

Staff Report

Report To: Committee of Adjustment
Report From: Lorelie Spencer, Manager of Planning and Development
Meeting Date: February 7, 2023
Subject: B18.2022 – HILL (consent for lot addition)

Recommendations:

That in consideration of staff report B18.2022 - HILL, 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 zoning by-law amendment application fee;
4. Receipt of a zoning by-law amendment; and
5. That the severed lands merge with the adjacent lands to the west.

Highlights:

- The purpose of the application is to sever approximately 0.33 hectares of agricultural land and retain approximately 36.1 hectares of agricultural land.
- The effect of which will create a newly enlarged parcel to the west to be approximately 3.6 hectares in size and retain an agricultural parcel approximately 36.1 hectares in size.
- The lot addition will adjust the boundary of the westerly parcel to accommodate a driveway currently installed on the adjacent lands.

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 LOT 11, CONCESSION 8 in the geographic township of Glenelg.

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The site is comprised of approximately 36.4 hectares. The subject lands are currently utilized for farming purposes in the form of cash cropping. No buildings, structures, or livestock facilities exist on the subject lands.

The subject lands are located on the south side of Concession 8, east of Baptist Church Road. The original crown survey was comprised of 40 hectares. The lot receiving the lot addition was previously severed from the original crown survey and is 3.3 hectares in size.

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.

The subject lands are designated as 'agricultural' and 'hazard lands' under the County Official Plan. Section 2.3 speaks to policies related to agricultural lands. 2.3.1 states that prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural lands are areas where prime agricultural lands predominant. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands.

Section 2.3.3 outlines the uses permitted in the agricultural designation. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Section 2.3.3.3 further states that new land uses in prime agricultural areas, including the creation of new lots and new or expanding livestock facilities, shall comply with minimum distance separation (MDS) formulae. Staff have reviewed aerial photography and confirmed that no livestock facilities exist within 500 metres of the subject lands in

addition the application before Committee is related only to a lot addition and not new lot creation. Planning staff have no concerns regarding MDS.

Section 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and only permitted under specific circumstances. Planning staff will require the consent to be a lot addition as a condition of consent to avoid lot creation. Staff have no concerns in this regard.

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.

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 lot addition is not anticipated to have an impact on this feature and will avoid further alteration in the location of the existing driveway.

Section 2.5 of the 2020 PPS requires that mineral aggregate resources shall be protected for their long term use. Aggregate resources are identified across the entire frontage of the property and comprise approximately 40% of the property. The lot addition is not lot creation therefore the impact will not impact the ability for aggregate resources to be extracted in future.

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

2. County of Grey Official Plan.

The subject lands are designated 'agricultural' under schedule 'A' of the County plan. 'Hazard lands' traverse the southern portion of the property and a small portion of the 'rural' land designation exists along the southwest corner of the subject lands. Schedule 'B' defines an area of identified aggregate resources along the northern boundary of the property. Significant woodlands are also identified in appendix 'B' of the County Plan being most prominent along the southeast corner of the property.

The lot addition is contained within the 'agricultural' designation.

Policy 5.2.2 of the County Plan speaks to the development policies of the agricultural designation. 5.2.3(3) states that lot adjustments in the agricultural land use type may only be permitted for legal or technical reasons. The 2020 PPS and the County OP define a legal or technical reason as a severance for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. Planning staff are satisfied that the proposed lot addition is a minor boundary adjustment. The lot addition is appropriate as it prevents further alteration to accommodate the reinstallation of the driveway on the property it was intended to serve.

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 further 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.

On the basis that the application is purely for a lot addition to accommodate the existing driveway and not for the purposes of lot creation, planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application. Further development of this parcel for lot creation purposes would not be supported.

3. The Municipality of West Grey Comprehensive Zoning By-law No. 37-2006

The municipality's zoning by-law zones the subject lands as A1 (agricultural), A2 (rural) and NE (natural environment). The lot addition area in question is completely contained within the A1 (agricultural zone).

The lot addition will be required to merge with the lands to the west of the subject lands. Planning staff have reviewed the newly merged lot to ensure it meets the provisions of section 8.3 of the Municipality's zoning by-law. A minimum lot area of 0.8 hectares is required and a minimum lot frontage of 30.5 metres. However, the lot size exceeds the regulation 8.3.1 which requires the review of the newly merged lot comply with provision 8.2.1 which requires a minimum lot area of 40 hectares. Provision 8.3.1 only applies to lots 2 hectares or less in size. The

newly merged parcel will be approximately 3.6 hectares in size which requires compliance with provision 8.2.1.

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.

A zoning by-law amendment is required as a condition of consent to recognize the newly merged parcel and its subsequent minimum lot size deficiency.

Provided a zoning by-law amendment is required as a condition of consent, planning 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.

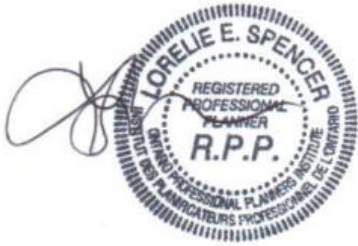
Consultation:

- 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. 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.