



# Committee of adjustment report

<b>Meeting date:</b>	June 14, 2021
<b>Title:</b>	B11.2021 – J.T. EXCAVATING Ltd. (Loft Planning Inc.)
<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 B11.2021 – J.T. Excavating Ltd. 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 retained parcel

## Executive summary

The subject lands are municipally known as 382367 Concession 4 NDR. The lands are legally described as lot 29, concession 5 NDR, except part 3 plan 16R9550; part lot 27 and 28, concession 5 NDR as in R556103 save and except parts 1 and 2, plan 16R9550 and part 1 plan 16R11247, in the geographic township of Bentinck. The property is designated as 'Agricultural', 'Rural', and 'Hazard' 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 a portion of the southeast corner of the subject lands to the rear of the existing agricultural buildings and dwelling unit. A creek is also located along the western property boundary and the property is regulated in areas through the Saugeen Valley Conservation Authority (SVCA).

The purpose and effect of B11.2021 is to sever a 40 ha. (100 acres) agricultural parcel and retain a 50 ha. (124 acres) rural parcel. The effect of which will create an agricultural parcel and retain a rural parcel.

The severed parcel would have approximately 400.0 m of frontage with an approximate depth of 1000.0 m. The retained parcel would have approximately 130.0 m of frontage and will have an approximate depth of 1000.0 m. The newly created lot line will follow the original township



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lot line between lots 28 and 29, lot 27 and 28 will remain together as the retained parcel.

An existing single detached dwelling unit and three (3) accessory structures exist on the subject lands and will be located entirely on the agricultural parcel (lot 29).

## 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. The subject lands are comprised of predominantly rural and hazard lands to the west and prime agricultural and hazard lands to the east.

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 2.3.1 of the PPS states that prime agricultural areas should be protected for long-term use for agriculture.

Policy 2.3.1 outlines permitted uses within agricultural lands as: agricultural uses, agriculture-related uses and on-farm diversified uses. Policy 2.3.3.2 notes that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. Policy 2.3.3.3 requires that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

Lot creation is addressed in the PPS under policy 2.3.4.1 which states that lot creation in prime agricultural areas is discouraged and may only be permitted for the following reasons:

- a) agricultural uses;
- b) agriculture-related uses;
- c) a residence surplus to a farming operation; and
- d) infrastructure.

Policy 1.1.5.2 outlines permitted uses on rural lands 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;



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- e) Home occupations and home industries;
- f) Cemeteries; and
- g) Other rural land uses.

Planning staff are satisfied that the proposed consent application is consistent with the permitted uses identified within the PPS for both agricultural and rural lands.

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 planning staff are satisfied that sufficient land area outside of these areas will continue to exist for farming purposes.

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 have reviewed the surrounding lands and no livestock operations exist in proximity to the subject lands. Staff have no further concerns related to MDS I.

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 on lot 27. The location of the proposed lot creation is not anticipated to impact the ability for future aggregate extraction in this location.

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 'Agricultural', '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 also identifies significant woodlands on the subject lands as previously noted in section 1.0.

Policy 5.2.2 outlines agricultural development policies. Policy 5.2.2(2) requires that newly created farm lots should generally be 40 ha. (100 acres) in size, in order to reduce the breakup of farmland. Planning staff are satisfied that the proposed lot creation maintains the minimum lot size requirement.

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 100 ha. (247 acres). The property is comprised of one original municipal survey (lot 29) and portions of lots 27 and 28. Based on the use of the lot line between lots 28 and 29, planning staff are satisfied that the density component of the official plan has been met.



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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 is not proposed as part of this application 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 A1 (Agricultural), A2 (Rural), and NE (Natural Environment). Residential uses are permitted within the A2 zone. New structures are not permitted within the NE zone. The structures on the subject lands are located within the A1 zone and it would appear that sufficient area exists for development of the retained parcel in future completely within the A2 zone.

Provision 8.2.1 of the A1 zone requires a minimum lot area of 40 ha. (100 acres) and a minimum lot frontage of 122 m (400.3 ft.). The proposed severance maintains the minimum lot area and frontage requirements.

Provision 9.2.1 of the A2 zone requires a minimum lot area of 20 ha. (50 acres). The retained lands will maintain the provisions of this zone.

The lands proposed to be severed contain a number of agricultural buildings. These buildings are proposed to continue as part of the application. Based on lot size, there are no issues anticipated related to setbacks and lot coverage for the severed parcel.

Planning staff have no further concerns in this regard.



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## 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
- Planning Justification Report (Loft Planning Inc.)
- Saugeen Valley Conservation Authority comments
- Enbridge Gas comments

## 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.



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Respectfully submitted:



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