



Committee of adjustment report

Meeting date:	September 8, 2020
Title:	B07/2020 – Ward, Neil
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That West Grey Committee of Adjustment receives the report B07/20 – Ward, Neil, wherein Planner L. Spencer recommends provisional approval of consent application no. B07/2020.

Executive summary

The applicant has applied for a consent to sever a surplus farm dwelling. The balance of the lands would be added to the adjacent parcel under the farm's ownership immediately west of the subject lands (101162 Concession 6).

The severed surplus farm dwelling will have access on Sideroad 5.

Background and discussion

The subject property is located on the southwest corner of Concession 6 and Sideroad 5. The surplus farm dwelling is located along the eastern edge of the farm parcel. The subject lands are predominantly prime agricultural with some identified hazard lands toward the north or the property boundary.

The surrounding land uses in the area are predominantly prime agricultural with portions of hazard lands.

The site is currently comprised of approximately 10 ha. A single detached dwelling unit and accessory structures currently exist in the area proposed to be severed as a surplus farm dwelling. The applicant has identified that the severed portion of the subject lands will contain approximately 74 metres of frontage along Concession 5 with a depth of approximately 64 metres. The retained portion of the lands will be merged with the farm parcel owned by the applicant immediately west of the subject lands to create a newly merged parcel approximately 61 ha. in size with approximately 790 metres of frontage along Concession 6.



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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 2.1.6 of the PPS states that development and site alteration are not permitted within or adjacent to fish habitat (section 2.1.8) unless it has been determined that no negative impacts will occur. The proposed consent is outside of the adjacent lands to identified fish habitat. Planning staff are satisfied that negative impacts are not anticipated.

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 on, and in proximity, to the subject lands. However, planning staff are satisfied that the severance of the surplus farm dwelling 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.

Section 2.3.3.3 of the PPS states that all new land uses in prime agricultural areas must comply with minimum distance separation (MDS). In this case, the single detached dwelling unit and accessory structures are existing land use. Of note, there are no livestock facilities within proximity that would require MDS review regardless.

Section 2.3.4.1(c) permits lot creation for a residence surplus to a farm operation as a result of farm consolidation under certain conditions. Section 2.3.4.1(c)(1) states that the new lot is to be a minimum size necessary to accommodate the use and appropriate sewage and water services. Section 2.3.4.1(c)(2) further requires that planning authorities ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwelling units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective. Based on the policies within the County of Grey Official Plan, planning staff are satisfied that the consolidation of the retained lands with the lands immediately west will ensure that the proposal is consistent with the PPS.

Section 3.1 of the PPS dictates that development shall be directed away from identified hazard lands. The severance of the surplus farm dwelling is outside of the hazard lands and no further development is proposed as part of the application.



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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 'agricultural' with a small portion of 'hazard' on the northern portion of the subject lands. The proposed lot creation is outside of the hazard land designation.

Policy 5.2 speaks to the permitted uses and policies within the 'agricultural' designation. Section 5.2.1.4 specifically speaks to surplus farm dwellings. As previously noted in section 1, MDS is not required for an existing surplus farm dwellings.

Schedule A to the County Official Plan identifies the 'hazard' designation along the north portion of the subject lands. Policy 7.2 further states that no buildings or structures will be permitted within the 'hazard' designation. Planning staff are satisfied as noted in section 1 that the 'hazard' designation is not in close proximity to the proposed lot line.

Policy 7.9 and Policy 7.10 of the County Official Plan states that development and site alteration is not permitted on or within the adjacent lands to natural heritage features or the habitat of threatened or endangered species unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the identified features. As identified in section 1, planning staff are satisfied that negative impacts in this regard are not anticipated.

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 A1 (agriculture) and NE (natural environment). The NE zone is located on the northern boundary of the subject lands and the balance of the property is zoned A1.

The adjacent lands receiving the retained portion of the lot addition are zoned A1 and NE. Due to the size of the merged lands, a zoning by-law amendment is not required to restrict the further development of the property for residential purposes.

The A1 zone requires a minimum lot frontage of 122 metres and a minimum lot area of 20 ha. The proposed surplus farm dwelling parcel has a lot frontage of approximately 74 metres and a lot area of 0.47 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.

Financial and resource implications

None.



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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 dated - -----
- Saugeen Valley Conservation Authority comments dated August 31, 2020

Next steps

That Committee provide provisional consent for file B07/2020 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
- Confirmation of lot addition to adjacent lands

Respectfully submitted,



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