



Planning and Development

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

April 18th, 2023

Lorelie Spencer
Municipality of West Grey
402813 Grey Road 4, RR2
Durham, ON
N0G 1R0

RE: Consent Applications B09.2023
Part Lot 9, Concession 18 (281320 Normanby-Bentinck Townline)
Municipality of West Grey
Applicant: David Glenn
Owner: David Grein and Becky Kaufman

Dear Ms. Spencer,

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

The purpose of the consent application B09.2023 is to sever off a portion of the subjects lands for lot creation. This file was previously notes as file B08.2020 which was subsequently appealed at the OLT. The applicant failed to fulfill the conditions as noted in the Tribunal Order by the required deadline.

Schedule A of the County OP designates the subject lands as 'Rural'. Section 5.4.3 of the County OP states,

- 1) 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 of 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. In considering whether to pro-rate up or down, the land area must be within 15% of the required maximum to be pro-rated up, otherwise it will be pro-rated down e.g. an original township lot size of 50 hectares would be pro-rated down to 40 hectares;

however an original township lot of 58 hectares would be pro-rated up to 60 hectares.

Table 9: Permitted Rural Severances based on Original Township Lot Size

Original Township Lot Size (in hectares)	Number of Severances Permitted	Total Lots Permitted including the Severed and the Retained
20	1	2
40	3	4
60	4	5
80	5	6

The subject property is located on a 51-hectare original township lot (Lot 9, Concession 18). Currently, there are four (4) lots on the original township lot. Through Official Plan Amendment 11 which is force and effect as of November 16, 2022, County Planning staff clarified the Rural consent policies related to pro-rating up or down. As the policy states above, you can only pro-rate up if the if the original township lot is within 15% of required maximum lot size. In this case, the original township lot is 51 hectares, which would fall within the 15% pro-rated threshold. The subject application would meet Rural density policies. County Planning staff have no concern.

Schedule A of the OP also indicates that the subject lands contain 'Hazard Lands'. Comments were received from both SVCA on application B08.2020. As indicated in the Tribunal decision, SVCA did not have concerns related to the hazard lands. Provided that the location of the building envelope is the same as B08.2020, County Planning staff have no concerns.

Schedule B of the County OP designates the subject property as 'Aggregate Resource Area'. In the County letter for B08.2020, County Planning staff listed policy 5.4.2 which states that non-farm sized lot creation is not permitted within the Aggregate Resource Area. However, during the OLT hearing, the Tribunal found that the subject site was previously extracted and was rehabilitated in 2006 by the Management of Abandoned Aggregate (MAAP) program. The Tribunal found that

“all strategic aggregate resources have been depleted at the site”

County Planning staff will refer to OLT decision issued October 8th, 2021 in regard to the Aggregate Resource Area and therefore, have no concerns in this regard.

Appendix B of the County OP indicates that the property contains 'Core Area and Linkages', 'Significant Valleylands', 'Significant Woodlands' and a stream. The setback from these features vary from 120 metres to 30 metres. Through Bill 23, the province has reduced the Conservation Authorities ability to provide comments on natural

heritage features. However, both SVCA and NVCA provided natural heritage review for application B08.2020 where they found that the proposed lot creation will have no negative impacts on natural heritage. Provided that the building envelope is the same at the time of review by SVCA and NVCA, County planning staff have no concerns.

County Planning staff have no further concern with the subject application.

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

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

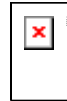
Yours truly,

A handwritten signature in cursive script, appearing to read 'Hiba Hussain', followed by a small circular flourish.

Hiba Hussain
Senior Planner
(519) 372-0219 ext. 1296
hiba.hussain@grey.ca
www.grey.ca

From: planning@grey.ca
Sent: April 18, 2023 5:46 AM
To: Lorelie Spencer; Britney Becker; Lisa Mulligan; Sarah Bothman
Subject: County comments for ZA12.2023 (relates to B09.2023) Grein

County comments for ZA12.2023 (relates to B09.2023) Grein



Hello West Grey,

Please see comments below for the County comments for Zoning application ZA12.2023 (relates to B09.2023) Grein - David Grein & Becky Kaufman.

County Planning staff have provided a fulsome review the subject development through a letter issued for the consent application B09.2023. Staff have no concerns with the associated zoning. Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Hiba Hussain

County of Grey, Owen Sound, ON

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

April 10, 2023 (amended)

Municipality of West Grey
402813 Grey Road 4
Durham, ON N0G 1R0

Attention: Lorelie Spencer, Manager of Planning and Development, Municipality of West Grey

Dear Lorelie Spencer:

RE: Applications for Consent and Zoning By-Law Amendment: ZA12.2023 and B09.2023
281320 Normanby Bentinck Townline
PT LOT 9; CON 18
Roll No. 420501000314001
Geographic Township of Normanby
Municipality of West Grey (Grein)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). Staff has also provided comments as per our Memorandum of Agreement (MOA) with the Municipality of West Grey representing natural hazards. The application has also been reviewed through our role as a public body under the Planning Act as per our Conservation Authority (CA) Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the applications is to change the zone symbol on the subject lands from A2 (rural) and NE (natural environment) to A2-481 (rural with exception). The effect of which will recognize the deficient lot area of a parcel requested for provisional consent.

Staff have received and reviewed the following documents submitted with this application:

- 1) Applications and site plan for Consent and Zoning By-Law Amendment dated March 17, 2023 and April 10, 2023
- 2) Notice of Public Meeting dated March 22, 2023

Site Characteristics

Access to the lot is provided via Normanby Bentinck Townline. The lot consists of agricultural lands, wetlands, and treed areas. There is existing residential development in the central portion of the lot. A tributary of the Beatty Saugeen River traverses the property.

Recommendation

SVCA staff find the applications acceptable. We elaborate in the following paragraphs. These comments are amended as previously submitted to the Municipality of West Grey dated April 10, 2023.

Delegated Responsibility and Advisory Comments

Natural Hazards

Portions of the property are affected by flooding and erosion hazards, and unstable organic soil hazards associated with a tributary of the Beatty Saugeen River and other wetlands. These same hazard areas are zoned Natural Environment (NE) in the Municipality of West Grey Zoning By-law No. 37-2006. In general, no new buildings or structures are permitted within the Hazard Lands designation or within the NE zone. In the opinion of SVCA staff, the NE zone as shown on Zoning Schedule 50 of By-law No. 37-2006, generally coincides with the hazardous lands mapping as plotted by SVCA staff.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement (PPS, 2020) Natural Hazard Policies– Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

Grey County Official Plan Policies

It is the SVCA's interpretation that organic, or unstable soils and poorly drained areas are considered Hazard Lands and detailed in Section 7.2 of the Grey County Official Plan. It is SVCA staff's interpretation, Section 7.2 dictates that new development should be directed away from Hazard Lands.

As per the site plan provided, there is no structural development proposed at this time. It is SVCA staff's interpretation that the proposed severed lot will contain hazard lands, but there is sufficient room outside of the hazard areas for development and access to the lot. Staff understand the hazard (NE) Zone will remain intact and unaltered. As such, it is our opinion, the proposed consent to sever conforms to the above-noted natural hazard policies.

As such, SVCA staff are of the opinion that the applications are consistent with the natural hazard policies of the PPS (2020) and the Grey County Official Plan.

Drinking Water Source Protection / Water resources

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Carl Seider or Karen Gillian at rmo@greysauble.on.ca (RMO).

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands, and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the subject property are within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area may require the permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 includes the straightening, diverting or interference in any way with a river, creek, stream, or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA 'Approximate Screening Area' on the property, please refer to the attached SVCA map.

SVCA Permission for Development or Alteration

There is no structural development proposed as part of this application. If development is proposed within the SVCA Approximate Screening Area on the lot, please contact this office as permission may be required. Please note, this letter is not permission for development within a SVCA Regulated Area.

Summary

SVCA staff have reviewed this application in accordance with our MOA with the Municipality of West Grey, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

SVCA staff find the applications acceptable.

Given the above comments, it is the opinion of SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated for the proposed severance.
- 2) Consistency with local planning policies for natural hazards has been demonstrated for the proposed severance.

Please inform this office of any decision made by the Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael J. Cook

Environmental Planning Technician, Environment Planning and Regulations Department
Saugeen Valley Conservation Authority
MC/

cc: Kevin Eccles, Authority Member representing West Grey, SVCA (via email)
Tom Hutchinson, Authority Member representing West Grey, SVCA (via email)
Karl Shipprack, CBO, Municipality of West Grey (via email)
Lisa Mulligan, Administrative Assistant, Municipality of West Grey (via email)