



# Committee of adjustment report

<b>Meeting date:</b>	May 3, 2021
<b>Title:</b>	B02.2021 and B03.2021 – REIF, Alan and Erik
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

## Recommendation

That committee receive Planner Spencer's report and approve consent application Numbers B02.2021 and B03.2021 subject to the following conditions:

- 1.) Payment of any outstanding municipal taxes
- 2.) Payment of the zoning by-law amendment fee
- 3.) Passage of the zoning by-law amendment to implement a holding provision on lots 17 and 19 which cannot be removed until a satisfactory Environmental Impact Study (EIS) has been approved by the appropriate authorities having jurisdiction.
- 4.) Payment of the parkland dedication fee for each newly created parcel

## Executive summary

The subject lands are municipally known as 521743 Concession 12 NDR. The lands are legally described as lots 17, 18, and 19, Concession 13 and contain a number of natural heritage features including other identified wetlands. The property is designated as 'Rural' and 'Hazard' within the County of Grey Official Plan. The two applications will sever the 300 acre parcel along the original township survey to create two 100 acre parcels and retain a 100 acre parcel. Extensive consultation with the County of Grey and the Saugeen Valley was conducted prior to the receipt of the applications to address the identified features on the subject lands.

The purpose and effect of B02.2021 is to sever a 100 acre (40 hectare) parcel & retain a 200 acre (80 hectare) parcel along the original municipal survey. The effect of which will create a new rural parcel and retain a rural parcel.

The purpose and effect of B03.2021 is to sever a 100 acre (40 hectare) parcel and retain a 100 acre (40 hectare) parcel along the original municipal survey. The effect of which will create a new rural parcel and retain a rural parcel.



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## Background and discussion

The merits of this application have been assessed against the policies of the 2020 Provincial Policy Statement (PPS) and the County of Grey Official Plan. As noted, there is a variety of natural heritage features on the subject lands.

### 1.0 2020 Provincial Policy Statement:

The 2020 PPS requires that all planning considerations are consistent with the policies of the PPS.

Policy 1.1.1(c) of the PPS requires that municipalities avoid development and land use patterns which may cause environmental or public health and safety concerns.

Policy 1.1.4 of the PPS speaks to the development of land within Rural Areas. The PPS maintains the intent to preserve rural lands for agricultural purposes and the role they play in the Province's economy.

Policy 1.1.5.2 states that the permitted uses within rural lands are as follows:

- 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 normal farm practices, in accordance with provincial standards;
- e) Home occupations and home industries;
- f) Cemeteries; and
- g) Other rural land uses.

Planning staff are satisfied that the proposed applications are consistent with the permitted uses identified within the PPS.

The PPS also identifies the need for the wise use and management of resources. Understanding that significant woodlands, a natural heritage linkage and other wetlands have been identified on the subject lands, consultation was completed with the SVCA. Noted further in this report, staff have identified how the protection of these features will be implemented through the use of a holding provision. The holding provision will remain in effect until such time as a satisfactory Environmental Impact Study has been completed.

Planning staff are satisfied that the proposed applications are consistent with the PPS and have no further concerns in this regard.



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## 2.0 County of Grey Official Plan (Recolour Grey), 2019

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

Rural lot creation policies are addressed under policy 5.4.3(1) of the County Official Plan. As noted in the executive summary the two (2) applications will have the effect of severing the subject lands along the original township survey to creation three (3), 40 hectare (100 acre) parcels. The proposed lot creation meets the density provisions of the County Official Plan.

Uses under the 'Hazard' designation are addressed under policy 7.2(3) which prohibits the establishment of new buildings or structures within this designation. Development within the 'Hazard' designation are not proposed as part of these applications and planning staff have no concerns in this regard.

An identified aggregate resource area is identified within Schedule B of the County Official Plan. Policy 5.6.2(8) of the County Plan does not permit the creation of non-farm lots within identified aggregate resource areas. The applications before Committee do not include the creation of non-farm lots as each parcel will be a minimum of 40 hectares (100 acres) in size. Planning staff have no further concerns in this regard.

Appendix B to the County Plan further identifies a natural heritage linkage, significant woodlands and other wetlands on the subject property. Policies 7.4(1), 7.3.2(1) and 7.11 outline the requirements for development of the subject lands within this identified areas. In consultation with the County of Grey and the Saugeen Valley Conservation Authority, planning staff have determined that the use of a holding provision on the subject lands preventing development will alleviate the need for an Environmental Impact Study (EIS) at this time, in addition to ensuring that any future development in these areas is accompanied by an EIS should development be contemplated in future. Planning staff have no further concerns in this regard.

As noted in the County comments, any contemplated tree removal must be approved in accordance with the County of Grey Forestry Management By-law.

Planning staff are satisfied that the proposed consents maintain the general intent and purpose of the Official Plan.

## 3.0 Municipality of West Grey Comprehensive Zoning By-law 37-2006:

As noted, the presence of significant features on the subject lands requires consideration for the placement of a holding provision on the subject lands in the absence of an EIS at this time. The subject lands are zoned A2 (Rural) and NE (Natural Environment). Further development of the subject lands can only be conducted within the identified building envelopes on the



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subject lands. The holding provision within the significant areas identified has been included in the draft zoning by-law amendment and schedule. The ability to remove the holding provision by application in future is guided by the following provision:

*The holding provision shall not be removed until such time as the required Environmental Impact Study (EIS) has been completed to satisfy the requirements of the Provincial Policy Statement and the Official Plan(s) in effect at the time. The EIS will need to address the natural heritage features on the site and must be completed by a qualified professional. The EIS must be completed to the satisfaction of the Municipality and the Conservation Authority.*

A zoning by-law amendment application has been submitted and planning staff are satisfied that through the passage of the amendment the concerns related to the natural heritage features on the subject lands have been addressed.

## Legal and legislated requirements

None

## Financial and resource implications

None

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority

## Alignment to strategic vision plan

Pillar: Build a better future  
Goal: Invest in business  
Strategy: Take a co-operative approach to development

## Attachments

- Aerial and OP
- Aerial and Zoning



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## Next steps

Provided committee approves the subject applications, staff will provided notices of decision. Once the required appeal period ends, the applicant will be advised accordingly. From the date of the decision, the applicants will have twelve (12) months to complete the conditions or the provisional consent approval will lapse.

Respectfully submitted:



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