

Addendum to Report PDR-PCD-22-15

To: Chair Wright and Members of the Planning and Community Development Committee

From: Alisha Buitenhuis, Planner

Meeting Date: August 13, 2015

Subject: **Addendum to 42-05-280-OPA-131 Escarpment Biosphere Conservancy Merit Report**

Status: Recommendation adopted by Committee as presented per Resolution PCD106-15; Endorsed by County Council September 1, 2015 per Resolution CC125-15;

Recommendations

THAT the proposed amendment to the County of Grey Official Plan to re-designate the subject lands from 'Rural' and 'Hazard Lands' to 'Rural with Exception' and 'Hazard Lands' for the lands described as Part Lot 8, Concession 8, geographic Township of Bentinck in the Municipality of West Grey, to allow for a residential severance be supported;

AND THAT the Addendum to Report PDR-PCD-22-15 regarding a proposed County Official Plan Amendment be received;

AND FURTHER THAT the appropriate by-law be prepared for consideration by County Council.

Background

The County of Grey has received an application to amend the County Official Plan to allow for the severance of a 4.2 hectare residential parcel containing a dwelling. The retained parcel would be used for conservation purposes. The reason for the application is that non-farm lot creation is not permitted within an Aggregate Resource Area by the County Official Plan (OP).

The subject property is approximately 20.2 hectares in size and is legally described as Part Lot 8, Concession 8, geographic Township of Bentinck in the Municipality of West Grey. The property contains a dwelling and two ponds, and is currently farmed.

The subject property is located on Concession 8 NDR between 5th Sideroad NDR and 10th Sideroad NDR. It is approximately three kilometres southeast of the village of

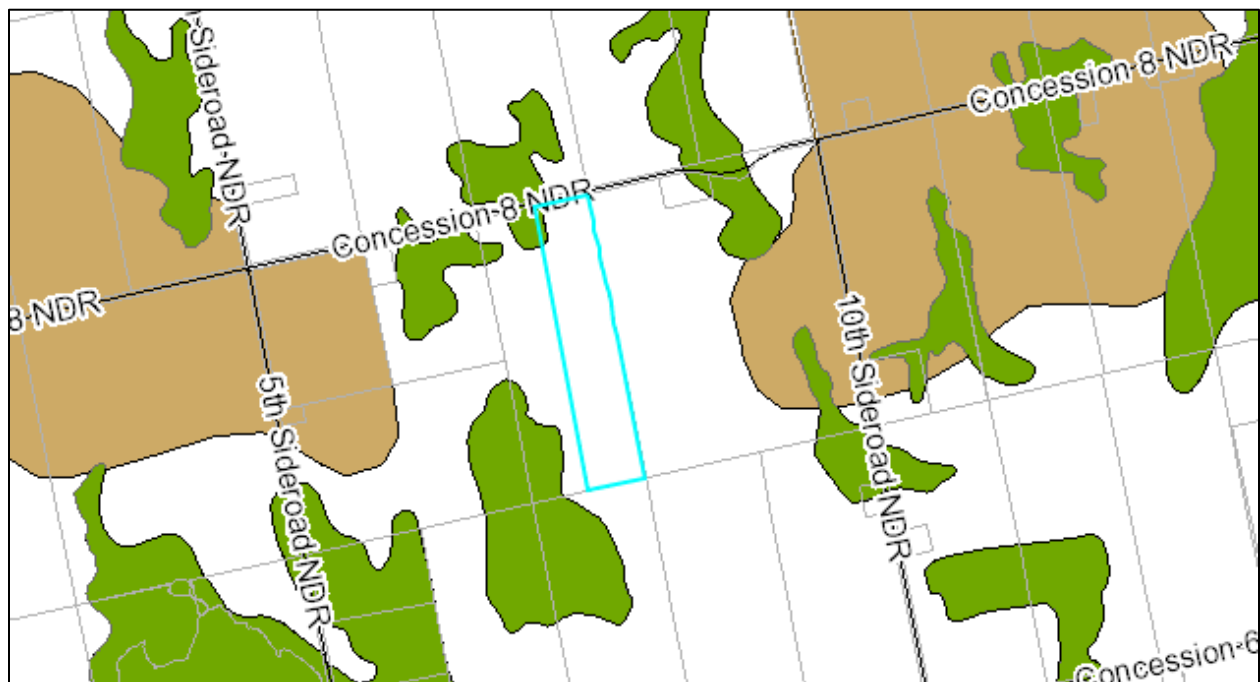
Elmwood. The surrounding area consists primarily of agricultural uses and Hazard Lands, as well as a limited amount of residential uses.

Cuesta Planning Consultants Inc. has submitted a Planning Justification Report in support of the proposed amendment, which includes an Ecological Sensitivity Evaluation to justify the conservation easement. No other reports or studies were deemed necessary at the time of pre-submission consultation.

A Municipal Zoning By-law Amendment and Consent Application will be required from the Municipality of West Grey.

A Public Meeting was held on July 13, 2015. Minutes from that meeting can be found here: [Public Meeting Minutes OPA 131 Escarpment Biosphere Conservancy](#)

Map 1 – Location of the Subject Lands



Agency Comments Received

Historic Saugeen Metis (HSM)

Comments were received from HSM on May 1, 2015 and on May 25, 2015, both stating no objection or opposition to the application.

Saugeen Valley Conservation Authority (SVCA)

Comments were received from SVCA on May 26, 2015 which referred back to comments sent on December 5, 2014 regarding the consent application. Comments received at that time indicated that the significant natural heritage features affecting the

subject property are Significant Woodlands, habitat of threatened or endangered species and fish habitat associated with the unnamed tributary of Habermehl Creek. No new development is associated with this application, and as such an Environmental Impact Study will not be required with regard to the Significant Woodlands. The application is acceptable to SVCA staff.

Ministry of Natural Resources and Forestry (MNRF)

The following comments were received from MNRF on July 27, 2015:

“Thank you for your circulation of the above-noted application. As you are aware, the County of Grey is the approval authority for this application and is responsible for ensuring that any decision with respect to the application is consistent with the Provincial Policy Statement, 2014 (PPS). MNRF staff have reviewed the file, including the planning report prepared by Cuesta Planning Consultants, and offer the following technical information for your consideration.

The subject property, as stated in the planning report, does not contain any identified provincially significant natural heritage resources. It is understood, however, that natural heritage values on the property have been determined by the Escarpment Biosphere Conservancy to be worthy of protection. MNRF has no additional information or comments to offer on this matter.

With respect to aggregate resource information, the Aggregate Resources Inventory Paper Report (ARIP) for Bentinck Township prepared by the Ontario Geological Survey identifies the esker on the proposed retained parcel as having a gravel content of greater than 35% with an average thickness in metres of 1.5 to 3 metres. The surrounding area is identified as having sand deposits.

Policy 2.5 of the PPS is intended to ensure that undeveloped mineral aggregate resources will be protected from land uses that could interfere with the current or future development of these resources. The proposed OPA and re-zoning of the retained parcel to ‘Open Space’ does not interfere with the future development of the resource in that intensive land uses will not be permitted and aggregate extraction can still occur, although unlikely given the protection that will be afforded by the Escarpment Biosphere Conservancy.”

Municipality of West Grey

In comments received on July 29, 2015, Municipality of West Grey staff indicated that the Municipality is not opposed to the Official Plan Amendment. The County OP policies relating to the protection of aggregate resources are based on Provincial directives. As MNRF has indicated that they are satisfied with the proposed Amendment, then West Grey is generally satisfied that the Amendment is consistent with the Provincial Policy Statement and maintains the general intent and purpose of the OP.

Analysis of Planning Issues

Planning authorities must have regard to matters of Provincial Interest, the criteria of the Planning Act, and be consistent with the Provincial Policy Statement (PPS). Decisions must also conform to the County of Grey Official Plan and any Municipal Official Plans which are in force and effect.

Planning Act

Section 2 of the *Planning Act* sets out matters of Provincial Interest, which all land use decisions shall have regard for. Subsection (c), *'the conservation and management of natural resources and the mineral resource base'* is the most applicable to this application. The entirety of the subject lands is located within an 'Aggregate Resource Area'. The lands proposed to be severed have been previously developed and include a residential dwelling. The larger retained parcel will be rezoned as 'Open Space' which will protect the natural heritage features and will also allow for aggregate extraction in the future, should this ever be desired. Natural resources and the mineral resource base will therefore both be protected at this time.

Provincial Policy Statement

Section 2.4.1 of the PPS requires that minerals and petroleum resources be protected for long-term use. The retained lands will be zoned in such a way that the resources will be protected for long-term use and can be extracted in the future, while still currently protecting the natural resources.

Grey County Official Plan

Section 2.3.4(7) of the County Official Plan does not allow for non-farm lot creation within an Aggregate Resource Area. The lands proposed to be severed are within an Aggregate Resource Area. The intent of this policy is to limit conflicts between future aggregate extraction sites and incompatible uses such as residential dwellings. While County planning staff view the creation of a new separate residential lot as a potential conflict with aggregate extraction, MNRF staff provided comments indicating that the Official Plan Amendment and re-zoning will not interfere with future aggregate extraction as the dwelling currently exists on the property. Based on the comments received from MNRF, County staff are satisfied with the proposed Official Plan Amendment.

Section 6.3 of the OP contemplates amendments to the plan, provided that the criteria of the relevant sections of the Plan can be addressed. Protection of Aggregate Resource Areas from incompatible uses is a major objective of the Plan. As noted previously, the dwelling on the proposed severed parcel already exists, so the conflict could be perceived as already existing.

The applicant submitted a Planning Justification Report to address Provincial and Municipal land use policy.

Financial / Staffing / Legal / Information Technology Considerations

There are no expected financial, staffing or legal considerations beyond those normally encountered in processing an Official Plan Amendment application. The County has received an amendment application fee and peer review deposit with the file.

Link to Strategic Goals / Priorities

The subject application is a private development application. The processing of such applications in a timely and effective manner would fall under the Planning department's core business mandate.

Attachments

[Draft By-law](#)

[Draft Schedule A](#)

Respectfully submitted by,

Alisha Buitenhuis
Planner

Director Sign Off: *Randy Scherzer*