

Addendum # 2 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: October 13, 2016
Subject: Proposed Official Plan Amendment 133 2nd Addendum Report
Status: Recommendation adopted by Committee as presented per Resolution PCD121-16; Endorsed by County Council November 1, 2016 per Resolution CC138-16;

Recommendation(s)

- 1. WHEREAS all written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision; now be it resolved:**
- 2. 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;**
- 3. THAT the Addendum # 2 to Report PDR-PCD-33-15 regarding proposed County Official Plan Amendment Number 133 be received, and;**
- 4. THAT the revised by-law be prepared for consideration by County Council.**

Background

The County of Grey originally 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. Following the initial development review process, including a public meeting and agency/public comments; the proponent amended their application to increase the size of the subject lands, the parking on-site, and the building size. A tertiary treatment septic system is proposed within the expanded lot area, as

well as shifting the proposed building to the north. The revised proposal will now permit an approximately 915 m² commercial business, in the form of a traditional general store. A second circulation and joint public meeting were subsequently undertaken following the revisions to the applications. The second public meeting was held on September 28, 2016.

The subject property is approximately 0.66 hectares in size (with the anticipated lot addition lands to the north and the west) and is legally described as Part Lot 29, Concession 4, geographic Township of Egremont, in the Township of Southgate. The new lot addition lands to the north are currently farmed.

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.

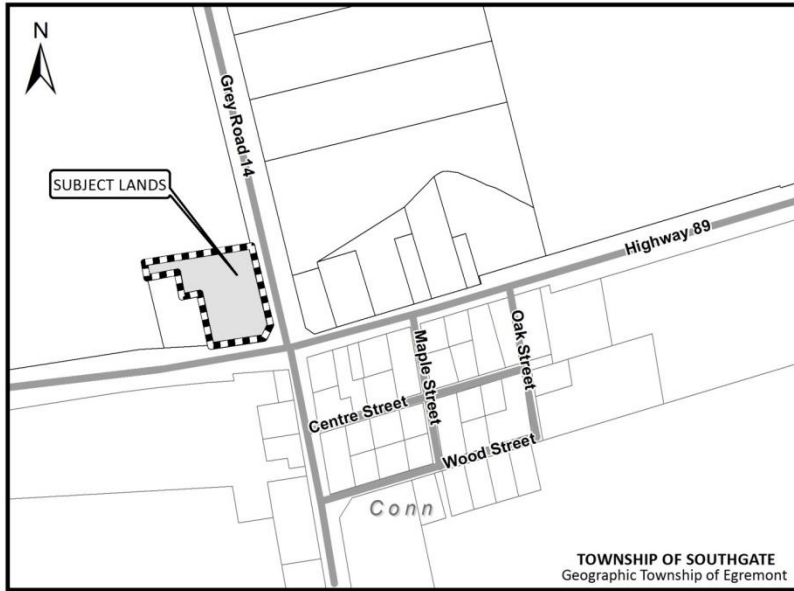
The size of the Misty Meadows Market is in excess of what is currently contemplated by the County and Township Official Plans for the 'Rural' designation. Based on comments from the Conservation Authority, staff are also recommending an update to 'Hazard Lands' boundaries on-site. Aside from the Township and County Official Plan amendments, a zoning by-law amendment and two consent applications are also needed for this development.

A detailed description of the surrounding lands was included in the original report PDR-PCD-33-15 and its addendum. Revised key maps and site plans have been included below as Maps one and two respectively.

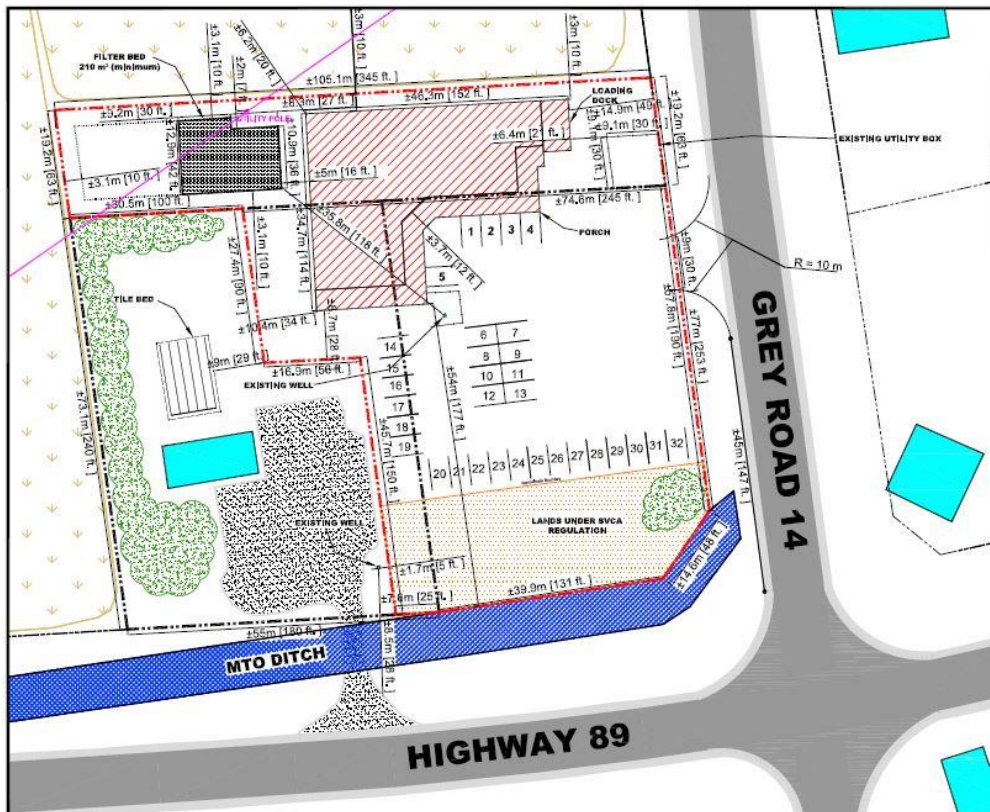
Copies of all revised background materials can be found on the County's website at the below link.

[Misty Meadows Market Background Materials](#)

Map 1 – Location of the Subject Lands



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



Agency Comments Received

Following Addendum Report # 1 to PDR-PCD-33-15 agency comments were received from the following bodies. All comments received prior to Addendum Report # 1 to PDR-PCD-33-15 were summarized in that report.

Saugeen Valley Conservation Authority (SVCA), dated September 28, 2016

1. "The EIS [Environmental Impact Study] dated January 14, 2016 by WSP addressed fish habitat concerns with the regard to Proton Municipal Drain No. 56/MTO Hwy. 89 roadside ditch.
2. The EIS was forwarded to SVCA on January 19, 2016, and SVCA staff gave comments to it dated January 22, 2016.
3. SVCA staff is satisfied with fish habitat concerns for the watercourse adjacent to the north side of Hwy.89.
4. SVCA staff do not have any concerns with regards to the fish habitat on the parcel to be retained as proposed development will not be located in the adjacent lands to the fish habitat on the parcel to be retained."

Dundalk Fire Department, dated September 8, 2016

The Dundalk Fire Department is aware of the applications and at the present time have no concerns or objections.

Historic Saugeen Metis, dated September 9, 2016

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

County of Grey Transportation, dated September 13, 2016

Transportation Services has reviewed the file and has no further comments. Transportation Services will be involved as part of the future site plan control application for this development.

Enbridge, dated September 12, 2016

Enbridge Gas Distribution does not object to the proposed application(s).

Ministry of Transportation (MTO), dated September 23, 2016

In verbal discussions with MTO staff they noted they have no issues with the revised official plan amendment applications. They reiterated their comments that they would be involved as part of the site plan control application process and additional details may be needed at that time.

Township Joint Building Services, dated September 15, 2016

The Building Services Department has no concern with the applications. If the applications are approved, the owners will be required to apply for an approved building permit for any future building prior to the commencement of construction.

Township of Southgate Planning

County and Township staff have had numerous conversations and pieces of correspondence throughout the development application review processes. Township Planning 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 second development application process County staff received the following additional public comments.

Louise Morfitt Hall, dated July 27, 2016

Ms. Morfitt Hall noted that she had several comments and questions that she would address under separate cover. She also noted that had she known the date of the

Planning and Community Development Committee [July 14, 2016] that she would have attended.

At the public meeting on September 28, 2016, Ms. Morfitt Hall asked for clarity on any records showing how the test holes dug on-site were measured, and how many times they were measured.

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.

A lengthy planning analysis was conducted in the first Addendum to Report PDR-PCD-33-15. Rather than reiterate that analysis for the *Planning Act*, the PPS and the County Plan, County staff will instead review the changes to the proposal and outline any applicable considerations.

The increased size of the subject lands will allow for easier truck maneuvering on-site and additional parking on-site (32 spaces up from the 10 spaces originally proposed). The revised plan will ensure that trucks no longer have to back out onto Grey Road 14. The additional building size is not anticipated to result in any significant traffic generation for the subject lands, and as such the Traffic Study was not requested to be updated. In addition the increased parking area will come closer to meeting the parking standard set out in the Township's zoning by-law; however an amendment to the by-law will still be required in this regard. MTO and County Transportation Services staff have reviewed the proposal and have no concerns from a transportation perspective.

The additional lot area will also allow for ease of servicing on-site including; allowing for greater separation between the septic system, neighbouring wells and lot lines, ensuring that the existing well on-site will not be located within the building, and allowing for a future expansion to the filter bed (if needed). Township Joint Building Services staff have reviewed the new servicing of the subject lands and have no concerns at this stage.

In response to Ms. Morfitt Hall's question of clarification at the second public meeting, Cuesta Planning Consultants noted the following in an email dated October 3, 2016;

"It is my understanding that one test hole was dug on the site by Marhoe Excavating in the summer of 2015, which was tested by CMT Engineering.

The proposed development will comply with Ontario Building Code requirements. If soil variation is observed at the time of construction, additional tests may be conducted.

Detailed servicing considerations will be handled at the time of site plan approval as per the GM BluePlan Engineering Servicing Report.”

The increased size of the subject lands, including the lot addition from the north, will result in approximately 0.2 hectares being taken out of agricultural production. The lands to be taken out of production are designated as ‘Rural’ in the County Plan. While not ideal to take lands out of agricultural production, both the PPS and County Plan contemplate such economic development opportunities in rural areas of municipalities. Misty Meadows Market is a retailer of locally produced farm goods and food, which is of benefit to the area. The overall effect on the farm to the north of taking these lands out of production should be minimal.

From an environmental perspective, the SVCA have reviewed the revised proposal and noted some additional environmental features on the northern property. In this case however the additional features are outside of the proposed development envelope.

After reviewing the revised proposal County Planning staff are of the opinion that the County Official Plan Amendment application;

- has regard for matters of Provincial interest under the *Planning Act*,
- is consistent with the PPS, and
- conforms 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

Addendum to PDR-PCD-33-15

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: *Randy Scherzer*