

Staff Report

Report To: Committee of Adjustment
Report From: Lorelie Spencer, Manager of Planning and Development
Meeting Date: February 7, 2023
Subject: B17.2022 – Osborne / Snead

Recommendations:

That in consideration of staff report B17.2022 – Osborne / Snead, the committee of adjustment grants provisional consent, subject to the following conditions:

1. Payment of any outstanding municipal taxes;
2. Payment of the \$500.00 parkland dedication fee;
3. Payment of the entrance permit application fee; and
4. Receipt of an entrance permit for the newly created parcel.

Highlights:

- The purpose of the application is to sever approximately 40 hectares of rural land and retain approximately 38 hectares of rural land. The effect of which will create two separate rural parcels along the original crown survey.

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 has no assigned municipal address and is legally identified as PT LOT 20, LOT 19, CONCESSION 12 in the geographic township of Glenelg.

The purpose of the application is to sever approximately 40 hectares of rural land and retain approximately 37.8 hectares of rural land. The effect of which will sever the lands along the original crown survey.

The site is comprised of approximately 78 hectares. The subject lands are currently utilized for farming purposes but contain no buildings or structures. Approximately 28 hectares of land is tillable farmland.

The subject lands are located on the south west side of Concession 12 and Sideroad 40 and contain lots 19 and 20. Three previous severances have been granted from Lot 20 on the north and south sides of the property.

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

1. 2020 Provincial Policy Statement

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 of the 2020 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 the information provided by the applicants and an MDS calculation has been completed. Three (3) livestock facilities exist in the proximity of the subject lands. Two (2) of which are located north of the proposed lot line containing livestock. The third facility is northeast of the subject lands and currently vacant however must still be considered as part of MDS. Based on the information provided by the applicants and GIS mapping, planning staff are satisfied that the requirements of MDS are met in accordance with the 2020 PPS.

The subject lands are considered a rural area within the municipality where lot creation is supported under the 2020 PPS. Both the severed and retained parcels will contain both rural and hazard lands.

Section 2.0 of the 2020 PPS speaks to the wise use and management of resources. Natural features and areas shall be protected for the long term. The property does contain significant woodlands however the creation of the lots based on the original crown survey is not anticipated to have an impact on this feature.

Section 2.5 of the 2020 PPS requires that mineral aggregate resources shall be protected for their long-term use. Swaths of aggregate are identified throughout the property. Should approval of the consent be granted each lot would continue to be of sufficient size as farm lot to accommodate future extraction of the resource. Planning staff have no further concerns in this regard.

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

2. County of Grey Official Plan.

The subject lands are designated 'rural' under schedule 'A' of the County plan. A large swath of 'hazard lands' traverses the middle of the current lot fabric. Schedule 'B' defines two (2) pockets of identified aggregate resources along the eastern and southern boundaries of the property. Significant woodlands are also identified in appendix 'B' of the County Plan which closely coincide with the identified 'hazard lands' designation.

Policy 5.4.3(1) of the County plan specifically determines the density policies to permit lot creation based on the original crown survey. The subject lands were originally two (2) 40-hectare parcels. A total of four (4) lots, including the retained parcel are permitted on 40-hectare parcels. Based on the density policies of the plan lot 20, once severed, would meet the density policies of the County OP and no further lot creation would be permitted going forward. Lot 19 remains as the original crown survey potential future development may be considered under the density policies of the plan, subject to other policies and factors. This application is considered acceptable under the density provisions of the County plan.

The development policies under 5.4.2 of the County Plan state that the minimum lot size for newly created farm lots within the 'rural' land use type shall be 20 hectares which is maintained as part of this application. Policy 5.4.2(4) states that non-farm sized lot creation shall not be permitted within aggregate resource areas identified under the County OP. Both the severed and retained parcels are considered farm lots and staff have no concerns with the proposed lot creation on this basis. Policy 5.4.2(5) requires that lot creation meet MDS. As previously noted, planning staff are satisfied that MDS is met.

Policy 7.2 of the OP 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 lands' designation.

Policy 7.4(1) states that no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated

through an environmental impact study which demonstrates that there will be negative impacts on the natural features or their ecological functions. Although no development is proposed as part of this application, the applicants are advised that any tree cutting or forestry must be in accordance with the County of Grey Tree Cutting By-law No. 4341.06.

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 No. 37-2006

The municipality's zoning by-law zones the subject lands as A2 (rural) and NE (natural environment). The proposed lot fabric for lot 19 will predominantly contain the A2 zone along the western half of the property and the NE zone on the eastern half. Part lot 20 will contain predominantly NE zoning along the western portion of the property with a swath running entirely east through the centre of the property. Staff are satisfied that sufficient area exists on the balance of the property in the A2 zone for future development should it be contemplated.

Each lot will be required to apply for an entrance permit to the satisfaction of the public works department. Should alterations be required to accommodate the entrance, the applicants are advised that a permit from the Saugeen Valley Conservation Authority may also be required.

Staff have reviewed the regulations associated with the A2 zone to ensure conformity with the minimum lot area and frontage are maintained. Planning staff are satisfied that a zoning by-law amendment is not required to address the regulations as part of the proposed lot fabric.

Staff are satisfied that the application maintains the general intent and purpose of the zoning by-law.

Financial Implications:

None.

Communication Plan:

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

Consultation:

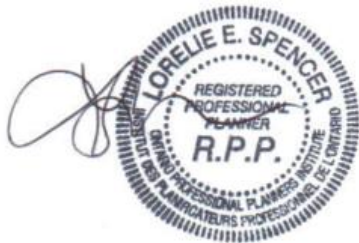
- County of Grey Planning and Development Department

- Saugeen Valley Conservation Authority
- Saugeen Ojibway Nation
- Hydro One
- Enbridge Gas

Attachments:

1. Aerial and Official Plan mapping (schedule A)
2. Aerial and Official Plan mapping (schedule B)
3. Aerial and Official Plan mapping (appendix B)
4. Aerial and zone map
5. Commissioned application form
6. County of Grey Planning and Development Department comments
7. Saugeen Valley Conservation Authority comments
8. Saugeen Ojibway Nation comments
9. Enbridge Gas comments

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 and Development at lspencer@westgrey.com or 519.369.2200, ext. 236.