



# Committee Report

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	June 24, 2021
<b>Subject / Report No:</b>	County Official Plan Amendment 42-04-360-OPA-07 / Addendum to Report PDR-CW-09-21
<b>Title:</b>	Thompson Official Plan Amendment Final Report
<b>Prepared by:</b>	Stephanie Lacey-Avon
<b>Reviewed by:</b>	Randy Scherzer
<b>Lower Tier(s) Affected:</b>	Township of Chatsworth
<b>Status:</b>	Adopted as presented by Committee of the Whole through Resolution CW102-21; Endorsed by County Council CC53-21

## Recommendation

- 1. That Addendum to report PDR-CW-09-21 regarding a proposed County Official Plan Amendment be received; and**
- 2. That the Committee support the proposed amendment to the County of Grey Official Plan on lands designated 'Rural' and 'Hazard Lands', to re-establish two parcels that inadvertently merged, with frontage along Connell Lake Road at 200 and 201 Connell Lake Road, Concession 10 EGR PT Lot 12, geographic Township of Holland, Township of Chatsworth;**
- 3. And further, that the appropriate by-law be prepared for consideration by County Council.**

## Executive Summary

A proposed County official plan amendment application (42-04-360-OPA-07) has been submitted to amend the rural density, minimum non-farm lot size, and development along a private road policies as it applies to the subject lands to re-establish two parcels that inadvertently merged, with frontage along Connell Lake Road. Each parcel, as is today has a seasonal residential unit, separate well and septic systems, driveways, and boathouse structures. This amendment application would also require a zoning by-law amendment and consent application to the Township of Chatsworth.

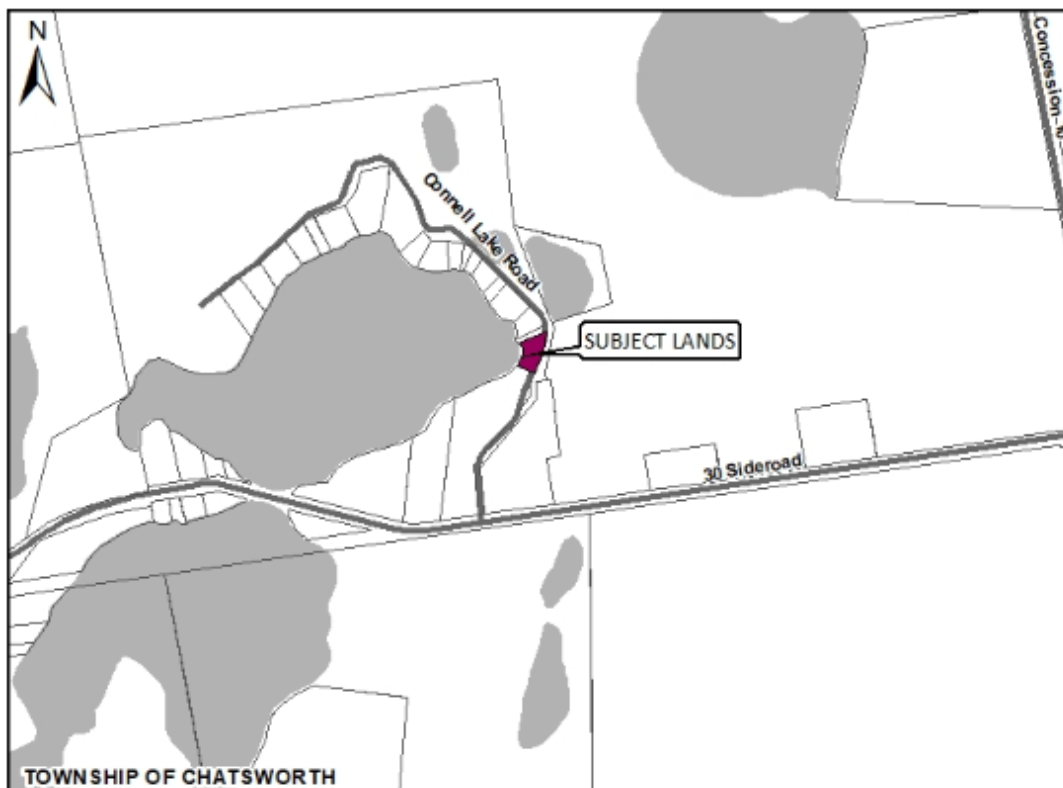
## Background and Discussion

The County has received an application from Kristine Loft, Loft Planning Inc (representing private property owners Elizabeth Mary-Jean Thompson, Mark Graydon Thompson, and Clayton Bruce Thompson) to amend the Grey County Official Plan as it applies to the subject lands. The amendment would allow the property owners to re-establish two parcels that inadvertently merged, with frontage along Connell Lake Road (private road).

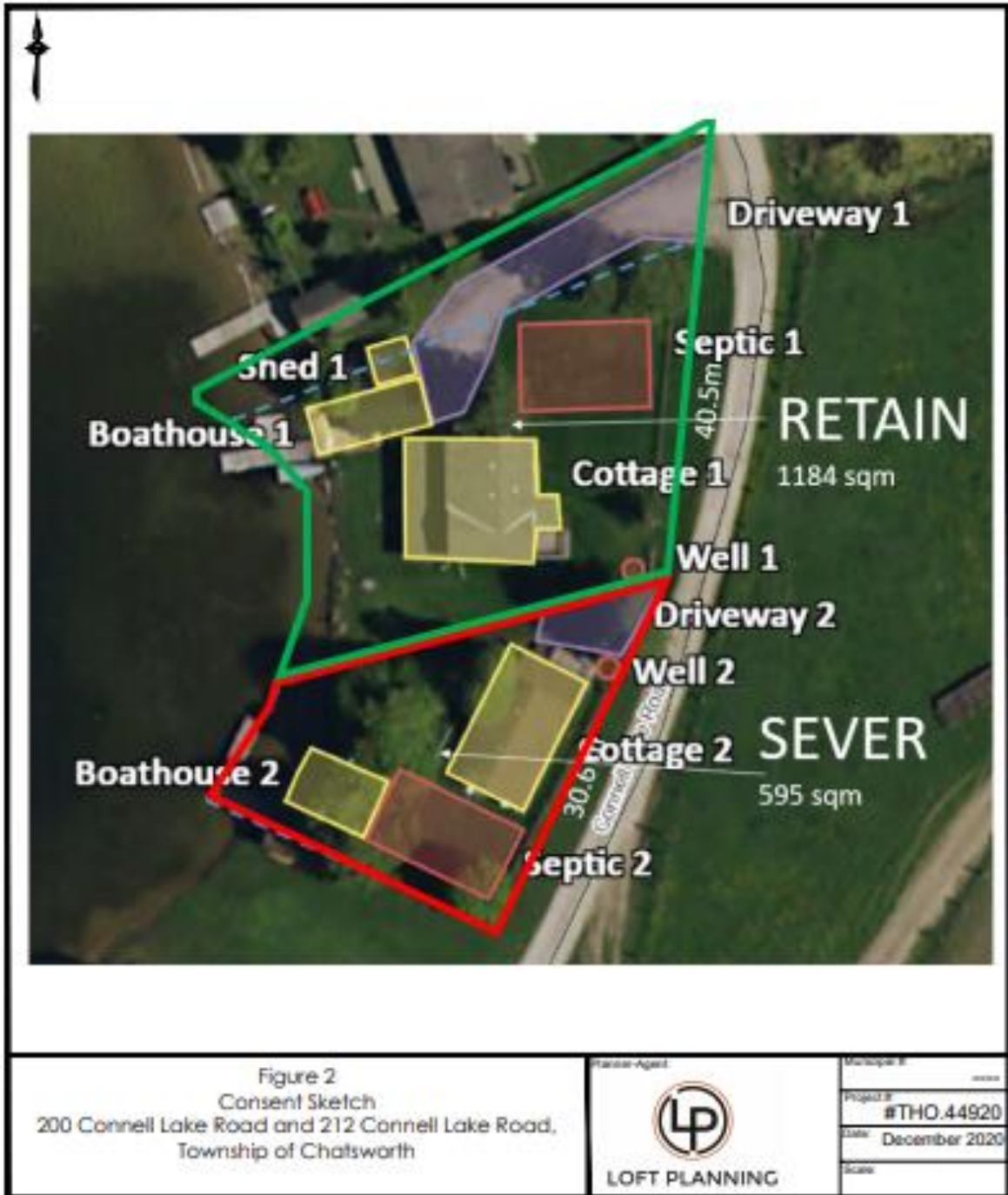
- The severed lands (200 Connell Lake Road) are 0.596 ha in area, with 30.6 m frontage onto Connell Lake Road.
- The retained lands (212 Connell Lake Road) are 0.118 ha in area, with 40.5 m frontage onto Connell Lake Road.

The proposed amendment also requires an amendment to the Township of Chatsworth zoning by-law and a consent application.

The subject lands are located at 200 and 201 Connell Lake Road, Concession 10 EGR PT Lot 12, geographic Township of Holland, Township of Chatsworth.



***Map 1: Airphoto of the Subject Lands proposed to be severed***



**Map 2: Airphoto of the Subject Lands showing the existing two seasonal residential units (courtesy of Loft Planning)**

The subject lands are designated 'Rural' and 'Hazard Lands'. The reason for this amendment is because there are limited rural lot creation provisions under the County Plan, whereas on original township lots 80 ha in size (applicable to the subject lands), a total of 6 lots are permitted (section 5.4.1(1)). There is upwards of 40 lots located on this original township lot.

The subject lands are within a cluster of seasonal recreational cottages along the shoreline of Connell's Lake. Section 5.4.1(g) of the County Official Plan states *recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership)* are permitted. An amendment is also needed to the County's Official Plan policy that speaks to minimum new non-farm sized lot size requirements (being 0.8 hectares in size), as well as the OP policies that address lot creation along a private road.

The subject lands currently comprise of two seasonal residential units, separate well and septic systems, driveways, and boathouse structures. They inadvertently merged on title.

Existing and surrounding land uses are described as follows:

- North: Seasonal cottages, natural areas, some farmland, and an unnamed lake.
- East: Farmland immediately west and Saugeen Conservation Lands east of Concession Road 10.
- South: Seasonal cottages along Hines Lake, Clarke's Lake and Robson Lake and a Residential, Subdivision to the west of Robson Lake.
- West: Seasonal cottages on Connell's Lake and Mud Lake, Moggie Valley Timber, Holland Pit and Campground.

Kristine Loft, a land use planning consultant working on behalf of the applicant has submitted a Planning Justification Report in support of the proposal. The following background information has also been provided as part of the overall submission: comments from Mike Givens, fire chief, Township of Chatsworth, comments from Gerald Madill, licensed septic installer, and copy of deed and PIN map.

A copy of the report and background materials can be found at the below link:

[Link to Background Materials](#)

A joint public meeting between the Township and the County was held for the County Official Plan Amendment (OPA) as well as the Municipal Zoning By-law Amendment (ZBA) on June 2<sup>nd</sup>, 2021. The Township supports the request to amend the County of Grey Official Plan. Minutes from that meeting can be found here:

[Public Meeting Minutes](#)

## Agency Comments Received

### Enbridge Gas, dated March 2<sup>nd</sup>, 2021 & May 21, 2021

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions. As a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

## Saugeen Valley Conservation Authority (SVCA), dated April 15<sup>th</sup>, 2021

SVCA staff have reviewed the applications in accordance with our MOA with the Township of Chatsworth and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act. The applications are generally acceptable to SVCA staff. Based on the applications, no new buildings or structures, or site grading is being proposed, therefore a permit from SVCA is not required at this time.

## Historic Saugeen Metis, dated April 5<sup>th</sup>, 2021

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed County Official Plan Amendment and Chatsworth Zoning By-law Amendment.

## Ontario Power Generation (OPG), dated May 25<sup>th</sup>, 2021

OPG has no concerns.

## Public Comments Received

There were no comments received from the public.

## Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest under the *Planning Act* 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 Provincial plans in force and effect.

Staff are recommending approval of the subject County Official Plan Amendment. Key Provincial and County policies have been flagged below for consideration.

## Provincial Legislation – The Planning Act

Most notable to this proposed official plan amendment are the following clauses from the *Planning Act*, which will need to be considered.

### **(a) the protection of ecological systems, including natural areas, features and functions,**

The subject lands abut Connell Lake. No further development is proposed through the subject proposal, aside from severing the two respective parcels.

### **(b) the protection of agricultural resources of the Province,**

The subject lands are designated 'Rural' as per Schedule A of the County Official Plan. As per section 5.4.1(g) of the County Official Plan, *recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership)* are permitted. There are two existing cottages on the subject lands, no further development is proposed.

**(e) the supply, efficient use and conservation of energy and water,**

Comments were received from Mr. Gerald Madill, a licensed septic installer to determine whether the subject lands can safely and adequately accommodate two septic systems, given the property size for both the severed and retained is significantly less than 0.8 ha. Both properties are currently being serviced by a Class 4 septic system, one with a raised leaching bed and the other with an in-ground leaching bed. Both water systems feature a UV filtration system. Mr. Madill confirmed that these properties can adequately accommodate private servicing today and in the future.

**(o) the protection of public health and safety**

Mr. Mike Givens, fire chief for the Township of Chatsworth confirmed that the Township fire department provides emergency fire protection coverage to both 200 and 212 Connell Lake Road. The properties also have confirmed legal right to access and drive on Connell Lake Road (private road).

## Provincial Policy Statement (PPS 2020)

Section 1.1.5 of the PPS outlines recreational and residential uses as permitted uses in the rural area, provided development is compatible with the rural landscape and can be sustained by rural service levels. No additional development is being proposed, the subject lands currently comprise of two seasonal residential units, separate well and septic systems, driveways, and boathouse structures.

Section 1.6.6.4 of the PPS details the provisions that should be considered when individual on-site sewage services and individual on-site water services are proposed. These include ensuring the site conditions are suitable for the long-term provision of such services with no negative impacts. Mr. Gerald Madill, a licensed septic installer confirmed that these properties can adequately accommodate private servicing today and in the future.

## County of Grey Official Plan

Section 5.4.1(2) of the County OP states recreational uses or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership) are recognized as a permitted use.

Section 5.4.2(2) outlines minimum new non-farm sized lot size requirements, being 0.8 hectares in size. 5.4.3(1) further states that consideration can be given to a smaller lot, without an amendment to this Plan, provided adequate justification is provided, and the lot is large enough to sustain the use over the long-term. It has been demonstrated through comments received from Mr. Mike Givens - fire chief for the Township of Chatsworth and Mr. Gerald Madill - a licensed septic installer, that emergency protection is being provided to the subject properties, and these properties can adequately accommodate private servicing today and in the future.

Section 5.4.2(4) states new non-farm sized lot creation shall not be permitted within *Aggregate Resource Areas* on Schedule B to this Plan. Schedule B of the County OP identifies the entirety of the subject lands as an 'aggregate resource area'. These properties currently have existing development (2 cottages), meaning the sensitive land use boundaries are established. By re-creating the two lots as separate parcels, the sensitive land use boundaries would remain the

same, as it would still encompass the existing 2 cottages (200 & 212 Connell Lake Road). These properties are also within an existing built up cluster of development and would not be further adding a sensitive use to the area.

Section 5.4.3(1) details the lot density provisions under the rural land use designation. This policy is proposed to be amended as part of the subject application, as the lot density of the original township lot significantly exceeds the total lots permitted on an 80-hectare lot. The subject property forms part of an original 80-hectare crown-surveyed parcel, described as Lot 12, Concession 10 EGR, geographic Township of Holland, Township of Chatsworth. A maximum of 6 total lots (including the retained) is permitted on an original 80-hectare crown-surveyed parcel. There is upwards of 40 lots that have been created, greatly exceeding the number of severances permitted under the County's density policy. Staff would typically not be supportive of lot creation in the rural land use type, where lot density provisions have already been exceeded. But in this case, there are two cottages that exist today and historically functioned as two separate lots. There are 2 cottages, 2 separate driveways, well and septic systems. Staff see merit in re-establishing these lots as separate, legally conveyable lots, as they were previously recognized as such without concern from a planning perspective.

Section 7.2 of the County OP details the policy requirements for 'Hazard Lands'. There is identified hazard lands on the subject lands, but no further development is proposed through these applications. The property is also within vicinity of a 'provincially significant wetland'. Section 7.3.1 states that no development or site alteration may occur within the adjacent lands of this natural heritage feature unless it can be demonstrated there will be no impact. The application was reviewed by SVCA and there were no comments or concerns.

Section 8.3.4(4) states new lot creation is not permitted on a private road, unless the roads are established through a plan of condominium. The seasonal use of the subject lands has long been accessed via Connell Lake Road (private road). Because both lots (200 & 212) have existing cottages, separate well and septic systems, driveways, and boathouse structures, no new development is being proposed. There were also no recognized risks to public health and safety, as the fire chief for the Township confirmed fire department provides emergency fire protection coverage to both lots. The County is generally not supportive of development on private roads, or seasonally maintained roads, without the owner acknowledging limited services are currently/will be available to the subject site, and that the municipality does not or is not responsible for future servicing. No change to the properties is being proposed.

As well, through recent proposed changes to the Planning Act, there will be fewer application types of this nature, as there is intended recognition to limit lands merging if it is a result of the death of a joint tenant. In this case, the lands had already merged, and were purchased as one lot by the current owners. The proposed change to the Planning Act would not apply here, but it is worthwhile raising for general comment.

Staff are recommending approval of the proposed County Official Plan Amendment. Through re-establishing the two lots along Connell Lake Road, there would be no negative impact to the land use and neighbours as development exists today and no further development is being proposed. It has been confirmed that emergency services can safely reach the subject property, the lands can be adequately serviced, and there is established legal access.

## Legal and Legislated Requirements

The application will be processed in accordance with the Planning Act.

## Financial and Resource Implications

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.

## Relevant Consultation

- Internal: Planning Staff
- External: Township of Chatsworth, required agencies under the *Planning Act*, and the public

## Appendices and Attachments

[Report PDR-CW-09-21](#)

[Draft Official Plan Amendment 7](#)

[Schedule A Official Plan Amendment 7](#)