



## Committee of adjustment report

<b>Meeting date:</b>	January 17, 2022
<b>Title:</b>	B34.2021 – BAETZ, Jeffery and BAETZ, Jennifer
<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 application B34.2021 (BAETZ) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee;
- Receipt of an entrance permit for the severed and retained parcels;
- Approval of a zoning by-law amendment; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

### Executive summary

The property is legally identified as east part lot 5, concession 14 in the geographic township of Bentinck. No civic address has been allocated to this property at this time.

The purpose of the application is to sever approximately one (1) 0.80 ha. (2.0 acre) rural (residential) parcel and retain approximately one (1) 18.72 ha. (46.26 acre) rural parcel.

### Background and discussion

The site is comprised of approximately 20 ha. (50 acres). The subject lands were previously used for farming purposes in terms of forest management.

The subject lands are designated entirely 'rural' within schedule 'A' of the County of Grey Official Plan. The southern portion of the property does contain an identified aggregate resource area under schedule 'B' of the County Plan approximately 345 metres from the proposed lot creation. Significant woodlands are designated on the majority of the property under appendix 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.

## 1.0 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.

The PPS states that rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Policy 1.1.5 within the PPS provides guidelines as they relate to the development of rural lands within the municipality.

Policy 1.1.5.2 of the PPS states that on rural lands located in municipalities, permitted uses are: 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. The proposed lot creation for residential purposes is considered consistent with this policy.

Policy 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 a physical site visit within the area, there are no active or potentially active livestock facilities within 500 metres of the subject lands. Planning staff are satisfied that MDS is achieved.

Policy 2.0 of the PPS speaks to the wise use and management of resources within the Province. As previously noted, a significant portion of the property contains designated 'significant woodlands' and 'identified aggregate resources'. Policy 2.0 generally speaks to the protection of these areas and the direction to avoid development site alteration in these locations as a result.

Schedule 'B' of the County Plan indicates an 'aggregate resource area' on the subject lands as previously noted. Further comments related to the policies of the County Plan in this respect are provided under section 2.0

Appendix 'B' of the County Plan identifies the property related to significant woodlands. There physically appears to be an area outside of the identified resource to allow for future development of a single detached dwelling unit on the subject lands in addition to the associated private services required. Planning staff anticipate comments from the County and the Conservation Authority in this regard. In the interim, planning staff are generally satisfied that development of the site can be accommodated in accordance with the County's Tree Management By-law 4341-06 at the discretion of the County.



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

The subject lands are designated as 'rural' within schedule 'A' of the County Plan. As previously identified both schedule 'B' and appendix 'B' identify additional resources on the subject lands in the form of an identified aggregate resource and identified significant woodlands on the property respectively.

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 5.6.2(6) states that areas outside of identified settlement areas within 300 metres of Mineral Resource Extraction land use types on schedule 'B' does not permit the creation of new non-farm lots unless it has been demonstrated that the proposed land use or development would not prevent or hinder the expansion or continued use of aggregate operations, r which would be incompatible for the reasons of public health, public safety, or environmental impact. As previously noted, the subject lands do contain an identified aggregate resource however, the proposed lot creation is approximately 345 metres from the area. An area which has yet to be licensed and will be contained solely within the retained lands. Planning staff are satisfied that the proposed lot creation maintains the general intent and purpose of the County's aggregate resource policies.

Provided the County's Tree Management By-law is maintained and respected, planning staff are generally satisfied with the adherence to the Official Plan.

Provided positive comments from the Saugeen Valley Conservation Authority are also received in this regard, planning staff have no concerns regarding the resources and features on the subject lands.

Overall, Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application.

## 3.0 The Municipality of West Grey Comprehensive Zoning By-law 37-2006

The municipality of west grey comprehensive zoning by-law zones the subject lands entirely A2 (Rural). The following provisions related to the A2 zone and have been evaluated against the proposed lot creation. Details in the chart below contain the provisions related to both the severed and retained parcels. The provisions apply differently based on lot sizes within the A2 zone for the severed and retained parcels.



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<b>A2 (reduced lot regulations)</b>	<b>Required</b>	<b>Provided (severed)</b>
<b>Lot area, minimum</b>	0.8 ha. (2.0 acres)	0.8 ha. (2.0 acres)
<b>Lot frontage, minimum</b>	30.5 m (100 feet)	±89.5 m (±295 feet)
<b>A2 (standard regulations)</b>	<b>Required</b>	<b>Provided (retained)</b>
<b>Lot area, minimum</b>	20 ha. (50 acres)	±18.7 ha. (±46 acres)
<b>Lot frontage, minimum</b>	122 m (400 feet)	±109.8 m (±34 feet)

Based on the configuration of the retained parcel, a zoning by-law amendment will be required to recognize the deficient lot area and frontage.

In addition, the newly created parcel must be recognized under provision 9.3 as a reduced lot. Both the severed and retained parcels can be addressed through a single zoning by-law amendment. Planning staff recommend this is included as a condition of consent.

Provided the above are addressed and no additional comments to be addressed within the amendment are submitted from commenting agencies, staff are satisfied that the lot creation maintains the general intent and purpose of the municipality's zoning by-law.

## 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

## 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. The applicant will have an additional twelve (12) months from the condition date to 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