



Committee of adjustment report

Meeting date:	June 6, 2022
Title:	B06.2022 – GOETZ, Daniel and GOETZ, Heather and SHADY GROVE MAPLE INC.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That Committee receive Planner Spencer's report and approve application B06.2022 (GOETZ) subject to the following conditions:

- Payment of any outstanding municipal taxes;
- Payment of an entrance permit application;
- Receipt of an entrance permit to the retained parcel;
- Payment of the zoning by-law amendment application fee;
- Approval of a zoning by-law amendment to implement the recommendations of the EIS; and
- Payment of the \$500.00 Parkland Dedication Fee for the newly created lot.

Executive summary

The property does not have a municipally identified address but is legally identified as part lot 26, concession 3 EGR in the geographic township of Glenelg.

The purpose of the application is to sever one (1) 20.7 hectare parcel for the purposes of a lot addition and retain one (1) 20.7 hectare rural parcel. The effect of which will leave a retained parcel of approximately 20.7 hectares and a newly enlarged parcel approximately 31.2 hectares in size.

A supportive environmental impact study (AWS Environmental Consulting Inc.) was provided with the application.

Background and discussion

The site is comprised of approximately 41.4 hectares. The property is currently vacant and contains significant woodlands.

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.

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

Section 1.1.5.8 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 applicants to confirm if any livestock operations are located within 450 metres of the subject lands. Based on the lack of livestock facilities within this radius, 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. Hazard lands meander mid-section through the subject lands and are generally related to the Rocky Saugeen River. The enlarged lot is also designated as rural and hazard lands. Planning staff have no concerns in this regard.

Policy 2.1 of the PPS states that natural features and areas shall be protected for the long term. Pre-consultation discussions with the County, West Grey and SVCA staff indicated that an EIS was required to determine if a suitable building envelope could be obtained along Concession 2 to support a single detached dwelling unit on the retained lands. Policy 2.1.5 of the PPS states that development and site alteration shall not be permitted in significant woodlands or areas of significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. The EIS successfully identified a building envelope on the southwest corner of the study area and concluded that negative impacts in this location would be minimal. Planning staff have no further concerns in this regard.

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. As previously noted, there is no development or site alteration proposed as part of the application at hand.

Based on the above, planning staff are satisfied that the proposed lot creation is consistent with the 2020 PPS.

2. County of Grey Official Plan

The subject lands are designated as 'rural' with a portion of 'hazard' midpoint through the



June 6, 2022 (3)

property within the County of Grey Official Plan.

Policy 5.4.3(1) of the County of Grey Official Plan, specifically determines the density policies to permit lot creation based on the original crown survey. Based on the original crown survey of the subject lands a total of four (4) lots may be permitted on the subject lands, including the retained parcel based on several factors. The County Plan does identify significant woodlands on the property in addition to a natural heritage core. Both constraints consume a large portion of the property. However, as the proposed consent is related to a lot addition, planning staff have no further concerns in this regard as the lot enlargement will create a larger viable farm parcel for the lands to the north from existing conditions.

Policy 7.1 of the Official Plan speaks to core areas and linkages. The entire subject lands are denoted as containing a natural core area under schedule 'C' of the County Plan. The EIS conducted a thorough analysis of the retained parcel to determine if a feasible building envelope could be identified minimizing any impact on the natural core area. Planning staff have no further concerns in this regard. Planning staff note that a single detached dwelling unit exists on the lands receiving the lot addition and have no concerns regarding significant site alteration associated with the lot addition.

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. Development is not proposed in proximity or within the hazard land designation.

Policy 7.4 speaks to policies surrounding significant woodlands. The entire subject lands are identified to contain this feature. The property is currently being used for maple syrup production.

Provided an implementing zoning by-law is passed to recognize the recommendations of the EIS, Planning staff are satisfied that the general intent and purpose of the Official Plan are being maintained by this application.

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 A2 (rural) and NE (Natural Environment). The retained parcel will be located entirely within the A2 zone. To implement the recommendations of the EIS a zoning by-law amendment will be required. This will identify the building envelope and associated adjacent lands while placing the balance of the lands in the OS (open space) zone which does not permit the development of new structures.

The following provisions related to the A2 zone and have been evaluated against the retained lot. Details in the chart below contain the provisions related to both the severed and retained parcels. The provisions apply differently based on lot sizes within the A2 zone.



June 6, 2022 (4)

A2 (standard regulations)	Required	Provided (severed – lot addition lands)	Provided (retained)
Lot area, minimum	20.0 ha.	±31.0 ha.	±20.7 ha.
Lot frontage, minimum	122.0 m	±397.0 m	±272.0 m

There are no deficiencies identified with the retained parcel or lot addition fabric. Planning staff have no further concerns in this regard.

Provided a zoning amendment is a condition of consent to address the recommendations of the EIS, planning staff are satisfied that the application maintains the general intent and purpose of the municipality's zoning by-law.

Legal and legislated requirements

None.

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: Review municipal official plan policies
Strategy: Take a co-operative approach to development

Attachments

- County of Grey Planning & Development Department comments
- Saugeen Valley Conservation Authority 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, 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