



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP, RPP, Town Planner
Date: December 10, 2024
Report No.: PLN2024-113
Subject: **Public Meeting Decision Declaration and Conveyance of Surplus Lands to 321339 Concession Road 6-7 File B02-2024**

Recommendation:

THAT Report No. PLN2024-113, dated December 10, 2024, be received;

AND FURTHER THAT the portion of the Town owned Right of Way (ROW) as generally shown in **Appendix 2: DRAFT Reference Plan**, be declared surplus to the Town's needs;

AND FURTHER THAT Council direct staff to present the necessary By-law as outlined in **Appendix 4: Draft Surplus By-law**, with conditions as outlined in Schedule B to the By-law, once the Town receives the deposited Reference Plan;

AND FURTHER THAT the sale of the Town owned Right of Way (ROW) be subject to the conditions outlined in **Appendix 5: Conveyance Conditions B02-2024**, be approved.

Key Points:

The following are key points for consideration with respect to this report:

- Brakke Farm Inc. requested to purchase the Town owned Right of Way (ROW) to facilitate an expansion to an existing farm building.

Public Meeting Decision Declaration and Conveyance of Surplus Lands to 321339
Concession Road 6-7 File B02-2024

- Upon direction of Council Staff have consulted with Town Legal on the matter and advised that the Consent process is not required when a municipality is severing its own land.
- On October 22, 2024 Council directed staff to proceed with the sale of the ROW once a survey was received.
- The Draft Reference Plan was received on October 18, 2024.
- Once the deposited Reference Plan is received the Surplus By-law can be passed.
- All costs associated with the sale of the ROW are the responsibility of Brakke Farm Inc.
- The sale of the Town owned ROW (file B02-2024) is related to Zoning By-law Application Z04-2024.

Background

Location:

The subject Town owned ROW (portion of) is located adjacent to **321339 Concession Road 6-7, Roll #122600**, in the **RURAL** area of Grand Valley, see **Appendix 1: Location Map**.

Site Characteristics:

Municipal/Emergency Address	321339 Concession Road 6-7
Roll Numbers	122600
Legal Description	Concession 7 Lot 24
Current Use	Farm
Site Area	402.6 m ²
Official Plan and Zoning	<i>Agricultural</i> and Agricultural (A) Zone

History:

On August 28, 2024, Brakke Farm Inc. (Owner) submitted a Zoning By-law Application (Z04-2024) to reduce the required front yard setback to allow for the expansion of accessory farm building. Upon review of the site plan, Planning confirmed with the Owner that the proposed shed extension was 170 feet (51.82 m); however, the current front yard

setback of the existing building to the property line was approximately 45.65m. Therefore, the Owner did not have enough land in which to construct the shed extension. The Owner was advised that only a legal survey could determine the exact setback. Planning also explained that setbacks are measured from the property line, not the centre of the road. Planning then advised that it could not process the Zoning Application as submitted and if the Owner wished to revise the application to reduce the length of the extension, Planning would be willing to process that application, with a recommendation to Council for a minimum 5 m setback from the property line, a reduction of 25 m from the required 30 m front yard setback.

Brakke Farm Inc. then requested that they be able to purchase the existing Town owned ROW adjacent to their property that was taken in 1968, in order to expand their front yard to build the extension with a reduced front yard set back.

On October 8, 2024, Council passed Resolution 2024-10-30:

BE IT RESOLVED THAT Council receives the request for a sale of Town lands and directs staff to obtain legal information on how the transaction could take place and report back to Council for discussion on the potential disposition of land.

On October 22, 2024 Planning brought forward [Report 2024-81](#), regarding the sale of a portion of the Town owned ROW adjacent to 321339 Concession Road 6-7 (Roll #122600) and Council passed Resolution 2021-10-39:

BE IT RESOLVED THAT Council receives Report – Sale of a Portion of the Rural Right of Way (ROW) adjacent to 321339 Concession Road 6-7 Roll #122600, 2024-081, dated October 22, 2024;

AND FURTHER THAT Council directs Town Staff proceed with the sale of the ROW adjacent to 321339 Concession Road 6-7 Roll #122600, as per Town By-law 2006-47:

AND FURTHER THAT Council directs the process to sell the ROW commence after receipt of the required Reference Plan outlining the lands to be sold.

The Owner submitted a DRAFT Reference Plan on October 18, 2024, see **Appendix 2: Draft Reference Plan**, which allowed Planning to deem Zoning Application Z04-2024 complete and could move forward with a Public Meeting. The Public Meeting Report regarding Zoning Application Z04-2024 is listed on the December 10, 2024, Council Agenda.

Once the Deposited Reference Plan is received by the Town, Council can pass the Surplus By-law.

Current Planning Context

Provincial Planning Statement 2024 (PPS 2024):

All new development within the Province must conform to PP2 2024. The disposition of Town owned surplus land resulting in a minor rural property boundary adjustment does not involve any Provincial Policy considerations. Therefore, the proposed lot line adjustment and sale of the Town owned ROW is not in conflict with, conforms to and is consistent with the PPS 2024.

Dufferin County Official Plan:

The subject lands are designated **Prime Agricultural** under the recent Minister adopted (October 2024) County Official Plan Schedule B.

Grand Valley Official Plan:

The subject lands are designated **Agricultural** in the Town's Official Plan. This designation permits single detached dwellings and accessory buildings and structures.

Grand Valley Zoning By-law 2009-10:

The subject lands are zoned **Agricultural (A) Zone**.

The lands are currently subject to Zoning Amendment Application Z04-2024 (listed on the December 10, 2024 Council Agenda). The amendment is to permit a reduced front yard setback for accessory buildings, once the Applicant (Brakke Farm Inc.) owns that portion of the Town owned ROW adjacent to their property.

Grand Valley Disposition of Land By-law 2006-47

Planning has followed Sections 7 and 9 of By-law 2006-47 regarding this disposition of the Town owned ROW, see **Appendix 3: Town Disposition of Land By-law 2006-47**.

Planning has prepared the necessary By-law to declare the ROW surplus and conveyed (sold), outlined in **Appendix 4: Draft Surplus By-law**, subject to conditions as outlined in **Appendix 5: Conveyance Conditions B02-2024**.

Public Consultation:

Notice of the Public Meeting was published in the Wellington Advertiser and Orangeville Citizen on November 21, 2024 and posted on the Town's website pursuant to the By-law 2006-47. *Planning Act* on November 20, 2024. As of the writing of this report, Planning has not received any comments from the Public regarding this application.

Town and Agency Consultation:

The application was circulated for technical review on November 19, 2024. No objections were received.

Council has approved similar proposals whereby Town legal has advised the following:

The consent process is not required when a municipality is severing its own land. It is excluded from the consent process (which makes sense that it would not have to approve of its own actions). So, the new lot is created by way of a survey. The survey is going to set out the lands to be sold. This "lot" will then be the subject of the disposition of property process which has to be followed.

It is still a lot line adjustment in the sense that this will be the result. But there is no need for the consent to sever the property as it is municipally owned. The Agreement of Purchase and Sale will have to cover off the concerns and conditions that would otherwise be required pursuant to a consent decision.

While the consent process does not have to be followed in this instance, Planning has assigned the File Number B02-2024 for record keeping purposes.

Planning Analysis

Brakke Farm Inc. has approached the Town to sell them the Town owned ROW adjacent to their property to facilitate the construction of a farm building expansion with a reduced front yard setback. Planning has no objection to the lands being considered surplus and sold to Brakke Farm Inc. as per the Town Disposition of Land By-law 2006-47.

Attachments:

Appendix 1: Location Map

Appendix 2: Draft Reference Plan

Appendix 3: Town Disposition of Land By-law 2006-47

Appendix 4: Draft Surplus By-law

Appendix 5: Conveyance Conditions

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