



Committee of adjustment report

Meeting date:	September 8, 2020
Title:	B05/2020 and B06/2020 – Shamadon Resort Ltd.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That West Grey Committee of Adjustment receives the report B05/2020 and B06/2020 – Ward, Neil, wherein Planner L. Spencer recommends provisional approval of consent application no. B05/2020 and B06/2020.

Executive summary

The applicant's agent has applied for two (2) consent applications to sever a portion of an existing rural lot, retain a rural lot and create a right-of-way for the newly created parcel. The right-of-way is identified as part 1 on the applicant's draft survey and will provide access to the newly created part 2.

Part 1 will have frontage on Concession 2 WGR and provide access through the right-of-way to Concession 2 WGR for part 2.

Background and discussion

The subject property is located on the north of the intersection of Concession 2 WGR and Road 49. The property is municipally known as 231764 Concession 2 WGR.

The site is comprised of approximately 53 ha. The subject lands are currently being used as a campground referred to as Shamadon Resort with 140 campsites. In addition three (3) single detached dwelling units exist on the subject lands, each with their own private services. File B05/2020 will create a new lot. The severed parcel as part of this application will have an approximate frontage of approximately 2294 metres and a depth of approximately 1397 metres. The retained parcel will have a frontage of approximately 56 metres and a depth of approximately 1397 metres. The severed parcel will be approximately 31 ha. in size with a retained parcel of approximately 20 ha. in size.

File B06/2020 will create a right-of-way for the newly created parcel. The severed portion of this file will have a frontage of approximately 10 metres with a depth of approximately 272 metres. The retained parcel will have an approximate frontage of 259 metres and a depth of 1397 metres. The area of the retained parcel will be approximately 20 ha. in size.



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The intent of the application is to separate the campground component from two (2) of the single detached dwelling units on the subject lands.

The adjacent lands are mostly rural lands with identified areas of hazard lands and are mostly used for agricultural purposes with some smaller parcels being utilized for residential 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 1.1.5.2(b) of the PPS states that resource-based recreational uses are permitted on rural lands. Campgrounds are considered a resource based recreational use.

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 in proximity to the proposed lot creation and based on the information provided MDS is met. 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 within the municipality and the creation of limited non-farm residential 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 and also contain identified significant woodlands. This portion of the property also accommodates the extension of the 30th Sideroad NDR.

Section 2.1.7 of the PPS states that development and site alteration shall not be 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 a new lot boundary will not pose an adverse impact. It is the responsibility of the applicant



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however, to confirm with the Ministry of Environment, Conservation, and Parks (MECP) to ensure that no negative impacts will occur. Based on comments provided by the SVCA planning staff have no concerns with this approach.

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. Planning staff are satisfied that the existing development on the subject lands is outside of the hazard designation, save and except for some existing development. Planning staff have no further concerns in this regard.

Based on the above, planning staff are satisfied that the proposed lot configurations are 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 of Grey Official Plan permits the creation of three (3) farm parcels on an original ha. farm parcel within the 'rural' designation. Policy 5.4.3(1) further states that new lot development shall not be 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.

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 portions of the existing access roads cross hazard lands, the impact of the new lot boundary is considered minimal by planning staff.

Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by these applications.

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 OS-114 (open space with exception) and NE-114 (natural environment with exception). The exception for both the OS and NE zones states as follows:

114:

'Notwithstanding section 29, open space zone, and section 31, natural environment zone, on those lands zoned OS-114 and NE-114 a tent and trailer campground comprising a maximum of 250 sites shall be permitted. Three detached dwellings used in conjunction with the campground shall also be permitted.'

There are no minimum lot frontage or area requirements within the OS zone. There are no provisions in the same regard within the NE zone and development of structures



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within this zone is not permitted.

Planning Staff are satisfied that the proposed lot creation meets the permitted uses within the OS and NE zones.

Confirmation has also been provided that the NE zone is in line with the hazard boundaries provided by the SVCA.

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.

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 B05/2020 based on the following conditions:

- Payment of Parkland Dedication Fee

That Committee provide provisional consent for file B06/2020 based on the following conditions:

- Payment of the Parkland Dedication Fee

Respectfully submitted,



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