



Date: Tuesday, December 10, 2024
From: Michael Benner, Director of Development and Infrastructure
Subject: **B05/24 Heidolph**
Report DEV2024-068

This document and its attachments are public and available in an accessible format upon request.

Recommendation

It has been demonstrated that the proposed application is consistent with the Niagara Escarpment Plan, conforms to the County OP, and complies with the general intent and purpose of the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that Consent applications B-05-24 be approved, subject to the following conditions:

1. That a Reference Plan be completed, and a copy filed with the Municipal Clerk or an exemption from the Reference Plan be received from the Land Registry Office.
2. That, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision or as specified in the Planning Act at the time of deed stamping. Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate
3. That the applicant(s) pays the applicable consent certification fee at the time of certification of the deeds.
4. That the applicant(s) pays 5% cash-in-lieu of parkland in accordance with the Planning Act.
5. That an Archaeological assessment be completed to the satisfaction of the Saugeen Ojibway Nation.
6. That a species at risk study/screening is completed to the satisfaction of Grey County.
7. That an entrance permit for the severed lands is obtained from Grey County.

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8. The Township agrees to deliver a Transfer for nominal consideration to the owner in respect of Louise Street, which can be described as “Louise Street on Plan 180 (PIN 37023-0312 (LT))”; and
9. The Township agrees to pass a by-law deeming Plan 180 to not be a registered plan of subdivision for the purposes of s. 50(3), in accordance with s. 50(4) of the Planning Act.

Application Summary

Owner(s): Marietta Heidolph

Agent: Paul Tobia, Weston Consulting

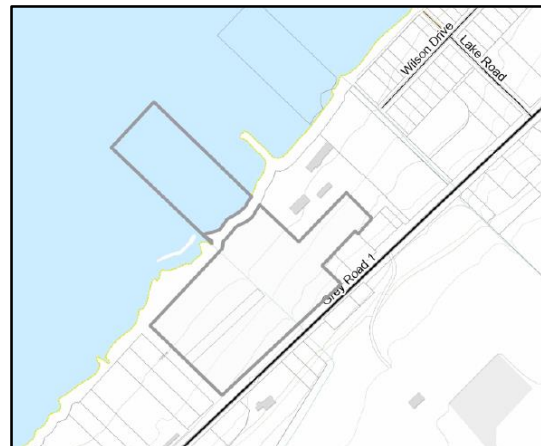
Civic Address: 501241 Grey Road 1, Georgian Bluffs

Legal: LT 1 - 25 PL 180 KEPPEL: 50 FT RD PL 181 KEPPEL: PT LT 1 - 7 PL 181 KEPPEL: PT LT 3 JONES RANGE KEPPEL: PT ALLEY PL 181 KEPPEL AS IN R368329, R385905, R553798, R553800 & R553818 EXCEPT PT 116R2740, PL 803 & PT 316R9455; GEORGIAN BLUFFS

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The subject lands total 7.62 hectares of land with an additional 3.22 hectare water lot extending into Colpoy’s Bay. The subject lands are separated from the water lot by the Township’s Shoreline Road Allowance as noted in the attached severance sketch.

Application B05/24 proposes to sever an area of approximately 4.16 hectares for residential use. 6.96 hectares containing a house and accessory structures, including the 3.22 hectare water lot, will be retained for continued residential use.



It should also be noted that the application was originally intended to go before the Committee of Adjustment at the February 20th meeting but was withdrawn to allow Mrs. Heidolph and her consulting and legal team an opportunity to further assess their approach to the development of these lands. As detailed in this report, it has been decided to move forward with the proposed severance and de-register a circa 1903 plan of subdivision that also exists on the lands.

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	Retained Lot	Severed Lot
Lot Area	6.96 hectares	4.16 hectares
Frontage	122.1 metres	202.8 metres
Lot Depth	503.7 metres	201.6 metres
Lot Width	123.8 metres (at rear)	202.3 metres (at rear)
Servicing	Private water and septic	Nil
Existing Structures	House and accessory structures	None
Proposed Structures	None	Residential

Policies Affecting the Proposal

Niagara Escarpment Plan (NEP)

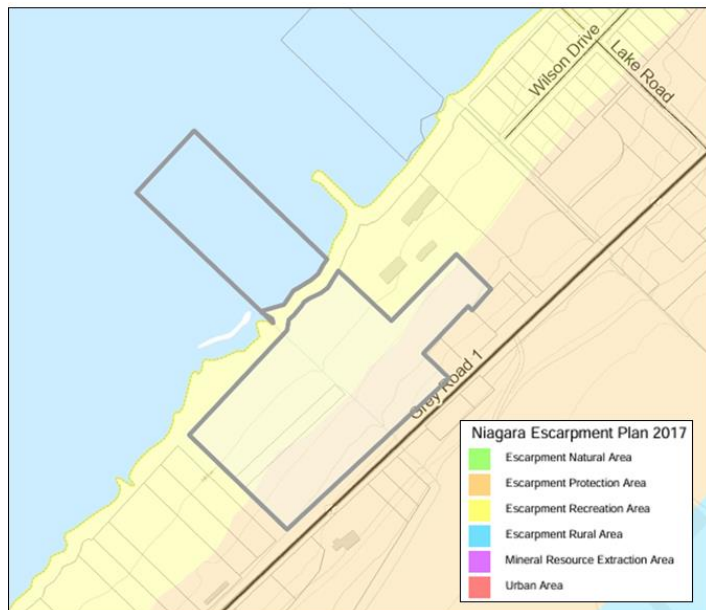
The Niagara Escarpment Plan designates portions of the Subject Property Escarpment Recreation Area and Escarpment Protection Area.

As the subject lands are outside of the NEP Development Control Area, severance approval of these lands rests with the local municipality's Committee of Adjustment.

Section 1.4.4 of the NEP contains policies related to lot creation within the Escarpment Protection Area.

Section 1.8.4 and 1.8.5 of the NEP

contains policies related to lot creation within the Escarpment Recreation Area. The following provides relevant NEP policies from the above-noted sections and describes how those policies have been addressed.



1.4.4. Escarpment Protection Area

1.4.4.1. A lot may be created by severing one original township lot or original township half lot, from another original township lot or original township half lot, provided there have been no previous lots severed from one of the affected original township lots or



original township half lots. Such severances shall only occur along the original township lot line.

There have been no previous lots severed from the Subject Property.

1.8.4. Escarpment Recreation Area

Subject to the Development Criteria in Part 2, the Development Objectives of this section and the requirements of applicable official plans, secondary plans and/or by-laws that are not in conflict with the Niagara Escarpment Plan, new lots may be created for permitted uses.

The proposed Consent has regard for the Development Criteria in Part 2 of the redevelopment Objectives as well as the relevant municipal planning documents.

1.8.5 Development Criteria

1.8.5.1. Development within Escarpment Recreation Areas shall not encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas

1.8.5.3. New lots within Escarpment Recreation Areas shall not be created if such lots encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas adjacent to the Urban Area.

The severed lands are split-designated Escarpment Recreation and Escarpment Protection. Furthermore, no development is proposed on the severed lands or the retained lands. Any future development for the severed lands would be located within the Escarpment Recreation designation and will be subject to municipal approvals.

Grey County Official Plan (GCOP)

Section 9.12 of the Grey County Official Plan contains policies related to lot creation within the Escarpment Protection Area. These policies are detailed below.

9.12.1. Where division of land is considered, the approval authority must have regard to the policies of this Plan, the matters set out in the Planning Act, R.S.O. 1990, as amended and the following circumstances:

- a) The land division is permitted by the appropriate land use policies of Section 3 to 8;*
- b) The land division is to promote development in an orderly and contiguous manner, and should not conflict with the established development pattern of the area;*



The proposed Consent does not conflict with the development pattern of the area. Any future development applications for the property will be subject to municipal approvals.

c) The proposed use is compatible with existing and future permitted land uses on adjacent lands;

The proposed Consent creates a vacant lot which can be used for residential purposes. Any future development applications for the property will be subject to municipal approvals.

d) The servicing requirements of Section 8.9 must be met;

e) Direct access from a Provincial Highway or a County road may be restricted as outlined in Section 8.3. Where possible, residential lots must not be approved where access from a road would create a traffic hazard because of limited sight lines, curves, or grades;

f) Evidence that soil and drainage conditions are suitable to permit the proper siting of buildings, that a sufficient and potable water supply exists, and that conditions are suitable for sewage system construction;

Any future development applications for the property will be subject to municipal approvals.

g) The size of any parcel of land created must be appropriate for the proposed use, and in no case, will any parcel be created which does not conform to the minimum provisions of the zoning by-law.

The proposed Consent creates a parcel that conforms to the minimum provisions of the zoning by-law. Any future development applications for the property will be subject to municipal approvals.

h) The proposed lots comply with Provincial Minimum Distance Separation Formulae except for lots created within settlement areas.

Not applicable.

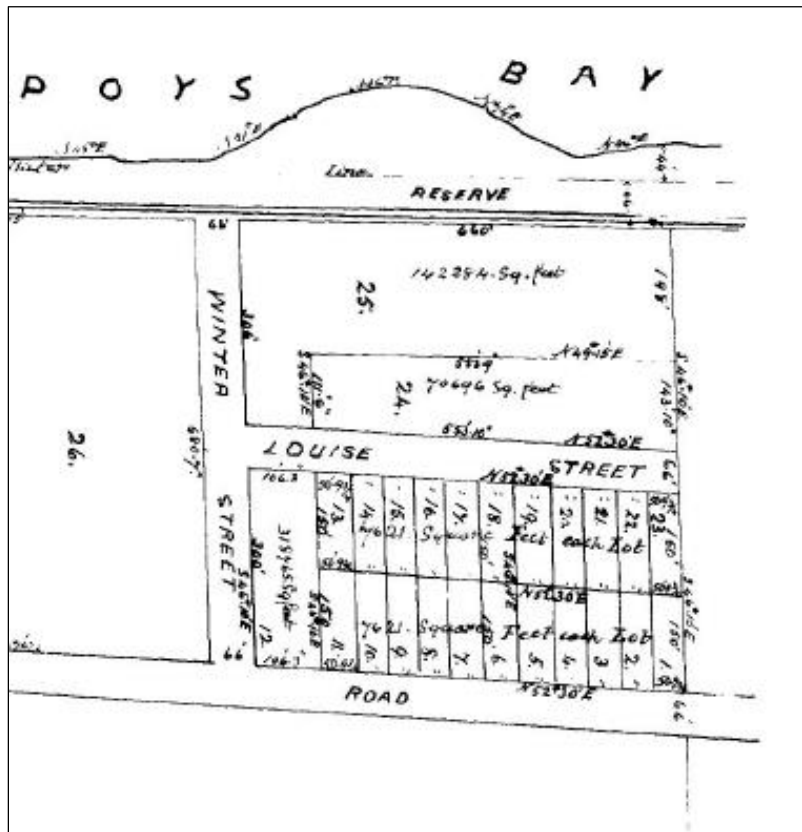
Township of Georgian Bluffs Zoning By-law 2020-020

The subject lands are noted as lying within the Niagara Escarpment Plan area in the Zoning By-law. As such, local zoning provisions do not apply.



Plan of Subdivision 180 and Louisa Street

Marietta Heidolph is the registered owner of the lands legally known as PIN 37023-0325 (LT). The eastern portion of these lands are currently occupied by Mrs. Heidolph (the "Heidolph Residence"). A plan of subdivision is registered on the western portion of the lands, known as "Plan 180". Plan 180 was deposited on title to the subject lands in 1903 and continues to appear as a registered plan of subdivision on title to the property. Plan 180 contemplated two public roads: Winter Street (PIN 37023-0311 (LT)) and Louise Street (PIN 37023-0312 (LT)), which were conveyed to the "Public Authority Having Jurisdiction".



Winter Street is currently operating as a public road allowance and would appear to be recognized by all parties as a public road. Louise Street is also legally owned by the "Public Authority Having Jurisdiction", having been conveyed when Plan 180 was registered on the subject lands in 1903. However, the Township and the Heidolchs have treated Louise Street as being in Mrs. Heidolph's ownership for many years. By way of example, the Heidolph's municipal tax bill has included reference to this "private road". Louise Street has also been maintained and used openly by the Heidolph's as a private road for decades.

Plan 180 is registered on title to the subject lands, and either needs to be de-registered or acknowledged as a valid plan of subdivision before any form of future development can occur on the lands. Mrs. Heidolph and her legal team wish de-register Plan 180 to expedite the proposed severance and allow for conveyance of the new parcel. Township and County Planning staff agree with this approach as the lots proposed under Plan 180 may not conform with today's Planning approval framework.



Additionally, the transfer of Louise Street to Mrs. Heidolph through a “Quit Claim” process would allow the municipality to avoid declaring Louise Street as surplus lands and going through the lengthy sale process. Instead, this process would serve to clean up title for the owner and the Township and allow the parties to continue to use the lands as they have been for decades.

The de-registration of Plan 180 and the transfer of Louise Street to Mrs. Heidolph have been included as conditions of severance approval.

Relevant Consultation

Notice of Complete Application and Public Meeting was circulated to commenting agencies and the neighbouring property owners on January 21, 2024. Additional Notice was also posted on the subject lands notifying the neighbours of the December 10th Public Hearing. The following agencies have provided comments.

Source Water Protection Risk Management Office comments dated January 25, 2024.

From the information noted in the application for a severance, it has been determined that neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities) applies on the above-noted property, pursuant to the Clean Water Act, 2006.

Saugeen Ojibway Nation Archaeology Department comments dated January 31, 2024.

Please include a condition that SON Archaeology requires an archaeological assessment to be conducted as a condition of severance approval. SON Archaeology should be contacted prior to obtaining an archaeological consultant or conducting an assessment.

Grey County Planning and Development Services comments dated February 15, 2024.

Provided positive comments are received from the Conservation Authority regarding the Hazard Lands, that a species at risk study/screening is completed or a holding provision is put onto the lands until a species at risk study/screening is completed prior to development of the lot, all future buildings maintain a 75 foot setback from the County road centre line and an Entrance Permit is applied for if the proposed entrance is on the County road; County Planning staff have no concerns with the subject application.

More recent dialogue with the Grey County Planning Department has indicated that the County supports the de-registration of Plan 180 and the transfer of Louise Street.



Conclusion & Recommendation

It has been demonstrated that the proposed application is consistent with the Niagara Escarpment Plan, conforms to the County OP, and complies with the general intent and purpose of the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that Consent applications B-05-24 be approved, subject to the following conditions:

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Respectfully Submitted:

Original signed by Michael Benner

Michael Benner, MCIP, RPP



Report Approval Details

Document Title:	DEV2024-066 B05-24 Heidolph.docx
Attachments:	<ul style="list-style-type: none">- 1 - 2023.12.06 - 501241 Grey Road 1 - Consent Application Signed.pdf- 3 - Severacne Sketch.pdf- 4 - Severance Sketch with NEC Mapping.pdf- 8 - Original Plan of Subdivision 180.pdf- Updated Notice B05-24 Heidolph.pdf
Final Approval Date:	Nov 26, 2024

This report and all of its attachments were approved and signed as outlined below:

Niall Lobley, Chief Administrative Officer