



Committee of adjustment report

Meeting date:	September 13, 2021
Title:	B24.2021 – ALLEN, Joseph (CUESTA PLANNING)
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 B24.2021 (ALLEN) 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; and
- Payment of a Parkland Dedication Fee for the newly created lot.

Executive summary

The property is municipally identified as 174283 Mulock Road and legally identified as part lot 26, concession 9; RP 16R7318, part 1, the geographic township of Bentinck.

The purpose of the application is to sever a 1.05 ha. (2.6 acre) residential parcel and retain a 19 ha. (46.95 acre) parcel. The effect of which will create one (1) residential parcel and retain one (1) rural parcel.

Background and discussion

The site is comprised of approximately 20 ha. (50 acres). The lands were originally included in a 40 ha. (100 acre) crown survey. The property was previously severed to create the subject lands are a 20 ha. (50 acre) parcel. The property is physically located on the north of the intersection of Mulock Road and Concession 8 NDR. The predominant land use to the south, east and northeast are utilized for farming purposes. The defined secondary settlement area of Crawford is north of the subject lands.

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. The subject lands are designated as rural with a small portion of prime agricultural lands located on the southwest corner of the property. Development is proposed entirely outside of the agricultural designation.

Policy 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged. Policy 2.3.4.2 further states that the lot creation of new residential lots in prime agricultural areas shall not be permitted. Planning staff are satisfied that the proposed lot creation is outside of the identified prime agricultural lands identified in the official plan.

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. Two (2) livestock facilities exist in proximity to the subject lands. MDS calculations were provided by the applicant's agent and confirmed by municipal planning staff. Planning staff have no concerns related to MDS.

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. The newly created lot will be entirely within the rural land use designation.

Based on the above, planning staff are satisfied that the proposed lot creation is consistent with the 2020 PPS.

2. County of Grey Official Plan

As previously noted the subject lands are designated as rural and hazard within the County official plan.

Policy 5.4 speaks to predominate land uses within the rural land use designation. These uses include agriculture, aggregate extraction, recreation and forestry. The intent is to preserve these uses and protection farming operations and maintain a rural landscape. The proposed consent application will match this policy requirement through the minimization of the loss of identified prime agricultural and rural lands through a minimum lot size.

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 four (4) 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.



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Policy 5.4.2(2) states that the minimum lot size type within the rural land use type for non-agricultural uses. Planning staff will discuss these components further in section 3 of this report.

Appendix B of the County Plan denotes the presence of significant woodlands on a large portion of the subject lands. The proposed lot creation is outside of this identified feature. However, planning staff caution that further review of proposed future development for the retained parcel should also be vetted through the County and SVCA in addition to West Grey.

Planning staff are satisfied that the general intent and purpose of the Official Plan are 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 A3 (restricted rural). A review of the proposed lot creation has been completed following the provisions of the A3 zone below.

A3 Restricted Rural	Required	Provided (severed)	Provided (retained)
Lot area, minimum (standard)	40 ha.	±1.5 ha.	±19.0 ha.
Lot frontage, minimum	122 m (standard)	±55.0 m	±489.1m
Front yard, minimum	20.0 m (standard)	Not applicable - vacant	±30.5m (standard)

Based on the information provided by the applicant's agent and staff review a zoning by-law amendment will be required to address the deficient lot area of each parcel in accordance with provisions 10.2 of the municipality's comprehensive zoning by-law. An application for this purpose has been provided by the applicant's agent and will follow review once the appeal period for this file has ended.

Based on the above, planning staff have no further concerns with the proposed lot creation as it generally maintains the intent and purpose of the municipality's comprehensive 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

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
- 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