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Manager of Planning, The Municipality of West Grey

402813 Grey Road, Durham, ON N0G 1R0

File No. 21725

Subject: Consent Application - Lot Line Adjustment, Lot Addition (David Kuepfer)

Address: 150 Marshall Heights Rd, Durham & 313237 Highway 6, Durham, Municipality of West Grey

Dear David:

Cuesta Planning Consultants Inc. (CPC) has been retained by Mr. David Kuepfer and Mr. Gregory Metcalfe, the respective owners of 150 Marshall Heights Rd, Durham and 313237 Hwy 6, Durham. to submit the above noted consent application on their behalf, as owners of the subject lands.

Pre-submission consultation was undertaken with both Municipal and County staff and these offices have voiced concerns with the proposed consent application. These concerns included:

Municipality of West Grey:

- The proposed shape and size of the new lot.
- That the newly proposed lot would not reflect the orderly and contiguous development patterns that have been established in the area.
- That the size of the new lot would not be appropriate given the proposed use and would not conform to the minimum provisions of the zoning bylaw.
- That the use of the lot addition lands would be greatly restricted due to all access to the new lot configuration will be dependent on access from subdivision lot (150 Marshall Heights).
- That proposal does not embody good long-term planning.

County of Grey:

- CGOP minor lot additions policy as is applicable to Aggregate Resource areas.
- CGOP non-farm sized lot creation policy as is applicable to Aggregate Resources.

The concerns of the Municipal and County staff are noted with respect, however the merit and planning rationale will be detailed in this planning brief and we trust that it would be sufficient in motivating the positive consideration and resulting decision-making on this application.

This proposal has been measured against the relevant land use policies affecting the subject parcels which in this case are: **a)** The Provincial Planning Statement (PPS, 2024); **b)** The County of Grey Official Plan (Recolour Grey, 2019) and the relevant OPA 11 Modifications; as well as **c)** The Municipality of West Grey Zoning By-law, Number 37-2006.

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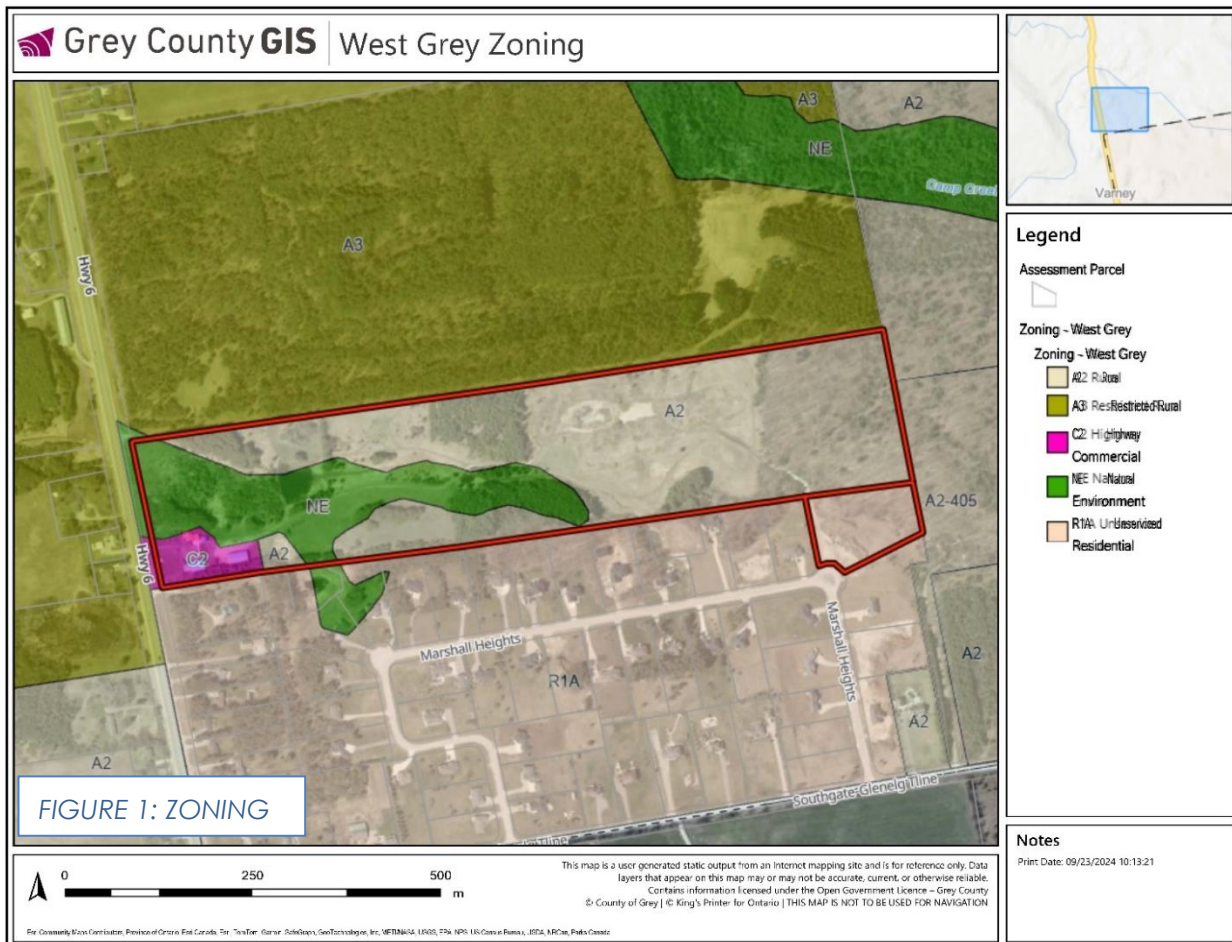
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- Appendix B: Authorizations from Landowners
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- Appendix D: Legal Agreement

1. SUBJECT LANDS STATUS QUO & BACKGROUND

The existing land details, including their use, areas, access and frontage on the relevant roads etc. are summarized in the following tables.

TABLE 1: EXISTING LANDS – LEGAL DESCRIPTION, OP DESIGNATION & ZONING			
ADDRESS	LEGAL DESCRIPTION	CGOP DESIGNATION	ZONING
150 Marshall Heights Rd	PLAN 16M29 LOT 14	Rural	R1A Un-serviced Residential
313237 Hwy 6, Durham	CON 1 EGR DIV 1 LOT 30	Hazard Lands Rural	A2 Rural NE Natural Environment C2 Highway Commercial



ADDRESS	AREA (ha)	ACCESS & FRONTAGE (m)	EXISTING USE
150 Marshall Heights Rd	±1.29	±49.5 on Marshall Heights RD	Vacant
313237 Hwy 6, Durham	±20.39	±200 on Highway 6	Accessory residence, storage structure & two (2) commercial structures, all of which area located on the C2 Zone of this property

- LAND USE

The subject lands are located ±1.5km (313237 Hwy 6, Durham) and ±3km (150, Marshall Heights) south of the Town of Durham. The primary land use found in the immediate vicinity of the subject lands is rural residential in nature.



- BACKGROUND OF THE PROPOSAL

In terms of merit, the history of the proposal has considerable significance, which includes the following:

- a) Mr. Kuepfer initially owned 313237 Hwy 6, Durham.
- b) Mr. Kuepfer found buyers for the land and the buyers, however, as the sale was closing the bank of the buyers were unable to provide the full mortgage amount, leading to a considerable shortfall (approximately \$200,000.00) in relation to the agreed upon sales value of the land.

- c) At that time lot line adjustment was also not an immediate option as Mr. Kuepfer did not own any land adjacent to 313237 Highway 6.
- d) The buyers and Mr. Kuepfer consequently completed a binding legal agreement that meant the buyers would essentially only be purchasing the 25 acres (50%) of 313237 Hwy 6, fronting on Hwy 6, and that a severance would be completed in the future, to return the remaining 25 acres to Mr. Kuepfer, after he succeeded in purchasing an adjacent property. 313237 Hwy 6 has since been sold to a new owner (Mr. Metcalfe) and he has consequently "inherited the obligations" of this agreement. Mr. Kuepfer has since acquired 150 Marshall Heights and can now proceed in fulfilling the stipulations of the said legal agreement by completing a lot line adjustment process.
- e) Note that, since this agreement has been entered into, it has been established that severance is not a viable option, seeing as MTO would not agree to separate access for a new parcel on Highway 6. If this process cannot be completed Mr. Kuepfer will incur a significant financial loss.

Considering the fact that the subject lands are part of a legally binding agreement, and the consent and merger will not create any new land use conflict, the application is reasonable.

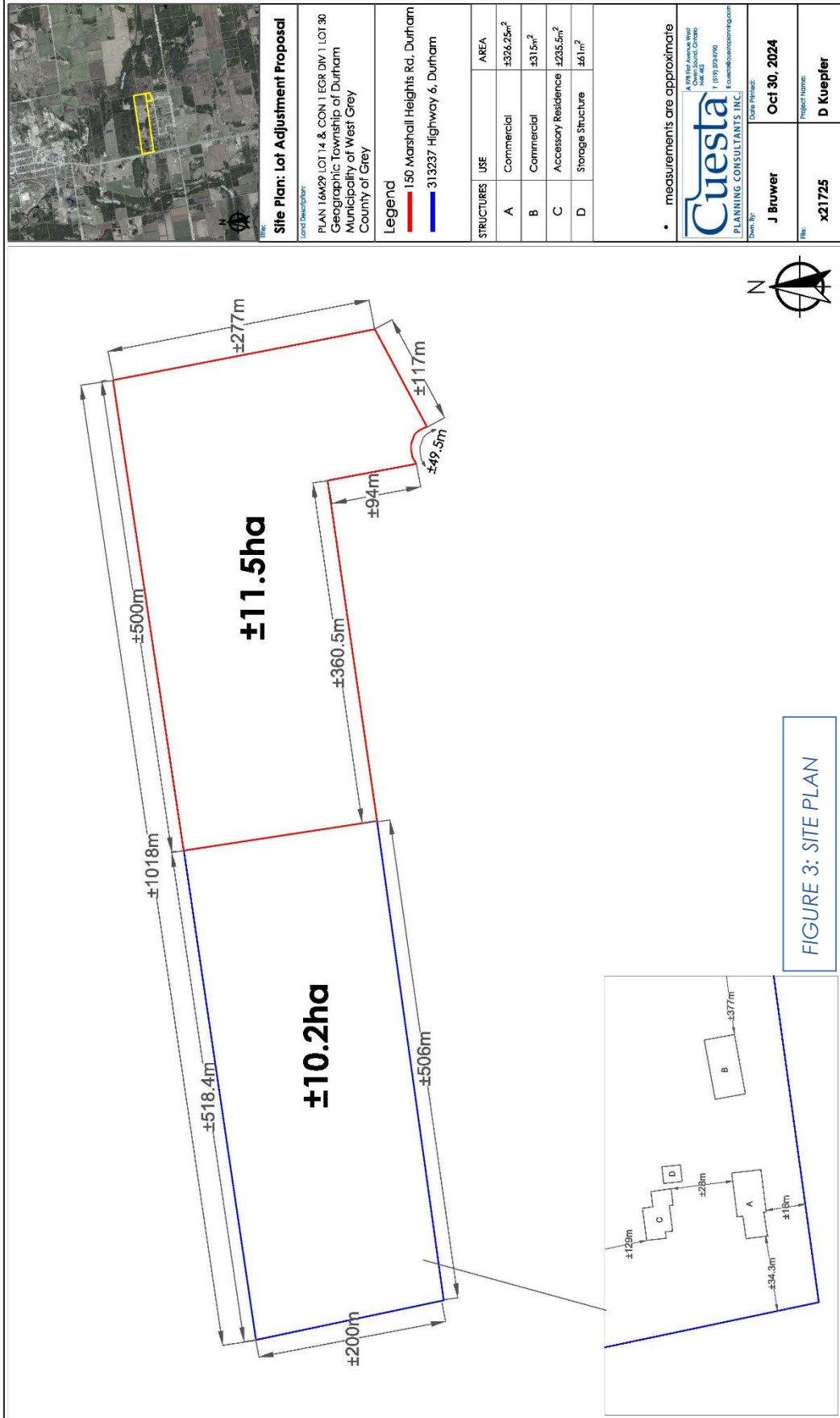
2. PROPOSAL

The proposal, access arrangements and land use on the proposed new lot configurations, are summarized in the following table and paragraphs.

TABLE 3: PROPOSED PROPERTY AREAS, FRONTRAGE, ACCESS & STRUCTURES/ USES				
ADDRESS	AREA (ha)	FRONTAGE (m)	ACCESS	STRUCTURES/ USE
150 Marshall Heights Rd, Durham, Municipality of West Grey	±11.5	Same as original.	Same as original.	A residential house will be built on the R1A zone in the future.
313237 Highway 6, Durham, Municipality of West Grey	±10.2	Same as original.	Same as original.	Same as original.

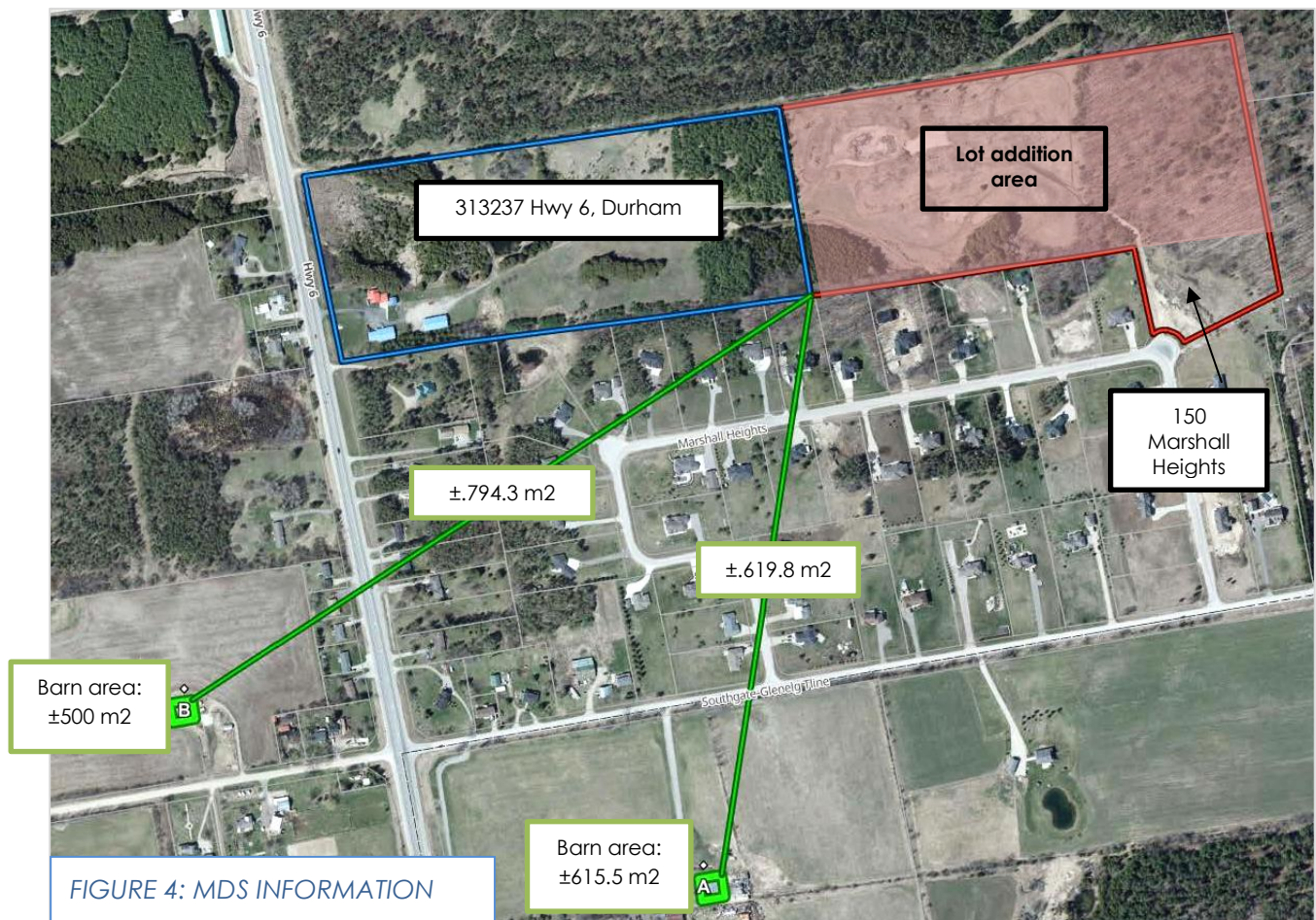
Mr. Kuepfer, who will be adding the lot addition area to his title on lot 150 Marshall Heights, should this application be successful, has had access to and use of the lot addition lands since the initial agreement was undertaken. He has been using these lands for private recreational purposes. This use will remain unchanged, should this application be successful, and its proposal be implemented. It is noted for clarification purposes that Mr. Kuepfer has no intention of establishing any building envelope or undertaking agricultural practices on the ±10.2ha that will be added to 150 Marshall Heights.

***See Appendix C for the full-size Site Plan.**



3. MINIMUM DISTANCE SEPARATION (MDS)

The matter of **Minimum Distance Separation (MDS)** has been considered and a site visit was conducted to discern the status quo of surrounding lands in terms of existing barns. No existing barns that were found are currently used for livestock housing purposes. Figure 4 shows the two barns that were located, as well as their respective areas and distances from the newly proposed boundary/ lot addition area of 150 Marshall Heights.

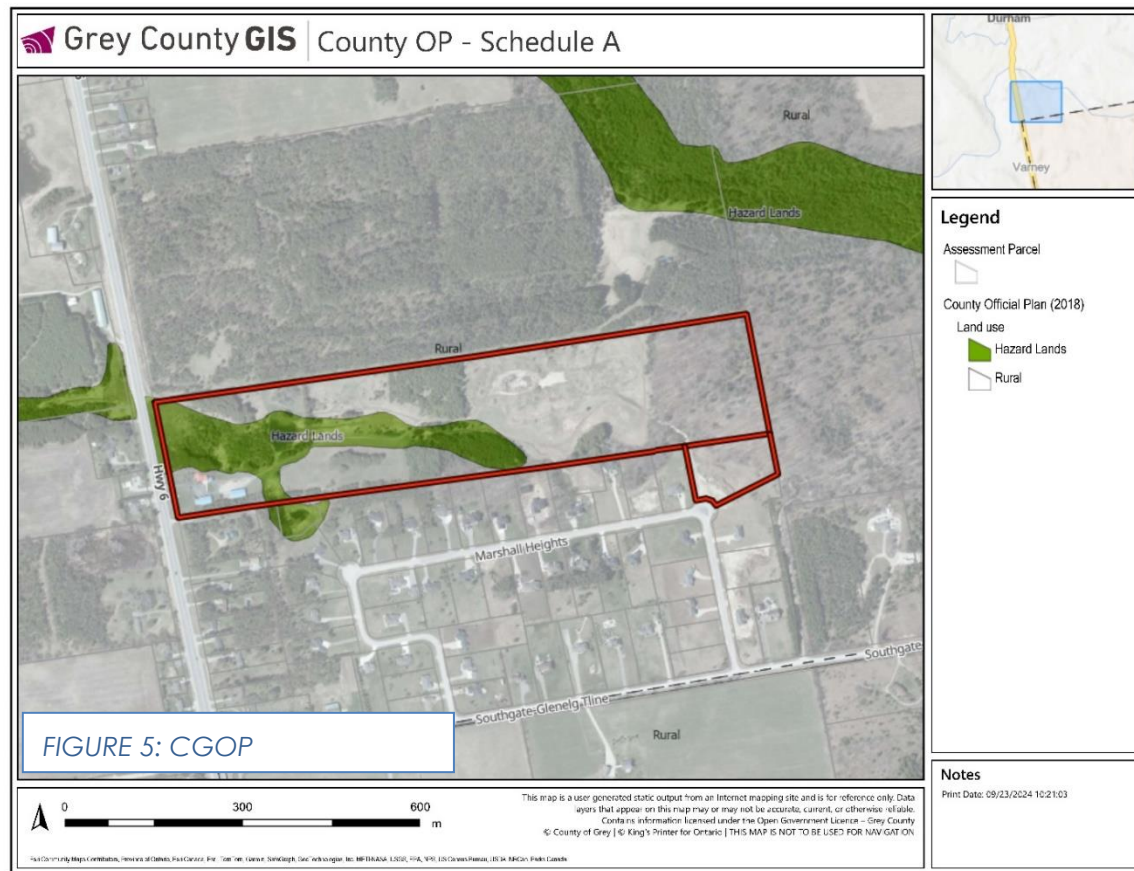


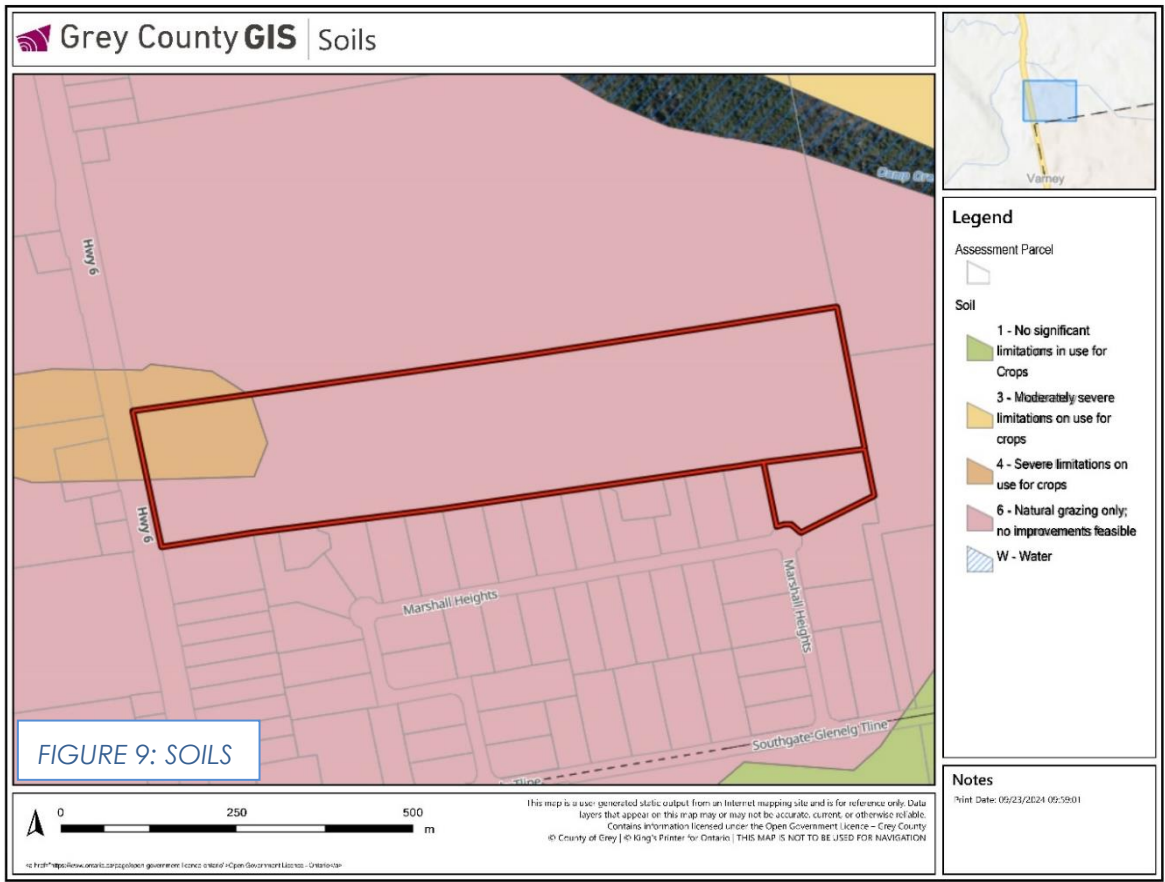
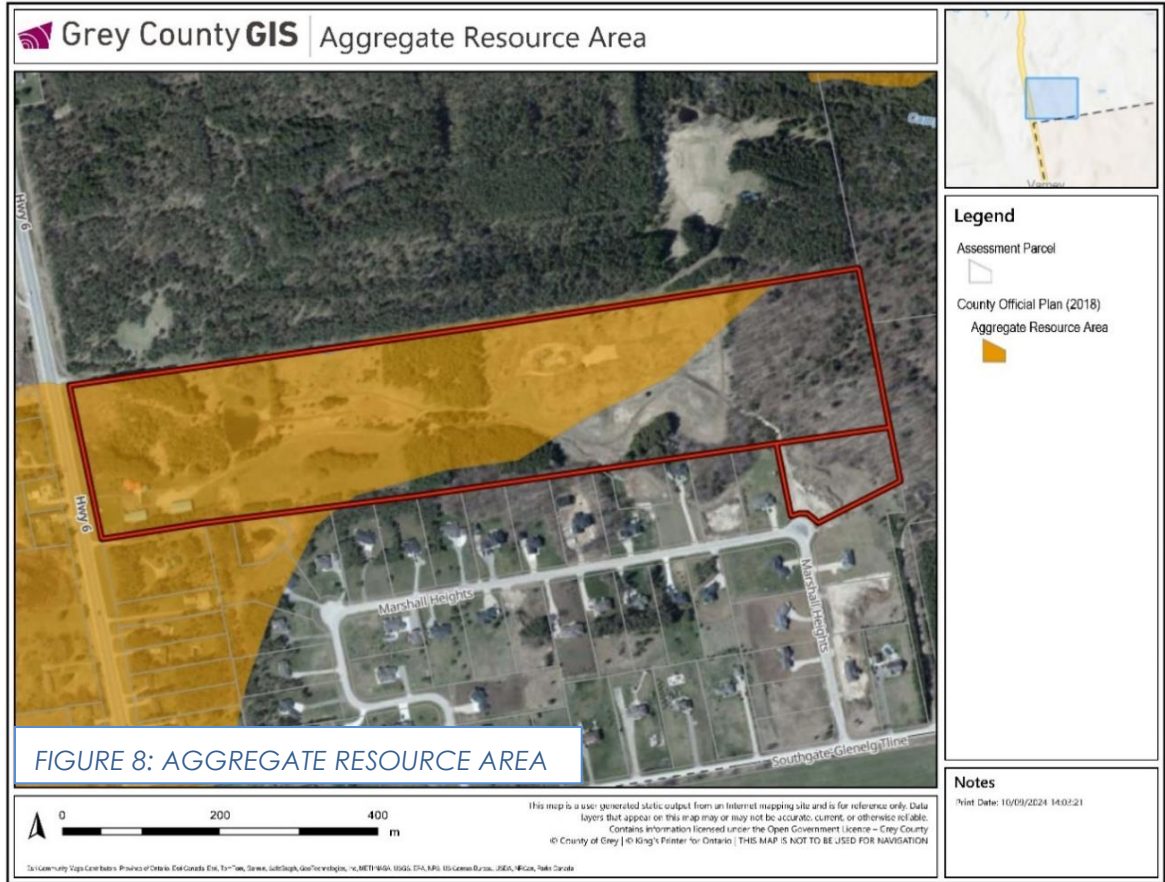
Given the non-agricultural use of these barns and the distances that these barns are located from the proposed lot addition area; secondly that minor boundary adjustments are exempt from MDS requirements (no new lot is being created) and lastly that there are 4 or more sensitive receptors (houses) between the proposed adjustment area and the area where the existing barns are located, it is the opinion of this office that the intent of the MDS Guidelines are met.

4. SITE FEATURES

The subject lands have a CGOP (Schedule A) designation of Hazard Lands and Rural (Figure 5) and are furthermore traversed by various natural features and authority control areas. These features include Significant Woodlands (Figure 6), SVCA Screening Area (Figure 7) and Aggregate Resources (Figure 8), all of which partially cover 313237 Hwy 6, Durham specifically.

The proposed lot line adjustment will involve the new lot line to traverse sections of all these features. The actual functioning of these areas will remain unchanged. The reason for this being that the lot area gained by 150 Marshall Heights will be used for private recreational purposes and he is not seeking to establish a building envelope in the gained lot area.





5. LAND USE POLICY FRAMEWORK

As stated under Section 3 of the Planning Act, all decisions by any authority that affect land use planning matters shall be consistent with the Provincial Planning Statement (PPS). On October 20, 2024, the Province of Ontario implemented the updated PPS. Any decisions made, on or after this date, are to be consistent with the 2024 PPS. The following analysis will evaluate the proposal against applicable PPS policy.

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

The official plan for the Municipality of West Grey does not apply to lands outside of the settlement areas of Durham and Neustadt, and it will therefore not be included for consideration in this planning report.

A. EVALUATION OF THE PPS

TABLE 4: APPLICABLE POLICY OF THE PPS

IMPORTANT PPS DEFINITIONS:

- 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, but does not include: activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards; or works subject to the Drainage Act; or for the purposes of policy 4.1.4.a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 4.1.5.a).
- INDIVIDUAL ON-SITE SEWAGE SERVICES
means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 350/06, under the Building Code Act, 2006 that are owned, operated, and managed by the owner of the property upon which the system is located.
- INDIVIDUAL ON-SITE WATER SERVICES
means individual, autonomous water supply systems that are owned, operated, and managed by the owner of the property upon which the system is located.
- NATURAL HERITAGE FEATURES AND AREAS:

means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

- **SITE ALTERATION:**

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 4.1.4.a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 4.1.5.a).

2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:
 - a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
 - c) other rural land uses.
2. Development that can be sustained by rural service levels should be promoted.
3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomic expansion of this infrastructure.
4. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

Compliance:

- *The proposed land use on the lot area removed from 313237 Highway 6 will remain unchanged. The land is presently used for private recreational purposes by the Kuepfer family.*
- *The proposed service delivery to the subject lands will remain unchanged.*
- *MDS indications are included earlier in this planning brief. The intent of the MDS Guidelines are met.*

3.6. Sewage, Water and Stormwater

4. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used if site conditions are suitable for the long-term provision of such services with no negative impacts. At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.

Compliance:	<ul style="list-style-type: none"> • <i>Given that Mr Kuepfer has used the proposed Lot addition area for private recreational purposes for many years, this application does not create any changes in the proposed use of the subject lands.</i> • <i>The servicing status quo of these lands will similarly remain unchanged.</i>
<p>4.1 Natural Heritage</p> <p>4. Development and site alteration shall not be permitted in:</p> <p>b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</p>	
Compliance:	<ul style="list-style-type: none"> • <i>The definitions of Development & Site Alteration, noted below, does not include Lot line adjustments or Lot additions.</i> • <i>It is nonetheless noted that the land use and functioning of the subject lands will remain unchanged. No impacts are therefore anticipated on the existing natural features of the subject lands.</i>
<p>4.5 Minerals Aggregate Resources</p> <p>4.5.2 Protection of Long-Term Resource Supply</p> <p>5. 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 resources shall only be permitted if:</p> <p>a) resource use would not be feasible; or</p> <p>b) the proposed land use or development serves a greater long-term public interest; and</p> <p>c) issues of public health, public safety and environmental impact are addressed.</p>	
Compliance	<ul style="list-style-type: none"> • <i>The adjacent lands have already been developed as a residential subdivision (Marshall Heights.</i> • <i>Due to existing issues with public health and safety it is unlikely that an aggregate operation would be implemented at this location, given the proximity to the Marshall Heights residential development, as well as access restrictions from MTO along this specific stretch of Highway 6.</i>
<p>5.2_Natural Hazards (in part)</p> <p>1. Development shall generally be directed to areas outside of:</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;</p> <p>2. Development and site alteration shall not be permitted within:</p> <p>d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.</p>	
Compliance:	<ul style="list-style-type: none"> • <i>The Hazard Lands located on site are within the regulated area of the SVCA and the SVCA would regulate any land use change.</i> • <i>It is anticipated that the land use on the subject lands will remain unchanged, no impacts are therefore anticipated on the existing natural features.</i>

B. EVALUATION OF THE CGOP

TABLE 5: APPLICABLE POLICY OF THE CGOP

IMPORTANT PPS DEFINITIONS:

- CONSERVATION AUTHORITY
refers to the Grey Sauble Conservation Authority, Saugeen Valley Conservation Authority, Nottawasaga Valley Conservation Authority and/or the Grand River Conservation Authority.
- 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, but does not include:
 1. Activities that create or maintain infrastructure authorized under an environmental assessment process; or
 2. subject to the Drainage Act.
- SITE ALTERATION
means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

5.4 Rural Land Use Type

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.

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.

5.4.1 Uses Permitted Policies

2) In addition to the uses listed in Section 5.2.1, the following additional uses will be permitted in the Rural land use type:

- a) Resource based recreational uses,
- b) Small scale transport terminals,
- c) Buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.,

3) All permitted uses listed under Section 5.4.1(1) and 5.4.1(2) shall satisfy the development criteria policies as outlined in Section 5.4.2.

5.4.2 Development Policies

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.

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.

6) For any non-agricultural uses to be permitted within the Rural land use type, all of the following shall be satisfied:

a) The development policies of Section 5.2.2, the Agricultural land use type, shall also apply to the Rural land use type, except where it makes reference to farm lot sizes and surplus farmhouse severances.

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.

10) Except for residential development associated with resource based recreational uses, new lot creation shall only be permitted via consent applications in accordance with the conditions of the general consent policies of Sections 8 and 9, in addition to the policies of Section 5.4.3.

Compliance:

- *The proposed lot areas will not be less than 0.8hectares, these areas are confirmed in Table 3 of this Planning Brief.*
- *The proposed lot line adjustment/ lot addition will not constitute any changes to the land use and functioning of the subject lands. As the current use of the land will remain unchanged, the consent will not hinder potential future aggregate extraction or the natural heritage resources found on the site. There are no current agricultural activities on the subject lands. The soil related (County of Grey Mapping) indicates that the subject lands are agriculturally suited to "Natural Grazing only no improvements feasible". A smaller section towards the north-west is shown to have "Severe limitations on use for crops" It is also notable that the lands are not presently used in any agricultural capacity (see Figure 9).*
- *No new lot will be created through this application process.*
- *MDS indications are included earlier in this planning brief. The intent of the MDS Guidelines are met.*

9.12 Lot Creation

1) Where division of land is considered, the approval authority must have regard to the policies of this Plan, the matters set out in the Planning Act, R.S.O. 1990, as amended and the following circumstances:

b) The land division is to promote development in an orderly and contiguous manner, and should not conflict with the established development pattern of the area;

c) The proposed use is compatible with existing and future permitted land uses on adjacent lands;

d) The servicing requirements of Section 8.9 must be met;

<p>e) Direct access from a Provincial Highway or a County road may be restricted as outlined in Section 8.3. Where possible, residential lots must not be approved where access from a road would create a traffic hazard because of limited sight lines, curves, or grades;</p> <p>f) Evidence that soil and drainage conditions are suitable to permit the proper siting of buildings, that a sufficient and potable water supply exists, and that conditions are suitable for sewage system construction;</p> <p>g) The size of any parcel of land created must be appropriate for the proposed use, and in no case, will any parcel be created which does not conform to the minimum provisions of the zoning by-law.</p> <p>h) The proposed lots comply with Provincial Minimum Distance Separation Formulae except for lots created within settlement areas.</p> <p>2) Any conditions, including zoning if required, must be fulfilled, prior to final approval of the lot creation.</p>	
Compliance:	<ul style="list-style-type: none"> • <i>No changes are planned or proposed to the current use of the lands, therefore no impact on adjacent lands will occur.</i> • <i>No impacts are anticipated on soils or drainage and the servicing status of the lands will remain unchanged.</i> • <i>The intent of the MDSI Guidelines are met.</i> • <i>Section 9.3, "Reduced Lot Regulations" of the relevant Municipality of West Grey Zoning By-law, Number 37-2006 will apply to the adjusted land parcel.</i> <ul style="list-style-type: none"> - <i>Note that no equestrian or livestock facilities are proposed or planned on these lands.</i> • <i>No new parcel is being created and the proposed lot configurations align with the zoning provisions of the Municipality of West Grey Zoning Bylaw.</i>
<p>5.4.3 Consent Policies</p> <p>1) All consents for new lot development shall be no smaller than 0.8 hectares in area</p>	
Compliance:	<ul style="list-style-type: none"> • <i>The lot being created and retained are in excess of the 0.8ha minimum.</i>
<p>7 NATURAL GREY</p> <p>Constraints</p> <ul style="list-style-type: none"> • Significant Woodlands <p>For the purposes of Section 7 of this Plan, adjacent lands mean those lands that are beside a natural heritage feature where development or site alteration may have a negative impact on the feature.</p> <p><u>Feature or Area Adjacent Land Width</u></p> <p>Significant Woodlands 120 metres</p>	
Compliance	<ul style="list-style-type: none"> • <i>It is noted that the land use and functioning of the subject lands will remain unchanged, no impacts are therefore on the existing natural features of the subject or adjacent lands.</i>
<p>7.2 Hazard Lands</p> <p>New development shall generally be directed away from Hazard lands</p>	
Compliance:	<ul style="list-style-type: none"> • <i>It is noted that the land use and functioning of the subject lands will remain unchanged, no impacts are therefore on the existing natural features of the subject lands.</i> • <i>As noted earlier, the hazard areas are within the regulated area of the SVCA.</i>

7.4 SIGNIFICANT WOODLANDS

6) Not all mapped Significant Woodlands are naturally occurring. In some cases, plantations have begun to transform into more naturalized woodlots, or fallow fields have over-grown to include early woodland features. Where these circumstances have occurred, an EIS may not be required for new development or site alteration, subject to the advice of a qualified professional, MNRF, conservation authority staff, or municipal/County staff. Where a significant amount of time has passed, and such plantation woodlands may now hold further natural value, an EIS may still be required.

Compliance:	<ul style="list-style-type: none"> • <i>Given the fact that the Lot additions and Lot line adjustments are not considered to be "development", as per the definition in the CGOP, it is not anticipated that the scale of this proposal is of a nature to be a concern.</i> • <i>As only recreational use of the lands is planned, no impact is anticipated.</i>
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8.9.1 Services

4) The following hierarchy of water or sanitary servicing options will be used to evaluate any Development applications within the County, except where specific exclusions are made through this Plan or where more detailed policies have been developed in a local official plan or secondary plan. The feasibility of the options will be considered in the following order of priority which will be assessed through a Servicing Options Study in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-5-3 Series Guidelines, or any subsequent update to these Guidelines:

- d)** Individual on-site sewage services and individual on-site water services in accordance with the policies contained in Section 8.9.1.

Compliance:	<ul style="list-style-type: none"> • <i>As the land use on the severed and retained will remain the same and as the lot size exceeds the minimum lot size required (0.8ha) for private servicing, there is no conflict with the servicing policy.</i>
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RURAL LAND USE TYPE

5.4.2 Development Policies

4) Non-farm sized lot creation shall not be permitted within Aggregate Resource Areas on Schedule B to this Plan.

5.6.2 Aggregate Resources Area Policies

1) The Aggregate Resource Area land use type on Schedule B act as overlays on top of other land use types shown on Schedule A to the Plan. Where the Aggregate Resource Area overlaps an Agricultural, Special Agricultural, Rural, or Hazard Lands land use type, the policies and permitted use of the underlying land use types shall apply until such time as the site is licensed for sand, gravel, or bedrock extraction.

8) 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.

11) Minor lot additions to existing lots may be permitted in Aggregate Resource Areas, provided reasoning is provided to:

- Demonstrate the appropriateness of the land area to be severed (i.e. land need, boundary error, servicing, parking, etc.); and

- Demonstrate that the outcomes of the lot addition will not unduly impact future resource extraction, both from an availability of land and potential land use conflict perspective, and
- To explain the hardship imposed by not permitting the severance.

All reasonable efforts shall be made to minimize any impacts on the aggregate resource through any lot additions.

Lot adjustments in the Agricultural land use type and Special Agricultural land use type may only be permitted for legal or technical reasons.

Lot additions for the purposes of consolidating resource lands may also be permitted, provided a new non-farm sized lot is not created.

Compliance:	<ul style="list-style-type: none"> • <i>As noted in the consideration of this policy in the PPS, it is unlikely that an aggregate application will ever be initiated at this location. The reasons for this is that the history of the subject property involves that Mr. Kuepfer (as the previous landowner of 313237 Highway 6) previously considered severing the lot addition area, that is subject to this proposal. This was however not deemed viable as MTO was unwilling to consider the approval of another access along the frontage of this property, on Highway 6. It is therefore logical to conclude that any proposed aggregate operation would have the same issue. The proximity of the land to the Marshall Heights residential development also creates a conflict.</i> • <i>Issues, in terms of potential future aggregate applications, and restrictions thereon includes access issues to Highway 6 or through a residential subdivision. As well the existing residential subdivision on the adjacent lands – aggregate operations create noise, air quality and traffic issues that are difficult to resolve.</i>
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C. EVALUATION OF THE MUNICIPALITY OF WEST GREY ZONING BYLAW, NUMBER 37-2007

The present zoning applicable to the subject lands are shown on Figure 1. The following table compares the impact of the proposed consent on the existing zoning. No change to the C2 Highway Commercial Zone, or the NE Natural Environment Zone are proposed.

TABLE 6: POST LOT LINE ADJUSTMENT ZONINGS APPLICABLE TO NEW LOT CONFIGURATIONS	
ADDRESS	ZONING
150 Marshall Heights Rd	R1A Un-serviced Residential A2 Rural NE Natural Environment
313237 Hwy 6, Durham	A2 Rural NE Natural Environment C2 Highway Commercial

The tables on the following pages will provide the applicable zoning details of the lands as these zonings and their regulations will apply, should this proposal be implemented.

TABLE 7: ZONINGS AND ADHERANCE TO REGULATIONS (150 MARSHALL HEIGHTS)**R1A PERMITTED USES AND ZONING REGULATIONS (Section 11)****(150 MARSHALL HEIGHTS)****11.1 Permitted Uses:**

One single detached residential dwelling unit, An accessory Bed and Breakfast establishment (Class 2), Home Occupation, An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29, Accessory uses buildings and structures in accordance with Section 6.1

11.2 Regulations:**Adherence of the Proposal**

LOT AREA, Minimum	2000 m ² (.5ac)	± 115,000 m ² (±11.5 ha)
LOT FRONTAGE, Minimum	30.5 m (100.1ft)	±49.5m
FRONT YARD, Minimum	7.6 m (25 ft) plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	<i>Not applicable currently as the property is not developed.</i>
INTERIOR SIDE YARD, Minimum	3 m (9.8 ft)	<i>Not applicable currently as the property is not developed.</i>
EXTERIOR SIDE YARD, Minimum	7.6 m (25 ft), plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	<i>Not applicable</i>
REAR YARD, Minimum	9 m (29.5 ft)	<i>Not applicable currently as the property is not developed.</i>
BUILDING HEIGHT, Maximum	10.5 m (34.5 ft) or two and a half (2.5) storeys whichever is greater	<i>Not applicable currently as the property is not developed.</i>
LOT COVERAGE, Maximum	30 %	<i>Not applicable currently as the property is not developed.</i>
FLOOR AREA		<i>Not applicable currently as the property is not developed.</i>
• Minimum	83.6 m ² (900 ft ²)	
• Less than two storey	102.2 m ² (1100 ft ²)	
• Two or more storey		
11.3 Other provisions:	Off-street parking and accessory uses shall be provided in accordance with the applicable regulations of Section 6.27. Regulations for an accessory bed and breakfast establishment and home occupations shall be provided in accordance with the applicable regulations of Section 6 – General Provisions.	<i>Not applicable currently as the property is not developed.</i>

A2 RURAL PERMITTED USES AND ZONING REGULATIONS (Section 9) (150 MARSHALL HEIGHTS)		
9.1 Permitted Uses		Adherence of the Proposal
Agricultural uses, buildings and structures, Agricultural related use, Bed and Breakfast Establishment (Class 2), Equestrian center facilities, Forestry, Group home, Home Occupation, Home Industry, A detached dwelling, Conversion of a single detached residential dwelling accessory to a farm for one additional residential dwelling unit in accordance with Section 6.29, Wayside Pits, Wayside Quarries. Temporary Portable Asphalt Plant in a wayside pit or quarry, Recreational Trails operated by a Public Agency, An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29, A recreational trailer in accordance with Section 6.39, Accessory uses, buildings and structures in accordance with Section 6.1.		The A2 sections of this parcel are not developed, this proposal does not include any proposed changes to this status.
9.3 Reduced Lot Regulations:		Adherence of the Proposal
LOT AREA, Minimum	0.8 ha (2 ac)	± 115,000 m ² (±11.5 ha)
LOT FRONTAGE, Minimum	30.5 m (100.1 ft)	±49.5m
FRONT YARD, Minimum	18.3 m (60 ft)	Not applicable currently as the property is not developed.
REAR YARD, Minimum	7.5 m (24.6 ft)	Not applicable currently as the property is not developed.
INTERIOR SIDE YARD, Minimum	3 m (9.8 ft)	Not applicable currently as the property is not developed.
EXTERIOR SIDE YARD, Minimum	7.5 m (24.6 ft) plus the distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	Not applicable currently as the property is not developed.
GROUND FLOOR AREA, Minimum	Less than two storey 83.6m ² (900 ft ²) Two or more storey 102.2m ² (1100 ft ²)	Not applicable currently as the property is not developed.
LOT COVERAGE, Maximum	20 %	Not applicable currently as the property is not developed.
ACCESSORY BUILDINGS AND STRUCTURES	Shall be subject to the applicable regulations of Section 6 – General Provisions of this By-law.	Not applicable currently as the property is not developed.

NE NATURAL ENVIRONMENT PERMITTED USES AND ZONING REGULATIONS (Section 31)

(150 MARSHALL HEIGHTS)

31.2 PERMITTED USES	Adherence of the Proposal
<ul style="list-style-type: none"> • Agricultural uses excluding: • New buildings and structures • Conservation uses including, Forest Management, Fish and wildlife management, Flood control, Erosion Control, Municipal drains, Passive recreation, Public Park areas but not including buildings or structures, Parking area, Existing uses, buildings and structures, permitted as of the date of passing of this By-law 	<p><i>The NE sections of this parcel are not developed, this proposal does not include any proposed changes to this status.</i></p>
31.2 REGULATIONS	Adherence of the Proposal
<p>Within any NE Zone, no land shall be used and no new building or new structure shall be constructed, altered or used except in accordance with the following regulations:</p> <ul style="list-style-type: none"> • No alteration or disturbance to watercourses or to municipal drains associated with open watercourses will be permitted without the prior written approval of the Conservation Authority having jurisdiction in the area. • Maintenance of existing driveways within the natural environment shall be permitted. New driveways and improvements will require prior written approval from the Conservation Authority having jurisdiction in the area. • Any cutting or destruction of trees shall be subject to the requirements of the County of Grey Tree Cutting By-law. • Buildings accessory to a Conservation, Passive Recreation or Park use shall meet front, rear and side yard requirements of the Agricultural Zone. • Related Natural Environment Setbacks are contained within the applicable regulations of Section 6-General Provisions of this By-law. • Interpretation of the limits of NE zone boundaries shall be governed by Section 2.6 of this By-law. 	<p><i>The proposal does not include any component that contradicts these regulations.</i></p>

TABLE 8: ZONINGS AND ADHERANCE TO REGULATIONS (313237 HIGHWAY 6)

A2 RURAL PERMITTED USES AND ZONING REGULATIONS (Section 9)

(313237 HIGHWAY 6)

9.1 Permitted Uses:	Adherence of the Proposal
<p>Agricultural uses, buildings and structures, Agricultural related use, Bed and Breakfast Establishment (Class 2), Equestrian center facilities, Forestry, Group home, Home Occupation, Home Industry, A</p>	<p><i>The A2 sections of this parcel are not developed, this proposal does</i></p>

detached dwelling, Conversion of a single detached residential dwelling accessory to a farm for one additional residential dwelling unit in accordance with Section 6.29, Wayside Pits, Wayside Quarries. Temporary Portable Asphalt Plant in a wayside pit or quarry, Recreational Trails operated by a Public Agency, An accessory apartment dwelling unit within a detached dwelling in accordance with Section 6.29, A recreational trailer in accordance with Section 6.39, Accessory uses, buildings and structures in accordance with Section 6.1.		<i>not include any proposed changes to this status.</i>
9.3 Reduced Lot Regulations:		Adherence of the Proposal
LOT AREA, Minimum	2000 m ² (.5ac)	± 102,000 m ² (±10.2 ha)
LOT FRONTAGE, Minimum	30.5 m (100.1ft)	±200m
FRONT YARD, Minimum	7.6 m (25 ft) plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	<i>Not applicable currently as the A2 section of the property is not developed.</i>
INTERIOR SIDE YARD, Minimum	3 m (9.8 ft)	<i>Not applicable currently as the A2 section of the property is not developed.</i>
EXTERIOR SIDE YARD, Minimum	7.6 m (25 ft), plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	<i>Not applicable currently as the A2 section of the property is not developed.</i>
REAR YARD, Minimum	9 m (29.5 ft)	<i>Not applicable currently as the A2 section of the property is not developed.</i>
BUILDING HEIGHT, Maximum	10.5 m (34.5 ft) or two and a half (2.5) storeys whichever is greater	<i>Not applicable currently as the A2 section of the property is not developed.</i>
LOT COVERAGE, Maximum	30 %	<i>Not applicable currently as the A2 section of the property is not developed.</i>
FLOOR AREA		<i>Not applicable currently as the A2 section of the property is not developed.</i>
<ul style="list-style-type: none"> • Minimum • Less than two storey • Two or more storey 	<ul style="list-style-type: none"> 83.6 m² (900 ft²) 102.2 m² (1100 ft²) 	
11.3 Other provisions:	Off-street parking and accessory uses shall be provided in accordance with the applicable	<i>Not applicable currently as the A2 section of the property is not developed.</i>

	<p>regulations of Section 6.27. Regulations for an accessory bed and breakfast establishment and home occupations shall be provided in accordance with the applicable regulations of Section 6 – General Provisions.</p>	
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NE NATURAL ENVIRONMENT PERMITTED USES AND ZONING REGULATIONS (Section 31)

(313237 HIGHWAY 6)

31.2 Permitted Uses	Adherence of the Proposal
<ul style="list-style-type: none"> • Agricultural uses excluding: • New buildings and structures • Conservation uses including, Forest Management, Fish and wildlife management, Flood control, Erosion Control, Municipal drains, Passive recreation, Public Park areas but not including buildings or structures, Parking area, Existing uses, buildings and structures, permitted as of the date of passing of this By-law 	<p><i>The NE sections of this parcel are not developed, this proposal does not include any proposed changes to this status.</i></p>
31.2 Regulations	Adherence of the Proposal
<p>Within any NE Zone, no land shall be used and no new building or new structure shall be constructed, altered or used except in accordance with the following regulations:</p> <ul style="list-style-type: none"> • No alteration or disturbance to watercourses or to municipal drains associated with open watercourses will be permitted without the prior written approval of the Conservation Authority having jurisdiction in the area. • Maintenance of existing driveways within the natural environment shall be permitted. New driveways and improvements will require prior written approval from the Conservation Authority having jurisdiction in the area. • Any cutting or destruction of trees shall be subject to the requirements of the County of Grey Tree Cutting By-law. • Buildings accessory to a Conservation, Passive Recreation or Park use shall meet front, rear and side yard requirements of the Agricultural Zone. • Related Natural Environment Setbacks are contained within the applicable regulations of Section 6-General Provisions of this By-law. • Interpretation of the limits of NE zone boundaries shall be governed by Section 2.6 of this By-law. 	<p><i>The proposal does not include any component that contradicts these regulations.</i></p>

C2 HIGHWAY COMMERCIAL PERMITTED USES AND ZONING REGULATIONS (Section 18)**(313237 HIGHWAY 6)**

18.1 Permitted Uses		Adherence of the Proposal
Auction Sales Arena, Automotive Sales and Service Establishment, Automotive Service Station, Automotive Washing Establishment, Banquet Hall, Beer Store, Boat Sales, storage and Service Establishment, Building Supply Outlet, Bulk Sales Establishment, Bus Depots, Church/ Place of Worship, Commercial Nursery or Greenhouse, Convenience Store, Dry Cleaning Depot, Equipment Sales, Rental and Leasing Outlet, Farm Implement Sales and Service Outlet, Farmer's Market, Flea Market, Gas Bar, Garden Centre, Hotel, Motel, Motor Hotel, Parking Area, Parking Lot, Public Uses, Public Buildings, Recreational Trailer Sales and Service Establishment, Rental Outlet, Restaurants (Dining, Drive-In, Drive-Thru, Take-Out), Service or Repair Shop, Veterinarian Clinic, U-Brew Establishment, Wholesale Outlets, Accessory Use, Buildings and Structures in accordance with Section 6.1. Accessory Residential Dwelling Unit except in conjunction with an automotive use, Incidental assembly and processing of products to be sold on site which are secondary to the main commercial function.		<i>There are presently two commercial buildings (not utilized), as well as an accessory residence and accessory storage structure located on this zoning area.</i>
9.3 Reduced Lot Regulations:		Adherence of the Proposal
LOT AREA, Minimum	557.4 m (6,000 ft ²)	± 102,000 m ² (±10.2 ha)
LOT FRONTAGE, Minimum	18 m (59 ft)	±200m
FRONT YARD, Minimum	7.6 m (25 ft) plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	±34.3m
INTERIOR SIDE YARD, Minimum	3 m (9.8 ft)	<i>To the north: ±129m To the south: ±16m</i>
EXTERIOR SIDE YARD, Minimum	7.6 m (25 ft), plus any applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.	<i>Not applicable</i>
REAR YARD, Minimum	7.6 m (25 ft)	±377m
BUILDING HEIGHT, Maximum	12.5 m (41 ft)	Less than 12.5m
LOT COVERAGE, Maximum	40 %	<i>Commercial structure areas: ±641.25 m²; Residential and accessory structure areas: ±296.5</i>

		<p><i>m2; TOTAL AREAS OF STRUCTURES: ±937.75 m2 = 0.92% of 10.2ha</i></p>
<p>ACCESSORY RESIDENTIAL USE</p>	<p>A permitted commercial use or building may contain one accessory residential dwelling units subject to the following:</p> <p>a) The accessory residential dwelling unit shall be located above or to the rear of the main commercial use.</p> <p>b) The accessory residential dwelling unit shall not occupy any more than fifty percent (50%) of the ground floor area of a main commercial use.</p> <p>c) The accessory residential dwelling unit shall have a minimum floor area of 50 m2 (538.2 ft2).</p> <p>d) The accessory residential unit shall be provided with a minimum of one off-street parking space which is on the same lot as the accessory residential unit.</p>	<ul style="list-style-type: none"> <i>o The accessory residential use is located ±28m from the nearest commercial structure.</i> <i>o The accessory residential structure and associated storage building covers a combined area of ±296.5 m2, which is less than 50% of the total area (±641.25 m2) of the existing commercial structures.</i> <i>o The minimum floor area requirement is met, see previous bullet above.</i> <i>o There is more than adequate space provided for on site parking.</i>
<p>OTHER PROVISIONS</p>	<p>Regulations for off-street parking, loading spaces, buffer areas/strips, garbage storage areas, outdoor display and outdoor storage areas are subject to the applicable regulations of Section 6-General Provisions of this By-law.</p>	<p><i>The further applicable regulations would all have been scrutinized for compliance as part of the permitting process of obtaining this zoning. The proposal will not have an affect on conformity with these regulations and will therefore not be addressed as part of this application.</i></p>

6. CONCLUSION & SUMMARY

The conclusion, the findings of this report support the proposed lot line adjustment, based on the following:

- The zoning of the subject lands will remain unchanged.
- The zoning provisions of the subject lands are upheld by this proposal.
- No new lot is being created.
- No new access is required.
- The land is not used for agricultural purposes at present, has limited options for agricultural practices and no future agricultural uses are planned. Furthermore, the potential for aggregate extraction at this location is limited, due to access issues along Highway 6 and existing conflicts with various surrounding residential land uses, including the Marshall Heights residential development.
- The way these lands' function and what they are used for will not change as part of this proposal, as Mr. Kuepfer has utilized these lands in this capacity for several years.
- Long term planning will not be affected given that the general land usage is low impact and will therefore not have any impact on the surrounding area and how it functions in planning terms.
- There will be no impact on municipal service delivery.
- No other planning approvals are required.
- There is legal premise for this application.
- There will be considerable hardship for Mr. Kuepfer if this proposal is not positively considered and approved.

Given the foregoing, this planning report demonstrated the following:

- 1) The proposal is consistent with the Provincial Planning Statement, as this type of lot line adjustment(s) is permitted in Rural Areas
- 2) The proposal is consistent with the Provincial Planning Statement with respect to development and site alterations adjacent to or within Natural Hazards areas as no development, change in use or site conditions form part of this proposal;
- 3) This proposal complies with the intent and requirements of the Grey County Official Plan regarding Rural consent policies.
- 4) The proposal complies with all applicable zoning regulations of the Municipality of West Grey Zoning By-law 37-2007 and should be considered favorably by the Committee of Adjustment.

We trust that you will find this in order. Please contact our office in case of any enquiries.

Respectfully Submitted



Prepared by Jani Bruwer

Cuesta Planning Consultants Inc.



Reviewed by Genevieve Scott MCIP, RPP

Cuesta Planning Consultants Inc.

APPENDIX A

CONSENT APPLICATION FORM



The Corporation of the
Municipality of West Grey
Application for Consent

402819 Grey Road 4
 Durham, ON N0G 1R0
 Phone (519) 369-2200
 Email notice@westgrey.com
 Web www.westgrey.com

Office Use Only			
Date Received:		File No:	
Receipt #		Total Application Fee Received:	
Roll Number:		Pre-submission Consultation:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Completeness of the Application:

This application form sets out the information that must be provided by the applicant, as prescribed in the various Ontario Regulations made under the Planning Act.

As per 'Section 53(3) Other Information' of the Planning Act RSO 1990 as amended the Council of the Municipality of West Grey (Municipality) requires that assessments, reports, studies, analyses or other material as outlined in the West Grey Official Plan and/or Grey County Official Plan be submitted at the time of application. Consent applications submitted without the required assessments, reports, studies, analyses or other material as required by the Official Plan(s) will be deemed incomplete and Council shall refuse to accept or further consider the application as per Section 53(4) of the Act. Applications deemed incomplete will be returned to the owner/applicant.

What is required to submit a consent application?

There are several application specific requirements, as listed below, which apply to certain applications. Note: There could be additional requirements in the form of studies, reports, plans, verification, etc. as conditions of final consent approval.

Application Specific	Requirements - Checklist
All consent applications	<input type="checkbox"/> Pre-submission consultation is strongly recommended. <input type="checkbox"/> Drawing or survey – see instructions in Appendix 'A' <input type="checkbox"/> Completed application form <input type="checkbox"/> Proof of ownership <input type="checkbox"/> Commissioners stamp/signature <input type="checkbox"/> Application fee – see calculation instructions below
If the application is for a surplus farm dwelling	If the application is for a surplus farm dwelling: <input type="checkbox"/> Complete appendix 'B' surplus farm dwelling <input type="checkbox"/> A surplus farm dwelling must be surplus to the current owner. Proof may be required: <input type="checkbox"/> Valid farm registration number <input type="checkbox"/> Other lands owned <input type="checkbox"/> Address of primary residence
If the application is within 750 m of a livestock barn	If there are livestock barns (either currently used for livestock or capable of being used for livestock) located within 750 m of the dwelling on the retained lands: <input type="checkbox"/> A minimum distance separation (MDS) 1 calculation is required to be submitted with this application for consent pursuant to MDS document - Implementation Guideline #6.
If a previous application for consent has occurred on the site	If there have been any previous severances of land from this holding: <input type="checkbox"/> Provide previous severance file number <input type="checkbox"/> Indicate previous severances on the provided drawing <input type="checkbox"/> Provide grantee's name <input type="checkbox"/> Provide use of parcel <input type="checkbox"/> Provide date parcel created (year)



The Corporation of the
Municipality of West Grey
Application for Consent

402819 Grey Road 4
 Durham, ON N0G 1R0
 Phone (519) 369-2200
 Email notice@westgrey.com
 Web www.westgrey.com

Submission of Application

Applications made be mailed to, or dropped off at West Grey Municipal Office, 402819 Grey Road 4, Durham, ON, N0G 1R0 and/or emailed as an Adobe PDF document to notice@westgrey.com. One application form may be used to apply for multiple consents/severances. Applications will not be reviewed/processed until the application fee is received.

Application Fee

The application fee is to be submitted at the time of submission. Application fees may be paid by cheque (made out to the Municipality of West Grey), money order, or cash. Interac/debit payment may be made at the West Grey Municipal Office. Online payment is not available.

Type of Application		Fee	Subtotal
a)	New lot (\$1,900.00 per each new lot created)	\$1,900.00 x # _____ lots =	
b)	Lot addition (\$1,900.00 per each lot addition)	\$1,900.00 x # _____ lot addition(s) =	
c)	Lot line adjustment (\$1,900.00 per each lot line adjustment)	\$1,900.00 x # _____ lot line adjustment =	
d)	Easement/right-of-way (\$1,900.00 per each easement required)	\$1,900.00 x # _____ easements =	
e)	Validation certificate (\$1,000.00 per each validation certificate)	\$1,000.00 x # _____ lots =	
f)	Lease over 20 years	\$1,900.00	
Additional Required Application Fees			
d)	Grey County planning fee (\$400.00 flat rate)	\$400.00	\$400.00
e)	Saugeen Valley Conservation Authority planning fee (\$260.00 per each new lot created)	\$260.00 x # _____ lots =	\$260.00
Total Application Fee:			+ \$260.00
			\$2560,00

Please ensure to complete this application in its entirety and submit any additional information that may have been identified as required through the pre-submission consultation process.

1. Owner/applicant	
Name	David Brian Kuepfer (150, Marshall Heights) AND Gregory Metcalfe (313237, Hwy 6)
Mailing address	125 Marshall Heights RR3, Durham, ON N0G 1R0 AND R. A. Cooper Professional Corporation, 280 Frederick Street, Kitchener, ON N2H 2N4
Telephone No.	519 369 7225
Email address	exedratorp@gmail.com AND gregmetcalfe@sympatico.ca

2. Agent (if applicable)	
All correspondence, notices, etc., with respect to this application, will only be directed to the owners/applicant's agent. Where no agent is identified notices etc., will be directed to the owner/applicant.	
Name	Cuesta Planning Consultants Inc.
Mailing address	978 First Avenue West, Owen Sound, ON N4K 4K5
Telephone no.	519 372 9790
Email address	cuesta@cuestaplanning.com / jani@cuestaplanning.com

3. Solicitor (if applicable)	
Name	William Timothy Lowes
Mailing address	67 Huron Street, New Hamburg Ontario N3A 2K6
Telephone no.	519 662 3421 X1
Email address	tlowes@watlaw.ca

4. Subject lands	
Former township/town	-
Legal description	PLAN 16M29 LOT 14, Municipality of West Grey, County of Grey & CON 1 EGR DIV 1 LOT 30, Municipality of West Grey, County of Grey
Civic address	150, Marshall Heights, Durham, ON N0G 1R0 AND 313237, Hwy 6, Durham, ON N0G 1R0
Assessment roll number	420522000100824 & 420522000103700

5. Type and purpose of the application (select all applicable)	
Creation of a new lot <input type="checkbox"/>	Lot addition to existing Lot <input checked="" type="checkbox"/>
Lot line adjustment to existing lot <input checked="" type="checkbox"/>	Easement/right-of-way <input type="checkbox"/>
Lease <input type="checkbox"/>	Validation certificate <input type="checkbox"/>
If known, the name of the person to whom the land or the interest in the land is to be sold, transferred, charged or leased:	

6. Retained land certificate	
Are you also requesting a consent certificate be issued for the retained land?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes , your lawyer must provide a separate written statement that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Planning Act.	

7. Creation of a new lot		
	Lot dimensions - retained lot	Lot dimensions - new lot
Frontage (m)		
Depth (m)		
Area (ha. or m ²)		
Access - retained lot		Access – new lot
Provincial highway <input type="checkbox"/> Municipal road (all season) <input type="checkbox"/> County road <input type="checkbox"/> Right-of-way <input type="checkbox"/>		Provincial highway <input type="checkbox"/> Municipal road (all season) <input type="checkbox"/> County road <input type="checkbox"/> Right-of-way <input type="checkbox"/>

Water service - retained lot		Water service – new lot	
Municipal service <input type="checkbox"/> Private well <input type="checkbox"/> Communal well <input type="checkbox"/> Other: _____		Municipal service <input type="checkbox"/> Private well <input type="checkbox"/> Communal well <input type="checkbox"/> Other _____	
Sewage service - retained lot		Sewage service – new lot	
Municipal service <input type="checkbox"/> Private septic <input type="checkbox"/> Communal septic <input type="checkbox"/> Privy/outhouse <input type="checkbox"/> Other _____		Municipal service <input type="checkbox"/> Private septic <input type="checkbox"/> Communal septic <input type="checkbox"/> Privy/outhouse <input type="checkbox"/> Other _____	
Storm drainage - retained lot		Storm drainage – new lot	
Municipal storm sewers <input type="checkbox"/> Ditches/swales <input type="checkbox"/> Other _____		Municipal storm sewers <input type="checkbox"/> Ditches/swales <input type="checkbox"/> Other _____	
What is the current use of the lot to be retained?			
What is the current use of lot to be severed?			
Are there any existing buildings or structures on the lands? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes identify the following:			
	Existing building no. 1*	Existing building no. 2*	Existing building no. 3*
Used for			
Year Built			
*Must be shown on the required Drawing			
What is the proposed use for the lot to be retained?			
What is the proposed use for the new lot?			
Are there any new buildings or structures proposed to be built on the retained lot or the new lot? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes identify the following:			
	New building No. 1*	New building No. 2*	New building No. 3*
Proposed use			
*Must be shown on the required drawing			

8. Lot addition/lot line adjustment			
Provide reason for lot addition/lot line adjustment			
Year the lot to be added to was created/severed			
	Lot retained (size)	Lot addition (size)	Lot to be added to (size)
Frontage (m)	±200m on Hwy 6	0 m	±49m on Marshall Heights Rd
Depth (m)	±518m	±500m	±94m to 117m
Area (ha. or m ²)	±10.2ha	±10.2ha	±1.29ha

9. Easement/Right-of-Way	
Provide reason for easement/right-of-way	
Legal description of land to benefit from the easement (dominant)	
Legal description of land subject to the easement (serviant)	
Frontage (m)	
Depth (m)	
Area (ha. or m ²)	

History: Mr Kuepfer previously owned 313237, Hwy 6 and put the land up for sale.

-The buyers at that time found out at the last minute that the bank was shorting them \$200, 000.00.

-Consent to sever, to enable the buyers to obtain a smaller portion, was not a possibility as it would have created a landlocked parcel.

-At that time lot line adjustment was also not an immediate option as Mr. Kuepfer did not own any land adjacent to 313237, Hwy.

-The buyers and Mr. Kuepfer consequently entered into an agreement that was brought onto the title of the subject property entailing that the buyers would essentially only be purchasing the 25 acres (50%) of 313237, Hwy 6, fronting on Hwy 6, and that a lot line adjustment would be done in future, to return the remaining 25 acres to Mr. Kuepfer, after he purchased an adjacent property. 313237, Hwy 6 has since been sold to new owner (Mr. Metcalfe) and he has consequently "inherited the obligations" of this agreement.

-Mr. Kuepfer has since acquired 150 Marshall Heights and can now proceed in fulfilling the stipulations of the said legal agreement by completing a lot line adjustment process. If this process cannot be completed Mr. Kuepfer will incur a significant financial loss (± \$200,000.00).

10. Lease	
Provide reason for lease	
Name of lessee	
Name of lessor	
Duration of lease	
Legal description of lands subject to lease	
Area (ha. or m ²) of lease or Unit #	

11. Validation certificate	
Provide reason for validation certificate:	
Legal description of lands subject to validation certificate	
PIN number	
Year instrument was registered that contravened Planning Act	
Name of owner(s) at time of Planning Act contravention	

12. Other	
<p>Have the lands ever been the subject of an application under the <i>Planning Act</i> for approval of a plan of subdivision or consent (severance)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes provide the following:</p> <p>File No.: _____ Status: _____</p>	
<p>Has any land been severed from the parcel originally acquired by the owner of the subject lands?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes provide the following:</p> <p>Date of transfer: _____</p> <p>Name of transferee: _____</p> <p>Uses of the severed lands: _____</p>	
<p>Are the subject lands the subject of any other application under the <i>Planning Act</i>, such as an application for an official plan amendment, a zoning bylaw amendment, a minister's zoning order, an application for minor variance or an application for an approval of a plan of subdivision or another consent?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes provide the following:</p> <p>File No.: _____ Status: _____</p>	
<p>Are there any existing easements or restrictive covenants affecting the subject lands?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> If yes describe each easement or restrictive covenant and its effect: _____</p>	
<p>Explain how the application is consistent with the Provincial Policy Statement 2020 (See https://www.ontario.ca/page/provincial-policy-statement-2020)</p> <p>Refer to Section 5. A. of the Planning Brief for detail in this regard.</p>	
<p>What is the West Grey Official Plan designation (See https://www.westgrey.com/en/invest/resources/West-Grey-Official-Plan-2012.pdf)</p>	Unknown
<p>What is the County of Grey Official Plan designation (See https://www.grey.ca/government/land-use-planning)</p>	Hazard Lands & Rural
<p>Describe how the application conforms with the consent policies of the West Grey and/or County of Grey Official Plan(s) noted above:</p> <p>Refer to Section 5. B. of the Planning Brief for detail in this regard.</p>	
<p>What is the West Grey Zoning (See https://www.grey.ca/government/land-use-planning)</p>	150, Marshall Heights - R1A Unserviced Residential 313237 Hwy 6 - A2 Rural, NE Natural Environment & C2 (Hwy Commercial)
<p>Describe the surrounding land uses</p>	Rural and rural residential

Saugeen, Grey Sauble Northern Bruce Peninsula Source Protection Plan

Is the subject land within a Wellhead Protection Area (WHPA)? (See <https://home.waterprotection.ca/>)

Yes No If yes, identify the WHPA:

If **yes**, do you have an approved Risk Management Plan (RMP) and/or a Section 59 Notice to Proceed from the Risk Management Official (RMO)? Please attach.

Authorization for agent to act for owner See Agent Authorizations in Appendix B of the Planning Brief

I/we _____ am/are the registered owner(s) of the land that is the subject of this application for consent. I/we authorize _____ to make this application on my/our behalf.

This authorization also allows the agent to appear at any hearing(s) of the application and provide any information or material required by the Committee of Adjustment (Committee) relevant to the application on my/our behalf.

Signature of agent Date

Signature of witness Date

Name of witness: _____

Affidavit or sworn declaration for the prescribed information

I/we Jani Bruwer solemnly declare that all statements contained in this application and supporting documentation are true and complete. I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at City of Owen Sound in the County of West Grey this 14th day of November 2024.

Signature of Owner/Owners or Agent Date November 14, 2024

Signature of Commissioner Date November 14, 2024
Rebecca Francine Porter, a Commissioner, Professional Corporation, Barrister and Solicitor. Expires August 24, 2027.

Owner/applicant's consent declaration

In submitting this application, I/we Jani Bruwer (for Cuesta Planning Consultants Inc.) the owner/applicant hereby:

- a) apply to the Committee for the Municipality for Consent, as described in this application; and
- b) agree and enclose the application fees as calculated; and
- c) understand application fees are non-refundable and that no assurance is given that the payment of the application fee will result in approval of the application; and
- d) agree that the cost of any professional peer review of the application deemed to be required by the Municipality or Committee in order to proceed with the application is the responsibility of owner/applicant and that a peer review deposit may be required prior to the processing of the application; and
- e) authorize the members of the Committee, members of the staff of the Municipality and designated consultants to enter onto the above-noted property for the limited purposes of evaluating the merits of this application over the time this application is under consideration by the Municipality; and
- f) acknowledge that in accordance with the provisions of the Planning Act, it is the policy of the Municipality to provide the public access to all development applications and supporting documentation and hereby provide my/our consent in accordance with the provisions of the Municipal freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors will be part of the public record and will also be available to the general public; and
- g) agree/acknowledge that I/we are responsible for ensuring that a 'Notice of Application' sign, as provided by the Municipality, is posted on the lands at the intersection of a driveway and a public road. Where there is no existing driveway, the sign shall be erected in the middle of the lot along a public road. And further, agree to not remove the sign until the day after a public meeting.

Signature of Owner/Owners Date Nov 14, 2024

Appendix 'A' – Drawing Requirements

Two Drawings in metric units must be included showing the following (see examples):

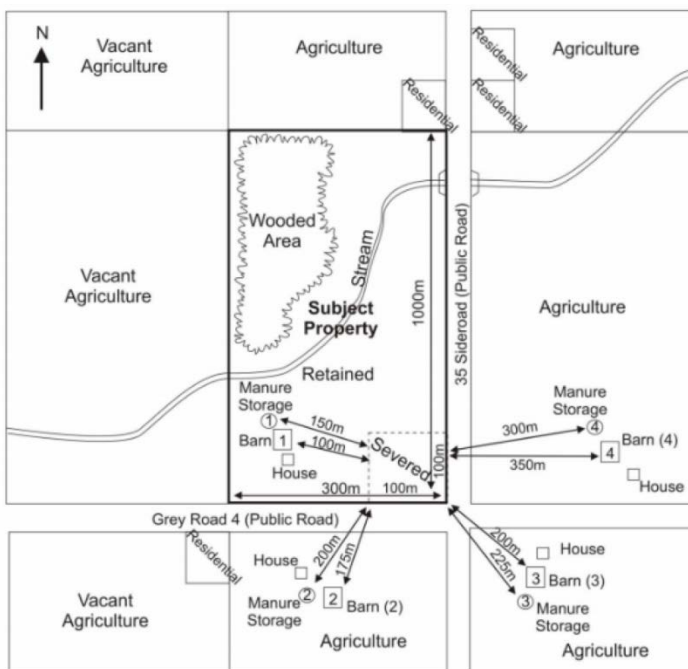
- North arrow;
- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features (e.g., for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application;
- the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; and
- the location and nature of any easement affecting the subject land.

Notes:

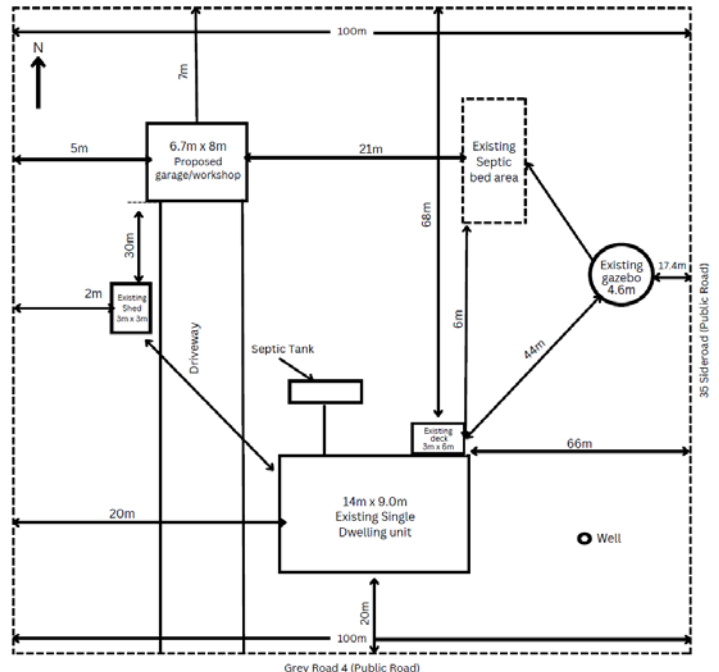
For consent applications proposing to create a new lot, lot addition or easement a draft reference plan and/or Surveyor's Real Property Report prepared by an Ontario Land Surveyor may be required to be submitted with the application to confirm the proposed boundaries/dimensions.

All new lot/lot additions/lot line adjustment/easement/right-of-way applications will require an Ontario Land Surveyor to prepare a Reference Plan as a condition of approval by the Municipality.

Example Drawing 1 – General Area



Example Drawing 2 – Close Up



Appendix 'B' - Surplus Farm Dwelling Information Form

In Support of an Application for Consent under the Planning Act, R.S.O. 1990 c. P.13, as amended.

1. Details of Subject Lands
Municipal Address:
What year was the surplus farm dwelling constructed?
Is the surplus farm dwelling capable of human habitation today ? Yes <input type="checkbox"/> No <input type="checkbox"/>
Complete Situation 1, Situation 2 or Situation 3
Situation 1: I am selling my farm and want to sever the surplus farm dwelling and some land. I am selling the remainder of the farmland to a bona fide farmer who has farmland and a house elsewhere. The surplus farm dwelling is not required by the purchaser.
Q1a. Who will the farmlands be sold or conveyed to? Q1b. Where is the primary residence of the purchaser of the farmlands? Q1c. Does the purchaser have a valid Farm Business Registration Number? Q1d. How many hectares of farmland does the purchaser own? Q1e. How many hectares of farmland does the purchaser farm themselves? Q1f. Where are the farmlands located (lot, concession, municipality)?
Situation 2: I currently own the farm and the surplus farm dwelling. I have a primary residence elsewhere. I own and farm other farmlands elsewhere. The surplus farm dwelling is not required for my needs.
Q2a. Where is your primary residence? Q2b. Do you have a valid Farm Business Registration Number? Q2c. How many hectares of farmland do you own? Q2d. How many hectares of farmland do you farm yourself? Q2e. Where are the farmlands located (lot, concession, municipality)?
Situation 3: I am buying the farm. I have a primary residence elsewhere. I own and farm other farmlands elsewhere. The surplus farm dwelling is not required for my needs.
Q3a. Where is your primary residence? Q3b. Do you have a valid Farm Business Registration Number? Q3c. How many hectares of farmland do you own? Q3d. How many hectares of farmland do you farm yourself? Q3e. Where are the farmlands located (lot, concession, municipality)?

Note:

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Committee. Additionally, if the surplus farm dwelling criteria contained in the Grey County Official Plan cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Committee.

APPENDIX B

AUTHORIZATIONS FROM LANDOWNERS

ACKNOWLEDGEMENT/AUTHORIZATION

I, Gregory Metcalfe, hereby acknowledge the terms of the Option to Purchase (“the Option”) attached hereto originally between David Brian Kueper and Carol Marie Kuepfer (“the Kuepfers”) and Andrew MacGregor and Karen MacGregor (“the MacGregors”).

Since I subsequently purchased the subject lands from the MacGregors, I consider myself bound by the terms of the Option.

As such, I herewith authorize the Kuepfers as follows:

1. They can retain agents to act for them in order to facilitate the severance referred to in the Option provided that I am not responsible for any costs associated therewith.
2. The agents referred to above and the Kuepfers can undertake whatever actions they deem necessary in furtherance of the subject severance as long as the lands that I own, including the subject 25 acres and lands that I would be retaining if a severance was granted pursuant to the Option, are left in the same shape that they were in prior to commencing the severance process. For example, if any work or tests are affected on the lands by the Kuepfers and/or their agents, the lands will be immediately returned to the state they were in prior to any such works being done. The penalty for not complying with this and any other terms in this Acknowledgement/Authorization will be that such severance work is immediately halted, and a temporary hold put on the severance process.
3. The Kuepfers and/or their agents can sign any and all documentation in connection with the severance application provided that any such documentation does not adversely affect the retained lands and copies of all such signed documents are immediately sent to me by email at gregmetcalfe@sympatico.ca.
4. My reasonable legal fees shall be paid by the Kuepfers immediately upon the Kuepfers or their lawyer being presented with same, failing which all severance work is to be halted, and a temporary hold put on the rights of the Kuepfers and/or their agents granted by this Acknowledgement/Authorization.
5. The Kuepfers and their agents can attend any consultation or public meetings on my behalf that may be required to facilitate the subject severance so long as it is explained to whoever the authorities are what the situation is regarding the Option.
6. All of the terms and conditions of the Option shall apply including the time limit for such Option to be valid and the fact that there will be no cost to me and/or my successors in title.

IN WITNESS WHEREOF the parties adhere to have set their hands and seals.

Dated this 14th day of July, 2024.

Witness



Greg Metcalfe

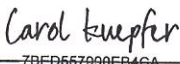
We, David Brian Kuepfer and Carol Marie Kuepfer have read the above and agree to same.

Witness

Signed by:


17A456D906AE470
David Brian Kuepfer

Witness

Signed by:


7BED657990EB46A...
Carol Marie Kuepfer

Retainer & Agent Authorization

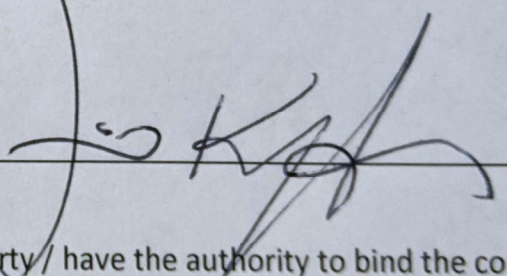
To: Cuesta Planning Consultants Inc.
978 First Avenue
West, Owen Sound,
Ontario N4K 4K5

I/We, DAVID KUEPFER, hereby retain Cuesta Planning Consultants Inc. to act on my/our behalf with respect to the preparation of the necessary materials to facilitate the completion, submission and obtaining the needed permit related to the application for lot line adjustment on the lands legally described as PLAN 16M29 LOT 14, Municipality of West Grey, County of Grey.

I/We further authorize the preparation, signing, and processing of any required application forms and related materials, as well as the attendance at consultation and public meetings on my/our behalf that may be required to facilitate the request. This shall be your sufficient authority for so doing.

As part of this retainer, a retaining fee of \$1000 payable to Cuesta Planning Consultants Inc., is being submitted and will be reflected on the first invoice.

Dated this 29th day of MAY, 2024.



Signature

I own the property / have the authority to bind the corporation.

DAVID KUEPFER

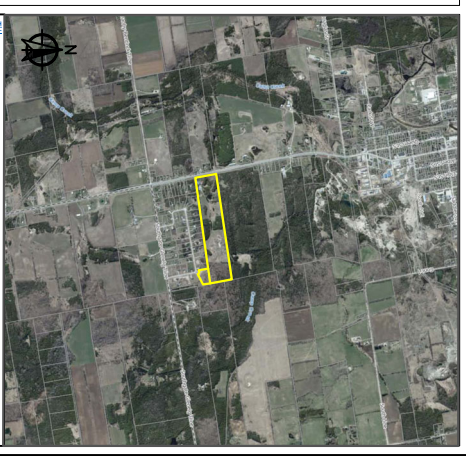
Name (Printed)

Signature

Name (Printed)

APPENDIX C

SITE PLAN



Title:

Site Plan: Lot Adjustment Proposal

Land Description:

PLAN 16M29 LOT 14 & CON 1 EGR DIV 1 LOT 30
 Geographic Township of Durham
 Municipality of West Grey
 County of Grey

Legend

- 150 Marshall Heights Rd, Durham
- 313237 Highway 6, Durham

STRUCTURES	USE	AREA
A	Commercial	±326.25m ²
B	Commercial	±315m ²
C	Accessory Residence	±235.5m ²
D	Storage Structure	±61m ²

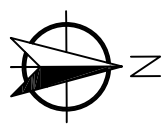
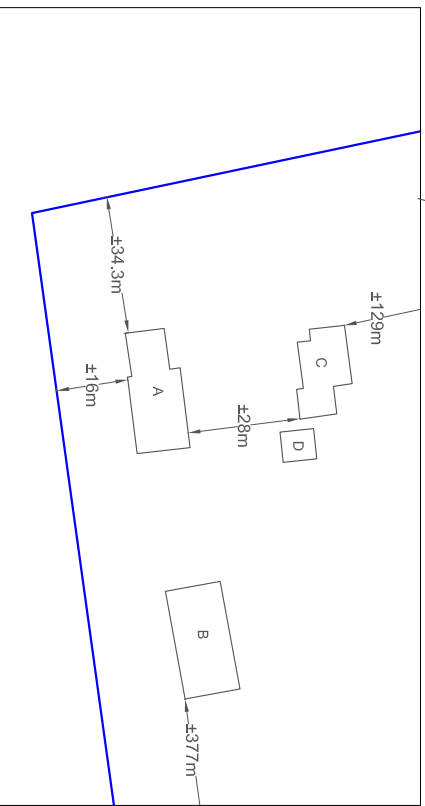
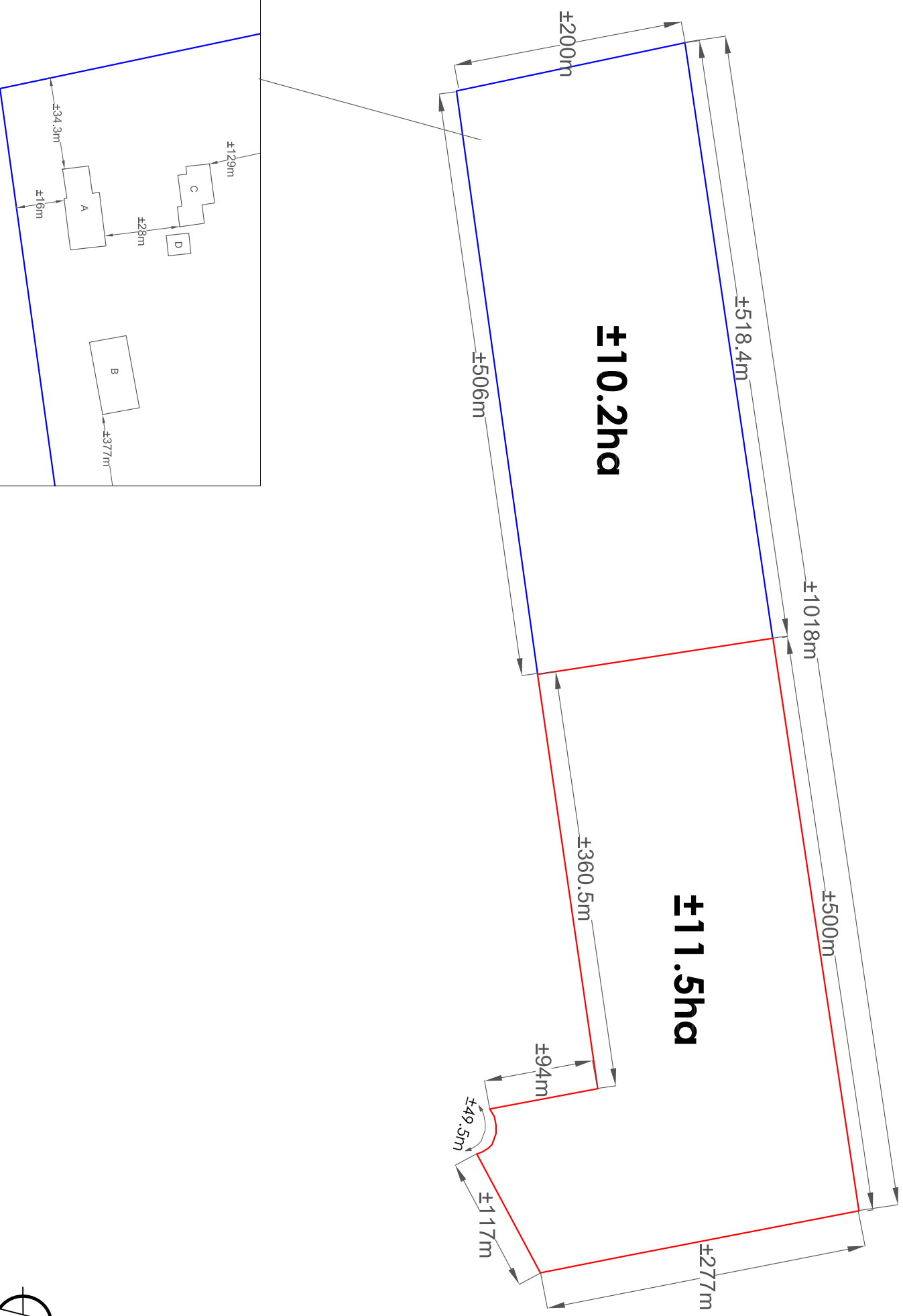
* measurements are approximate

Cuesta
 PLANNING CONSULTANTS INC
 A 978 First Avenue West
 Owen Sound, Ontario
 N4K 4K5
 T (519) 972-9790
 E cuestas@cuestaplanning.com

Drawn By: **J Bruwer** Date Printed: **Oct 30, 2024**

Project Name: **D Kuepfer**

File: **x21725**



APPENDIX D

LEGAL AGREEMENT

THIS OPTION TO PURCHASE AGREEMENT made as of the 26th day of July, 2012.

BETWEEN:

**DAVID BRIAN KUEPFER
CAROL MARIE KUEPFER**
hereinafter called the "Sellers"

- and -

**ANDREW MACGREGOR
KAREN MACGREGOR**

hereinafter called the "Buyers"

WHEREAS the Buyers, have offered to purchase and the Sellers have agreed to sell the property legally described as part of PT LT 30 CON 1 DIVISION 1 EGR GLENELG AS IN R345080; WEST GREY, County of Grey, known as 313237 Highway #6, R. R. 3, Durham, Ontario, which said transaction will be completed on July 26th, 2012.

AND WHEREAS pursuant to Schedule "A" of the Agreement Purchase and Sale dated May 11, 2012. ("Agreement"), the Agreement contained the following special terms:

Option to Purchase 25 Acres

The Seller shall have the option to purchase the rear 25 acres, (also known as the easterly 25 acres) hereinafter referred to as "the property", for a period of 21 years less a day, commencing on the date of closing of this Agreement of Purchase and Sale on the following terms and conditions:

1. *The Seller is responsible for obtaining a severance from the Municipality for the 25 acres at their own expense.*
2. *The Buyer agrees to cooperate with the Seller in obtaining the severance by signing the application and allowing access to municipal officials and/or surveyors subject to the application being approved by the Buyer. Said application would be for a boundary adjustment so that the property merges with an abutting lot.*
3. *If the severance is granted and is subject to terms and conditions imposed by the granting authority, the terms must be acceptable to the Buyer as owner of the retained lands, failing which this option shall be at an end.*
4. *The Seller shall be responsible for all costs associated with the said severance application including, but not limited to, all application fees, development charges and costs to obtain and register a reference plan, Transfer registration costs and consultants fees.*

4.0 Restrictive Covenant

4.1 Any dealing with the Restrictive Covenant, registered on title as Instrument Number GY21373 is the responsibility of the Sellers.

5.0 Restrictions on the Transfer/Assignment of Option to Purchase

5.1 This Option to Purchase Agreement shall be personal to the Sellers only and will not be transferrable to a third party or to the estate of the surviving Seller.

5.2 The Buyers and Sellers agree that after the death of the surviving Seller within the term of this Agreement, that the Buyers may apply to delete any registered Option to Purchase from the title of the subject property.

6.0 Postponement

6.1 The Sellers agree to postpone their option to purchase to any encumbrancer under any mortgage financing agreement as to be arranged by the Buyers as the owners of the lands. Such postponement document to be provided by the Sellers to the Buyers with no expense to the Buyers, including any re-registration of documents, if needed.

IN WITNESS WHEREOF the parties have hereto set their hands and seals.

DATED at Durham, Ontario this 24th day of July, 2012

[Handwritten Signature]

Witness

[Handwritten Signature]

Witness

[Handwritten Signature]

David Brian Kuepfer, (Seller)

[Handwritten Signature]
Carol Marie Kuepfer, (Seller)

DATED at *Durham*, Ontario this *30* day of July, 2012

[Handwritten Signature]

Witness

[Handwritten Signature]

Witness

[Handwritten Signature]

Andrew MacGregor, (Buyer)

[Handwritten Signature]

Karen MacGregor, (Buyer)

5. *The Seller shall be responsible for dealing with the Restrictive Covenant registered on title as Instrument Number GY21373.*
6. *The Seller may register this Option to Purchase on title at their own expense but agree to postpone this interest, even if it means re-registering same, to any financing registered by the Buyer*
7. *The consideration will be \$1.00.*

AND WHEREAS this Option to Purchase Agreement is entered into to formalize the terms outlined in the Agreement.

NOW WITNESSTH that in consideration of the sum of \$1.00, now paid by the Sellers to the Buyers, in receipt of which is hereby acknowledged, and the terms and conditions and mutual covenants contained herein, the Sellers and the Buyers mutually agree with each other as follows:

1.0 Description of Subject Property:

- 1.1 The Sellers do hereby have the option to purchase the easterly 25 acres of the lands more particularly described in PIN 37228-0076 (LT), being the easterly 25 acres of PT LT 30 CON 1 DIVISION 1 EGR GLENELG, AS IN R345080; WEST GREY, located at the rear of the property of 313237 Hwy 6, R. R. # 3, Durham, Ontario, N0G 1R0.

2.0 Term of Agreement

- 2.1 The term of the Option to Purchase Agreement will be 21 years less a day, commencing on the 26th day of July 2012, concluding on the 25th day of July 2033.

3.0 Severance

- 3.1 It is the responsibility of the Sellers to obtain, at the Sellers' expense, a severance from the Municipality of West Grey for the 25 acres.
- 3.2 The Buyers agree to cooperate with the Sellers by signing the application and further agrees to allow access to municipal officials and/or surveyors subject to the application being approved by the Buyers. The application would be for a boundary adjustment so that the property merges with an abutting lot.
- 3.3 Any terms and conditions imposed by the granting authority, if the severance is granted, must be accepted by the Buyers, as owner of the retained lands, failing which this option shall be at an end.
- 3.4 All costs associated with the said severance application including, but not limited to, all application fees, development charges and costs to obtain and register a reference plan, Transfer registration costs and consultants fees shall be the responsibility of the Sellers.