

# Planning Report

## Application for Consent to Sever

313807 Highway 6  
Municipality of West Grey  
Durham, ON N0G 1R0

**Prepared for:**  
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File No. 22006

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## **PLANNING JUSTIFICATION REPORT**

Application for Consent to Sever  
313807 Highway 6  
Municipality of West Grey  
Grey County

### **1.0 BACKGROUND AND CONTEXT**

#### **7.5 Purpose of Report**

Cuesta Planning Consultants Inc. (CPC) has been retained by Ms. Maria Mychalchuk to prepare and submit a planning report in support of an application to sever a portion of her property in the Municipality of West Grey.

The following report provides a description of the holdings and surrounding land use, as well as an evaluation of the proposal with regard to relevant land use policy. This report will weigh the merits of the proposal according to the Provincial Policy Statement (PPS), Grey County Official Plan (Recolour Grey), and the Municipality of West Grey Comprehensive Zoning By-law.

This report and associated applications are intended as well, to satisfy the requirements of Sections 34 (10.1 & 10.2) and 53 (2 & 3) of the Planning Act regarding the submission of a complete application.

#### **1.2 Background and Description of the Proposal**

The subject property is located at 313807 Highway 6 in the Municipality of West Grey, in the former Township of Glenelg. It is legally described as Concession 1 EGR DIV 1 to 2 and Part DIV 3, Lot 21.

As noted above, the applicant wishes to sever a portion of land from her 57.6 ha property. The severed area is to be approximately 5.7 ha in area on the southwestern portion of the subject lands, and the retained area is to be approximately 51.9 ha in area.

The proposed lot will be accessed via Concession 2 on the south side of the property, which is currently an unopened road allowance. The owner of the lands will be responsible for extending the road to provide public access to her property.

Please see Figure 1 below for a depiction of the proposed severance layout.

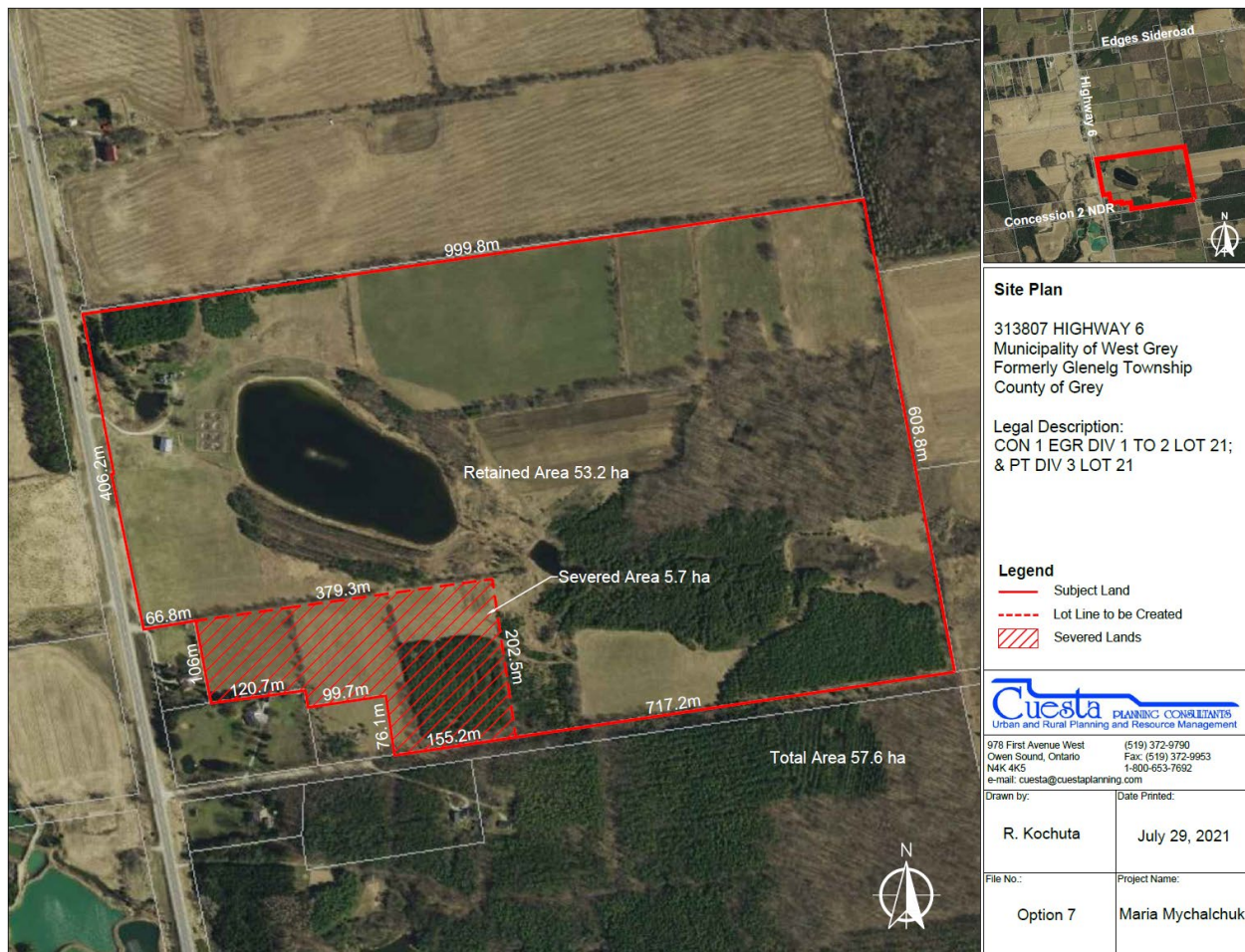


Figure 1 Proposed Severance Layout

### 1.3 Location and Description of Subject Lands and Surrounding Uses

The subject lands are located in a rural area of the Municipality of West Grey with existing access onto Highway 6. It is located approximately 2 km north of the closest urban area, which is the community of Durham.

The total area of the parcel is 57.6± hectares. There is a portion of significant woodlands on the south and east portion of the property, as well as a small pond on the western side. The subject lands currently contain a single detached dwelling on the northwestern corner of the property.

Lands to the north, east and west contain similar uses to the subject property. Some portions of these lands are farmed, and some are left as natural area. The adjacent property to the south contains significant woodlands and one of the adjacent properties to the east contains a wetland area.



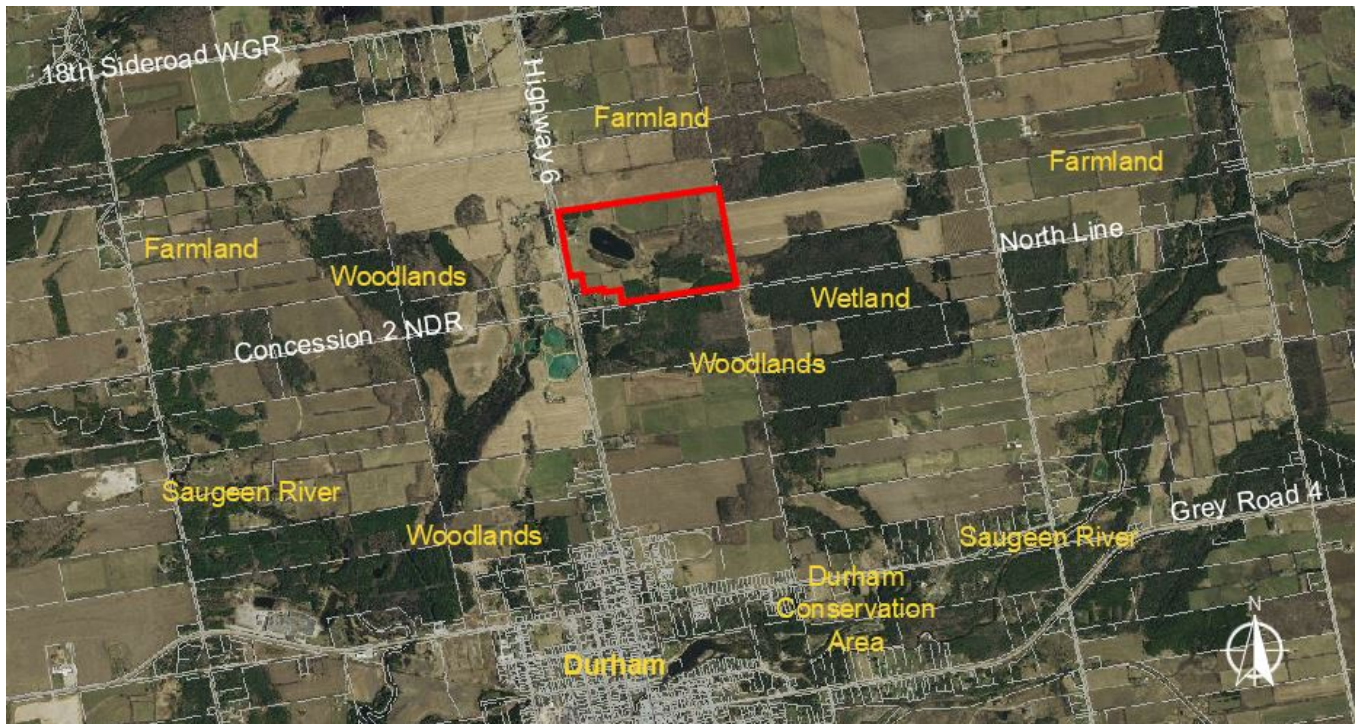


Figure 2 Subject Lands & Surrounding Land Uses

#### 1.4 Pre-Submission Consultation and Approvals Required

The proposed consent has been brought to County and Municipal staff in early 2020 for review, which could not be supported as the proposed consent exceeded County Official Plan policies. With the passing of Recolour Grey, an additional consent is permitted in Rural areas such as the applicant's property.

MTO staff have noted that new access onto Highway 6 for the severed parcel is not ideal. Access to the proposed severed lot will therefore be from Concession 2, where there is unopened road, a portion of which must be upgraded. As a part of the severance application, it is proposed that the applicant enter into a Limited Servicing Agreement with the Municipality. The applicant would be responsible for upgrading the road and the municipality would provide potential servicing to this new stretch of road.

SVCA staff have noted that an EIS would not be necessary for this proposed severance. However, one should be provided if a Zoning By-law Amendment is required on either the retained or severed parcels (excluding for a single detached residence) in the future. Any development on the subject lands is to take place at a 30m setback from the significant woodlands and water feature on the property.

The required MDS calculations are provided in Appendix 1 of this report.

The required approvals identified through pre-submission consultation efforts are summarized in Table 1 below:

*Table 1 Approvals Required*

Application	Approval Authority
<p><u>Consent to Sever</u></p> <p>A consent to sever is necessary to create the additional lot on the subject property for residential use.</p>	Municipality of West Grey
<p><u>Zoning By-law Amendment</u></p> <p>A zoning by-law amendment is required in order to permit a reduced lot frontage according with section 9.3 (reduced lot regulations) of the A2 zone.</p>	Municipality of West Grey



*Figure 3 SVCA Regulated Area*

## 2.0 LAND USE POLICY CONSIDERATIONS

As stated under Section 3 of the Planning Act, all decisions by any authority that affects a land use planning matter, shall be consistent with the Provincial Policy Statement (PPS). On May 1, 2020, the Province of Ontario implemented the updated Provincial Policy Statement. Any decisions made, on or after this date, are to be consistent with the 2020 PPS. The following analysis will evaluate the proposal against applicable PPS policy.

In addition to the Provincial Policy Statement, the Grey County Official Plan (Recolour Grey) and the Municipality of West Grey Comprehensive Zoning By-law 37-2006, provide land use policy applicable to the proposal.

## 7.5 Provincial Policy Statement

Although the PPS is to be read in its entirety, the following provisions are the most applicable to the consideration of the proposal.

*Table 2 Evaluation of the Provincial Policy Statement*

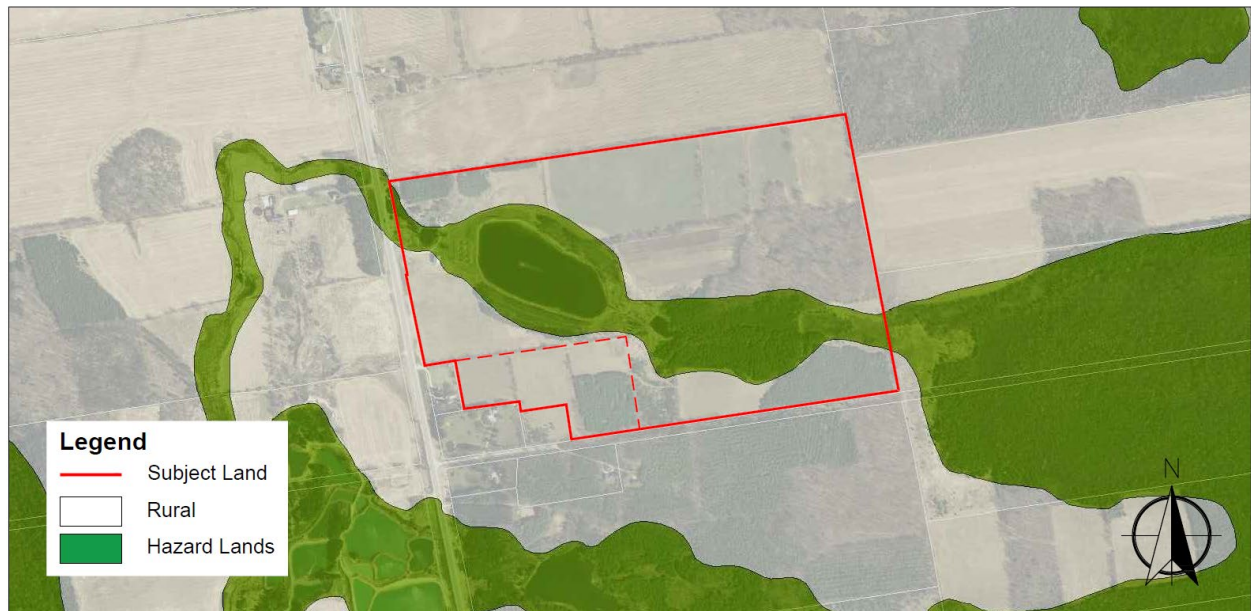
Provincial Policy Statement	
Policy	Evaluation
<b>1.0 Building Strong Healthy Communities</b>	
<b>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</b>	
<b>1.1.1 Healthy, liveable and safe communities are sustained by:</b>	
a) <i>promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</i>	The subject lands are currently used for a single detached residence on the northwestern corner of the property. The creation of an additional lot provides for a marginal increase in municipal revenue. The property is privately serviced with water and septic. In consideration of the existing residential uses in the area, negligible impact on municipal hard and soft services is anticipated over the long term.
c) <i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i>	The significant woodlands at the south and east portion of the property and the small pond on the western side of the property will not be negatively affected as a result of this application. No development is proposed within the vicinity of these natural features on the subject property. Appropriate setbacks will be met when establishing the building envelope on the site. No impact related to environmental or public health and safety concerns is anticipated from this proposal.
e) <i>promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</i>	The proposed severance and associated single detached residence will be privately serviced in terms of water and septic. As a condition of the consent, the applicant has agreed to extend the current road to provide adequate access to the property via Concession 2. This will provide minimal impact on traffic on Highway 6.
<b>1.1.4 Rural Areas in Municipalities</b>	
<b>1.1.4.1 Healthy, integrated and viable rural areas should be supported by:</b>	



<i>a) building upon rural character, and leveraging rural amenities and assets;</i>	The addition of a single detached residence in the area will maintain the local rural character. No other changes in land use are proposed. The proposal will preserve the rural character on-site and within the surrounding area.
<i>d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;</i>	The proposal contributes to the housing stock in rural areas.
<b>1.1.4.4 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area</b>	
<b>1.1.5 Rural Lands in Municipalities</b>	
<b>1.1.5.2 On rural lands located in municipalities, permitted uses are:</b> <i>a) The management of resources;</i> <i>c) residential development, including lot creation, that is locally appropriate;</i>	The proposed uses on the severed lands are for residential development, which is permitted in rural lands according to the PPS. The retained lands contain ecologically sensitive features and the land uses are not proposed to change.
<b>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</b>	The proposed severance and associated single detached dwelling are able to be privately serviced and are compatible with the rural landscape and character.
<b>1.1.5.5 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.</b>	The road extension is necessary in order to provide appropriate access to the severed lot. Water and septic services are appropriate to the rural area, and will not rely on municipal infrastructure.
<b>2.1 Natural Heritage</b>	
<b>2.1.1 Natural Features and areas shall be protected for the long term</b>	The subject property contains significant woodland areas and a small pond, which will be included entirely on the retained parcel which has been previously developed. No impacts on these natural features are expected.
<b>3.1 Natural Hazards</b>	
<b>3.1.1 Development shall generally be directed to areas outside of:</b> <i>b) erosion hazards (in part)</i>	No development is proposed within or near the hazard areas on the property. Appropriate setbacks will be met while locating the proposed single detached dwelling.



## 2.2 Grey County Official Plan (ReColour Grey)



*Figure 4 Grey County Official Plan (excerpt)*

The subject lands are designated Rural and Hazard Land in the Grey County Official Plan. Figure 5 (below) also shows that the subject lands contain significant woodlands on the east and south portions of the property.



*Figure 5 Significant Woodlands – Appendix B of the Grey County Official Plan (excerpt)*

Table 3 Grey County Official Plan evaluation

Grey County Official Plan	
Policy	Evaluation
<p><b>5.4 Rural Land Use Type</b>  <i>The predominant land uses within the Rural land use type will be agriculture, aggregate extraction, recreation, and forestry. While this land use type will continue to protect the existing farming operations and maintain the visual appearance of a rural landscape, the Rural areas will permit the consideration of resource based recreational uses and other appropriate rural land uses so long as they do not impact agriculture, forestry, aggregate extraction, or the natural environment.</i></p> <p><i>Outside of settlement areas, the Rural land use type offers flexibility for lot creation (both agricultural and non-agricultural), economic development, tourism, residential, and recreation. A wider range of lot sizes and accommodations are provided in the Rural land use type, than in other countryside land use types. While there is greater flexibility in the Rural land use type, farming and resource uses are still to be given priority for protection.</i></p>	
<b>5.4.1 Uses Permitted Policies</b>	
1) <i>The Rural land use type on Schedule A shall permit all uses permitted in Section 5.2.1 of this Plan (the Agricultural land use type).</i>	The current uses on the subject lands comply with these policy requirements. The land uses proposed include a single detached dwelling per resultant lot.
<b>5.4.2 Development Policies</b>	
2) <i>Minimum lot size within the Rural land use type for non-agricultural uses shall be determined by the zoning by-law of the local municipality and shall address the requirements of Sections 8 and 9 of this Plan. Unless otherwise specified new non-farm sized lots shall be a minimum of 0.8 hectares in size</i>	The severed lot is a non-agricultural lot. The Municipal zoning by-law specifies that the minimum area for this type of lot is 0.8 ha, which the proposal is able to meet.
5) <i>The Provincial Minimum Distance Separation (MDS) formulae policies found in</i>	The newly created lot will be able to comply with MDS setbacks. It is located approximately 350 m from the

<i>section 5.2.2 of this Plan shall also apply to the Rural land use type.</i>	nearest barn and will be located next to similar residential lots.
<b>5.4.3 Consent Policies</b>	
<p>7) <i>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.</i></p> <p>In order to avoid narrow linear parcels of land, the frontage-to-depth ratio for <i>non-farm sized</i> lots shall be a maximum of 1:3 and the lot must 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 justified in a <i>development</i> application, but will not require an amendment to this Plan.</p>	<p>The proposed lot is more than 0.8 ha in area. The original township lot that the subject property is located on was originally 60 ha in area which will permit four (4) severances according to the Rural policy. The proposed severance would be the fourth parcel created from the original township lot.</p> <p>The lot layout also does not conform to the 1:3 lot to depth ratio, as outlined in the County Official Plan. This is due to the unusual shape of the proposed severed lot, which requires access on Concession 2 in order to avoid a second entrance from the Highway.</p>
<b>7.2 Hazard Lands:</b>	
<p><i>Hazard Lands include floodplains, steep or erosion prone slopes, organic or unstable soils, poorly drained areas, and lands along the Georgian Bay shoreline. These lands can be impacted by flooding, erosion, and/or dynamic beach hazards or have poor drainage, or any other physical condition that is severe enough to pose a risk for the occupant, property damage, or social disruption if developed. While these lands are intended to be regulated</i></p>	<p>No development is to take place within any Hazard Lands on the property, or within the setbacks from any natural features on the subject property. No negative impacts on</p>



*so as to avoid natural hazards, they also contribute to the natural environment within the County. New development shall generally be directed away from Hazard lands. The policies of this section of the Plan work together with MNRF Natural Hazards Technical Guidelines, as well as conservation authority regulations, and policies.*

these natural features are foreseen.

#### 7.4 Significant Woodlands

*1) No development or site alteration may occur within Significant Woodlands or their adjacent lands, unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of this Plan.*

There will be no development or alteration on the significant woodland areas of the site. SVCA staff have commented that an EIS is not required.

## 2.4 Municipality of West Grey Comprehensive Zoning By-law

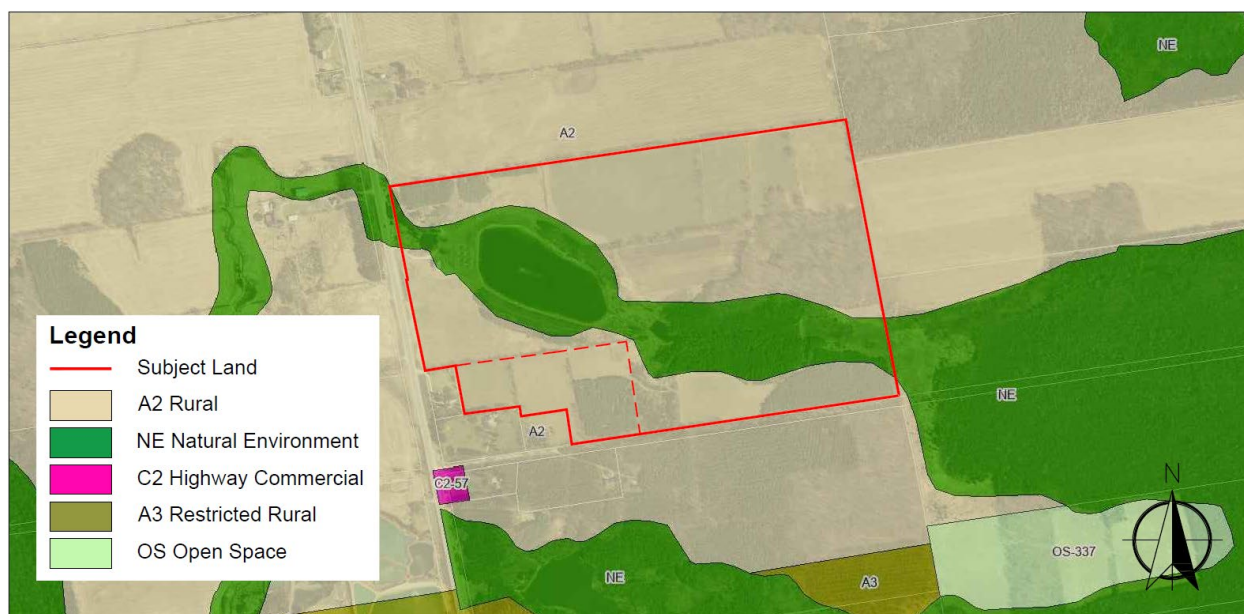


Figure 6 Municipality of West Grey Comprehensive Zoning Bylaw 37-2006 (excerpt)



*Table 4 Municipality of West Grey Comprehensive Zoning Bylaw 37-2006 – A2 Zone*

	<b>Required</b>	<b>Retained</b>	<b>Required Reduced Lot</b>	<b>Severed</b>
<i>Minimum Lot Frontage</i>	122 m	406 m	30.5 m	155.2m
<i>Min Lot Area</i>	20 ha	53.9 ha	0.8 ha	5.7 ha
<i>Maximum Lot Coverage</i>	15%	negligible	20%	-
<i>Min Front Yard Setback</i>	20 m	80 m	18.3 m	-
<i>Min Side Yard Setback (Int.)</i>	6 m	94 m	3 m	-
<i>Min Rear Yard Setback</i>	18.3 m	895 m	7.5 m	-

A zoning by-law amendment is required in order to implement the reduced lot regulations accordance with section 9.3 (reduced lot regulations) of the A2 zone for the severed parcel. The severed parcel will be able to meet the reduced lot regulations the A2 zone and the retained lot will be able to meet the requirements of the A2 zone.

### 3.0 SUMMARY AND CONCLUSIONS

The proposed lot severance meets the intent of the Provincial Policy Statement, the Grey County Official Plan, and the Municipality of West Grey Comprehensive Zoning Bylaw.

In consideration of this report, the following can be concluded:

1. The proposal is consistent with the Provincial Policy Statement through the maintenance of the Rural character and ability to utilize appropriate rural servicing.
2. The proposal meets the intent of the Grey County Official Plan through conforming to lot density provisions and preserving natural heritage resources on the subject lands.
3. In order to facilitate the consent process, a Zoning Bylaw Amendment is required to implement the

Respectfully submitted,



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Approved by Don Scott, MCIP, RPP  
Cuesta Planning Consultants Inc.

## Appendix 1: MDS Calculations

**Description:** Farm 1

**Application Date:** Friday, June 11, 2021

**Municipal File Number:**
**Proposed Application:** Lot creation for a maximum of three non-agricultural use lots  
Type A Land Use

**Applicant Contact Information**

Maria Mychalchuk  
3164 Clipperton Drive  
Mississauga, ON, Canada L5M 0C2  
Phone #1: 416-561-5778  
Email: maria\_mychalchuk@rogers.com

**Location of Subject Lands**

County of Grey, Township of West Grey  
GLENELG, Concession: 1 EAST OF OWEN SOUND ROAD, Lot: 21  
Roll Number: 420522000101600

**Calculation Name:** *Farm 1*
**Description:**
**Farm Contact Information**

Not Specified

**Location of existing livestock facility or anaerobic digester**

County of Grey, Township of West Grey  
BENTINCK, Concession: 1 WEST OF OWEN SOUND ROAD, Lot: 20  
Roll Number: 420528000202700  
Total Lot Size: 80 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Unoccupied Livestock Barn, -	215 m <sup>2</sup>	10.8	215 m <sup>2</sup>


 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

**Existing Manure Storage:** V2. Solid, outside, covered

**Design Capacity (NU):** 10.8

**Potential Design Capacity (NU):** 32.3

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
1.0	X	224.5	X	0.7	X
				1.1	
				=	
				173 m (567 ft)	466 m (1529 ft)
Storage Base Distance 'S'					
(minimum distance from manure storage) (actual distance from manure storage)					
				173 m (567 ft)	466 m (1529 ft)

 The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

**Preparer Information**

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**Signature of Preparer:**

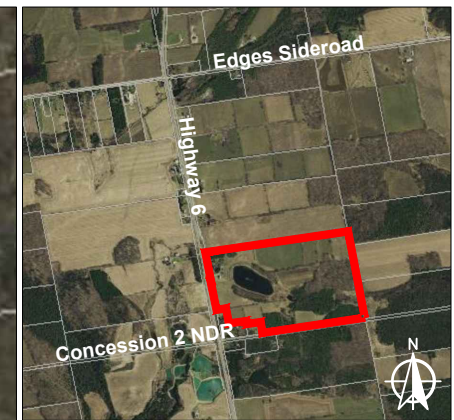
Ryan Kochuta

**Date:** September 30, 2021

**NOTE TO THE USER:**

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.





## MDS

313807 HIGHWAY 6  
Municipality of West Grey  
Formerly Glenelg Township  
County of Grey

Legal Description:  
CON 1 EGR DIV 1 TO 2 LOT 21;  
& PT DIV 3 LOT 21

## Legend

- Subject Land
- Lot Line to be Created
- MDS Setback

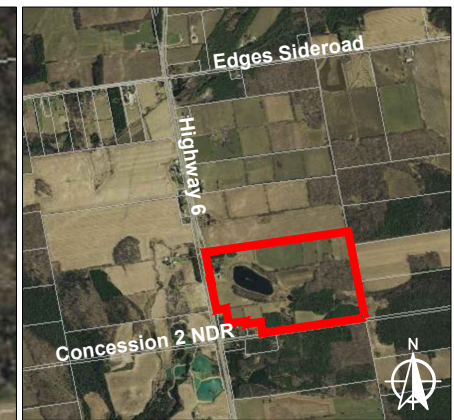
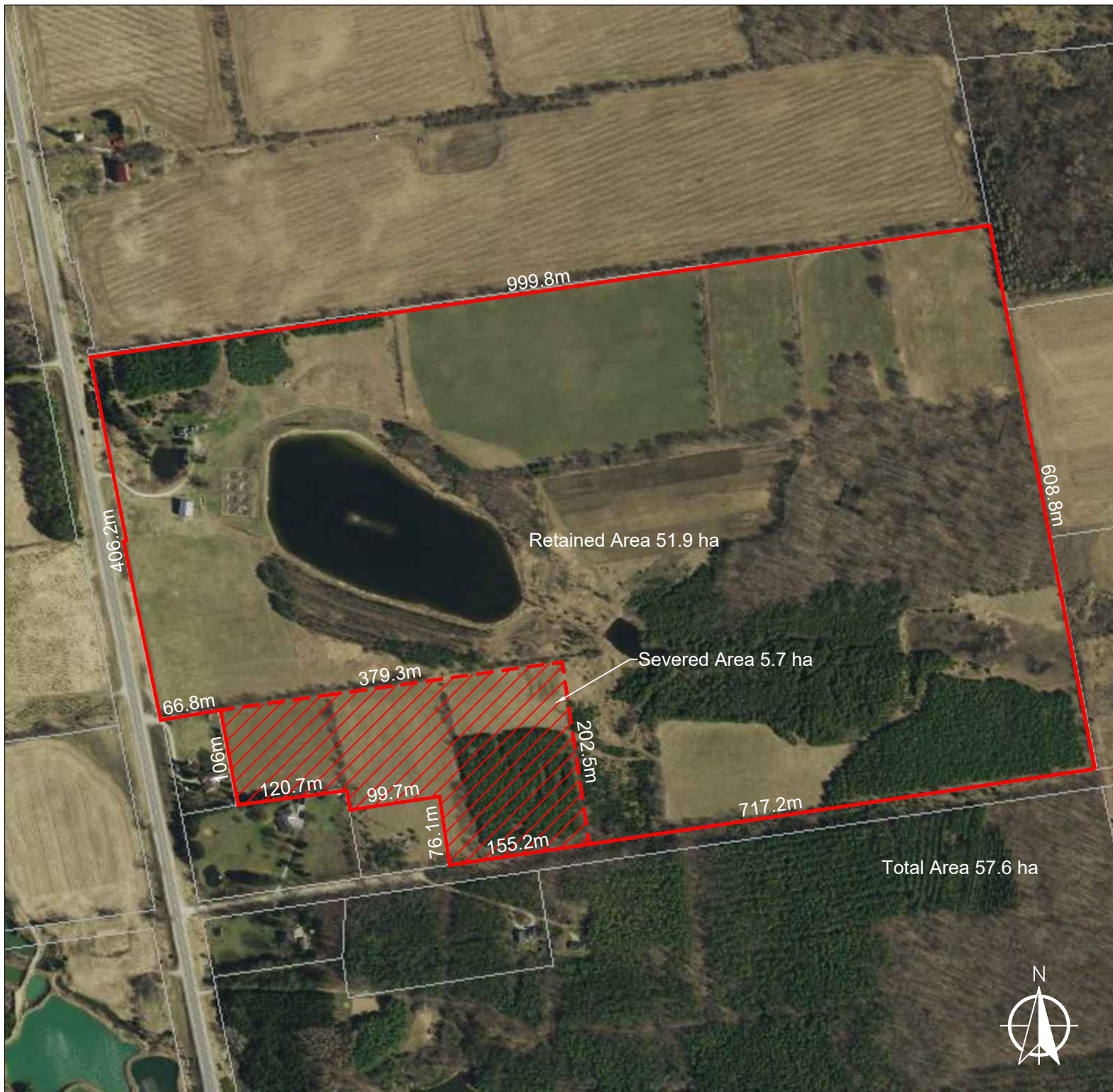
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## Appendix 2: Site Plan





### Site Plan

313807 HIGHWAY 6  
Municipality of West Grey  
Formerly Glenelg Township  
County of Grey

Legal Description:  
CON 1 EGR DIV 1 TO 2 LOT 21;  
& PT DIV 3 LOT 21

### Legend

- Subject Land
- Lot Line to be Created
- /// Severed Lands

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