

Staff Report

Report To: Committee of Adjustment
Report From: Lorelie Spencer, Manager of Planning & Development
Meeting Date: June 6, 2023
Subject: B12.2023 – BELL, Douglas

Recommendations:

That in consideration of staff report B12.2023 – BELL, Douglas, the Committee of Adjustment provides provisional consent to both files, subject to the following conditions:

1. Payment of any outstanding municipal taxes (if applicable);
2. Payment of an entrance permit fee for the newly created lot from the Municipality of West Grey;
3. Receipt of an acceptable entrance permit from the Municipality of West Grey; and
4. Payment of the \$500.00 parkland dedication fee.

Highlights:

The purpose of the application is to sever approximately 41.0 hectares of agricultural land and retain approximately 41.0 hectares of agricultural land. The effect of which will create two (2) agricultural parcels along the original crown survey.

Previous Report/Authority:

None.

Analysis:

The property is municipally identified as 373470 Concession 4 and legally identified as lots 1 and 2, concession 4 NDR in the geographic township of Glenelg.

The site is comprised of approximately 82.0 hectares. Lot 1 is currently utilized for farming purposes and contains no structures. Lot 2 presently contains a vacant livestock facility. Approximately 28 hectares of the property is considered tillable acreage.

It appears as the original lots were acquired they were registered in the same name on

title which caused the properties to merge. Both applications will revert the lands back to their original crown surveys. This application will not result in the creation of non-farm lots.

The subject lands are designated as 'agricultural' and 'hazard lands' within the County of Grey Official Plan. Schedule B further identifies an identified aggregate resource on the subject lands in addition to significant woodlands. The Municipality of West Grey Comprehensive Zoning By-law No. 37-2006 zones the lands A1 (agricultural) and NE (natural environment). No new land uses are proposed as a result of this application.

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 2.1 of the 2020 PPS speaks to natural heritage features. Section 2.1.5(b) states that development and site alteration shall not be permitted in identified significant woodlands. The County Official Plan identifies significant woodlands under schedule B throughout the entire westerly boundary of lot 1 and the southern portion of both lots 1 and 2. Although an environmental impact study has not been provided, staff are satisfied that in the event future development is proposed, there is sufficient area outside of the significant woodlands to permit development.

Section 2.3 of the 2020 PPS speaks to the policies related to agricultural lands. 2.3.1 specifically states that prime agricultural areas are to be protected for long-term use for agriculture. Prime agricultural areas are defined in the 2020 PPS as those areas where prime agricultural lands predominate.

Section 2.3.3 outlines the uses permitted within prime agricultural areas. Permitted uses include agricultural uses, agriculture-related uses, and on-farm diversified uses. Section 2.3.3.3 requires that new land uses in prime agricultural areas, including the creation of new lots and new or expanded livestock facilities, shall require with minimum distance separation (MDS) formulae. Planning staff have reviewed aerial photography, in addition to the information provided by the applicant, to conduct MDS I calculations. A total of three (3) livestock operations exist within 500 metres of the subject lands all of which meet MDS I requirements. Planning staff are satisfied that the application meets MDS I consistent with the 2020 PPS.

Section 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) Agricultural uses, provided that the lots are of a size appropriate for the type

- of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
 - c) A residence surplus to a farm operation as a result of farm consolidation; and
 - d) Infrastructure.

In this case, the properties have merged through title at the land registry office. The application is satisfactory to staff on the basis that the properties will all return to the original crown surveys each being approximately 40 hectares in size which is considered an appropriate size to continue farming operations. For reference purposes, changes in legislation have since been made through amendments to the Planning Act, R.S.O. 1990, as amended which will prevent issues of this nature from occurring in future during registration with the land registry office (LRO).

Section 2.5 speaks to mineral aggregate resources and the need for their preservation over the long term. Approximately 45% of the subject lands contains identified aggregate particularly along the eastern and southern boundaries of lot 1 and 2. Further discussion in this regard will be provided under section 2.0 of this report. Planning staff are satisfied that returning the lands back to the original crown survey of 40 hectares for each lot will not preclude the ability for future extraction of the aggregate resource in future.

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. There is no current proposal for development of the subject lands at this time beyond the severance along the original crown survey.

The 'hazard lands' designation is located along the westerly property boundary of lot 1. Planning staff are satisfied that sufficient area outside of the 'hazard lands' designation exists to permit future development.

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 'agricultural' with a portion of 'hazard' along the western property boundary of lot 1.

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 lot 1 to support development in future, if proposed. Further permissions may be required for this lot from the Saugeen Valley Conservation Authority.

Policy 5.2.3 of the County of Grey Official Plan, specifically speaks to the consent policies within the 'agricultural' designation. Lot creation in the agricultural land use type is generally discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances and infrastructure. 5.2.3(1) states that a consent for one new lot may be permitted provided the original farm parcel is a minimum of 40 hectares in size. As noted previously, each of the lots, should consents be approved, would each be a minimum of 40 hectares in size. Planning staff have no further concerns in this regard.

Policy 5.6.2 identifies the aggregate resource area policies. Policy 5.6.2(8) speaks to non-farm sized lot creation of lots less than 20 hectares in size are not permitted in aggregate resource areas. Planning staff are satisfied that the severance of the lots along the original crown survey exceeds this policy.

Planning staff are satisfied that the general intent and purpose of the Official Plan is maintained through consent file B12.2023.

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 A1 (agricultural) and NE (Natural Environment). Based on the lots returning to the original crown surveys, the severed lots and retained parcel all meet the requirements of the A1 (agricultural) zone. Planning staff are satisfied that a zoning by-law amendment is not required as a condition of consent.

4. General Comments

The applicant is advised that should the applications be provided provisional consent approval by Committee of Adjustment, the conditions stipulated must be completed within twenty-four (24) months from the date of decision or the approval will lapse.

Next steps will include the requirement to provide draft deeds, once conditions have been fulfilled for review by staff. Once approved, it is the responsibility of the applicant to direct their lawyer to register the deeds with the Land Registry Office (LRO). A copy of the registered deed is required for the Municipality's records.

Should future development be proposed, the applicant is advised that further approvals may be required from the Saugeen Valley Conservation Authority (SVCA) who should be consulted prior to any development on these two parcels. In addition, the applicant is advised to ensure that any tree removal on the severed parcels or retained parcels must be in conformance with the County of Grey Forest Management By-law No. 4341.06.

Valid entrance permits for each parcel are required to be obtained and / or confirmed for each parcel from the Municipality of West Grey Public Works Department.

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

Recommended by:



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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 or 519.369.2200, ext. 236.