



## Council report

<b>Meeting date:</b>	January 17, 2022
<b>Title:</b>	ZA30.2021 – MILLER, Ezra and MILLER, Mauricia (Agent: RIDGEWAY, Peter)
<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 identified as 394711 Concession 2 EGR. The property is legally identified as lots 16-17, concession 2-3 EGR in the geographic township of Glenelg. The property is designated as 'rural', 'hazard', and 'provincially significant wetlands' within the County of Grey Official Plan. A number of natural heritage features are also identified on the subject lands.

This file is related to a provisionally approved consent application. The purpose of application ZA30.2021 is to change the zone symbol on the subject lands from A2 (rural), NE (natural environment) and NE2 (natural environment 2) to A2-h (rural with a holding provision), NE-h (natural environment with a holding provision) and NE2-h (natural environment 2 with a holding provision). The effect of which will implement a condition of consent for file B12.2021. The holding provision will ensure that future development does not occur until an environmental impact study is provided to the satisfaction of the County, the Municipality and the Conservation Authority which demonstrates that there will be no negative impact on the natural heritage features identified on the subject lands with future development.

As part of the provisional consent approval approximately 12.0 ha. (29 acres) of the subject lands will merge with the existing property immediately south of the subject lands. This will create a parcel approximately 24 ha. (59 acres) in size.

The subject lands are located on the west side of Baseline Road, south of Sideroad 6. The property is designated as rural, hazard and provincially significant wetlands under the County Official Plan. A public meeting for the consent application was previously heard by Committee of Adjustment on July 5<sup>th</sup>, 2021 and was subsequently approved by the Committee. Notice of



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no appeals was provided on July 26<sup>th</sup>, 2021.

In order to finalize the provisional consent the applicant is required to address the conditions of decision no later than one year from the date of decision (July 5<sup>th</sup>, 2022). Four conditions were provided as part of the provisional approval which included the following:

- 1) Payment of any outstanding municipal taxes (if applicable);
- 2) Payment of the zoning by-law amendment application fee;
- 3) Receipt of a zoning by-law amendment to implement a holding provision to ensure future development is evaluated relative to the natural heritage features on the subject lands to the satisfaction of the county, municipality and conservation authority; and
- 4) That the severed lands merge with the adjacent lands to the south.

If approved, this application will fulfill conditions 2 and 3.

## Background and discussion

The merits of this application were previously assessed against the policies of the 2020 Provincial Policy Statement (PPS), the County of Grey Official Plan, and the Municipality's zoning by-law 37-2006. The evaluation of the consent application provided to the Committee of Adjustment has been included below 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 1.1.4 of the 2020 PPS states that rural areas are important to the economic success of the Province and our quality of life. Rural areas are considered to be a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resources and amenities. The province considers it important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Policy 1.1.5.2 states that permitted uses within rural lands include the management or use of resources, resource-based recreational uses (including recreation dwellings), residential development (including lot creation) that is locally appropriate, agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices, in accordance with provincial standards, home occupations, home industries, cemeteries and other rural land uses.

Policy 1.1.5.5 further states that development shall be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and / or uneconomical expansion of this infrastructure.



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Policies 2.1.4 and 2.1.8 of the PPS speak to development and site alteration within or adjacent to provincially significant wetlands and the associated adjacent lands. Development is not permitted without the provision of an environmental impact study to ensure that negative impacts are not anticipated as a result of the development. Planning staff remain satisfied that the use of the holding provision is consistent with the PPS by ensuring development is not completed without a satisfactory environmental impact study provided by the landowner.

Policy 2.10.5(b) echoes the policies noted above as they relate to significant woodlands and adjacent lands.

Policy 3.1 of the PPS states that development shall be directed to areas outside of hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and to direct development outside of hazardous sites.

Planning staff note that no development is proposed as part of the applications at this time. As a result, planning staff remain satisfied that provided the severed lands merge with the adjacent lands and the holding provision is implemented the zoning amendment is consistent with the PPS.

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

The subject lands are designated as 'rural', 'hazard', and 'provincially significant wetlands' within schedule 'A' of the County Plan. The development policies of the rural land use designation are noted under policy 5.4.2 of the plan. Minimum lot size requirements in the rural designation are 20 hectares (50 acres). As part of the consent application consultation with the Saugeen Valley Conservation Authority specifically related to the natural heritage features on the subject lands and previously discussed under section 1.0 of this report.

The policies of the county plan mirror the PPS requiring review of any development within identified natural heritage features or the adjacent lands. Based on the information provided by the Applicant, planning staff understand the development is not proposed on the severed parcel at this time.

Staff remain satisfied that the implementation of the holding provision will ensure that the applications maintain the general intent and purpose of the official plan.

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

As previously noted the subject lands are zoned A2 (rural), NE (natural environment), NE (natural environment 2). The minimum lot area within the A2 zone is 20 hectares (50 acres). Once the lands have merged they will create an overall parcel approximately 24 hectares (60 acres) in size and have an overall frontage for the newly created lot of 520 metres where 122 metres is required.



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Although the provisions of the A2 zone are maintained, a zoning by-law amendment was required as a condition of provisional consent to meet the policies of the PPS and County Plan with the use of the holding provision.

The holding provision shall not be removed until an EIS has been provided which demonstrates that development will not have an adverse impact on the natural heritage features, their functions or the adjacent lands. The EIS must be completed to the satisfaction of the County, Municipality and Saugeen Valley Conservation Authority.

Planning staff are satisfied that the application accurately maintains the general intent and purpose of the zoning by-law, in addition to fulfilling two conditions of provisional consent for file B12.2021.

## Legal and legislated requirements

None.

## Financial and resource implications

None.

## Staffing implications

None.

## Consultation

All of the following comments were previously considered as part of the consent applications:

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

Further comments are not anticipated.

## Alignment to strategic vision plan

Pillar:	Build a better future
Goal:	Review the County Official Plan and Municipal Zoning By-law
Strategy:	Take a co-operative approach to development

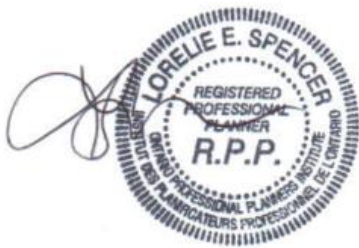
## Attachments

- Aerial mapping and Official Plan mapping
- Aerial mapping and Zoning map
- Executed application form
- Draft zoning by-law
- Draft zoning schedule

## Next steps

Following this meeting, at a subsequent meeting of Council provided that the bylaw receive 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 have been received, planning staff will notify the applicant and advise that two of the conditions of provisional consent have been fulfilled.

Respectfully submitted:

A circular professional seal for Lorelie E. Spencer, a Registered Professional Planner (R.P.P.). The seal contains the text "LORELIE E. SPENCER", "REGISTERED PROFESSIONAL PLANNER", and "R.P.P.". To the left of the seal is a handwritten signature in blue ink.

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