



## Committee of adjustment report

<b>Meeting date:</b>	May 3, 2021
<b>Title:</b>	B05.2021 – ORR, Daniel and MINOR, Heather (HORAN, Sean)
<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 application B05.2021 (ORR) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- That the severed lands merge with the adjacent lands;
- That the retained parcel merge with the adjacent lands; and
- Payment of a Parkland Dedication Fee for the newly enlarged lot.

### Executive summary

The property is municipally identified as 613187 Sideroad 50 and legally defined as Lot 51 and Part Lot 52, Concession 3 SDR.

The purpose and effect of the application is to sever approximately 7.4 acres (3.0 hectares) of rural and hazard lands for the purposes of a lot addition to the adjacent lands and retain approximately 61 acres (25.0 hectares) of rural and hazard lands. The effect of which will create a merged lot of approximately 10 acres (4.0 hectares). No new lot would be created as a result of this application. The adjacent lands are municipally identified as 613275 Sideroad 50.

### Background and discussion

The site is comprised of approximately 28 ha. The subject lands are currently being utilized for passive farming uses.

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) requires that municipalities be consistent



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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 applicant and an MDS calculation has been completed. Three (3) livestock facilities exist in proximity to the proposed lot addition. Based on the information provided by the Applicant's Agent and GIS mapping 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 are located along the northeast corner of the property in the portion proposed for severance. No development is proposed as part of this application and planning staff are satisfied that the lands will not be altered based on the information provided by the Applicant's Agent. No new lot will be created as a result of this application as a condition of consent will be for the properties to merge.

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 a result of the requirement for the lots to merge planning staff have no further concerns in this regard.

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

## 2. County of Grey Official Plan

The subject lands are designated as 'rural' with a small portion of 'hazard' on the northern portion of the property under the County of Grey Official Plan.

Policy 5.4.3(1) of the County of Grey Official Plan permits the creation of three (3) farm parcels on an original crown survey within the 'rural' designation. Planning Staff are satisfied that the proposed lot creation meets the general intent and purpose of this policy in the Official Plan. As the proposed application is dealing solely with a lot addition, planning staff have no concerns in this regard.

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. Although portions of the existing access roads cross hazard lands, the impact of the lot addition and the intent for no further development in this area, planning staff have no further concerns in this regard.



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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 By-law 37-2006

The municipality of west grey comprehensive zoning by-law zones the subject lands as A2 (Rural) and NE (Natural Environment). The Applicant has indicated that the intent of this application is for a lot boundary adjustment only and not for the creation of a new lot.

Of note, is that the retained lands will need to merge with the property owned by the landowner. As a result of this lot addition, the retained parcel will be landlocked and must merge with the adjacent lands as a result of a provisional approval of this application.

Planning staff are satisfied that the proposed lot creation meets the general intent and purpose of the municipality's comprehensive zoning by-law no. 37-2006.

## Legal and legislated requirements

None.

## Financial and resource implications

None.

## Staffing implications

None.

## Consultation

- County of Grey Planning & 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

- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments



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## Next steps

Following provisional approval of this application, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twelve (12) months from the date of decision to satisfy all conditions, provide draft deeds and a survey for approval by the municipality, and have the same registered by their lawyer at the land registry office.

Respectfully submitted,



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