



MEMO TO COUNCIL 2024-022

TO: Mayor Gerrits and Members of Council

FROM: Valerie Schmidt, Consulting Township Planner

DATE: May 1, 2024

SUBJECT: Updated Planning Report for Application for Consent (B04-2024)

Purpose

The purpose of this report is to provide information to Council based on a detailed planning analysis of the Applications for Consent. An application for Consent has been submitted by Randy Brummell (the “Applicant/Owner”) to facilitate a severance from the property legally known as Concession 2, Lot 7, Township of Amaranth, County of Dufferin or municipally referred to as, 513375 2nd Line, Amaranth (the “Property”). The subject property is located on the 2nd Line, North of 5th Sideroad. The area of the property is approximately 40.9 hectares (101 acres) with approximately 511.31 meters of frontage onto the 2nd Line. The owner is proposing to create a new rural lot that would be 0.60 hectares in area.

Analysis

The Subject Property currently contains a single detached dwelling with attached garage, a barn, and a detached garage. The property is located within the regulated area of the Nottawasaga Valley Conservation Authority. The Subject Property is designated Rural (RU) and Environmental Protection (EP) in the Township Official Plan (2005), and zoned Rural (RU) and Environmental Protection (EP) in the Township Zoning By-Law (2009). The Subject Property is designated “Rural” in the currently in-effect County Official Plan. The subject lands are designated as “Prime Agricultural”, as per council adopted Amendment No. 3 of the County of Dufferin Official Plan (By-law 2023-43).

Provincial Policy Statement (PPS)

The 2020 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development and is relevant to the proposed application. All land use planning decisions shall be consistent with the PPS in accordance with Section 3 of the Planning Act.

According to the PPS, residential development including lot creation that is locally appropriate is a permitted use. Section 1.1.5.8 of the PPS also states the new land uses including the creation of lots shall comply with the minimum distance separation formulae.

The proposed severance is located within the rural area of the Township surrounded by large rural lots used primarily for agricultural uses. Lot creation is a permitted use within the Rural Lands. Therefore, the proposed applications are consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe states that new lots for residential development area to be directed to settlement areas but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permits this type of development. A further analysis of the Township of Amaranth Official Plan policies is provided below.

County of Dufferin Official Plan

The subject land is designated Rural under the currently in-effect County Official Plan (2015). Limited residential development, which includes no more than three new lots or units is a permitted use in the rural lands. All farm and non-farm development including lot creation are to comply with the Minimum Distance Separation Formulae. As per section 8.6.4 of the County of Dufferin Official Plan, applications to create lots will be in accordance with the policies contained in the local municipal official plan which are required to be in conformity with the policies in the County Official Plan.

The subject land is designated as Prime Agricultural as per council adopted Amendment No. 3 of the County of Dufferin Official Plan (By-law 2023-43). The creation of new residential lots in lands designated as Prime Agricultural is not permitted. New residential lots are only permitted for the creation of a residence surplus to a farming operation. This amendment of the Official Plan is currently not in full in-effect.

Township of Amaranth Official Plan

The property is designated Rural and Environmental Protection in the Township Official Plan (2005). According to Section 3.2.4(a) of the Township Official Plan, new lots may be created within the Rural designation to a maximum of three severances from any original Township lot of approximately 40 hectares provided that the severed and retained lots are of a sufficient size to be sustainable on the appropriate water and sewage system, generally 1.0 hectares or larger.

The subject property (97.98 acres) was subject to a previous consent back in 1988 (File No. B8-88) and is identified on the sketch as PIN 34046-0102.

The Application also needs to conform with Section 4.2.4 of the Official Plan that contains the following policies:

- a) Ribbon or strip development shall not be permitted.
- b) The size and configuration of new lots shall be subject to the requirements of the Official plan and implementing Zoning By-law.
- c) New lots created by consent must satisfy other applicable requirements of this Plan and the following criteria:
 - a. The location, design, size, and density of lots shall retain the open rural landscape and protect natural features.
 - b. The design is in harmony with the natural heritage features, neighbouring development,

- and the landscape.
- c. Building lots created by consent shall have safe and adequate access and shall front onto a public road that meets current standards of construction and is maintained all year around.
 - d. New Lots will not be permitted on lands containing physical constraints to development such as poor drainage, flood susceptibility, steep slopes or any other physical condition that may jeopardize public health and safety.

Section 4.2.10 of the Official Plan states that the new development must be compatible with surrounding land uses. The lands adjacent to the proposed severed lots are also designated Rural in the Official Plan.

The proposed lot to be severed has been configured in size to maintain the rural landscape in the area. Overall, the proposed application has demonstrated conformity with the Official Plan policies subject to the conditions of approval being satisfied.

Township of Amaranth Zoning By-law

The property is zoned Rural in the Township of Amaranth Zoning By-law. The lot regulations for Rural (Residential) are as follows:

Regulation (Rural Residential)	Required	Severed	Compliance
Min. Lot Area	0.6 ha	0.6 ha	Yes
Min. Lot Frontage	60 m	69.40 m	Yes

Regulation (Rural)	Required	Retained	Compliance
Min. Lot Area	10.0 ha	40.293 ha	Yes
Min. Lot Frontage	100 m	443.91 m	Yes

The lot area and frontages of the proposed severed and retained lots meet the zoning requirements of the Rural (RU) zone.

As per Section 3.25.1 of the Township Zoning By-law, the proposed lot needs to comply with the Minimum Distance Separation (MDS) requirements.

Consultation

The required notification for the Consent has been completed in accordance with the *Planning Act*. The following public comments were received at the public meeting on April 17, 2024.

- No comments were received at the public meeting.
- Legal Counsel for the Applicant, Patrick White, was present at the meeting for comments and questions.
- Council discussed the septic condition required by the County of Dufferin and if it should be added as a condition to the severance or if this should fall under the application for the building permit.

Recommendation

It is recommended that Council grant conditional approval of Consent Applications B04-2024 subject to the following:

- That the Owner pay all taxes in full.
- That the Owner provide a copy of the registered Reference Plan in digital and paper formats for the severed and retained parcels
- That the Owner successfully complete an MDS 1 setback analysis for the retained parcel
- That the Owner obtain entrance approval for the retained parcel from the appropriate road authority
- That the Owner convey road widenings (severed and retained parcels) to the appropriate road authority
- That the Owner pay the parkland dedication fee
- That any road widenings, survey costs, legal costs and other transactions pertaining to this application shall be borne by the applicant.
- That all conditions be fulfilled within two years of the date of notice of decision where failure to do so will cause the application to be null and void.

Respectfully Submitted,

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