

Draft

**Municipality of West Grey
Committee of Adjustment
Minutes of October 11th, 2016 at 2:00 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 (arrived at 1:43 p.m., Doug Hutchinson, Carol Lawrence, Robert Thompson

Members Absent: Don B. Marshall

Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – September 12, 2016

COA 24/16 Moved by: Rob Thompson Seconded by: Carol Lawrence

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of September 12, 2016, as printed.

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

3. Public Meetings

- 1) Severance Application B08/2016 – Part Lots 2 & 3, Lot 4, Concession 11, former Township of Glenelg (Hans Osthaus)

File	Applicant	Decision
B08/2016	Hans Osthaus (Former Township of Glenelg)	GRANTED

Attendance: Hans Osthaus, Sandy & Shaunna Schafer

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, Municipal Planner, The Historic Saugeen Metis, Bluewater District School Board, and Hydro One.

The Historic Saugeen Metis indicated in an email dated September 16, 2016 that they have no objection or opposition to the proposed severance.

The Bluewater District School Board indicated in an email dated September 19, 2016 that they have no comments or concerns regarding the proposed severance.

Hydro One indicated in an email dated September 22, 2016 that they have no comments or concerns regarding the proposed severance.

The Grey County Planning & Development Department indicated in a letter dated October 5, 2016 that Transportation Services have reviewed the above noted file and have no objections to the severance application. The proposed entrance locations will require approval during the entrance permit process for safety. Provided positive comments are received from the Conservation Authority, Transportation Services comments are adhered to, County planning staff have no further concerns with the above noted application.

The Municipal Planner indicated in his Planning Report dated October 11, 2016 that the proposed severance appears to comply with the policies of the Official Plan and is consistent with the Provincial Policy Statement. According to the County's letter dated October 5, 2016, Transportation Services has no objections to the creation of a new lot along the County Road. An entrance permit for the severed parcel will be required. Based on the foregoing, consideration to approving this lot creation may be given.

The Saugeen Valley Conservation Authority indicated in a letter dated October 5, 2016 that Section 2.8.7 (2) of the Grey County OP allows the County to waive the requirement for the preparation of an EIS. SVCA staff is of the opinion that the natural heritage features mentioned above, and their ecological functions, will not be negatively impacted by this proposal. SVCA staff is not recommending the preparation of an EIS for this application for consent. It has come to the attention of SVCA staff that Habitat of a Threatened or Endangered 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 SVCA letter concluded that all of the plan review functions listed in the Memorandum of Agreement between the Authority and the Municipality of

West Grey relating to Plan Review have been assessed by SVCA staff with respect to this proposal. The application for consent and proposed zoning by-law amendment are acceptable to SVCA staff

Hans Osthaus spoke in favour of the proposed severance.

COA 25/16 Moved by: Rob Thompson Seconded by: Doug Hutchinson

Resolved that, Severance Application B08/2016 be approved, subject to the conditions of the Municipality and Agencies.

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

- 2) Severance Application B10/2016 – West Part Lots 40-42, Concession 2 WGR, former Township of Normanby (Berneice Owens (Estate) – owner; Cathy Goss, Wendy Armstrong, Sharon Law – applicant)

File	Applicant	Decision
B10/2016	Berneice Owens (Estate) - owner Cathy Goss, Wendy Armstrong, Sharon Law – applicants (Former Township of Normanby)	GRANTED

Attendance: Cathy Goss, Wendy Armstrong, Sharon Law

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, Municipal Planner, The Historic Saugeen Metis, Bluewater District School Board, and Hydro One.

The Historic Saugeen Metis indicated in an email dated September 26, 2016 that they have no objection or opposition to the proposed severance.

The Bluewater District School Board indicated in an email dated September 19, 2016 that they have no comments or concerns regarding the proposed severance.

Hydro One indicated in an email dated September 28, 2016 that they have no comments or concerns regarding the proposed severance.

The Grey County Planning & Development Department indicated in a letter dated September 30, 2016 that provided positive comments are received from the Conservation Authority, County planning staff have no concerns with the severance application.

The Municipal Planner indicated in his Planning Report dated October 11, 2016 that the proposed severance appears to comply with the policies of the Official Plan and is consistent with the Provincial Policy Statement, and favourable consideration may be given to this application.

The Saugeen Valley Conservation Authority indicated in a letter dated October 5, 2016 that the woodlands on the subject property are shown in the County of Grey Constraint Mapping as Significant Woodlands. The wetlands on the subject property however are not shown in the Constraint Mapping as Other Identified Wetlands. Authority staff does not anticipate any negative impacts to the Significant Woodlands or the wetlands in association with this particular proposal. Provided future development will not be permitted to encroach into the woodlands or wetlands, SVCA staff are of the opinion that an Environmental Impact Study (EIS) is not warranted at this time. It has also come to the attention of SVCA staff that habitat of threatened or endangered 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 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 Authority also indicated that the Beatty Saugeen River and its tributaries are 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. Given that the areas suitable for future development on the subject property are beyond the adjacent lands to the fish habitat, it is the opinion of SVCA staff that an EIS regarding fish habitat is not required for this particular proposal.

The SVCA concluded that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. Provided the natural heritage policies mentioned above are appropriately addressed, then this application for consent will be acceptable to SVCA staff.

Jim Armstrong spoke against the proposed severance, as there is farmland in the area. Mr. Armstrong opined that the lots should stay at 100 acres in size. The Municipal Planner indicated the Grey County Official Plan designates the subject property as Rural, and only requires a farm lot that is 20 hectares in size.

The West Grey Committee of Adjustment asked if the applicants would consider revising the proposed severed lot to 100 acres. Cathy Goss noted these lots at one time were separate lots, however, they were inadvertently merged together, and are therefore, just re-creating the original lot fabrics.

COA 26/16 Moved by: Bev Cutting Seconded by: Doug Hutchinson

Resolved that, Severance Application B10/2016 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea.

Carried.

- 3) Severance Application B09/2016 – Part Lots 29 & 30, Concession 18, former Township of Normanby (B J & S Enterprises Inc./J & K Agro-Services Inc./Jim McLaughlin – owner; Cuesta Planning Consultants Inc. – applicant)

File	Applicant	Decision
B09/2016	BJ&S Enterprises Inc./J&K Agro-Services Inc./ Jim McLaughlin – owner; Cuesta Planning Consultants Inc. - applicant (Former Township of Normanby)	GRANTED

Attendance: David Ellingwood, Cuesta Planning Consultants, Inc.,
Kent Charlton, Helen Homan

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. It was noted that the original severance application was amended to slightly enlarge the retained lot area and increasing the lot frontage, and slightly reducing the severed lot area and frontage.

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

The Historic Saugeen Metis indicated in an email dated September 26, 2016 that they have no objection or opposition to the proposed severance.

The Bluewater District School Board indicated in an email dated September 19, 2016 that they have no comments or concerns regarding the proposed severance.

Hydro One indicated in an email dated September 28, 2016 that Hydro One Networks Inc., has no objection in principle to the proposed severance, provided the hydro easement rights on the subject property are protected and maintained. At the site plan stage, lot grading and drainage plans showing existing and final grades must be submitted in triplicate to HONI for their review and approval. The cost of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer. The Clerk noted the existing zoning on the subject property does not permit a dwelling to be constructed on the property, and this zoning prohibition will remain on both the severed and retained parcels.

The Grey County Planning & Development Department indicated in a letter dated October 5, 2016 that provided positive comments are received from the Conservation Authority and the Committee is satisfied that the reduction of MDS will not create a conflict, County planning staff have no further concerns with the above noted application.

The Saugeen Valley Conservation Authority indicated in a letter dated October 5, 2016 that the Significant Natural Heritage features affecting the subject property are the woodlands, wetlands, PSW, the potential habitat of Threatened or Endangered Species, potential Significant Wildlife Habitat, and the fish habitat associated with the unnamed tributaries of the Main Saugeen River that flow through and adjacent to the subject property. The woodlands on the subject property are shown on the County of Grey Constraint Mapping as Significant Woodlands, and the areas of PSW are designated as Wetland. There is an area on the central portion of the subject property that is shown as Other Identified Wetlands on the Constraint Mapping, however this area of wetland appears to no longer exist, and is now being farmed. An area of unevaluated wetland that also existed on the subject property but was not shown on the Constraint Mapping as Other Identified Wetlands, also appears to have been removed and is now being farmed. This being said, it is the opinion of Authority staff that an EIS regarding Significant Woodlands and wetlands is not necessary for this particular proposal.

It has come to the attention of SVCA staff that habitat of threatened and endangered 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 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.

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 subject property. The County of Grey Official Plan (OP) states that the Hazard Lands and Provincially Significant Wetland designations and the natural features shown on Appendices A and B shall be interpreted as generally representative of many, but not necessarily all, of the Significant Wildlife Habitat. Section 2.8.6 of the OP indicates that development and site alteration shall not be permitted within wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. In the opinion of Authority staff, an EIS regarding Significant Wildlife Habitat is not warranted for this particular proposal.

The Main Saugeen River and its tributaries are 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. Given that no new development is permitted on the subject property, it is the opinion of SVCA staff that an EIS regarding fish habitat is not required for this particular proposal.

The Authority concluded that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. Provided the natural heritage policies mentioned above are appropriately addressed, then this application for consent will be acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated October 11, 2016 that the proposed severance appears to comply with the policies of the Official Plan and is consistent with the Provincial Policy Statement, and favourable consideration may be given to this application.

David Ellingwood, Cuesta Planning Consultants Inc., spoke in favour of the proposed severance, and noted the slight revision to the proposed severed and retained parcels.

Kent Charlton spoke in favour of the proposed severance, and indicated he is an adjacent landowner.

Kevin Eccles arrived at the meeting at 1:43 p.m.

Helen Homan asked if the severance will affect the right-of-way on her property. Kent Charlton indicated the status of her right-of-way will not change.

COA 27/16 Moved by: Bev Cutting Seconded by: Kevin Eccles

Resolved that, the Committee of Adjustment does not require the amended severance application to be re-circulated as it is deemed to be minor in nature.

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

COA 28/16 Moved by: Carol Lawrence Seconded by: Doug Hutchinson

Resolved that, Severance Application B10/2016 be approved, subject to the conditions of the Municipality and Agencies.

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

- 3) Severance Application B11/2016 – Part Lot 14, Concession 3 WGR, former Township of Bentinck (Elizabeth Riddell – owner; Jeff Reid & Douglas Riddell – applicants)

File	Applicant	Decision
B11/2016	Elizabeth Riddell – owner; Jeff Reid, Douglas Riddell - applicants (Former Township of Bentinck)	GRANTED

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the severance application is to sever a portion of a rural lot and add it to an abutting existing rural lot.

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

The Historic Saugeen Metis indicated in an email dated September 26, 2016 that they have no objection or opposition to the proposed severance.

The Bluewater District School Board indicated in an email dated September 21, 2016 that they have no comments or concerns regarding the proposed severance.

The Grey County Planning & Development Department indicated in a letter dated October 5, 2016 that provided positive comments are received from the Conservation Authority and an Environmental Impact Study is not required, as well as the land is added to the abutting property, County planning staff have no further concerns with the above noted applications.

The Municipal Planner indicated in his Planning Report dated October 11, 2016 that the proposed severance appears to comply with the policies of the Official Plan and is consistent with the Provincial Policy Statement, and favourable consideration may be given to this application.

The Saugeen Valley Conservation Authority indicated in a letter dated October 5, 2016 that Section 2.8.7 (2) of the Grey County OP allows the County to waive the requirement for the preparation of an EIS. In this instance, SVCA staff are of the opinion that the natural heritage features mentioned above, and their ecological functions, will not be negatively impacted by this proposal lot addition. SVCA staff is not recommending the preparation of an EIS for this application for consent and associated zoning by-law amendment. Should the creation of additional lots on the proposed severed lot be proposed in the future, SVCA staff may recommend the preparation of an EIS at that time. All of the plan review functions listed in the Memorandum of Agreement between the Authority and the Municipality of West Grey relating to Plan Review have been assessed by SVCA staff with respect to this proposal. The application for consent and proposed zoning by-law amendment are acceptable to SVCA staff.

COA 29/16 Moved by: Carol Lawrence Seconded by: Rob Thompson

Resolved that, Severance Application B11/2016 be approved, subject to the conditions of the Municipality and Agencies.

Committee Members: Attending members present. All yea.

Carried.

4. Other - None

5. Next Meeting – November 14, 2016, 1:00 p.m.

On motion of Doug Hutchinson, the Committee adjourned at 1:59 p.m.

John A. Bell, Chair

Mark Turner, Clerk