



Committee of adjustment report

Meeting date:	January 17, 2022
Title:	B38.2021 – MORIC, Edward and MORIC, Betty
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 B38.2021 (MORIC) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee;
- Payment and receipt of an entrance permit to the newly created parcel;
- Approval of a zoning by-law amendment;
- Payment of the site plan application fee;
- Approval and execution of the site plan agreement and registration on title at the expense of the owner; and
- Payment of a Parkland Dedication Fee for the newly created lot.

Executive summary

The property is municipally identified as 214691 Baseline Road. The lands are legally described as lot 17, concession 3 WGR in the geographic township of Bentinck.

The purpose of the application is to sever one (1) 2.0 hectare (5.0 acre) parcel and retain one (1) 20.0 hectare (99.0 acre) parcel. The effect of which will create a residential (rural residential) parcel and retain a rural parcel.

A fulsome pre-consultation on the application has been ongoing with the applicants and resulted in the submission of an Environmental Impact Study (EIS) in support of the proposed lot creation for the subject lands. Favorable comments were received from the County, in addition to the Saugeen Valley Conservation Authority (SVCA) as a result.

The EIS has been reviewed internally by Planning Staff in addition to the County and the SVCA. The EIS was undertaken to address the Endangered Species Act (2007), the 2020 Provincial Policy Statement (PPS), the County of Grey Official Plan and the technical review requirements of the SVCA under their Provincial mandate. The EIS provided a number of recommendations which are specific to the type and location of development that may occur on the proposed lot creation. Planning staff intend to address these in greater detail within the report and recommend their implementation through a zoning by-law amendment and site plan control. The site plan agreement should be registered on title to the newly created parcel at the sole



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expense of the applicants. This will serve as notice to any future landowners to the significant features on, and adjacent, to the newly created parcel.

Planning staff are generally satisfied that the application is consistent with the PPS, County Official Plan and the Municipality's comprehensive zoning by-law subject to the conditions recommended as part of this report. The findings and recommendations rely on planning principles and the recommendations of the EIS.

Background and discussion

The site is comprised of approximately 42 ha. (104 acres). The lands are currently utilized for residential purposes. The balance of the land is not actively farmed however, the potential for this to continue is probable provided the type of farming is considerate of the natural heritage features and their functions. Livestock are not present on the subject lands. The surrounding land uses include residential land uses and farming uses in the form of horse farming. The property is bounded by Baseline Road and Concession 2 WGR on the west and east sides of the property respectively. Welbeck road 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.

1.0 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.

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 eastern portion of the subject lands. An additional swath along the Baseline Road exists toward the centre of the land holding. The newly created lot will contain rural lands and is outside of the identified hazard and provincially significant wetlands designations.

A site visit was conducted by the SVCA and comments have been provided in relation to the subsequently submitted EIS supporting the application.



Review of the EIS was also conducted by the County who expressed no further concerns with the application provided the appropriate planning mechanisms were implemented to ensure the conditions of the EIS were maintained.

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 are satisfied that the provided EIS is acceptable in addressing these requirements.

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

2.0 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 the creation of this lot can be supported under the density policies.

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.

Planning staff recommend the requirement to invoke site plan control on the subject lands through the zoning by-law amendment. This will ensure that future development is



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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 and the mitigation measures through the EIS are implemented.

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 A2 (rural), NE (natural environment) and NE2 (natural environment 2). Planning staff have conducted a zoning review. A zoning by-law amendment will be required to zone the newly created parcel in accordance with provision 9.3 to recognize the reduced lot regulations.

Provision 9.3 states that a lot created by consent that has a lesser lot area or frontage than required, shall obtain a zoning by-law amendment. This applies to the newly created parcel. Based on the recommendations of the EIS the implementation of further measures on the retained parcel will be evaluated through Council and the zoning by-law amendment process.

The recommendations of the EIS will be implemented through a combination of the zoning amendment and site plan control.

Provided the recommendations are included as recommended with the tools of zoning and site plan control, planning staff are satisfied that the application maintains the 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
- AWS Environmental Consulting Inc.



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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

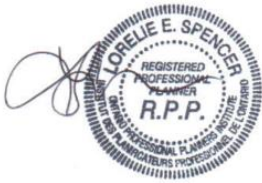
Attachments

- Aerial and official plan mapping
- Aerial and zoning mapping
- Executed consent application form.
- 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.

Respectfully submitted,



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