



Date: Tuesday, November 21, 2023
From: Michael Benner, Principal Planner
Subject: **B-09-21 Hayes**
Report DEV2023-54

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

Recommendation

It has been demonstrated that application B-09-21 for Roger Hayes for lands described as Lot 21, Concession 15, Keppel Township, is consistent with the Provincial Policy Statement, conforms to the County of Grey's Official Plan, and complies with the intent of the Township of Georgian Bluffs' Zoning By-law 2020-020. It is recommended that the application be approved subject to the following conditions:

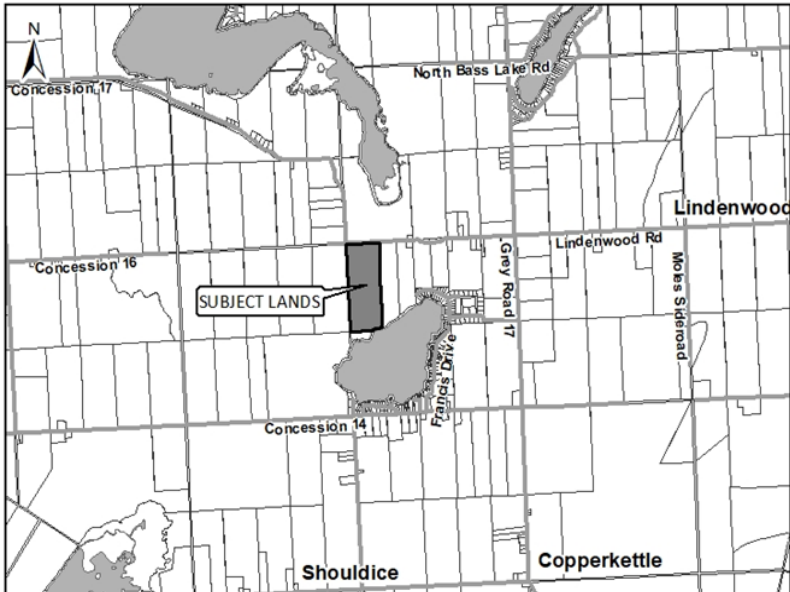
1. That the severed lot size be increased to a minimum of 0.8 hectares in size with a minimum of 100 metres frontage;
2. That a Karst Assessment be completed by a qualified professional providing the location of a suitable building envelope on the retained lands.
3. that a Letter of Opinion be provided by a qualified individual (i.e., engineer) indicating whether the extraction of the bedrock on the subject lands is or is not feasible.
4. 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.
5. 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).
6. That the applicant(s) pays the applicable consent certification fee at the time of certification of the deeds.
7. That the applicant(s) pays 5% cash-in-lieu of parkland in accordance with the Planning Act.

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Application Summary

Owner(s): Roger Hayes
Civic: 362460 Lindenwood Road, Georgian Bluffs
Legal: Lot 21, Concession 15 Keppel Township
ARN: 4203 620 004 22300



	Severed Parcel	Retained Parcel
Lot Area	0.7 hectares	39.74 hectares
Lot frontage	103.6 metres	292.6 metres
Lot Depth	70 metres	1006 metres
Servicing	private	private
Existing Structures	Detached dwelling, garage	Barn (not capable of housing livestock), shed

Policies Affecting the Proposal

Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act (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 Act requires that all decisions made thereunder by an approval authority shall “be consistent with” the PPS.

The subject lands are designated ‘Rural’ in the County of Grey Official Plan (OP) and are considered as ‘Rural Lands’ in the PPS. Sections 1.1.4 and 1.1.5 of the PPS provide direction for development on Rural lands. Permitted uses on rural lands include:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);

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- c) residential development, including lot creation, that is locally appropriate;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

The uses as proposed would be considered to be consistent with the policies of the PPS.

Grey County Official Plan

Schedule A of the County OP designates the subject lands as 'Rural'. Section 5.4.3(1) states that:

All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum lot density shall not be exceeded as outlined in Table 9 below. The lot density is determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size or the original Township lot. Any proposed increase to this maximum lot density will require an amendment to this Plan, and will require justification as to the need for additional Rural lot creation.

The subject lands currently occupy the entirety of the original township lot of 40.44 hectares. The creation of an additional lot would meet County OP lot densities. The severed lot, as proposed at 0.7 hectares, falls short of the County OP requirements. As such Planning staff recommend that the lot size be increased to at least 0.8 hectares to meet the OP requirements.

Section 5.2.2(5) of the County OP states,

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial MDS formulae. Municipal comprehensive zoning by-laws shall incorporate Provincial MDS formulae.

An unused livestock barn exists on the proposed retained parcel. No other livestock barns are located within 750 metres of the subject lands that would trigger the need for MDS calculations. Although the existing barn on the subject lands does not currently house livestock, an MDS calculation based on the size of the barn would prove to be problematic for the proposed severed parcel. To rectify this concern, County Planning



staff are recommending that the size of the severed lot be increased to incorporate this barn, thus eliminating the need for MDS calculations and to address the County's minimum size requirement for the severed lands. As an alternative to increasing the severed lot size, the applicant has proposed to remove the derelict barn to address County's concern.

Schedule B of the County OP indicates that the subject lands contain Karst features. Accordingly, County Planning staff are recommending that a Karst assessment be completed to determine appropriate building envelopes on the retained lands.

Township of Georgian Bluffs Zoning By-law 2020-020

The Township's Zoning By-law zones the subject lands as Rural (RU) and Environmental Protection (EP) with the EP lands being located solely on the retained parcel.

The RU Zone provisions for residential uses establishes a minimum lot area of 0.8 ha and minimum lot frontage of 100 m for residential uses. Both of these provisions would be satisfied if the severed parcel were enlarged to incorporate these requirements thereby negating the need for an amendment to the zoning by-law.

Relevant Consultation

Notice of Complete Application and Notice of Public Hearing was circulated on October 12, 2023 to various agencies for review. The following comments were received:

Grey County Planning and Development Services comments, dated November 9, 2023, summarized below:

The creation of an additional lot would meet County OP lot densities. The frontage-to-depth ratio for the severed lots is less than 1:3. The severed lot would have a lot area of less than 0.8 hectares in size and would generally not be permitted. However, a nitrate study would not be required, as the lot is greater than 0.4 hectares, and it is likely that the property can be adequately serviced. County Planning staff recommend further justification regarding the proposed lot size of the severed lot is submitted.

MDS calculations were not submitted with the application. County Planning recommend that MDS calculations be done or that the barn be located on the severed lot.



Appendix A of the County OP indicates that the subject lands contain 'Karst'. County Planning staff recommend that a Karst Assessment be done to identify a potential building envelope on the retained property.

The proposed severance would create a new non-farm sized lot. County Planning staff recommend that a Letter of Opinion be provided by a qualified individual (i.e., engineer) indicating whether the extraction of the bedrock is or is not feasible.

Enbridge Gas comments dated October 23, 2023.

No concerns.

Source Water Protection comments dated October 20, 2023.

Please note that this property is not located within a vulnerable source protection area, therefore have no comments on this application under the Clean Water Act.

Conclusion & Recommendation

It has been demonstrated that application B-09-21 for Roger Hayes for lands described as Lot 21, Concession 15, Keppel Township, is consistent with the Provincial Policy Statement, conforms to the County of Grey's Official Plan, and complies with the intent of the Township of Georgian Bluffs' Zoning By-law 2020-020. It is recommended that the application 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:	DEV2023-54 B-09-21 Hayes.docx
Attachments:	<ul style="list-style-type: none">- Application - Hayes.pdf- Notice Of Public Hearing B-09-21 October 2023.pdf- County Comments B-09-21 Hayes.pdf- Source Water Protection Comments.pdf- Alternative Severed Parcel Dimensions.pdf
Final Approval Date:	Nov 17, 2023

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

Niall Loble, Director of Community Services