



COMMITTEE OF ADJUSTMENT REPORT

DATE: September 17, 2020

REPORT NO: CA-20-42

TO: To the Chair and Members of the Committee of Adjustment

FROM: Amanda Wyszynski - Planner

APPLICATION TYPE: Consent Application

APPLICATION NO: B28-20-AW

LOCATION: 341 Pleasant Ridge Road, Former Township of Brantford

AGENT / APPLICANT: Snodgrass Consulting

OWNER: Joao Azevedo

SUBJECT: Request for a decision on an application for consent to sever an area of approximately 4.2 hectares (10.4 acres) to facilitate a lot line adjustment and undersized farm with an area of 5.8 hectares (14.3 acres).

RECOMMENDATION

THAT Application for Consent **B28/20/AW** from Snodgrass Consulting on behalf of Joao Azevedo, Owner of lands described as BRANTFORD RANGE 2 WMP PT LOT 5 RP 2R7064 PART 1 REG 3.98AC 410.10FR 439.44D, in the Former Township of Brantford, known as 341 Pleasant Ridge Road, County of Brant, proposing a lot line adjustment with an area of 4.2 hectares (10.4 acres) in order to facilitate an undersized farm and the construction of a poultry broiler barn, **BE APPROVED**, subject to the attached conditions.

THAT the reason(s) for approval are as follows:

- The application is consistent with the policies of the *Provincial Policy Statement* and conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012) and Zoning By-Law 61-16.
- The business synopsis was peer reviewed and the proposal is believed to be a sustainable agricultural operation.

EXECUTIVE SUMMARY / BACKGROUND

Consent Application **B28-20-AW** proposes to sever an area of 4.2 hectares (10.4 acres) from an adjacent parcel, 361 Pleasant Ridge Road, and add to the benefiting parcel known as 341 Pleasant Ridge Road. The applicant is seeking this lot line adjustment in order to build a proposed poultry broiler barn at the rear of the severed lands.

The lands municipally known as 341 Pleasant Ridge Road are the benefiting parcel and have an area of approximately 1.6 hectares (4 acres) and a frontage of approximately 126 metres (413.4 feet). The lands to be severed, has an area of approximately 4.2 hectares (10.4 acres) and intended to match the existing rear lot line of 126 metres (413.4 feet). The retained lands, 361 Pleasant Ridge Road initially had an area of approximately 72.6 hectares (129.4 acres) and is expected to have an area of approximately 68.4 hectares (169.1 acres) and a frontage of approximately 432.6 metres (1,419.3 feet) after the severance is complete. The retained lands will still satisfy the development standards for an agricultural parcel in terms of lot area and lot frontage.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement (2020)*, County of Brant Official Plan (2012), and Zoning By-Law 61-16), consultation with departments, an inspection of the neighbourhood and discussion with the Applicant and Public. This report recommends that the Severance Application be **Approved**.

LOCATION / EXISTING CONDITIONS

The subject lands are located on the west side of Pleasant Ridge Road, west of Mount Pleasant and south of the Pleasant Ridge Road and Burtch Road intersection. The subject lands are located within the Former Township of Brantford and are currently occupied by single detached dwelling and accessory structure (garage). The subject lands are privately serviced.

PEER REVIEW

As part of the severance application, Staff had the Business Synopsis peer reviewed, circulated the Agriculture Advisory Committee and spoke to OMAFRA. Based on the letter provided by the Peer Reviewer, it was their opinion the proposed poultry operation can be considered a sustainable farm operation and is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan and the policies of the County of Brant. This letter has been attached for the Committees reference. The peer reviewer also recommended the following conditions of approval:

- A building permit be obtained and substantial completion of the proposed poultry barn occur on the subject lands before deed endorsement;
- A Nutrient Management Plan/ Strategy by a qualified person be submitted with the building permit to the satisfaction of the County of Brant;
- Written confirmation from the Chicken Farmers of Ontario (or other applicable authority) is provided to the satisfaction of the County of Brant that confirms that poultry quota has been purchased or will be granted to the applicant; and,
- The subject lands remain within the Agricultural zone.

In regards to the condition requiring quota, based on discussions with OMAFRA and the Agent, it is Staff's understanding this condition cannot be satisfied until the land has been added to the benefiting parcel. However, Staff will be requiring the substantial completion of the proposed poultry barn as this condition is permitted by the County of Brant Official Plan and Staff need to ensure the lands are developed as intended in the application.

Staff also circulated the Business Synopsis to OMAFRA and specifically spoke to a Poultry Specialist, Poultry Engineer and Brant's OMAFRA representative. The Poultry Specialist and Poultry Engineer acknowledged the financial paybacks included in the Business Synopsis was

aggressive but it was not unrealistic especially since the applicant has other operational farms. In general, OMAFRA were not opposed to the application and acknowledged that poultry farms and specifically poultry broiler barns did not require large amounts of land and it appears the proposed parcel size was sufficient.

AGRICULTURE ADVISORY COMMITTEE

Staff circulated the Agriculture Advisory Committee and asked for their comments, and specifically asked the following questions:

- Is the proposed undersized chicken broiler farm financially sustainable?
- Is the timing of operations reasonable and realistic?
- Is the projected capital investment and budget needs reasonable and realistic?
- Is future expansion of the operation possible?

Due to the ongoing pandemic, rather than holding a formal Agricultural Advisory Committee meeting in Council Chambers, comments were provided to Staff via email. In general, the Agricultural Advisory Committee members were not opposed to the application. Below are the comments received from the Agriculture Advisory Committee Members.

- “Undecided without more discussion or meeting.”
- “Tough to know if it will be financially viable but the peer reviewer seemed to think so.”
- “Given the OMAFRA info I would be inclined to approve this proposal. While expansion space is limited and MDS could be an issue at that point, I assume any expansion would be subject to this same approval process and would be dealt with and potentially denied at that time. Financial viability evaluation I would leave to broiler farming experts.”
- I hope the financials and juniors experience make a go of it. What happens if chicken enterprise goes bust? If these guys don’t make it financially, will they be under county rules to sell as chicken operation or is it a big country lot with vacant barn? Everything has to be trucked in and out - livestock, feed, manure with adequate acreage. Are there already comparable small lot chicken, egg operations in the county? Will County limit future expansion due to lot size or MDS calculations? Has the County actually talked to OMAFRA?
- “In my opinion, based on the details provided, I believe the proposal is financially sustainable. The timing of operations, and projected capital investment and budget needs seem reasonable. I'm just not sure whether future expansion of the operation is possible, due to the smaller farm size.”

REPORT

Planning Act

Section 51(24) of the *Planning Act* sets out criteria to be considered when reviewing consent applications.

Consistency and/or Conformity with Provincial and/or Municipal Policies/Plans

Provincial Policy Statement – 2020

Section 1.1.4.1 of the PPS speaks to healthy, integrated and viable rural areas being supported by:

- a) Building upon rural character, and leveraging rural amenities and assets;
- d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- i) Providing opportunities for economic activities in prime agricultural areas in accordance with policy 2.3.

Section 1.1.5.2 (d) of the PPS describes how agricultural uses, agriculture related uses, on farm diversified uses and normal farm practices, in accordance with provincial standards are permitted on rural lands.

Section 1.1.5.8 of the PPS requires new land uses, including the creation of new lots, and new or expanding livestock facilities to comply with the minimum distance separation formulae.

Section 2.3.1 of the PPS describes how prime agricultural areas shall be protected for long term use for agriculture.

Section 2.3.3.1 of the PPS describes how permitted uses in prime agricultural areas are agricultural uses, agriculture related uses and on farm diversified uses. This policy further describes how proposed agricultural related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

Section 2.3.3.2 of the PPS encourages all types, sizes and intensities of agricultural uses and normal farm practices in prime agricultural areas.

Section 2.3.3.3 of the PPS requires new land uses in prime agricultural areas, including the creation of new lots and new or expanding livestock facilities to comply with the minimum distance separation formulae.

Section 2.3.4.1 of the PPS describes how the creation of new lots in prime agricultural areas is discouraged, and may only be permitted 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;
- b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

Section 2.3.4.2 of the PPS describes how lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Section 2.3.4.3 of the PPS describes how the creation of new residential lots in prime agricultural areas shall not be permitted except in accordance with policy 2.3.4.1(c).

Section 6.0 of the PPS defines legal or technical reasons as:

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

This application is consistent with the Provincial Policy Statement (2020) for the following reasons:

- ***The subject lands are located designated as Agriculture and are an existing lot of record.***
- ***The applicant is proposing a lot line adjustment with an adjacent farm to allow for an existing lot of record to be used for agricultural purposes.***
- ***The land to be severed from the adjacent farm is approximately 4.2 hectares (10.3 acres) which represents only 5.8% of the existing farm parcel, meaning the lot line adjustment is minor in nature.***
- ***No new residential building lots will be created.***
- ***The proposed chicken broiler satisfies MDS.***

Growth Plan for the Greater Golden Horseshoe 2019

Section 1.2.1 of the Growth Plan describes how a guiding principle of the Growth Plan is to support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.

Section 4.2.6.1 of the Growth Plan describes how prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.

Section 4.2.6.4 of the Growth Plan encourages the continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.

Section 4.2.6.5 of the Growth Plan speaks to the retention of existing lots of record for agricultural uses and the use of these lots for non-agricultural uses is discouraged.

This application is in conformity with the Growth Plan for the Greater Golden Horseshoe (2019) for the following reasons:

- ***The subject lands are designated Agriculture within the County of Brant Official Plan.***
- ***The applicant is not creating a new lot, rather they are seeking a lot line adjustment to enlarge an existing lot of record for the purpose of farming, and specifically a chicken broiler.***
- ***The applicant was able to demonstrate compliance with MDS and will not impact surrounding properties.***

The Minimum Distance Separation Formulae (MDS) Document (2016)

The MDS Document is intended to provide technical guidance for implementing the MDS Formula and Implementation Guidelines as required in the PPS and other provincial plans. In accordance with the PPS, new land uses in prime agricultural areas and on rural lands shall comply with the Minimum Distance Separation Formulae.

“Type A” calculations are used for calculating the minimum MDS distance between two parcels that are both designated Agriculture. “Type B” calculations are required for calculating the minimum MDS distance between an Agricultural designation and any other designation. “MDS 1” calculations are required when calculating the minimum distance between an existing livestock facility and a new parcel. Staff required an “MDS 2 Type A” calculation, which was

submitted by the applicant, as “MDS 2” calculations are required for the creation of a new livestock facility.

Guideline #2 of MDS requires MDS 2 setback distances be met prior to the approval of the building permit application for a first or altered livestock facility occupying an area greater than 10 square metres (107.6 square feet) or any anaerobic digester.

Guidelines #33 of the MDS speaks to Type A Land Uses and how they are less sensitive. Specifically, this guideline describes how an MDS 2 Type A land use is characterized by a lower density of human occupancy, habitation or activity including dwellings on lots which are located outside of a settlement area and are not recognized through an official plan designation for development; including dwellings that are located on lots zoned for agricultural uses, residential uses or non-agricultural uses (such as zones for general agriculture, rural residential, estate residential, etc...) provided the lot remains in a prime agricultural area or rural lands type designation.

This application complies with the Minimum Distance Separation (MDS) for the following reasons:

- ***The applicant provided an “MDS2 Type A” calculation which required a minimum distance of 163 metres (534.8 feet) from the closest dwelling on a separate lot.***
- ***An “MDS 2” calculation was required as the applicant is proposing a new livestock facility.***
- ***A “Type A” calculation was required as surrounding lands are designated as Agriculture.***
- ***The “MDS 2 Type A” calculation required a minimum distance of 162 metres (534.8 feet) and the proposed chicken broiler is outside of the required minimum distance based on the proposed concept plan submitted to the County.***

Brant County Official Plan (2012)

The subject lands are designated Agricultural in the County of Brant Official Plan (OP). The intent of the Agricultural designation is to ensure that prime agricultural land and the agricultural activities and lifestyle of the County of Brant are protected and have the opportunity to flourish. The purpose of the County’s land use policies for the Agriculture designation is to encourage and promote agricultural land for agricultural activities. Provincial policy requires that agricultural land be protected for agricultural uses unless appropriate justification is provided for alternative uses.

Section 1.11.2.6.2(a) of the County of Brant Official Plan recognizes the agricultural industry as an important component of the County’s economic base and as a contributor to the County’s rural character.

Section 1.11.2.6.2(b) of the County of Brant Official Plan speaks to protecting the County’s prime agricultural area for long term agricultural purposes.

Section 1.11.2.6.2(c) of the County of Brant Official Plan speaks to protecting the right to farm based on normal farm practices.

Section 1.11.2.6.2(e) of the County of Brant Official Plan restricts the creation of new residential lots and other non-farm development in the County’s Agricultural areas.

Section 1.11.2.6.2(i) of the County of Brant Official Plan requires the development of urban and nonfarm-related land uses to the County's Primary and Secondary Urban Settlement Areas and Hamlets and Villages, or areas specifically intended for the proposed land use, in order to protect the long-term operation and economic role of agriculture.

Section 1.11.2.6.2(k) of the County of Brant Official Plan speaks to permitting farming operations that will help the County as a whole adjust to changing economic and technological conditions.

Section 3.3.1(a) of the County of Brant Official Plan describes how the primary form and predominant use of land in the Agriculture designation shall include all types of farming and normal farm practices, including the growing of crops, the raising of livestock and other animals for food, fur, or fibre; associated on-farm buildings and structures, including accommodation for associated full-time farm labour as required based on the size and nature of the operation; agricultural research operations; uses connected with the conservation of water, soil, wildlife and other natural resources; and resource extraction and resource-based uses.

Section 3.3.1(c) of the County of Brant Official Plan describes how in general, one residential dwelling unit shall be permitted per lot on lands designated as Agriculture.

Section 3.3.2.1(a) of the County of Brant Official Plan speaks to Minimum Distance Separation (MDS) Formulae be used to establish appropriate standards for separating proposed uses from existing livestock facilities (MDS I) and for applying appropriate standards for the separation of new or expanding livestock facilities from existing adjacent uses (MDS II). The County Zoning Bylaw shall establish separation distances between livestock operations (to be defined within the By-Law) and non-agricultural land uses in accordance with the Minimum Distance Separation Formulae.

Section 3.3.2.2(a) of the County of Brant Official Plan describes how the minimum lot size within the Agriculture designation for newly created lots shall be 40 hectares (98.8 acres) except as otherwise permitted by the Official Plan.

Section 3.3.2.2(b) of the County of Brant Official Plan speaks to specialty farm operations and greenhouse operations may be established on existing smaller lots of record subject to appropriate conditions as set out by the County and/or a justification of the agricultural viability of the farm unit. Viability shall be to the satisfaction of the County after considering if it is appropriate for the type of agricultural use, appropriate and common for the type of agriculture in the area and allow for flexibility for other types of agricultural uses.

Section 6.8.2.1(a) of the County of Brant Official Plan speaks to consents for the diversion of land in the Agriculture designation being discouraged. No consent shall be allowed within the Agriculture designation which may have the effect of creating lots that are not primarily related to agriculture, or agriculture-related commercial/industrial, or as specified by this Plan.

Section 6.8.2.1(b) of the County of Brant Official Plan speaks to consent applications being denied for the following reasons:

- i. the lot does not front on a public road;
- ii. the lot is situated in an area where the County of Brant (or its designated agent) believes is unsuitable for sanitary services;

- iii. the lot is entirely contained within the Natural Heritage System designation or Provincially significant woodlands; or
- iv. the lot is entirely contained within an area identified as a primary aggregate resource area.

Section 6.8.2.1(c) of the County of Brant Official Plan speaks to consents being granted, subject to restrictions for the following:

- i. consents may also be permitted for legal or technical reasons, including severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments. In the case where the minor boundary adjustment is for the purposes of conveying land to an existing non-farm use, only the minimum amount of land required for the enlargement shall be conveyed and reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.). In all cases, the granting of such a consent shall not be permitted if it results in the creation of a new lot.
- ii. consents may be granted to create a smaller farm parcel size than the 40 hectare minimum lot size outlined above if the proposed farm unit is a sustainable agricultural operation. The Ministry of Agriculture Food and Rural Affairs may be consulted in this evaluation, or a peer review may be required. The Minimum Distance Separation Formulae shall also be met. Certain conditions may also be imposed by the Committee of Adjustment to ensure that the proposed use is developed as described in the application. Such conditions could include the requirement that the agricultural buildings be substantially completed prior to the stamping of the deed and /or the construction of any residential unit or the requirement of certain environmental enhancement features such as topsoil preservation, water quality restriction, etc.

This application conforms to the County of Brant Official Plan (2012) for the following reasons:

- ***The subject lands are designated as Agriculture which encourages agricultural activities. The County of Brant Official Plan specifically states the County practices the right to farm.***
- ***The applicant was able to satisfy the minimum MDS distance.***
- ***Section 6.8.2.1(c)(ii) of the Official Plan allows for the creation of undersized farms if the farm is considered to be a sustainable agricultural operation. The County required a Business Synopsis which was peer reviewed and commented on by the Agricultural Advisory Committee. The Agricultural Advisory Committee was in general not opposed to the application. It was the peer reviewer's opinion the proposed chicken broiler was a sustainable agricultural operation and recommended conditions of approval, which are included in the decision should the application be approved by the Committee of Adjustment.***
- ***Section 6.8.2.1(c)(ii) of the Official Plan allows for the Committee to implement conditions that could include the requirement that the agricultural buildings be substantially completed prior to the stamping of the deed. This is one of the conditions implemented by the Committee of Adjustment. It is Staff's opinion this condition is appropriate and will ensure the subject lands are developed as intended.***

Zoning By-Law 61-16

The subject lands are zoned as Agriculture (A) within the County of Brant Zoning By-Law 61-16.

Section 6.1 of the County of Brant Zoning By-Law speaks to permitted uses on lands zoned as Agriculture (A). Permitted uses include but are not limited to the following:

- Agricultural Use;
- Aviary;
- Dwelling, Single Detached;
- Farm Labour Housing;
- Farm Production Outlet;
- Forestry Uses excluding any establishments that either process forestry products or sell process forestry products such as lumber mills;
- Farm Greenhouse;
- Livestock Facility; and,
- Shipping Container in accordance with Section 4.35.

Section 6.2 of the County of Brant Zoning By-Law speaks to the required development standards for lands zoned as Agriculture. See chart below for analysis of development standards.

Development Standards	Required	Retained	Severed
Lot area – minimum (ha)	40ha	68.4ha	5.8ha – seeking site specific zoning provision
Lot frontage – minimum (m)	150m	432.6m	126m – seeking site specific zoning provision
Street setback – dwelling - minimum (m)	10m	57.5m	14.6m
Interior Side Yard Setback, minimum (m) - Dwelling	4m	152.1m	17m
Interior Side Yard Setback, minimum (m) – Farm Structure	15m	118.1m	16m
Rear Yard Setback, minimum (m) - Dwelling	10m	1,260.4m	422m

Rear Yard Setback, minimum (m) – Farm Structure	15m	1,211.8m	16m
Lot Coverage, maximum	30%	1%	1%

Staff note a Rezoning Application is required for the severed lands to recognize the undersized farm parcel and deficient lot frontage and will be a condition of approval.

This application conforms to the County of Brant Zoning By-Law 61-16 for the following reasons:

- ***The subject lands are zoned Agriculture which permits agricultural uses, such as the proposed chicken broiler.***
- ***The applicant will be required to seek a site specific rezoning to allow for an undersized farm parcel and to allow for a reduced lot frontage.***
- ***The subject lands had an existing lot frontage of 126 metres and the lands to be severed will be added to the rear of the existing parcel.***
- ***The retained lands satisfy all development standards.***
- ***The applicant is not creating a new lot, rather they sought a lot line adjustment to enlarge an existing lot of record to build a chicken broiler at the rear of the property.***
- ***The proposed location of the chicken broiler satisfies the development standards and was able to comply with MDS.***

INTERDEPARTMENTAL CONSIDERATIONS

Building Division:

- No comment.

Development Engineering:

- If a new Entrance is required, then a Public Works Permit will be required
- The existing Lot (Part 1, 2R-7064) (attached) has a frontage of 125.0m NOT 126.0m as shown on the sketch submitted with the Application.
- A Site Alteration Permit may be required under the County By-Law 130-17 for any fill being brought to or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval.
- Through the Building Permit, the following will be required to be submitted: Sedimentation & Erosion Control Plan, and a Lot Grading Plan.

Bell Canada:

- No comment.

Energy Plus:

- The Applicant/Owner will be required to satisfy the conditions noted in the severance application prior to construction.
- If relocation or upgrade of existing hydro plant is required as a result of this Application the Applicant will be responsible for 100% cost. As per Energy+ Inc's Current Conditions of Service, only one service per property is permitted. Early consultation with Energy+ Inc's Service Co ordinator is recommended.

- The Applicant maybe required to provide a Legal Survey showing all existing dwellings, existing lot lines, existing equipment, proposed dwellings, proposed lot lines, proposed equipment and existing easements at 100 % cost. The Legal Survey would need to include dimensions.
- If easements are required as a result of this Application the Applicant will be responsible for 100% cost.

Union Gas:

- Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance.
- Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

The following departments/agencies did not provide any comments with regard to this application:

- Fire
- Real Estate
- Water Division
- Six Nation/New Credit

PUBLIC CONSIDERATIONS

8 notices were mailed on August 31, 2020.

At the time of writing this report, no public comments have been received.

CONCLUSIONS AND RECOMMENDATIONS

The Applicant is proposing to sever an area of 4.2 hectares (10.4 acres) from an adjacent parcel, 361 Pleasant Ridge Road, and add to the benefiting parcel known as 341 Pleasant Ridge Road. The applicant sought this lot line adjustment in order to build a proposed poultry broiler barn at the rear of the severed lands. The applicant will be required to rezone the severed lands to recognize a specialized farm parcel of 5.8 hectares (14.3 acres) which is smaller than the required 40 hectares (98.8 acres) for an agricultural parcel and to recognize a deficient lot frontage of approximately 126 metres (413.4 feet) as a minimum of 150 metres (492.1 feet) is required.

As part of the lot line adjustment application, Staff circulated the proposal and business synopsis to the Agricultural Advisory Committee. In general the Agricultural Advisory Committee were not opposed to the application. Staff had the business synopsis and proposal reviewed by a Peer Reviewer which concluded the proposed poultry broiler barn satisfied County of Brant Official Plan policy 6.8.2.1(c)(ii) as it was a sustainable agricultural operation. Furthermore, Staff spoke with a Poultry Specialist, Poultry Engineer and Brant's OMAFRA representative. The Poultry Specialist and Poultry Engineer acknowledged the financial

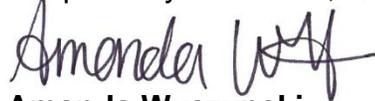
paybacks included in the Business Synopsis was aggressive but it was not unrealistic especially since the applicant has other operational farms. In general OMAFRA were not opposed to the application and acknowledged that poultry farms and specifically poultry broiler barns did not require large amounts of land and it appears the proposed parcel size was sufficient.

Staff have included the appropriate conditions of approval in the lot line adjustment to ensure the subject lands develop as intended, which include the following conditions recommended by the peer reviewer:

- A building permit be obtained and substantial completion of the proposed poultry barn occur on the subject lands before deed endorsement;
- A Nutrient Management Plan/ Strategy by a qualified person be submitted with the building permit to the satisfaction of the County of Brant;
- Written confirmation from the Chicken Farmers of Ontario (or other applicable authority) is provided to the satisfaction of the County of Brant that confirms that poultry quota has been purchased or will be granted to the applicant; and,
- The subject lands remain within the Agricultural zone.

Staff are supportive of the consent application as it is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan for the Greater Golden Horseshoe, in conformity with the County of Brant Official Plan (2012) and conforms with the County of Brant Zoning By-Law 61-16. Furthermore, the Agricultural Advisory Committee was not opposed to the application and the Peer Reviewer determined the proposal was a sustainable agricultural operation in their opinion. Staff have included the appropriate conditions and are recommending approval of the application.

Respectfully submitted,



Amanda Wyszynski

Planner / Secretary-Treasurer, Committee of Adjustment

Reviewed By: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3, Director of Planning

ATTACHMENTS

1. Conditions of Approval
2. Aerial Photo and Official Plan Mapping
3. Comments
4. Drawings
5. Circulation Notice

COPY TO

1. Mat Vaughan, Director of Planning
2. Applicant/Agent

FILE # B28-20-AW

In adopting this report, is a bylaw or agreement required?

By-Law required (No)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

LIST OF CONDITIONS - COMMITTEE OF ADJUSTMENT

1. Proof that taxes have been paid up-to-date on the subject property to the County of Brant.
2. The severed lands are rezoned by the Applicant to recognize the undersized farm parcel and deficient lot frontage to the satisfaction of the County of Brant and that any associated appeal periods have passed and filed, without appeal.
3. That a building permit be obtained and substantial completion of the proposed poultry barn occur on the subject lands before deed endorsement.
4. That a Nutrient Management Plan/ Strategy by a qualified person be submitted with the building permit to the satisfaction of the County of Brant.
5. That the lands municipally known as 341 Pleasant Ridge Road remain within the Agricultural zone.
6. That the comments of Development Engineering are understood and agreed to, specifically:
 - If a new Entrance is required, then a Public Works Permit will be required
 - The existing Lot (Part 1, 2R-7064) (attached) has a frontage of 125.0m NOT 126.0m as shown on the sketch submitted with the Application.
 - A Site Alteration Permit may be required under the County By-Law 130-17 for any fill being brought to or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval.
 - Through the Building Permit, the following will be required to be submitted: Sedimentation & Erosion Control Plan, and a Lot Grading Plan
7. That the Applicant provides a copy of the draft reference plan for the severed parcels, including the location of the existing buildings by a licensed surveyor, prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
8. That the Applicant provide draft transfer documents with legal descriptions of the severed lands utilizing an existing reference plan or new reference plan (if required) prior to the finalization of the Consent (i.e. registration of the deed in the appropriate Registry Office).
9. That the comments of Energy Plus are understood and agreed to, specifically:
 - The Applicant/Owner will be required to satisfy the conditions noted in the severance application prior to construction.
 - If relocation or upgrade of existing hydro plant is required as a result of this Application the Applicant will be responsible for 100% cost. As per Energy+ Inc's Current Conditions of Service, only one service per property is permitted. Early consultation with Energy+ Inc's Service Co ordinator is recommended.

- The Applicant maybe required to provide a Legal Survey showing all existing dwellings, existing lot lines, existing equipment, proposed dwellings, proposed lot lines, proposed equipment and existing easements at 100 % cost. The Legal Survey would need to include dimensions.
- If easements are required as a result of this Application the Applicant will be responsible for 100% cost.

10. That the comments of the Union Gas Limited are understood and agreed to, specifically:

- Union Gas does have service lines running within the area which may or may not be affected by the proposed severance.
- Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

11. That Subsection 50 (3) of the Planning Act apply to any subsequent conveyance of or transaction involving the parcels of land that is the subject of this consent.

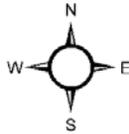
12. That the current \$308 Deed Stamping Fee be paid to the County of Brant for each lot, prior to the release of the executed Certificate of Official.

13. That the above conditions must be fulfilled and the Document for Conveyance be presented to the Consent Authority for stamping within one year of the date of the written decision, sent by the Secretary-Treasurer pursuant to Section 53(17) of the Planning Act, R.S.O. 1990, otherwise the approval shall lapse.

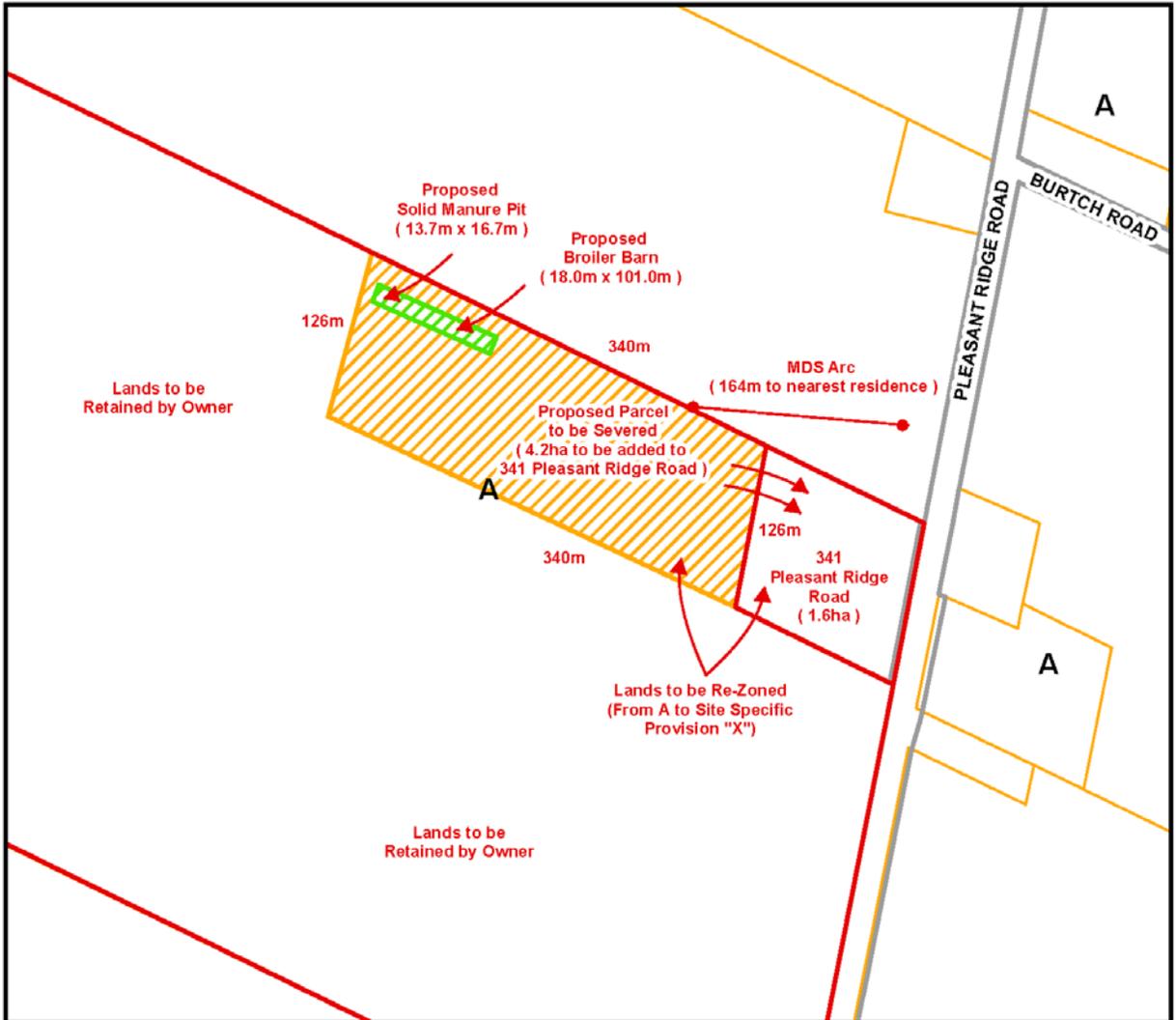
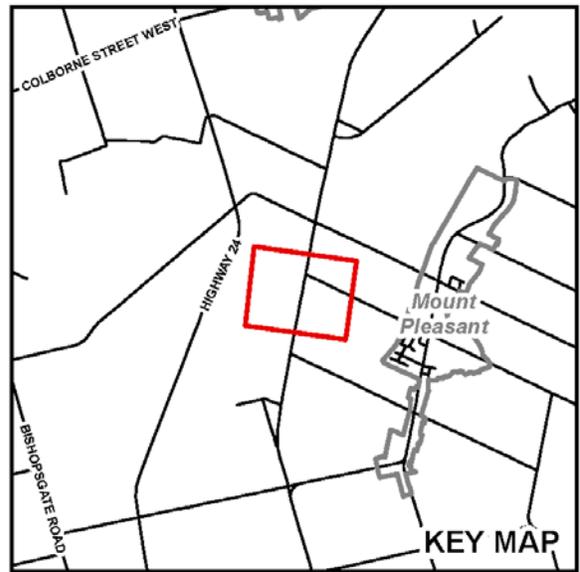
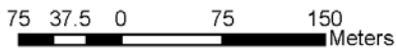
NOTE: Any further Planning Applications required to satisfy the conditions of approval must be applied four (4) months prior to the lapsing of the Consent.

**MAP 1: ZONING MAP FILE
NUMBER: ZBA9-20-AW**

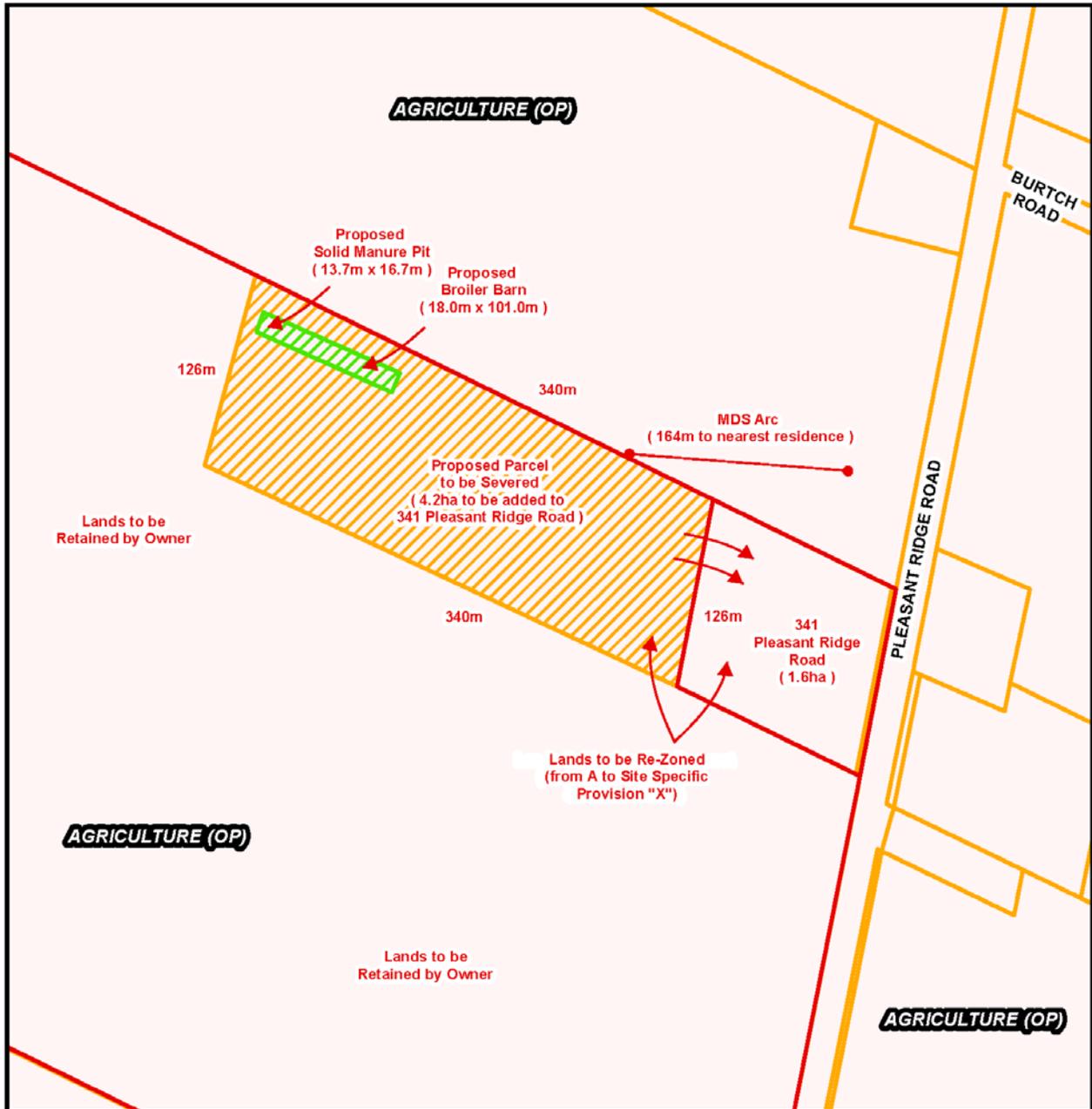
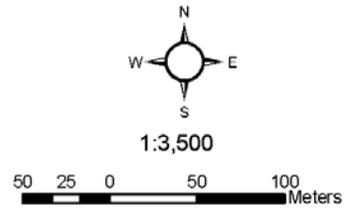
Former Township of
BRANTFORD



1:4,500



Map 2: OFFICIAL PLAN MAP
Address: 341 Pleasant Ridge Road
Former Township of BRANTFORD



Map 3: AERIAL MAP
Address: 341 Pleasant Ridge Road
Former Township of BRANTFORD

