



Committee of adjustment report

Meeting date:	September 13, 2021
Title:	B23.2021 – NAUMANN, Brigitte and NAUMANN, Dietmar
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee receive Planner Spencer's report and approve application B23.2021 (NAUMANN) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee;
- Approval of a zoning by-law amendment to implement a holding provision on the subject lands; and
- Payment of a Parkland Dedication Fee for the newly created lot.

Executive summary

The property is municipally identified as 234128 Concession 2 WGR and legally identified as lot 36, part lot 37 and 38, concession 3 WGR in the geographic township of Bentinck.

The purpose of the application is to sever a 40 ha. (100 acre) agricultural parcel and retain a 58 ha. (144 acre) parcel along the original crown survey. The effect of which will create two (2) new agricultural parcels.

Background and discussion

The site is comprised of approximately 99 ha. (244 acres). The lands are currently utilized for cropping purposes. Livestock are not present on the subject lands. There are a number of natural heritage features on the subject lands including hazard lands and identified provincially significant wetlands. The surrounding land uses include residential land uses and farming uses in the form of cash cropping. The property is bounded by Baseline Road and Concession 2 WGR on the west and east sides of the property respectively.

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 are consistent 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. Planning staff are satisfied that there are no issues related to the proposed severance and minimum distance separation. This is based on the proposed lot size, tillable acreage and the proximity of other farming operations to the subject lands. Planning staff have no further concerns from an MDS perspective.

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 and identified provincially significant wetlands are located in a swath through the centre of the current land holding. The newly created lot will contain rural lands, hazard lands and provincially significant wetlands.

Comments were provided by the Saugeen Valley Conservation who conducted a desktop analysis on the subject lands.

Section 2.1.4 of the 2020 PPS does not permit development and site alteration within significant wetlands, in addition section 2.1.8 of the PPS does not permit the development or site alteration within the adjacent lands to significant wetlands unless the ecological function of the adjacent lands has been evaluated and it is demonstrated that there are no negative impacts on the natural features and ecological functions. The applicant has not provided an indication that development is proposed within the identified wetland or the adjacent lands. Policies related to the official plan are further carried forward in the policies of the County official plan as identified in section 2 of this report.

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 previously noted, there is no development or site alteration proposed within the hazard lands on the subject property that has been denoted by the applicant at this time. Planning staff will further discuss a mechanism to ensure that an environmental impact study (EIS) can be addressed when future development is proposed in section 3 of this report.

Planning staff are generally satisfied that the proposed lot creation at this time is consistent with the policies of the PPS.



2. County of Grey Official Plan

The subject lands are designated as rural, hazard and provincially significant wetlands under the county plan.

The appendices to the County Plan identify a number of natural heritage features including significant wildlife habitat, significant woodlands, and other identified wetlands. Policy 7 of the official plan is consistent with the protection of these natural heritage features. Policy 7.11.1 speaks to the implementation and protection of features through the use of review in the form of an EIS. At minimum, the EIS shall demonstrate that the proposed development or site alteration will have no negative impacts on the values or functions.

Policy 5.4.3(1) of the County of Grey Official Plan, specifically determines the density policies to permit lot creation based on the original crown survey. Based on the original crown survey of the subject lands a total of two (2) lots are permitted on the subject lands, including the retained parcel. The approval of this application will meet the density requirements of the county plan and further lot creation would not be permitted.

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. At this time, development plans have not been provided to determine the exact extent of future development.

Planning staff recommend the implementation of the use of a holding provision in accordance with policy 7.11.3(1). This will ensure that future development is considered accordingly and the ability to determine through the provision of a site plan to demonstrate that no negative impacts will occur as a result of development.

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 A1 (agricultural), A2 (rural), NE (natural environment) and NE2 (natural environment 2). Planning staff have conducted a zoning review and the minimum requirements for lot frontage and area are met, in addition to the setback requirements of the A2 zone.



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A2 (standard regulations)	Required	Provided (retained)	Provided (severed)
Lot area, minimum	20 ha.	20 ha.	58 ha.
Lot frontage, minimum	122 m	±265.00 m	±304.00m

Planning staff recommend the applicants are required to obtain a zoning by-law amendment as a condition of consent to ensure that the holding provision is implemented on the severed parcel. When development is proposed on the severed parcel, a satisfactory site plan must be provided to the Conservation Authority and the Municipality which may require the provision of an EIS depending on the type of development proposed.

Provided the holding provision is implemented, planning staff are generally satisfied that the proposal maintains the general intent and purpose of the municipality's zoning by-law 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



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Alignment to strategic vision plan

Pillar: Build a better future
Goal: Review municipal official plan policies
Strategy: Take a co-operative approach to development

Attachments

- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments
- Hydro One comments
- Enbridge Gas comments

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