



LOFT PLANNING

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November 19, 2024

Mr. David Smith
Manager of Planning
Municipality of West Grey
402813 Grey Road 4
Durham, Ontario
N0G 1R0

By email only: David Smith planning@westgrey.com

Dear Mr. Smith:

**RE: Addendum Letter related to Files B21/2024, B22/2024 and ZA17/2024
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; WEST
GREY PT LT 28 CON 10 NORMANBY AS IN GS152255; WEST GREY
4205.010.002.10300 & 4205.010.002.10000
File: BEA-75623-221 (MARTIN, BRUBACHER, BRUBACHER)**

We have been retained by Mr. Mervin Martin, Mr. Elvin Brubacher and Mr. Stuart Brubacher, to act as planners related to two (2) consent applications (B21/2024 and B22/2024) and an implementing Zoning By-law Amendment (ZA17/2024). On October 1st, 2024, Consent Files B21.2024 and B22.2024 were deferred by the Committee of Adjustment. The following is an addendum letter in response to comments received.

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.

As an overview, the applicants wish to sever the lands (which have been merged on title) into two new agricultural parcels and to retain an agricultural parcel. The lands are designated Agricultural. Policy 5.2.3(1) within the County of Grey Official Plan provides that newly created agricultural parcels are to be a minimum of 40 hectares. Policy 5.2.3(1)(a) contemplates new agricultural lots that are smaller than 40 hectares. This overall submission is reliant on this policy, which permits agricultural parcels smaller than 40 hectares subject to specific criteria including an agricultural report, farm business plan and additional justification as noted below.



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On behalf of the Applicant, we submitted the following:

- Planning Justification Report (Loft Planning Inc.)
- Agricultural Study (Beacon Environmental)
- Farm Business Plan

Response

Viability of Severed Lot 1 (B21/2024):

Severed Lot 1 proposes to sever a 39.6 hectare agricultural parcel and would retain a 70.4 hectare agricultural parcel. There is an existing non-agricultural lot that has been previously severed from the subject lands and contains an existing residence and is wooded. It is our opinion that a proposed 39.6 hectare lot and a retained 70.4 hectare lot conform with the Official Plan.

Viability of Severed Lot 2 (B22/2024):

Severed Lot 2 proposes to sever a 29.5 hectare agricultural parcel and would retain a 40.7 hectare agricultural parcel. Section 5.2.3(1) provides the consent policies for the Agricultural designation. Section 5.2.3(1)(a) provides for the creation of lots in the Agricultural designation that are smaller than 40 hectares subject to a series of criteria. We have provided the required reports and justification to support the 29.5 hectare agricultural parcel of land. The following sections provide further support related to the agricultural report, farm business plan and aggregate constraint which were identified as the key issues at the public meeting.

Agricultural Report:

Beacon Environmental was retained by the Loft Planning Inc., to prepare an Agricultural Report to satisfy the requirements of Section 5.2.3(1)(3). Beacon provides the following opinion as it relates to the proposed applications:

- The AR assesses the existing agricultural capability of the subject property and the potential impacts to agriculture, farm operations and the surrounding area. Beacon provides the following conclusions.
 - The soil survey complex suggests that most of the subject property (the central and western portions) including the study area, and the areas proposed for development of single detached residential dwellings, accessory structures, and barns are contained within a Polygon that consists of 80% Class 1 and 20% class 3 soils. The limitation subclass of the Class 3 soils as listed as T. The soils in the study area qualify as prime agriculture land (Class 1 and 3).
 - None of the subject property is designated by the province as an area for specialty crops; The requirement for both prime agricultural soils and climate do not exist within or adjacent to the three proposed lots.
 - Within the subject property the land improvement was being undertaken through installation of tile drainage. Other than tile drainage there was no indication of recent upgrades or related investments to the existing agricultural infrastructure. No recent or significant agricultural investments or infrastructure would be impacted by the proposed severance.



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- Farm operations were documented during land use reconnaissance survey undertaken in June 2022. The MDS study reviewed the livestock housing facilities within 750 meters of the subject property and our review of the MDS 1 separation requirements demonstrates that the proposed severances would not be impacted by neighbouring livestock facilities; and
- OMAFRA uses a number of priorities when considering agricultural priority and the three proposed lots can be considered a **low priority agricultural area** based on
 - The ability to meet MDS requirements for each of the proposed lots.
 - The location of the three proposed lots within close proximity of an existing settlement area.
 - The location of the three proposed lots at the boundary of a designation rural and agricultural area.
 - The minimal amount of capital investments in agricultural infrastructure in comparison to other lands in the surrounding area.

Farm Business Plan:

A Farm Business Plan has been prepared for the two severed lots in conjunction with information gathered from the landowners. The current landowners plan to each farm one of the resulting lots. As such, the information was provided by the current landowners in conjunction with their current farming and/or future plans for the lands.

As per Section 5.2.3(1) (a)(2), "A farm business plan is required, demonstrating the viability of the severed and retained uses for the farm operations proposed". The Farm Business Plan provided does demonstrate that a farm on each of the parcels is viable. The Farm Business Plan provides an overview of the nature of the development proposal request, the vision of the landowner for each of the agricultural parcels identified as Severance 1 and Severance 2, goals and objectives of the farm businesses, and anticipated costs.

The following are additional points based on comments received:

- The consents both continue to provide for "large pockets of prime quality farmland, where agricultural land uses such as livestock, cash crop, and local food farming are the predominant uses." (Section 5.1)
- The consents both continue to provide for "the agricultural land base and the long-term viability of agriculture and the agri-food sector will be maintained and enhanced." (Section 5.2)
- The consents would create lots that would meet the permitted uses including, (Section 5.2.1(1)(a)) "All types, sizes and intensities of agricultural uses, and normal farm practices, including accessory uses (see Table 7)."
- For the near future, the landowners each plan to continue with off-site jobs to help sustain the agricultural operation and in the future, the policies would support agricultural related uses and on-farm diversified uses, such that criteria can be met. The Official Plan provides for these additional uses to help sustain the agricultural operation.

The farm business plan demonstrates the viability of the severed and retained uses for the farm operations proposed taking into consideration all the policies within the Official Plan.



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Aggregate Constraint in County of Grey Official Plan.

Following the public meeting, we have had an opportunity to meet with County of Grey staff regarding the Aggregate constraint policies. The following is additional information related to the Aggregate constraint and the opinion of County staff:

- County staff provided an addendum letter dated November 5, 2024, which provides that the County supports B21.2024 as it relates to the Aggregate constraint.
- The County further comments that there is inconsistency in the policies as follows,
“The County also provides that Schedule A of the County OP indicates that the subject lands contain ‘Hazard Lands’. The proposed severance is partially located within the Hazard Lands. County Planning staff recommend receiving comments from the Conservation Authority regarding the Hazard Lands. Schedule B of the County OP indicates that the subject lands contain ‘Aggregate Resource Area’. Section 5.6.2(8) of the county OP states,

Non-farm sized lot creation of lots less than 20 hectares in size will not be permitted in Aggregate Resource Areas.

Further, Section 5.2.2(8) of the County OP states,

Non-farm sized lot creation is not permitted within an area identified as Aggregate Resource Area on Appendix B to this Plan.

In addition, the County OP defines farm sized as:

- Agricultural = 40 hectares,
Special agricultural = an agriculturally productive area of 10 hectares or greater, or
- Rural = 20 hectares.

County Planning staff acknowledge that there is an inconsistency regarding these policies within the County OP. County Planning staff would recommend applying the more conservative policies to the Aggregate Resource Area. County Planning staff also acknowledge that the impacts a 40-hectare parcel may have on the Aggregate Resource Area would likely not differ greatly from the impacts of a 20-hectare parcel. However, the proposed severance is considered to be generally farm sized and would be permitted within the Aggregate Resource Area. Therefore, County Planning staff have no concerns.”

- Our original planning opinion considered the land to be a farm parcel and as such, a consent would be permitted within the Aggregate Resource Area. The policy was not raised as an issue at pre-consultation, an opinion on the Aggregate Resource Area was not required as part of a complete submission.
- The proposed parcel is for farm purposes and is both designated and zoned accordingly. The Aggregate Resource would remain intact and not fragmented. We



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would further provide that within a Rural designation, consents for farm parcels that are 20 hectares would be permitted within the Aggregate Constraint Area – we would opine that the impacts of the proposed B22/2024 agricultural parcel would not differ from the impacts of a 20 hectare lot within the Rural designation.

- Should the Committee be of the opinion that an expert opinion is required to satisfy this policy, a condition requiring the preparation of an Aggregate Resource Assessment to the satisfaction of the County of Grey. This may require implementation of any required recommendations in the report.
- Saugeen Valley Conservation Authority did provide comments and has no concerns. A regulatory permit is required. We also pre-consulted with the Saugeen Valley Conservation Authority with regard to an entrance for Severed Lot 2. SVCA did comment that they could support an entrance on Severed Lot 2.

Provincial Planning Statement 2024

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. Section 4.3.3 - Lot Creation and Lot Adjustments provide that, Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for: a) 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. In our opinion, the proposed consents and implementing Zoning By-law Amendment are consistent with Provincial Planning Statement (2024) as per the technical submission and justification provided.

Conclusion

We would ask staff to bring forward File B21/2024 and B22/2024 to the Committee of Adjustment at the next available meeting with two separate recommendations and noting the County of Grey revised comments and the Saugeen Valley Conservation comments indicated no concerns.

Yours truly,

Kristine Loft, MCIP RPP
Loft Planning Inc.

