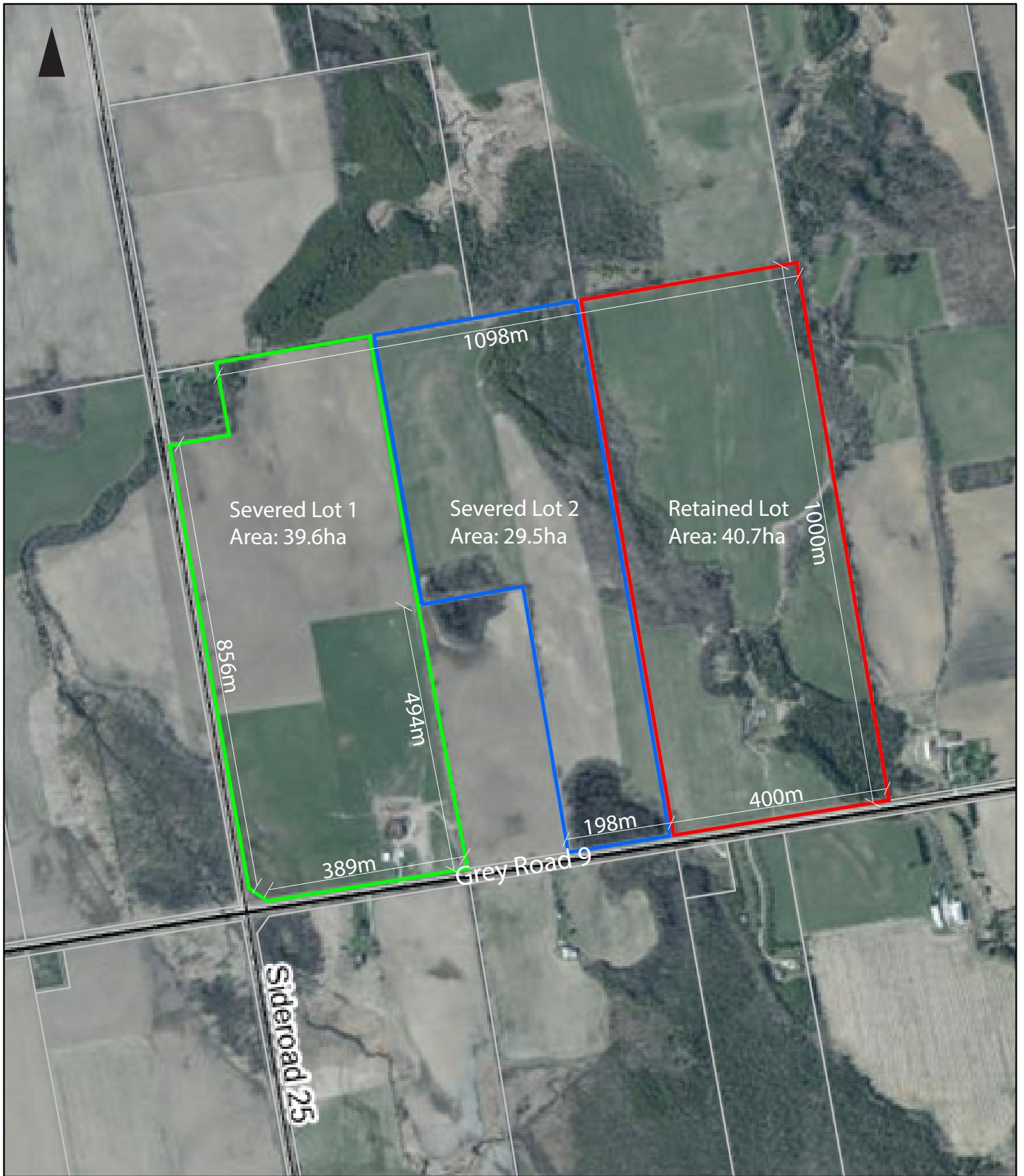


Figure 3
 Consent Sketch
 142239 Grey Road 9
 Municipality of West Grey

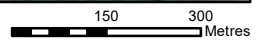




Figure 4
 County of Grey Official Plan
 142239 Grey Road 9
 Municipality of West Grey

- Agricultural
- Hazard
- Rural

150 300
 Metres



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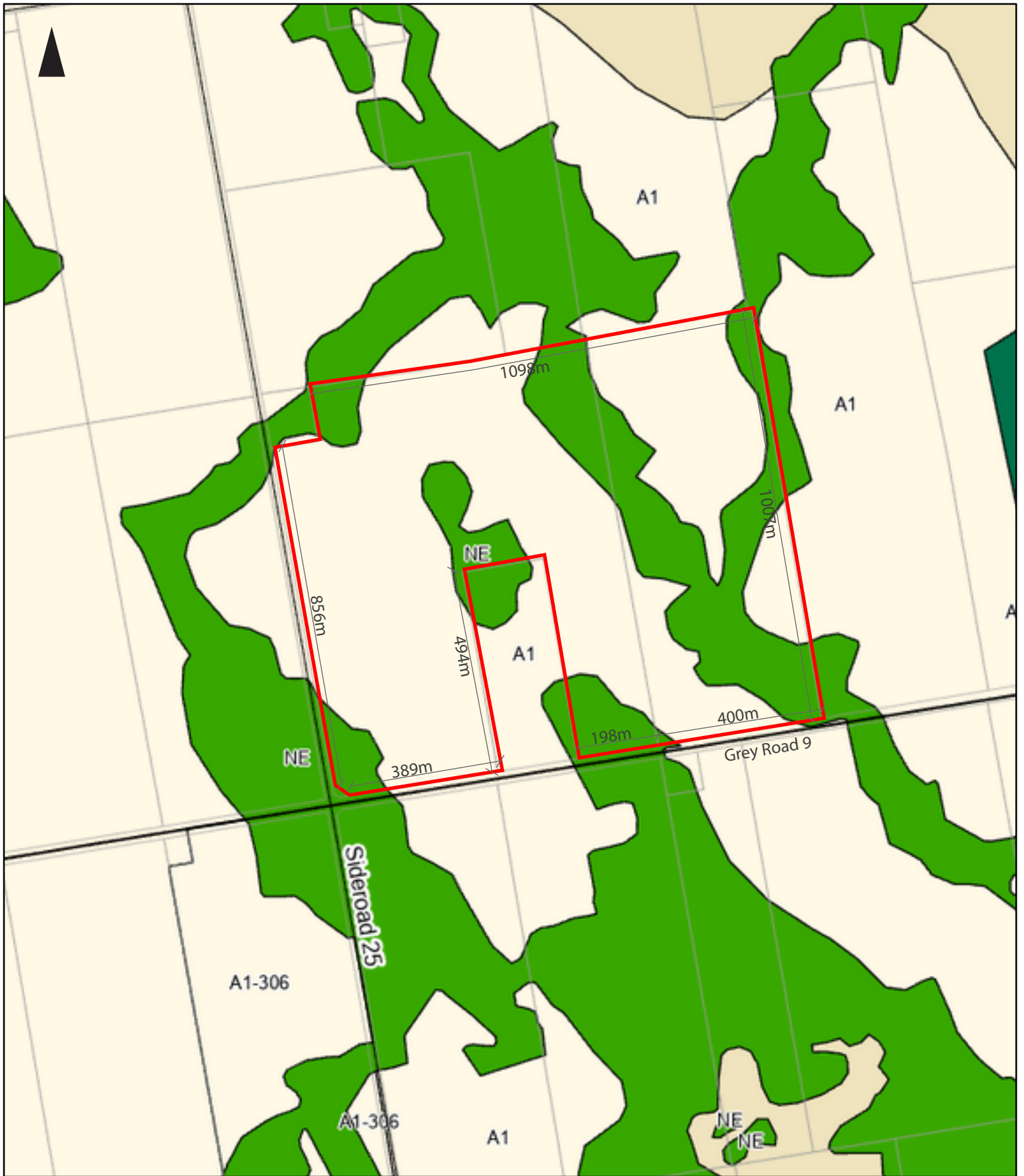
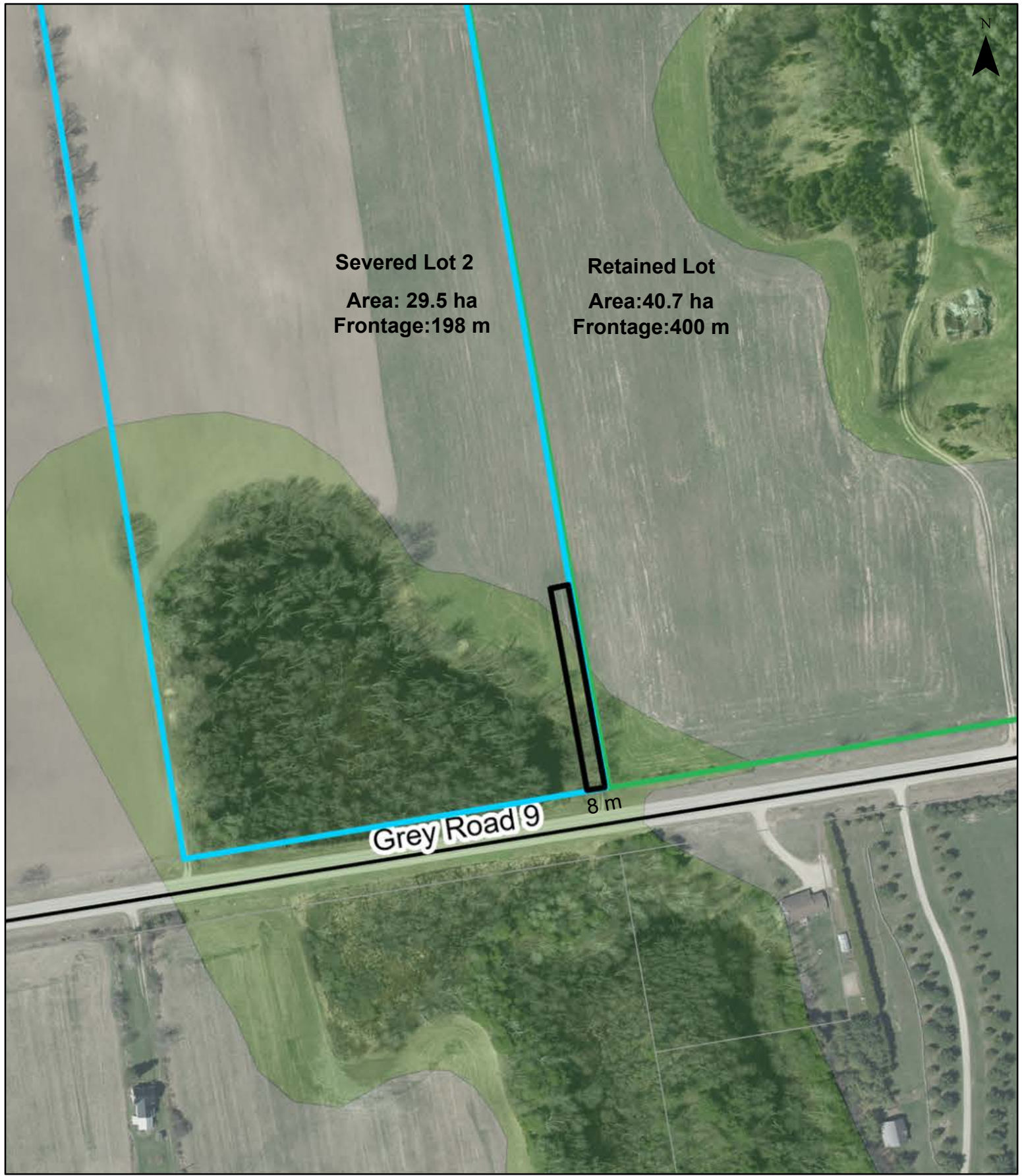


Figure 5
 Municipality of West Grey Zoning
 142239 Grey Road 9
 Municipality of West Grey

- A1 Agricultural
- NE Natural Environment
- A2 Rural

150 300
 Metres





Proposed Entrance
142239 Grey Road 9
Municipality of West Grey



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August 2024

The Corporation of the Municipality of West Grey

Bylaw No. 2024-____

A bylaw to amend Zoning Bylaw No. 37-2006 in accordance with ZA____.2024

WHEREAS pursuant to the provisions of Section 34 and 36(1) of the *Planning Act, R.S.O. 1990*, as amended, bylaws may be amended by councils of municipalities; and

WHEREAS the council of the Corporation of the Municipality of West Grey deems it expedient and in the public interest to amend bylaw No. 37-2006, as amended, being the Municipality of West Grey Comprehensive Zoning Bylaw; and

NOW THEREFORE be it resolved that the Council of the Corporation of the Municipality of West Grey hereby enacts as follows:

1. That Bylaw No. 37-2006 is hereby amended by changing the zone symbols on the parcel legally described as; PT LT 26-27 CON 10 NORMANBY AS IN GS36602 EXCEPT PT 2 EXPROP PLGS53524; WEST GREY; AND E 1/2 OF S 1/2 LT 27 CON 10 NORMANBY EXCEPT PT 6 EXPROP PL GS53524; WESTGREY; AND PT LT 28 CON 10 NORMANBY AS IN GS152255; WEST GREY from Agricultural (A1) and Natural Environment (NE) to Agricultural (A1), Agricultural (A1-X), Agricultural (A1-XX) and Natural Environment (NE) in accordance with Schedule 'A' attached to this bylaw.
2. That Schedule 'A' and all other notations thereon are hereby declared to form part of this by-law.
3. That Section 35.1 of Bylaw No.37-2006 is hereby amended by adding the following paragraphs:
A1-X
Notwithstanding section 8.2 of Bylaw 37-2006, as amended, those lands zone A1-X as shown on Schedule 'A' shall be used in accordance with the 'A1' zone excepting however that:
 - a. Minimum required lot area shall be 38 ha.
 - b. All buildings and structures are deemed to comply.
4. That Section 35.1 of Bylaw No.37-2006 is hereby amended by adding the following paragraphs:
A1-XX
Notwithstanding section 8.2 of Bylaw 37-2006, as amended, those lands zone A3-XX as shown on Schedule 'A' shall be used in accordance with the 'A3' zone excepting however that:
 - a. Minimum required lot area shall be 29 ha.

That this bylaw shall come into force and take effect upon date of final passing.

Read a first, second and third time and finally passed this XX day of XXXXXX, 2024

Mayor Kevin Eccles

Jamie M. Eckenswiler, Clerk

DRAFT