

Staff Report

Report To: Committee of Adjustment
Report From: David Smith, Manager Planning and Development
Meeting Date: March 4, 2025
Subject: B02.2025 – 2505289 Ont. Inc. (Deverell and Lemaich)

Recommendations:

THAT in consideration of staff report 'B02.2025 – 2505289 Ont. Inc. (Deverell and Lemaich)', the committee of adjustment hereby grants provisional approval to consent application B02.2025 for a stormwater easement as shown on 'PART 1, PLAN 16R-10661' attached to this decision and subject to the following conditions:

- a. THAT the owner provides a property tax certificate or correspondence from the municipal finance department, indicating that all property taxes have been paid up-to-date with respect to the property that is subject to this decision;
- b. THAT this decision applies only to 'PART 1, PLAN 16R-10661' as attached to and forming part of this decision;
- c. THAT the application is for an easement in favour of the dominant land (Part Lot 32, Concession 1, Division 3 Normanby being Parts 1, 2 and 3 Plan 61R22246, geographic township of Wellington North) for provision of, and access to; stormwater drainage as indicated on 'PART 1, PLAN 16R-10661' and that Subsection (3) or (5) of Section 50 of the Planning Act, apply to any subsequent conveyance;
- d. THAT a Reference Plan (survey that is registered) be completed and a digital copy and/or a hard copy be filed with the Secretary-Treasurer of the Committee of Adjustment, or an exemption from the Reference Plan be received from the Registrar. A draft copy of the reference plan shall be provided to the Secretary-Treasurer for review and approval prior to registration of the survey;
- e. 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));

- f. THAT the owner provides a draft transfer prepared by a solicitor describing the legal description of the servient and dominant lands and the purpose of the easement.

Highlights:

- The purpose of the application is to provide an approx. 6.7-metre-wide easement for stormwater drainage in favour of the dominant lands (the lands requesting the easement) over the west end of the servient lands (the lands subject to the easement).
- Municipal Address - Servient Lands: 311050 Highway 6 with frontage onto Watson Drive and Highway 6.
- Municipal Address - Dominant Lands: Located in Mount Forest/Wellington North and municipally identified as 535 Main Street North with frontage onto Highway 6.
- There is a new dentistry office proposed for the dominant lands.
- The servient lands are designated 'Industrial Business Park Settlement Area' in the Grey County Official Plan.
- The lands proposed for the stormwater easement are already subject to an easement for stormwater in favour of the neighbouring Young's Home Hardware Building Centre. The approval of a second dominant easement over the same lands will not impact any existing easement rights.

Previous Report/Authority:

None.

Analysis:

Comments - Agencies

West Grey Public Works: No concerns.

West Grey Building: No concerns.

West Grey Fire: No concerns

County of Grey: No concerns.

Ministry of Transportation: A Building and Land Use Permit has been issued for 535 Main Street, Mount Forest.

Saugeen Valley Conservation Authority: staff find the application acceptable.

Comments - Public

There have been no public comments submitted as of the date of this report.

Provincial Planning Statement 2024 (PPS)

As of October 20, 2024, the new Provincial Planning Statement applies to all decisions 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.

The subject lands are designated as 'Industrial Business Park Settlement Area' in the Grey County Official Plan.

The PPS 2024 is silent on 'easements' on lands designated 'Industrial Business Park Settlement Area'.

However, Policy 3.6(8) states that planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

Providing a suitable stormwater outlet for the dominant lands would be consistent with the PPS.

The Manager of Planning and Development is of the opinion that the consent is consistent with the PPS.

Grey County Official Plan (Grey OP)

The servient lot is designated 'Industrial Business Park Settlement Area'.

Section 3.10.2 *Development Criteria - Industrial Business Park Settlement Area* states that the development criteria listed in Section 3.9.4 applies to developments in the industrial park.

Section 3.9.4(8) requires that adequate drainage and outlets be provided for stormwater run-off. Approval of a drainage plan will be required from the appropriate approval authority.

Section 8.9.2 Stormwater Management requires surface water management systems to be included for developments if runoff from the location could increase existing drainage or water quality problems.

A Functional Servicing Report prepared by GM Blue Plan (dated September 2024) states that for the servient lands:

“It has been calculated that that post-development site will have an overall imperviousness of 79%, less than the pre-development. As a consequence, no quantity control is proposed for the Subject Property.

Runoff from the site will be directed to the existing drainage swale located at the west end of the site. The swale drains overland to the north and is heavily vegetated. The swale will provide a satisfactory measure of quality control prior to discharge and no further controls are proposed.”

The Manager of Planning and Development is satisfied that the application has regard to the Grey OP.

Municipality of West Grey Comprehensive Zoning Bylaw 37-2006

The West Grey zoning bylaw zones the servient lot as M1-472 Industrial Exception. There are no buildings or structures within the existing easement.

The Manager of Planning and Development is of the opinion that the consent is consistent with the intent of the West Grey Zoning Bylaw.

Financial Implications:

None.

Climate and Environmental Implications:

As reviewed in this report.

Communication Plan:

As required under the Planning Act, R.S.O. 1990, as amended.

Consultation:

As required under the Planning Act, R.S.O. 1990, as amended.

Attachments:

1. Plan 16R-10661
2. Aerial & Street View
3. Grey OP - Schedule A
4. West Grey Zoning

Recommended by:

David Smith, RPP, MCIP, Manager of Planning and Development

Submission reviewed by:

Michele Harris, Chief Administrative Officer

For more information on this report, please contact David Smith, Manager of Planning and Development at planning@westgrey.com or 519-369-2200 ext. 236.