



REPORT TO COUNCIL 2025-019

TO: Mayor Gerrits and Members of Council
FROM: Valerie Schmidt, Consulting Township Planner
DATE: February 19, 2025
SUBJECT: Application for Consent (B07-2024)

Purpose

An application for Consent has been submitted by Chris Corosky of Van Harten Surveying Inc. (the “Applicant”) on behalf of Anil Neebar and Leeann Arjoon (the “Owners”) to create a new lot on the property legally known as Part Lot 13, Con 7 being Part 1, 7R-476 or municipally referred to as 294153 8th Line, Township of Amaranth (the “Subject Property”). The Subject Property is approximately 16.17 hectares (39.96 acres) with 252.10 metres of frontage onto 8th Line.

The purpose and effect of the application is to create one new rural lot for residential purposes as outlined in the table below.

Application	Severed Area	Severed Frontage	Retained Area	Retained Frontage
B07-2024 Severance	0.82 ha	74 m	15.2 ha	178 m

Location and Site Description

The Subject Property is located on the east side of 8th Line and is north of Dufferin County Road 10 and south of Sideroad 15. There is an existing dwelling proposed to be demolished and re-constructed on the western portion of the property. The Subject Property is partially within the natural heritage system at the rear of the lot, as illustrated on the Ministry of Natural Resources Natural Heritage Areas Mapping. Aerial imagery of the site indicates a portion of the Subject Property and adjacent parcels are currently being used for farming purposes. The Subject Property is partially located within the regulated area of the Grand River Conservation Authority (GRCA). According to the GRCA mapping, there is a regulated watercourse (Willow Brook), slope valley and associated floodplain identified.

The Subject Property is designated as Prime Agricultural Areas on Schedule C and, in part, County

Preliminary Natural Heritage System on Schedule E1 of the County of Dufferin Official Plan. The Prime Agricultural Areas designation permits one single residential dwelling per lot. Section 5.2 of the County Official Plan describes that the Preliminary Natural Heritage System includes “watercourses, and associated flooding hazards, steep slopes, unstable soils and erosion hazards, which establish linkages between the natural heritage features and areas” and directs that the County and local municipalities will encourage the creation of a linked Natural Heritage System Strategy (NHSS) through the integration of various features and land areas.

The Subject Property is designated as “Rural” and “Environmental Protection” on Schedule A of the Township of Amaranth Official Plan. Single detached residential uses are permitted within the Rural designation. The Environmental Protection designation does not permit new residential buildings and structures.

The Subject Property is zoned “Rural (RU)” and “Environmental Protection (EP)” in the Township of Amaranth Zoning By-law. The Rural (RU) Zone permits single detached dwellings. No new residential buildings or structures are permitted within the Environmental Protection (EP) Zone.

Planning Policy Analysis

Provincial Planning Statement, 2024

The 2024 Provincial Planning Statement (the “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*.

The Subject Property is predominantly surrounded by lots used for agricultural operations. Section 4.3 of the PPS sets out policies for the agricultural land base. Policy 4.3.1.2 states that prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use. Policy 4.3.1.3 states that 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.

The PPS defines prime agricultural land as specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands. Based on this definition, the Subject Property is identified as a prime agricultural area but is not categorized as specialty crop areas per the Ministry of Agriculture, Food and Agribusiness, and Ministry of Rural Affairs Land and Climate Base mapping. The Subject Property is classified as Class 1 and Class 2 on the Canada Land Inventory (CLI) which indicates the degree of limitation for land capability for agricultural use. Class 1 soils have no significant limitations in use for crops whereas Class 2 soils have moderate limitations that may restrict the range of crops or require moderate conservation practices. As such, the Subject Lands have a high capability for agriculture.

With respect to lot creation in prime agricultural areas, compliance with the minimum distance separation formulae is required per Policy 4.3.2.3. Policy 4.3.3.1 provides that lot creation of new residential lots is discouraged and may only be permitted for the creation of a residence surplus to a farming operation. Impacts from non-agricultural uses on the agricultural system are to be avoided, minimized and mitigated as demonstrated through an agricultural impact assessment (Policy 4.3.5.2).

The policies as contained in Section 4.3.3 of the PPS discourages the fragmentation of prime agricultural lands. The policies further state that the creation of new lots may only be permitted in accordance with the following:

- a) Agricultural uses provided the lots are of a size appropriate for the type of agricultural uses(s) common in the area.
- b) Agricultural-related uses provided that any new lot will be limited to a minimal size needed to accommodate the use and appropriate sewage and water services;
- c) One new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that the new lot is limited in size; and the planning authority ensures that new dwellings and additional residential units are prohibited on any remanent parcel of farmland created by the severance.
- d) Infrastructure.

According to the PPS, the Subject Property is identified as prime agricultural land based on the capability for agricultural uses as demonstrated through the CLI soil classifications. Severing the Subject Property would fragment the agricultural land base and negatively impact the viability of agricultural soils in the long term.

Based on the reasons above, it is my opinion that the requested severance is not consistent with the applicable policies of the PPS.

County of Dufferin Official Plan

The County of Dufferin has conducted a Municipal Comprehensive Review (MCR) process to update the County of Dufferin Official Plan. As a part of this process, three Official Plan Amendments were submitted to the Ministry of Municipal Affairs and Housing for approval. On October 9, 2024, the Ministry of Municipal Affairs and Housing approved Official Plan Amendment No. 3 (OPA 3) which introduced new land use designation mapping. The corresponding policies that implement the new mapping are expected to be approved in the near future, so the existing policies remain in-effect.

Through OPA 3 the Subject Property is now designated as Prime Agricultural Areas. The County Official Plan, as it currently stands, implements the direction of the PPS through Section 4.2.5 which establishes policies for lot creation and adjustment in agricultural areas. The policies provide that lot creation in the Agricultural Area will generally be discouraged and only permitted in accordance with provincial policy and policies contained in the local official plan. Policy 4.2.5.b establishes a minimum lot size of 40 hectares (100 acres) for prime agricultural areas. The policies state that new residential lots are not permitted within prime agricultural areas except where a farm acquisition has rendered a residence surplus to a farming operation (Policy 4.2.5.c).

The proposed severance will result in a retained area of 15.2 hectares and a severed area of 0.89 hectares, therefore not adhering to the minimum lot area requirement of 40 hectares in prime agricultural areas. Additionally, the proposed new lot does not constitute a residence surplus to a farming operation but rather establishes a lot for a new non-farm residential dwelling. As such, the purpose of the requested severance is not permissible under the current policies.

In summary, the requested severance does not conform to the applicable policies of the County Official Plan.

Township of Amaranth Official Plan

The property is designated “Rural” and “Environmental Protection” in the Township Official Plan on Schedule A-3. Section 3.2.4 of the Township Official Plan sets out policies that severance applications are assessed against. The relevant policies are provided below.

- a) *a maximum of three severances from any original Township lot of approximately 40 hectares shall be permitted provided that the severed and retained lots are of a sufficient size to be sustainable on the appropriate water and sewage systems, generally 1.0 hectares or larger; and,*
- b) *creating lots of approximately 2 hectares in size within existing clusters of existing lots having frontages of less than 100 metres and areas of 4 hectares to 12 hectares that existed as of the date of adopting this Plan.*

New lots shall reflect the physical characteristics of the land and the lot pattern in the immediate vicinity and shall not adversely affect agricultural uses in the Township. In assessing applications for severance, priority over the application will be given to nearby agricultural operations on lands designated Agricultural under this Plan.

Based on staff’s examination of the parcel fabric, the proposed severance represents the third severance, creating a fourth lot. The proposed severed lot area of 0.82 hectares is undersized as the Official Plan requires severed lots to be generally 1.0 to 2.0 hectares or larger. However, the proposed lot area does comply with the minimum lot size in the Rural zone for residential uses.

Based on the reasons outlined above, the requested severance generally conforms to the applicable policies of the Township Official Plan. It should be noted that the Township of Amaranth Official Plan has not been updated to reflect the new 2024 PPS or the County of Dufferin Official Plan.

Township of Amaranth Zoning By-law

The Subject Property is zoned as “Rural (RU) Zone” and “Environmental Protection (EP) Zone”. Single detached dwellings are permitted within the Rural (RU) Zone. The lot regulations for Rural residential uses are as follows:

Regulation Rural (RU) Zone – Residential Uses	Required	Severed	Retained	Compliance
Min. Lot Area	0.6 ha	0.82 ha	15.2 ha	Yes
Min. Lot Frontage	60 m	74 m	178 m	Yes

Section 3.25.1 of the Township Zoning By-law provides that the proposed lot needs to comply with the Minimum Distance Separation requirements. The lot area and frontages of the proposed severed and retained lots meet the zoning requirements of the Rural (RU) zone.

Minimum Distance Separation calculations were provided by the Applicant based on one farm located within 500 metres of the property. The barn is approximately 270 metres from the nearest point to the proposed severance lot, which is outside the calculated 170 metre MDS setback.

In summary, the proposed severed and retained lot adheres to the requirements of the Rural zone of the Township's Zoning By-law.

Summary

In Summary, Application B07-2024 to create a new rural residential lot is not consistent with the PPS and does not conform to the County of Dufferin Official Plan. The proposed severance is in general conformity with the Township's Official Plan. The Township's Official has not been updated to reflect the new PPS policies or new County of Dufferin Official Plan.

Supporting Documentation

At the time of writing this report, not all comments were received from circulated agencies. The following comments were received.

County of Dufferin (Planning) does not support the application since it does not conform with the consent policies of the Prime Agricultural designation under the County Official Plan.

Burnside Engineering has no concerns or comments.

Township Public Works has no concerns or comments.

The GRCA has no objection to the proposed consent but notes that a portion of the retained lot is within the regulated area and as such any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

The Dufferin-Peel Catholic District School Board has no concerns or comments.

Enbridge Gas has no objection to the proposed consent but states that applicant is to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner.

At this time comments remain outstanding from the following agencies.

County of Dufferin (Public Works and Building), Hydro One, Rogers, Bell, Canada Post, Wellington-Dufferin-Guelph Public Health, Metis Nation of Ontario, Ontario Infrastructure and Lands Corporation, Saugeen Ojibway Nation, Six Nations, Mississauga's of the New Credit First Nation.

Consultation and Communications

The required notification for the Consent has been completed in accordance with the *Planning Act*.

Recommendation

That the Staff Planning Report dated February 14, 2025, for Consent Application B07-2024 for lands municipally known as 294153 8th Line, Township of Amaranth, County of Dufferin, be received as information; and that conditional approval for Consent Application B07-2024 be refused.

Prepared by:

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Township Consulting Planner

Approved By:

Nicole Martin, Dip.M.A
CAO/Clerk