

## Staff Report

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**Report To:** Committee of Adjustment  
**Report From:** Lorelie Spencer, Manager of Planning & Development  
**Meeting Date:** February 7, 2023  
**Subject:** B16.2022 – McINTYRE, Kenneth

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### Recommendations:

That in consideration of staff report B16.2022 – McINTYRE, Kenneth, the committee of adjustment grants provisional consent subject to the following conditions:

1. Payment of any outstanding municipal taxes;
2. Payment of an entrance permit application;
3. Receipt of an entrance permit for the newly created parcel;
4. Payment of the zoning by-law amendment application fee;
5. Receipt of a zoning by-law amendment; and
6. Payment of the \$500.00 parkland dedication fee.

### Highlights:

- The purpose of the application is to sever approximately 11.0 hectares of rural land and retain approximately 67.5 hectares of rural land. The effect of which will create two separate rural parcels.

### Strategic Plan Alignment:

**Pillar:** Build a better future  
**Goal:** Review municipal official plan policies  
**Strategy:** Take a cooperative approach to development

### Previous Report/Authority:

None.

## **Analysis:**

The property is municipally identified as 304586 South Line and legally identified as lots 48 and 49, concession 3SDR and concession 4SDR, lot 24 and part lot 25, in the geographic township of Glenelg.

The purpose of the application is to sever approximately 11.0 hectares of rural land and retain approximately 67.5 hectares of rural land. The effect of which will create two (2) separate rural parcels.

The site is comprised of approximately 78.5 hectares. The subject lands currently contain a single detached dwelling unit, barn and accessory structures. Approximately 57 hectares of the property is considered tillable acreage.

To determine the consistency of the proposal planning staff have conducted a review of the 2020 Provincial Policy Statement (2020 PPS), County Official Plan and the Municipality's Comprehensive Zoning No. By-law 37-2006.

### 1. 2020 Provincial Policy Statement (2020 PPS)

The 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 and an MDS calculation has been completed. Two (2) vacant livestock facilities exist in proximity to the subject lands to the north and the east. Although the livestock facilities are vacant, they are still capable of housing livestock and must be considered through an MDS calculation. In addition, an active livestock facility exists on the north end of the subject lands. MDS calculations have been completed and planning staff are satisfied that MDS can be met.

The subject lands are considered a rural area within the municipality and lot creation is permitted subject to a variety of factors. Hazard lands traverse the property from the northwest corner to the south. The hazard lands are subject to flooding and erosion hazards of multiple unnamed tributaries of the Boothville Swamp Provincially Significant Wetland (PSW) and its associated pond features. It has also been identified that there is unstable organic soils associated with the surround wetlands. Planning staff are satisfied that sufficient area exists outside of the hazard lands to support future development.

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 40% 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. 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.

Planning staff are satisfied that the application is consistent with the 2020 PPS.

## 2. County of Grey Official Plan

The subject lands are designated as 'rural' with a portion of 'hazard' throughout the centre of the property and along the southern boundary 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 and not the current land holding. 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. The subject lands are comprised of two original township lots which are lot 24, concession 4 SDR and lot 25, concession 4 SDR and both are approximately 25 hectares in size.

The County Planning and Development Department has noted that four lots currently exist on lot 25. Planning staff acknowledge that that density policies of the County Plan are exceeded. However, planning staff note that further lot creation would be supported on lot 24. Although county planning staff note that lot creation would be supported if the boundaries of the proposed lot were entirely contained on lot 24. Planning staff note that the Saugeen Valley Conservation Authority has also provided comment on the application and denote a building envelope within lot 25 on the basis that other wetlands, hazard lands and significant woodlands exist on lot 24. To prevent further site alteration in this location, planning staff recommend a zoning by-law amendment be required as a condition of consent placing the balance of the lands in the newly created lot into a holding provision. This will be discussed further in the report.

The County Plan does identify significant woodlands over approximately 40% 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. However, to circumvent further development the holding provision will be implemented as a condition of consent.

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. Planning staff are satisfied that sufficient land outside of the hazard lands designation exist on the proposed lot.

Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application provided the holding provision is implemented as a condition of consent.

### 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 proposed lot creation will contain lands under both zones. A zoning by-law amendment will be required to recognize the deficient lot area and frontage while also place the balance of the lands under a holding provision to prevent development within areas of identified significant woodlands, other wetlands and hazard lands.

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 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.	±11.0 ha. / +/-67.5 ha.
Lot frontage, minimum	122.0 m	±564.0 m / +/-87.0 m

Planning staff are satisfied that provided a zoning by-law amendment is completed as a condition of consent, the general intent and purpose of the zoning by-law is being maintained.

### **Financial Implications:**

None.

### **Communication Plan:**

As required under the Planning Act, R.S.O. 1990, as amended.

### **Consultation:**

- County of Grey Planning & Development Department
- Saugeen Valley Conservation Authority
- Saugeen Ojibway Nation
- Hydro One
- Enbridge Gas

### **Attachments:**

1. Aerial and official plan mapping (Schedule A and Appendix B)
2. Aerial and zoning map
3. Commissioned application form
4. MDS 1 calculations
5. County of Grey Planning & Development Department
6. Saugeen Valley Conservation Authority
7. Saugeen Ojibway Nation
8. Hydro One
9. Enbridge Gas

### **Recommended by:**



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

**Submission reviewed by:**

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Lorelie Spencer, Manager of Planning & Development at [lspencer@westgrey.com](mailto:lspencer@westgrey.com) or 519.369.2200, ext. 236.