REPORT

TO: Committee of Adjustment
FROM: Michael Benner
DATE: October 8, 2019
REPORT: PL.19.92
SUBJECT: B29.2019 - Brenda Christina Speer and Christopher Kent Wilson

RECOMMENDATION:

That Consent Application B29.2019 be approved, subject to the following conditions:

• Payment of any Municipal Taxes, if any.
• Payment of Parkland Dedication Fee.
• Payment of the $300.00 Approval Fee.
• Approval of an Entrance Permit from the Municipality of Grey Highlands.

BACKGROUND AND ANALYSIS:

Application Details: Consent Applications B29.2019

Location:
LT 35 CON 2 SDR ARTEMESIA; GREY HIGHLANDS
Civic Address: 305771 South Line A

Owners: Brenda Christina Speer and Christopher Kent Wilson
Applicant: Sydney Speer and Geordan Speer

Grey County Official Plan: Rural, Provincially Significant Wetlands and Hazard
Grey Highlands Official Plan: Rural, Provincially Significant Wetlands and Hazard
Zoning By-law No. 2004-50: Rural (RU), Wetland (W) and Hazard (H)

Proposal:
To sever a rural residential lot with a lot area of approximately 0.84 hectares and a lot frontage of 139 metres onto South Line A. The retained parcel will have a lot area of 20.9 hectares and a lot frontage of 74 metres onto South line A.
OPERATIONAL CONSIDERATIONS:

1.0 Overview:

The subject lands have a total lot area of 21.74 hectares and a lot frontage of 213 metres along South Line A. The lands are predominantly forests and wetlands with a cleared area adjacent to South Line A. This Consent proposes to sever a vacant rural lot with an area of 0.84 hectares. The retained portion of the lands, being 20.9 hectares, contain a dwelling and workshop.

2.0 Planning Analysis:

The following matters were reviewed as part of this application:
• General Development Policies
• Rural Consent Policies
• Proposed Lot Configuration
• Permitted uses for the subject lands.

2.1 Provincial Policy Statement (2014):

The Provincial Policy Statement (PPS) states that in respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Within the Rural Lands in Municipalities, permitted uses include the management or use of resources; resource based recreational uses; limited residential development; home occupations and home industries; cemeteries; and other rural land uses. Development that is compatible with the rural landscape and can be sustained by rural services levels should be promoted.

2.2 The County of Grey Official Plan:

Schedule A of the County OP identifies the subject property as ‘Rural’. Policy 5.4.3(1) states that:

All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum lot density shall not be exceeded as outlined in Table 9 below. The lot density is determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size or the original Township lot. Any proposed increase to this maximum lot density will require an amendment to this Plan, and will require justification as to the need for additional Rural lot creation.

Schedule A of County OP also designates a portion of the subject property as ‘Provincially Significant Wetlands’. Section 7.3.1 states that:

No development or site alteration may occur within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type unless it has been
demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

Development or site alteration within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type will require a permit from the appropriate conservation authority.

Further, Schedule A also indicates that there are ‘Hazard Lands’ on the subject property. Section 7.2 states that:

Permitted uses in the Hazard Lands land use type are forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses also permitted are agriculture, passive public parks, public utilities and resource based recreational uses. The aforementioned uses will only be permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed.

2.3 The Municipality of Grey Highlands Official Plan:

The subject lands are designated as Rural, Provincially Significant Wetlands and Hazard in the municipality's Official Plan.

The purpose of the Rural designation is to protect existing farming operations and to sustain and improve the quality of the rural landscape and rural amenities, and to encourage land uses, which provide an economic benefit to the municipality. All development within the Rural designation must comply with the General Development Policies contained in subsections 4.2.1, and 4.2.2. Furthermore, all applications for Consent must comply with the Rural Consent Policies contained in subsection 4.2.3 of the Official Plan.

Subsection 4.2.2 provides detailed policies relating to uses permitted within the rural designation and, in particular, notes that new non-farm uses should not be developed on improved agricultural lands, and if proposed, it must be demonstrated that no reasonable alternative lands exist on the applicant’s holdings.

A large bank barn is located on the opposite side of South Line A but does not appear to house livestock. The barn is also located approximately 150 metres away from the subject lands and would satisfy MDS criteria should the barn be used for livestock in the future.

2.4 The Municipality of Grey Highlands Comprehensive Zoning By-law No. 2004-50:

The lands intended to be severed are zoned as Rural and Hazard in the municipality’s Comprehensive Zoning Bylaw. The policies contained in the Rural zone would not permit a lot of under 20 hectares. As such, a zoning bylaw amendment, changing the zone on the severed lot to Rural Residential will need to be approved in order to implement the consent.

3.0 Comments Received (Summary):
Comments were provided from the following authorities having jurisdiction over the subject lands:

The County of Grey: comments dated September 27, 2019. Provided that positive comments are received from the conservation authority regarding the natural heritage features and MDS can be met, County planning staff have no further concerns with the subject application.

Saugeen Valley Conservation Authority: comments dated September 25, 2019. The application for consent is acceptable to SVCA staff.

The Municipality of Grey Highlands Public Utilities Department: Comments Dated September 25, 2019:
An entrance permit, confirming that the proposed driveway complies with SVCA hazard land setbacks, will be required as a condition of consent.

4.0 Summary

In summary Planning staff recommend support for the proposed severance.

5.0 Attachments

Appendix 1 – MGH Location Map
Appendix 2 – Aerial Map
Appendix 3 – Zoning Map
Appendix 4 – Agency/Department comments
Appendix 5 – Notice and Sketch

GREY HIGHLANDS’ STRATEGIC PLAN:
Vibrant Economy

Approved By: Michael Benner, Director of Planning
Approved - 03 Oct 2019

Approved By: Karen Mills, Chief Administrative Officer
Approved - 04 Oct 2019
RE: Consent Application B29.2019
Lot 35 Concession 2 SDR (305771 South Line A)
Municipality of Grey Highlands
Owner: Brenda Speer and Christopher Wilson

Dear Mr. Benner,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP), Recolour Grey. We offer the following comments.

The purpose and effect of consent application B29.2019 is to sever a rural residential lot with a lot area of approximately 0.84 hectares and a lot frontage of 139 metres onto South Line A. The retained parcel will have a lot area of 20.9 hectares and a lot frontage of 74.4 metres onto South Line A.

Schedule A of the OP designates the subject lands as ‘Rural’. Section 5.4.3 of Recolour Grey states,

1) All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum lot density shall not be exceeded as outlined in Table 9 below. The lot density is determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size or the original Township lot. Any proposed increase to this maximum lot density will require an amendment to this Plan, and will require justification as to the need for additional Rural lot creation.
The subject application meets the above noted policy. The proposed new lot needs to meet the MDS formulae. Municipal staff shall confirm that MDS can be met.

Schedule A of Recolour Grey also designates a portion of the subject property as ‘Provincially Significant Wetlands’. Section 7.3.1 states,

2) No development or site alteration may occur within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

Development or site alteration within the adjacent lands of the Provincially Significant Wetlands and Significant Coastal Wetlands land use type will require a permit from the appropriate conservation authority.

Further, Schedule A also indicates that there are ‘Hazard Lands’ on the subject property. Section 7.2 states,

2) Permitted uses in the Hazard Lands land use type are forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses also permitted are agriculture, passive public parks, public utilities and resource based recreational uses. The aforementioned uses will only be permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed.

Schedule C of Recolour Grey identifies the existence of ‘Core Area and Linkages’ on the subject property. Section 7.1 states,

3) Development proposed within Core Areas, their 120 metre adjacent lands, or Linkages will be required to undertake an environmental impact study (EIS), unless otherwise exempted by 7.11.3 of this Plan*. This EIS will assess the natural features, their adjacent lands and their connections to other natural features. Table 10 below provides for the permitted uses in Core Areas and Linkages.

County planning staff recommend receiving comments from the Conservation Authority regarding the above noted natural heritage features.

Appendix B indicates that the subject property contains ‘Significant Woodlands’. Section 7.4 of Recolour Grey states,
1) No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.

Further, Appendix B indicates that the subject property contains ‘Other Wetlands’. Section 7.3.2 states,

1) No development or site alterations are permitted within Other Wetlands or their adjacent lands, shown on Appendix B, or as identified by conservation authorities, unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

County planning staff recommend that comments be received from the local Conservation Authority regarding the above noted natural heritage features.

Provided that positive comments are received from the conservation authority regarding the natural heritage features and MDS can be met, County planning staff have no further concerns with the subject application.

The County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Hiba Hussain
Planner
(519) 372-0219 ext. 1233
hiba.hussain@grey.ca
www.grey.ca
September 25, 2019

Municipality of Grey Highlands
206 Toronto Street South, Suite 1
Markdale, Ontario
N0C 1H0

ATTENTION: Michael Benner, Director of Planning

Dear Mr. Benner,

RE: Application for Consent B29.2019
305771 South Line A
Roll No. 42081800311101
Lot 35 Concession 2 SDR
Geographic Township of Artemesia
Municipality of Grey Highlands

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the application for consent in accordance with the SVCA’s mandate, and the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018. The purpose of the application is to sever a rural residential lot with a lot area of approximately 0.84 hectares and a lot frontage of 139 metres onto South Line A. The retained parcel will have a lot area of 20.9 hectares and a lot frontage of 74.4 metres onto South Line A. The application is acceptable to SVCA staff, and the following comments are offered.

**Natural Hazards**

The majority of the parcel is designated Hazard Lands and Wetlands in the Grey County Official Plan (OP), Municipality of Grey Highlands OP, and the Municipality of Grey Highlands Zoning By-Law 2004-50, as amended. As interpreted by SVCA staff, no new buildings or structures are permitted within the Hazard Lands or Wetlands designations or within the Hazard or Wetland zone. There does not appear to be any structures within the current Hazard or Wetland areas. SVCA staff is of the opinion that the proposed development does not include any structures within the Hazard or Wetland designations. SVCA staff recommend that the Hazard Lands designations and Hazard Zone be updated to match the hazardous lands mapping plotted by SVCA staff based on the enclosed mapping dated May 16, 2019 at the next available opportunity. This amendment is based upon a site inspection to the subject property on April 23, 2019, for pre-consultation purposes.
Natural Heritage

The significant natural heritage features affecting the property include Provincially Significant Wetlands, Significant Woodlands, Fish Habitat, Other Identified Wetlands, and potentially the habitat of Endangered Species and Threatened Species. We elaborate in the following paragraphs.

Provincially Significant Wetlands

The Turner-Gillies-Wilcocks Lakes Wetland Complex is a Provincially Significant Wetland (PSW) and is located on the property and on the lands adjacent to the property. Section 7.3.1 of the Grey County OP and Section 4.3 of the Grey Highlands OP states, in part, that no development or site alteration is permitted within the PSW designation, and that no development or site alteration may occur within the 120 metre adjacent lands of the PSW designation unless it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions. It is the opinion of SVCA staff that the proposed new lot creation will not negatively impact the PSW and an EIS would not be recommended by staff to support the proposed lot creation.

Significant Woodlands

Significant woodlands are identified on portions of the property, and on lands adjacent to the property, as per Appendix B Constraint Mapping, of the Grey County OP. Section 7.4(1) of the Grey County OP and Section 2.3 of the Grey Highlands OP, states in part that no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study (EIS), that there will be no negative impacts on the natural features or their ecological functions. It is the opinion of SVCA staff that negative impacts to significant woodlands or their adjacent lands as part of the proposal would be negligible, provided any proposed development is not located within the significant woodlands. Based on the proposal, it is the opinion of SVCA staff that the preparation of an EIS could be waived, in accordance with Section 7.11.3(b) of the Grey County OP.

Fish Habitat

Unnamed tributaries of the Saugeen River flow through the property adjacent to this property. These are considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function. At this time, SVCA staff are not recommending the preparation of an Environmental Impact Statement (EIS) to address impacts to the adjacent lands to fish habitat, as SVCA staff does not anticipate any negative impacts to the adjacent lands to fish habitat as a result of this proposal.

Other Identified Wetlands

According to Appendix B Constraint Mapping of the Grey County OP, Other Identified Wetlands exist on the property and lands adjacent to the property. It is the opinion of SVCA staff that potential impacts to the wetlands as a result of this proposal will be negligible, and we are not recommending the preparation of an EIS at this time.
Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

SVCA Regulation

Please be advised that large portions of the property are subject to the SVCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any “development” in a Regulated Area or alteration to a wetland or watercourse.

“Development” and Alteration

Subsection 28(25) of the Conservation Authorities Act defines “development” as:

a) the construction, reconstruction, erection or placing of a building or structure of any kind,
b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure, c) site grading, or d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA’s areas of interest are located associated with our Regulation for the subject property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at http://eprweb.svca.on.ca. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area on the proposed retained parcel, the SVCA should be contacted, as permission may be required.

Conclusion

The application for consent is acceptable to SVCA staff.
We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Megan Stansfield
Environmental Planning Technician
Saugeen Conservation

cc: Sydney and Geordan Speer, Agent (via email)
    Paul Allen, Authority Member, SVCA (via email)
Planning Application Comments

Department: Transportation and Environmental Services
Date: September 25, 2019
File No: B29.2019 Speer/Wilson
Property Owner: Brenda Speer and Chris Wilson
Roll Number: 420818000311101

Comments:
The Transportation and Environmental Services Department provides the following comment as it relates to the Consent Development Application.

1. As a condition of consent, the applicant will be required to execute a Municipality of Grey Highlands entrance permit. As part of this entrance permit the applicant is to confirm with the SVCA that the proposed driveway (as well as the proposed house and garage) has the required set back from the hazard lands.

Name: Herb Lemon
Title: Director, Transportation and Environmental Services
NOTICE OF PUBLIC MEETING

COMMITTEE OF ADJUSTMENT
Application for Consent B29.2019

Tuesday, October 8, 2019 at 5:00 p.m.
Municipality of Grey Highlands
206 Toronto St. S, Unit 1, Markdale, ON

Registered Owner: Brenda Christina Speer and Christopher Kent Wilson
Applicant: Sydney Speer and Geordan Speer
Legal description: LT 35 CON 2 SDR ARTEMESIA; GREY HIGHLANDS
Civic Address: 305771 South Line A
Severed Parcel Frontage: 139 m Depth: 61 m Area: 0.84 ha
Retained Parcel Frontage: 74.4 m Depth: 960 m Area: 20.9 ha
Having access on: South Line A
Assessment roll number: 42 08 180 003 11101

The purpose and effect of consent application B29.2019:
To sever a rural residential lot with a lot area of approximately 0.84 hectares and a lot frontage of 139 metres onto South Line A. The retained parcel will have a lot area of 20.9 hectares and a lot frontage of 74.4 metres onto South Line A.

A sketch of the proposed severance is attached.

Why did I receive this notice?
Property owners within 120 metres of the subject land are notified of an application for severance.

Where do I submit my comments?
Please submit written comments to the Secretary-Treasurer, Committee of Adjustment

By mail or in person:
50 Lorne Street
PO Box 409
Markdale, ON N0C 1H0
Fax: 226-909-0662
Email: planning@greyhighlands.ca

Written comments are requested by October 7, 2019 so that they may be read at the public meeting for the benefit of everyone in attendance.

Questions? Want more information? Ask the Planning Department.
Visit: 50 Lorne Street, Markdale, ON during regular office hours 8:30am to 4:30pm
Phone: 519-986-1216 x193 Email: planning@greyhighlands.ca Website: www.greyhighlands.ca

What can I expect at the Public Meeting?
The public meeting is an opportunity for members of the public to learn more about the proposal. Attendees have the opportunity to hear a brief presentation about the proposal, ask questions, and/or make verbal or written statements either in favour of, or in opposition to the proposed application. At the meeting members of the public will also hear a summary of any comments received about the application prior to the public meeting. The Committee of Adjustment will then make a decision to support, defer or deny the application. The applicant or their agent shall attend the meeting or the application may not be dealt with or may be dismissed.

A request for deferment of the meeting must be made before the Committee, and an alternate meeting date, if any, will be at the discretion of the Committee.

Want to be notified of a decision?
If you do not live within 120 meters of the application, you must make a request in writing if you wish to receive a notice of any decision on this proposal. This will also entitle you to be advised of a possible Local Planning Appeals Tribunal (LPAT) hearing.

Your rights to appeal a decision:
If a person or public body that files an appeal of a decision of the Committee of Adjustment and does not make written submissions to the Committee of Adjustment, Municipality of Grey Highlands before it gives or refuses to give a decision, the LPAT may dismiss the appeal.

To appeal the decision to the LPAT, send a letter to the Secretary-Treasurer for the Committee of Adjustment, Municipality of Grey Highlands outlining the reasons for the appeal. If you wish to appeal to the LPAT, a copy of the appeal form is available on the LPAT Website. You must enclose the appeal fee of $300 for each application appealed, paid by certified cheque or money order, made payable to the Ontario Minister of Finance.

A Note about information you may submit to the Municipality:
Individuals who submit letters and other information to the committee should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process. This document can be made available in other accessible formats as soon as practicable upon request.