



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, April 12, 2021

To: Jennifer Willoughby, Secretary-Treasurer,
Committee of Adjustment

From: **Steve Wever, Town Planner**

Report: P2021-09

Subject: **Application for Consent B21/02
Besley Country Market Ltd.
Part of Lot 31, Con 3, Reference Plan
7R-6410, Part 1 and 3 s/e, Part 1 on
Reference Plan 7R-6660, Town of
Shelburne**

Recommendation

Be it Resolved that the Committee of Adjustment grant conditional approval of Consent Application B20/02 subject to the following:

1. That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P13, as amended, shall be issued and the Secretary-Treasurer's fee be paid;
2. Approval of the draft reference plan, as applicable, shall be obtained at the Committee of Adjustment office (Town of Shelburne) and the required number of prints (3) of the resultant deposited reference plan shall be received; and
3. The conditions are to be fulfilled and the consent is to be finalized on or before one year from the date of the issuance of the Committee's notice of decision.

Background

An application for consent has been submitted by the owner of the property located along the west side of Victoria Street north of 30th Sideroad, Besley Country Market Ltd., for the severance of land from the property legally described as Part of Lot 31, Concession 3 Amaranth designated as Parts 1 & 3, 7R-6410, Town of Shelburne. The purpose and effect of the application is to sever a portion of the property located within the Town of Shelburne from the balance of the property located within the Township of Amaranth.

The property has a total area of approximately 59.6 hectares with 370 metres of frontage on Victoria Street, and the property currently straddles the municipal boundary between the Town of Shelburne and the Township of Amaranth.

Analysis

The subject property is located on the west side of Victoria Street and north of 30th Sideroad. The lands surrounding the subject property are characterized by a range of uses including residential, natural environment, industrial and agricultural uses.

The applicant is proposing to sever a portion of the property to have a land area of approximately 6.54 hectares and the retained lot will have an area of approximately 53.01 hectares. The proposed Consent would sever the portion of the subject property located within the Town of Shelburne (the proposed severed lot) from the balance of the land located in the Township of Amaranth (the proposed retained lot). The retained and severed lots are proposed to remain in agricultural use.

The severed parcel is located outside of the 'Urban Boundary' and is designated 'Non-Urban' except for a smaller area of land along the south side of the Besley Drain designated as 'Natural Environment', and is zoned 'Development (D) Zone' and 'Natural Environment (NE) Zone' in the Zoning By-law. The 'D' Zone permits existing buildings and structures, public utility, resource management and a single detached dwelling on an existing lot of record. The 'NE' Zone is intended for protected natural areas where permitted uses are limited to conservation use, parks and resource management, and also implements setbacks and restrictions adjacent to the Besley Drain.

The retained parcel is located in the Township of Amaranth and is designated as 'Rural' and 'Environmental Protection' in the Township's Official Plan and is zoned 'Rural (RU) Zone' and 'Environmental Protection (EP) Zone' in the Township's Zoning By-law.

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. The proposal to sever a parcel of land located within the Town of Shelburne will not change the permitted uses of the land and will not create a new building lot. The severed parcel is not within a prime agricultural area and is also not considered rural lands, as the land is designated as 'Non-Urban' and 'Natural Environment' in the Town's Official Plan. Natural features and areas along the Besley Drain will continue to be protected for the long term.

Further, the severance does not reduce or otherwise affect the portion of the property that is located in the Township of Amaranth. The land area of the retained parcel will remain suitable for agricultural use and meets the applicable minimum lot area required by the Township's Zoning By-law (10 ha in the RU Zone).

The application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The new Growth Plan for the Greater Golden Horseshoe ("Growth Plan") came into effect on May 16, 2019 and was recently amended on August 28, 2020. The Growth Plan is the Ontario government's initiative to guide and manage growth and development in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.

Based on the Province's Agricultural Systems Portal, the property is within the proposed Prime Agricultural Area on the Agricultural Land Base of the Growth Plan. As per policy 4.2.6.8 of the Growth Plan, provincial mapping of the agricultural land base does not apply in Dufferin County until it has been implemented in the Dufferin County Official Plan, and until then the prime agricultural areas identified in Dufferin County Official Plan applies. As summarized below, the subject land is within an area subject to special policies for future urban expansion and is not within a prime agricultural area in the Dufferin County Official Plan.

The application conforms and does not conflict with the Growth Plan.

County of Dufferin Official Plan

The Subject Property is partially within the Countryside Area, partially within the area subject to Section 3.5.1.2 and partially within the Urban Settlement Areas designation of the County Official Plan. The proposed severed parcel is

in the area of Shelburne that is subject to Section 3.5.1.2 with a small area along the south side of Besley Drain located within the Urban Settlement Area.

The portion of the severed parcel within the municipal boundary of the Town of Shelburne and outside of the Urban Settlement Area is subject to section 3.5.1.2 of the County Official Plan which identifies requirements for future urban area expansion through a municipal comprehensive review and an amendment to the County Official Plan.

The remaining lands located within the Township of Amaranth are identified as part of the Countryside Area and designated as Rural Lands in the County Official Plan. Rural Lands are intended to protect the natural amenities and rural character of the County while providing opportunities for rural and other agricultural uses and resource-based activities, and recreational and tourism opportunities. The proposed consent does not impact the portion of the subject property located within the Township of Amaranth designated as Rural Lands in the Countryside Area in the County Official Plan.

The application to sever the area of the Subject Property that is identified for potential future urban expansion within Shelburne from the balance of the land in the Countryside Area of Amaranth is in keeping with and does not conflict with the policies of the Dufferin County Official Plan applicable to the area.

The application conforms with the Dufferin County Official Plan.

The County is currently in the process of completing a Municipal Comprehensive Review (MCR) to determine land needs for accommodating growth throughout the County, to the year 2051. Growth forecasts by local area municipalities to the year 2051 and results of the County's land needs analysis are not yet available at the time of this report. Therefore, it has not yet been determined if the portion of the Subject Property within Shelburne will be recommended and further assessed for urban area expansion through the MCR.

Town of Shelburne Official Plan

Section 8.4 of the Official Plan identifies factors to be considered in assessing applications for Consent:

a) That regard shall be given to the goals of Section 3 of the Plan.

The application for consent does not relate to any proposed change of land use or development of buildings or structures at this time. The area of the subject land along the Besley Drain will remain protected as natural environment consistent with the objectives of the Official Plan. The balance of the property within Shelburne will remain in agricultural use consistent with

the objective of the Official Plan to encourage local food production by protecting existing farmland in the Non-Urban Area for agriculture and related uses until the land is included within the urban area in accordance with the urban area expansion policies of the Official Plan (Section 8.27) and until such time as the land is needed for development.

b) That the severance will conform to Schedule 'A'; and the appropriate land use policies in this Plan, and the provisions of the Zoning By-law; and

As noted above, no land use changes or buildings and structures are proposed as a result of the proposed consent. The existing agricultural use of the property is permitted by the 'Non-Urban' designation. It is an objective of the 'Non-Urban' designation to reserve a land base for accommodating additional population growth subject to confirmation of sufficient wastewater treatment servicing capacity expansion of the urban area subject to the urban area expansion policies of the Official Plan (Section 8.27). Agricultural and rural uses are permitted as well as farmers markets and existing land uses. New lot creation in the Non-Urban designation is limited to lot sizes that do not impact the future designation and orderly development of the area. The proposed consent will help to facilitate reserving the land for future urban use by severing the portion of the property within Shelburne from the portion of the property in the Township of Amaranth designated for rural land uses in the County and Township Official Plans.

c) That the severance will conform to the Land Division policies.

This application conforms to the land division policies of the Official Plan:

- Lot size –The severed parcel will maintain the existing land area within Shelburne in the 'Development (D) Zone' and frontage on Victoria Street.
- Public Road Access and Improvement – The severed land will continue to have frontage on Victoria Street.
- Parkland Dedication – as no change of use and no new buildings or structures are proposed or permitted as a result of the proposed consent, and the severance does not create new demands for parkland, parkland dedication or cash-in-lieu thereof is not required. If the land is added to the urban area in the future, parkland dedication or cash-in-lieu of parkland requirements will be determined and applied through the related applications for development for urban land use.
- Compatibility with surrounding area – The proposed severed parcel will be used for existing agricultural use, and no land use compatibility concerns have been identified related to the existing use.
- Hazard Lands – the area designated and zoned as 'Natural Environment' (Besley Drain) will be protected. Any use proposed on the proposed

severed parcel will be located outside of the designated and zoned 'Natural Environment' area and will be subject to further planning approvals including Town and agency review and approval of drawings and an agreement to detail protection measures and buffers along the Besley Drain. The limits of the land area that may be suitable for development and areas that are subject to flooding risk, erosion or other hazards associated with the Besley Drain will be determined through future applications for development if the land is added to the urban area and designated for urban land use(s) through the Municipal Comprehensive Review.

The proposed consent is in keeping with the goals, policies and land use designations of the Town of Shelburne Official Plan.

Shelburne West Secondary Plan

The Shelburne West Secondary Plan has not yet been implemented for land that is located outside of the urban boundary. The draft Secondary Plan (2015) recommended a Mixed Use land use designation for the Subject Property for a Commercial/Employment/Institutional area where the primary permitted uses include commercial uses oriented to Victoria Street, employment uses including light industry, repair and servicing, and offices, and institutional uses. If the land is added to the urban area through the County MCR, an amendment to the Town's Official Plan will be required to implement the Secondary Plan designations and policies for the Subject Property, and the Secondary Plan may be revised/updated based on further review.

Summary

Application B21/02 to sever the portion of the subject property located within the Town of Shelburne from the balance of the land located in the Township of Amaranth is consistent with the PPS, conforms and does not conflict with the Growth Plan and the Dufferin County Official Plan, and is in keeping with the Town's Official Plan and Zoning By-law. Standard conditions of approval are recommended.

Financial Impact

None.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The application was circulated to the required agencies and the public meeting was advertised in accordance with the Planning Act. A copy of the circulation comments received are attached.

Supporting Documentation

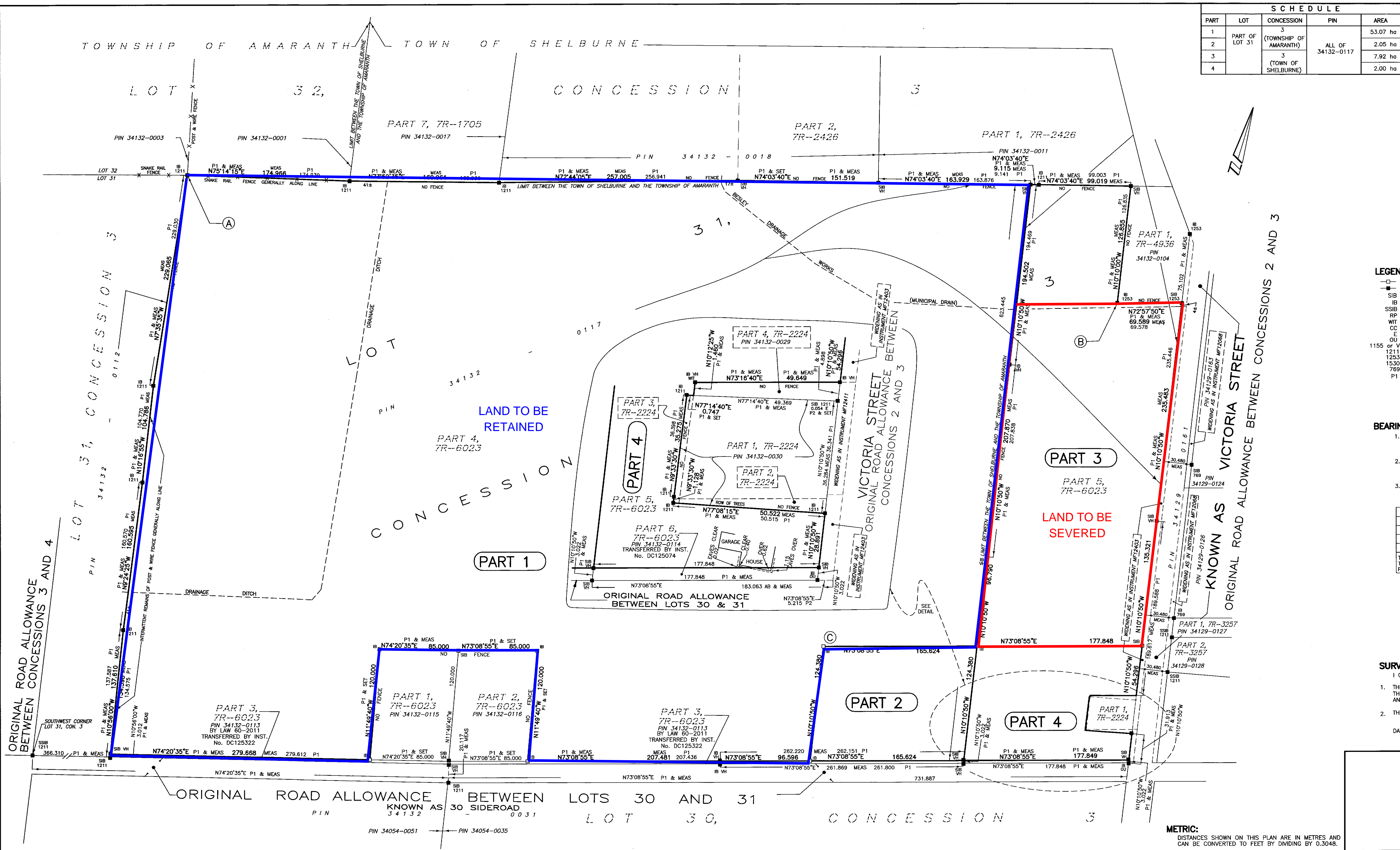
Consent Sketch

Prepared by:

Jenna Daum, Planner

Reviewed by:

Steve Weber, Town Planner



SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 31	3 (TOWNSHIP OF AMARANTH)	ALL OF 34132-0117	53.07 ha
2				2.05 ha
3		3 (TOWN OF SHELBURNE)		7.92 ha
4				2.00 ha

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: JANUARY 29, 2016

DATE: February 1, 2016

RON MAK, O.L.S.

Mike Wade

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF DUFFERIN No. 7

PLAN OF SURVEY OF
PART OF LOT 31, CONCESSION 3
TOWNSHIP OF AMARANTH
COUNTY OF DUFFERIN
AND
PART OF LOT 31, CONCESSION 3
(FORMERLY TOWNSHIP OF AMARANTH)
TOWN OF SHELBURNE
COUNTY OF DUFFERIN
SCALE 1 : 2000

0 10 50 100 150 metres

VAN HARTEN SURVEYING INC.

- LEGEND:
- DENOTES SURVEY MONUMENT SET
 - DENOTES SURVEY MONUMENT FOUND
 - SIB DENOTES .025 x .025 x 1.20 STANDARD IRON BAR
 - IB DENOTES .015 x .015 x 0.60 IRON BAR
 - SSIB DENOTES .025 x .025 x 0.60 SHORT STANDARD IRON BAR
 - RP DENOTES ROCK POST
 - WIT DENOTES WITNESS
 - CC DENOTES CUT CROSS
 - E DENOTES EAST
 - OU DENOTES ORIGIN UNKNOWN
 - 1155 OF VH DENOTES VAN HARTEN SURVEYING INC., O.L.S.'s
 - 1211 DENOTES PETER J. WILLIAMS, O.L.S.
 - 1253 DENOTES D.J. CULLEN, O.L.S.
 - 1530 DENOTES E.W. BOWYER INC., O.L.S.'s
 - 769 DENOTES L. THOMSON, O.L.S.
 - P1 DENOTES DEPOSITED PLAN 7R-6023 BY (VH)

- BEARING AND COORDINATE NOTE:
- BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17, NAD 83 (CSRS-2010) ADJUSTMENT.
 - DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999578.
 - COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (CSRS-2010) ADJUSTMENT AND ARE BASED ON GPS OBSERVATIONS FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

UTM COORDINATES (METRES)		
POINT ID	NORTHING	EASTING
A	4,880,099.82	562,803.87
B	4,880,256.77	563,802.38
C	4,879,812.82	563,605.81

THESE COORDINATE VALUES COMPLY WITH SECTION 14(2) OREG 216/10. THESE COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 19th DAY OF OCTOBER, 2015.

DATE: NOVEMBER 23, 2015

RON MAK

ONTARIO LAND SURVEYOR

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET
GUELPH, ONTARIO N1H 3X3
PHONE: (519) 821-2763
FAX: 821-2770
www.vanharten.com

660 RIDDELL ROAD, UNIT 1
ORANGEVILLE, ONTARIO L9W 5G5
PHONE: (519) 940-4110
FAX: 940-4113
www.vanharten.com

DRAWN BY: AFV CHECKED BY: AJM/RMM PROJECT No. 22608-15

Jan 29, 2016 - 1:20pm
L:\Amaranth\Con3\acad\PTLOT31 BESLEY FARMS\22608-15\UTM2010.dwg

**Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street,
B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Dionne, Chantale H <chantale.dionne@bell.ca>

on behalf of

Modifications 911 <modifications.911@bell.ca>

Fri 2021-03-19 10:09 AM

To: Planning Account <planning@shelburne.ca>

 18 attachments (7 MB)

B21 01, B21 02, A21 02 - Circulation Letter Consolidated Version.pdf; A21 02- Public Meeting Notice - Mailing.pdf; A21 02 - Circulation Response Form.pdf; A21.02-Application.pdf; A21.02-Drawings.pdf; B21 01- Public Meeting Notice - Mailing.pdf; B21 01 - Circulation Response Form.pdf; B21.01-Application.pdf; B21.01-Drawings.pdf; B21 02- Public Meeting Notice - Mailing.pdf; B21 02 - Circulation Response Form.pdf; B21.02-Application.pdf; B21.02-Drawings.pdf; Z21 01- Circulation Letter.pdf; Z21 01 - Public Meeting Notice - Mailing.pdf; Z21 01 - Circulation Response Form.pdf; Z21.01-Application.pdf; Z21.01-Drawings.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good day,

Thank you for the information.

Regards,



Chantale Dionne

Modifications/Corrections 9-1-1

Base de données des Services d'Urgence 9-1-1 /

9-1-1 Emergency Services data base

 1-800-309-0911 / 418-521-8961

**RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street,
B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street**

Municipal Planning <MunicipalPlanning@enbridge.com>

Wed 2021-03-17 9:05 PM

To: Planning Account <planning@shelburne.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed applications however, we reserve the right to amend our development conditions.

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact SalesArea20@Enbridge.com.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE

TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect.



TOWN OF SHELburne

PLANNING & DEVELOPMENT

Consent Circulation Response Form

File: B21/02

Project: Consent - Severance
Victoria Street
Part Lot 31 Concession 3 Reference Plan 7R-6410 Par 1 and Part 3 s/e
Part 1 on 7R-6660, Town of Shelburne

If you have no comments or objection to the approval of the above noted applications please complete this form and email it to the **Town Planner** at the Town of Shelburne by **April 8th, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Shelburne & District FD

Agency Name
(Please Print)

Ralph Snyder

Representative Name
(Please Print)

Fire Chief

Representative Title
(Please Print)

Ralph Snyder

Signature

March 18/21

Date

RE: Town of Shelburne Planning Application Circulation: A21/02 - 201 Wellington Street, B21/01 - 331 Victoria Street, B21/02 - 716 Victoria Street & Z21/01 - 105 Mill Street

Amy Knapp <aknapp@nvca.on.ca>

Wed 2021-03-31 2:21 PM

To: Planning Account <planning@shelburne.ca>

Cc: Steve Wever <swever@gspgroup.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good Afternoon Steve,

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the planning applications contained within this email and can offer the following for consideration:

Consent - B21/02 - 716 Victoria Street

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the proposed consent and based upon our mandate and policies under the Conservation Authorities Act, we have no objection to the approval of this application.

Thank you for circulating these applications and please forward a copy of any decision and notice of any appeals filed for Minor Variance - A21/02 and Consent - B21/02.

Sincerely,

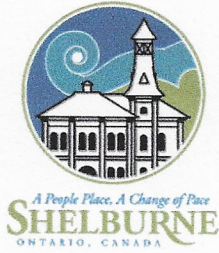
Amy Knapp | Planner III

Nottawasaga Valley Conservation Authority

8195 8th Line, Utopia, ON L0M 1T0

T 705-424-1479 ext.233 | **F** 705-424-2115

aknapp@nvca.on.ca | nvca.on.ca



TOWN OF SHELBURNE

PLANNING & DEVELOPMENT

Consent

Circulation Response Form

File: B21/02

Project: Consent - Severance
Victoria Street
Part Lot 31 Concession 3 Reference Plan 7R-6410 Par 1 and Part 3 s/e
Part 1 on 7R-6660, Town of Shelburne

If you have no comments or objection to the approval of the above noted applications please complete this form and email it to the **Town Planner** at the Town of Shelburne by **April 8th, 2021**.

Email: planning@shelburne.ca

By signing this document I acknowledge that as a representative of the noted organization / body / or person, I have reviewed this application and as a result have no comments or concerns related to this matter.

Town of Shelburne

Agency Name
(Please Print)

Jim Moss

Representative Name
(Please Print)

DIRECTOR OF DEVELOPMENT & OPERATIONS

Representative Title
(Please Print)

[Signature]
Signature

March 25 / 2021
Date