



Staff Report

Report To: Council

Report From: Karl Schipprack, Director of Infrastructure and Development

Meeting Date: August 15, 2023

Subject: ZA23.2023 - GOETZ, Daniel and GOETZ, Heather and SHADYGROVE MAPLE INC.

Recommendations:

That in consideration of staff report 'ZA23.2023 – GOETZ, Daniel and GOETZ, Heather and SHADY GROVE MAPLE INC.', council directs staff to bring forward a bylaw to authorize the passage of a zoning bylaw amendment.

Highlights:

The purpose of the application is to change the zone symbols on the subject lands from A2 (Rural), OS (Open Space), and NE (Natural Environment) to A2 (Rural), A2-h (Rural with a Holding Provision), OS-h (Open space with a Holding Provision) and NE (Natural Environment). The holding provision will ensure that development on the retained and severed parcel does not occur outside the developable area without an acceptable environmental impact study to the satisfaction of the County and Municipality. The effect of which will fulfil a condition of consent for file B06.2022.

Previous Report/Authority:

[B06.2022 - GOETZ, Daniel and GOETZ, Heather and SHADY GROVE MAPLE INC](#)

Analysis:

Provisional consent was granted by the Committee of Adjustment June 6th, 2022 for file B06.2022. The creation of a new non-farm lot approximately 20.7 hectares in size for the purposes of a lot addition, was granted provisional consent approval from the Committee. The following conditions were applied:

- Payment of any outstanding municipal taxes;

- The provision of a site plan to the satisfaction of the Municipality and the Saugeen Valley Conservation authority for the newly created Parcel;
- Payment of the zoning bylaw amendment application fee;
- Passage of a zoning bylaw amendment;
- Payment of the site plan approval fee;
- Registration of the site plan agreement on title at the landowner's expense; and
- Payment of the parkland dedication fee for each newly created parcel;

The property does not have a municipally identified address but is legally identified as part lot 26, concession 3 EGR in the geographic township of Glenelg.

The subject lands are designated as 'rural' and 'hazard lands' under schedule A of the County of Grey Official Plan. Appendix 'B' of the County Plan also identifies the presence of significant woodlands over the property.

The site is comprised of approximately 41.4 hectares. The subject lands are currently vacant.

To assess the merits of the application, planning staff previously reviewed the Provincial Policy Statement (2020 PPS), the County of Grey Official Plan and the Municipality of West Grey Comprehensive Zoning Bylaw in a recommendation report to Committee of Adjustment. For council's reference, the contents of that report have been shown in italics below.

1. Provincial Policy Statement 2020 (PPS)

The Provincial Policy Statement 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 applicants to confirm if any livestock operations are located within 450 metres of the subject lands. Based on the lack of livestock facilities within this radius, planning staff are satisfied that the requirements of MDS are met in accordance with section 1.1.5 of the PPS.

The subject lands are considered a rural area within the municipality and the creation of limited non-farm residential lots is permitted subject to various factors. Hazard lands meander mid-section through the subject lands and are generally related to the Rocky Saugeen River. The enlarged lot is also designated as rural

and hazard lands. Planning staff have no concerns in this regard.

Policy 2.1 of the PPS states that natural features and areas shall be protected for the long term. Pre-consultation discussions with the County, West Grey and SVCA staff indicated that an EIS was required to determine if a suitable building envelope could be obtained along Concession 2 to support a single detached dwelling unit on the retained lands. Policy 2.1.5 of the PPS states that development and site alteration shall not be permitted in significant woodlands or areas of significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The EIS successfully identified a building envelope on the southwest corner of the study area and concluded that negative impacts in this location would be minimal. Planning staff have no further concerns in this regard.

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 as part of the application at hand.

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

2. County of Grey Official Plan

The subject lands are designated as 'rural' with a portion of 'hazard' midpoint through the property within 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. 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 County Plan does identify significant woodlands on the property in addition to a natural heritage core. Both constraints consume a large portion of the property. However, as the proposed consent is related to a lot addition, planning staff have no further concerns in this regard as the lot enlargement will create a larger viable farm parcel for the lands to the north from existing conditions.

Policy 7.1 of the Official Plan speaks to core areas and linkages. The entire subject lands are denoted as containing a natural core area under schedule 'C' of the County Plan. The EIS conducted a thorough analysis of the retained parcel to determine if a feasible building envelope could be identified minimizing any impact on the natural core area. Planning staff have no further concerns in this regard. Planning staff note that a single detached dwelling unit exists on the lands receiving the lot addition and have no concerns regarding significant site

alteration associated with the lot addition.

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. Development is not proposed in proximity or within the hazard land designation.

Policy 7.4 speaks to policies surrounding significant woodlands. The entire subject lands are identified to contain this feature. The property is currently being used for maple syrup production.

Provided an implementing zoning bylaw is passed to recognize the recommendations of the EIS, 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 Bylaw 37-2006

The municipality of west grey comprehensive zoning bylaw zones the subject lands as A2 (rural) and NE (Natural Environment). The retained parcel will be located entirely within the A2 zone. To implement the recommendations of the EIS a zoning bylaw amendment will be required. This will identify the building envelope and associated adjacent lands while placing the balance of the lands in the OS (open space) zone which does not permit the development of new structures.

The following provisions related to the A2 zone and have been evaluated against the retained lot. 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 (standard regulations)	Required	Provided (severed – lot addition lands)	Provided (retained)
Lot area, minimum	20.0 ha.	±31.0 ha.	±20.7 ha.
Lot frontage, minimum	122.0 m	±397.0 m	±272.0 m

There are no deficiencies identified with the retained parcel or lot addition fabric.

Planning staff have no further concerns in this regard.

Provided a zoning amendment is a condition of consent to address the recommendations of the EIS, planning staff are satisfied that the application maintains the general intent and purpose of the municipality's zoning bylaw.

Based on the above analysis, planning staff have no concerns with the implementation of the zoning bylaw amendment to fulfill conditions 4 and 5 of provisional consent approval for files B02.2023.

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

Attachments:

- Notice of Public Meeting
- Aerial and official plan mapping (schedule A)
- Aerial and zoning mapping
- West Grey Public Works Department comments
- County of Grey Planning and Development Department comments
- West Grey Fire Department comments
- West Grey Building Department comments
- Saugeen Valley Conservation Authority comments

Recommended by:

Karl Schipprack, CBCO

Director of Infrastructure and Development/CBO

Submission reviewed by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Karl Schipprack at kschipprack@westgrey.com or 519.369.2200, ext. 234.