



## Council report

<b>Meeting date:</b>	January 17, 2022
<b>Title:</b>	ZA11.2021 – MYCHALCHUK, Marie (Agent: Cuesta Planning)
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

### Recommendation

That council receive Planner Spencer's report and considers 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading of the bylaw at a subsequent council meeting.

### Executive summary

The subject lands are municipally known as 313807 Highway 6. The lands are legally described as concession 1 EGR divisions 1 to 2, lot 21 and part of division 3, lot 21, in the geographic township of Glenelg. The property is designated as 'Rural' and 'Hazard' within the County of Grey Official Plan. A small portion of significant woodlands are also identified under schedule 'B' of the County Plan.

The purpose of file B18.2021 was to sever approximately 5.7 ha. (14 acres) of rural and hazard lands for the purposes of lot creation and retain approximately 53.9 ha. (133 acres) 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 across the frontage of the proposed parcel. As noted in the provisional consent approval for file B18.2021, the applicant will be responsible for the upgrade of the road to provide access to the newly created parcel at their sole expense. The details of that access are at the sole discretion of the Municipality.

The severed parcel would have approximately 155.2 m of frontage on the unopened and unmaintained road (Concession 2).

The appeal period related to the severance application ended on November 22<sup>nd</sup>, 2021 and no appeals were received.

Provisional consent approval contained a condition requiring a zoning by-law amendment application to recognize the newly created lot and its undersized lot area and frontage.



A holding provision has also been included in the zoning amendment to ensure that the road extension (Concession 2) is constructed to the satisfaction of the municipality prior to the development of the newly created lot.

## Background and discussion

The merits of this application were previously assessed against the policies of the 2020 Provincial Policy Statement (PPS) and the County of Grey Official Plan. The evaluation of the consent application provided to the Committee of Adjustment has been included for Council's reference.

### 1.0 2020 Provincial Policy Statement:

The 2020 PPS requires that all planning considerations are consistent with the policies of the PPS.

Policy 1.1.1(c) of the PPS requires that municipalities avoid development and land use patterns which may cause environmental or public health and safety concerns.

Policy 1.1.4 of the PPS speaks to the development of land within Rural Areas. The PPS maintains the intent to preserve rural lands for agricultural purposes and the role they play in the Province's economy. The PPS further states that it is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

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

Policy 1.1.5.2 states that the permitted uses within rural lands are as follows:

- 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.

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 the information and MDS calculations provided by the applicant's agent. Staff remain satisfied that the requirements of MDS are met.



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Hazard lands are identified under the County Plan on the subject lands in various locations. The hazard designation contains woodlands, wetlands and ponds. Policy 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. Planning staff remain satisfied that future development of the subject lands will be consistent with this policy through the municipality's zoning by-law.

Planning staff remained satisfied that the provisional consent approval and the proposed zoning by-law amendment application are consistent with the permitted uses identified within the PPS.

The PPS also identifies the need for the wise use and management of resources. As previously noted, significant woodlands are identified on the subject lands, planning staff remain satisfied that the identified woodlands are not in conflict with the proposed zoning amendment or the provisional consent.

Planning staff remain satisfied that the proposed application is consistent with the PPS and have no further concerns in this regard.

## 2.0 County of Grey Official Plan (Recolour Grey), 2019

The subject lands are designated as 'rural' and 'hazard' and within Schedule 'A' under the County of Grey Official Plan. Appendix B of the plan identifies significant woodlands on the subject lands as previously noted in section 1.0.

The rural land use designation permits the development of new rural lots, subject to meeting the density provisions outlined in Table 9 of the County's OP and based on the original crown survey. The subject lands were originally 60 ha. (148 acres) in size. According to Table 9, for lots of this size, a total of four (4) severances, plus a fifth retained lot could be permitted. Planning staff remain satisfied that file B18.2021 meets the density requirements of the County OP in this regard.

Uses under the 'Hazard' designation are addressed under policy 7.2(3) which prohibits the establishment of new buildings or structures within this designation. Development within the 'Hazard' designation are not proposed as part of these applications and planning staff continue to be satisfied in this regard.

As previously noted, significant woodlands have been identified on the subject lands within appendix B of the plan. Policy 7.4(1) states that no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study that no negative impacts will occur. Policy 7.4.1(3) further defines that tree cutting and forestry will be permitted in accordance with the County Forest



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Management By-law. The proposed lot creation appears to have sufficient area outside of the adjacent lands from the significant woodlands that environmental impact is not anticipated and positive comments from the conservation authority have been provided.

Planning staff remain generally satisfied that the lot creation meets the intent of the policies of the official plan.

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

The subject lands are zoned A2 (Rural) and NE (Natural Environment). Residential uses are permitted within the A2 zone. New structures are not permitted within the NE zone. The retained lands contain a single detached dwelling unit. Development of the severed parcel has not been identified at this time however, the severed lands do not contain any portion of the NE zone so further development is not anticipated to create issues in this regard.

Provision 9.2.1 of the A2 zone requires a minimum lot area of 20 ha. (50 acres). The proposed lot creation created an undersized severed parcel which was required to be recognized through a zoning by-law amendment as a condition of consent.

The lands will be rezoned from A2 (rural) and NE (natural environment) to A2 (rural), A2-449-h (rural with exception) NE (natural environment) and NE2 (natural environment 2). Exception 449 states as follows:

Notwithstanding sections 9.1 and 9.2.1 of by-law 37-2006, as amended, those lands zoned A2-449-h as shown on schedule 'A' shall be used in accordance with the A2 zone excepting however that:

- a) The minimum lot area shall be 5.7 hectares;
- b) The minimum lot frontage shall be 155.2 metres; and
- c) The holding provision on the subject lands shall not be removed until the road improvements on Concession 2 NDR have been completed to the satisfaction of the Municipality of West Grey.

Positive comments were provided from the Saugeen Valley Conservation Authority and planning staff remain satisfied that the proposed zoning amendment at hand will address the access issue and recognize the frontage and area of the subject lands.

### Legal and legislated requirements

None

### Financial and resource implications



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None

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority

No further comments are anticipated.

## Alignment to strategic vision plan

Pillar: Build a better future  
Goal: Review of the County Official Plan and municipal zoning by-law  
Strategy: Promote efficient development

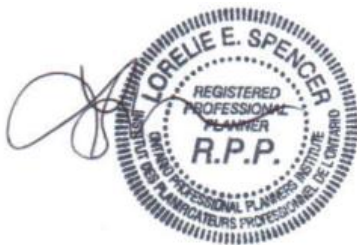
## Attachments

- Aerial and official plan mapping
- Aerial and zoning mapping
- Executed application form
- Draft zoning by-law
- Zoning by-law amendment schedule 'A'

## Next steps

Following this meeting, at a subsequent meeting of Council provided the by-law receives 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading a notice of decision will be issued. Following the appeal period and provided no appeals are received, planning staff will notify the applicant and advise that two of the conditions of provisional consent have been fulfilled.

Respectfully submitted:



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