



Committee of adjustment report

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| Meeting date: | November 10, 2020 |
| Title: | B08/2020 – Grein, Dean |
| Prepared by: | Lorelie Spencer, Manager of Planning and Development |
| Reviewed by: | Laura Johnston, CAO |

Recommendation

That Committee of Adjustment accept the report from Planner L. Spencer recommending that the application be denied as it does not conform with the County of Grey Official Plan density policies within the Rural designation and does not conform to the policies identified under 5.4.2 concerning lot creation in identified Aggregate Resource Areas.

Executive summary

The purpose of the application is to sever a rural lot and retain a rural lot. The severed parcel is proposed to be approximately 3.6 hectares in size and the retained parcel is proposed to be approximately 25.6 hectares in size.

If approved, the newly created parcel would require a newly established entrance on the Normanby-Bentinck Townline.

Background and discussion

The subject property is located near the southwest corner of the Normanby-Bentinck Townline and 10th Sideroad SDR. The subject lands currently contain a single detached dwelling unit with identified hazard lands in the form of a managed forest on the subject lands.

The surrounding land uses in the area are predominantly agricultural with portions of hazard lands and residential lots of record. Historic access has been provided to an adjacent property over the subject lands. The legality of this access has not been determined.

The site is currently comprised of approximately 29 hectares (72 acres) with approximately 562 metres (1844 feet) of frontage along the Normanby-Bentinck Townline.

Legal and legislated requirements

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) encourages the preservation of prime agricultural land and generally prohibits the creation of smaller farm parcels or residential lots in areas having strong agricultural capabilities. However, in rural areas with limited agricultural capability, the creation of a limited amount of non-farm residential lots and small farm parcels may be considered.

The subject lands are designated as 'Rural' and 'Hazard Lands' under the County of Grey Official Plan.

Section 1.1.4 of the PPS identifies the importance of rural areas in Municipalities. Section 1.1.4 further notes that rural areas are considered to be important to the economic success of the Province and quality of life.

Section 1.1.4.1 states as follows:

Healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character, and leveraging rural amenities and assets;*
- b) Promoting regeneration, including the redevelopment of brownfield sites;*
- c) Accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) Using rural infrastructure and public service facilities efficiently;*
- f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h) Conserving biodiversity and considering the ecological benefits provided by nature; and*
- i) Providing opportunities for economic activities in prime agricultural areas.*

Section 1.1.5.2(c) of the PPS lists residential development, including lot creation as permitted uses within the Rural designation. However, this is further clarified that the development must be considered locally appropriate.

Schedule A of the County of Grey Official Plan identifies 'Hazard Lands' on the subject property. The proposal indicates that development is not contemplated within the Hazard lands designation.

The subject lands have further been identified as having an 'Aggregate Resource Area' on the subject lands. Section 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.



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Section 2.5.2.4 of the PPS requires that mineral aggregate resources remain protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

In accordance with Section 2.5.2.4, the proposed lot creation on the subject lands is not consistent with the PPS.

Section 2.1.1 of the PPS states that natural features and areas should be protected over the long term. Section 2.1.2 of the PPS further states that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Appendix B of the County Official Plan identifies 'significant woodlands', significant valley lands', an identified cold water stream, and other wetlands on the subject lands. In accordance with Section 2.1.5 of the PPS, an Environmental Impact Study (EIS) may be required by the Conservation Authority in order to permit the proposed lot creation. In the absence of an EIS, the application is not consistent with the PPS.

Appendix C of the County Official Plan also identifies the existence of 'core areas' and 'linkages' on the subject lands. This application is not consistent with Section 2.1.1 of the PPS in this regard.

Based on the above, planning staff are not satisfied that the proposed lot creation is consistent with the PPS.

2. County of Grey Official Plan

As previously noted, the subject lands are designated 'Rural' and 'Hazard lands' on Schedule A to the County of Grey Official Plan (OP).

Policy 5.4.3 of the Official Plan provides provision for the minimum size and lot density requirements related to consents within the 'Rural' designation. This policy further defines that the lot density provisions are determined by the original Municipal survey and not the current landholding of the present landowner. Any increase in lot density requirements is subject to an amendment to the County Official Plan.

The proposed consent does not meet the policies of the Official Plan. The original Municipal lot has been severed on multiple occasions. As a result, this application would require an Official Plan Amendment to proceed to the Consent process.

Policy 7.2 of the Official Plan limits the use of the lands within the 'Hazard' designation to forestry type uses and passive recreational uses. A portion of the severed lands proposed fall within this designation. Comments have been requested as part of the review from the Saugeen Valley Conservation Authority.



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Schedule B of the Official Plan identifies aggregate resource areas. The establishment of non-farm lots within aggregate resource areas is not permitted under Section 5.4.2 of the Plan. Schedule B and the policies under 5.4.2 are consistent with the policy directions of the Province within the Provincial Policy Statement.

As previously noted a variety of natural heritage features have been identified on the subject lands under Appendix B and C to the County Plan. Section 7.1 of the County Plan states that development proposed within core areas, their 120 metre adjacent lands, or linkages will be required to undertake an EIS. This is intended to ensure that no adverse impact will occur as a result of development.

Based on the foregoing, the proposed consent does not conform to the County Official Plan.

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

The municipality of West Grey Comprehensive Zoning By-law zones the subject lands as Rural (A2) and Natural Environment (NE). The NE zone is located along almost half of the eastern portion of the subject lands.

The A2 zone requires a minimum lot frontage of 122 metres (400 feet) and a minimum lot area of 20 hectares (50 acres). The proposed lot creation would meet the minimum lot frontage requirements, if approved. The proposed lot creation would not meet the minimum lot area if approved and a zoning by-law amendment would be required.

Financial and resource implications

None.

Staffing implications

None.

Consultation

- County of Grey Planning & Development Department
- Hydro One Networks
- Public comments provided

Alignment to strategic vision plan

Pillar: Build a better future
Goal: Invest in business
Strategy: Review zoning by-laws and West Grey Official Plan

Attachments

- Aerial and OP map
- Aerial and Zoning map



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Next steps

That the Committee of Adjustment accept the report of Planner L. Spencer which recommends that application B08.2020 be refused.

Respectfully submitted,



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