



GRAND VALLEY

## Council Planning Report

To: Mayor Soloman & Council  
From: Mark H. Kluge, MCIP, RPP, Manager of Planning  
Date: January 13, 2026  
Report No.: PLN2026-004  
Subject: **Decision Proposed Zoning By-Law Amendment Z03-2024 034541 Concession Road 8-9 Roll #124000**

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### Recommendation:

**THAT** Report PLN2026-004 Decision Proposed Zoning By-law Amendment Z03-2024 034541 Concession Road 8-9, dated January 13, 2026, be received;

**AND FURTHER THAT** Zoning By-law Amendment File Z03-2024, to amend the Town of Grand Valley Zoning By-law 2009-10, as amended, for the lands municipally known as 034541 Concession Road 8-9, as generally shown in **Appendix 3: Zoning By-law** of this report, be approved and the necessary by-law be adopted.

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### Key Points:

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

- The proposed Zoning By-Law Amendment is to recognize an existing lot of record.
- The subject property has been a lot of record for over 50 years.
- The subject lands are designated *Agricultural (Prime Agricultural in OPA 8)* and zoned Rural Residential which permits single detached dwellings.
- No new use is being introduced because of this application.

## Background

### History:

According to a property search conducted by Town Legal, the lot was created on March 6, 1968 (MF29590) and was sold (transferred) to Adolss Ridzins on October 31, 1974, (MF66858). On August 15, 2023 (DC255132) the property was transferred to Adolf Guler and the Estate of Adolss Ridzins, and the property was sold and transferred to its current owners Trevor Pullen and Thomas Tupling, the Applicants. No survey was ever deposited with the Land Registry Office, but the dimensions list the property at 100 ft by 150 ft and is approximately 0.344 acres.

On two separate occasions in 2012 and 2015, the Town received enquiries regarding potential development of this property. In both instances the response was the same:

- *Lands do not meet the minimum lot area for the Rural Residential (RR) zone, nor the special permission for an existing undersized lot.*
- *The Owner could apply for a site-specific exception through a Zoning By-law amendment to be considered by Council.*

No applications for a Zoning By-law Amendment were ever received, until the current application (Z03-2024) was received in August 2024.

### Proposed Development:

On August 8, 2024, Trevor Pullen (co-owner with Thomas Tupling) submitted a Zoning By-law Amendment application to recognize an existing lot of record, see **Appendix 1: Location Map** and **Appendix 2: Site Plan**. The Application was deemed complete on August 8, 2024. All submission materials can be viewed on the Town's website under Current and Approved Applications – **034541 Concession Road 8-9 File: Z03-2024**, via this link: <https://townofgrandvalley.ca/business-development/building-planning-and-development/current-and-approved-applications/>

## Current Planning Context

### Provincial Planning Statement 2024 (PPS 2024):

All new development within the Province must conform to PPS 2024.

This minor zoning by-law amendment is site specific to recognize an undersized legal lot of record, to permit the construction of a single detached dwelling, which is a permitted use under the Zoning By-law. This proposal does not involve any major policy considerations. Therefore, in Planning's opinion the proposed zoning amendment 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.

**Vision Grand Valley – Conformity Update:**

On November 4, 2025, Town of Grand Valley Council adopted Official Plan Amendment Number Eight (OPA 8), which is the Town's Official Plan Conformity Exercise known as *Vision Grand Valley*. At the same meeting Council endorsed updates to the Town's Zoning By-law 2009-10. The updated Zoning By-law will be passed once OPA 8 has been approved by Dufferin County Council.

Until such time as both OPA 8 and the Town Zoning By-law are in full force and effect Planning will address and reference both the current and proposed documents in all Planning Reports to Council.

It is Planning's opinion the proposed Zoning By-law Amendment is in conformity with both the current and proposed Town Official Plans and Zoning By-laws.

**Grand Valley Official Plan:**

The subject lands are designated **Agricultural** in the Town's Official Plan. The following uses are permitted in the Agricultural designation:

- a) *Agricultural uses that include the use of lands, buildings or structures for the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, fibre, or fur, including game, poultry and fish, aquaculture, apiaries, agroforestry, and maple syrup production subject to the provisions outlined in this Plan;*
- b) **A single-detached dwelling, where permitted by the zoning by-law;**
- c) *Home occupations and small-scale home industries accessory to agriculture;*
- d) *Forest, wildlife and fisheries management;*

- e) *Secondary uses to a principle agricultural use, where such uses are compatible with and shall not hinder surrounding agricultural operations. These uses shall be limited in scale. Secondary uses include but are not limited to abattoirs, livestock marketing or sales yard, seed cleaning plant, agricultural produce warehouse, farm-oriented tourist businesses or similar agri-business;*
- f) *Agriculture-related uses: commercial and industrial uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation, such as grain drying handling and storage facility and farm-oriented tourism, and where such use does not hinder surrounding agricultural operations;*
- g) *Wayside pits and wayside quarries and portable asphalt plants, and portable concrete plants subject to the Aggregate Resources Act;*
- h) *Accessory buildings, structures and facilities and site modifications required to accommodate those uses permitted in the agricultural designation;*
- i) *Watershed management and flood and erosion control projects carried out or supervised by the appropriate public agency;*
- j) *An accessory dwelling unit may be permitted in an existing cluster of farm buildings, on a farm of at least 38 hectares by an amendment to the Zoning By-law, where the nature of the farm operation requires accommodation for full time farm labour to look after livestock and the existing livestock facility has a minimum area of 500m<sup>2</sup> or a capacity of 100 nutrient units (NU).*

The proposed Zoning By-law Amendment is in conformity with the Town’s Official Plan, and an Amendment is NOT required.

**Grand Valley Zoning By-law 2009-10:**

The subject lands are zoned **Rural Residential (RR) Zone**. A Zoning By-law Amendment is required to amend the (RR) Zone to recognize the existing lot of record. The following chart outlines the required regulations and the proposed (in **red**):

Rural Residential (RR) Zone schedule for 034541 Concession Road 8-9		
SITE STATISTICS	REQUIRED	PROVIDED
Lot Area	0.4 ha	<b>0.139355 ha</b>
Lot Frontage	45 m	<b>30.5 m</b>
Front Yard Setback	30 m	<b>19.5 m</b>
Interior Side Yard Setback	6 m	7.9 m
Exterior Side Yard Setback	30 m	<b>15 m</b>
Rear Yard Setback	15 m	<b>10.97 m</b>
Lot Coverage	10%	8%
Building Height	12 m	12 m

Rural Residential (RR) Zone schedule for 034541 Concession Road 8-9		
SITE STATISTICS	REQUIRED	PROVIDED
Ground Floor Area 1-storey	110 m <sup>2</sup>	<b>Not required</b>
Ground Floor Area 2-storey	65 m <sup>2</sup>	<b>Not required</b>

The proposed Draft Zoning By-law is show in **Appendix 3: DRAFT Zoning By-law.**

### **Public Meeting:**

The Public Meeting was held on September 24, 2024. Planning presented **Public Meeting Proposed Zoning By-Law Amendment Z03-2024 – 034541 Concession Road 8-9 Report, PLN2024-059.** The Applicants/Owners, their Real Estate Agent and the three Owners of the adjacent farm property were in attendance.

Planning has received the following public comments regarding this application:

- **Appendix 4:** Letter dated September 16, 2024, from Maria Lelli-Dickson
- **Appendix 5:** Letter dated September 24, 2024, from Lorrie Haddock, Applicant’s Real Estate Agent
- **Appendix 6:** Letter received September 24, 2024, from Maria Lelli-Dickson
- **Appendix 7:** Public Meeting Presentation made on September 24, 2024, by Kathleen Dickson
- **Appendix 8:** Letter received October 19, 2024, from Maria Lelli-Dickson
- **Appendix 9:** Letter received October 19, 2024, from Maria Lelli-Dickson

Except for the letter received from the Applicant’s Real Estate Agent, all the other letters were in objection to the proposed Zoning Amendment. Planning will provide a response to the comments in the Planning Analysis section of the report.

### **Town and Agency Consultation:**

The application was circulated for technical review on September 3, 2024. As of the writing of this report the following Agencies have provided comments:

- The Mississaugas of the Credit First Nation (MCFN), see **Appendix 10**

A Stage 1 and 2 Archeological Assessment Report was completed and filed with the Provincial Government which in turn entered the Report into the Ontario Public Registry of Archaeological Reports.

*The Stage 1 and 2 assessments were conducted in July 2025. The investigation encompassed the entire property. The Stage 1 assessment determined that the project area had archaeological potential. The Stage 2 assessment did not result in the identification of any archaeological materials. It is recommended that no further assessment be required within the project area.*

- Burnside Town Engineering, see **Appendix 11**  
In order for the proposal to work the Owners will have to confirm that they can provide a private well and septic to the property, this will be done at the Building Permit stage.
- Public Works, see **Appendix 12**  
Public Works has no objection, and the Owners are aware of the requirements for the replacement entrance culvert.
- Dufferin County, see **Appendix 13**  
According to the Applicant, there is one livestock operation 900 m from the subject site. If that farm operation were to expand its operation, the owner of that farm would apply to the Town for a Zoning Amendment to reduce the required Minimum Distance Separation (MDS) requirement. Council passed a similar site-specific By-law 2019-44, see **Appendix 14**, for this exact reason, thereby allowing the livestock farming operation to continue.
- Dufferin Federation of Agriculture (DFA), see **Appendix 15**  
The DFA is concerned that future livestock operations on adjacent farms might be impacted by a new (permitted) residential dwelling and that new housing should be directed to the urban area of a municipality.

The lot is an existing lot of record with applicable Zoning rights. As previously discussed, should the existing livestock operation (900m away) wish to expand

their operation, the owner of that farm would apply to the Town for a Zoning Amendment to reduce the required Minimum Distance Separation (MDS).

## Planning Analysis

The application is to recognize an undersized legal lot of record, to permit the construction of a single detached dwelling. Both the Town Official Plan and Zoning By-law permit this use. No new use is being proposed with this application - only amendments to the Rural Residential (RR) zoning regulations to recognize the existing situation. The permitted uses have been limited to a single detached dwelling and home occupation, with the maximum size of the dwelling capped at 1,200 square feet (111.48 m<sup>2</sup>) to ensure there is no overdevelopment of the property.

As outlined in this report, the lot has legally existed for over 50 years with a Rural Residential (RR) zoning. On two previous occasions, the former owner inquired about building a dwelling on the property and were told that they needed to apply for a Zoning By-law Amendment to recognize the undersized lot. Section 3.11.3 of the Zoning By-law, *Existing Undersized Lots of Record* permits these lots to be used for residential; however, the subject property does not meet the criteria outlined in the Zoning By-law (minimum lot area of 0.2 ha, minimum frontage of 12 m and sufficient area for private services), and hence a Zoning By-law Amendment is required.

Planning received one letter in support of the application from the Owner's real estate Agent in addition to 4 letters of objection and a Public Meeting Presentation, from the adjacent property owner. All five objections presented the same information in varying formats.

Planning has grouped these objections as follows and will provide a response to each one:

- Protection of farm operations from residential
- Preservation of Agricultural land
- Environmental Risks
- Minimum Distance Separation (MDS)
- Conflict between Agricultural and Non-Agricultural uses
- Growth Management and Urban Sprawl
- Cumulative Impact of Non-farm development
- Land use and the mitigation of Climate Change

- Directing Development to Settlement Areas
- Promoting Intensification and Infill Development

## **Objections:**

### ***Protection of farm operations from residential***

There is currently one active livestock farming operation 900 m away from the subject property. If this farm were to expand their operation, Minimum Distance Separation (MDS) compliance would be required. In this instance, the Owner of said farm would apply for a Zoning By-law Amendment to seek relief from the MDS criteria if needed. Council passed a similar site-specific Zoning By-law (2019-44), for the expansion of a liquid manure storage facility (File Z04-2019) thereby allowing the existing farming operation to expand. To date Planning is not aware of any complaints from the residential use across the street from that expanded liquid manure storage facility.

### ***Preservation of Agricultural land***

The subject lands are designated *Agricultural* currently, and as *Prime Agricultural* in OPA 8, which both permit single detached dwellings as a permitted use. The lot has been in existence for over 50 years and has never been actively farmed. Therefore, in Planning's opinion, there is no loss of agricultural land as a result of this application.

### ***Environmental Risks***

The Grand River Conservation Authority (GRCA) was circulated on this application and contacted by adjoining farm owner. This is the GRCA response to the adjoining farm owner:

**From:** Trevor Heywood <theywood@grandriver.ca>

**Sent:** January 20, 2025 10:41 AM

**To:** Kathleen Dickson <>

**Cc:** Mark Kluge <mkluge@townofgrandvalley.ca>

**Subject:** Re: Concerns Regarding Zoning By-law Amendment for Lot 034541 Concession Road 8-9

Hi Kathleen,

Thank you for your letter, and we apologize for the delay in responding.

The GRCA reviewed this application and informed the Town on October 16 that GRCA had no comments or concerns.

While the subject property is in the Grand River watershed, it is not in an area regulated by the GRCA under Ontario Regulation 41/24, as it is located approximately 150 metres from the nearest regulated features, being Luther Lake and its associated floodplain and wetland. As such, we do not have a regulatory role in reviewing the application. GRCA Conservation Lands

(property) staff also reviewed it and considered potential impacts to the Luther Marsh Conservation Area. **Given the size and nature of the proposed development, we have no concerns about impacts to these features.**

Other matters you have raised are outside of the jurisdiction of the GRCA, and some will be the responsibility of the Town of Grand Valley and/or Dufferin County. We encourage you to direct any additional concerns to the Town's planner, Mark Kluge (cc'ed).

Thank you. Regards,

**Trevor Heywood** B.Sc.(Env.)  
Resource Planner  
Grand River Conservation Authority

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### **Minimum Distance Separation (MDS)**

See **Protection of farm operations from residential** section.

### **Conflict between Agricultural and Non-Agricultural uses**

The Town's Official Plan permits the following uses in the *Agricultural* designation:

- a) *Agricultural uses that include the use of lands, buildings or structures for the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, fibre, or fur, including game, poultry and fish, aquaculture, apiaries, agroforestry, and maple syrup production subject to the provisions outlined in this Plan;*
- b) A single-detached dwelling, where permitted by the zoning by-law;**
- c) *Home occupations and small-scale home industries accessory to agriculture;*
- d) *Forest, wildlife and fisheries management;*
- e) *Secondary uses to a principle agricultural use, where such uses are compatible with and shall not hinder surrounding agricultural operations. These uses shall be limited in scale. Secondary uses include but are not limited to abattoirs, livestock marketing or sales yard, seed cleaning plant, agricultural produce warehouse, farm-oriented tourist businesses or similar agri-business;*
- f) *Agriculture-related uses: commercial and industrial uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation, such as grain drying handling and storage facility and farm-oriented tourism, and where such use does not hinder surrounding agricultural operations;*
- g) *Wayside pits and wayside quarries and portable asphalt plants, and portable concrete plants subject to the Aggregate Resources Act;*

- h) Accessory buildings, structures and facilities and site modifications required to accommodate those uses permitted in the agricultural designation;*
- i) Watershed management and flood and erosion control projects carried out or supervised by the appropriate public agency;*
- j) An accessory dwelling unit may be permitted in an existing cluster of farm buildings, on a farm of at least 38 hectares by an amendment to the Zoning By-law, where the nature of the farm operation requires accommodation for full time farm labour to look after livestock and the existing livestock facility has a minimum area of 500m<sup>2</sup> or a capacity of 100 nutrient units (NU).*

### ***Growth Management and Urban Sprawl***

In Planning's opinion, the relief being requested by the Applicant to build one single detached dwelling does not constitute Urban Sprawl. By its definition, Urban Sprawl is ***the uncontrolled expansion of urban areas***, which does not have any relevance in this application.

### ***Cumulative Impact of Non-farm development***

In Planning's opinion, there is no loss of agricultural land for non-farm development. Single detached dwellings are a permitted use in both the Official Plan and Zoning and has been for over 50 years. At any point in the last 50 years the adjoining farm could have approached the owners to purchase the subject property and return it to active farm production.

### ***Land use and the mitigation of Climate Change***

The lands are designated and zoned to permit a single detached dwelling, the effect on Climate Change is at best minimal. Improvements in residential, well and septic system designs would ensure a compact climate resistant development. The dwelling size has also been capped at 1200 square feet.

### ***Directing Development to Settlement Areas***

The proposal is not to expand the Urban Settlement Area of the Town to permit a 100-unit Residential Subdivision. The Owners are seeking zoning regulation relief to build one single detached dwelling on a legal lot that happens to be undersized.

### ***Promoting Intensification and Infill Development***

The proposed zoning cannot and should not be defined as intensification or infill, as these terms are used within an urban context. Infill and intensification development would be directed to the urban areas of Town, not the rural or agricultural areas.

The proposal is for one single detached dwelling on a legal lot zoned and designated to permit such use, a use that only requires relief from the zoning regulations, but the proposed single detached dwelling is a permitted use.

### **Request for Concessions:**

The objectors also requested certain concessions from the Owners should the Zoning be approved, these concessions are outlined below with Planning's response:

### ***Ontario Land Survey***

While Planning is always in favour of having a legal survey completed on any piece of property, the Town cannot compel the Owners to obtain one. The property is legally described via and bounds as researched by Town Legal:

*"...however, there is no survey. The attached MF66858 gives a description of the property and its dimensions. It's 100 ft by 150 ft and is approximately 0.344 acres. I did also check the property from which it was severed from at some point and there is no survey for that either..."*

### ***Privacy Fence***

Again, the Town cannot compel the Applicant/Owner to erect a privacy fence. This would be a requirement of Site Plan Approval, but the construction of a Single Detached Dwelling is exempt from Site Plan Approval.

### ***Drainage***

A Site Plan and Drainage Plan will be required at the Building Permit Stage and reviewed by Town Engineering to ensure compliance with on-site drainage.

### ***Staying on the property during construction***

If the zoning is approved and then during the construction phase, the Applicant/Owner goes on to the adjoining property without permission, it would be a Police matter, as the Town does not have a Trespassing By-law.

### ***Closure of Sideroad 21-22***

The Applicant/Owner would have to consult and seek approval from Town Public Works for any anticipated road closures during construction.

### ***Update Official Plan when developing lots less than ½ an acre***

Every application for a severed lot is reviewed on an individual basis, but this is not a proposed severed lot, it is a legal lot of record. The Town's Zoning By-law permits relief from the requirements provided a Zoning By-law Amendment is applied for which the Applicant/Owners have done.

Should Council wish to again review the polices of *Surplus Farm Dwelling Severances* or the Zoning Regulations for *Undersized Lots of Record*, Council would direct Staff to do so.

## **Conclusion**

Undersized lots of record have a legal right to exist. If they cannot meet the requirements of the current Zoning By-law, an Amendment is required. The lot would also have to accommodate the necessary water and septic systems on site. By limiting the permitted uses to a single detached dwelling and home occupation and capping the size of the dwelling at 1200 square feet, this will ensure that the site is not overdeveloped.

In Planning's opinion, the proposed Zoning Amendment is in conformity with Provincial, County and Town Policies and the Town's Zoning By-law when considering the proposed use – a single residential dwelling. In Planning's opinion the proposed amendment will not create a conflict, does not pose a risk to the environment and provides for the construction of additional housing. The arguments against the proposal have been addressed. For these reasons, Planning can recommend approval of the Zoning Amendment Application.

## **Attachments:**

- Appendix 1:** Location Map
- Appendix 2:** Site Plan
- Appendix 3:** Draft Zoning By-law
- Appendix 4:** Public Comment
- Appendix 5:** Real Estate Agent Comment
- Appendix 6:** Public Comment
- Appendix 7:** Public Meeting Presentation
- Appendix 8:** Public Comment
- Appendix 9:** Public Comment

**Appendix 10:** Mississaugas of the Credit First Nation Comment

**Appendix 11:** Burnside Town Engineering Comment

**Appendix 12:** Public Works Comment

**Appendix 13:** Dufferin County Comment

**Appendix 14:** By-law 2019-44

**Appendix 15:** Dufferin Federation of Agriculture Comment

**Report Submitted by**

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**Report Approved by**

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