



---

**Date** Wednesday, February 01, 2023

**From** Rebecca Elphick, Consultant Planner

**Subject** **Joint Report for Consent Applications B24/22 & B25/22 and Zoning By-law Amendment Application Z-18-22 - Estate of Murial McCrabb**

**Report** PL.2023.04

---

### Recommendation

The subject lands are comprised of three previously separate lots, which have merged on title into one holding. Applications B24/22 and B25/22 for consent for the estate of Murial McCrabb to re-establish the original lot configuration are recommended for approval, subject to the conditions outlined herein, as it has been demonstrated that the applications are consistent with the Provincial Policy Statement, conform with the County of Grey's Official Plan, and conforms to the general intent and purpose of the Township of Georgian Bluffs' Zoning By-law.

It has been demonstrated that application Z-18-22 for the estate of Murial McCrabb for lands as described as Pt Lt 24 Conc 15 Keppel, PT 3 16R1539; T/W R298038 is consistent with the Provincial Policy Statement, conforms with the County of Grey's Official Plan, and complies with the general intent and purpose of the Township of Georgian Bluffs' Zoning By-law. It is recommended that the application be approved.

### Application Summary

**Applicant:** Ron Davidson Planning Consultant Inc.  
**Owner:** Estate of Murial McCrabb c/o Emma Speer/Gary Aiken  
**Civic:** unassigned Big Rock Road, Francis Drive and Concession 14  
**Legal:** Pt Lots 23 & 24, Conc 14 and Pt Lt 24, Conc 15, Georgian Bluffs (Keppel)  
**ARN:** 420362000420200, 420362000418600 & 420362000422903

## What is being proposed?

Zoning By-law Amendment Application Z-18-22 proposes to recognize a reduced minimum lot size in the Shoreline Residential zone from 4,047 m<sup>2</sup> to 4,013 m<sup>2</sup> to facilitate Severance Application B24/22. Severance applications B24/22 and B25/22 propose to re-create lots that merged when the lands were registered in the same name.

The new residential lot proposes the following dimensions:



	<b>B24/22 (Lot 1)</b>	<b>B25/22 (Lot 2)</b>	<b>Retained</b>
Frontage	55.8 m	141 m & 72 m	404 m
Width: Rear Lot Line	55.8 m	645 m	404 m
Depth: Side Lot Line	73.1 m	19 m to 142 m	1022 m
Area	4013 m <sup>2</sup>	6.78 ha	40.94 ha

## Policies Affecting the Proposal

### Provincial Policy Statement, 2020

The Provincial Policy 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.

Section 1.1.5 of the PPS states that on rural lands within municipalities, permitted uses include residential development, including lot creation, that is locally appropriate. 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 be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure. The subject lands are currently vacant, and the applicant proposes a detached dwelling on Lot 1, as permitted by the PPS. The subject lands are located on a year-round municipally owned

and maintained road and are surrounded by limited low density residential development and vacant lands. As such, the application is consistent with of the policies for rural lands in municipalities.

Section 1.6.6.4 of the PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The applicants propose to service Lot 1 with a well and a septic system. Lot 2 and the proposed retained lot are to remain vacant, and as such will not be serviced with water or sewage services at this time. Lot 2 and the retained lot are large enough to permit individual on-site sewage and water services should they be required in the future.

Appendix A of the County of Grey's Official Plan identifies a portion of the subject lands as within a 'Karst Area'. The PPS' definition of 'hazardous sites' includes lands exhibiting karst topographic features. Section 3.1 of the PPS states that development shall be generally directed to areas outside of hazardous sites. The applicant retained GM BluePlan Engineering to conduct a Karst Topography Assessment, which confirmed no evidence of active karst features that would cause a direct risk to the proposed development.

Appendix B of the County of Grey's Official Plan identifies the entirety of the subject lands as 'Significant Woodlands'. Section 2.1 of the PPS states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The applicant retained Palmer to conduct an Environmental Impact Study (EIS), which concluded that the proposal to remove portions of the 'Significant Woodlands' in the building envelopes on each of the three lots could occur without a negative impact on the natural heritage feature or its ecological function, provided that the area to be cleared on each lot was less than 0.4 ha and that tree removal does not occur during bird nesting season.

Appendix E of the County of Grey's Official Plan identifies the subject lands as within a 'Selected Bedrock Resource Area: Covered by Drift (1 to 8 m)' A small area of the subject lands is also identified as within a 'Selected Bedrock Resource Area: Covered by Drift (Less than 1 m)'. Section 2.5 of the PPS states that in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if resource use would not be feasible, or the proposed land use or development serves a greater long-term public interest and issues of public health, public safety, and environmental impact are addressed. The applicant retained GM BluePlan Engineering to provide a Letter of Opinion, which determined that the depth of bedrock in the vicinity of the areas of the property that are proposed for future development is not considered to be feasible for the extraction of resources, based on

the proximity to existing residential development and Francis Lake, community opposition, and the presence of significant woodlands.

Based on our review, we conclude that the application is consistent with the relevant provisions of the Provincial Policy Statement.

### **County of Grey Official Plan (Recolour Grey) 2019**

Schedule A of the County of Grey Official Plan (OP) designates the majority of the subject lands as 'Inland Lakes and Shoreline' (i.e., the entirety of Lot 1 and a small portion of Lot 2) with the remainder designated as 'Rural' (i.e., the majority of Lot 2 and the entirety of the proposed retained lot).

Permitted uses in the 'Inland Lakes and Shoreline' land use type include low-density residential dwellings. The applicant proposes a detached dwelling on Lot 1, which is a permitted use within this land use type.

Permitted uses in the 'Rural' land use type include resource-based recreational uses, small scale transport terminals, buildings and yards associated with trades, residential farm cooperatives, agri-miniums, institutional uses, recreational or tourist-based rural clusters, as well as uses permitted in the 'Agricultural' land use type. Lot 2 and the proposed retained lot are both vacant and the applicant proposes no new buildings or structures as part of this application.

The majority of the proposed Lot 2 is designated as 'Rural' land use type, with a small portion designated 'Inland Lakes and Shoreline' on Schedule A of the OP. The portion of land on the proposed Lot 2 designated as 'Inland Lakes and Shoreline' is approximately 9.0 metres wide, and as such is undevelopable given the minimum yard requirements of the Zoning By-law. As such, the consent policies for the 'Rural' land use type established by Section 5.4.3 of the OP apply to Lot 2.

Section 5.4.3 of the OP states that all consents for new lot development shall be no smaller than 0.8 ha in area. Lot 2 will have an area of 6.78 ha, in compliance with this policy. Lot 2 forms part of the original 40-hectare parcel described as Lot 23, Concession 14, Geographic Township of Keppel. Based on this original size, a lot density of four lots, including the retained parcel, is permitted. The application for consent is to re-establish the original lot configuration of the proposed retained and severed lots prior to their merge on title into one holding. It can be reasoned then that the proposed lot configuration does not exceed the permitted lot density in the 'Rural' land use type. Both Lot 2 and the proposed retained lot will have a frontage-to-depth ratio less than 1:3, as required by Section 5.4.3 of the OP.

Section 5.2.2(5) of the OP states that new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial MDS formulae. The subject lands are not located in proximity to any livestock facilities, and as such, no MDS calculations are required.

As previously discussed, Appendix A of the OP identifies a portion of the subject lands as within a 'Karst Area'. Section 7.5 of the OP states that development shall be generally directed to areas outside of karst topography unless the effects and risk to public safety are minor so as to be managed or mitigated. In areas suspected to have karst topography, the applicant is to provide an assessment of the proposed area of development. The applicant retained GM BluePlan Engineering to conduct a Karst Topography Assessment, which confirmed no evidence of active karst features that would cause a direct risk to the proposed development.

Appendix A of the OP also indicates the subject lands are near to 'Hazardous Forest Types for Wildland Fires'. Section 7.8(2) of the OP states that development may be permitted in lands with 'Hazardous Forest Types for Wildland Fire' where the risk is mitigated in accordance with the 'Wildland Fire Assessment and Mitigation Standards'. An EIS was submitted with the application and provides the necessary mitigation measures. It is recommended that a clearance of 10 m around all structures be applied, and that if located near a higher risk forest type, a larger setback clearance of 30 m may be required. The EIS further recommends that landscaping and the use of fire-resistant materials is implemented and that the amount of brush and trees are also managed in order to reduce the fire risk.

As previously discussed, Appendix B of the County of Grey's Official Plan identifies the entirety of the subject lands as 'Significant Woodlands'. Section 7.4 of the OP states that 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 applicant retained Palmer to conduct an Environmental Impact Study (EIS), which concluded that the proposal to remove portions of the 'Significant Woodlands' in the building envelopes on each of the three lots could occur without negative impact on the natural heritage feature or its ecological function, provided that the area to be cleared on each lot was less than 0.4 ha and that tree removal does not occur during bird nesting season.

The EIS further notes that the site may contain species at risk, such as a maternity roosting habitat for endangered bat species, which it is recommended that consultation with the MECP occurs before any tree cutting occurs. The EIS also recommends that tree removal occurs outside of the breeding bird season and bat maternity roosting season. In addition, it is recommended that Northern Holly Ferns found on Parcel 2 are relocated to undeveloped areas of the property and that a botanist should survey the site. Lastly, a raptor nest survey should be completed to determine that raptor nests are not located within the building envelopes.

The EIS contains a number of mitigation measures that, if followed, would support development within a defined envelope, as described above. The mitigation measures will be captured in a consent agreement to guarantee that development occurs as approved. We recommend that a condition of severance include the requirement for the

applicant to enter into a consent agreement with the Township and that the agreement contain the mitigation measures identified in the EIS.

As previously discussed, Appendix E of the County of Grey's Official Plan identifies the subject lands as within a 'Selected Bedrock Resource Area: Covered by Drift (1 to 8 m)' A small area of the subject lands is also identified as within a 'Selected Bedrock Resource Area: Covered by Drift (Less than 1 m)'. The OP states that in known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if resource use would not be feasible, or the proposed land use or development serves a greater long-term public interest and issues of public health, public safety, and environmental impact are addressed. This policy, however, does not apply to the creation of farm-sized lots, which is any parcel in the non-urban area comprising 20 hectares or more. Lot 1 is not identified on Appendix E as within either of these bedrock resource areas. The proposed retained parcel can be considered a farm-sized lot, as it has an area of approximately 40.94 ha, and as such, this policy does not apply. Lot 2, however, is subject to this policy, as it has an area of approximately 6.78 ha, and therefore cannot be considered a farm-sized lot. The applicant retained GM BluePlan Engineering to provide a Letter of Opinion, which determined that the depth of bedrock in the vicinity of the areas of the property that are proposed for future development is not considered to be feasible for the extraction of resources, based on the proximity to existing residential development and Francis Lake, community opposition, and the presence of significant woodlands.

Section 7.12.1 of the OP concerns parkland dedication and states that the County will, as a condition of the development of land for residential purposes, require that land in the amount of 5% of the land proposed for development be conveyed to the municipality for park or other public recreation purposes, pursuant to the provisions of the *Planning Act*. Therefore, the conditions of consent approval will include a required 5% a cash-in-lieu dedication to the Township.

It is our opinion that the applications conform with the relevant policies of the County of Grey's Official Plan.

### **Township of Georgian Bluffs Zoning By-law 2020-020**

The two proposed severed lots (i.e., Lot 1 and Lot 2, as identified on the site plan dated October 3, 2022) are zoned 'Shoreline Residential (SR)' on Schedule A of the Township's Zoning By-law. The SR Zone establishes a minimum lot area of 4,047 m<sup>2</sup> and minimum frontage of 36 m for privately serviced lots. Lot 1 will have an area of approximately 4,013 m<sup>2</sup>, less than that required by the SR Zone and frontage of approximately 55.8 m onto Big Rock Road, in compliance with the SR Zone requirements. Lot 2 will have an area of approximately 6.78 ha and frontage of approximately 141 m & 72 m onto Francis Drive, in compliance with the SR Zone requirements.

Zoning By-law Amendment Z-18-22 will facilitate the proposed severance by recognizing the reduced minimum lot area of 4,013 m<sup>2</sup> of Lot 1, where 4,047 m<sup>2</sup> is required by the SR Zone.

The proposed retained lot is zoned 'Rural (RU)' on Schedule A of the Township's Zoning By-law. The RU Zone establishes a minimum lot area of 20 ha and a minimum frontage of 200 m. The proposed retained lot will have an area of approximately 40.94 ha and frontage of approximately 404 m onto Concession 14, in compliance with the RU Zone requirements.

The applicant proposes a detached dwelling on Lot 1, which is a permitted use in the SR Zone. Lot 2 and the proposed retained lot are both vacant. Section 10.4 of the Zoning By-law establishes the requirements for the SR Zone for the detached dwelling, as follows:

Provision	Requirement
Lot Coverage (max)	15%
Front Yard (min)	10 m
Rear Yard (min)	10 m
Exterior Side Yard (min)	5 m
Interior Side Yard (min)	3 m
100 Year Lake Flood Level	15 m
High Water Mark	15 m
Building Height (max)	10 m

Given the large size of Lot 1, it is likely that the proposed dwelling will meet all above requirements of the SR Zone.

We conclude that the application generally complies with the Township of Georgian Bluffs' Zoning By-law.

### Relevant Consultation

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

**Grey County Planning and Development:** In comments dated December 16, 2022, the Grey County Planning and Development Department noted that provided that MDS calculations are submitted, drainage is not directed towards the County forest and appropriate signage is put up regarding the boundary of the forest, that off-trail access is not permitted, and mitigation measures regarding the 'Hazardous Forest Types for Wildland Fires' and 'Species at Risk' are put in place, County Planning Staff have no concerns with the subject application.

**Grey Sauble Conservation Authority Risk Management Office (RMO):** In comments dated November 28, 2022, the RMO noted that the property is not located within a

vulnerable source protection area where policies apply under the Clean Water Act, and therefore, they have no comments.

**Grey Sauble Conservation Authority (GSCA):** In comments dated December 16, 2022, GSCA noted that they have no objections to the proposed severances provided the measures outlined in the Karst Assessment and EIS are implemented. GSCA recommend that the more constraining of the timing windows provided in the EIS of early April to late October should be reflected in the consent agreement. Lastly, the GSCA recommends that appropriate sediment and erosion controls are implemented prior to any site alteration or development on site, and that drainage for the areas is designed to ensure no increase in runoff to neighbouring properties.

**Saugeen Ojibway Nation (SON):** Correspondence from SON indicates that a Phase I Archaeological Assessment is required prior to any site alteration on the subject lands.

Staff Response: A Phase 1 Archaeological Assessment shall be completed, and any recommendations or mitigation measures to protect archaeological resources will be undertaken, to the satisfaction of the Township and SON.

The Notice of Complete Application, Public Meeting and Public Hearing was circulated to all property owners within 120 meters of the subject property. The following comments were received pertaining to the application:

**Susan and Glen Hayhurst (227 Francis Drive):** In comments dated December 16, 2022, Susan and Glen Hayhurst noted concerns with the developments' impact on the lake capacity, on the surrounding environment, and on neighbouring residents. They noted that their concerns are heightened given the Township's response to development on Francis Drive.

Staff Response: The intent of the applications is to re-create 3 separate lots that merged together when registered in the same name and as such, is a technical exercise.

**Ross and Carol Weber (226 Francis Drive):** In comments dated December 13, 2022, Ross and Carol Weber noted concerns with the developments' impact on lake capacity and on neighbouring residents. They noted that their concerns are heightened given the Township's response to recent development in the area.

Staff Response: The intent of the applications is to re-create 3 separate lots that merged together when registered in the same name and as such, is a technical exercise.

**Tom Germann (162 Francis Drive):** in comments dated January 23, 2023 Tom Germann noted, "[p]lease be advised that I am apposed [sic] to the Severance Application B24/22 and B25/22. I am concerned the severance will create the opportunity to increase the number of residential building lots with access to Francis Lake. This will inherently cause an increase in boating on the lake. Large boats and



personal watercraft with power large motors excessively stir up the bottom of the lake and create trenches in the propeller path. The natural habitat for bass and pike around the weed-beds in the lake is continually being disturbed. The ecological health of the lake is being negatively impacted by these actions. The increase in access to the lake will contribute to a decline in the ecological health of Francis Lake.”

**Angela Renaud:** In comments dated January 24, 2023 it is noted, “I, Angela Renaud, have no concerns to the zoning amendment application Z-18-22, severance applications B24/22, and B25/22 and the site plan control application SP-13-22 to address the EIS mitigation measures. I am concerned that future development in the proposed ammendments [sic] could affect my property. I wish to be notified of the decision of the Council of the Township of Georgian Bluffs on the proposed zoning by-law amendment and any future proposals.”

## Conclusion & Recommendation

It has been demonstrated that the proposed applications are consistent with the Provincial Policy Statement 2020, conform with the County Official Plan, and complies with the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that Severance Applications B24/22 & B25/22 for the estate of Murial McCrabb 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 (i.e., stamping of the deed).
3. That the applicant(s) 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 the applicant enters into a consent agreement with the Township to address the mitigation measures identified in the Environmental Impact Study by Palmer dated September 2022 and the mitigation measures identified in the Karst Topography Assessment by GM BluePlan Engineering dated October 2022.
6. That a Zoning By-law Amendment be in force and effect to recognize the reduced minimum lot area of Lot 1 of 4,013 m<sup>2</sup>, where 4,047 m<sup>2</sup> is required by the Shoreline Residential (SR) Zone.
7. That the Owner(s) shall undertake a Phase I Archaeological Assessment and apply any necessary mitigation measures to protect archaeological resources, to the satisfaction of the Saugeen Ojibway Nation and the Township.

**Zoning Amendment Application Z-18-22**

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, conforms with the County of Grey's Official Plan, and generally complies with the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that Zoning By-law Amendment Application Z-18-22 for the estate of Murial McCrabb be approved.

Respectfully Submitted:

Rebecca Elphick, M.Pl

Reviewed by:

David Welwood, MES (Planning), RPP, MCIP

## Report Approval Details

Document Title:	PL.2023.04 Joint Report for B24-22 B25-22 Z-18-22 - McCrabb.docx
Attachments:	<ul style="list-style-type: none"><li>- REVISED Notice Of Public Meeting Z-18-22 B-24-22 B-25-22 McCrabb.pdf</li><li>- 1 Consent application No 1.pdf</li><li>- 2Consent application No 2.pdf</li><li>- Z18-2022McCrabb.pdf</li><li>- 3 EIS.pdf</li><li>- 5 Planning Report.pdf</li><li>- 6 Karst Topography Assessment.pdf</li><li>- 7 Bedrock Resource Viability Letter.pdf</li><li>- County Comments B-24-22 and B-25-22 McCrabb Estate.pdf</li><li>- County Comments Z-18-22 McCrabb Estate.pdf</li><li>- GSCA Comments - K Gillian.pdf</li><li>- GSCA Comments - J Bousfield.pdf</li><li>- SON Comments.pdf</li><li>- Comments - neighbor Weber.pdf</li><li>- Comments - neighbor Hayhurst.pdf</li><li>- Comments (questions) - Gascho (neighbor).pdf</li><li>- Comments-neighbor Renault.pdf</li></ul>
Final Approval Date:	Jan 26, 2023

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

Jenn Burnett, Senior Planner

Cynthia Fletcher, Chief Administrative Officer