



Committee of adjustment report

Meeting date:	September 8, 2020
Title:	B03/2020 – 193934 Ontario Inc.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That West Grey Committee of Adjustment receives the report B03/20 193934 Ontario Inc., wherein Planner L. Spencer recommends provisional approval of consent application no. B03/2020.

Executive summary

The applicant has applied for a consent to create a new rural lot and retain a rural lot. The severed parcel would be approximately 1.90 ha. in size and the retained parcel would be approximately 39 ha. in size.

The lots will have access on Concession 10 NDR.

Background and discussion

The subject property is located on the northwest corner of Concession 10 NDR and 30th Sideroad NDR. The property is municipally known as 502413 Concession 10 NDR

The site is comprised of approximately 40.46 ha. A single detached dwelling unit and accessory structures currently exist on the subject lands proposed to be severed as part of this application. The applicant has identified that the severed portion of the subject lands will contain approximately 120 metres of frontage along Concession 10 NDR with a depth of approximately 123 metres. The retained portion of the lands will have approximately 317 metres of road frontage along Concession 10 NDR with a depth of approximately 844 metres.

The subject lands were previously altered to accommodate the extension of the 30th Sideroad NDR along the southeast corner of the property.

The intent of the application is to sever the existing single detached dwelling unit as a rural lot.



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The adjacent lands are mostly rural lands with identified areas of hazard lands and are mostly used for agricultural purposes.

Legal and legislated requirements

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) encourages the preservation of prime agricultural land and generally prohibits the creation of smaller farm parcels or residential lots in areas having strong agricultural capabilities. However, in rural areas have limited agricultural capability, the creation of a limited amount of non-farm residential lots and small farm parcels may be considered.

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. Calculations have been completed and the proposed lot creation meets MDS requirements to the two (2) livestock facilities in proximity to the subject lands. Planning staff are further satisfied that the proposal is consistent with the balance of section 1.1.5 of the PPS.

The subject lands are considered a rural area in the municipality and the creation of limited non-farm lots is permitted subject to various factors. The southeast corner of the farm parcel is identified as hazard. The hazard lands are considered to be wetlands also contain identified significant woodlands. This portion of the property also accommodates the extension of 30th Sideroad NDR.

Section 2.1.5(b) of the PPS states that development and site alteration is not permitted within or adjacent to identified significant woodlands unless it has been demonstrated that no negative impacts will occur as a result of development. Although development through the creation of a new lot boundary will occur within the identified adjacent lands, planning staff are satisfied that significant impacts are not anticipated.

The Saugeen Valley Conservation Authority (SVCA) has identified the potential for significant wildlife habitat to exist in proximity to the subject lands. Section 2.1.5(d) of the PPS states that development and site alteration is not permitted within or adjacent to identified areas of significant wildlife habitat. The potential impact to significant wildlife habitat as a result of the creation of a new lot boundary is not anticipated.

Section 2.1.7 of the PPS states that development and site alteration shall not be



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permitted within the habitat of threatened and endangered species. The SVCA has identified that the habitat of threatened or endangered species may exist in proximity to the subject lands. However, planning staff are satisfied that the creation of new lot boundary will not pose an adverse impact. It is the responsibility of the applicant however, to confirm with the Ministry of Environment, Conservation, and Parks (MECP) to ensure that no negative impacts will occur.

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 northeast corner under the County of Grey Official Plan.

Policy 5.4.3(1) of the County Official Plan permits the creation of three (3) farm parcels on an original 40 ha. farm parcel within the 'rural' designation. Policy 5.4.3(1) further states that new lot development shall be not less than 0.8 ha. in size. Planning staff are satisfied that the proposed lot creation meets the general intent and purpose of this policy in the Official plan.

Through policies 7.4(1) – significant woodlands and policy 7.10 – significant wildlife habitat, planning staff are satisfied that the policies of the Official Plan have been maintained as identified in section 1.

Planning staff are satisfied that the proposed consent maintains the general intent and purpose of the Official Plan.

3. The Municipality of West Grey Comprehensive Zoning By-law No. 37-2006

The municipality of west grey comprehensive zoning by-law zones the subject lands as A2 (rural) and NE (natural environment). The NE zone covers the northwest portion of the subject lands. Comments from the SVCA note that the mapping within the County Official Plan should be adjusted as part of a housekeeping amendment in future to more accurately depict the hazard boundary. The SVCA is satisfied that the hazard boundary closely delineates a sufficient boundary at this time.

The A2 zone requires a minimum lot frontage of 122 metres and a minimum lot area of 20 ha. The proposed residential parcel has a lot frontage of approximately 120 metres and a lot area of 1.90 hectares. A zoning by-law amendment will be required to recognize the deficient lot area and frontage.

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.



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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

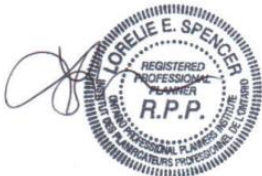
- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority comments

Next steps

That Committee provide provisional consent for file B03/2020 based on the following conditions:

- Payment of the Zoning By-law Amendment Fee to the Municipality of West Grey
- Passing of a Zoning By-law Amendment
- Payment of Parkland Dedication Fee
- Payment and receipt of an Entrance Permit

Respectfully submitted,



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