

## Addendum to Report PDR-PCD-04-15

**To:** Chair Wright and Members of the Planning and Community Development Committee

**From:** Alisha Buitenhuis, Planner

**Meeting Date:** April 21, 2015

**Subject:** **Addendum to 42-07-060-OPA-128 H. Bye Construction Merit Report**

**Status:** Recommendation adopted by Committee as presented per Resolution PCD51-15; Endorsed by County Council May 5, 2015 per Resolution CC72-15;

### Recommendations

**THAT the proposed amendment to the County of Grey Official Plan to re-designate the subject lands from 'Rural' and 'Hazard Lands' to 'Rural with Exception' and 'Hazard Lands' for the lands described as Part of Lot 66, Lot 67, Concession 3, geographic Township of Egremont, in the Township of Southgate to allow for the severance of a vacant residential parcel be supported;**

**AND THAT the Addendum to Report PDR-PCD-04-15 regarding a proposed County Official Plan Amendment be received;**

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

### Background

The County of Grey has received an application to amend the County Official Plan to allow for the severance of two residential parcels from a larger farm parcel. The reason for the application is that residential lot creation is not permitted within Aggregate Resource Areas by the County Official Plan (OP), and ribbon development is not permitted within the Rural designation.

The original application has been modified to request permission for the severance of one residential parcel, which would be the size of the two previously requested parcels combined.

The subject property is 47.86 hectares (118.27 acres) in size and is legally described as Part of Lot 66, Lot 67, Concession 3, geographic Township of Egremont in the Township of Southgate. The property is vacant and part of it is currently farmed.

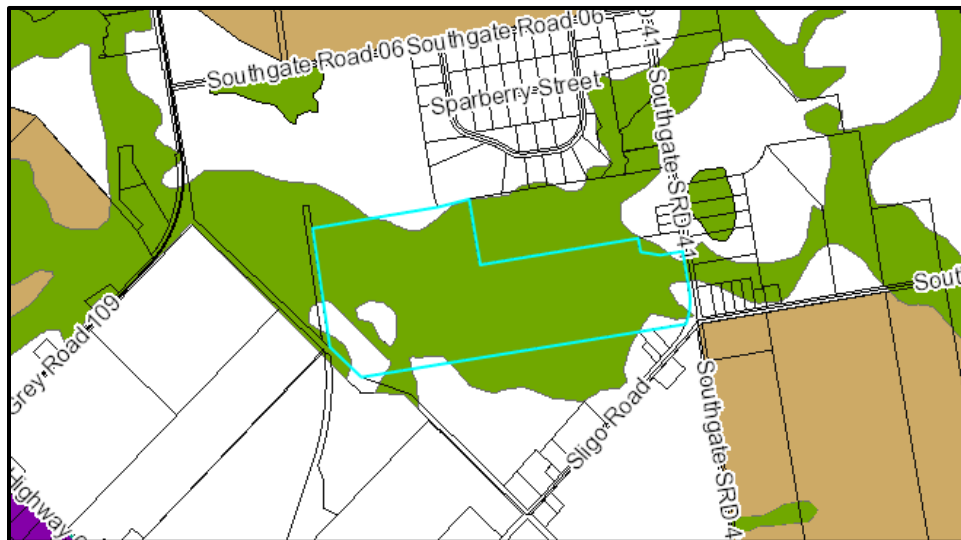
The subject property is located at the three-way intersection of Southgate Sideroad 41, Southgate Road 04 and Silgo Road, at the border of Mount Forest and the Township of Southgate. The surrounding area consists of primarily residential and farm uses, and is designated Rural, Agricultural and Hazard Lands.

Cuesta Planning Consultants Inc. has submitted a Planning Justification Report in support of the proposed amendment, which includes an engineer's report regarding the aggregate resource. No other reports or studies were deemed necessary at the time of pre-submission consultation.

A Municipal Zoning By-law Amendment, Local Official Plan Amendment and Consent Application are required from the Township of Southgate.

A Public Meeting was held on February 18, 2015. Minutes from that meeting can be found here: [Public Meeting Minutes OPA 128 H Bye Construction](#).

### *Map 1 – Location of Subject Lands*



### *Public/Agency Comments Received*

#### **Historic Saugeen Metis**

In a letter dated December 16, 2014, the Historic Saugeen Metis stated that they have no objection or opposition to the applications.

## **Saugeen Valley Conservation Authority (SVCA)**

In a letter dated January 14, 2015, SVCA staff stated that site inspections were performed in October 2013 and December 2014. The proposal is acceptable provided that the proposed Hazard designation and Environmental Protection (EP) zone are amended consistent with mapping provided by SVCA.

Wetlands and hazardous lands are located throughout the property. Fish habitat is associated with the watercourse, and other wetlands are located on the subject property as well; however, neither of these features will be impacted by this proposal.

The proposed vacant lots are partially within the Environmental Protection zone, but there is adequate development space outside of this zone. The retained lot is currently vacant, and the driveway is substandard to access the developable portion of the lot. Access would have to cross an EP zone. In a letter dated December 6, 2013, SVCA stated that the driveway improvements would require their approval, and recommended that the laneway be improved prior to the proposed severance lands being sold to another landowner. Another option is that this improvement, subject to SVCA approval and sign off, could be included as a condition of consent.

In the opinion of SVCA, the revised EP zone proposed by the consultant removes too much of the existing EP zone. A recommended EP zone boundary has been provided by SVCA.

Portions of the subject property are designated Hazard in the County and Township Official Plans. These lands include hazardous lands, floodplains, wetlands, watercourses, and adjacent low-lying areas. No new buildings or structures are generally permitted in the Hazard designation. As with the EP zoning, the Hazard designation is too large and should be modified in accordance with the SVCA recommendations provided.

The property is subject to SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06). This regulation requires that written permission be obtained from SVCA prior to any development in a Regulated Area or alteration to a wetland or watercourse. There is not currently any mapping available showing the Regulation Limits on the property; however, the approximate area to which the Regulation could apply is the EP zone plus a 50 metre buffer offset distance from the EP zone boundary. If development or alteration including construction, reconstruction, grading, filling, or excavation is proposed in or near the Regulated Area, SVCA should be contacted prior to any works occurring as permission and/or a permit may be required.

The Hazard mapping provided by SVCA will be implemented as part of this Amendment. The applicant is agreeable to including the laneway improvements and sign-off from SVCA as a condition of consent.

## *Analysis of Planning Issues*

Planning authorities must have regard to matters of Provincial Interest, the criteria of the Planning Act and be consistent with the Provincial Policy Statement (PPS). Decisions must also conform to the County of Grey Official Plan and any Municipal Official Plans which are in force and effect.

### **Planning Act**

Section 2 of the *Planning Act* sets out matters of Provincial Interest, which all land use decisions shall have regard for. Subsections (c), '*the conservation and management of natural resources and the mineral resource base*', and (p), '*the appropriate location of growth and development*' are the most applicable to this application.

- c) The Planning and Justification Report includes an analysis of the aggregate resource on the subject lands which was completed by Gamsby & Mannerow. This analysis determined that the property would not be viable for aggregate extraction. As such, conservation and management of the mineral resource base in this specific location are no longer concerns.
- p) The Rural designation allows for limited non-farm development. As the aggregate resource is not viable for extraction on this site, it is an appropriate location for limited growth.

### **Provincial Policy Statement (PPS)**

Section 1.1.5.4 of the PPS encourages development that is compatible with the rural landscape and can be sustained by rural service levels. Section 2.4.1 requires that minerals and petroleum resources be protected for long-term use.

Without an Official Plan Amendment, the applicant would have been able to sever the lot into two farm-sized parcels, which would have allowed for two residential dwellings. The subject application proposes to sever one residential parcel and retain one farm-sized parcel, which would still only allow for two residential dwellings. The development is compatible with the rural landscape and can be sustained by rural service levels.

The Gamsby & Mannerow analysis determined that the mineral resource was not viable for extraction. Therefore, it does not require protection for long-term use in this specific location.

### **Grey County Official Plan**

Section 2.3.4(7) of the County Official Plan does not allow for non-farm lot creation within an Aggregate Resource Area, and Section 2.3.3(1)(j) does not allow for ribbon development along roadways. Ribbon development means a strip of four or more contiguous non-farm lots less than 20 hectares along an existing road.

The mineral resource is not viable for extraction on this property, and as such the creation of a non-farm lot will not further hinder or preclude aggregate extraction on this site. A lot can be created in conformity with the Rural policies as the aggregate resource is no longer a constraint.

This property could have been severed into two farm-sized parcels and developed with two residential dwellings without an Official Plan Amendment. Allowing for one farm lot and one non-farm lot will not change the character of the area as residential development will still be limited to two dwellings. The proposal satisfies the original intent of the ribbon development policy.

Section 6.3 of the County Official Plan contemplates amendments to the plan, provided that the criteria of the relevant sections of the Plan can be addressed. Protecting aggregate resource areas from incompatible uses is a major objective of the Plan. The aggregate resource was shown to be unviable for extraction and as such will not be impacted by the creation of one non-farm lot on the property.

## Financial / Staffing / Legal / Information Technology Considerations

There are no expected financial, staffing or legal considerations beyond those normally encountered in processing an Official Plan Amendment application. The County has received an amendment application fee and peer review deposit with the file.

## Link to Strategic Goals / Priorities

The subject application is a private development application. The processing of such applications in a timely and efficient manner would fall under the Planning department's core business mandate.

This development application should have no direct impact on the County's ability to achieve corporate strategic goals and priorities.

## Attachments

None

Respectfully submitted by,

Alisha Buitenhuis  
Planner

Director Sign Off: *Randy Scherzer*