



Committee of adjustment report

Meeting date:	September 19, 2022
Title:	B13.2022 – MacArthur, Ken
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee receive Planner Spencer's report and approve application B13.2022 (MacARTHUR) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of an entrance permit application;
- Provision of a road widening to the satisfaction of the County of Grey Transportation Department along Grey Road 23;
- Receipt of an entrance permit to the newly created parcel; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

Executive summary

The property is municipally identified as 324166 The Glen Road and legally identified as part lots 26-30, concession 1 SDR in the geographic township of Glenelg.

The purpose of the application is to sever approximately 36.5 hectares of vacant rural land and retain approximately 27.0 hectares of land with a single detached dwelling unit and accessory structures. The effect of which will create a new vacant rural parcel within the original crown survey of lots 29 to 30, concession 1 SDR.

Background and discussion

The site is comprised of approximately 63.5 hectares. The subject lands currently contain a single detached dwelling unit and accessory structures. Crop farming is currently in effect on the subject lands. The existing structures will be located entirely within the retained parcel on the subject lands.

Consultation with the County of Grey Planning and Development Department and Transportation Department have been provided. A road widening is requested along Grey Road 23. Comments were also provided in support of the application from the Saugeen Valley Conservation Authority.

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 applicant. Based on the information available there are no active livestock operations within 500 metres of the subject lands as they are utilized for cash cropping purposes. An MDS calculation is not required as a result. Based on the information provided by the Applicant and GIS mapping planning staff are satisfied that the requirements of MDS are met in accordance with section 1.1.5 of the PPS.

Section 2.5.1 of the PPS speaks to the protection of mineral aggregate resources for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Approximately 80% of the subject lands is identified as an aggregate resource. Planning staff note that additional details in this regard are provided under section 2.0 of this report within the policies of the County of Grey Official Plan.

The subject lands are considered a rural area within the municipality and lot creation is permitted subject to a variety of factors. Hazard lands are located along the northern boundary of the property along The Glen Road and along the western property boundary. Other wetlands that have not been evaluated by the Province in terms of significance also exist on the subject lands in these locations in addition to a number of other significant features including habitat and significant woodlands.

Hazard lands are identified under the Official Plan on the subject lands in various locations. The hazard designation contains woodlands, wetlands 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 within the hazard lands on the subject property.

Approximately 50% of the subject lands contain significant woodlands. Planning staff are of the opinion that sufficient lands outside of the significant woodland dedication exist for future development of the severed parcel, provided a minimum setback of 30.0 metres is maintained. The Saugeen Valley Conservation Authority (SVCA) has also provided comment indicating the same position. Unless future significant development is proposed constituting an official plan process or zoning by-law amendment, to permit development



within the defined woodlands, an environmental impact study (EIS) is not required.

Based on the above, planning staff are satisfied that the proposed lot creation is consistent with the 2020 PPS on the basis that the lot layout will consist of the use of lots, largely related to the original crown surveys of the subject lands.

2. County of Grey Official Plan

The subject lands are designated as 'rural' with a portion of 'hazard' on the northern and southern boundaries under 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 (4) lots may be permitted on the subject lands, including the retained parcel based on several factors. In this case, the County Plan speaks to the presence of identified aggregate on the subject lands which precludes the development of non-farm lots specifically less than 20 hectares in size that would impeded on the extraction of aggregate in future. In this case, the severed and retained parcels both meet this policy of the County Plan. Planning staff have no further concerns in this regard. Although an existing aggregate extraction on the western boundary of the property, the existing single detached dwelling unit and accessory structures are in the closest proximity to this zone and planning staff are satisfied that sufficient buffer considerations have been considered as part of the previous zoning process to permit the extractive operation.

As previously noted the County Plan does identify significant woodlands over approximately 50% of the property. However on the basis of the supportive comments from the SVCA and the area outside of the significant woodlands, planning staff are satisfied that an EIS is not required to support this lot creation.

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.

Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application.

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), NE (Natural Environment) and M4 (extractive industrial). Planning staff are of the opinion that the boundary of the M4 zone is not accurately depicted and requires a mapping correction in future as part of the zoning by-law amendment update. The newly created parcel would be located entirely within the A2 zone with small portions of NE (natural environment) lands along the northern and southeastern corner of the lots 29-30. Planning staff are satisfied that the developable area of the newly created parcel can be achieved well outside of the identified NE zone.

The following provisions related to the A2 zone and have been evaluated against the proposed lot creation. Details in the chart below contain the provisions related to both



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the severed and retained parcels. The provisions apply differently based on lot sizes within the A2 zone.

A2	Required	Provided (severed / retained)
Lot area, minimum	20.0 ha.	±36.5 ha. / +/-27.0 ha.
Lot frontage, minimum	122.0 m	±348.0 m / +/-600.0 m
Front yard, minimum	20.0 m	+/-56.0 m/ Not applicable (vacant)

Planning staff are satisfied that a zoning by-law amendment is not required as a condition of consent for the application, as the provisions of the A2 zone can be met.

Legal and legislated requirements

None.

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

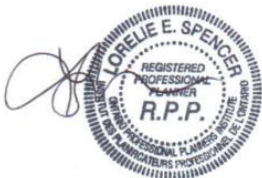
Attachments

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

Next steps

Following provisional approval of this application, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twelve (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. The applicant is further encouraged to contact the Grey County Transportation Department directly to settle the road widening piece.

Respectfully submitted,



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP
Manager of Planning and Development