

Draft

**Municipality of West Grey
Committee of Adjustment
Minutes of October 9th, 2018 at 1:10 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, Rob Thompson
Members Absent: Carol Lawrence
Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – September 10 & 24, 2018

COA 35/18 Moved by: Doug Hutchinson Seconded by: Rebecca Hergert

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of September 10, 2018, & September 24, 2018 as printed.

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

3. Public Meetings
 - 1) Severance Application B08/2018 – Plan 1097, Lot 14, former Township of Bentinck (JAKO Developments Inc.)

| File | Applicant | Decision |
|-----------------|-------------------------------|-----------------|
| B08/2018 | JAKO Developments Inc. | 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 an existing Estate Residential lot and add it to an existing Estate Residential lot.

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 September 12, 2018 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated October 3, 2018 that in general, the County does not allow for development to occur in Aggregate Resource Areas which could potentially inhibit future access to the

resources. During the Plan of Subdivision process, it is likely there would have been an Aggregate Resource Study completed at that time to demonstrate the resource could not be extract. In this case, the residential dwellings have already been created and thus impacts on the resource already exist. County planning staff do not have any concerns with the severance application.

The Municipal Planner indicated in his Planning Report dated October 9, 2018 the severance will correct an existing encroachment problem. The lot addition conforms with the policies of the County Official Plan and is consistent with the Provincial Policy Statement. As such, the Committee may grant consent conditional upon a rezoning of the severed parcel and the lot benefitting from the severance to reflect a reduced lot area.

The Saugeen Valley Conservation Authority indicated in a letter dated October 2, 2018 that it is the opinion of SVCA staff that the subject property is not affected by any natural hazards, and we recommend the 'NE' zone be updated to be in accordance with the SVCA Hazardous Lands as shown on the enclosed mapping. In the opinion of SVCA staff, the significant natural heritage features affecting the subject property include: Provincially Significant Wetlands, Significant Woodlands, potentially Significant Wildlife Habitat, and Fish Habitat.

The SVCA letter further noted that while a number of significant natural heritage features affect the subject property, SVCA staff is of the opinion that the proposal is minor in nature, and that the potential negative impacts to these features and their ecological functions would be negligible. In accordance with Section 2.8.7 (2) of the Grey County Official Plan, it is the recommendation of SVCA staff that the requirement for the preparation of an Environmental Impact Study (EIS) can be waived.

All of Lot 11, and portions of Lot 14 are within the SVCA Approximate Regulated Area, and 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" within a Regulated Area or alteration to a wetland or watercourse. Provided development and site alteration for Lot 11 and Lot 14 is in accordance with the approved Lemko Subdivision Siting, Drainage and Stormwater Management Plan, prepared by Gamsby and Mannerow Limited, Revised December 1992 (test hole locations added May 1993), further review and approval from the SVCA will not be required. Should revisions to the building envelope and/or tile bed be proposed, revised site plans should be submitted to the SVCA for review.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to these applications. The Application for Consent is acceptable to SVCA staff.

The Committee of Adjustment questioned how the well came to encroach onto the other lot. The Clerk responded he is not sure of the origins of the well, however, a survey will be required for the severed lot.

The Municipal Planner indicated a deeming by-law will need to be passed as the two lots are lots in a plan of subdivision.

COA 36/18 Moved by: Kevin Eccles Seconded by: Rebecca Hergert

Resolved that, Severance Application B08/2018 be approved, subject to the conditions of the Municipality and Agencies, and that the Committee of Adjustment recommends a Deeming By-law be passed by Council to facilitate the merging of the lot.

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

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- 2) Severance Application B09/2018 – Part Lot 9, Concession 18, former Township of Normanby (Dean Grein & Becky Kaufman – owners; Tim Kraemer - applicant)

| File | Applicant | Decision |
|-----------------|---|-----------------|
| B09/2018 | Dean Grein & Becky Kaufman – owners; Tim Kraemer - applicant | GRANTED |

Attendance: Tim Kraemer, Dean Grein

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 an existing rural lot and add it to an existing non-farm rural lot.

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 September 18, 2018 that they have no objection or opposition to the proposed severance application.

The Grey County Planning & Development Department indicated in a letter dated October 1, 2018 that provided the severed lot is added to the abutting lot, County planning staff have no concerns with the subject application.

The Municipal Planner indicated in his Planning Report dated October 9, 2018, that the proposed lot addition will correct an existing encroachment problem. This severance appears to conform to the policies of the County Official Plan and is consistent with the Provincial Policy Statement. As such, the Committee may grant the severance.

The Saugeen Valley Conservation Authority indicated in a letter dated October 2, 2018 that in the opinion of SVCA staff, the significant natural heritage features affecting the subject property include: Significant Woodlands, Fish Habitat, Other Wetlands, and potentially the Habitat of Endangered Species and Threatened Species. The SVCA

indicated an EIS is not required as the impacts of the proposed severance will be negligible.

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 (MNR) for information on how to address this policy. MNR inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

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

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to these applications. The Application for Consent is acceptable to SVCA staff.

Tim Kraemer and Dean Grein spoke in favour of the proposed severance.

COA 37/18 Moved by: Kevin Eccles Seconded by: Doug Hutchinson

Resolved that, Severance Application B09/2018 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 12, 2018, 1:00 p.m., West Grey Municipal Office

On motion of Rebecca Hergert and Kevin Eccles, the Committee adjourned at 1:32 p.m.