



Committee of adjustment report

Meeting date:	June 20, 2022
Title:	B05.2022 and B07.2022 – GRAHAM, Dennis and GRAHAM, Julie
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee receive Planner Spencer's report and approve applications B05.2022 (GRAHAM) and B07.2022 (GRAHAM) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of an entrance permit application;
- Receipt of an entrance permit for the newly enlarged parcel identified as 521294 Concession 12 or confirmation of an existing entrance permit;
- That the existing access leading to both parcels from 521268 Concession 12 be stopped up and closed OR a prescriptive easement is registered on title in favour of 521294 Concession 12 NDR;
- Payment of the zoning by-law amendment application fee;
- Approval of a zoning by-law amendment to recognize the deficient lot area and to recognize the presence of two (2) single detached dwelling units on one lot;
- That the severed lands for file B05.2022 merge with the adjacent lands to the East; and
- That the severed lands for file B07.2022 merge with the adjacent lands to the South.

Executive summary

The properties are municipally identified as 521294 and 521268 Concession 12 NDR and legally identified as lots 7 and 8, concession 12 NDR; 17R3809 PTS 2-4 in the geographic township of Bentinck.

B05.2022:

The purpose of the application is to sever one 2.7 hectare residential parcel for the purposes of a lot addition and retain one 17.0 hectare residential parcel. The effect of which will facilitate a lot line adjustment in conjunction with file B07.2022.

B07.2022:

The purpose of the application is to sever one 5.0 hectare residential parcel and retain one 40.0 hectare parcel for the purposes of a lot line adjustment. The effect of which will facilitate a lot line adjustment in conjunction with file B05.2022.



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Staff note that the proposal required a second application to legally deal with the lot additions, and as a result the file numbers issued are out of sequence but noted correctly.

Background and discussion

Both of the associated subject lands are under the ownership of the applicants. Currently, two (2) single detached dwelling units exist on the subject lands. One (1) in particular has encroachment issues to the West which, in part, these applications will resolve. The existing entrance serves both parcels, although it appears independent access to each lot (following the lot adjustments) can be achieved. Should the applicants desire to retain the existing access configuration, a prescriptive easement to register this agreement on title to both properties will be recommended as a condition of consent. The latter is not the preferred approach from a planning perspective.

To determine the consistency of the proposal planning staff have conducted a review of the Provincial Policy Statement (PPS), County Official Plan and the Municipality's Comprehensive Zoning By-law 37-2006.

1. Provincial Policy Statement 2020 (PPS)

The Provincial Policy Statement 2020 (PPS) requires that municipalities are consistent with the policies of the Province in making decisions on land use planning matters.

Section 1.1.5 within the PPS provides guidelines as they relate to the development of rural lands within the municipality.

Section 1.1.5.8 specifically requires that new land uses, including the creation of new lots comply with minimum distance separation (MDS). Planning staff have reviewed aerial photography in combination with information provided by the applicants to confirm if any livestock operations are located within 450 metres of the subject lands. Based on this review there are currently two livestock facilities or facilities capable of housing livestock approximately 190 metres and 240 metres from the property line of file B05.2022 respectively. MDS I calculations were conducted by planning staff. Both of the farms in proximity to the lot additions meet MDS I calculations and are attached as appendices to this planning report. Planning staff are satisfied that policy 1.1.5.8 of the PPS has been met.

The subject lands are considered a rural area within the municipality and the creation of limited non-farm residential lots is permitted subject to various factors. Hazard lands meander north to south through the subject lands associated with 521294 Concession 12 NDR and are generally related to the regulated area established by the Conservation Authorities Act. A portion of the creek is further identified as hazard lands associated with the lands immediately south identified as 521268 Concession 12 NDR. Further development of the subject lands is not proposed within the identified hazard lands designation and as a result, planning staff have no concerns in this regard.

Policy 2.1 of the PPS states that natural features and areas shall be protected for the long term. On the basis that further development is not proposed on the subject lands as a result of the lot



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addition, planning staff have no concerns in this regard. Policy 2.1.5 of the PPS states that development and site alteration shall not be permitted in significant woodlands or areas of significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The lot line adjustments do not include further development and planning staff have no further concerns in this regard.

Policy 2.5.1 of the PPS states that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Schedule 'B' of the County Official Plan identifies aggregate resources on both properties associated with the applications at hand. Both applications involve lot line adjustments and do not include future development that requires planning act approvals. On this basis, planning staff have no concerns in this regard.

Hazard lands are identified under the Official Plan on the subject lands in various locations. The hazard designation contains woodlands and ponds. Section 3.1.1 of the PPS echoes the policies of the County Official Plan discussed in section 2. Development and site alteration shall be directed outside of identified hazard areas. As previously noted, there is no development or site alteration proposed as part of the applications at hand.

Based on the above, planning staff are satisfied that the proposed lot creation is consistent with the 2020 PPS.

2. County of Grey Official Plan

The subject lands are designated as 'rural' with a portion of 'hazard' through the properties in question within the County of Grey Official Plan.

Policy 5.4.3(1) of the County of Grey Official Plan, specifically determines the density policies to permit lot creation based on the original crown survey. Based on the original crown survey of the subject lands a total of four lots may be permitted on the subject lands, including the retained parcel based on several factors. The County Plan does identify significant woodlands on the property in addition to a natural heritage core. Both constraints consume a large portion of the property. However, as the proposed consents are related to lot additions, planning staff have no further concerns in this regard as further development of the properties in question are not proposed at this time. The lot additions are considered minor adjustments that rectify existing encroachments and recognize the placement of two (2) existing single detached dwelling units on the property municipally identified as 521294 Concession 12 NDR.

Schedule B, as previously noted, identifies a primary aggregate resource on both parcels in question. Policy 5.6.2(11) of the County Plan states that minor lot additions to existing lots within the defined aggregate resource area shall be permitted provided appropriateness for the request is demonstrated to correct land needs, boundary errors, servicing, parking areas, etc. Planning staff are satisfied that the proposed applications will correct encroachments which are generally considered a boundary error. Staff have no further concerns in this regard.

Policy 7.1 of the Official Plan speaks to core areas and linkages. A natural heritage linkage is denoted throughout the entire mid-section of 521268 Concession 12 NDR and across the entire southern boundary of 521294 Concession 12 NDR within appendix 'C' of the County Plan. As no further development on the subject lands is proposed as part of the applications, planning



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staff have no further concerns in this regard.

Policy 7.2 of the Official Plan does not permit development or site alteration in the hazard lands designation unless the use is associated with conservation of natural resources, agriculture, passive public parks or public utilities. Development is not proposed in proximity or within the hazard land designation.

Policy 7.4 speaks to policies surrounding significant woodlands. Significant woodlands are predominant on both properties associated with the applications. On the basis, that further development as part of the lot line adjustments is proposed, planning staff have no further concerns in this regard.

Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application. Should further development of the subject lands is proposed, permissions will be required under the County of Grey Forestry Management By-law No. 4341-06, in addition to permissions from the Saugeen Valley Conservation Authority.

3. The Municipality of West Grey Comprehensive Zoning By-law 37-2006

The municipality of west grey comprehensive zoning by-law zones the subject lands as A2 (rural) and NE (Natural Environment).

The provisions related to the A2 zone and have been evaluated against the lots created as a result of the lot addition applications. The provisions apply differently based on lot sizes within the A2 zone.

Provided both file B05.2022 and file B07.2022 are approved the final lot fabric would create a lot area for 521294 Concession 12 NDR of 17.0 hectares. The associated regulations of the A2 (rural) zone require a minimum lot area of 20.0 hectares. To recognize the lot area deficiency a zoning by-law amendment is required. As the same parcel will now contain the existing two (2) single detached dwelling units as a result of the lot line adjustments, this is also required to be recognized as part of the amendment.

The applicant has filed a concurrent zoning amendment to address the requirements of the zoning by-law which will require a separate public meeting and consideration by Council. A single zoning amendment application will address the application but must be listed as a condition of consent for both files for legal and technical reasons. Exception 461 will address the two matters as part of the zoning by-law and associated schedule.

There are no deficiencies identified with the parcel identified as 521268 Concession 12 NDR as a result of the lot line adjustments. Planning staff have no further concerns in this regard.

Provided a zoning amendment is a condition of both consent applications and the lots are further required to have the lot line adjustment portions merge with the intended parcels; as conditions, planning staff are satisfied that the applications maintain the general intent and purpose of the municipality's zoning by-law.

Legal and legislated requirements

None.



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Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning & Development Department
- Saugeen Valley Conservation Authority

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Review municipal official plan policies

Strategy: Take a co-operative approach to development

Attachments

- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments
- Hydro One comments
- Commissioned application forms
- Aerial and official plan mapping (schedule A)
- Aerial and official plan mapping (schedule B)
- Aerial and official plan mapping (schedule C)
- Aerial and official plan mapping (appendix B)
- Aerial and zoning map
- MDS I calculations

Next steps

Following provisional approval of the applications, staff will notify of the decisions and the required appeal periods will commence. Provided no appeals are received the applicant will be notified and will have 12 months from the date of decision to satisfy all conditions, provide draft deeds and a survey for approval by the municipality, and have the same registered by their lawyer at the land registry office.



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Respectfully submitted,



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