

Draft

**Municipality of West Grey
Committee of Adjustment
Minutes of January 8th, 2018 at 1:00 p.m.**

Draft

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. Appointment of Chair/Vice-Chair

COA 1/18 Moved by: Carol Lawrence Seconded by: Kevin Eccles

That, John A. Bell be appointed as Chair of the West Grey Committee of Adjustment.

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

COA 2/18 Moved by: Bev Cutting Seconded by: Doug Hutchinson

That, nominations for appointment as the Chair of the West Grey Committee of Adjustment be closed.

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

COA 3/18 Moved by: Rob Thompson Seconded by: Rebecca Hergert

**That,
Doug Hutchinson be appointed as Vice-Chair of the West Grey Committee of Adjustment.** (Councillor Hutchinson declined his nomination as Vice-Chair.)

COA 4/18 Moved by: Doug Hutchinson Seconded by: Bev Cutting

That, Kevin Eccles be appointed as Vice-Chair of the West Grey Committee of Adjustment.

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

COA 5/18 Moved by: Carol Lawrence Seconded by: Bev Cutting

That, nominations for appointment as the Vice-Chair of the West Grey Committee of Adjustment be closed.

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

3. Approval of Minutes – December 11, 2017

COA 6/18 Moved by: Kevin Eccles Seconded by: Doug Hutchinson

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of December 11, 2017, as printed.

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

4. Public Meetings

1) Severance Application B13/2017 – Part Lot 11, Concession 1 SDR, former Township of Bentinck (Ray Carmount & Robert Carmount)

File	Applicant	Decision
B13/2017	Ray Carmount & Robert Carmount (owner);	GRANTED

Attendance: Ray Carmount, Jim Magwood

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to a portion of a C2-325-h lot and add it to an abutting existing C2-325-h lot. The Clerk indicated the original Notice of Public Meeting incorrectly noted the zoning of the subject property as the County GIS mapping did not reflect the current zoning and official plan designation of the subject property recognized through Grey County Official Plan Amendment #122.

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 December 8, 2017 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated December 18, 2017 that the County Transportation Services have discussed the re-location of the existing field entrance to the retained lot for access and approved the proposal. County Transportation Services requires road widening (17' or 5.182 m) on the frontage of the severed and retained parcels free and clear from all liens and encumbrances. The County requests a 5.18 metre road widening be deeded to the County, as a condition of consent should the subject application be approved. Prior to clearing the condition of consent, it shall be ensured that the County has provided written confirmation to the municipality that the 5.18 metre road widening has been transferred to the County of Grey. Provided positive comments are received from the local Conservation Authority, and road widening is deeded to the County, County planning staff have no concerns with the subject application.

Notwithstanding the previous comments from the County, the County provided an updated letter dated January 5, 2018 indicating the County received further inquiry to their initial letter sent December 18th, 2017 with respect to the requested road widening on the severed and retained parcels. There was an opinion that the subject lands may be required to host an internal access road for the lands designated as 'Highway Commercial' on the east side of Grey Road 28. By considering this scenario, with the requested road widening and the potential internal access road, this would limit the available lands for personal use by the property owner. Through review of the approved Secondary Plan policies resulting from OPA 122, an internal access road is only requested on the west side of Grey Road 28.

The updated County letter noted Policy 8.5(ii)(e) states: The utilization of mutual entrances will be required along the east side of Grey Road 28. Development and re-development of these lands shall require the entrances to be constructed in the locations shown on Schedule 3q. All Site Plan Agreements involving these lands shall require the approval of the County of Grey Transportation Services Department. Should land consolidation occur and/or other situations arise where it is more desirable from the County's perspective to construct an entrance in a different location than shown on Schedule 3q, such entrance may be considered without an amendment to Schedule 3q provided the entrance location and the entire Site Plan is satisfactory to the County of Grey Transportation Services Department.

The updated County letter indicated furthermore, policy 8.5(ii)(f) states: It is the intent of this Secondary Plan for all development along the west side of Grey Road 28 to gain its access from an internal road in order to eliminate

entrances onto the County Road. Consideration for direct access onto Grey Road 28 may be considered where there is no internal road access and the entrance conforms to the County of Grey Transportation Services Department requirements. The subject property, Part Lot 11, Concession 1 SDR, is located on the east side of Grey Road 28. With reference to the above two policies, mutual entrances will be required along the east side of Grey Road 28 whereas access to lots on the west side of Grey Road 28 will be by internal road.

Map 3q below illustrates the proposed locations of shared entrances. As further discussed in Policy 8.5(ii)(e), "should land consolidation occur and/or other situations arise where it is more desirable from the County's perspective to construct an entrance in a different location than shown on Schedule 3q, such entrance may be considered without an amendment to Schedule 3q provided the entrance location and the entire Site Plan is satisfactory to the County of Grey Transportation Services Department." The County has discussed the re-location of the existing field entrance to the retained lot for access and approved the proposal in principle. A future entrance permit application would need to be submitted to County Transportation Services for review and approval prior to developing a new entrance.

The Saugeen Valley Conservation Authority indicated in a letter dated December 8, 2017 that it has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on or adjacent to the subject property. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. The property owner is requested to contact Jody Scheifley, Management Biologist, of the Ministry of Natural Resources & Forestry, for information on how to address this policy. The letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this application, and therefore, the application for Consent is acceptable to the SVCA staff.

The Municipal Planner indicated in his Planning Report dated January 8, 2018 that the proposed lot addition would appear to conform to the Zoning By-law. The proposed lot addition conforms to the County Official Plan policies and is consistent with the Provincial Policy Statement. The requested severance can be given favourable consideration.

Jim Magwood, noted he is representing Magwood Family Farms and his father, Orland Magwood, as they own a number of properties by the subject property. Mr. Magwood asked for an explanation of the purpose of the severance application.

Ray Carmount recounted some history to his becoming owner of the subject property, and his house lot that the severed lot is being added to. Ray Carmount wants the lot adjustment so the centre field is merged with his house property.

Jim Magwood noted they are just concerned with any planning changes or lot adjustments that could impact their current or future farming operations, but given the explanation, he noted he has no concerns with the severance application.

The Clerk will forward the SVCA letter to the applicant indicating the SVCA requested the property owner to contact the MNRF about threatened or endangered species, in order to ensure they are aware of their responsibility.

COA 7/18 Moved by: Doug Hutchinson Seconded by: Rebecca Hergert

Resolved that, Severance Application B13/2017 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea.

Carried.

- 2) Severance Application B14/2017 – Lot 12, Pt Div 1, Div 2 & 3, Concession 1, former Township of Normanby (David Morrison – owner; John Padfield – applicant; Michael McGarry - agent)

File	Applicant	Decision
B14/2017	David Morrison (owner); John Padfield (applicant); Michael McGarry (agent)	GRANTED

Attendance: David Morrison, John Padfield, Grant Matthews

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

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

The Historic Saugeen Metis indicated in an email dated December 12, 2017 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated December 20, 2017 that provided positive comments are received from the local conservation authority, MDS requirements are met, and the severed parcel can be adequately serviced, County planning staff have no concerns with the subject application. County Transportation Services suggests and recommends that the municipality obtain a 17 foot or 5.18 m widening on both the retained and severed parcels as a conveyance and add it to the existing road allowance. This road is a potential future county road corridor as mentioned in the Transportation Master Plan and Draft of the new County Official Plan.

The Saugeen Valley Conservation Authority indicated in a letter dated December 19, 2017 that in accordance with Section 2.8.7 (2) of the Grey County Official Plan, SVCA staff is of the opinion that the requirement for the preparation of an Environmental Impact Study (EIS) can be waived, provided future development on the proposed severed parcel is restricted to the recommended building envelope. As a recommended Condition of Consent, SVCA staff is of the opinion that the building envelope for the proposed severed parcel should be formally established through the Planning Act process. It is also the opinion of SVCA staff that development outside of the building envelope should be restricted using a holding provision or other appropriate planning mechanism, until an acceptable EIS is completed, or the requirement for the preparation of an EIS is waived.

It has come to the attention of SVCA staff that Habitat of Endangered Species and Threatened Species may be located on or adjacent to the subject 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 threatened and endangered 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. The Owen Sound office MNRF Management Biologist for Grey County is Jody Scheifley (519-371-8471, or jody.scheifley@ontario.ca).

The letter advised that SVCA staff are not able to speak to provincial and federal requirements as they relate to Section 2.1.7 of the PPS, and that the above SVCA staff opinion that an EIS is not required at this time does not take into account the Habitat of Endangered Species and Threatened Species that may be on or near the subject property.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this application. The Application for Consent is acceptable to SVCA staff; however it is the

recommendation of SVCA staff that, as a Condition of Consent, the building envelope for the proposed severed parcel be formally established.

Grant Matthews asked for contact information for Jody Scheifley. The Clerk gave Mr. Matthews the contact information for Mr. Scheifley. Mr. Matthews noted a concern with the fragmentation of farmland, and indicated his barn was not recognized in the sketch for the application, even though it is within 300m of the subject property. The Committee asked where the barn is located. Mr. Matthews indicated the barn and house is to the northwest of the property.

John Padfield spoke in favour of the application, as he intends to purchase the proposed severed lot from Mr. Morrison. There is a limited building envelope on this property which is a significant distance from any agricultural operations.

The Committee asked if Mr. Padfield was not aware of Mr. Matthews barn. Mr. Padfield did not notice this barn when his sketch was completed.

Dave Morrison noted the Matthews barn is likely more than 350 metres away from the proposed building envelope and is a dry barn. Mr. Morrison noted there is a house built by his neighbour and that house is closer to the Matthews barn than is being proposed on the severed lot.

The Clerk will forward the SVCA letter to the applicant indicating the SVCA requested the property owner to contact the MNRF about threatened or endangered species, in order to ensure they are aware of their responsibility.

COA 8/18 Moved by: Rebecca Hergert Seconded by: Rob Thompson

Resolved that, Severance Application B14/2017 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea.

Carried.

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- 3) Severance Application B15/2017 – Concession 1 WGR, Pt Div 1-3, Lot 17 & Concession 2 WGR, Part Lots 39-42, former Township of Bentinck (Aberdeen Farms Ltd. – owner; A.E. Robinson - applicant)

File	Applicant	Decision
B15/2017	Aberdeen Farms Ltd. (owner); A.E. Robinson (applicant)	GRANTED

Attendance: John Lind, David Cahill, Jeff Hunter

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

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

The Historic Saugeen Metis indicated in an email dated December 12, 2017 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated December 20, 2017 that of a general planning nature, County planning staff are concerned about access to the westerly portion of the retained parcel. These lands are separated by a river that traverses both the retained and severed parcels. Presumably, access to a portion of the retained parcel was historically gained through a portion of the severed parcel, abutting concession 2 WGR. Provided long-term access to these lands has been considered, County planning staff have no concerns. Provided positive comments are received from the local conservation authority, the severed parcel can be adequately serviced, and MDS requirements are met, County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated December 15, 2017 that in accordance with Section 2.8.7 (2) of the Grey County Official Plan, SVCA staff is of the opinion that the requirement for the preparation of an EIS can be waived with regards to this application, as the preparation of an EIS would serve no useful purpose for the protections of the natural heritage features mentioned in their letter. It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on or adjacent to the subject property. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. The property owner is requested to contact Jody Scheifley, Management Biologist, of the Ministry of Natural Resources & Forestry, for information on how to address this policy. The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this application, and therefore, the application for Consent is acceptable to the SVCA staff.

The Municipal Planner indicated in his Planning Report dated January 8, 2018 that provided confirmation is received from MTO that access from Provincial Highway 6 can be made available, the proposed severance would appear to conform to the County Official Plan and the Provincial Policy Statement. The

County raised a concern in this letter dated December 20, 2017 regarding a different matter. The Rocky Saugeen River dissects the retained parcel and therefore there does not appear to be any access to the farm land at the rear of this parcel without traversing the severed parcel. The County is recommending that the issue of long term access to these lands be addressed, and West Grey staff concurs with that recommendation.

The MTO indicated in a letter dated January 4, 2018 that Highway 6 along the subject property is an Arterial Provincial King's Highway with a posted speed of 80 km/hr. Typically with consent applications, MTO is concerned with proposals that can reduce highway frontage and/or result in additional highway access requirements or unsafe highway access requirements. The following outlines our comments:

- The subject property has frontage on Highway 6, 18th Sideroad WGR and Concession 2 WGR. Properties that that have frontage on multiple roads shall gain access from the lower tier road, the proposed severance would result in the retained lands only having frontage to Highway 6.
- The highway along the subject property has guide rail (steel beam and cable) protecting the entire highway frontage of the subject property.
- The retained and severed parcel is divided by a waterway, the severance as proposed would appear to create portions of the retained property that would not be accessible unless through another property. For the reasons noted above, access would be a concern for the retained parcel, therefore MTO is not supportive of the proposed consent to severe application.

David Cahill of The Alliance Lawyers, acting on behalf of Aberdeen Farms Ltd., submitted an email dated January 5, 2018 requesting the Committee of Adjustment for a deferral of a decision to permit time to speak to the MTO about their comments.

Jeff Hunter asked for clarification as to what portion of the property is being severed off. The Municipal Planner explained the proposed severance.

Jeff Lind noted the property has been in the family name since the 1930s, and have operated it as a farm since taking ownership at that time. Mr. Lind indicated the motivation behind the severance is to simplify the next generation operating such a large parcel, by creating the two parcels. Mr. Lind stated in their opinion the Morton and Lamb properties are part of the Aberdeen Farms Ltd. Property, so there is access to Highway 6.

The Committee reviewed access issues with Mr. Lind who indicated they have a right-of-way to the lands not being easily accessed due to the river. The Clerk suggested the Municipality obtain a copy of the right-of-way from Mr. Cahill.

The Committee asked if the Morton and Vessie parcels are merged on title. Mr. Cahill indicated that they have been according to solicitor, Mr. Robinson.

COA 9/18 Moved by: Bev Cutting Seconded by: Rebecca Hergert

Resolved that, Severance Application B15/2017 be deferred.

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

5. Other

1) Severance Application B01/2017 – Lot 4, Concession 9, former Township of Glenelg (Ron Torry – owner; Brian Milne - applicant)

A Public Meeting was held on March 13, 2017 regarding severance applications B01/2017 & B02/2017. A decision respecting severance application B01/2017 was deferred at the public meeting as the SVCA required additional information than that contained in the Natural Heritage Environmental Impact Statement dated August 20, 2016, completed by LRG Environmental.

John Morton, of AWS Environmental Consulting, subsequently submitted supplementary information in the form of field inventories to the SVCA. The SVCA provided a letter dated December 20, 2017 advising that the EIS and supplementary information is acceptable to the Authority. Provided tree clearing for development does not exceed 1 acre (0.4 ha), and no tree cutting and vegetation removal occurs between April 1 to August 15, it is acceptable to SVCA staff that the Holding Symbol (-h) be removed by the Council of the Corporation of the Municipality of West Grey from the "A2-370-h" for the lands to be severed as part of Application B01/2017.

The Municipal Planner indicated in his Planning Report dated January 8, 2018 that the severance proposal now conforms to all relevant policies of the County Official Plan and the Provincial Policy Statement, and therefore can be given favourable consideration.

COA 9/18 Moved by: Rob Thompson Seconded by: Rebecca Hergert

Resolved that, Severance Application B01/2017 be approved, subject to the conditions of the Municipality and Agencies.

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

6. Next Meeting – not determined to date

On motion of Doug Hutchinson, the Committee adjourned at 2:12 p.m.

John A. Bell, Chair

Mark Turner, Clerk