

**Municipality of West Grey
Committee of Adjustment
Minutes of February 20th, 2018 at 1:00 p.m.**

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

Members Present: John A. Bell (Chair), Bev Cutting, Kevin Eccles, Rebecca Hergert, Doug Hutchinson, Carol Lawrence, Robert Thompson
Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – January 8, 2018

COA 10/18 Moved by: Kevin Eccles Seconded by: Bev Cutting

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of January 8, 2018, as printed.

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

3. Public Meetings
 - 1) Minor Variance Application A01/18 – Part Lot 20, Concession 3 EGR, former Township of Glenelg (Hugh Moorhead)

File	Applicant	Decision
A01/18	Hugh Moorhead	GRANTED

Attendance: Hugh Moorhead

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the minor variance application is to seek relief from subsection 9.3.3 of West Grey Comprehensive Zoning By-law Number 37-2006, as amended, to reduce the required minimum front yard setback from 60' to 32'; and to seek relief from subsection 9.3.4 to reduce the required minimum rear yard setback from 24.6' to 20'; to facilitate a proposed detached dwelling.

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

The Historic Saugeen Metis indicated in an email dated January 26, 2018 that they have no objection or opposition to the proposed minor variance application.

The Grey County Planning & Development Department indicated in a letter dated January 30, 2018 that Appendix B in the Grey County Official Plan identifies 'Significant Woodlands' on the majority of the property. Policy 2.8.4(1) states, no development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions. County planning staff recommend comments are received from the local conservation authority. Section 5.3 of the OP, along with section 1.6.6 of the PPS, speaks to ensuring that new development can be adequately serviced with water and sewer, or on-site private services. Prior to development on the subject property, it shall be ensured adequate servicing can be provided. Provided positive comments are received from the local conservation authority and the subject property can be adequately serviced, County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated February 5, 2018 that SVCA staff visited the property on January 31, 2018. Clearing of the woodlands for what appears to be related to the development proposal was observed by SVCA staff. The tree clearing appears to have been conducted recently. A proposed entrance location and a proposed dwelling location are noted on a map included in the application. A proposed sewage disposal system is not indicated on the maps or drawing included in the application. It is the opinion of SVCA staff that an Environmental Impact Study (EIS) is necessary, or at a minimum, that an ecologist conduct a preliminary natural heritage review of the property to assess the potential negative impacts to the heritage features as a result of the clearing already undertaken and potential further impacts of the proposed development.

The SVCA letter further indicates that the entire property is identified as Significant Woodlands as per Appendix B Constraint Mapping of the Grey County OP. The subject property consists of a larger woodland extending on to the adjacent lands. The Grey County OP states that no development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions. While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on or adjacent to the property. The Grey County OP states in part

that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions.

In the opinion of SVCA staff, the proposed detached dwelling is within the Significant Woodlands. As a proposed sewage disposal system was not indicated on the application, it is likely that further clearing of the woodland is required. As such, it is the opinion of SVCA staff opinion that an EIS should be conducted to assess potential negative impacts to the clearing already conducted and potential further impacts of the proposed development. SVCA staff is concerned with the tree clearing conducted, and at a minimum, SVCA staff recommend that an ecologist visit the property to assess the impacts of the proposed development and tree clearing already conducted to the natural heritage features mentioned above, and their ecological functions. 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 Natural Resources and Forestry (MNR) for information on how to address this policy. MNR inquires in Grey County can be directed to Jody Scheifley, Management Biologist.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. It is the opinion of SVCA staff that an EIS is necessary, or at a minimum, that an ecologist conduct a preliminary natural heritage review of the property to assess the potential negative impacts to the heritage features as a result of the clearing already undertaken and potential further impacts of the proposed development.

The Municipal Planner indicated in his Planning Report dated February 20, 2018 that 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.

One of the tests or questions is, does the Minor Variance maintain the intent and purpose of the Official Plan? The subject property is designated 'Rural' on Schedule A to the County of Grey Official Plan. The 'Rural' policies allow for a detached dwelling on a property and do not attempt to regulate the location of such buildings, in terms of setbacks from lot lines. The property, however, is also designated 'Significant Woodlands' on Appendix B of the Official Plan. Development and /or site alteration is not allowed within such

an area unless it has been demonstrated that this natural heritage feature would not be negatively impacted by the intended development or site alteration. In this regard, the SVCA has stated in their letter dated February 5, 2018 that: "...an Environmental Impact Study is necessary, or at a minimum, that an ecologist conduct a preliminary natural heritage review of the property to assess the potential negative impacts to the heritage features as a result of the clearing already undertaken and potential further impacts of the proposed development." Without this review, the proposed variance – which is intended to facilitate the construction of a detached dwelling on the property – would not maintain the intent and purpose of the Official Plan.

Another test or question is, would the Minor Variance represent an appropriate or desirable use of the land and buildings? Provided it can be demonstrated that the proposed development will have no negative impact on the Significant Woodland, the proposed variance would represent an appropriate and desirable use of the subject property.

The Provincial Policy Statement (PPS) does not provide policies pertaining to building location; however, it does include policies aimed at protecting natural heritage features such as Significant Woodlands. In this regard, the variance could be consistent with the PPS provided the Significant Woodland is not negatively impacted. As recommended by the SVCA, an ecologist needs to conduct a preliminary natural heritage review of the property to assess the potential negative impacts to the natural heritage feature as a result of the clearing already undertaken and potential further impacts of the proposed development. Once this review has been undertaken to the satisfaction of the SVCA, the Minor Variance can be given consideration.

Hugh Moorhead noted Grey County has indicated his property does not require approval pursuant to the Grey County Tree Cutting By-law. Mr. Moorhead questioned the need for an assessment of significant woodland or threatened species due to the small size of the lot and narrowness of the lot.

Committee members questioned the need for an EIS given the small size and narrowness of the lot.

COA 11/18 Moved by: Kevin Eccles Seconded by: Rebecca Hergert

**Resolved that, the Committee of Adjustment hereby approves
Minor Variance Application A01/18.**

Committee Members: Attending members present. All yea.

Carried.

4. Other - None

5. Next Meeting – March 12, 2018, 1:00 p.m., West Grey Municipal Office

On motion of Councillor Hergert and Mayor Eccles, the Committee adjourned at 1:36 p.m.

(Signed)
John A. Bell, Chair

(Signed)
Mark Turner, Clerk