



Date: Tuesday, March 18, 2025
From: Madelen Fellows, Consultant Planner
Subject: **Report for Severance B-27-24 and Cancelation B-29-24 (Marce**

Report DEV2025-20

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

Recommendation

It has been demonstrated that applications B-24-27 and B-29-24 for Micha and Serge Marcella, for the lands legally described as CON 25 PT LOTS 21 & 22 RP; 16R4655 PART 2 and CON 25 PT LOT 22 CON 24 PT; LOT 22 RP- 16R4655 PART 3, Township of Keppel, Georgian Bluffs, are consistent with the Provincial Planning Statement 2024, conform to the County of Grey's Official Plan, and conform to the Niagara Escarpment Plan. It is recommended that the applications 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(45) 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, 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. 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 (i.e., stamping of the deed).
4. That the Owner(s) pays the applicable consent cancellation and consent certification fee at the time of certification of the deeds.
5. That the payment of the balance of any outstanding taxes, as of the date of the certification of the Transfer/Deed with respect to the property that is subject to the application shall be made to the Treasurer of the Township of Georgian Bluffs.

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Application Summary

Applicant: Cuesta Planning Consultants Inc.
Owner(s): Micah Marcella & Serge Marcella
Civic Address: 482464 Colpoys's Range Road (Micah Marcella); 482470 Colpoys's Range Road (Micah and Serge Marcella)
Subject Lands: CON 25 PT LOTS 21 & 22 RP; 16R4655 PART 2 and CON 25 PT LOR 22 CON 24 PT; LOT 22 RP- 16R4655 PART 3, Geographic township of Keppell, Township of Georgian Bluffs
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Application, B-27-24 proposes to sever 2.94 hectares of farmland, leaving a Retained Lot having a lot area of 73.42 hectares. This application follows a cancellation application for previous consent B457/90, from 1990. This previous consent had severed the two retained parcels shown on Figure 1. The cancellation application has the effect of merging these two parcels into one. Figure 2 demonstrates the proposed consent.

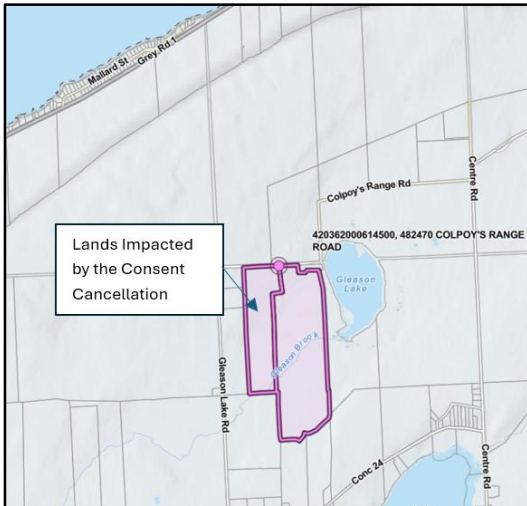


Figure 1 Location Map Showing Previous Consent To be Cancelled

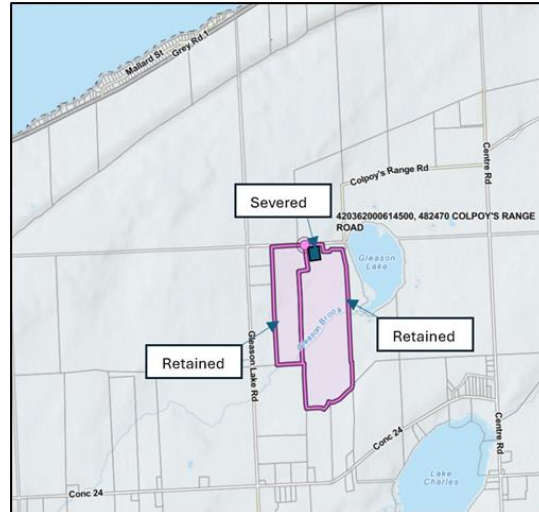


Figure 2 Location Map Showing Severed and Retained Parcels for B-27-24

The subject lands include two existing farm properties each containing its own farm-related residential dwelling. The Severed Lot currently has a single detached dwelling, barn and outbuilding. The Retained Lot contains a single-detached dwelling, a workshop, and a barn. The subject property is located approximately 15km north of the

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Cobble Beach and the East Linton Settlement Areas and approximately 7km east of Wiarton. The Skinner's Bluff Management area is present to the northeast of the subject lands. The Colpoy's Bay (Georgian Bay) shoreline is located about 2.5km to the north and Gleason Lake is situated within close proximity to the subject lands, separated by an abutting farm also owned by the applicant. The site is surrounded primarily by agricultural lands and woodlands. No new buildings or structures are proposed for the severed or retained lands at this time.

Also, the subject lands are subject to the policies of the Niagara Escarpment Plan (NEP). Previous consultation with the Niagara Escarpment Commission (NEC) has occurred. As the proposal does not contemplate any new buildings or structures on the subject properties, a Niagara Escarpment Development Permit Application is not required.

The severed and retained parcels will remain as is and no new buildings, structures or site alterations are proposed. The totality of the agricultural crop areas are proposed to be located on the retained lands, while the severed lands will be used for residential purposes.

The initial lot addition application was submitted on October 2, 2024, along with a Planning Brief, MNR Provincial Correspondence, a NEC designations figure, and a site plan. It was determined that the application needed to be revised, and a cancellation application was required. The application for consent cancellation was received on December 12, 2024, followed by the consent cancellation plan (figure) on December 16, 2024. A red lined version of the consent application B-27-24 was provided to the applicant on December 19, 2024 by the Township. Confirmation of the changes from the applicant was received on January 6, 2025.

Both properties are serviced with individual on-site sewage and water services and are accessed via Colpoy's Range Road, a year-round maintained public road.

The proposed dimensions of the severed and retained lots are as follows:

Table 1: Lot Dimensions for Proposed Severed and Retained Parcels

| | Severed Lot | Retained Lot |
|-----------------------|----------------|--|
| Lot Area | ± 2.94ha | ± 73.42ha |
| Lot Frontage | 153.6 | 289.6m |
| Lot Depth | 204m (average) | 1172.9m (east side) 1021.5m (west side) |
| Width (rear lot line) | 132.5m | 446.7m |
| Servicing | Private | Private |

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| | | |
|---------------------|---------------------------------|------------------------------|
| Existing Structures | Dwelling Outbuilding Barn | Dwelling Workshop Barn |
| Proposed Structure | None | None |

The following images outlines the proposed cancellation, severance, and resulting parcel fabric.

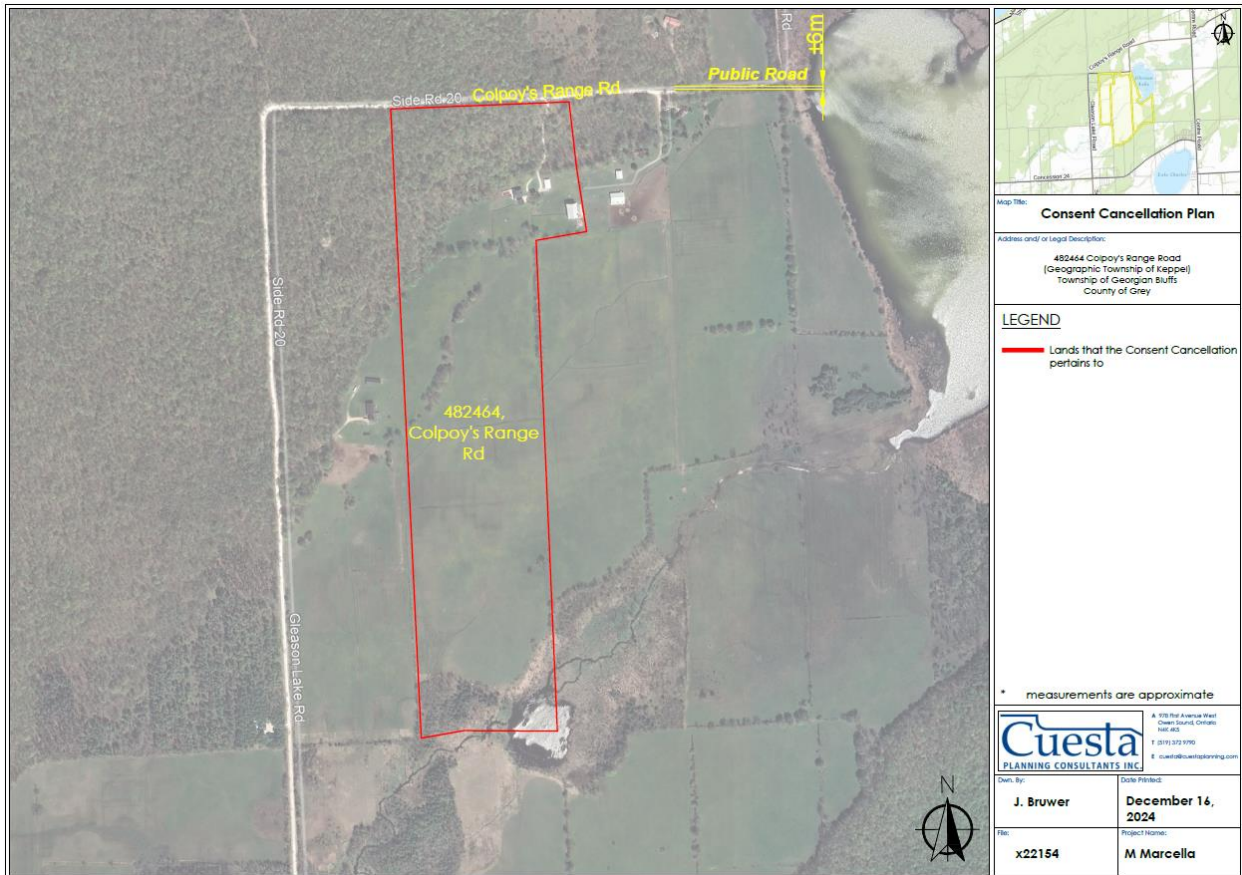


Figure 3 Lands That Consent Cancellation B-29-24 Pertains To

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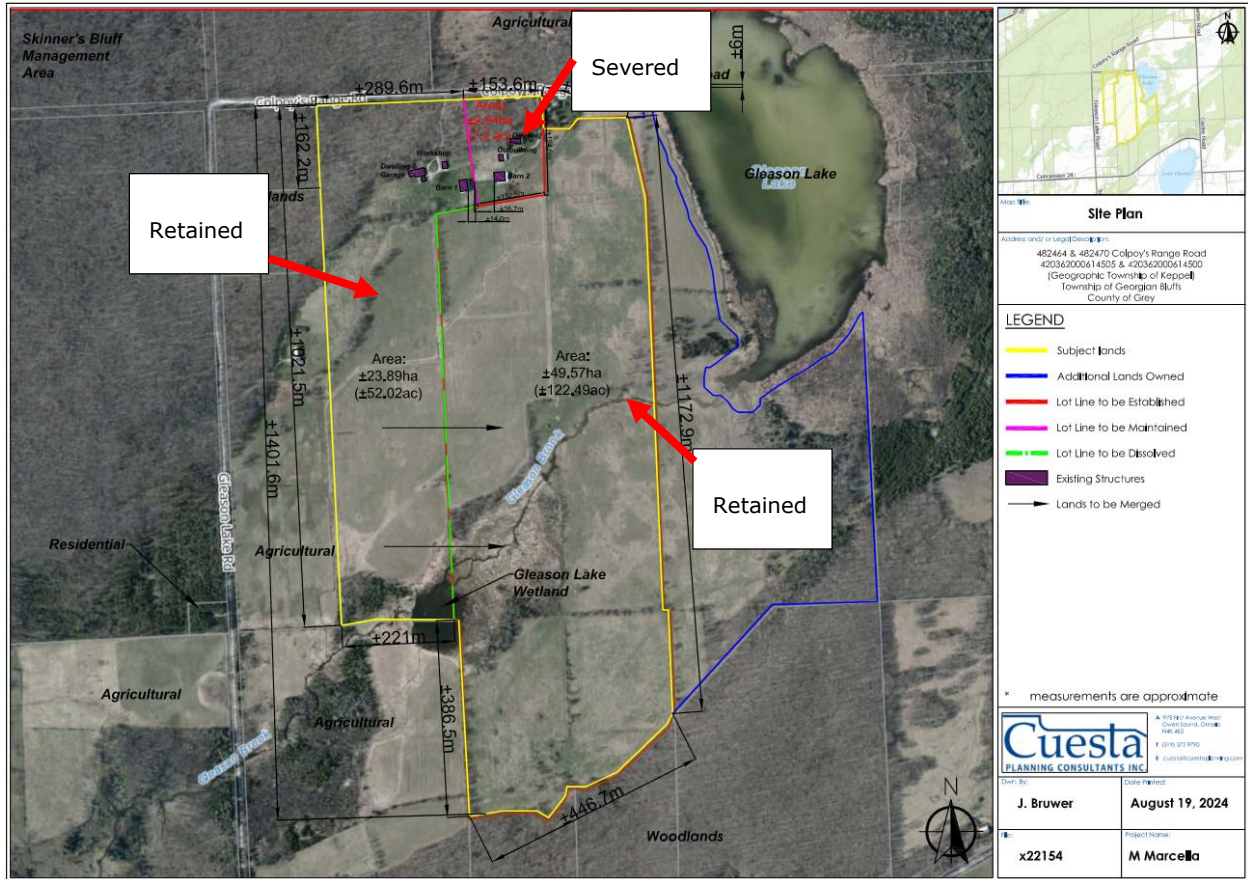


Figure 4 Site Plan for Consent B-27-24

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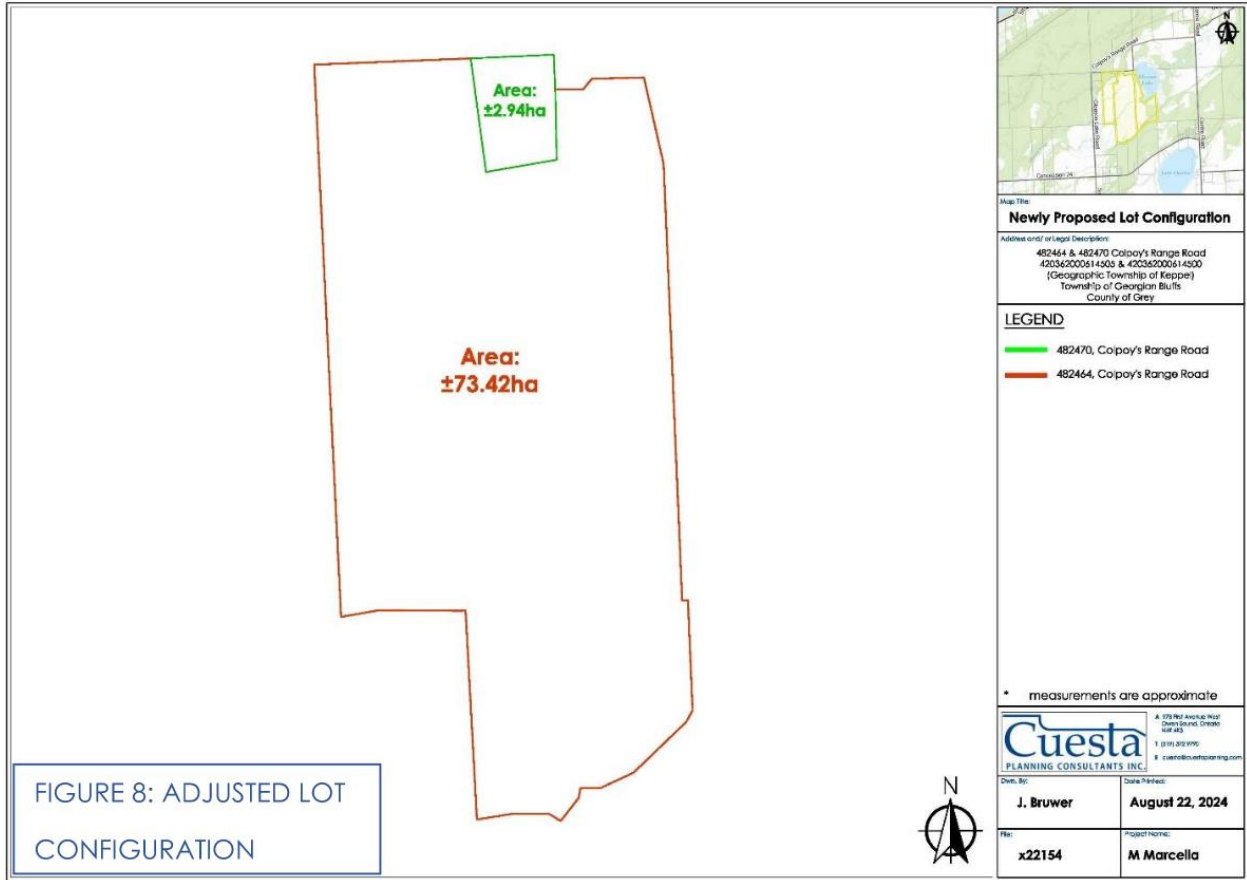


Figure 5 Final Lot Configuration

Policies Affecting the Proposal

This section of the report will review the statutory provisions affecting the proposed development, including the Provincial Planning Statement 2024, The Niagara Escarpment Plan and the Grey County Official Plan.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) is issued under Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The *Planning Act* requires that all decisions made under the Act by an approval authority shall “be consistent with” the PPS. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation.

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Section 2.6 of the PPS states that on rural lands located in municipalities, permitted uses include the following:

- residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services
- agricultural uses, agricultural-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards.

This section further states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Development shall also be appropriate to the infrastructure which is planned or available and avoid the need for uneconomical expansion of this infrastructure.

The subject application will not result in new construction or site alteration. No new infrastructure is required in order to access or service the subject land. Therefore, the application is consistent with Section 2.6 of the PPS, 2024.

Appendix A of the County of Grey's Official Plan identifies the presence of Karst Area on the proposed severed and retained parcels. Appendix B of the County of Grey's Official Plan identifies the presence of significant woodlands on the proposed severed and retained parcels. Section 4.1 of the PPS states that development and site alteration shall not be permitted in *significant woodlands* and in *significant areas of natural and scientific interest* in Ecoregions 6E and 7E (of which the subject site is located) unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The application does not propose any new construction or site alteration and there would be no resulting impacts to any of the natural features or functions of the lands, and therefore is consistent with Section 4.1 of the PPS 2024.

As referenced above, based on our review, this application is consistent with the relevant policies of the PPS.

Official Plan for the County of Grey (2019)

Upon review of the County of Grey Official Plan (OP), the subject lands are identified as being under the jurisdiction of the Niagara Escarpment Plan Area. The Grey County Official Plan references throughout the OP that lands within the escarpment are overseen by the NEC. In the event of a conflict between these plans, the policies of the NEC's Plan will prevail over those of the County OP, as seen in Section 9.1 (4).

Section 6 of the Grey County OP specifically references those policies from the NEP in terms of how they reference different settlement areas and hazard lands. Policy 6.3 (1) states that the Natural Environment policies of Section 7, Natural Grey, of the County OP apply to all development within the Niagara Escarpment Plan except where there is

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a conflict between the plans, the NEP policies will apply. Therefore, most of the County's OP policies do not apply but those in Section 7, where not in conflict of the NEP, have been reviewed for conformity below.

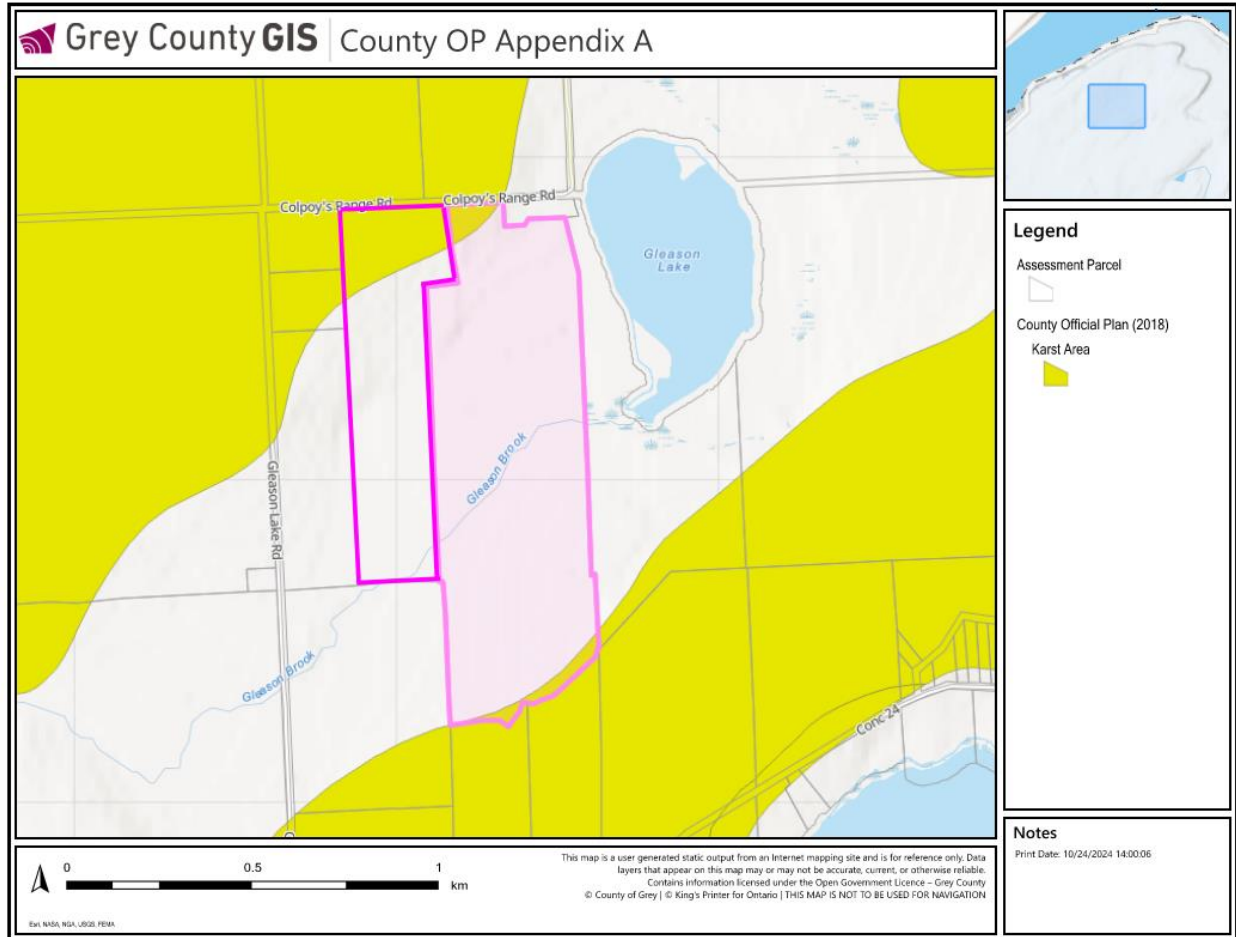


Figure 6 Karst Topography Areas

Appendix A of the County Official Plan show karst topography areas, which are considered to be potential development constraint areas. The County's mapping shows some presence of karst area at the north portion of the subject lands. Section 7.5 of the Official Plan outlines that areas of potential environmental constraint due to karst must be addressed prior to development occurring, and that development shall generally be directed to areas outside of karst topography unless the effects and risk to public safety area minor so as to be managed or mitigated. Since the severance will not result in any new construction nor site alteration, there are no potential risks despite the presence of karst topography.

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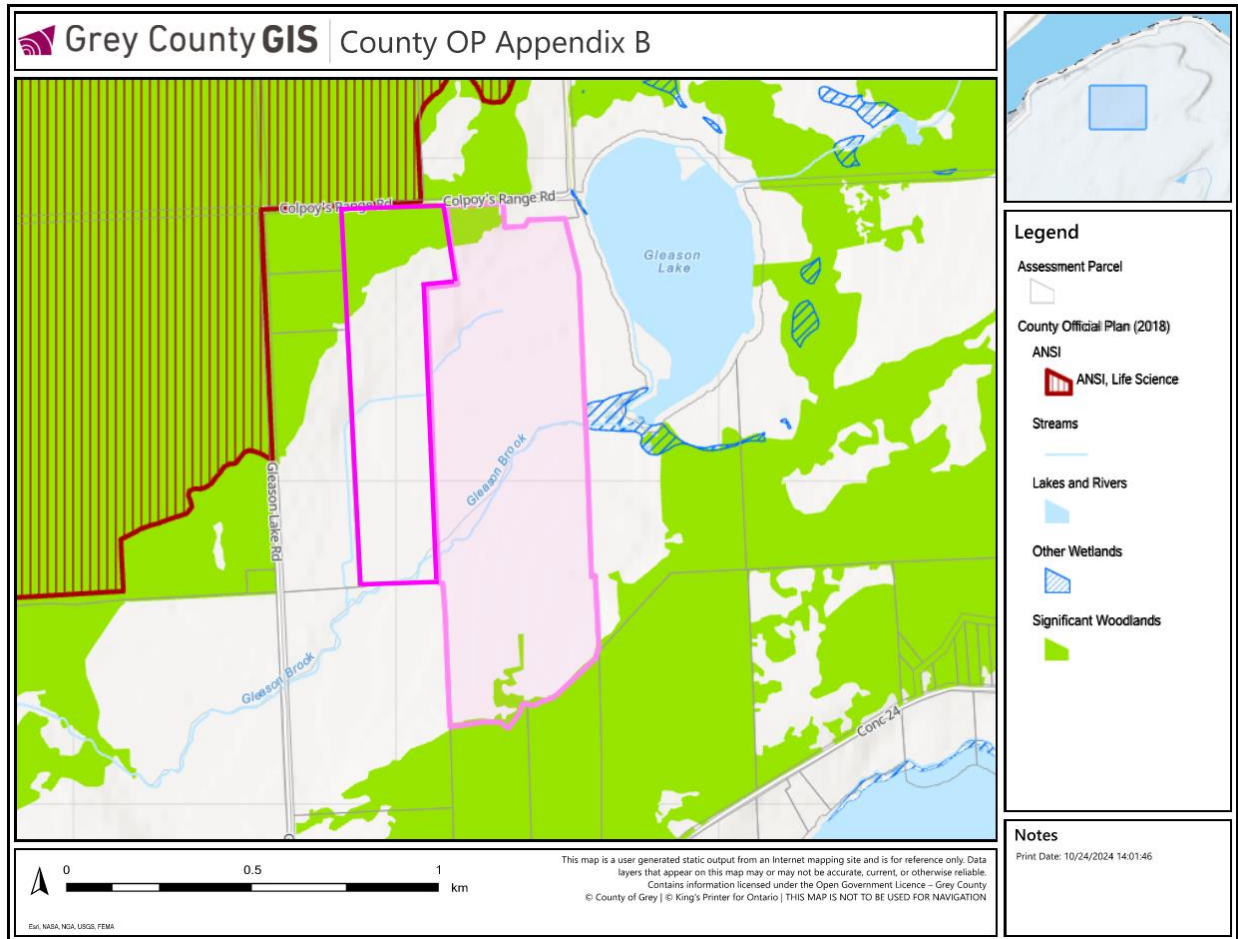


Figure 7 Significant Woodlands Area

Appendix B of the County OP identifies the presence of significant woodlands on the proposed severed and retained parcels. As per Section 7.4 of the County OP, no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study (EIS) that there will be no negative impacts on the natural features or their ecological functions. The severance does not propose any new development or site alteration and therefore an EIS is not required.

Furthermore, Appendix B of the County OP identifies the presence of a stream through the subject lands and other wetlands abutting the subject lands. No development or site alteration may occur within Areas of Natural and Scientific Interest or their adjacent lands unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions. The severance does not

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propose any new construction or site alteration and therefore the requirement for an EIS has been waived, in consultation with County staff.

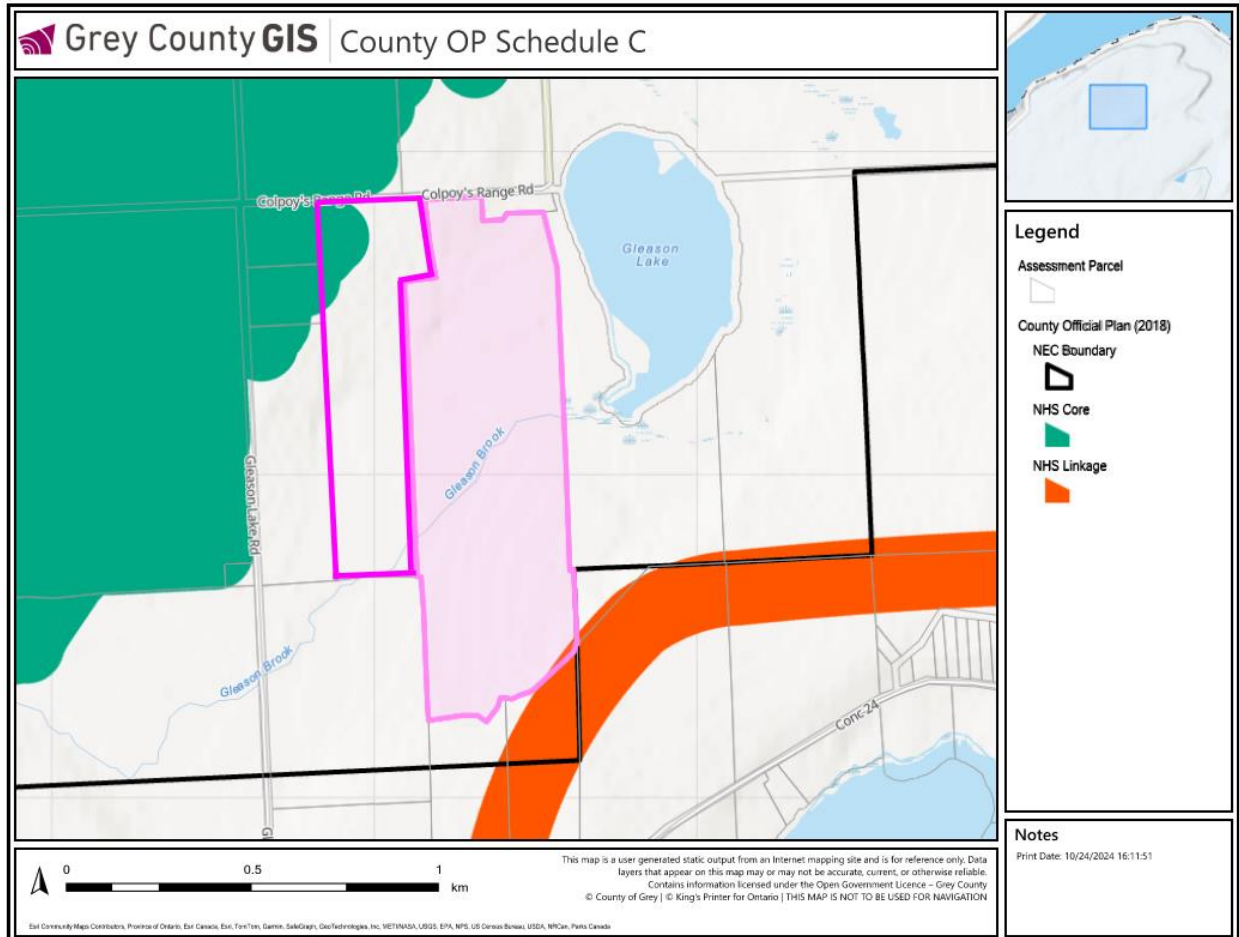


Figure 8 Natural Heritage System Area

Core Areas and Linkages were identified in the County’s Natural Heritage System Study – Green in Grey (January 2017), and are down on Schedule C of the Official Plan. Portions of the subject lands are within the NHS Core and NHS Linkage areas. The intent of these areas are to protect natural areas in the County and to provide movement corridors (linkages) for both plants and animals between the Core Areas. Section 7.1 of the OP states that development proposed within Core Areas, their 120m adjacent lands, or Linkages will be required to undertake an environmental impact study (EIS). Since the proposed severance does not propose any new development, an EIS would not be required. Both the County and GSCA had no concerns or requirements with regards to Natural Heritage or otherwise.

As referenced above, based on our review, this application conforms to the County OP.

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Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan was first approved by the Provincial government in 1985 and has gone under revisions, the latest being in 2017. This plan covers what is known as the Niagara Escarpment Area, 725 kilometres of topographically and land uses from Queenstown on the Niagara River to the islands off Tobermory on the Bruce Peninsula.

This Plan was development to serve as a framework of objectives and policies to strike a balance between development, protection and the enjoyment of this important landform feature and the resources it supports. The Plan outlines a variety of designations and development criteria that are to be considered for new proposed development.

As mentioned, Schedule A of the County OP identifies that the subject lands are within the Niagara Escarpment Development Control Area of the Niagara Escarpment Plan (NEP). The subject lands are identified as Escarpment Rural Area. Permitted uses in the Rural Area that are relevant to this application include agricultural uses, agriculture-related uses and on-farm diversified uses, existing uses, and single dwellings, as outlined in Section 1.5 of the NEP. Section 1.5.4 of the NEP states that new lots may be created, subject to conformity with the provisions in the section.

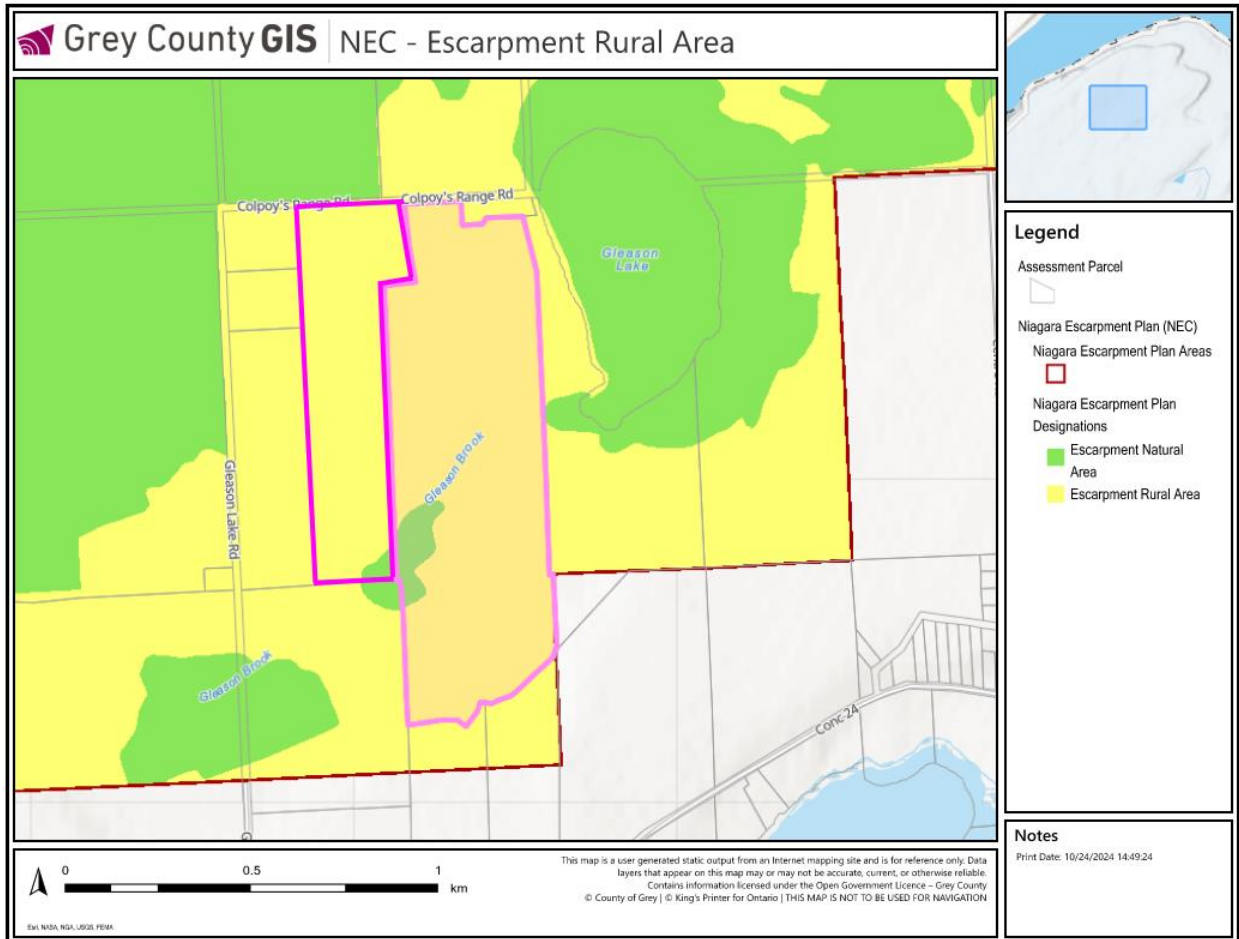


Figure 9 Niagara Escarpment Plan Areas

In addition, Section 2 of the NEP contains development criteria for lands within the Niagara Escarpment Development Control Area. The subject lands are within the Development Control area, however, no new development is proposed. Although the lot configuration will change, alterations to the built form or natural environment will not occur and no new sensitive receptors will be established. The NEC has confirmed they have no concern over the application and that a development permit is not required.

As referenced above, based on our review, this application conforms to the NEP.

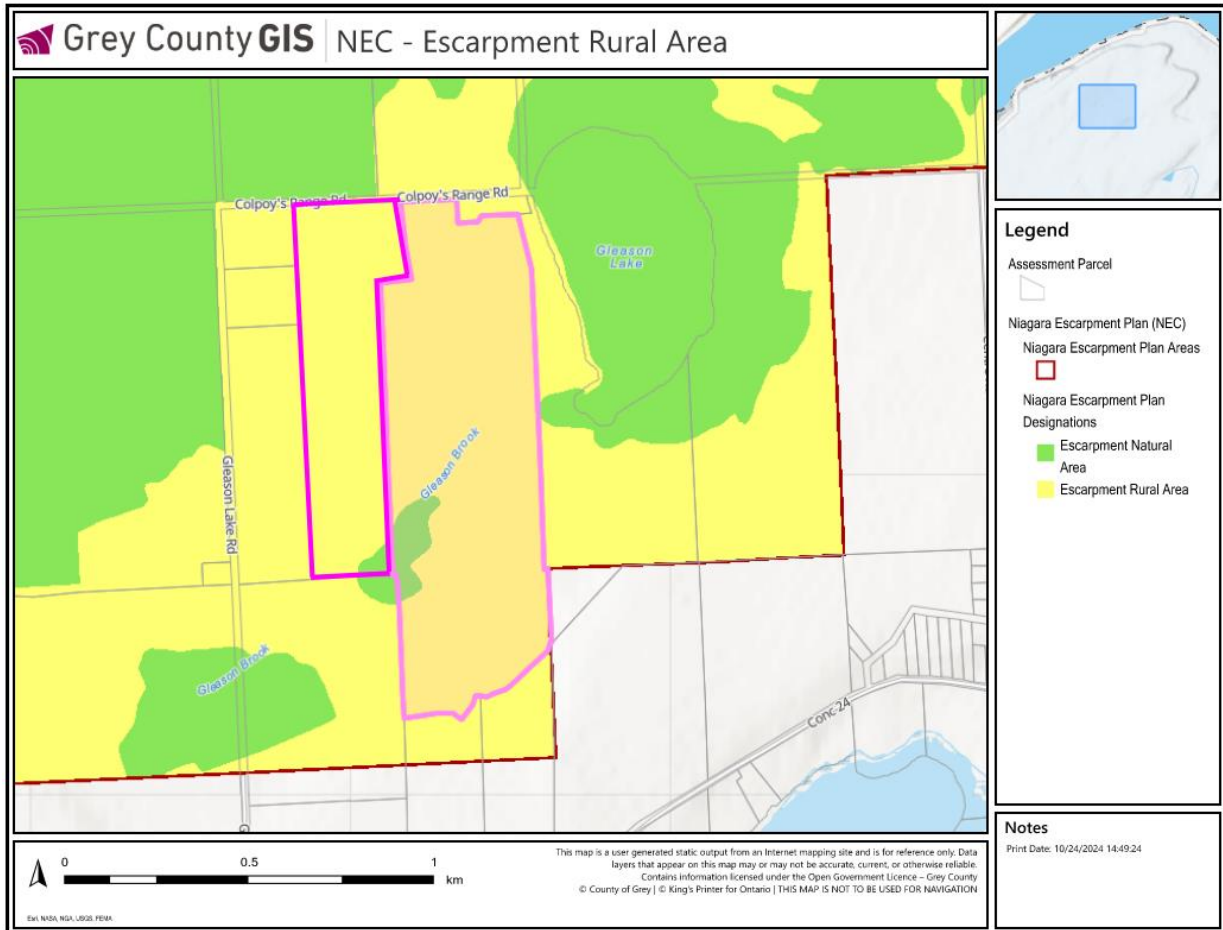


Figure 9 Niagara Escarpment Plan Areas

Zoning By-law for the Township of Georgian Bluffs

Schedule A of the County OP identifies that the retained lands and severed lands are within the Niagara Escarpment Development Control Area. As such, the Zoning By-law for the Township of Georgian Bluffs does not apply.

Relevant Consultation

County of Grey Planning and Development:

In correspondence dated January 30, 2024, the County of Grey Planning and Development Department, provided comments in a letter regarding the proposed consent application. Generally, the County does not have any concerns with the above application and all the policies have been addressed through this report. The County

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recommends that the applicant consult the County's Forestry Management By-law should any trees be proposed to be cut down.

Provided positive comments are received from the Conservation Authority regarding the potential Hazard Lands; County Planning staff have no concerns with the subject application. The County requests notice of any decision rendered with respect to this file. Correspondence with the County is appended herein.

Grey Sauble Conservation Authority:

In correspondence dated February 10, 2025, the Grey Sauble Conservation Authority (GSCA) provided comments in a letter with regards to the proposed consent application. Generally, the GSCA does not have any concerns with the above application and all the policies have been addressed through this report.

GSCA concluded that the property features sufficient area to accommodate any future development or site alteration beyond the natural hazard areas, and that no development activity is proposed associated with the subject consent within the regulated areas. GSCA has no objections to the proposed consent as it is not anticipated to impact any regulated features and or natural hazard areas. GSCA requests to be notified of any decisions or notices of any appeals if filed.

Correspondence with the GSCA is appended herein.

Niagara Escarpment Commission:

Pre-consultation with NEC which occurred prior to the submission of this application (2022) confirmed that no NEC permits are required. Further correspondence received February 18, 2025, confirmed that NEC staff have no objection to the application and will not require a development permit. NEC notes that future development on the property may require a development permit. NEC requests to be notified of any decision of the Committee of Adjustment in respect to the proposed consent.

Correspondence between the NEC and the applicant is appended herein.

Conclusion & Recommendation

Niagara Escarpment Commission:

Pre-consultation with NEC which occurred prior to the submission of this application (2022) confirmed that no NEC permits are required. Further correspondence received

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February 18, 2025, confirmed that NEC staff have no objection to the application and will not require a development permit. NEC notes that future development on the property may require a development permit. NEC requests to be notified of any decision of the Committee of Adjustment in respect to the proposed consent.

Correspondence between the NEC and the applicant is appended herein.

Respectfully Submitted:

Madelen Fellows, M.Pl.

Reviewed by:

David Welwood, RPP, MCIP, MES

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Report Approval Details

| | |
|----------------------|---|
| Document Title: | DEV2025-20 Report for Severance (B-27-24) and Consent Cancellation (B-29-24) (Marcella).docx |
| Attachments: | <ul style="list-style-type: none">- Updated_Marcella_Consent Application-V2_Redacted.pdf- Marcella Consent Cancellation Application_Redacted.pdf- 241008 Micah Marcella Final Planning Brief.pdf- Notice Of Public Hearing B27-24 Marcella.pdf- County Comments B27-24 Marcella.pdf- GSCA Comments B27-24 Marcella.pdf |
| Final Approval Date: | |

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

Niall Lobley, Chief Administrative Officer