



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: April 21, 2022

Re: Consents B-2021-129 and B-2021-130 (Gallie)

Staff Recommendation:

That Consent applications B-2021-129 and B-2021-130 be approved; and

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

Summary:

The purpose of this application is to permit the creation of two 2-hectare, non-farm residential lots on private services in the Rural designation. The retained parcel will have an area of approximately 125 hectares and is proposed to continue to be used for agriculture. A County Official Plan Amendment was recently approved to facilitate the consent application by permitting more than one lot to be created at a time. Likewise, a local Official Plan Amendment was approved to facilitate the consent by permitting 3 lots to be created from an original Crown lot, including the retained lot.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

- Not applicable
- Not aligned
- Aligned
- Strongly aligned

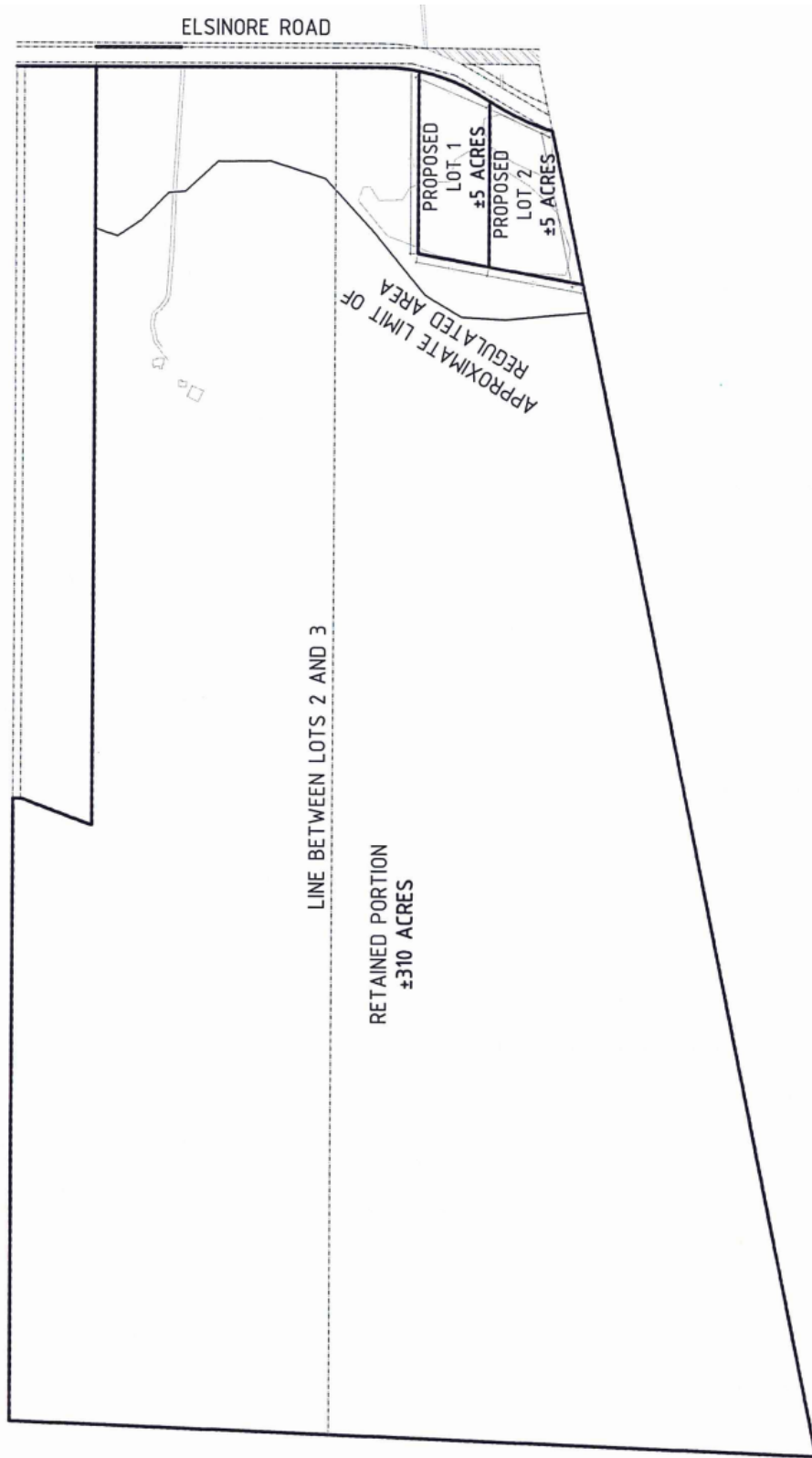
The proposal is aligned with the Homes Principle as the proposed application would provide two additional building lots available for development. The proposal is aligned with the Agriculture Guiding Principle as the proposal would not impact the viability of the owner's farm and would not result in a Minimum Distance Separation conflict with surrounding agricultural operations.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

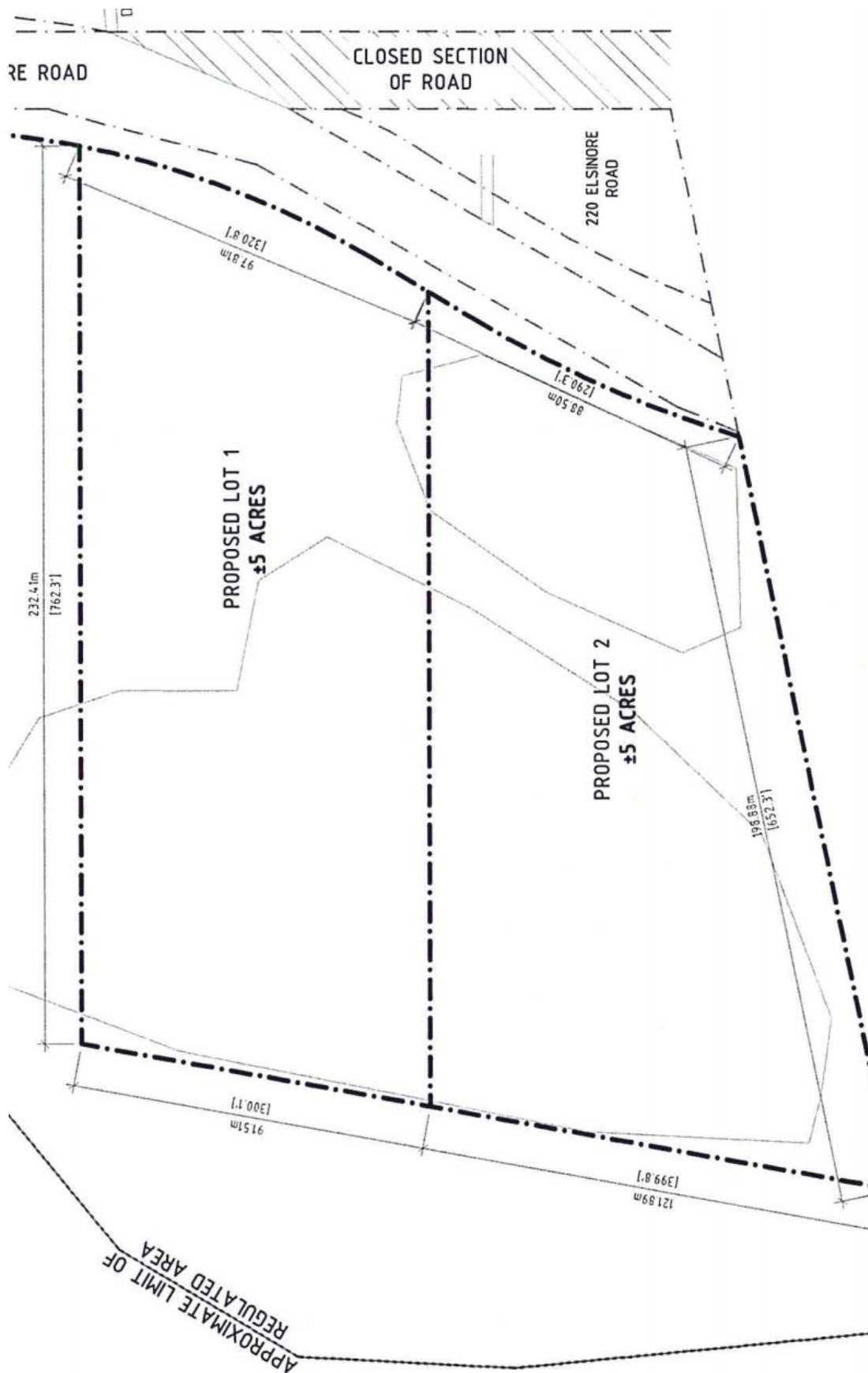
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ite Plan (Entire Lot)



Site Plan (Proposed Severed Lots)



Planning Analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and public comments (attached) as well as relevant planning policy sections.

Lot Creation in Rural Areas

The County Official Plan does provide limited opportunities for rural lot creation in certain circumstances. The County Official Plan contains criteria that must be met for land division with the Rural designation. Section 6.5.3.4.1 (ii) limits the number of non-farm residential lots that can be created to three, including the retained lot. This policy is intended to avoid creating clusters of dwellings that then require increased Minimum Distance Separation (MDS) calculations, and also to maintain a rural character and density of development.

Currently, one lot has been created from the original Crown lot because of the re-alignment of Elsinore Road. However, the County Official Plan provides an exception that lots that have been severed to create schools, road widening or similar public purpose, or minor lot adjustments are considered to not count towards the criteria for the total of number of lots created. The application's proposal to create two new lots in addition to the retained lot meet the intent of this policy as the historical lot created from the road alignment can be considered as being for a public purpose. The resulting situation does not create an MDS conflict. As the original crown lot 2, Concession 'D' is over 76 hectares in size, even if the lot arising from the realignment is included the total density from this original crown lot is lower than the density that would result from 2 lots being severed from a more typically sized 40 ha crown lot.

Section 6.5.3.4.4 of the County Official Plan requires that an application to sever property shall not propose to create more than one new lot and that any additional lot creation shall not be approved until a building permit has been issued for development on the first lot created. The intent of this policy is to limit the rate of lot creation in Rural areas to prevent a surplus of residential lots and reduce the impact of new development on the surrounding landscape. A Bruce County Official Plan Amendment was recently approved to address this policy and is now in-force and effect. The approval was granted on the basis that concurrent consent applications would allow for the review of potential impacts of future development simultaneously. The applicant has also indicated that filing two consent applications would increase the feasibility of the project through having the applications processed and construction of any future buildings done simultaneously.

The County Official Plan also requires that if the proposed lot size of a non-farm residential lot is greater than 0.61 hectares, justification for the proposed lot size should be provided. In this case, 2.0 hectare lots have been proposed as if the lots were reduced in size, there would be a small area of cropped land that would not be able to be reached by farm machinery due to the natural features that exist on the property. The proposed lots are not located in an area designated as prime agriculture and the proposed lots would comply with Minimum Distance Separation setback requirements.

A neighbour has submitted comments in objection to the proposed lot creation citing concerns regarding residential encroachment into the countryside, increased traffic and impacts to nearby farms. It is noted that the proposal conforms to the lot creation criteria of the County and local Official Plans. It is not anticipated that proposed lots will result in adverse impact to surrounding rural residential and agricultural land uses.

Natural Hazards

Grey Sauble Conservation Authority (GSCA) has identified a watercourse that runs through the proposed severed lots. A 15-metre hazard allowance is recommended from the watercourse to any future development. Any development within the conservation authority regulated area surrounding this watercourse would require a permit from the GSCA.

Natural Heritage Features

The GSCA has identified natural heritage features including significant woodland and significant wildlife habitat within the wetlands and woodlands present on the property. However, given that these features are located 50 metres from the proposed lot boundary and that the lands on which the features are located are primarily used for agriculture, an Environmental Impact Study is not necessary, and no negative impacts are anticipated.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Ontario Land Tribunal

Report Author:

Daniel Kingsbury
Senior Planner

Departmental Approval:

Mark Paoli
Director of Planning and Development

Approved for Submission:

Christine MacDonald
Acting Chief Administrative Officer

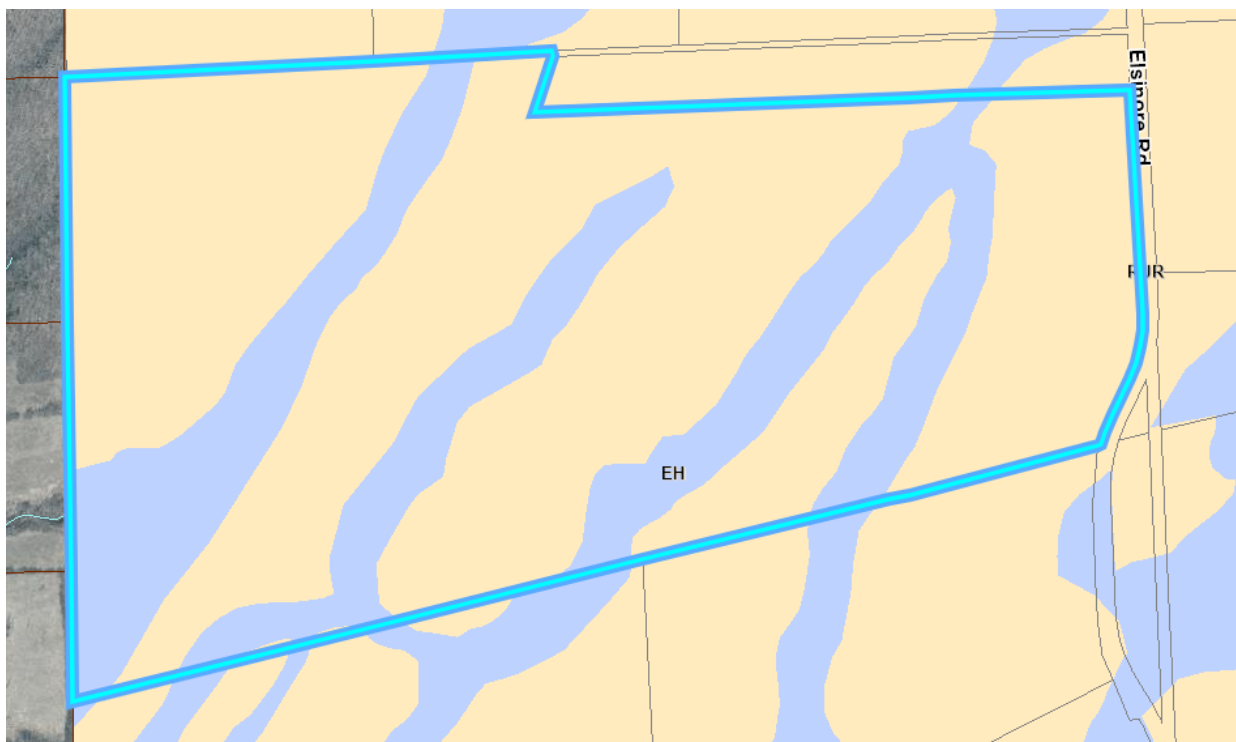
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Studies
- Agency Comments
- Public Comments
- Public Notice

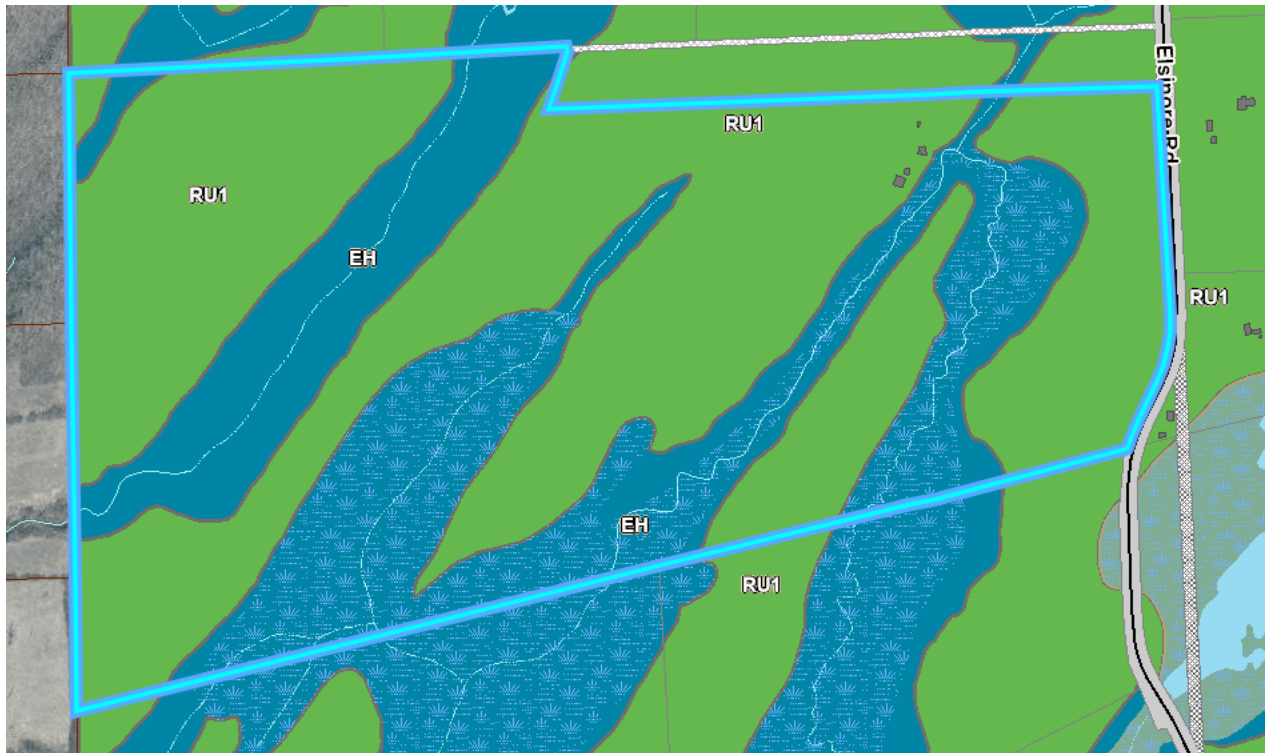
County Official Plan Map (Designated Rural, Hazard Lands, Wetland Constraint)



Local Official Plan Map (Designated Rural, Environmental Hazard)



Local Zoning Map (Zoned General Rural 'RU1', Environmental Hazard 'EH')



List of Supporting Studies

Planning Justification Report (August 2021)

Agency Comments

Public Works: Staff visited the site to review if sightlines would be a concern in the establishment of driveway accesses for the proposed lots. Staff's opinion is that there should be adequate sight lines for access based on the proposed 130 metre frontages. However, it should be noted that access for the proposed parcels will require a minimum of 100 metres of clear line of sight in either direction. This may restrict the acceptable location for the future entrances such that one cannot assume they would be centred on the subject parcel. Access sight lines will be reviewed during the Entrance Permit approval process, which should be made a condition of severance.

The Municipality verified the conditions of consent on April 4, 2022.

Grey Sauble Conservation Authority (attached): No objection to the proposed application. Future development should be located outside of a 15-metre setback from the watercourse that runs through the proposed severed lots. Should any development or site alteration be proposed within the regulated limit a permit from the GSCA will be required.