

Addendum to Report PDR-PCD-33-15

To: Chair McQueen and Members of the Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: July 14, 2016
Subject: Proposed Official Plan Amendment 133 Addendum Report
Status: Recommendation adopted by Committee as presented per Resolution PCD90-16; Endorsed by County Council August 2, 2016 per Resolution CC96-16;

Recommendation(s)

THAT proposed Official Plan Amendment Number 133 to the County of Grey Official Plan to re-designate the subject lands from the 'Rural' designation to the 'Rural with Exceptions' and 'Hazard Lands' designations to allow for an exception to permit a market (general store) on the lands described as Part Lot 29, Concession 4, geographic Township of Egremont, in the Township of Southgate, be supported;

AND THAT all written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision;

AND THAT the Addendum to Report PDR-PCD-33-15 regarding proposed County Official Plan Amendment Number 133 be received;

AND FURTHER THAT the appropriate by-law be prepared for consideration by County Council.

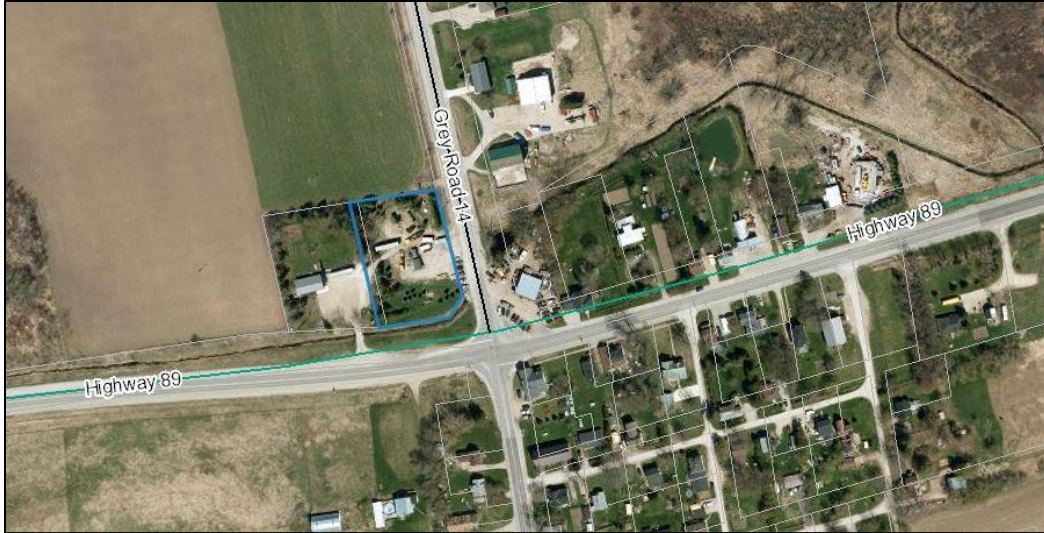
Background

The County of Grey received an application to amend the County Official Plan to permit an 850 m² commercial business, in the form of a traditional general store, known as the Misty Meadows Market. The size of the Misty Meadows Market is in excess of what is

currently contemplated by the County and Township Official Plans for the 'Rural' designation. Based on comments from the Conservation Authority, staff are also recommending an update to 'Hazard Lands' boundaries on-site. Aside from the Township and County Official Plan amendments, a zoning by-law amendment and a consent application are also needed for this development. The proposed consent will allow for a lot enlargement for additional building and truck maneuvering areas on-site.

The subject property is approximately 0.46 hectares in size (with the anticipated lot addition lands) and is legally described as Part Lot 29, Concession 4, geographic Township of Egremont, in the Township of Southgate. The property is currently vacant and contains parking and vehicle storage. The existing Misty Meadows Market is located on the neighbouring property to the west, and would be moving onto the subject lands, with an expansion in size, should the development applications be approved. The current Misty Meadows Market location would then be used as a residential property, following the relocation of the store.

The subject property is located at the northwest corner of the intersection of Grey Road 14 and Highway 89, on the Grey County – Wellington County boundary. Access to the property is off of Grey Road 14, and there will be no direct access onto Highway 89. Across Highway 89, in Wellington County, is the settlement area of Conn. Up until 2012, Conn used to be a settlement area within the Grey County Official Plan as well, however it was removed as a designated settlement area as part of the County's Five Year Official Plan Review. Surrounding the subject lands are a mixture of farm and residential lands. An airphoto showing the subject lands and surrounding area has been included below, and a draft site plan has been included further on in the report.



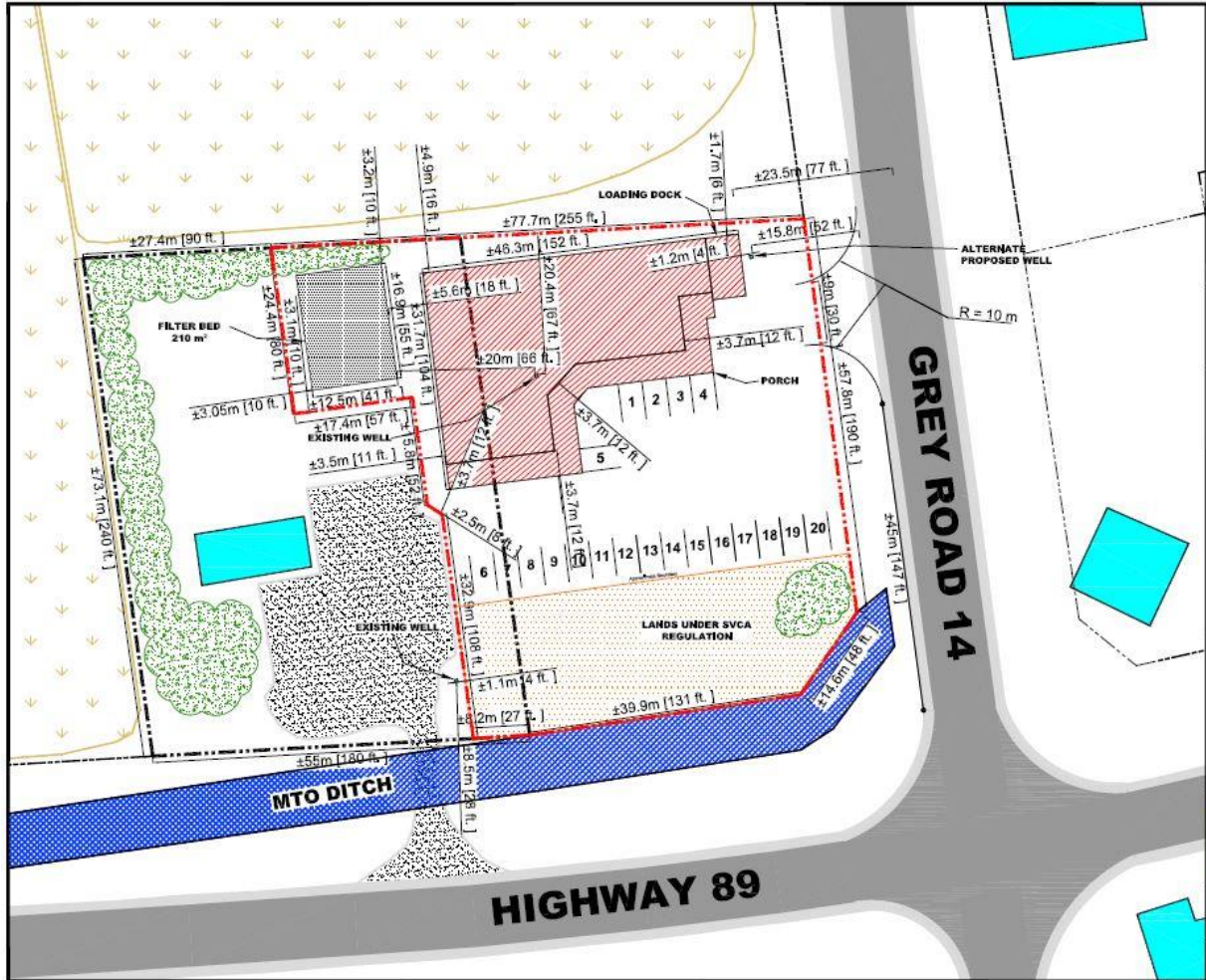
Map 1 – Location of the Subject Lands

Cuesta Planning Consultants Inc. have submitted a Planning Justification Report in support of the proposed planning applications. A Traffic Report, an Environmental Impact Study (EIS), and a Servicing Report were also submitted in support of the proposed development. Addendum response documents to a number of the above-noted reports were also issued. Copies of all background materials can be found on the County's website at the below link.

[Misty Meadows Market Background Materials](#)

A public meeting for the County and Township amendments was held on November 18, 2015. A link to the minutes from the public meeting has been provided below.

[Misty Meadows OPA 133 Public Meeting Minutes](#)



Map 2 – Proposed Site Plan (Source: Cuesta Planning Consultants)

Agency Comments Received

Agency comments were received from the following bodies.

Saugen Valley Conservation Authority (SVCA)

The SCVA provided comments on a number of occasions throughout the development review process. Initially SVCA raised concerns with respect to the location of parking and buildings on-site and the potential for negative impacts on fish habitat. Following the completion of an EIS, the SVCA noted on January 22, 2016 that;

“The EIS completed by WSP dated January 14, 2016 with regards to the subject property is satisfactory to the SVCA. The revised Site Plan, Conn Commercial Development, dated January 13, 2016 is satisfactory to the SVCA.”

The SVCA have also noted that there are regulated areas on-site, and should plans change SVCA permissions may be required. SVCA staff are also recommending a minor update to the Hazard Lands boundaries on-site.

Ministry of Transportation (MTO)

Numerous pieces of correspondence were received from the MTO throughout the development application review process. On May 17, 2016, the MTO noted that 'the Official Plan Amendment can now proceed, and that once at the site plan approval stage and prior to MTO permits being issued, they will need further review of the site plan, setbacks and storm water management details.'

Grey County Transportation Services

Similar to MTO and SVCA, Transportation Services have also been involved throughout the process. Transportation Services have flagged the need for improvements to the existing entrance, in accordance with County standards, as well as the potential for a setback exemption should the proposed store or alternate well location fall within 22.86 metres of the existing centreline of Grey Road 14. Staff would note that the current proposed building location would maintain the necessary County Road setback; but that the alternate well location may not (should it need to be utilized). Similar to MTO and SVCA, Transportation Services will be involved throughout the site plan review stage. Transportation Services have noted they have no objections to the rezoning or lot addition.

County of Wellington

In a letter dated October 26, 2015 the County of Wellington noted that they have 'no concerns with this application, provided traffic impacts on Highway 89 are acceptable. The development should be a nice addition to Conn.'

Township of Southgate

County and Township staff have had numerous conversations and pieces of correspondence throughout the development application review process. Township Planning and Joint Building Services staff are satisfied with the official plan amendment application at this stage, and note that further details may be needed at the site plan stage.

Following a decision on the County official plan amendment, Township Council will be required to render a decision on the local planning applications. Should the Township

choose to adopt the Township official plan amendment, that file would then be submitted to the County, who is the approval authority on the Township official plan amendment application. The Township is the approval authority for the zoning, site plan, and consent applications.

Public Comments Received

As part of the development application process County staff received one verbal comment from a member of the public at the public meeting, which can be summarized as follows.

Karl Chittka, resident of Southgate, noted that 'he has lived in this area a long time and is very pleased with this application. He commented on the previously unsightly appearance of the subject lands, and noted that now it is a wonderful place for people to stop, shop, and have an ice-cream on their way elsewhere. He is fully in support and encourages this project. He stated we need more of these positive developments and not to worry about the fish as they will do fine'.

One further piece of written correspondence was received by Louise Morfitt Hall on November 20, 2015, who noted that;

'she agreed with the SVCA's comments regarding the need for an Environmental Impact Study, potential impacts on fish habitat, and the revisions to the Hazard Lands mapping on-site. She also raised questions about the septic area on the subject lands. The size of the proposed commercial building, and whether or not a marketing research study was conducted, were also flagged as concerns. With respect to the need for such a large commercial operation in proximity to Mount Forest, Ms. Morfitt Hall noted that there *"is ample supply available 7 days a week of any products that might be available at this location."* Ms. Morfitt Hall further questioned the categorization of Conn in the consultant's report, and the potential traffic impacts from the proposed development.'

Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest and be consistent with the Provincial Policy Statement (PPS). Decisions within the County must also conform to the County of Grey Official Plan and any local official plans in force and effect. In this case the Township of Southgate Official Plan would apply to this development. An in depth analysis of the Southgate Official Plan has not been provided below, and County staff have instead relied upon the staff comments from the Township. County staff would also note the associated application to amend

the Southgate Plan; and would recommend a detailed policy analysis be undertaken as part of the review of that application.

Provincial Legislation - *The Planning Act*

Section 2 of the *Planning Act* provides matters of provincial interest which planning authorities must have regard for in rendering any decision under the Act. Most notable to this proposed official plan amendment are clauses; (a) the protection of ecological systems, including natural areas, features and functions; (b) the protection of agricultural resources of the Province, (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; (h) the orderly development of safe and healthy communities, (k) the adequate provision of employment opportunities, and (p) the appropriate location of growth and development.

- a) The subject lands are 0.46 hectares in size (with the proposed lot addition lands) and are comprised of a primarily cleared area of land, which had previously been developed. Following the circulation of the applications, there were concerns over impacts on fish habitat to a nearby watercourse. Following the completion of an EIS, the SVCA has now signed off on the applications, subject to further details being provided at the site plan approval stage.
- b) The subject lands are designated as 'Rural' in the County Plan, and are not prime agricultural lands. That said, the primary land use in the Rural designation is resource use, including farming. Other Rural permitted land uses include limited residential uses, and commercial uses. The proposed development is situated on a parcel of land which is too small to functionally farm, adjacent to the settlement area of Conn (designated in the Wellington County Official Plan). There are farms to the northwest and southwest of the subject property; however based on the existing Misty Meadows Market on the abutting property, this new location should not impose any further restrictions on the farming operations. Furthermore, the proposed development would not take any active farm land out of production.
- f) The proposed development is in an area where municipal water and sewer services are not available, and it has been demonstrated that such services are not feasible at this time. A servicing analysis was submitted for the proposal, which should have very similar servicing needs to the existing Misty Meadows Market (on the abutting lands to the west). The current site plan includes a tertiary septic treatment system, as well as an existing well, and an alternate well location. The existing well on-site would be located within the proposed building,

which is generally not encouraged. The applicant has submitted justification for how the building design will accommodate the well, but has also included an alternate well location, in case the final site plan design does not accommodate the well within the building.

From a transportation perspective the development is located on a Provincial Highway and a County Road. A Traffic Report was submitted in support of the development. Occasional truck traffic will enter the property, at a rate similar to the existing store, and parking will be provided for 20 cars on-site. The access to the development will be off of Grey Road 14, and the access to the neighbouring property will be closed off. As part of this development of this site, the existing access to the County Road will be 'cleaned up' such that it is a standardized width, and not an open access across the entire easterly boundary of the property, as it currently is. Both the MTO and County Transportation Services will continue to be involved in the site plan review of this file.

- h) The proposed development would service the existing settlement area of Conn, the travelling public, and the local horse and buggy community. While the proposed development is not within the settlement area boundaries, it is immediately adjacent on an existing non-farm parcel of land. The proposed retail establishment would sell a mixture of home-made, local, and imported goods. A commercial operation is already permitted on the subject lands, and the development applications are triggered by the size of this proposed operation.
- k) The proposed commercial development may provide some new employment, but based on the size of the uses being proposed, and the replacement of the existing facility, it would not be considered a major employment generator.
- p) As noted above, the subject lands are on a Provincial Highway and a County Road which offer significant amounts of passing traffic. This development would also serve the settlement area of Conn, and allow for an expansion of the existing Misty Meadows Market facility.

The proposed official plan amendment has regard for matters of Provincial interest under the *Planning Act*, subject to detailed site design being implemented through site plan control.

Provincial Policy Statement (PPS) 2014

Sections 1.1.4 and 1.1.5 of the PPS provide policy direction on rural areas and lands within municipalities. Rural economic opportunities should be promoted where rural

service levels are sufficient to sustain such opportunities. As noted above, the existing planning documents already permit commercial development on the subject lands, but not to the size and scale being proposed. The background documents and technical reports have demonstrated that with the proposed lot addition, the subject lands can accommodate the proposed use. The proposed land use would not appear to have any undue impact on neighbouring land uses.

Section 1.3 of the PPS speaks to promoting economic development and competitiveness. The proposed development would generally represent a small infill opportunity for commercial development.

Within section 1.6.6 of the PPS, guidance on hierarchical servicing and stormwater management is provided. At the top of the hierarchy is full municipal water and sewer services, which for reasons discussed above are not feasible for this property at this time. At the bottom of the hierarchy the PPS does contemplate individual on-site services, and through the servicing work completed on this application it has been demonstrated that the uses proposed can be serviced in this manner. A tertiary septic treatment system is being proposed for this development. As noted above further stormwater management details will come at the time of the site plan application.

Section 2.1 of the PPS contains policies for the protection of significant natural heritage features. In the review of the *Planning Act* the impacts on the natural environment have been addressed.

Section 3.1 of the PPS speaks to development being directed to areas outside of naturally hazardous lands. Comments have been received by the SVCA which demonstrate that the lands can be developed outside of any hazardous portions of the site, with no impact on fish habitat. As noted above, there will be a minor addition to the Hazard Lands boundaries on-site, through the Official Plan Amendment.

The proposed official plan amendment is generally consistent with the PPS, subject to detailed site design being implemented through site plan control.

County of Grey Official Plan

All new development proposals within the County must conform to the purposes and policies of the Official Plan.

The requirements for official plan amendments are outlined in section 6.3 of the County Plan, while the detailed Rural policies are found at section 2.3 of the Plan.

As noted above, the subject lands are currently designated as Rural on Schedule A to the County Plan. This land use designation affords the property a number of permitted

uses including residential and commercial development opportunities. At present a 250 m² commercial operation would be permitted on a Rural property of this size, without an amendment to the County Plan. On a Rural property 20 hectares or larger, the County Plan would permit a 750 m² commercial operation. Although the proposed 850 m² commercial operation is significantly larger than currently permitted on a property of this size, the proponent has demonstrated some merit in considering the size increase. The justification for this proposed amendment can be summarized as follows;

1. The proposed market would replace the existing market on the abutting neighbouring property, which has already proven to be a successful business.
2. The market location is adjacent to Conn, which it would service, in addition to the travelling public (on the Provincial Highway/County Road), and horse and buggy community members in the area.
3. The proposed market would sell locally produced goods, in addition to some imported goods.
4. The applicant could have chosen a 'farm-sized' property to re-locate the market to, and then needed less of a size increase amendment. However in doing so it may not have been as accessible to customers, and it may have taken land out of agricultural production or imposed new constraints on neighbouring farmers.
5. The subject lands are already a small non-farm lot, which with a small lot addition, will be able to accommodate the proposed use without taking land out of agricultural production or imposing new constraints on neighbouring farms.
6. Access to the new market location would be better coming off the County Road, rather than directly off the Highway at the current location, where it has to cross a small bridge to access the property.

With respect to item # 4 above, County staff have also dealt with applications in the past, where such commercial operations sought to separate from the farm for business and insurance reasons. It may therefore be advantageous to have this business on a separate non-farm lot.

Neither the County nor the Township required a market analysis as part of the application package.

Throughout the development application process, it has been noted that Conn was previously a settlement area in the County of Grey Official Plan, up until the Five Year Review Official Plan Amendment # 80, which was approved in 2012. It should however be clarified that even though Conn was included in the Grey Official Plan, the subject lands were not included in the County's previous 'Hamlet' boundaries for Conn.

The County Plan also contains servicing and natural environment policies similar to the PPS, but these have generally already been reviewed in the *Planning Act* and PPS analysis.

Based on comments from the SVCA, Hazard Lands boundaries will now be included on-site.

As per the criteria in section 6.3 of the Plan, no additional demand would be placed on municipal services as a result of the proposed amendment. Similarly this amendment would not negatively impact other policy areas of the Plan.

The proposed amendment would generally conform to the goals and objectives of the County Official Plan.

Financial / Staffing / Legal / Information Technology

Considerations

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. The County has collected the requisite application fee and peer review deposit for this application.

Should the application be appealed to the Ontario Municipal Board additional financial, legal, or staff resources may be required. It should be noted however that should Council approve the amendment, and the amendment be appealed, that the County by default would not attend the hearing.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan, requires the continued management of development and the application of sound land use planning principles. Based on the justification submitted, and the need for a future site plan application, the subject application;

1. has regard for matters of Provincial Interest under the *Planning Act*,
2. is consistent with the Provincial Policy Statement, and
3. conforms to the goals and objectives of the County Official Plan.

Attachments

Draft By-law for Official Plan Amendment 133

Draft Schedule to By-law for Official Plan Amendment 133

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: *Randy Scherzer*