



Committee of adjustment report

Meeting date:	June 14, 2021
Title:	B09.2021 – 2167771 Ontario Inc. (WELLER, Joerg)
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 B09.2021 – 2167771 Ontario Inc. subject to the following conditions:

- 1.) Payment of any outstanding municipal taxes
- 2.) Payment of the zoning by-law amendment fee
- 3.) Receipt of a zoning by-law amendment to require the existing barn be zoned solely for dry storage.
- 4.) Payment of the parkland dedication fee for the newly created lot
- 5.) That the retained lands merge with the lands to the west

Executive summary

The subject lands are municipally known as 302346 Concession 2 SDR. The lands are legally described as lot 57, Concession 2 SDR, in the geographic township of Bentinck. The property is designated as 'Rural', 'Hazard', and 'Provincially Significant Wetlands' within the County of Grey Official Plan. The County Plan further identifies significant woodlands in a portion of the northwest corner of the property and throughout the lot line of the southern portion of the property. Provincially significant wetlands are also located along the southern lot line. The lands are utilized for cash-cropping purposes and contain a single detached dwelling unit.

The purpose and effect of B09.2021 is to sever a 2.8 ha. (6.92 acres) residential parcel and add 25.2 ha. (62.3 acre) to the west. The effect of which will create a new residential parcel and created a newly merged farm parcel to the west.

The severed parcel would have approximately 147.0 m of frontage with an approximate depth of 261.0 m. The lot addition lands would have approximately 73.0m of frontage and will have an approximate depth of 1525.0 m to be added to the lands to the west.



The proposed lot creation will contain all of the existing structures on the subject lands based on the lot lines proposed. The newly merged parcel will remain a farm 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.

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 is one (1) livestock facility 200.0 m east of the subject lands. Although the



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applicant has indicated that the barn has not been used for livestock in 40 years, based on the sound nature of the structure, minimum distance separation formulae must still be applied to ensure that future use of the structure for livestock purposes is considered. Planning staff conducted a minimum distance separation calculation based on barn size and estimated design capacity. A setback distance of 181.0 m is required and is maintained by a setback distance of 200.0 m

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(a) and 2.1.5(b) state that development and site alteration is not permitted within significant wetlands and significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Policy 2.1.8 further states that development and site alteration is not permitted on adjacent to natural heritage features and areas identified in the policies noted above unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. As previously advised, the severed parcel is proposed to contain all of the existing structures on the subject lands, all of which are located in the northeast corner of the subject lands. The significant woodlands on the property are also located in this area but are well outside of the location of the existing structures. The balance of the lands intended for lot addition contain significant woodlands and provincially significant wetland along the southern lot line. Sufficient area outside of these features exists to permit farming operations on the property. Planning staff are satisfied in this regard that the development is maintaining policies within policy 2.0 of the PPS. Provided positive comments are provided from the Saugeen Valley Conservation Authority, planning staff have no further concerns in this regard.

Policy 2.5 of the PPS addresses mineral aggregate resources and states that these resources shall be protected for long-term use. The subject lands contain a swath of identified aggregate in the middle of the property. The location of the proposed lot creation is not anticipated to impact the ability for future aggregate extraction in this location. The lot addition lands will merge with the lands to the west which will ensure that the future aggregate extraction can occur in the future.

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', 'Hazard' and 'Provincially Significant Wetland' 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).



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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 40 ha. (100 acres) A road deviation previously altered the original survey to accommodate access across 'Camp Creek'. As a result of the deviation an additional lot directly north of the subject lands was created. The proposed lot creation still maintains the density policies of the county official plan as the lands will be merged with the property to the west and only one lot will be created.

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.

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 the area. Planning staff are satisfied that the proposed lot lines maintain the general intent and purpose of the official plan.

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), NE (Natural Environment) and NE2 (Natural Environment 2). Residential uses are permitted within the A2 zone. New structures are not permitted within the NE or NE2 zones. The structures on the subject lands are located within the A2 zone and are proposed to remain at this time.

Provision 9.2.1 of the A2 zone requires a minimum lot area of 20 ha. (50 acres). The proposed lot creation will create an undersized severed parcel which will be required to be recognized through a zoning by-law amendment. The retained parcel will also require site-



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specific zoning to recognize deficient lot frontage (120 m required, 73 m provided).

The subject lands also contain a livestock facility although it has not been used for this purpose for fifteen (15) years. The barn will be required to be rezoned for the purposes of dry storage only so it does not create an issue with minimum distance separation and the newly created lot line in future.

The lot addition lands do not require a zoning by-law amendment.

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
- Comments from Enbridge Gas

- Minimum distance separation calculation

Next steps

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

Respectfully submitted:

A circular professional seal for Lorelie E. Spencer, a Registered Professional Planner (R.P.P.) with the RPP Institute of Ontario. The seal includes the text "LORELIE E. SPENCER", "REGISTERED PROFESSIONAL PLANNER", "R.P.P.", and "RPP INSTITUTE OF ONTARIO". A handwritten signature is written over the seal.

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