



MEMO TO COUNCIL 2024-024

TO: Mayor Gerrits and Members of Council

FROM: Valerie Schmidt, Consulting Township Planner

DATE: June 12, 2024

SUBJECT: Application for Consent (B05-2024)

Purpose

The purpose of this report is to provide a detailed planning analysis for a Consent Application that has been submitted by Chris Corosky (the “Applicant”) on behalf of the Owners, Michael & Ida Madronich. The Consent Application is proposing to create a new rural lot from the property legally known as Concession 7, Part of Lot 3, Township of Amaranth, County of Dufferin or municipally referred to as 333128 7th Line, Amaranth (the “Subject Property”). The Subject Property is approximately 8.0 hectares (19.8 acres) in area with 134 metres of frontage onto 7th Line. The proposed severed lot is approximately 0.78 hectares in area with 60 metres of frontage onto 7th Line. The retained parcel is approximately 7.2 hectares with 74 metres of frontage onto 7th Line.

Analysis

The Subject Property is located on the 7th Line, just North of County Road 109. There is a former Canadian National Railway (“**CNR**”) right-of-way situated immediately north of the Subject Property that has been acquired by an adjacent landowner. The Subject Property is currently vacant and partially located within the regulated area of the Grand River Conservation Authority. The Subject Property is designated Rural (RU) and Environmental Protection (EP) in the Township Official Plan, and zoned Rural (RU) and Environmental Protection (EP) in the Township Zoning By-Law. 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 Subject Property is designated Rural and Environmental Protection in the Township Official Plan (2005). The front portion of the Subject Property that fronts onto 7th Line is designated as Rural, with the balance of the site designated as Environmental Protection. The proposed severed parcel is located entirely within the Rural designation and located more than 120 metres from the wetland identified on the Subject Property and outside of the regulated area of the GRCA.

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 is located on Part of Lot 3, Concession 7 in the Township of Amaranth. The original parcel has been severed previously to create two rural lots, as well as the dedication for the CNR right-of-way. The former right-of-way for CNR would not be considered a residential lot in the context of Section 3.2.4(a) of the Township Official Plan. Therefore, as per the Township Official, a third severance would still be permitted.

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 the surrounding land uses. The lands adjacent to the proposed severed lot 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 and is adequately setback from any environmental features. Both the severed and retained lot will front onto 7th line. New entrances will be required for the retained and severed parcels. The entrance permit for the driveway access will be a condition of the consent and subject to the satisfaction of the Township.

Township of Amaranth Zoning By-law

The proposed severed parcel is located within the Rural zone according to the Township of Amaranth Zoning By-law. The lot regulations for Rural (Residential) are as follows:

Regulation (Rural Residential)	Required	Severed	Retained	Compliance
Min. Lot Area	0.6 ha	0.78 ha	7.2 ha	Yes
Min. Lot Frontage	60 m	60 m	74 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 severed and retained parcels need to comply with the Minimum Distance Separation (MDS) requirements. MDS forms were retained from owners of three farms in the area within approximately 500 metres of the Subject Property. The Minimum Distance Separation was calculated with assumptions of possible livestock in two of the barns identified at 333150 7th Line and 333147 7th Line. There is a barn located at 333099

7th Line where horses, sheep, chicken and red deer are present. Based on the information from neighbouring property owners that includes assumptions and factual information, an MDS setback of 173 metres was calculated. When applied, this setback does infringe slightly onto the proposed severed lot with respect to the barn located at 333150 7th Line (where no livestock are present). The MDS arc infringes approximately 15 metres toward the rear of the proposed severed parcel. The intent of the MDS is to minimize any odour impacts from livestock operations and protect agricultural land for agricultural uses. As per Implementation #7 of the Provincial MDS Document, MDS 1 setbacks are required for building permit applications. Any future dwelling will need to be situated outside of the MDS setback. Based on the slight infringement of the MDS setback onto the proposed severed parcel, it is our opinion that a future dwelling can still be accommodated given the size of the severed parcel. There is adequate space to construct a residential dwelling outside of the MDS setback and not pose an issue of concern to the existing barns in the area.

In response to comments received at the public meeting, MDS 1 setbacks are not required for any unoccupied livestock barns, when:

- *The building has been deemed by a municipal building official, with input from a professional engineering or a consultant knowledgeable about livestock facilities where appropriate, as being not structurally sound nor reasonable capable of housing livestock; or*
- *The portion of the lot on which the unoccupied livestock barn is located is zoned such that livestock facilities are not permitted; or*
- *The floor area of the unoccupied livestock barn is <100 square metres.*

As stated above, all barns included in the calculated MDS setback included assumptions and factual information based on the number of livestock that could or are being occupied in the barns. None of the barns were deemed unoccupied livestock barns.

The Subject Property currently contains a fence that separates the Subject Property from the former CNR right-of-way. There is evidence that the fence still exists in the area and is covered by vegetation that primarily consists of cedar. The existing vegetation provides a natural buffer/barrier between the former CNR right-of-way and adjacent property at 333150 7th Line.

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 May 15, 2024.

- Alexia Meli, an adjacent landowner, discussed fencing along the property line and the location of the driveway entrance for the severed lot.
- Joanne Ison, an adjacent landowner, was present to discuss the MDS setbacks from her barn and the implications if the barn housed livestock in the future. She inquired on the effect of the ponds on her property and the grading of the proposed severance.
- Jane Riseborough was present to discuss the MDS calculations from the barns in the area.

Recommendation

It is recommended that Council grant conditional approval of Consent Applications B05-2024 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 obtain entrance approval for the retained and severed 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 the Owner provide an approved letter of lot suitability for the severed and retained lots for the installation of a sewage system by the County of Dufferin Building Department.
- 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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Consulting Township Planner

Ashley Harris
Planning Coordinator