Items of Business:

1. Disclosure of Pecuniary Interest

2. Approval of Minutes – January 15, 2019 (attachment)

3. Public Meetings
   - 12:50 p.m. – Minor Variance Application A01/19 – Part Lot 74, Concession 2 WGR (251040 Con. 2 WGR Road), Geographic Township of Normanby (Tom & Laurie Sullivan) (attachment)

   - 1:05 p.m. – Severance Applications B01/2019 & B02/2019 – Concession 1, Div. 3, Part Lot 31, RP16R9945, Parts 7-9, Geographic Township of Normanby (Randharr Investments Inc.) (attachment)

4. Other
   - Severance Application B10/2018 – Lots 5-7, Concession 3 SDR, Geographic Township of Bentinck (Wally David Schaus – owner; Ben Rier – applicant; Cuesta Planning Consultants Inc. - agent) (attachment)

5. Next Meeting – March 12, 2019, 1:00 p.m.

6. Adjournment
Draft Committee of West Grey Municipality of West Grey Committee of Adjustment Minutes of January 15th, 2019 at 1:00 p.m.

The Committee of Adjustment met at the Council Chambers with the following members in attendance:

Members Present: Rebecca Hergert (Vice-Chair), Beth Hamilton, Doug Hutchinson, Christine Robinson, Geoffrey Shea, Stephen Townsend
Members Absent: Tom Hutchinson (Chair)
Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner; Brent Glasier, Director of Infrastructure and Public Works (during “Severance Application B15/2018 Public Meeting”)

1. Disclosure of Pecuniary Interest - None

2. Approval of Minutes – December 10, 2018

COA 1/19 Moved by: Stephen Townsend Seconded by: Geoffrey Shea

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of December 10, 2018, as printed.

Committee Members: Attending members present. All yea. Carried.

4. Public Meetings

1) Severance Application B13/2018 & B14/2018 – Plan 500, Park Pt Lot 9, Saddler N/S (175 Cross Street South), Geographic Town of Durham (Ron & Bonnie MacIntyre – owner; Don Tremble/Candue Homes – applicant)

File Applicant Decision

B13/2018, B14/2018 Ron & Bonnie MacIntyre (owner) GRANTED
Don Tremble/Candue Homes (applicant)

Attendance: Ron & Bonnie MacIntyre, Don Tremble

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever a residential lot and retain a residential lot.

Written comments were received from the Grey County Planning & Development Department, Saugeen Valley Conservation Authority, Municipal Planner, Risk Management Office (Source Water Protection) and The Historic Saugeen Metis.
The Historic Saugeen Metis indicated in an email dated November 23, 2018 that they have no objection or opposition to the proposed severance applications.

The Saugeen Valley Conservation Authority indicated in a letter dated January 7, 2019 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property include Fish Habitat are Significant Woodlands, and the potential habitat of Endangered Species and Threatened Species, however, the SVCA is not recommending the completion of an Environmental Impact Study (EIS) to address these features.

The SVCA letter also notes it has come to the attention of SVCA staff that the habitat of endangered and threatened species may be located in the area of the proposed development. 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 and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy. MNRF inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

The SVCA letter further notes that the northwest corner of the property is subject to the SVCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended, 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.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The proposed severance is acceptable to SVCA staff.

The Grey County Planning & Development Department indicated in a letter dated January 7, 2019 recommends the severance application be reviewed by a Risk Management Official due to the presence of a Wellhead Protection Area (WHPA) on the subject property. Provided positive comments are received from the Risk Management Official concerning the WHPAs and adequate servicing can be provided, County planning staff have no concerns at this time.

The Risk Management Office (Source Water Protection) submitted a Section 59 screening notice pursuant to the Clean Water Act, dated January 9, 2019, indicating no issues with the subject property, unless the storage of fuel greater than 2,500 litres is anticipated, and in that case, a Risk Management Plan would be required.
Committee of Adjustment
Minutes dated January 15th, 2019
Page 3

The Municipal Planner indicated in his Planning Report dated January 15, 2019, that the proposed severances conform to the Official Plan and Zoning By-law and are consistent with the Provincial Policy Statement. Based on the foregoing, the requested severances should be approved.

The Committee questioned if the Clerk ensures the applicant contacts the MNRF biologist. The Clerk indicated only a letter is sent noting it is the owner’s responsibility to contact the MNRF biologist. The Municipal Planner provided background information respecting endangered and threatened species.

COA 2/19 Moved by: Christine Robinson Seconded by: Doug Hutchinson

Resolved that, Severance Application B13/2018 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea. Carried.

COA 3/19 Moved by: Stephen Townsend Seconded by: Christine Robinson

Resolved that, Severance Application B14/2018 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea. Carried.

2) Severance Application B15/2018 – Plan 500, Park Pt Lot 3 (512 Lambton Street West), Geographic Town of Durham (Harry & Ada Styles – owner; Daniel Eckhardt & Shawn Aitken - applicants)

File Applicant Decision
B15/2018 Harry & Ada Styles – owners GRANTED
Daniel Eckhardt & Shawn Aitken - applicants

Attendance: Daniel Eckhardt, Shawn Aitken, Dan Sullivan, Don Tremble

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever a residential lot for a proposed 4-unit townhouse, and retain a residential lot.

Written comments were received from the Grey County Planning & Development Department, Saugeen Valley Conservation Authority, Municipal Planner, Union Gas Limited, and The Historic Saugeen Metis.

The Historic Saugeen Metis indicated in an email dated December 6, 2018 that they have no objection or opposition to the proposed severance application.

Union Gas Limited indicated in an email dated December 12, 2018 that Union Gas Limited ("Union") may have service lines running within the area which may or may not
be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, please ensure that an application for gas service is submitted through the Union Gas on line application tool 'Get Connected'.

The Grey County Planning & Development Department indicated in a letter dated January 2, 2019 that County staff encourages this development to consider adding some affordable housing units within the development plans for this site. County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated January 9, 2019 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property include Fish Habitat and potentially the Habitat of Endangered Species and Threatened Species, however, the SVCA is not recommending the completion of an Environmental Impact Study (EIS) to address these features.

The SVCA letter also notes it has come to the attention of SVCA staff that the habitat of endangered and threatened species may be located in the area of the proposed development. 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 and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy. MNRF inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The proposed severance is acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated January 15, 2019 that the proposed severance conforms to the Official Plan and Zoning By-law and is consistent with the Provincial Policy Statement. Based on the foregoing, the requested severance should be approved.

The Committee asked if the townhouses will be for rent or for sale, and asked if it is normal to have rental townhouse units. The Planner indicated municipalities should support rental housing as there is a shortage of rental housing in the Province, particularly, affordable rental housing.

The Committee asked about if there is a threshold of four lots being created, and after that, a subdivision is required. The Planner indicated the four lot rule is no longer in effect, and a subdivision is not needed typically required if it fronts on a year round road and has municipal servicing.
Committee of Adjustment  
Minutes dated January 15th, 2019  
Page 5

The Committee asked if municipal sewer and water services are available in the area. Don Tremble noted there are municipal water and sewer services on Lambton Street.

Dan Sullivan indicated he sees the application as a prudent type of development, and would hope it will be built to a quality standard. There should be sufficient on-site parking spaces. Mr. Sullivan noted there is a storm drain that runs across the street that may be poorly constructed, and these drains should be levelled out to improve aesthetics and functionality of the development. There are a number of large trees in poor condition that will likely need torn down.

Don Tremble stated that Union Gas commented as when there is an existing house to be demolished with Union Gas service, the owner has to pay to disconnect the service and re-connect it. Mr. Tremble indicated he verified with West Grey that municipal water and sewer services are available.

Marjorie Lomax, owner of 520 Lambton Street West, expressed concerns with what type of house is going to be built. Mr. Tremble indicated he owns that lot and a bungalow will be built.

The Committee noted Grey County suggested the provision of affordable housing, and questioned if affordable housing units can be rented or owned. The Municipal Planner responded that it can be both.

Shawn Aitken indicated the four townhouse units will all be facing the street, with garages, be slab on grade geared toward seniors, solid brick exterior, and be retained as rental units. The Committee questioned if any units will be accessible. Mr. Aitken indicated he would like to make the units accessible as they are geared to seniors.

It was concluded after discussion with the Director of Infrastructure, with input from Dan Sullivan and Don Tremble, that both municipal water and sewer services are available to 520 Lambton Street West.

The Committee noted affordable housing units may be eligible to obtain waivers from Grey County or West Grey development charges.

The Director of Infrastructure and Public Works, in response to a question posed by the Committee, stated that lot grading would be addressed as part of the building permit process to ensure there are no adverse drainage impacts on development.

COA 4/19 Moved by: Doug Hutchinson Seconded by: Stephen Townsend

Resolved that, Severance Application B15/2018 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea. Carried.
The Committee questioned if a Committee of Adjustment can be composed of Council or members of the public. The Clerk noted a Committee of Adjustment can be composed of Council members and/or members of the public. A Committee of Adjustment has to be approved annually if composed of Council members, and if the Committee of Adjustment is composed of the public, the term is for the term of Council.

6. **Next Meeting** – February 12, 2019, 1:00 p.m., West Grey Municipal Office.

On motion of Doug Hutchinson and Christine Robinson, the Committee adjourned at 1:44 p.m.

Rebecca Hergert, Vice-Chair  
Mark Turner, Clerk
Municipality of West Grey Committee
Of Adjustment
Notice of Application for Minor Variance
The Planning Act, RSO 1990, as amended

Take Notice that the Municipality of West Grey Committee of Adjustment has appointed
February 12th, 2019, at 12:50 p.m., for the purpose of a public hearing into this matter.
The Hearing will be held at the Council Chambers in the West Grey Municipal Office,
402813 Grey Rd. 4, R.R. #2, Durham, Ontario.

Application for Minor Variance – File No.: A01/19

Name of Owner: SULLIVAN, Tom & Laurie

Address of Applicant: 251040 C.2 WGR Road, RR 4, Mount Forest, ON., N0G 2L0

Purpose and Effect of the Application: To seek relief from subsection 6.1.2 a) of
West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to reduce
the required front yard setback from 20 metres to 15.8 metres to permit a proposed
accessory building (garage).

Municipality: Municipality of West Grey (former Township of Normanby)

Legal Description: Part Lot 74, Concession 2 WGR, Property Roll No. 4205 010 007
09200 0000

Property owners within 60 metres of the subject land are hereby notified of the above
application for minor variance.

If a person or public body that files an appeal of a decision of the Committee of
Adjustment in respect of the proposed minor variance does not make written
submissions to: Committee of Adjustment, before it grants or refuses the minor
variance, the Local Planning Appeal Tribunal may dismiss the appeal.

A certified copy of the decision, with a notice of the last day for appealing to the Local
Planning Appeal Tribunal will be sent no later than ten days from the decision being
made, to the applicant, and any individual who appeared in person at the public hearing
and who requested the secretary-treasurer a written request for notification of the
decision.

Additional information regarding the application is available for public inspection from
Monday to Friday 8:30 A.M. to 4:30 P.M. at the Municipality of West Grey Municipal
Office.

When requesting information please quote File No. A01/19

Dated this 23rd day of January, 2019.

Mark Turner, ACST, Secretary-Treasurer
Committee of Adjustment

Municipality of West Grey
402813 Grey Road #4, R.R. #2,
Durham, Ontario, N0G 1R0
PHONE: 519-369-2200
1-800-538-9647
FAX: 519-369-5962
EMAIL: mturner@westgrey.com
Planning Report
for the Municipality of West Grey
Committee of Adjustment

Date: February 12, 2019
File No: A01/2019
Owner: Tom and Laurie Sullivan
Legal Description: Part Lot 74, Concession 2 WGR, Geographic Township of Normanby, Municipality of West Grey
Municipal Address: 251040 Concession 2 WGR

Purpose of Application:
The purpose of this Minor Variance application is to reduce the ‘minimum front yard’ requirement of the ‘A2’ (Rural) from 20 metres to 15.8 metres in order to permit the erection of an accessory building (i.e. garage) in this particular location.

Subject Lands:
The subject property is located along the west side of Concession 2 WGR. The site comprises 19.8 hectares of land and is occupied by a house, barn and several smaller, accessory buildings.

Approximately 8.8 hectares of the site are actively farmed. The South Saugeen River traverses the southwest quadrant of the farm. The balance of the property appears to be either forested or scrub land.

Adjacent Lands:
This general area is represented by a mixture of agriculture and forested lands. Also, located within approximately 200 metres of the southwest corner of the subject property (in Wellington County) is a rural subdivision containing several
non-farm residential lots. The Pike Lake Campground is located to the west of the subdivision.

**Planning Act Requirements**

Section 45 of The Planning Act gives the Committee of Adjustment the authority to grant relief from a provision(s) of a Comprehensive Zoning By-law provided such relief passes four tests:

1. **Does the Minor Variance maintain the intent and purpose of the Official Plan?**

   **Comment:** Approximately 40% of the property, including the area of the building cluster and the proposed new garage, is designated 'Rural' on Schedule A to the County's Official Plan. The balance of the property, which is considered to be the river's floodplain, is designated 'Hazard Lands'.

   The 'Rural' policies allow for detached dwellings, barns and accessory buildings, but do not attempt to regulate the location of such buildings in terms of setbacks from lot lines.

   Schedule B of the Official Plan identifies a large portion of the farm as 'Aggregate Resource Act', including the area where the proposed building is to be erected. It is the intent of the Plan not to permit development within such an area where development could hinder a possible future extraction of the sand and gravel deposit. In this particular instance, the Minor Variance proposal should not affect a possible future extraction operation on the property since a detached dwelling, barn and other accessory buildings are already situated on the property. Adding another building should not change anything. Also, it should be noted that a garage could be located on the property regardless of whether or the variance is approved. It would simply need to be constructed in a different location.

   Based on the foregoing, the requested Minor Variance should maintain the intent and purpose of the Official Plan.

2. **Does the Minor Variance maintain the intent and purpose of the Zoning By-law?**

   **Comment:** The purpose of the 'minimum front yard' provision is to ensure that any buildings erected on a property are set back a reasonable distance from the municipal road. This will assist in providing for a
desirable streetscape along municipal roads. Whereas the Zoning By-law requires a 20 metre setback, allowing for the garage to be located 15.8 metres still seems reasonable, especially given that the house on the property is situated approximately the same distance from the road, or closer. It would seem that the intent of the Zoning By-law would still be maintained in this situation.

3. Is the Minor Variance minor in nature?

Comment: This question is generally re-phrased as “what impact will the variance have on the adjacent lands?” The closest neighbouring dwelling is located approximately 415 metres to the north. Given this considerable separation distance combined with the argument provided in #2 above, it's highly doubtful that constructing a garage in this specific location could have any impact on this neighbour or any other property owner in the area.

4. Would the Minor Variance represent an appropriate or desirable use of the land and buildings?

Comment: The owner has stated on the application form that their desire is to locate the garage close to the existing house without impeding the movement of the farm machinery and implements, and therefore they would like the garage to be setback about the same distance from the road as the house. Based on the above considerations, the proposed variance would represent an appropriate and desirable use of the subject property.

**Provincial Policy Statement Conformity:**

The Provincial Policy Statement (PPS) does not provide policies pertaining to building location. It would appear that the variance does not undermine any policy of the PPS.

**Conclusion and Recommendation:**

Based on the foregoing, the proposed variance has merit and can be given favourable consideration.

Please note that this Report was prepared before all of the agency comments had been received and prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.
Respectfully submitted,

Ron Davidson, BES, RPP, MCIP
February 5th, 2019

Mark Turner, Clerk
Municipality of West Grey
402813 Grey Road 4, RR2
Durham, Ontario
N0G 1R0
*Sent via E-mail

RE: Minor Variance Application A01/19
Part Lot 74, Concession 2 WGR
Municipality of West Grey
Applicant/Owner: Tom and Laurie Sullivan

Dear Mr. Turner,

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). We offer the following comments.

The purpose of the subject application is to seek relief from subsection 6.1.2 a) of the West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to reduce the required front yard setback from 20 metres to 15.8 metres to permit a proposed accessory building garage.

Schedule A of the OP designates a portion of the subject property as ‘Rural’. Section 2.3.2 of the County OP states,

(1) The predominant use of the lands shall be for agriculture and forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. In addition to the uses permitted under Section 2.1.1 (1) of this Plan, other uses also permitted within the Rural designation shall include low density non-farm residential, gardens suites, small scale commercial and industrial uses, institutional and resource based recreational uses, sand and/or gravel operations proposed within Aggregate Resource Area identified on Schedule B, licensed aggregate operations identified as Mineral Resource Extraction on Schedule B, and wayside outs and quarries in accordance with Section 2.7.2 of this Plan.
The subject application meets the above notes policy; therefore County planning staff have no concerns.

Majority of the subject property contains a ‘Hazard Lands’ designation. Section 2.8.2 of the OP states,

(1) Permitted uses in the Hazard Lands designation 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) In the Hazard Lands designation buildings and structures are generally not permitted. Minor extensions or enlargements of existing buildings and structures may be permitted subject to the Grey County OP.

The proposed accessory building garage will be located outside the Hazards Lands. County planning staff have no concerns.

Also Schedule B of the OP identifies the Aggregate Resource Area on a portion of the parcel. Section 2.3.3 of the OP states,

On areas identified as an Aggregate Resource Area on Schedule B to this Plan, as well as within 300 metres of areas identified as Mineral Resource Extraction on Schedule B, non-farm development (other than passive open space uses) shall only be permitted where it has been demonstrated that the proposed land use or development would not significantly preclude or hinder future aggregate extraction, or represent an incompatible land use.

In general, the County does not allow for development to occur in Aggregate Resource Areas which could potentially inhibit future access to the resources. In this case, the residential dwelling has already been created thus impacts on the resource already exist; therefore, County planning staff do not have any concerns.

Appendix B identifies a lake that exists northeast of the subject property. Policy 2.8.6 (5) states no development shall be permitted within 30 metres of the banks of a stream, lake, or Georgian Bay. The proposed development would exceed the 30 metre policy; therefore, County planning staff have no concerns.

County planning staff have no 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. 1241
hiba.hussain@grey.ca
www.grey.ca
Mark Turner

From: Lands and Resources Consultation Coordinator <saugeenmetisadmin@bmts.com>
Sent: Wednesday, January 23, 2019 11:16 AM
To: Mark Turner
Subject: Request for Comments - West Grey (Tom & Laurie Sullivan) Minor Variance

Your File: A01/19
Our File: West Grey Municipality

Good Morning Mr. Turner,

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

I trust this may be helpful.

Regards,

George Govier

Co-ordinator Lands, Resources, and Consultation

Historic Saugeen Metis
204 High Street
Southampton, Ontario
N0H 2L0
Direct Line (519) 483-4001
Fax (519) 483-4002
Email HSMLRCC@bmts.com

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Take notice that the Municipality of West Grey Committee of Adjustment has appointed February 12th, 2019, at 1:05 p.m., for the purpose of a public hearing into this matter. The Hearing will be held at the Council Chambers in the West Grey Municipal Office, 402 Grey Rd. 4, R.R. #2, Durham, Ontario.

Application for Consent – File No.: B01/2019 & B02/2019

Property Roll No.: 4205 010 007 02465 0000

Name of Owner: Randharr Investments Inc.

Purpose and Effect: To sever a portion of an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B01/2019), and sever an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B02/2019).

Municipality: Municipality of West Grey (former Township of Normanby)

Legal Description: Concession 1, Div. 3, Part Lot 31, RP16R9945, Parts 7-9

Severed Parcel (B01/2019): FRONTAGE: 51.056 m DEPTH: 158 m AREA: 0.80 ha.

Retained Parcel (B01/2019): FRONTAGE: 102 m DEPTH: irreg. AREA: 1.6 ha.

Severed Parcel (B02/2019): FRONTAGE: 51.056 m DEPTH: 158 m AREA: 0.80 ha.

Retained Parcel (B02/2019): FRONTAGE: 51.346 m DEPTH: 158 m AREA: 1.6 ha.

Having Access on: Municipal Road

(See sketch attached)

Property owners within 120 metres (legislation requires 60 metres) of the subject land are hereby notified of the above application for consent.

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submissions to: Committee of Adjustment, before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment.

Additional information regarding the application is available for public inspection from Monday to Friday 8:30 A.M. to 4:30 P.M. at the Municipality of West Grey Municipal Office.

When requesting information please quote File No. B01/2019 & B02/2019

Public Hearing - It is not a requirement of the Planning Act, however it is the policy of the Municipality of West Grey to hold a Public Hearing on severance applications.

The land is the subject to a related application for: Official Plan Amendment ________

Zoning By-law Amendment ________ Minister's Zoning Order ________ Minor Variance ________

Secretary-Treasurer
Committee of Adjustment
R.R. #2, Durham, ON, N0G 1R0
Phone: 519-369-2200, 1-800-538-9647
Fax: 519-369-5962
Email: mturner@westgrey.com
Planning Report
for the Municipality of West Grey
Committee of Adjustment

Date: February 12, 2019
File No: B01/2019 and B02/2019
Owner/Applicant: Randharr Investments Inc.
Legal Description: Part Lot 31, Concession 1, (Parts 7-9, Plan 16R9945)
Geographic Township of Normanby, Municipality of West Grey
Address: None assigned

Purpose of Application:

The purpose of consent application No. B01/2019 is to sever 0.8 hectares of land from a vacant, industrial lot and merge this severed parcel with the adjacent 0.8 hectare industrial lot containing an existing building. A 1.6 hectare, vacant parcel would be retained.

The purpose of consent application No. B02/2019 is to sever the 1.6 hectare, vacant lot described in B01/2019 as the retained parcel into two equal lots of 0.8 hectares in size.

Subject Lands:

The subject lands are located along the southwest side of Violet May Crescent, in the business park located north of Mount Forest.

The site comprises 2.4 hectares of land and is currently vacant.

Most of the site is covered in small coniferous trees.
Adjacent Lands:

The subject lands are located on the edge of the business park, which includes several industrial operations. The lands to the southwest and northwest are predominantly forested and are mostly hazard according the Saugeen Valley Conservation Authority (SVCA).

Official Plan Conformity:

The subject lands appear to be designated entirely ‘Hazard Lands’ on Schedule A to the County of Grey Official Plan; however, this mapping is incorrect as confirmed by the SVCA. Only approximately 0.3 hectares in the northwest corner of the site should actually be designated ‘Hazard Lands’. The County of Grey Official Plan allows for the ‘Hazard Lands’ designation boundary to be interpreted in a manner that gives this hazard limit some flexibility without actually amending the Official Plan.

With the ‘Hazard Lands’ designation removed from most of the site, the land use designation of the non-hazard lands should be ‘Space Extensive Commercial’, as confirmed by the County of Grey Planning Department in their letter dated February 5, 2019. This designation applies to only a few areas within Grey County and according to Section 2.10 (1) of the Official Plan is intended to apply to those areas previously designated and approved for such development.

With regard to permitted uses, Section 2.10 (2) states:

2. Permitted Uses

(a) Include the following uses which would generally satisfy the permitted use criteria established in (b).

- building supply outlet;
- horticultural nurseries;
- automobile sales and services;
- recreational vehicle sales and services;

Existing retail commercial establishments with a minimum floor area of less than 2,300 square metres and existing non-retail commercial uses within an existing shopping centre may be redeveloped for retail uses and for other uses permitted in this designation provided that the building size remains substantially unchanged.

(b) In addition to the uses permitted in (a), new uses would be permitted subject to satisfying all of the following criteria:

(i) The uses require accessible sites to serve their market area;
(ii) The uses serve demands from highway traffic;

(iii) The uses require a large parking or outdoor storage area or require a large volume single purpose building;

(iv) The location of the proposed use in a general retail block in an urban centre is not feasible due to its storage area or building volume requirements.

The use of the severed and retained parcels shall be in accordance with the policies above. The list of permitted uses cited in the Zoning By-law for these lands is more specific.

It should be noted that the 'Space Extensive Commercial' policies do not include requirements for minimum lot sizes.

With regard to severing land, the general severance policies contained in Section 6.12 Lot Creation of the Official Plan state the following:

(1) Where division of land is considered, the approval authority shall have regard to the policies of this Plan, the matters set out in the Planning Act, R.S.O. 1990, as amended and the following circumstances:

(a) The land division is permitted by the appropriate land use policies of Section 2;

(b) The land division shall promote development in an orderly and contiguous manner, and shall not conflict with the established development pattern of the area;

(c) The proposed use is compatible with existing and permitted future land uses on adjacent lands;

(d) The servicing requirements of Section 5.3 shall be met;

(e) Direct access from a Provincial Highway or a County Road shall be restricted as outlined in Section 5.2. Where possible, residential lots shall not be approved where access from a road would create a traffic hazard because of limited sight lines, curves or grades;

(f) Evidence that soil and drainage conditions are suitable to permit the proper siting of buildings, that a sufficient and potable water supply exists, and that conditions are suitable for sewage system construction;

(g) The size of any parcel of land created shall be appropriate for the proposed use, and in no case, shall any parcel be created which does not conform to the minimum provisions of the Zoning By-law.
(h) *That Minimum Distance Separation Formulae is applied to proposed lots.*

(2) *Any conditions, including zoning if required, shall be fulfilled, prior to final approval of the lot creation.*

With regard to these policies, consider the following:

- The use of the lands subject to the two severance applications must be in accordance with the 'Space Extensive Commercial' policies listed above.

- The proposed lot addition and new lot creation represents a development that is orderly and contiguous and does not conflict with the establishment development pattern of the area.

- The lands will be used for industrial purposes, which will be compatible with the other industrial lots situated within this business park.

- At the Building Permit stage, the owner will also be required to obtain a Septic Permit and will need to demonstrate the suitability of the site for such means of servicing.

- No traffic hazard will be created as a result of the lot creation.

- The lots will be of ample size to accommodate the proposed development. They will comply with the requirements of the Zoning By-law. Development on the retained parcel of application No. B02/2019 will be restricted to a certain extent by the 'Hazard Lands' designation (and associated 'NE' zoning) that will occupy approximately one-third of this lot. The hazard area will also apply to a small portion of the severed parcel in application B02/2019.

- There are no barns within close proximity of the subject property and therefore the lot creation will comply with the Minimum Distance Separation Guidelines.

- The conditions imposed by the Land Division Committee must be fulfilled before the Secretary-Treasurer will stamp the deed for the new parcel or lot addition.

Based on the foregoing, the proposed severances conform to the above severance policies.

Appendix B to the Official Plan identifies a small area of the retained parcel of application B02/2019 as 'Other Identified Wetland'. Section 2.8.6 (7) prohibits development or site alteration within 30 metres of this feature unless it has been demonstrated that it would not negatively impact this natural heritage feature or its function. Given that the 'Other Identified Wetland' features covers such a small area of the property and that the entire 30 metre buffer of this feature is designated 'Hazard Lands', this feature should be sufficiently protected from development on the remainder
of that parcel. The SVCA agrees with this position and has not requested an Environmental Impact Study.

Based on the foregoing, the proposed lot creation and lot addition will conform to the relevant policies of the County of Grey Official Plan.

**West Grey Comprehensive Zoning By-law:**

The subject lands are zoned entirely 'Natural Hazard' in the Municipality of West Grey Zoning By-law. The SVCA has advised that this mapping is incorrect and only a small area of the site should actually be zoned 'NE'. The SVCA has advised that the zoning schedule should be corrected during the next update of the Zoning By-law, and West Grey staff would concur.

In the mean time, the Zoning By-law can be interpreted in such a manner that the lands can be considered to fall within the ‘M1-237’ zone, given Section 2.6 which states:

2.6 *The Natural Environment (NE) Zone boundaries identified on the schedules to this By-law are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority or other agencies having jurisdiction in the area. Where detailed resource mapping and/or site inspection occurs, this may result in a re-interpretation of the limits of the NE zone boundary. Additionally, a technical evaluation, approved by the Conservation Authority may be used to further delineate the limits of the Natural Environment (N.E.) Zone.*

With regard to the ‘M1-237’ zone, permitted uses are:

**Permitted Uses:**

- fuel distributor; agricultural bulk sales establishment; transport terminal; building supply outlet; warehousing; equipment sales and rental; automobile sales establishment; dry manufacturing plant; sawmill; public garage or body shop (agricultural machinery or vehicles); automobile services station; farm equipment sales establishment; a horticultural nursery; outdoor recreational equipment sales and service establishment; motel; open storage accessory to a permitted use; and, uses, buildings and structures accessory to a permitted use, including a business office and retail store.

Any use of the subject lands must be in compliance with the listed of permitted uses provided above.
The 'minimum lot area' and 'minimum lot frontage' requirements are 0.8 hectares and 20 metres respectively. The lots resulting from the lot addition and lot creation will all comply with these standards.

The proposal severance appears to conform to the Zoning By-law.

**Provincial Policy Statement Conformity:**

The Provincial Policy Statement (PPS) would give consideration to the lot creation within this urban-type business park.

The PPS protects certain natural heritage features. It is apparent that no such features would be negatively impacted by the development.

The PPS also directs development away from natural hazards. In this regard, no development will be permitted on the portion of the property that is designated 'Hazard Lands' and zoned 'Natural Environment'.

**Conclusion and Recommendation:**

Based on the foregoing, the proposed lot addition and new lot creation conforms to the Official Plan and Zoning By-law, and is consistent with the PPS. The proposal should be given favourable consideration.

During the next update of the West Grey Zoning By-law, the zoning of the property should be corrected to reflect the updated SVCA hazard land mapping.

The applicant should be aware that a portion of his property will remain zoned ‘NE’, which will place some limitations on the future development of this site, particularly on the parcel being retained on application No. B02/2019.

Please note that this Report was prepared before all of the agency comments had been received and prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.

Respectfully submitted,

Ron Davidson, BES, RPP, MCIP
February 5th, 2019

Mark Turner, Clerk
Municipality of West Grey
402813 Grey Road 4, RR2
Durham, Ontario
N0G 1R0
*Sent via E-mail

RE: Consent Applications B01/2019 and B02/2019
Concession, Div. #, Part Lot 31, RP16R9945, Parts 7-9
Municipality of West Grey
Applicant/Owner: Randharr Investments Inc.

Dear Mr. Turner,

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

The purpose of the subject application is to sever a portion of an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B01/2019), and sever an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B02/2019).

Schedule A of the County OP designates the subject property as 'Space Extensive Commercial'. Section 2.10 (1) of the OP states,

The Space Extensive Commercial designation, as shown on Schedule A of this Plan, applies to those areas previously designated and approved for such development. Future development or lands to be designated by Official Plan amendment must satisfy the criteria of this Section in addition to the requirements of Sections 2 and 6.

The subject applications meet the policies of a Space Extensive use. Schedule A of the County Council approved OP, Recolour Grey, that is currently under review by the Province indicates that the subject property is designated Rural. County planning staff recognize that this mapping was done in error and will be submitting a letter to the province to correct that error.
Schedule A of the County OP also indicates that the subject land contains a 'Hazard Lands' designation. Section 2.8.2 of the County OP states, new development and site alterations will only be considered if the hazards can be safely addressed and new hazards are not created or existing ones are not aggravated. In consultation with the conservation authority regarding the Hazard Lands, Saugeen Valley Conservation Authority indicated that the Hazard mapping on the subject property is inaccurate. New hazard mapping for the subject property has been provided for Recolour Grey which indicates that only the western portion of the property contains Hazard Lands.

Further, Appendix B of the County OP identifies 'Other Identified Wetlands' on the subject property. Policy 2.8.6 (7) states, no development shall be permitted within 30 metres to 'Other Identified Wetlands'. Considering that no new development is proposed at this time, County planning staff have no concerns with the Hazard Lands and the Other Identified Wetlands.

County planning staff have no further concerns with the subject applications.

The County requests notice of any decision rendered with respect to these applications.

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

Yours truly,

Hiba Hussain
Planner
(519) 372-0219 ext. 1241
hiba.hussain@grey.ca
www.grey.ca
February 6, 2019

Municipality of West Grey
Committee of Adjustment
402813 Grey Road 4, RR#2
Durham, ON
N0G 1R0

ATTENTION: Mark Turner, Secretary-Treasurer

Dear Mr. Turner,

RE: Applications for Consent B01/2019 and B02/2019
Part Lot 31, Concession 1, Div. 3, Plan RP16R9945, Parts 7-9
Roll No. 420501000702465
Geographic Township of Normanby
Municipality of West Grey

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the applications for consent in accordance with the SVCA’s mandate, the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the SVCA and the Municipality of West Grey relating to plan review. The purpose of the applications is to sever a portion of an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B01/2019), and sever an Industrial Exception (M1-237) lot and retain an Industrial Exception (M1-237) lot (B02/2019). The applications for consent are acceptable to SVCA staff, and the following comments are offered.

Natural Hazards

The entirety of the property is designated as Hazard Lands in the County of Grey Official Plan (OP), and zoned Natural Environment (NE) in the Municipality of West Grey Zoning By-law No. 37-2006, as amended. In general, no new buildings or structures are permitted within the Hazard Lands designation or the NE Zone. In the opinion of SVCA staff, the Hazard Lands designation and the NE zone do not coincide with the hazardous lands mapping originally plotted by SVCA staff. SVCA staff recommends that the Hazard Lands designation and the NE zone be updated to match the hazardous lands plotted by SVCA staff at the next available opportunity. Please find enclosed map dated February 1, 2019. It is the recommendation of SVCA staff that the interpretation clause as outlined in section 2.6 of the Zoning By-law be applied for the property.
Natural Heritage

In the opinion of SVCA staff, the Natural Heritage features affecting the subject property are Fish Habitat and potentially the Habitat of Endangered Species and Threatened Species. In addition, Other Identified Wetlands are located on the subject property and adjacent lands.

Fish Habitat

An unnamed tributary is located on the lands adjacent to the property and is considered to be 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 functions. SVCA staff is of the opinion that the negative impacts to the lands adjacent to fish habitat as a result of this proposal will be negligible, and we are not recommending the preparation of an Environmental Impact Study (EIS).

Other Identified Wetlands

According to the County of Grey OP Appendix B Constraint Mapping, Other Identified Wetlands exist on the property and on the lands adjacent to the property. The Grey County OP states in part that development and site alteration shall not be permitted within Other Identified Wetlands, unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. In the opinion of SVCA staff, the impacts to the Other Identified Wetlands as a result of this proposal will be negligible, and an EIS is not warranted at this time as part of this proposal.

Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that the habitat of endangered species and threatened species may be located in the area of the proposed development. 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 and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy. MNRF inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

SVCA Regulation

Please be advised that portions of the property proposed to be retained and severed 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 or 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 interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

In order to determine where the SVCA's areas of interest are located associated with our Regulation on the subject property please refer the SVCA's online mapping program, available via the SVCA's website at http://eprweb.svca.on.ca.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation is proposed within SVCA's areas of interest, the SVCA should be contacted as permission may be required.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to these applications. The Applications for Consent are acceptable to SVCA staff.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Emily Payton
Environmental Planning Technician
Saugeen Conservation

EP/

Encl.

cc: Randy Bye, Randharr Investments Inc. (via email)
    Christine Robinson, Authority Member, SVCA (via email)
    Tom Hutchinson, Authority Member, SVCA (via email)
Your File: B01/2919  
B02/2019

Our File: West Grey Municipality

Mr. Turner,

The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Assistant Coordinator, Lands, Resources and Consultation

Historic Saugeen Métis  
204 High Street  
Southampton, Ontario, N0H 2L0  
Telephone: (519) 483-4000  
Fax: (519) 483-4002  
Email: hsmasstlrcc@bmts.com

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Thank you for your correspondence with regard to the proposed Severance. Union Gas Limited ("Union") may have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, please ensure that an application for gas service is submitted through the Union Gas online application tool ‘Get Connected’. A link is attached for your reference.

https://www.uniongas.com/business/account-services/get-connected

Should you require any further information, please contact the undersigned.

Mary Jane Patrick
Analyst, Land Services
Union Gas Limited | An Enbridge Company
50 Keil Drive North | Chatham, ON N7M 5M1
Tel: 519.436.4600 ext 5004578
email: mpatrick@uniongas.com
uniongas.com | Canada’s Top 100
Employer | Facebook | Twitter | LinkedIn | YouTube
To whom it may concern:
We have no comments or objections in regards to the above noted consent applications.
Thanks,
Curtis Marshall

Curtis Marshall, MCIP, RPP
Senior Planner
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph ON N1H 3T9
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E curtism@wellington.ca
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Take notice that the Municipality of West Grey Committee of Adjustment has appointed December 10th, 2018, at 1:05 p.m., for the purpose of a public hearing into this matter. The Hearing will be held at the Council Chambers in the West Grey Municipal Office, 402813 Grey Rd. 4, R.R. #2, Durham, Ontario.

Application for Consent – File No.: B10/2018
Property Roll No.: 4205 280 005 01600 0000 & 4205 280 005 01700 0000
Name of Owner: Wally David Schaus
Name of Applicant: Ben Rier
Name of Agent: Cuesta Planning Consultants Inc.
Purpose and Effect: To sever a surplus farm lot and retain a farm lot.
Municipality: Municipality of West Grey (former Township of Bentinck)
Legal Description: Lot 5-7, Concession 3 SDR
Severed Parcel: FRONTAGE: 120 m DEPTH: irreg. AREA: 1.1 ha.
Retained Parcel: FRONTAGE: 511 m DEPTH: irreg. AREA: 45.6 ha.
Having Access on: Municipal Road
(See sketch attached)
Property owners within 120 metres (legislation requires 60 metres) of the subject land are hereby notified of the above application for consent.

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submissions to: Committee of Adjustment, before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment.

Additional information regarding the application is available for public inspection from Monday to Friday 8:30 A.M. to 4:30 P.M. at the Municipality of West Grey Municipal Office.

When requesting information please quote File No. B10/2018

Public Hearing - It is not a requirement of the Planning Act, however it is the policy of the Municipality of West Grey to hold a Public Hearing on severance applications.

The land is the subject to a related application for: Official Plan Amendment ______ Zoning By-law Amendment X Minister’s Zoning Order ______ Minor Variance ______