

HINES SEVERANCE

343028 Concession 2 NDR Township of West Grey

PLANNING JUSTIFICATION REPORT

MARCH 21, 2023

Benner & Company Inc.

455504 Concession 3B
Holland Centre, Ontario
N0H 1R0

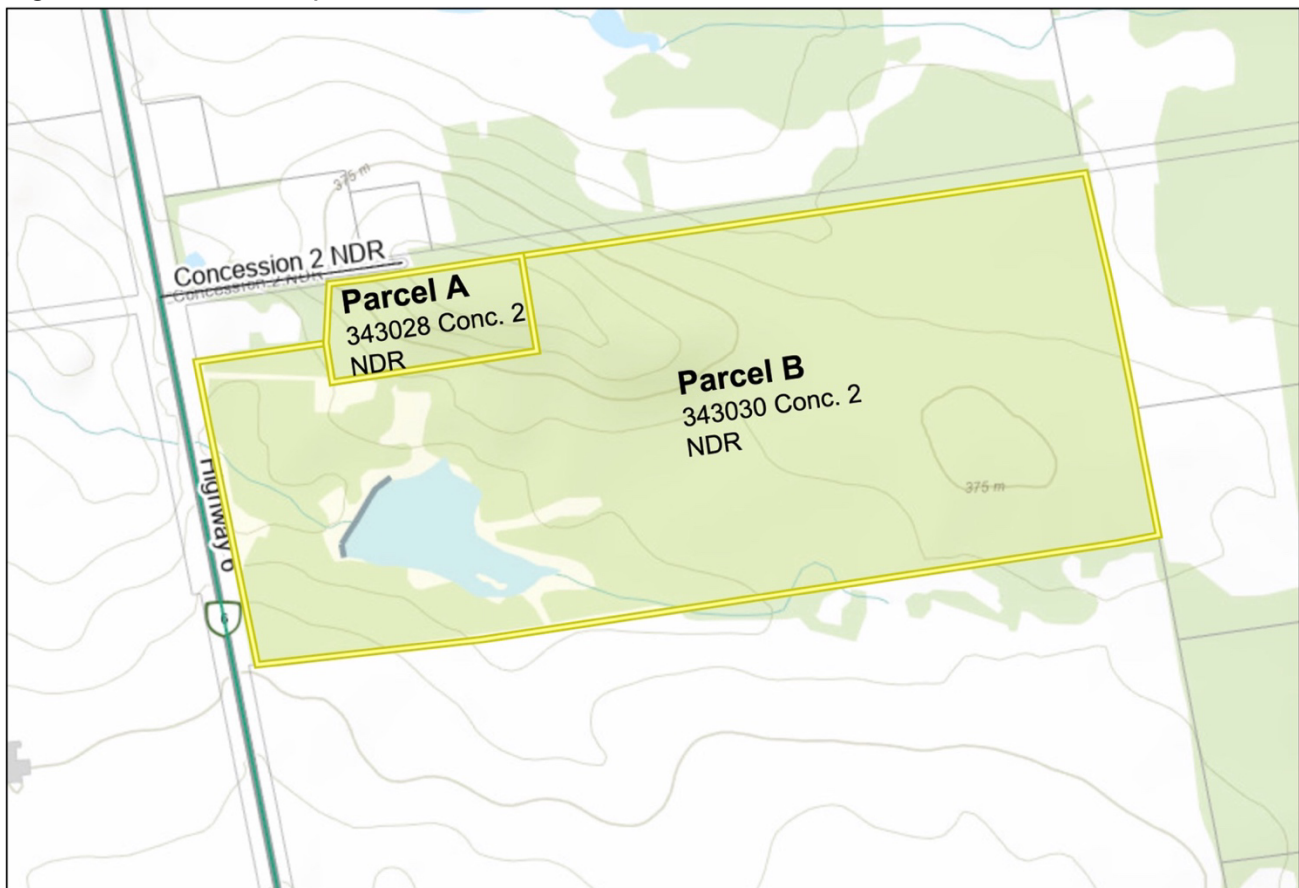
1. Introduction

Benner and Company has been retained to assist with the transfer of lands from 343028 Concession 2 NDR West Grey to 343030 Concession 2 NDR West Grey. Both parcels are owned by the Hines family. The transfer is required to recognize existing encroachments of a horse paddock and agricultural laneways onto 343028 Concession 2 NDR from 343030 Concession 2 NDR. These long-standing encroachments are being addressed to facilitate the eventual sale of 343028 Concession 2 NDR.

2. Proposal

The subject lands are composed of two separate and conveyable parcels. Parcel A is a 2.38 hectare parcel located at 343028 Concession 2 NDR, West Grey. This parcel contains a single detached dwelling and is heavily wooded sloping to the southwest. Parcel B is a 37.38 parcel located at 343030 Concession 2 NDR West Grey. Parcel B contains a single detached dwelling, a horse barn, paddock and a large pond. This parcel is also heavily wooded and slopes to the south and west. Parcel B abuts Parcel A on the east and south, and the two parcels share a common laneway extending from Concession 2 NDR Road through Parcel A to Parcel B. Both parcels are owned by the Hines family. A general location map identifying both parcels is noted below.

Figure 1. Location Map



Parcel A was severed from Parcel B years ago. At that time, portions of the existing paddock and farm lane were inadvertently included in the Parcel A lands. The landowners wish to correct this matter. The proposal involves severing the portion of Parcel A that includes the paddock and farm lane and adding that severed portion to Parcel B through a “Land Addition” style consent to sever. The lands to be severed will be approximately 0.5 hectares in size and the northerly property line will follow the slope of land on Parcel A. As noted in the following section, both a consent application and a zoning by-law amendment will be required to accomplish the plan.

A sketch detailing this proposal is included as Appendix “A” to this report.

3. Planning Analysis

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

Section 1.1.5 of the PPS provides policy direction for rural lands in municipalities, and as the lands are designated as rural in the County’s Official Plan, they would fall under this section of the PPS. Permitted uses on rural lands, under subsection 1.1.5.2., includes:

- a) *the management or use of resources;*
- b) *resource-based recreational uses (including recreational dwellings);*
- c) *residential development, including lot creation, that is locally appropriate;*
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and*
- e) *normal farm practices, in accordance with provincial standards;*
- f) *home occupations and home industries;*
- g) *cemeteries; and*
- h) *other rural land uses.*

Subsection 1.1.5.4. notes that *“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”*

Subsection 1.1.5.5. also notes that *“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.”*

Subsection 1.1.5.7 further states that *“Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.”*

Section 2.1 of the PPS relates to the wise use and management of resources and the protection of natural heritage features. Natural heritage features include significant woodlands as identified on both the severed and remnant lands.

Subsection 2.1.5 (b) notes that development and site alteration should not be permitted in significant woodlands in Ecoregions 6E and 7E unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions. Grey County is located in Ecoregion 6E.

Section 6 of the PPS provides definitions of terms used in the policy document. Under the PPS **Development** means:

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;*
- b) works subject to the Drainage Act; or*
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).*

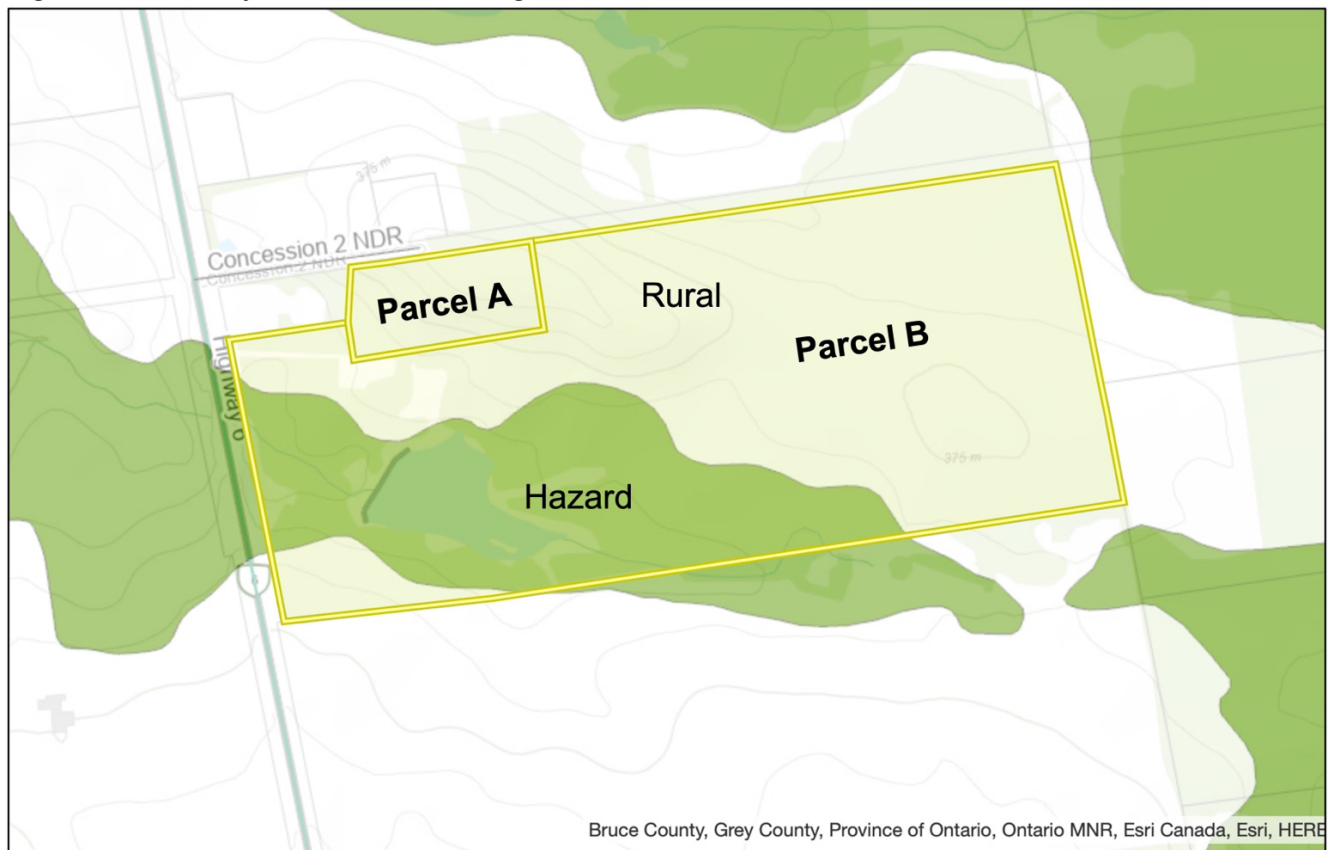
The proposed lot addition satisfies the requirements of Section 1.1.5. by eliminating the fragmentation of a portion of the existing horse paddock and access lanes from the principal parcel thus promoting the protection of agricultural and agricultural-related uses.

The proposed lot addition does not create a new lot or propose the construction of any buildings or structures as noted under the definition of Development. It could be argued that as the lot addition is not considered “development” as defined in the PPS, the policies of Subsection 2.1.5.(b) would not apply. Regardless, the significant woodlands existing on the subject and remnant lands should be protected, and it is not anticipated that the lot addition will have any impact on this feature.

County of Grey Official Plan

Schedule A of the County Official Plan designates the subject lands as Rural and Hazard as noted below:

Figure 2 – County Official Plan Designations



Section 5.4 provides policy direction for Rural land use types noting that the predominant land uses in the Rural area will be agriculture, aggregate extraction, recreation and forestry.

Section 5.4.1. permits the following land uses in Rural areas:

5.4.1.1. All uses permitted in the Agricultural Land Use under subsection 5.2.1.

5.4.1.2. a) Resource based recreational uses,

b) Small scale transport terminals,

c) Buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.,

d) Residential farm cooperatives

e) Agri-miniums,

f) Institutional uses including cemeteries, churches, or schools,

g) Recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership)

Section 5.4.3. provides policy direction for consents in Rural areas. Subsection 5.4.3.3. notes that:

Consents are permitted for lot addition purposes, or to correct lot boundaries, where the land being added is to be added to an existing use provided the enlarged lot and retained lots are greater than 0.4 hectares each.

The proposed lot addition will remove 0.5 hectares from a 2.38 hectare and add those lands to an existing 37.38 hectare parcel. The resulting parcel sizes of 1.88 hectares and 37.88 hectares comply with policy 5.4.3. above.

Section 7.2 provides policy direction for lands designated as Hazard in the County Plan.

Hazard Lands include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained areas, and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and/or dynamic beach hazards or have poor drainage, or any other physical condition that is severe enough to pose a risk for the occupant, property damage, or social disruption if developed.

The Hazard lands shown on Parcel B in the County OP are associated with the tributary of the Rocky Saugeen River and the man-made pond as noted in Figure 2, above. This area is also regulated by the Saugeen Valley Conservation Authority.

Subsection 7.2(2) notes that uses permitted on Hazard Lands include:

- *Forestry;*
- *Uses connected with the conservation of water, soil, wildlife and other natural resources;*
- *Agriculture;*
- *Passive public parks;*
- *Public utilities, and;*
- *Resource based recreational uses.*

The aforementioned uses will only be permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed.

The proposed lot addition will not have any impact on the Hazard lands located on the subject lands.

Appendix B of the County OP includes the subject lands within a Significant Woodland. Section 7.4 of the OP provides policy direction for the identification and use of significant woodlands within the County. Subsection 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, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of this Plan.

Section 9.18 of the County OP defines “development” as:

DEVELOPMENT means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- 1) Activities that create or maintain infrastructure authorized under an environmental assessment process; or*
- 2) Works subject to the Drainage Act.*

and “site alteration as:

SITE ALTERATION means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Although the proposed lot addition does not constitute the creation of a new lot, and no site alterations are associated with the proposal, comments from Grey County and the Saugeen Valley Conservation Authority will be sought regarding the impacts of the Significant Woodlands policies on the proposal.

Municipality of West Grey Official Plan

The municipality’s Official Plan focuses on the urban settlement areas of Durham and Neustadt. As the subject lands are located in the rural countryside outside of these settlement areas, the policies of the County of Grey’s Official Plan, noted above, apply.

Municipality of West Grey Zoning By-law

The subject lands are zoned as Rural (A2), Natural Environment (NE), and Restricted Rural (A3) as noted below.

Figure 3 – Zoning

Parcel A is located within the Rural (A2) zone. The Rural (A2) zone permits a range of uses suited for the larger parcel size and limited infrastructure found in the rural countryside. These uses include:

- *Agricultural uses, buildings and structures*
- *Agricultural related use*
- *Bed and Breakfast Establishment (Class 2)*
- *Equestrian center facilities*
- *Forestry*
- *Group home*
- *Home Occupation*
- *Home Industry*
- *A detached dwelling*
- *Conversion of a single detached residential dwelling accessory to a farm for one*
- *additional residential dwelling unit in accordance with Section 6.29*

- *Wayside Pits*
- *Wayside Quarries*
- *Temporary Portable Asphalt Plant in a wayside pit or quarry*
- *Recreational Trails operated by a Public Agency*
- *An accessory apartment dwelling unit within a detached dwelling in accordance with*
- *Section 6.29*
- *A recreational trailer in accordance with Section 6.39*
- *Accessory uses, buildings and structures in accordance with Section 6.1*

Subsection 9.3 of the By-law provides Reduced Lot Regulations for undersized parcels in the Rural zone. This section notes that:

Notwithstanding Sections 9.2.1 and 9.2.2, an existing lot of record or lot created by consent which has a lesser lot area and/or frontage than required shall be permitted the uses listed in Section 9.1 except as stated in Section 9.4. In order to create a new lot by consent that has a lesser lot area and/or frontage than required, this By-law must be amended accordingly. In all instances, the regulations of Section 9.2 shall apply excepting however that lots having an area of 2 hectares (5 acres) or less shall be used in accordance with the following regulations (noted in sections 9.3.1 through 9.3.9 of the By-law).

Parcel A has is an existing lot of record with a total lot area of 2.38 hectares. Given its smaller lot area, this parcel is governed by the Reduced Lot Regulations. As the proposed lot addition will further reduce the lot area of this parcel, a Zoning By-law Amendment is required to recognize the resulting lot area. A draft zoning by-law has been included as Appendix 2 to this report for reference purposes.

Parcel B contains lands zoned as Natural Environment (NE) and Restricted Rural (A3). Permitted uses in the Restricted Rural (A3) zone are noted as:

- *Agricultural uses, buildings and structures; except new or expanded livestock*
- *agricultural uses*
- *Bed and Breakfast Establishment (Class 2)*
- *Equestrian centre facilities*
- *Forestry*
- *Home Occupation*
- *Home Industry*
- *A detached dwelling*
- *Conversion of a single detached residential dwelling accessory to a farm for one*
- *additional residential dwelling unit in accordance with Section 6.29*
- *Wayside Pits*
- *Wayside Quarries*
- *Temporary Portable Asphalt Plant in a wayside pit or quarry*
- *Recreational Trails operated by a Public Agency*

- *An accessory apartment dwelling unit within a detached dwelling in accordance with*
- *Section 6.29*
- *A recreational trailer in accordance with Section 6.39*
- *Accessory uses, buildings and structures in accordance with Section 6.1*

Permitted uses in the Natural Environment (NE) zone are noted as:

- *Agricultural uses excluding:*
 - *New buildings and structures*
- *Conservation uses including:*
 - *Forest Management*
 - *Fish and wildlife management*
 - *Flood control*
 - *Erosion Control*
- *Municipal drains*
- *Passive recreation*
- *Public Park areas but not including buildings or structures*
- *Parking area*
- *Existing uses, buildings and structures, permitted as of the date of passing of this Bylaw.*

The proposed lot addition will add additional lands to Parcel B. It is not anticipated that the present uses of Parcel B will be impacted by this proposal. Therefore, the lot addition will not negatively impact Parcel B from a zoning perspective.

4. Summary

The proposal, as submitted, contemplates a lot addition from Parcel A to Parcel B to ensure an existing farm laneway and paddock are located solely on Parcel B. A Lot Addition style severance application we be required to facilitate the land transfer. Additionally, as the Municipal Zoning By-law identifies Parcel A as an existing undersized lot of record, an amendment to the zoning by-law will be required to recognize the new parcel size resulting from the land addition. Both parcels contain significant woodlands as identified by the County of Grey and Parcel B also contains hazard lands associated with a tributary of the Saugeen River.

The 2020 Provincial Policy Statement provides policy direction for rural land and lands containing natural heritage features. The proposed lot addition satisfies the requirements of Section 1.1.5. of the PPS by eliminating the fragmentation of a portion of the existing horse paddock and access lanes from the principal parcel thus promoting the protection of agricultural and agricultural-related uses. The proposed lot addition also does not create a new parcel or propose the construction of any buildings or structures. Accordingly, the significant woodlands, pond and tributary existing on the subject lands will be protected as the lot addition will not have any impact on these features.

The County of Grey Official Plan also contains policies that promote the protection of rural lands and natural heritage features. The County policies recognize lot additions as a form of severance permitted on rural lands, and, similar to the PPS, restricts development in areas containing natural heritage and hazard features. As noted above, the proposed lot addition will not create a new parcel and no structural development is anticipated, thus protecting the natural heritage and hazard features (significant woodlands, pond and tributary) identified by the County's Official Plan on the subject lands.

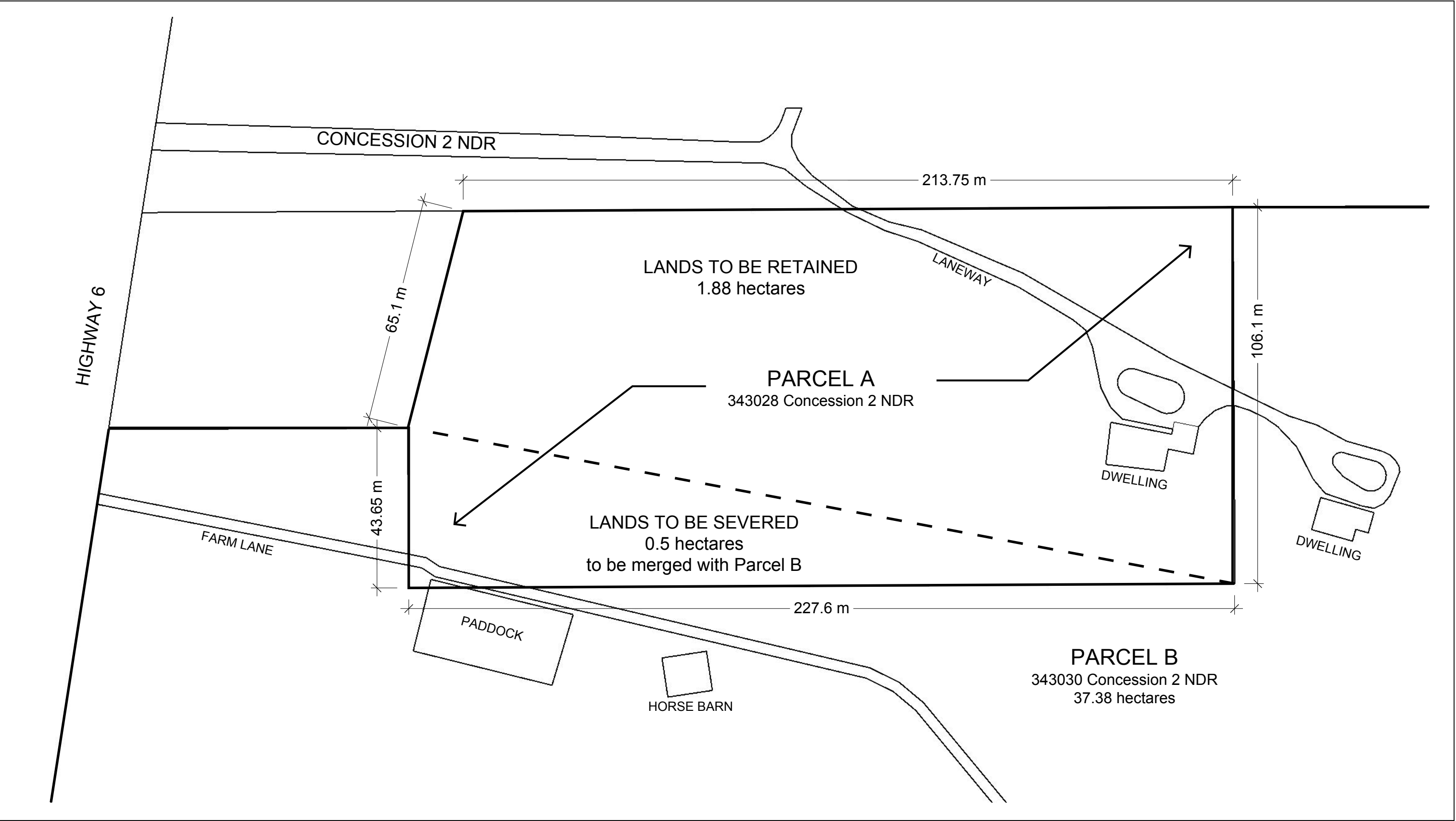
Thirdly, it is recognized that an amendment to the municipality's zoning by-law will be required to recognize the new lot area of Parcel A resulting from the lot addition. This amendment, if approved will satisfy the requirement of Section 9.3 of the Zoning By-law.

From a planning policy perspective, the proposed lot addition satisfies the policies contained in the 2020 Provincial Policy Statement, the County of Grey Official Plan and the Municipality of West Grey Zoning By-law, and represents good planning. It is recognized that additional comments will likely be provided by the County of Grey, the Municipality of West Grey and the Saugeen Valley Conservation Authority through the consent application and zoning bylaw amendment approval processes. Additional comments will be addressed as they are received.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Michael Benner', followed by a horizontal line.

Michael Benner, MCIP RPP
Benner and Company Inc.



<div>HINES SEVERANCE SKETCH</div> <div>343028 Concession 2 NDR</div> <div>Township of West Grey</div>	Benner & Company Inc.		REVISIONS		
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