RECOMMENDATION:
That Council receive Planning Report PL.20.09 for information related to the Public Planning Meeting associated with this application.

BACKGROUND AND ANALYSIS:

THE PURPOSE OF THE APPLICATION:
To amend the Municipality’s Zoning By-law 2004-50 to implement consent applications B01.2019.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT:
The effect of this By-law is to amend schedule ‘A-6’ from Rural (RU) and Hazard (H) to Rural (RU), Hazard (H) and Rural Residential (RUR-377).

OPERATIONAL CONSIDERATIONS:

1.0 Background
The subject lands are known as 469182 Grey Road 31. The lands have a total lot area of 40 hectares and a lot frontage of 400 metres. The lands are primarily agricultural lands. The severed lands are located at the north end of the property in an area not used for agricultural activities. An amendment to the zoning bylaw is required to implement this severance.

2.0 Planning Analysis
The following issues were reviewed as part of this application:
- The Provincial Policy Statement 2014;
• General Development Policies of the County’s Official Plan;
• General Development Policies of the Municipality’s Official Plan;
• Existing/Proposed Lot Configuration; and
• Permitted uses for the subject lands.

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) states that in respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Within the Rural Lands in Municipalities, permitted uses include the management or use of resources; resource based recreational uses; limited residential development; home occupations and home industries; cemeteries; and other rural land uses. Development that is compatible with the rural landscape and can be sustained by rural services levels should be promoted.

The lands are located in a mixed area of rural uses including agriculture and residences. The subject lands appear to be primarily agricultural fields and the severed lands are vacant. MDS was not provided however the nearest livestock barn is located some 775 metres to the north. This distance is well beyond typical MDS separation distances.

2.2 County of Grey Official Plan

Schedule A of the County OP identifies the area to be severed as Rural and Hazard. Section 5.4.3(1) outlines the criteria for rural consents.

Schedule B of the County OP identifies the area to be severed as an ‘Aggregate Resource Area’. Under the newly approved County Official Plan, section 5.6.2(8) states that:

Non-farm sized lot creation of lots less than 20 hectares in size will not be permitted in Aggregate Resource Areas. Lot creation for infrastructure or public use purposes may be exempted from this requirement provided all reasonable measures are taken to mitigate any impacts on the aggregate resource.

Appendix B of the County OP also identifies significant woodlands, other identified wetlands and streams on the subject property. Section 7.4(1) 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 that there will be no negative impacts on the natural features or their ecological functions.

Section 7.3.2(1) states that:
No development or site alterations are permitted within other wetlands or their adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

And section 7.9(2) states that:

No development will be permitted within 30 metres of the banks of a stream, river, or lake unless an environmental impact study prepared in accordance with section 7.11 of this plan concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced.

2.3 Municipality of Grey Highlands Official Plan

The subject lands are designated as Rural in the municipality's Official Plan. The purpose of the Rural designation is to protect existing farming operations and to sustain and improve the quality of the rural landscape and rural amenities, and to encourage land uses, which provide an economic benefit to the municipality.

All development within the Rural designation must comply with the General Development Policies contained in subsections 4.2.1, and 4.2.2. Furthermore, all applications for Consent must comply with the Rural Consent Policies contained in subsection 4.2.3 of the Official Plan.

Subsection 4.2.2 provides detailed policies relating to uses permitted within the rural designation and, in particular, notes that new non-farm uses should not be developed on improved agricultural lands, and if proposed, it must be demonstrated that no reasonable alternative lands exist on the applicant's holdings. It should be noted that the area of the proposed lot does not appear to be an agricultural field.

Furthermore, the location of the non-farm land uses including resource based recreational uses imposes no operating constraints to an existing farm. An adequate Separation distance shall be maintained between non-farm development and existing livestock uses. Conversely, an adequate Separation distance shall be maintained between the development of livestock facilities and existing non-farm uses. New land uses, including the creation of new lots and new or expanding livestock facilities shall comply with the Provincial Minimum Distance Separation (MDS) formulae. MDS will not be applied to new non-farm development proposed through building permit on existing lots of record.

MDS is required to be calculated if there are livestock structures within the vicinity. However, as noted above, the nearest livestock barn is located some 775 metres to the north. This distance is well beyond typical MDS separation distances.

Section 4.2.3 states that:

In addition to the General Development Policies of this plan, the following relevant policies would also apply to this application for consent:
(a) All consents for new development shall be no smaller than 0.8 hectares in area, and a maximum density of two lots may be considered (plus the retained parcel), by the consent process per 40 hectares. The lot density shall be determined based on the original Township lot fabric and shall be pro-rated up or down based on the size of the original Township lot.

(b) In order to avoid narrow linear parcels of lands, the frontage to depth ratio for non-farm lots shall be a maximum of 1:3 and the lot shall conform to the appropriate Zoning by-law in reference to minimum lot frontage and other applicable provisions. Justification to go beyond the 1:3 frontage to depth ratio shall be provided in a development application.

(c) The severance of a new lot must comply with MDS I. All livestock facilities within the vicinity of the proposed severance, including any livestock facility situated on the farm parcel shall be used in determining MDS I compliance.

(d) Both severed and retained parcels must front onto a public road maintained year round. The retained lot must not be reduced to less than 20 hectares.

(i) In the case of all other rural severances, the severed and retained parcel size shall not be reduced to less than 20 hectares; and size restrictions apply to the original municipal survey, and not the current land holding.

(k) Lot frontage affected by roadways having site distance constraints caused by curvature or grade are not suitable for severance consideration.

(l) Consents creating smaller farm units, or removing lands which exhibit agricultural capability from an existing farm holding without justification shall be discouraged. Severances should also be discouraged in areas where there may be potential adverse impacts on active farming operations, forestry or the natural environment, or on lands adjacent to lands designated Agricultural by this Plan.

It should also be noted that Section 4.12.8 Primary Aggregate Areas of the Official Plan would also apply in this instance given the location of existing aggregate operations to the west. Subsection 4.12.8 (c) notes that:

"New non-farm development (other than passive open space uses) shall only be permitted where it has been demonstrated to the appropriate approval authority that:

(c) it has been demonstrated that the proposed development within 300 metres of the Primary Aggregate Area would not significantly preclude or hinder future aggregate extraction.

The subject lands are located in an area that is also traversed by natural heritage features. Given the significance of these features it is unlikely that the immediate area surrounding the proposed lot would be utilized for aggregate extraction.

2.4 Municipality of Grey Highlands Comprehensive Zoning By-law No. 2004-50
The lands are zoned Rural (RU) and Hazard (H). A zoning by-law amendment will be required to recognize the severed lands as a Rural Residential (RUR) lot. A site-specific exemption will also be required to recognize the establishment of a 30 metre natural heritage corridor from the existing watercourse and wetland on-site to the building envelope.

3.0 Comments Received (Summary)

Comments were provided from the following departments and agencies:


County planning staff recommend refusal of the subject application as the application forms part of the conditions of approval for related consent application B15.2019. The proposed surplus farm dwelling severance does not conform, nor is it consistent with County Official Plan policy 6.5.2(8) and Provincial Policy Statement Policy 2.5.2.5.

The Grey Sauble Conservation Authority: Comments dated February 4, 2019

Conservation Authority staff have noted the existence of natural heritage features immediately to the south of the proposed lot. They have, therefore, requested that a survey be completed for the proposed lot showing the location of existing and proposed property boundaries, the structures on the retained parcel, and other features that would allow the survey to be georeferenced. Staff also recommend that a 30 metre natural heritage buffer from the watercourse and wetland also be identified in the site specific zoning by-law amendment.


No concerns.


No concerns.

Appendices

Appendix 1 – MGH Location Map
Appendix 2 – Aerial Map
Appendix 3 – Zoning Map
Appendix 4 – Agency/Department comments
Appendix 5 – Notice of Meeting and graphics
GREY HIGHLANDS STRATEGIC PLAN:
Respected Environment - Prioritize the stewardship of our lakes, rivers, and natural environment when making planning decisions pertaining to Municipal growth and development.

Approved By: Michael Benner, Director of Planning
Status: Approved - 21 Jan 2020
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

© County of Grey

Printed: February 6, 2019
THIS MAP IS NOT TO BE USED FOR NAVIGATION
January 14th, 2020

Raylene Martell, Clerk
Municipality of Grey Highlands
206 Toronto Street South, Unit One
P.O. Box 409 Markdale, Ontario N0C 1H0

RE: Zoning By-law Amendment Z05.2020
Concession 12, Lot 25 (469182 Grey Road 31)
Municipality of Grey Highlands
Owner/Applicant: Brian William Mullin and Gwendolyn Marie Mullin

Dear Ms. Martell,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to amend the Municipality’s Zoning By-law 2004-50 to implement consent application B01.2019. The effect of this by-law is to amend schedule ‘A-6’ from Rural (RU) and Hazard (H) to Rural (RU), Hazard (H) and Rural Residential (RUR).

County planning staff provided comments February 4th, 2019 for the related consent application B01.2019. Staff recommended refusal of the subject application as it did not conform with policy 2.7.3 of the 2012 County OP. This policy speaks to the matter that non-farm lot creation shall not be permitted within lands identified as an Aggregate Resource Area.

Schedule B of the County OP identifies the area to be severed as an ‘ Aggregate Resource Area’.

Under the newly approved County Official Plan, section 5.6.2(8) states,

    Non-farm sized lot creation of lots less than 20 hectares in size will not be permitted in Aggregate Resource Areas. Lot creation for infrastructure or public use purposes may be exempted from this requirement provided all reasonable measures are taken to mitigate any impacts on the aggregate resource.

Grey County: Colour It Your Way
Under section 2.5.2.5 of the Provincial Policy Statement, the following policy speaks to the protection of long-term resource supply (aggregate):

**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:**

a) **Resource use would not be feasible; or**

b) **The proposed land use or development serves a greater long-term public interest; and**

c) **Issues of public health, public safety and environmental impact are addressed.**

The subject proposal does not conform, nor is it consistent with the County Official Plan (2019) and the Provincial Policy Statement (2014).

Schedule A of the County OP designates the subject lands as ‘Rural’ and ‘Hazard Lands’. Section 5.4.3(1) outlines the criteria for rural consents.

Appendix B of the County OP also identifies ‘significant woodlands’, ‘other identified wetlands’ and ‘streams’ on the subject property. Section 7.4(1) states,

**no development or site alteration may occur within significant woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions.**

Section 7.3.2(1) states,

**No development or site alterations are permitted within other wetlands or their adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.**

And section 7.9(2) states,

**No development will be permitted within 30 metres of the banks of a stream, river, or lake unless an environmental impact study prepared in accordance with section 7.11 of this plan concludes setbacks may be reduced and/or where it has been determined by the appropriate conservation authority these setbacks may be reduced.**

County planning staff recommend comments are received from the local conservation authority with regards to the natural heritage features on the subject property.
County Transportation Services has reviewed the subject file and has no comments or concerns.

County planning staff recommend refusal of the subject application as the application forms part of the conditions of approval for related consent application B01.2019. The proposed rural consent does not conform, nor is it consistent with County Official Plan policy 5.6.2(8) and Provincial Policy Statement Policy 2.5.2.5.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please contact me.

Yours truly,

Stephanie Lacey
Planner
(519) 372-0219 ext. 1296
stephanie.lacey-avon@grey.ca
www.grey.ca
February 4, 2019

Mr. Michael Benner, Director of Planning and Development
206 Toronto St South, Unit 1, Box 409
Markdale, ON
N0C 1H0

Dear Mr. Benner:

RE:  Consent to Sever Application B01.2019
    Applicant: Brian and Gwen Mullin
    Part of Lot 25, Concession 12; 469182 GREY RD 31
    Roll Number: 42-08-140-009-021-00
    Municipality of Grey Highlands, formerly Osprey Township
    Our File:  P19019

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the Memorandum of Agreement with the Municipality of Grey Highlands and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal
The subject proposal is to sever a two-acre rural residential lot, leaving a retained parcel of approximately 39 hectares.

Site Description
The property is located on the south side of Grey Road 31, approximately 1.9 km east of Sideroad 20, in the Municipality of Grey Highlands, formerly Osprey Township. The property features a residence with multiple agricultural accessory structures, manicured areas, and a man-made pond feature located within the northern portion of the parcel. The remainder of the property features agricultural lands, woodlands, wetlands and watercourse features.

GSCA Regulations
Portions of the subject property are regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated areas are associated with several watercourse and wetland features, which are tributaries of the Beaver River.
Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

As no development plans have been presented, GSCA is unable to determine if a permit is required from this office at this time.

**Provincial Policy Statement (2014)**

**3.1 Natural Hazards**

GSCA identified natural hazard features associated with flooding and erosion surrounding the wetland and watercourse features to the south and east of the proposed lot and a flood prone area to the north west of the proposed lot.

**3.1.1 b) Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards**

It appears that the proposed lot will encompass some natural hazard areas but will largely feature an upland agricultural area. The attached map depicts the natural hazard areas and is inclusive of a 15-metre allowance in the absence of any detailed flood and erosion information. It is recommended that any change to the zoning by-law incorporate the natural hazard areas as the 'Hazard' zone.

**2.1 Natural Heritage**

The GSCA confirmed natural heritage features in the form of significant woodland as mapped in the County of Grey Official Plan, fish habitat associated with the watercourse features, and the adjacent lands to the natural heritage features. Additional undocumented natural heritage features may be present such as significant wildlife habitat.

**2.1.5 b) Development and site alteration shall not be permitted in significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.**
The significant woodland feature is mapped further to the south and east in relation to the approximate location of the proposed lot. As such, development is not anticipated within the significant woodland feature.

2.1.5 d) Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

There is no significant wildlife mapping available given the complexities between the significant wildlife habitat criteria and on-site property characteristics. However, the watercourse and wetland features are considered candidate areas to support significant wildlife habitat. The majority of the proposed lot features an upland agricultural area adjacent to the watercourse and wetlands features.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements

The adjacent watercourse and wetland features support fish habitat. It is not anticipated that any in-water works will occur within these areas.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The Natural Heritage Reference Manual recommends an adjacent lands width of 120 metres from natural heritage features for consideration of negative impacts. The proposed lot is within 120 metres of these features.

No information has been submitted by the applicant with regard for the above natural heritage policies. Given the above policies an Environmental Impact Study (EIS) is warranted for consideration of the proposed severance application. However, based on our review, GSCA is of the opinion that with the implementation of a 30-metre buffer from the watercourse and wetland features, an EIS would not be necessary in this instance as this would ensure the residence and septic system is maintained within the upland agricultural land. We note, the 30-metre natural heritage buffer coincides with the GSCA regulated area shown on the attached map.

Should the proponent not be accepting of the 30-metre setback, an Environmental Impact Study prepared by a qualified professional is required to justify a lesser setback.

Recommendations
Based on the site plans provided by the applicant, the exact location of the proposed lot is unclear. Given the natural hazard and natural heritage constraints recommended by GSCA, along with any
other Municipal zoning setbacks, we recommend a survey be provided to the satisfaction of the Municipality of Grey Highlands and Grey Sauble Conservation Authority.

The survey shall include the location of the existing and proposed property boundaries, the westerly structures on the retained parcel, and any other site features such as hydro poles, fencing, etc., that allow for the survey to be georeferenced. Once the survey is provided, GSCA can more accurately overlay the natural hazard and natural heritage constraints in relation to the proposed lot. We note, the attached map shows the approximate property location and building envelope with a 17-metre front yard setback, as required in the 'Rural Residential' zone, for discussion purposes only.

GSCA recommends the 30-metre natural heritage buffer from the watercourse and wetland features be implemented through a site-specific zoning by-law or development agreement with the Municipality of Grey Highlands. The hazard areas shown on the attached map are to be incorporated as the 'Hazard' zone in the Municipality's Comprehensive Zoning By-law.

Any development and site alteration within the area regulated by GSCA under Ontario Regulation 151/06 requires a permit from this office.

We request a notice of decision in this matter to be provided to our office.

If any questions should arise, please contact our office.

Regards,

Mac Plewe
Watershed Planner

enclosure

cc Ms. Cathy Little, GSCA Director, Municipality of Grey Highlands
Planning & Building Department, Municipality of Grey Highlands
Planning Department, Grey County
Brian & Gwen Mullin, Applicants
GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)

Scale = 1:1300

GSCA Map
Part of Lot 25, Concession 12
469182 Grey Road 31
Roll No. 42-08-140-009-021-00
Municipality of Grey Highlands (Osprey)
Our File: P19019

Monday, February 4, 2019
Planning Application Comments

Department: Building
Date: January 08, 2020
File No: Z05.2020
Applicant: Brian William Mullin and Gwendolyn Marie Mullin
Roll Number: 140.009.02100

Comments:

- Building Department has no concerns with the proposed zoning application to amend the Municipality of Grey Highlands Zoning By-law 2004-50 to implement consent application B01.2019. The effect of this By-law is to amend schedule ‘A-6’ from Rural (RU) and Hazard (H) to Rural (RU), Hazard (H) and Rural Residential (RUR).

- The owner should be aware that any development in the future on the subject lands will require approved permits from all legislated authorities and meet the required regulations in place at time of application.

Name: Debbie Anderson, CBCO, BCIN 119000
Title: Chief Building Official
Hi Cassondra

PU has no comments on this application at this time.

Thank you

Shawn Moyer,
Director of Public Utilities
The Municipality of Grey Highlands

In accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Corporation of the Municipality of Grey Highlands wishes to inform the public that all information, including opinions, presentations, reports and documentation received by this office MAY be posted on the Municipality's website, included on a public agenda and/or made available to the public upon request. This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received so we may ensure the integrity of the principles of MFIPPA are maintained.
NOTICE OF PUBLIC MEETING

Application For Zoning By-law Amendment: Z05.2020

Monday, January 27, 2020 at 5:00 p.m.
Municipality of Grey Highlands
206 Toronto St. S, Unit 1, Markdale, ON

Registered Owner: Brian William Mullin and Gwendolyn Marie Mullin
Legal description: CON 12 LOT 25; GREY HIGHLANDS
Civic Address: 469182 Grey Road 31
Frontage: 400m Depth: 1000m Area: 39.9 ha
Having access on: Grey Road 31
Assessment roll number: 4208 140 009 02100

What is being proposed? The Municipality is seeking input on development application within 120 metres of your property that would require a zoning by-law amendment.

The purpose and effect of Zoning By-law Amendment Z05.2020: To amend the Municipality’s Zoning By-law 2004-50 to implement consent application B01.2019. The effect of this By-law is to amend schedule ‘A-6’ from Rural (RU) and Hazard (H) to Rural (RU), Hazard (H) and Rural Residential (RUR).

Why? This meeting is an opportunity to learn about the proposed Zoning By-law amendments and provide feedback.

A Key Map is attached.

Where do I submit my comments?
Please submit written comments to the Clerk, Raylene Martell.

By mail or in person:
206 Toronto St. South, Unit 1
PO Box 409
Markdale, ON N0C 1HO
Fax: 519-986-3643
Email: clerk@greyhighlands.ca

Written comments are requested by January 24, 2020 so that they may be read at the public meeting for the benefit of everyone in attendance.

What can I expect at the Public Meeting?
The public meeting is an opportunity for members of the public to learn more about the proposal. Attendees can hear a brief presentation about the proposal, ask questions, and/or make verbal or written statements either in favour of, or in opposition to the proposed Zoning By-law Amendment. At the meeting members of the public will also hear a summary of any comments received about the proposed development prior to the public meeting.

When will a decision be made?
A decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting. After reviewing the application and any comments received, staff will bring a recommendation on this proposal to a future council meeting.

Want to be notified of a decision?
You must make a request in writing if you wish to receive a notice of any decision of Council on this proposal.

Your rights to appeal a decision:
If a person or public body does not make oral submissions at the Public Meeting or make written submissions to the Municipality of Grey Highlands before the proposed Zoning By-law is adopted, the Local Planning Appeal Tribunal may dismiss the appeal.

If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the Municipality of Grey Highlands before the proposed Zoning By-law is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

A Note about information you may submit to the Municipality:
Individuals who submit letters and other information to Council should be aware that any personal information contained within their communications may become part of the public record and may be made available through the Council agenda process.

This document can be made available in other accessible formats as soon as practicable upon request.