



Committee of adjustment report

Meeting date:	June 14, 2021
Title:	B07.2021 – WYNIA, Grant and Denise
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That committee receive Planner Spencer's report and approve consent application B07.2021 – WYNIA, Grant and Denise subject to the following conditions:

- 1.) Payment of any outstanding municipal taxes
- 2.) Payment of the parkland dedication fee for the newly created lot
- 3.) Payment and receipt of an entrance permit for the newly created parcel

Executive summary

The subject lands are municipally known as 211805 Baseline Road. The lands are legally described as lots 45 and 46, Concession 3 WGR, in the geographic township of Normanby. The property is designated as 'Rural' and 'Hazard' within the County of Grey Official Plan. The County Plan further identifies significant woodlands in various locations on the subject lands. The lands are considered farmland but do not contain any farm outbuildings.

The purpose and effect of B07.2021 is to sever a 2.12 ha. (5.24 acres) residential parcel and retain a 16.9 ha. (41.76 acre). The effect of which will create a new residential parcel and retain a rural parcel.

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.

1.0 2020 Provincial Policy Statement:

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



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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. The PPS further states that it is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable 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 application is consistent with the permitted uses identified within the PPS.

The PPS also identifies the need for the wise use and management of resources. As previously noted, significant woodlands are identified on the subject lands, however they do not appear to conflict with the proposed lot creation.

Policy 1.1.5.8 of the PPS requires that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with minimum distance separation formulae. Planning staff note that there are no livestock facilities within proximity of the subject lands and that the proposal meets minimum distance separation formulae.

Policy 2.0 of the PPS speaks to the wise use and management of resources. Policy 2.1.1 of the PPS further identifies that natural features and areas shall be protected for the long term. Policy 2.1.5(b) states that development and site alteration is not permitted within significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Planning staff note that lot creation is proposed outside of the identified significant woodland and provided positive comments are provided from the SVCA, planning staff have no further concerns regarding this feature.

Policy 2.5 of the PPS addresses mineral aggregate resources and states that these resources shall be protected for long-term use. Planning staff note that the entire subject lands are surrounded by identified aggregate resources however none of these resources are identified on the severed or retained parcel.



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

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. Schedule B of the County plan identifies the adjacent lands as an aggregate resource area. Appendix B of the plan identifies significant woodlands on the subject lands as previously noted in section 1.0.

Policy 5.4.2(2) states the minimum lot sizes for non-farm uses shall be established by the municipality's zoning by-law and shall be a minimum of 0.8 hectares (2.0 acres).

Rural lot creation policies are addressed under policy 5.4.3(1) of the County Official Plan. Lot density under this policy is based on the original municipal survey. Lot density for the rural designation is further identified within table 9. This policy further identifies the requirements of the County plan as a frontage-to-depth ratio of 1:3. The subject lands are comprised of approximately 19.2 ha. (47 acres). The original municipal survey of the subject lands was part of two (2) 40 ha. (100 acre) parcels both of which have been altered from the original lot lines. The proposed lot creation meets the density policies of the 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 application does not contain an aggregate resource and is not anticipated to impact the use of an aggregate resource over the long term. Planning staff have no further concerns in this regard.

As previously noted, significant woodlands have been identified on the subject lands within appendix B of the plan. Policy 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 that no negative impacts will occur. Policy 7.4.1(3) further defines that tree cutting and forestry will be permitted in accordance with the County Forest Management By-law. The proposed lot creation appears to have sufficient area outside of the adjacent lands from the significant woodlands that environmental impact is not anticipated.

Policy 9.12(b) of the plan states that the land division is to promote development in an orderly and contiguous manner, and should not conflict with the established development pattern of



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the area. The proposed lot creation is not considered contiguous in the opinion of planning staff but it does appear to provide area outside of the significant woodlands in this formation to preclude impact.

Planning staff are generally satisfied that the lot creation meets the intent of the policies of the official plan.

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

The subject lands are zoned A2 (Rural) and NE (Natural Environment). Residential uses are permitted within the A2 zone. New structures are not permitted within the NE zone. Based on the information provided by the applicants, the proposed lot creation would be entirely within the A2 zone.

Provision 9.2.1 of the A2 zone requires a minimum lot area of 20 ha. (50 acres). The proposed lot creation will leave both an undersized severed and retained parcel. A zoning by-law amendment will be required to address the deficiency in minimum lot area of the subject lands.

Provided positive comments are provided from the Saugeen Valley Conservation Authority, planning staff are satisfied that a holding provision is not required as part of the zoning by-law amendment.

Planning staff have no further concerns in this regard.

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: Review of the County Official Plan and municipal zoning by-law
Strategy: Promote efficient development

Attachments

- Completed application form
- Aerial and official plan mapping
- Aerial and zoning mapping

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