



Date: Tuesday, January 14, 2025
From: David Welwood, Consultant Senior Planner
Subject: B28/24 Catto Severance
Report DEV2025-001

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Recommendation

It has been demonstrated that application B28/24 for Glen Catto for lands described as Part Lots 4 and 5, Con 1 NCD, Part Lots 2, 3, and 5, Conc 1 NCD, and Lot 4, Con 2 NCD, Geographic Township of Derby, Township of Georgian Bluffs, County of Grey, is consistent with the Provincial Planning Statement, conforms to the County of Grey's Official Plan, complies with the intent of the Township of Georgian Bluffs' Zoning By-law and does not conflict with the Niagara Escarpment Plan. It is recommended that the application be approved subject to the conditions noted below:

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. The Reference Plan should conform substantially to the sketch (Schedule 'A') filed with the Application for Consent.
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.
3. That the applicant pays the applicable consent certification fee at the time of certification of the deeds.
4. That the applicant pays 5% cash-in-lieu of parkland in accordance with the Planning Act.
5. That a supporting Zoning By-law Amendment be in force and effect to re-zone the proposed retained lands to include a Holding (-h) symbol in addition to the current zoning. The Holding (-h) symbol can only be lifted upon submission of an Archaeological Assessment and an Acknowledgement Letter from the Ministry of Citizenship and Multiculturalism, completed to the satisfaction of Saugeen Ojibway Nation.

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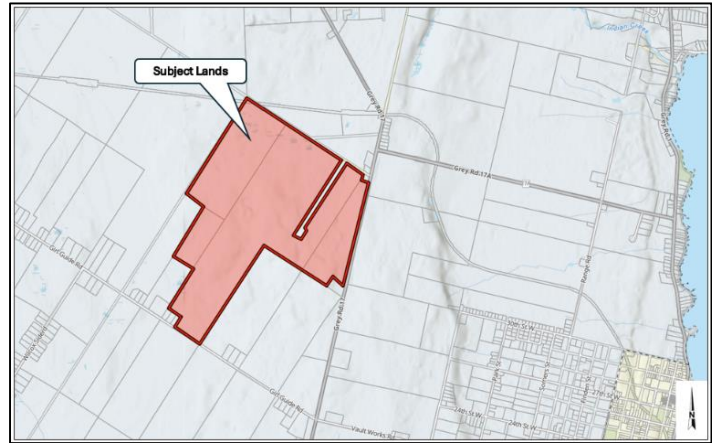


6. That a Road Widening of 5.18 m be conveyed to the County of Grey along the County Road frontage.

Application Summary

Applicant: Ron Davidson Land Use Planning Consultant Inc.
Owner(s): Glen Catto
Civic Address: 258572 Grey Road 17, Georgian Bluffs, ON
Subject Lands: Part Lots 4 and 5, Con 1 NCD, Part Lots 2, 3, and 5, Conc 1 NCD, and Lot 4, Con 2 NCD, Geographic Township of Derby, Township of Georgian Bluffs, County of Grey
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Application B28/24 proposes to sever a ± 61.6 ha parcel from the existing ± 192.7 ha subject property. The retained parcel will be ± 131.1 ha. The proposed retained parcel will be conveyed to the Escarpment Biosphere Conservancy (EBC) and Ducks Unlimited to be used for conservation purposes. The proposed severed parcel will remain under the ownership of the applicant and will continue to contain a single-detached dwelling on private services, a barn and other farm buildings. There is no proposed construction or site alteration on either parcel. The proposed severed and retained parcels will meet the lot area and lot frontage provisions of the Zoning By-law as shown below.



Rural Zone provisions:

	Required (Agricultural Uses)	Severed	Retained
Lot Area	20 ha	± 61.7 ha	± 131.1 ha
Lot Frontage	200 m	± 941 m (Grey Road 17) and ± 387 m (Con 2 NCD)	± 261 m (Girl Guide Rd) and ± 716 m (Con 2 NCD)
Servicing		Private Well & Septic	N/A
Existing Structures		Detached dwelling Two Barns	None

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		Sugar Shack Hay storage Shop Shed	
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The applicant submitted a site plan and a Planning Justification Report as part of the application.

A concurrent application for a Development Permit has been submitted to the Niagara Escarpment Commission to facilitate the proposed development.

The severed lot fronts onto Grey Road 17 and Concession Road 2 NCD. The retained lot fronts on Concession Road 2 NCD, and Girl Guide Road.

The subject property is used for farming. The retained lot is vacant, is heavily forested and contains wetlands and provincially significant wetlands as well as significant woodlands. The severed parcel is used for farming and residential purposes. The retained parcel is designated Rural, Hazard Lands and Provincially Significant Wetlands on Schedule A of the County of Grey Official Plan (County OP), while a portion of it is covered by the Niagara Escarpment Plan (NEP) instead of the County OP. The severed lot is located entirely within the jurisdiction of the NEP. Most of the retained parcel is within a Natural Heritage System Core Area shown on Schedule C of the County OP. Much of the property contains karst topography and significant woodlands shown on Appendices A and C of the County OP. The lands are split between the Rural (RU) Zone and the Environmental Protection (EP) Zone in the Township's Zoning By-law.

Policies Affecting the Proposal

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) is issued under Section 3 of the *Planning Act* and came into effect on October 20th, 2024. The PPS provides policy direction on matters of provincial interest related to land use planning and development, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. In respect of the exercise of any authority that affects a planning matter, the *Planning Act* requires that decisions affecting planning matters “shall be consistent” with policy statements issued under the Act.

Section 2.5.1 states that rural areas in municipalities should be supported by (a) building upon rural character and leveraging rural amenities and assets and by (g) conserving biodiversity and considering the ecological benefits provided by nature.

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Section 2.6.1 states that rural lands in municipalities permit (a) the management or use of resources (b) resource-based recreational uses (c) residential development and (d) agricultural uses. It also describes in Section 2.6.2 the promotion of development that can be sustained by rural service levels and in Section 2.6.4 that protecting agricultural uses by directing non-related development to areas where it minimizes agricultural constraints. Section 2.6.5 states that the creation of lots shall comply with the minimum distance separation (MDS) formulae. The MDS Implementation Guideline #8 states that a setback is not required for a severed or retained lot for an agricultural use when that lot already has an existing dwelling on it or for a severed or retained lot for an existing non-agricultural use. The severed lot has an existing dwelling on it, and the retained lot is to be maintained as a non-agricultural use.

Section 2.9.1 states that planning authorities shall prepare for the impacts of a changing climate in part, by protecting the environment and improving air quality. Conservation of wetlands and forested areas protect their functions to clean the water and air.

Section 3.9.1 recognizes that conservation reserves and other protected areas promote healthy, active and inclusive communities.

The subject property contains significant wetlands and woodlands on portions of the property. Chapter 4 describes the wise use and management of resources in the province and states that natural heritage features and areas shall be protected for the long term. Section 4.1.2 states that the diversity and connectivity of natural features, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored, or where possible, improved. This refers to Section 4.1.4 where it states that development and site alteration shall not be permitted in (a) significant wetlands or (Section 4.1.8) on adjacent lands to the natural heritage features.

Section 4.2.1 pertains to water resources and how planning authorities shall protect, improve or restore the quality and quantity of water by: (a) using the watershed for scale for integrated and long-term planning; (b) minimizing potential negative impacts; (d) maintaining linkages and functions of water resource systems; (e) implementing necessary restrictions on development and site alteration; and (f) planning for efficient and sustainable use of water resources through conservation.

Section 4.2.2 states that development and site alteration shall be restricted in or near sensitive surface water features such that they will be protected, improved or restored and that (Section 4.2.3) municipalities are encouraged to undertake the protection, improvement or restoration of water resources.

While the severed lands will retain their existing agricultural uses, Section 4.3.1.1 encourages planning authorities to use an agricultural system approach to maintain and

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enhance a geographically continuous land base and support and foster the long-term economic prosperity.

Section 4.6.5 states that planning authorities shall engage early with Indigenous communities and ensure their interests are considered when managing archaeological resources and cultural heritage landscapes. The Saugeen Ojibway Nation has been consulted and requires a holding (h) provision to be placed on the unassessed property.

This application will allow for the protection the natural heritage areas (wetlands and forests) and restricts development from occurring on these lands by conveying the retained lands to the Escarpment Biosphere Conservancy (EBC) and Ducks Unlimited for conservation purposes. The existing dwelling and agricultural uses on the severed property will remain unchanged, and the application will not negatively impact the existing agricultural system in the area.

It is our professional opinion that the application is consistent with all relevant policies of the Provincial Planning Statement 2024.

Recolour Grey - County of Grey Official Plan (consolidated 2024)

The County of Grey Official Plan (OP) designates the subject property as Rural, Hazard Lands and Provincially Significant Wetlands on "Schedule A – Land Use Types". The property also falls within a section of a Core Area as shown on "Schedule C – Natural Heritage System Core Areas and Linkages" and sections of the subject property are also within the Niagara Escarpment Plan Boundary. Appendix A shows a large portion of the property being Karst topography, Appendix B shows significant woodlands on the property, and Appendix C demonstrates that the property is within Treaty 72. The lands are within the traditional territory of the Saugeen Ojibway Nation.

Permitted uses in the 'Rural' land use type include agricultural uses, such as residential uses associated with farming (e.g., houses on existing lots of record), including accessory uses. The existing detached dwelling and accessory structures on the proposed severed lands are thus permitted uses in the Rural land use type. The proposed lands to be retained are vacant and the applicant proposes to convey these lands for conservation uses.

Permitted uses of Hazard Lands are described in Section 7.2 and indicate that new development shall generally be directed away from Hazard Lands. This application is not proposing any new development on the severed or retained portions of the subject property.

Provincially Significant Wetlands are designated in the Official Plan should not have development occur within 30 meters of their delineated boundaries (O.Reg. 41/24). The

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application is not proposing any development on the retained or severed portions of the subject property.

Lands designated as Core Areas and Linkages are to protect large natural areas and encourage the management of these areas to be environmentally sustainable to aid in the protection of biodiversity and ecosystem longevity. Section 7.1.8 describes the creation of new non-farm sized lots are not permitted except for the creation of conservation lands, as is the case with this application. Both the proposed severed and retained lots will maintain the minimum lot size of 20 hectares in the Rural land use type.

Section 6 describes the policies of the Niagara Escarpment Plan (NEP) and is delineated on Schedule A. Section 1.3.4 (d) of the NEP permits a severance for the acquisition of lands by an approved conservation organization for the purpose of establishing a nature preserve.

Section 7.5 of the County OP contains policies for development in Karst Areas (as identified in Appendix A). Since there is no proposed construction or site alteration on either the retained or severed properties there are no proposed constraints to the severance application. It is noted that the portion of the severed parcel containing the single-detached dwelling and the farm buildings are located outside of the Karst Area.

Section 7.4 describes Significant Woodlands and the requirement for an Environmental Impact Assessment (EIS) being required for proposed development in, or adjacent to, these areas. This application is not proposing any construction or site alteration. Staff has conferred with the County of Grey biologist and there are no anticipated negative impacts on any natural heritage features or areas, and an EIS is not required.

The subject property lies within Traditional territories and Treaty lands of surrounding Indigenous populations. Section 4.4(6) encourages collaboration amongst all parties when considering development applications. Staff has engaged Saugeen Ojibway Nation regarding any requirements for the protection of cultural heritage resources, and an Archaeological Assessment is not required as a holding (h) provision will be placed on the unassessed property.

It is our professional opinion that the application conforms with the relevant policies of the County of Grey's Official Plan.

Township of Georgian Bluffs Zoning By-law 2020-020

The subject lands are zoned Rural (RU), Environmental Protection (EP), Open Space (OS), and Niagara Escarpment Plan (NEP). The entire proposed severed parcel (containing the existing dwelling, barns and accessory buildings) is within the NEP

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policy area and therefore not subject to the provisions of the Zoning By-law. The proposed retained parcel is largely zoned RU with areas to the north and south lot lines being zoned EP and OS.

Within the RU zone, Conservation is a permitted use as shown on Table 8.1. The minimum lot area for RU residential and non-agricultural uses is 0.8 ha with a minimum lot frontage of 100 m.

The EP zone does not permit development within a Provincially Significant Wetland (PSW) or within 30 m of the PSW (as regulated by the Grey Sauble Conservation Authority). This application is not proposing any development on the retained lot.

The small portion of the proposed retained lands zoned OS are subject to the permitted uses of Table 15.1 which include Conservation and Conservation Area.

It is our professional opinion that the application complies with the relevant provisions of the Township of Georgian Bluffs' Zoning By-law 2020-020.

Niagara Escarpment Plan (consolidated Oct 2024)

The subject property is designated Escarpment Rural Area and Escarpment Natural Area as shown on NEP Map 7. The proposed severed lot is entirely within the NEP and subject to the provisions of Section 1.3.4 and Section 1.5.4 for lot creation. New lots may be created by severing one original township lot from another original township lot and shall only occur along the original township lot line. The application is proposing to sever an area along an original township lot line. It also states that provided no new building lot is created, a severance may be permitted (1.3.4.2(d) and 1.5.4.2(d)) as part of, or following, the acquisition of lands by an approved conservation organization for the purpose of establishing a nature preserve. Permitted uses include nature preserves owned and managed by an approved conservation organization.

The proposed severance does not conflict with the policies of the Niagara Escarpment Plan.

Relevant Consultation

The Notice of Complete Application and Notice of Public Hearing was circulated to various agencies for review. The following comments were received:

Grey Sauble Conservation Authority: no comments were received.

Grey County Planning & Development Department: In correspondence dated December 18th, 2024, County Planning Staff stated they have no concerns with the

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subject application provided positive comments are received from the Conservation Authority and a Road Widening of 5.18 m is conveyed to the County of Grey along the frontage of the County Road. In addition, the following were also recommended:

- MDS calculations should be submitted and appropriate setbacks should be confirmed (It should be noted that no new structural development is proposed and the retained lands will be used for conservation purposes).
- The need for an Environmental Impact Study (EIS) can be waived due to the parcel being transferred to a registered conservation organization for conservation purposes with no proposed development.
- Stormwater management infrastructure is not needed for the proposal.

Hydro One: no comments were received.

Enbridge Gas Inc.: no comments were received.

Niagara Escarpment Commission: no comments were received.

Saugeen Ojibway Nation: Comments submitted November 20, 2024 state that “In lieu of an archaeological assessment, SON Archaeology requires that a holding provision be left on the unassessed property.”

The Notice of Complete Application and Public Meeting was circulated to all property owners within 60 meters of the subject property. No written comments were received by the report submission deadline.

Conclusion & Recommendation

Staff recommend that the Committee of Adjustment consider 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. The Reference Plan should conform substantially to the sketch (Schedule 'A') filed with the Application for Consent.
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.
3. That the applicant pays the applicable consent certification fee at the time of certification of the deeds.
4. That the applicant pays 5% cash-in-lieu of parkland in accordance with the Planning Act.

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5. That a supporting Zoning By-law Amendment be in force and effect to re-zone the proposed retained lands to include a Holding (-h) symbol in addition to the current zoning. The Holding (-h) symbol can only be lifted upon submission of an Archaeological Assessment and an Acknowledgement Letter from the Ministry of Citizenship and Multiculturalism, completed to the satisfaction of Saugeen Ojibway Nation.
6. That a Road Widening of 5.18 m be conveyed to the County of Grey along the County Road frontage.

Respectfully Submitted:

Original signed by Michael Benner

Michael Benner, MCIP, RPP

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Report Approval Details

Document Title:	DEV2025.001 B28-24 Catto Severance.docx
Attachments:	<ul style="list-style-type: none">- 1 Consent application_Redacted.pdf- 1 Planning Justifcation Report (NEC).pdf- 2 Planning Justification Report (Township).pdf- County Comments B28-24 Catto.pdf
Final Approval Date:	Jan 2, 2025

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

Niall Lobley, Chief Administrative Officer

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