



# Committee of adjustment report

<b>Meeting date:</b>	January 31, 2022
<b>Title:</b>	B39.2021 – HAGEDORN, Ann and HAGEDORN, Keith
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

## Recommendation

That Committee receive Planner Spencer's report and approve application B39.2021 (HAGEDORN) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of the zoning by-law amendment application fee to implement the holding provision and identify an appropriate building envelope;
- Approval of a zoning by-law amendment;
- Payment and receipt of an entrance permit for the newly created parcel; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

## Executive summary

The property is municipally identified as 314746 Highway 6 and legally identified as lot 7, concession 1 in the geographic township of Bentinck.

The purpose of the application is to sever one (1) 16.0 hectare (39.5 acre) parcel and retain one (1) 20.0 hectare (49.0 acre) parcel. The effect of which will create a rural parcel and retain a rural parcel.

## Background and discussion

The subject lands are located on the south side of Welbeck Road and west of provincial highway 6. The site is comprised of approximately 36.0 hectare (88.9 acres) of land area. Natural features are prevalent on the subject lands and include provincially significant wetlands, hazard lands, significant woodlands and other wetlands.

The property is designated as 'rural', 'provincially significant wetland', and 'hazard' within the County of Grey Official Plan. The lands are zoned A2 (rural), NE2 (natural environment 2), and NE (natural environment) with the municipality's comprehensive zoning by-law 37-2006.

Pre-consultation was conducted and written comments were provided by the Saugeen Valley Conservation Authority.



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) requires that municipalities are consistent with the policies of the Province in making decisions on land use planning matters.

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

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 information provided by the applicant and note that no livestock facilities are located in proximity to the proposed lot line exist. Based on the information provided by the Applicant and GIS mapping planning staff are satisfied that the requirements of MDS are met in accordance with 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 and based on the original crown survey and not the current land holding. Significant woodlands, provincially significant wetlands, other wetlands and the Styx River exist on the subject lands. As a result of these features a limited land area is available for a building envelope. Policy 2.1.4 of the PPS states that development and site alteration shall not be permitted in significant wetlands. Policy 2.1.8 of the PPS further states that development and site alteration shall not be permitted on the adjacent lands to significant wetlands unless it has been evaluated and demonstrated that there will be no negative impacts. Policy 3.1.1 of the PPS states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites. Based on pre-consultation comments with the conservation authority, planning staff are satisfied that a sufficient building envelope exists on the site. The planning mechanism to ensure further development of the site does not occur outside of identified envelope without further environmental review will be discussed under section 3.0 of this report.

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

The property is designated 'rural', 'provincially significant wetland' and 'hazard within the county official plan. Policies related to the rural land use type are defined under section 5.4 of the county plan. Section 5.4 states the predominate land use within the rural designation will be agriculture, recreation and forestry. The rural land use designation does permit severances and greater flexibility beyond the agricultural land use designation. Section 5.4.3(1), specifically table 9 establishes the density permitted for lot creation based on the original crown survey. Planning staff are satisfied that the proposed lot creation meets the density provisions for lot creation.

Appendix B of the county plan identifies that a significant portion of the property contains



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significant woodlands. As noted within section 1.0 of this report, site alteration under the PPS and county plan do not support development within or adjacent to natural heritage features. A planning mechanism will be implemented to ensure that development outside of the identified building envelope does not occur within a favorable environmental impact study.

Planning staff are satisfied that the proposed lot creation meets the general intent and purpose of the official plan.

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

The property is zoned A2 (rural), NE2 (natural environment 2) and NE (natural environment). To recognize the deficient lot area of the severed parcel, a zoning by-law amendment is required. The proposed lot provides a lot area of 16 ha. (39.5 acres) where a minimum lot area of 20 ha. (50 acres) is required.

To address the issue of future development on the subject lands a zoning by-law amendment will be required to identify the building envelope on the subject lands and implement a holding provision on the balance of the severed lands. The removal of the holding provision will require the submission of an EIS to the satisfaction of the county, municipality and conservation authority. The holding provision can remain in place in perpetuity unless development is proposed in future outside of the identified building envelope.

Provided a zoning by-law amendment is a condition of consent, planning staff are satisfied that the proposed lot creation maintains the general intent and purpose of the zoning by-law.

### Legal and legislated requirements

None.

### Financial and resource implications

None.

### Staffing implications

None.

### Consultation

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

### Alignment to strategic vision plan

Pillar:	Build a better future
Goal:	Review municipal official plan policies
Strategy:	Take a co-operative approach to development

## Attachments

- Aerial and Official Plan mapping
- Aerial and Zoning By-law mapping
- Commissioned Application form
- County of Grey Planning and Development Department comments
- Saugeen Valley Conservation Authority comments
- Hydro One comments

## Next steps

Following provisional approval of this application, staff will notify of the decision and the required appeal period will commence. Provided no appeals are received the applicant will be notified and have twelve (12) months from the date of decision to satisfy all conditions. The applicant will have two (2) years from the date of the decision to provide draft deeds and a survey for approval by the municipality and have the same registered by their lawyer at the land registry office.

Respectfully submitted,



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