



Committee of adjustment report

Meeting date:	November 1, 2021
Title:	B18.2021 – MYCHALCHUK, Marie (Agent: 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 B18.2021 – MYCHALCHUK, Marie subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee;
- Passage of the zoning by-law amendment; and
- Payment of a Parkland dedication fee for the newly created parcel.

Executive summary

The property is municipally identified as 313807 Highway 6 and legally defined as lot 21 and 21 of divisions 1, 2 and part of 3, concession 3 EGR in the geographic Township of Glenelg.

The purpose and effect of the application is to sever approximately 14 acres (5.7 hectares) of rural and hazard lands for the purposes of lot creation and retain approximately 133 acres 53.9 hectares) of rural and hazard lands. The effect of which will create a new lot with access along Concession 2. Concession 2 is presently an unopened and unmaintained road allowance. The applicant will be responsible for upgrading the road to provide access to the newly created parcel at their sole expense and to the satisfaction of the Director of Public Works and Infrastructure. Access will be required as a condition of consent.

Background and discussion

The subject lands are designated as rural and hazard lands within schedule 'A' the County of Grey official plan. A small portion of significant woodlands are also identified under schedule 'B' of the county plan.

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 be 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. One (1) livestock facility exists approximately 466 metres to the south and east of the lot creation. Planning staff are satisfied that the proposed lot creation can meet minimum distance separation requirements as only 173 metres is required.

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 and requires that development and site alteration shall be directed outside of identified hazard areas.

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

2. County of Grey Official Plan

The subject lands are designated as 'rural' with a small portion of 'hazard' on the northern portion of the property under the County of Grey Official Plan.

Policy 5.4.3(1) of the County of Grey Official Plan permits the creation of three (3) farm parcels on an original crown survey within the 'rural' designation. The original crown survey in this case, was 100 acres (40 hectares) in size. Planning Staff are satisfied that the proposed lot creation meets the general intent and purpose of this policy in the Official Plan from a density perspective.

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. Although the property does contain identified hazard lands, planning staff are satisfied that there is sufficient area outside of the hazard designation for future development on the newly creation parcel.

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 A2 (Rural) and NE (Natural Environment). Provision 9.3 of the municipality's zoning by-law requires a zoning by-law amendment to implement the reduced lot regulations of the A2 zone created as a condition of consent. Planning staff are satisfied that the road



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upgrades can also be included as a provisions within required by-law to ensure that appropriate access is provided to this parcel.

Planning staff are satisfied that the proposed lot creation meets the general intent and purpose of the municipality's comprehensive zoning by-law no. 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: Invest in business

Strategy: Take a co-operative approach to development

Attachments

- Application form
- Aerial and official plan mapping
- Aerial and zoning mapping
- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority 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.



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Respectfully submitted,



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