

Planning Report

Application for Consent to Sever

174283 Mulock Road,
Municipality of West Grey,
County of Grey

Prepared for:

Joseph Allen

174283 Mulock Road,
West Grey, ON
N0G 1S0

Prepared by:

Cuesta Planning Consultants Inc.

978 First Avenue West
Owen Sound, ON N4K 4K5

Tel: 519-372-9790

Fax: 519-372-9953

cuesta@cuestaplanning.com

File No. 22036

July 2021



1.0 Contents

2.0	BACKGROUND & CONTEXT	1
1.1	PURPOSE OF REPORT	1
1.2	LOCATION & DESCRIPTION OF THE PROPOSAL	1
1.3	SURROUNDING LAND USES.....	3
1.4	PRE-SUBMISSION CONSULTATION	4
1.5	APPROVALS REQUIRED	4
3.0	LAND USE POLICY CONSIDERATIONS.....	5
2.1	PROVINCIAL POLICY STATEMENT (PPS)	5
2.2	COUNTY OF GREY OFFICIAL PLAN (GCOP)	9
2.3	MUNICIPALITY OF WEST GREY ZONING BY-LAW 37-2006	14
4.0	SUMMARY AND CONCLUSIONS	16

List of Figures

Figure 1: Site Plan	2
Figure 2: Surrounding Land Uses.....	3
Figure 3: Grey County Official Plan Schedule A – Designations (excerpt)	9
Figure 4: Grey County Official Plan Appendix B – Constraints (excerpt)	10
Figure 5: Municipality of West Grey Zoning By-Law 37-2006.....	14

List of Tables

Table 1: Required Approvals	4
Table 2: Provincial Policy Statement Evaluation	5
Table 3: Grey County Official Plan Evaluation.....	10
Table 4: West Grey Zoning By-law 37-2006 Regulations	15

PLANNING JUSTIFICATION REPORT

Application for Consent to Sever
174283 Mulock Road,
Municipality of West Grey,
County of Grey

2.0 BACKGROUND & CONTEXT

1.1 Purpose of Report

Cuesta Planning Consultants Inc. (CPC) has been retained by Mr. Joe Allen to prepare a consent to sever application and the related required materials to permit an amendment to the Municipality of West Grey Zoning By-Law 37-2006, to facilitate the creation of a new lot on the subject lands owned by the applicant, located at 174283 Mulock Road, Municipality of West Grey, County of Grey.

The following report provides a description of the property and surrounding land use, as well as an evaluation of the proposal with respect to relevant land use policy. In determining the appropriateness of the proposed zoning by-law amendment and severance, the following analysis will consider the nature of the proposal itself, along with its compatibility with the surrounding area and its consistency with the land use policy for this area. The conclusions of this report support the consent to sever application.

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

1.2 Location & Description of the Proposal

This proposal is to facilitate the creation of a new residential lot with required servicing at 174283 Mulock Road, Concession 9 Part Lot 26 (RP 16R7318 Part 1) in the Municipality of West Grey.

The subject property is located southeast of the Crawford Settlement Area approximately three (3) kilometres north of Mulock, and twelve (12) kilometres northwest of Durham. The property is 19.57 hectares (48.36 acres) in area with 489.1 metres of frontage on Mulock Road, an open and maintained municipal road. The retained parcel will contain the existing residence fronting Mulock Road. The severed parcel will also be a residential lot and will require a new access to Mulock Road.

The subject property is a rural residential lot containing a single detached dwelling with the associated private servicing. The majority of the retained parcel is covered by forest. The subject application proposes the severance of approximately 1.05 hectares in the south western portion of the property. The severed parcel will have approximately 55 metres of frontage and a depth of approximately 190 metres. The remnant parcel will have approximately 434 metres of frontage and an area of 18.51 hectares. The property owners are proposing to build a single detached dwelling on the severed lot.

The severed parcel is to be serviced with a new on-site water well and a new septic system for wastewater treatment.

The preliminary Site Plan has been shown in this report as Figure 1.

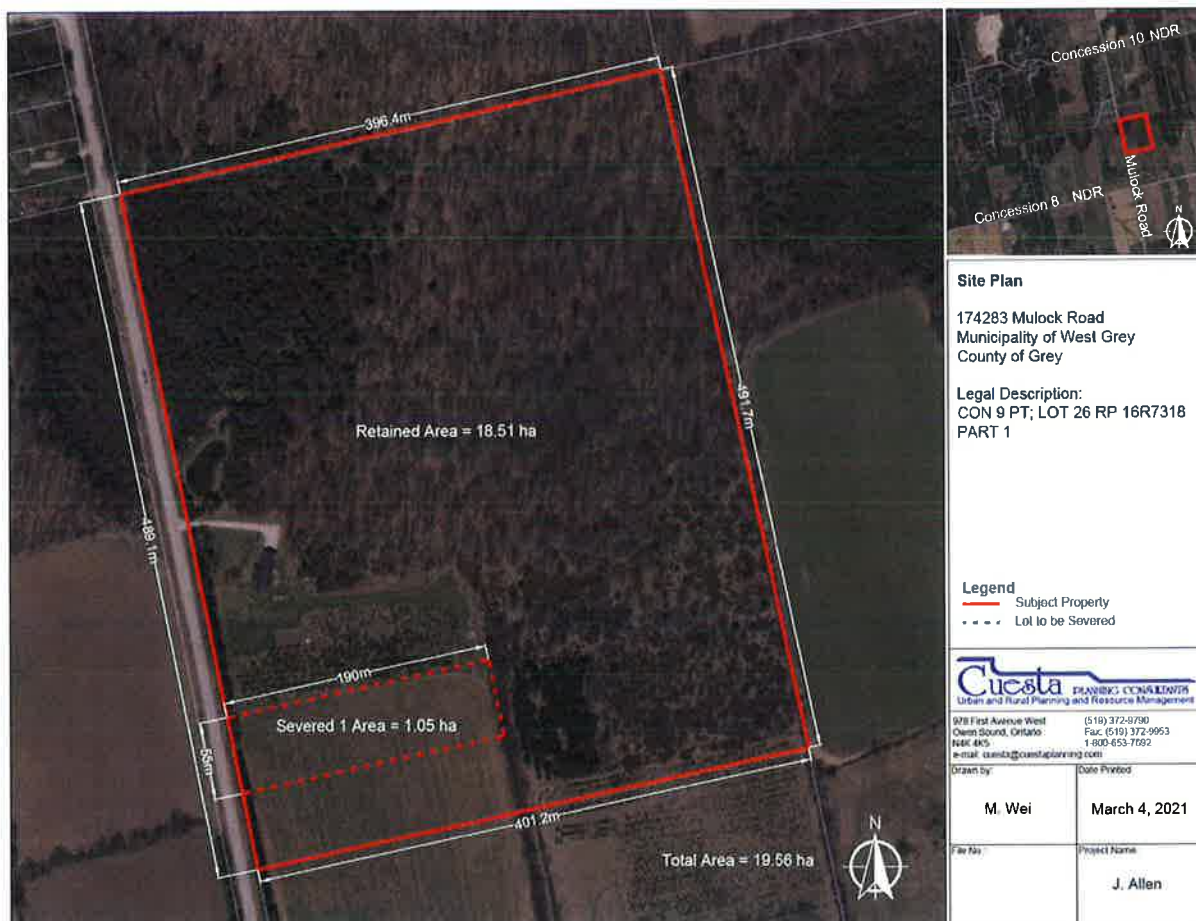


Figure 1: Site Plan

1.3 Surrounding Land Uses

Northwest of the subject property is the Crawford Secondary Settlement Area while to the northeast and east are a mixture of agricultural and rural land uses. Forested areas as well as hazard lands are scattered throughout to the surrounding area.

The lands to the south and east are designated as “Rural” lands and “Agricultural”. The Agricultural lands directly to the south are currently being farmed.

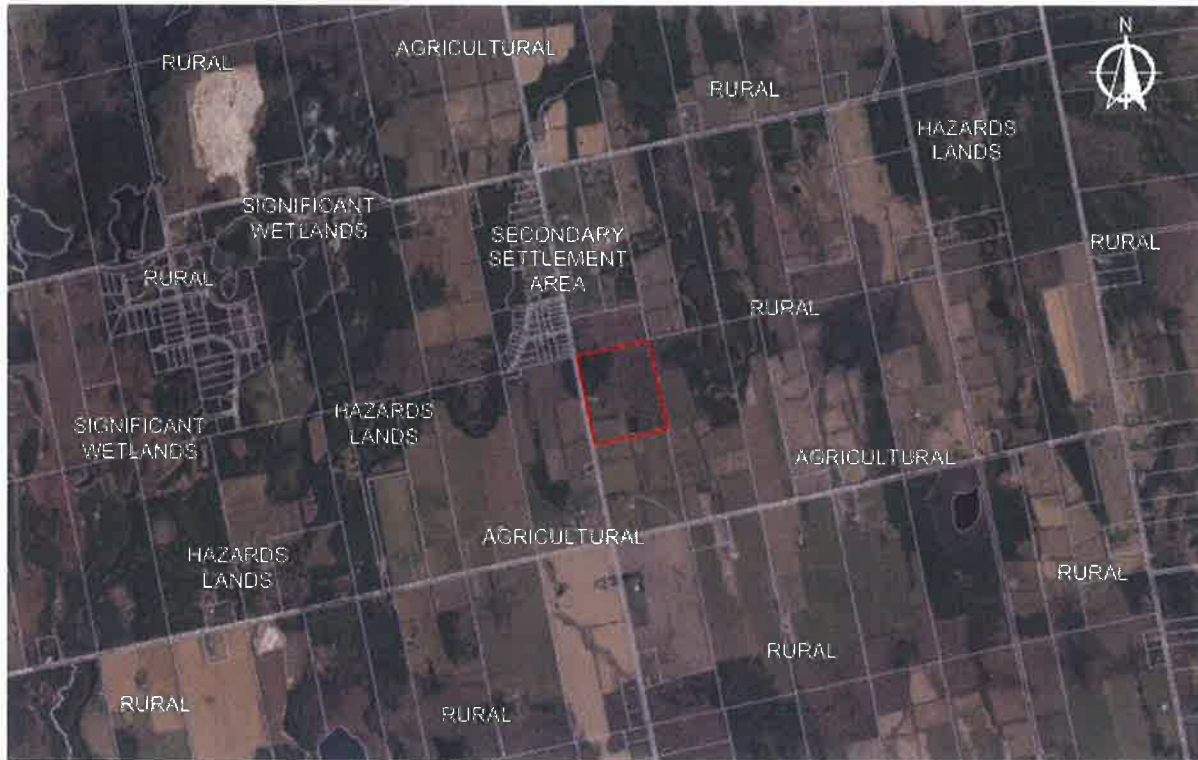


Figure 2: Surrounding Land Uses

1.4 Pre-submission Consultation

Preliminary written comments were received from Grey County planning staff via email.

Preliminary comments from planning staff at the County of Grey, indicated that any severed lot shall be located entirely outside of any portion of the property designated Agricultural. Should the lot be created in this manner, the County would have no issues from this perspective.

Although from a lot density perspective, County policies permit one severance per ~20 hectares of Rural land. It was identified that there is a small section of agricultural land on the southern lot but will pose no concern as it is outside of the severed parcel.

This report and accompanying materials are intended to satisfy the above noted complete application requirements of Section 53 (2 & 3) of the Planning Act and provide confirmation that creation of a new lot is an appropriate use of the property.

1.5 Approvals Required

Based on the preliminary comments from the County staff and a review of the applicable policy the approvals required are summarized in Table 1 below:

Table 1: Required Approvals

Application	Approval Authority
<u>Consent to Sever</u> A Consent to Sever application is proposed to create a new lot to accommodate a new single detached dwelling.	Municipality of West Grey
<u>Zoning By-Law Amendment</u> A Zoning By-Law Amendment will be required to recognize the lot created by consent in accordance with the provisions of Section 10.3 Reduced Lot Regulations. In addition, an amendment will be required to recognize the undersized remnant parcel in accordance with section 10.2.1 Lot Area, Minimum.	Municipality of West Grey

3.0 LAND USE POLICY CONSIDERATIONS

As stated under Section 3 of the Planning Act, all decisions by any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement (PPS). On May 1st, 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 County of Grey Official Plan (GCOP), and the Municipality of West Grey Comprehensive Zoning By-law 37-2006, provide land use policy applicable to the proposal.

2.1 Provincial Policy Statement (PPS)

As noted above, any land use discussion must be tested against the applicable provisions of the PPS. Although the PPS is to be read in its entirety, the following provisions are deemed to be the most applicable to the consideration of the proposed amendment:

Section 1.0 "Building Healthy Communities"

Section 2.0 "Wise Use and Management of Resources"

Table 2: Provincial Policy Statement Evaluation

Policy	Evaluation
1.0 Building Strong Healthy Communities (in part)	
1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	
1.1.1 Healthy, liveable and safe communities are sustained by:	
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 proposed severance will create a land use pattern that reflects the existing uses in the immediate area. The retained and severed lots have frontage onto Mulock Road. No new impact on municipal hard and soft services is anticipated over the long term. The proposal will create a new lot and

	provides an increase to the municipal tax base.
c) <i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i>	This PPS policy relates primarily to servicing requirements and the need to demonstrate a site's suitability to accommodate the proposed water and sewer servicing. In this instance, the severed lot is to accommodate a new residential dwelling with private servicing. This proposal's size and configuration ensures that there is sufficient space to accommodate private services. There is sufficient frontage on the severed and retained lots to ensure adequate sight lines and safe access.
1.1.4 Rural Areas in Municipalities	
1.1.4.1 Healthy, integrated and viable rural areas should be supported by:	
h) <i>Conserving biodiversity and considering the ecological benefits provided by nature</i>	An area on the property is designated as part of the significant woodland areas. Any lot created will have no negative effect on the woodlands, as the noted area will be contained entirely on the retained parcel. The severed parcel does not impact any natural heritage features on site or impact the biodiversity and ecological features of the property.
1.1.5 Rural Lands in Municipalities	
1.1.5.2 On rural lands located in municipalities permitted uses are:	The property is designated Rural in the Grey County Official Plan. It should be noted that there is a small sliver of land in the southwest corner of the property that is designated as Agricultural. The
c) <i>residential development...</i>	

	<p>concerns from the County with respect to this area have been addressed.</p> <p>The severed and retained parcels are to continue as rural uses permitted by the PPS. The residential use on retained parcel will continue and the severed parcel is proposed to be used as residential.</p>
<i>1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</i>	The proposed lot will have no visual impact on the surrounding environment and does not require any new hard or soft servicing. The proposed lot creation will remain compatible with the agricultural and rural activities in the area.
<i>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.</i>	There is no intended change to the existing use of the retained parcel and any expansion of infrastructure is not required. The land to be severed will be of adequate size to accommodate private services in accordance with the Ontario Building Code. No new unjustified or uneconomical expansion of infrastructure is expected as a result.
<i>1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.</i>	MDS I calculations were completed for the proposed severance. The proposed lot is not in conflict with any separation distances for any surrounding barns.
1.7 Long Term Economic Prosperity	
<i>1.7.1 Long-term economic prosperity should be supported by:</i>	The proposed severance will not have an impact on the operations of the agricultural lot to the south. The land to

<p>i) <i>sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintain and improving the agri-food network.</i></p>	<p>be severed is currently being farmed by the owner of the agricultural lot to the south. The small tree farm to the north of the severed parcel will be maintained and harvested accordingly.</p>
<p>2.0 Wise Use and Management of Resources</p>	
<p>2.1 Natural Heritage</p>	
<p>2.1.1 <i>Natural features and areas shall be protected for the long term</i></p>	<p>The retained lot contains a woodland area. The severed property and proposed residence will not interfere with the woodlands or any natural heritage features.</p>
<p>2.1.5 <i>Development and site alteration shall not be permitted in:</i> b) <i>significant woodlands...</i></p>	<p>The PPS defines development in the following manner.</p> <p><i>Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.</i></p> <p>The majority of the retained parcel is covered by significant woodlands. The severance proposed does not create a conflict or impact the significant woodlands or any natural heritage features.</p>

Conclusions: The proposal provides an appropriate opportunity in a rural area of the province as per Section 1.1.4 of the PPS. As well, the proposed severance does not offend Section 2.3 of the PPS.

2.2 County of Grey Official Plan (GCOP)

The Grey County Official Plan (Recolour Grey) was adopted by County Council on October 25, 2018 and came into effect on June 7, 2019. It provides a policy framework to guide the physical, social, and economic development within the County and establishes related goals and objectives.

As indicated previously, the proposal is located on a property that has a Rural designation within the County of Grey Official Plan (GCOP). The proposal will meet the applicable provisions of the GCOP for lands designated at Rural.



Figure 3: Grey County Official Plan Schedule A – Designations (excerpt)



Figure 4: Grey County Official Plan Appendix B – Constraints (excerpt)

Table 3: Grey County Official Plan Evaluation

Policy	Evaluation
5.0 Cultivate Grey	
5.2 Agricultural Land Use Type	
5.2.3 Consent Policies	
<p>5) <i>Where a non-farm sized consent is being proposed on a split land use type property (e.g. a split Agricultural and Rural land use type), the consent may only be supported if;</i></p> <ul style="list-style-type: none"> a) <i>The entirety of the Agricultural land use type lands remain intact, and</i> b) <i>The lands outside of the Agricultural land use type meet the policies and criteria for a severance</i> 	<p>The proposed lot creation will be contained entirely in the Rural land use designation satisfying this policy direction.</p> <p>The rural lot creation policies allow for one severance provided generally 20 hectares of land is within the Rural land use designation. The original township lot has approximately 20 hectares of Land within the Rural designation. County staff have been amenable to permitting the creation</p>

<p><i>in the other land use type. In the Rural land use type, the lot would need to meet the Rural lot density and frontage provisions. In the Special Agricultural land use type, the lot would need to meet the Special Agricultural minimum farm lot size.</i></p>	<p>of a lot on the subject lands. Presently, there are two lots that share the Rural designation, however 98% of the designation falls on the subject lands pertaining to this application. In addition, the Rural designation on the southern parcel is small and is located in the rear of the property with no frontage, indicating that no further lot creation can take place. The proposed lot creation does not offend the intent of this policy</p>
<p>5.4 Rural Land Use Type</p> <p><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>	
<p>5.4.1 Uses Permitted Policies</p>	
<p><i>1) 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></p>	<p>Within Section 5.2.1, permitted uses include a single detached residential dwelling. The proposed use on the severed parcel complies with these policy requirements.</p>
<p>5.4.2 Development Policies</p>	

<p><i>2) 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></p>	<p>The severed lot is proposed to be about 1.05ha, exceeding the 0.8 hectares required by the County Official Plan.</p> <p>Section 8 of Recolour Grey relates primarily to development criteria such as confirmation of adequate access at the site and the site's suitability to accommodate water and sewer services. In this instance, a new access will be established and the severed will be of adequate size to accommodate private services in accordance with the Ontario Building Code.</p>
<p><i>5) The Provincial Minimum Distance Separation (MDS) formulae policies found in section 5.2.2 of this Plan shall also apply to the Rural land use type.</i></p>	<p>MDS I calculations were completed for the proposed severance. The proposed lot is not in conflict with any separation distances for any surrounding barns.</p>
<p><i>6) For any non-agricultural uses to be permitted within the Rural land use type, all of the following shall be satisfied:</i></p> <p><i>b) That development on productive agricultural land be discouraged. Where development is proposed on productive agricultural land (i.e. land that is currently or has recently been used for farm purposes) it shall be demonstrated that no reasonable alternative exists. The investigation for a reasonable alternative shall be limited to the lot to be developed.</i></p>	<p>Considering the topography and woodlands located on the parcel, the location of the proposed lot is logical.</p>
<p>5.4.3 Consent Policies</p>	

<p>1) (in part) 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.</p> <p>Original Township Lot size – 20 Ha</p> <p>Number of Severances permitted – 1</p> <p>Total Lots Permitted – 2</p> <p>The maximum lot density as outlined in Table 7 is intended to be the maximum permitted. Local municipalities through their local official plans can be more restrictive than the County Official Plan as it applies to the maximum lot density in the Rural Land Use Type without causing a conflict to the County Official Plan.</p> <p>In order to avoid narrow linear parcels of land, the frontage-to-depth ratio for non-farm sized lots (see Diagram 1 below) 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 development application, but will not require an amendment to this Plan.</p>	<p>The original Crown lot in this instance was 40 hectares in size, however only approximately 20 hectares of the lot is designated Rural. section</p> <p>The original township lot contains approximately 20 hectares of the land designated Rural. There are two lots that share the Rural designation, however 98% of the designation falls on the subject lands pertaining to this application.</p> <p>The Rural designation on the southern parcel is small and is located in the rear of the property with no frontage, indicating that no further lot creation can take place. The proposed lot creation does not offend the intent of this policy</p> <p>The severed lot has a proposed frontage of 55 metres by a depth of 190 metres. The proposed results in a frontage-to-depth ratio of approximately 1:3.5. This ratio is reasonable as the severed lot follows the shape of cleared land.</p>
--	--

Conclusions: The subject proposal meets the County of Grey Official Plan uses permitted policies, development policies and consent policies for Rural Land Use types. Therefore, the proposed lot creation conforms to Section 5.4 of the GCOP.

2.3 Municipality of West Grey Zoning By-Law 37-2006

The subject property is zoned A3 (Restricted Rural). The permitted uses within this zone include single detached dwellings. A Zoning By-Law Amendment will be required to recognize the lot created by consent in accordance with the provisions of Section 10.3 Reduced Lot Regulations. In addition, an amendment will be required to recognize the undersized remnant parcel in accordance with section 10.2.1 Lot Area, Minimum.



Figure 5: Municipality of West Grey Zoning By-Law 37-2006

Table 4: West Grey Zoning By-law 37-2006 Regulations

A3 – Restricted Rural Zone				
	10.2 Regulations		10.3 Reduced Lot Regulations	
	Required	Proposed (Retained)	Required	Proposed
Lot Area (minimum)	40ha (100 ac)	18.51ha (45.74 ac)	0.8ha (2 ac)	1.05ha
Lot Frontage (minimum)	122m (400.3 ft)	434m (1423 ft)	30.5m (100.1 ft)	55m
Front Yard (minimum)	20m (66 ft)	37m	18.3m (60 ft)	
Interior Side Yard (minimum)	6m (19.7 ft)	84m	3m (9.8 ft)	
Exterior Side Yard (minimum)	18.3m (60 ft)	-	7.5m (24.6 ft)	
Rear Yard (minimum)	7.5m (24.6 ft)	341m	7.5m (24.6 ft)	
Lot Coverage (maximum)	15%	<1%	20%	
Building Height (maximum)	2.5 storeys	2 stories	-	
Floor Area (minimum)	1-storey: 83.6m ² (900 ft ²) 2-storey: 102.2m ² (1100 ft ²)	>102.2m ²	1-storey: 83.6m ² (900 ft ²) 2-storey: 102.2m ² (1100 ft ²)	

4.0 Summary and Conclusions

This report has been prepared for the purpose of supporting a consent to sever application to create a new lot on the subject lands.

Given the foregoing, this planning report has demonstrated the following:

1. The proposal is consistent with the applicable provisions in the Provincial Policy Statement (PPS);
2. This proposal complies with the intent and provisions of the County of Grey Official with regard to policies in the Rural designation and lot creation;
3. This proposal does not conflict with nearby agricultural resources and does not impact natural heritage resources;
4. The proposal will require an amendment to the Municipality of West Grey Zoning By-Law 37-2006 to recognize the undersized remnant parcel and permit the creation of a lot in the (A3) Restricted Rural Zone in accordance with the provisions of Section 10.3 Reduced Lot Regulations;

Respectfully Submitted,



Prepared By Mitchell Baker,
Cuesta Planning Consultants Inc.



Reviewed By W. D. Scott, MCIP, RPP
Cuesta Planning Consultants Inc.