

Addendum to Report PDR-PCD-06-15

To: Chair Wright and Members of the Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: May 19, 2015
Subject: Proposed Official Plan Amendment 126 Addendum Report
Status: Recommendation adopted by Committee as presented per Resolution PCD72-15; Endorsed by County Council June 2, 2015 per Resolution CC81-15;

Recommendation(s)

THAT proposed Official Plan Amendment Number 126 to the County of Grey Official Plan to re-designate the subject lands from the ‘Space Extensive Commercial’ designation to the ‘Space Extensive Commercial with Exceptions’ designation for lands described as Plan 535, Lot 11, Geographic Township of Derby, Township of Georgian Bluffs, be supported;

AND THAT County Planning staff be directed to work with Township of Georgian Bluffs staff, and all relevant stakeholders, to look at a comprehensive strategy for land use policies and servicing for existing small lots on the ‘Sunset Strip’,

AND THAT the Addendum to Report PDR-PCD-06-15 regarding proposed County Official Plan Amendment Number 126 be received;

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

Background

The County of Grey received an application from 562093 Ontario Limited (Edward Raco) to amend the County of Grey Official Plan for the purpose of permitting an exception to the ‘Space Extensive Commercial’ designation to allow for the re-development of an existing vacant lot at Plan 535, Lot 11, Geographic Township of Derby, Township of Georgian Bluffs (202507 Highway 6 and 21). The exception would contemplate some additional permitted uses, beyond what is currently permitted in the Space Extensive Commercial designation, to account for the smaller lot size and

building envelope of the existing lot. At this point the proposed development would consist of a flower shop and one additional commercial/retail tenant.

The proposed development also requires official plan and zoning by-law amendment applications from the Township of Georgian Bluffs. A future site plan control application will be required by the Township, should the official plan and zoning amendments be granted.

The purpose of this report is to formulate a recommendation to the Planning and Community Development Committee with respect to the proposed County official plan amendment.

The proposed amendment would re-designate approximately 0.55 hectares (1.36 acres) of land to the 'Space Extensive Commercial with Exceptions' designation. Hazard Lands as identified by the Grey Sauble Conservation Authority would be implemented through the zoning by-law amendment, as the County Official Plan does not currently contain Hazard Lands for lands within the Niagara Escarpment Plan area. Although the subject property is 0.55 hectares in size, the property has a much smaller building envelope based on the hazard lands on-site, and the setbacks required from the Provincial Highway. The existing uses permitted by the Space Extensive Commercial designation generally require larger land areas for development. An aerial photograph showing the subject lands has been included below.

The subject property is west of the City of Owen Sound on the Sunset Strip, and has direct access onto the Provincial Highway. The subject lands are currently vacant, with approximately 60% of the lands being treed and hazard lands, while the remaining 40% are cleared. Surrounding the subject lands are a mixture of commercial, residential, and forested properties. To the rear of the subject lands is the Giant Tiger / Galaxy / Joe Tomatoes plaza, while the former Canadian Tire gas bar, and some residential lots, border the property to the north-east. Across the Provincial Highway from the subject lands are some further retail plazas.



Map 1: Airphoto of the Subject Property and Surrounding Lands

Cuesta Planning Consultants have submitted a Planning Report in support of the proposal. In addition, WSP Canada Inc. have submitted a Servicing Feasibility Study and a Stormwater Management Report as appendices to the Cuesta Report. Addendum submissions have also been received by both Cuesta and WSP. A Butternut assessment was also completed for the subject lands. Copies of all reports, background materials and plans can be found at the below link.

[Link to Ed Raco Background Materials](#)

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

[Public Meeting Minutes OPA 126 Raco](#)

Public/Agency Comments Received

As part of the development application process County staff received one comment from a member of the public, which can be summarized as follows. Keith Lawrence from Georgian Bluffs noted that 'Mr. Raco would be a good neighbour, and he feels that it is a nice idea and is in favour of the proposal moving forward.'

Grey Sauble Conservation Authority (GSCA)

In correspondence dated February 18, 2015, GSCA noted;

“Pre-consultation comments from the GSCA provided to the proponent regarding the proposal indicated the need for stormwater controls to be implemented. At this time no specific information has been provided to address stormwater management other than preliminary discussion with the proponent’s engineer. As such, we recommend details of the stormwater management plan be provided at the time of the circulation of the Site Plan Approval application.

We recommend that the natural hazard area as depicted on the attached map be incorporated into the Official Plans as ‘Hazard Land’ and into the Township of Georgian Bluffs Comprehensive Zoning By-law as ‘EP – Environmental Protection’ zone. Furthermore, we recommend that the additional 15 metre setback required from the EP area under Section 4.17.4 a) of the Comprehensive Zoning By-law is not necessary in this instance.

A permit is required from this office prior to the commencement of development as the proposal is within the Regulated Area under Ontario Regulation 151/06.”

Ministry of the Environment and Climate Change (MOECC)

The MOECC initially submitted comments through the Ministry of Municipal Affairs and Housing (MMAH). Following a discussion on their initial comments, the MOECC submitted further comments in an email dated March 25, 2015, which noted the following;

“This is further to MMAH’s comments regarding the Raco official plan amendment applications.

As you noted, our initial comments to MMAH represented our standard response to development proposed on existing lots where groundwater supply can be assured. The proposed reliance on water trucking and the possible existence of other lots that may be developed using this method, represents some rather significant policy and practical issues.

We understand that there may be other lots within the Sunset Strip (9 in total?) which may not have access to groundwater or municipal water supply.

For new lots (e.g. lots created by severance or subdivision) our Region would normally not support development relying on water haulage. We do not see hauled water as a sustainable mode of water service.

We recommend that the municipality proceed cautiously with any amendment that could have the effect of promoting haulage in the County. For the Strip, it is recommended that the desirability and safety of hauled water use for existing lots should be approached, comprehensively, under one amendment for the area.

We would expect that the research conducted for an area-wide amendment would consider:

- a) the regulatory environment governing the delivery and use of water for the various permitted land uses (is it possible that some uses may fall under Regulation 319/08, Health Protection and Promotion Act?)*
- b) identification of land uses that are less likely to involve public exposure to untreated hauled water*
- c) access to potable water by employees and whether the Health Unit or Ministry of Labour have any standards or requirements governing this*
- d) the standards, historical performance and regulation of water haulers (if these haulers are transporting water that is marketed as “potable”)*
- e) the need for agreements between the lot owners and the municipality to control the management, storage and treatment of potable waters (and isolation from untreated or non-potable water).*
- f) Formal municipality-to-municipality negotiations with the City of Owen Sound to explore the extension of the City’s system. Alternatively, the prospects for an area-wide water supply system for the Sunset Strip should be examined. In this respect, the amendment should comment on the present state of water supply in the Strip and make recommendations to the municipality concerning the need to initiate a Class EA process to examine the available solutions in a formal, structured and public process. If there are issues with private water supply in the Strip, these issues should be described and characterised as to the risk they represent to lot owners, the public and the economic welfare of the municipality (should these issues point to the need for a new or expanded municipal water treatment and distribution system).”*

It should be noted that the above quoted MOECC comments were submitted prior to the revisions to the application which eliminated the proposal for trucked-in water on-site.

Ministry of Transportation (MTO)

In correspondence dated February 18, 2015, MTO noted that they have no concerns with the official plan or zoning by-law amendments; however activities on the subject lands will require a future permit from the MTO.

Historic Saugeen Metis (HSM)

In correspondence dated February 3, 2015, the HSM noted that they have no objection or opposition to the proposed official plan or zoning by-law amendments.

Grey Bruce Health Unit (GBHU)

The GBHU also submitted two sets of comments. In their initial comments the GBHU raised some questions with respect to the proposal to truck in potable water. In their second set of comments, following the submission of additional addenda materials (which eliminated the proposal for trucked-in water on-site) the GBHU noted;

“The attached information [referring to the addenda submissions] would appear to address the Health Unit comments. It should be noted that if future changes in the use of the proposed building were to bring the water system under the jurisdiction of Ontario Regulation 319/08 (Small Drinking Water Systems) then there may be additional requirements for the water system at that time.”

City of Owen Sound

In a staff report for the May 11, 2105 City Council meeting, City of Owen Sound staff recommend the following;

“That in consideration of Staff Report CS-15-062 Council receive the report regarding notice of public meeting an request for comment on Georgian Bluffs Planning Application – 202507 Hwy 6 & 21 – Update;

That City of Owen Sound Council:

- 1. Requests the City Clerk provide a copy of Staff Report CS-15-062 together with Council’s resolution on the matter to the Township of Georgian Bluffs and the County of Grey as the City’s additional comment on the applications;*
- 2. Supports a comprehensive approach of reviewing the subject lands together with neighbouring smaller lots in the Sunset Strip area to determine the appropriate form of development for the area for the long term and how that development would be serviced;*
- 3. Requests that the County of Grey provide a copy of any new comments and any future staff reports on the subject applications;*
- 4. Requests any notice of further public meetings or information relating this file as well as any Notice of Decision on any of these applications.”*

The above quoted recommendation was approved by Owen Sound City Council on May 11, 2015. The City had also submitted a previous set of comments dated February 9, 2015.

County and Township staff have also had discussions with City staff on this application.

Niagara Escarpment Commission (NEC)

The NEC noted in comments dated February 26, 2015 that Development Control is not in effect for the subject lands. The NEC further recommended that based on the defined development area on-site, that the additional commercial uses would not impact the hazard or natural environment areas on-site. NEC staff also recommended that it be ensured that GSCA's recommended hazard boundaries be implemented on-site.

Grey County Forests and Trails

In an email dated January 28, 2015, County staff noted no concerns with the development applications with respect to any impacts on County-owned forests or trails.

Township of Georgian Bluffs

County and Township staff have had numerous conversations before and during the development application review process. Most recently in comments regarding the servicing of the proposed development, dated May 7, 2015, Georgian Bluffs staff noted;

“that the existing septic will support the two stores if they are dry uses. I did notice the last list of uses had a personal service shop. The existing septic would not be large enough to support that use.”

County and Township staff have also had discussions on appropriately scoping the range of permitted uses on the subject lands to dry commercial uses which can fit the development parameters of the site.

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 in the application.

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 or Provincial plans in force and effect. In this case both the Niagara Escarpment Plan and the Township of Georgian Bluffs Official Plan would apply to this development. An in depth analysis of the Niagara Escarpment Plan and the Georgian Bluffs Official Plan has not been provided below, and County staff have instead relied upon the staff comments from the Township and the Niagara Escarpment Commission.

General Planning Framework and Comments

Prior to an in depth analysis of planning legislation and policy it is worth first clarifying a few general matters applicable to this application. This particular official plan amendment application has brought about some unique challenges and considerations, which are worth clarifying before a more standard policy analysis.

- 1) The subject lands are designated as Space Extensive Commercial in the County Official Plan and comprise part of the 'Sunset Strip'. Planning legislation and policy documents tend to categorize the Province into two broad policy areas (a) settlement areas, and (b) rural areas which are comprised of rural, agricultural, and some recreational lands. The subject lands are not located within a designated settlement area in the County Plan, though that being said the subject lands also do not function in the same manner as a 'rural area'. Surrounding the subject lands are a mixture of large format commercial uses, with some retail plazas, and a few residual residential uses.

The long term vision for these lands, envisioned by both the County and Township Official Plans is for commercial uses. However, the subject lands and the Sunset Strip as a whole, also do not function like a traditional downtown either. If one were to draw comparisons to other commercial areas across the County, the subject lands would be most akin to portions of 10th Street in Hanover and 16th Street East in Owen Sound. The notable difference between the commercial strip lands in Hanover and Owen Sound, and the Sunset Strip lands, is the servicing (i.e. full municipal services in Hanover and Owen Sound versus a mixture of private and partial services in this section of Georgian Bluffs). Within land use planning there is a purpose served by both downtowns and larger commercial strips, and there needs to be a balance maintained between the two.

From a policy interpretation perspective it becomes difficult to interpret planning policy for these 'in between lands' which are neither settlement area nor true rural lands.

- 2) The Sunset Strip is generally serviced by private on-site services and there has historically been some servicing issues in this area. There are some properties along the Sunset Strip which have a connection to the City of Owen Sound municipal water supply; however along with those connections come restrictions on re-development of those properties. A number of the existing smaller residential lots on the Sunset Strip have City water, but prior to redeveloping for another type of land use, would need to first renegotiate their water agreement

with the City. In this regard the City may or may not choose to renew such agreements for additional land uses.

From a planning policy standpoint, the most appropriate form of servicing for the Sunset Strip would likely be full municipal water and sewer services. While County Planning staff would generally seek to recommend that development on the Sunset Strip be serviced by municipal water and sewer; staff also have to be cognizant of financial and political/municipal realities associated with these lands. At this stage the Township of Georgian Bluffs and the City of Owen Sound have not reached an agreement to extend City water and sewer to the Sunset Strip to facilitate new and existing development. Neither has it proven to be within the financial capacity of the Township to install municipal water and wastewater treatment systems for these lands.

In addition, staff also need to consider existing development and land ownership on the Sunset Strip. The reference to land ownership is not with respect to any individual land owner, rather it is meant to refer to the fact that each of the parcels are each owned by separate owners, and not already consolidated under a single development corporation. Land use planning does not as a rule plan based on landowners, rather planning is done based on land uses.

From a political boundary perspective it can be argued that it generally behooves a municipality to first consider development within their own boundaries, on their own infrastructure, before considering extending infrastructure outside of their boundaries in a neighbouring municipality. There are however some examples across the County where services are successfully shared across municipal boundaries, to facilitate development on both sides of the municipal border.

Staff are also cognizant of the fact that generally speaking, members of the public, and in some cases business owners, have little regard for municipal boundaries. Retail patrons of either 16th Street East in Owen Sound, or of the Sunset Strip, may not know or care where the existing municipal boundaries are, so long as they can find the products they are looking for in close proximity to their homes. Furthermore, owners and employees of a business may also choose to live in either municipality.

County Planning staff are tasked with a difficult job when rendering a professional planning recommendation on applications such as this. One could argue that the role of a County or Regional planner is to look at what is best for the County or the Region as a whole, and to think beyond individual municipal boundaries. In this sense if the County can foster a positive business environment across the entire County, would it not benefit us all (i.e. owners,

employees, and patrons will all likely cross municipal boundaries to earn and spend their money)? The reality is however that although County staff are meant to be examining a matter from a County perspective, we also need to be cognizant of municipal boundaries and the services provided within each municipality. County staff must consider all of these factors, along with Provincial legislation/policy and local planning policies.

As a result of the servicing issues, the County and Township Official Plans are restrictive on the new uses which can be sited within the Space Extensive Commercial lands. The practical application of these policies is that new uses are generally large in nature, such as automotive dealerships, building supply outlets, and nurseries, and uses which are supposed to be 'dry' in nature beyond the use of employee bathrooms. It should be noted however both nurseries and car dealerships have water uses which extend beyond employee bathrooms. Existing shopping centres and smaller retail operations within those shopping centres are also permitted. New small retail uses on standalone lots are generally not permitted within the Sunset Strip.

- 3) The subject lands, owned by Mr. Raco, are currently vacant. The subject lands were previously developed and the current owner demolished the existing structure. Had the current owner not done so, then there may have been an opportunity to look at the conversion or expansion of a legal non-conforming use.

Under the current official plan and zoning standards, Mr. Raco cannot get a building permit on his lands. The current property does not meet certain zone standards like frontage for the zone that it is located in, and would not facilitate the larger uses such as automotive dealerships, building supply outlets, and nurseries contemplated by the official plans.

Within municipalities sometimes there are pieces of land which are completely undevelopable based on natural hazard or natural environmental reasons. Furthermore, in some cases there are sections of land, which for servicing and infrastructure reasons can only accommodate single dwellings or existing uses (often demarcated with a deferred development zone), until future servicing will facilitate further more intensive development. The subject lands do not fall into either of these above-described categories in that there is a potential building envelope on the property; however the current zoning would not allow for the building official to issue a permit for the property. Furthermore, based on the official plan's vision for the subject lands a single family dwelling would not be supported on the subject lands, and nor is the building envelope large enough to

support the uses permitted by the official plan on the property. Existing development surrounding the lands, and financial realities associated with acquiring neighbouring lands also do not warrant further land consolidation in this area. It is generally for the above-noted reasons that the official plan and zoning amendments are needed.

- 4) If an amendment is passed for the subject lands, it shall not be viewed as a precedent for further individual development on smaller lots along the Sunset Strip. County staff remain of the opinion that a comprehensive approach is the best method for dealing with these smaller lots. If another individual development is proposed on one of these smaller lots, it will need to be tested on its own merits and the site specific circumstances considered for that individual property.

Through the recommendation contained at the beginning of this report, County staff are recommending that we work with the Township, and all relevant stakeholders to explore options for a comprehensive strategy for land use policies and servicing for existing small lots on the 'Sunset Strip'.

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; (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, (o) the protection of public health and safety, (p) the appropriate location of growth and development, and (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

- a) The subject lands are comprised of a cleared area along the frontage of the property, with a large portion of treed hazard lands towards the middle and rear of the lands. A Butternut health assessment was completed for the Butternuts on-site. There is also a pocket of Significant Woodlands identified on a portion of the site within the hazard lands. Based on the portion of the site already cleared and previously developed, and the restrictions placed on the lands by the hazard lands, there would not appear to be any undue impact on the natural environment in developing this site.

As noted in the comments by the GSCA, should the subject amendments be passed additional stormwater management work will need to be completed on-site, to ensure there are no further deleterious environmental impacts.

- f) The provision of effective transportation, communication and waste management systems has not been questioned for these applications. The subject property is located on a Provincial highway and comments have been received from the MTO. It should be noted however that at this stage the subject lands are not served by a municipal public transit operator. The area is serviced by existing utility services.

The crucial planning issue for the proposed development has been with respect to sewage and water services. Development on the subject lands is proposed to be serviced by individual on-site private services. The existing septic system has been demonstrated to be generally adequate for the range of dry retail uses being proposed. Following an initial proposal of trucked-in potable water, the development will now be serviced by a well on the property, which would be connected to a cistern, with the water also receiving ultra-violet (UV) disinfection treatment. Based on the probable low flows from the well, water would also be pumped into a cistern, where it could be stored and then be utilized during peak usage times. A rainwater collection system has also been proposed for non-potable water on-site (e.g. for watering the flowers in the proposed flower shop). Based on the intricacies of the servicing of this property, the utilization of site plan control will be crucial towards implementing the measures described above.

While municipal water and sewer services would be preferable for development on-site, it has been demonstrated that such services are not feasible at this time. Based on the individual on-site services being proposed, the development will be restricted to dry uses, which have very little water and septic needs. Further discussion on the restriction of uses on-site will be included in the County Official Plan analysis section of this report.

- h) The subject lands would generally be considered an infill opportunity, based on the level of development surrounding the site. The retail development being proposed on the subject lands would generally fit within the character of the area, based on the existence of a number of these uses already on the Sunset Strip. Development on the subject lands would be oriented towards the road and the sidewalk, but the setbacks to the Provincial highway will mandate that development does not immediately abut the road or sidewalk as one would find in a traditional downtown.

- k) The proposed commercial development would provide some new employment, but based on the size of the uses being proposed, it would not be considered a major employment generator.
- o) There are no direct imminent threats to public health and safety as a result of this proposed development. It should however be noted that commercial strip development of this nature generally tends to favour automobile usage, rather than pedestrian access to the businesses, which can influence users exercise and fitness levels in a negative manner.
- p) As noted above the subject lands are within an established commercial strip, where the long term vision is further commercial development. That said the subject commercial strip is also outside of a settlement area and generally serviced by private on-site services. However, the subject lands also represent an infill opportunity on an existing lot, within the commercial strip, with an existing commercial land use designation on it. County staff could not support the extension or enlargement of the Sunset Strip at this time, but do see merit for infill development within the Sunset Strip on existing lots.
- q) As noted above the subject development is not generally geared towards pedestrians and is not currently serviced by public transit. This commercial strip would however be a possible candidate for a future transit expansion at the municipal or private level, based on the level and range of development within it.

Subject to appropriately restricting the range of uses on the subject lands, the proposed official plan amendment has regard for matters of Provincial interest under the *Planning Act*.

Provincial Policy Statement (PPS 2014

The subject lands are outside of current settlement area boundaries, but are within an existing designated commercial strip. These two factors make it difficult to apply the policies of the PPS to this proposed development. Furthermore, the potential building envelope on the lands is not large enough for the type of commercial development contemplated by the official plan.

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 discussed earlier in the report, the subject lands, and the rest of the Sunset Strip, do not function in a manner similar to other rural areas of the County. A number of the uses normally permitted in a

rural area would be wholly inappropriate for the development of the subject lands, including residential or farm uses, based on the commercial nature of the Sunset Strip.

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

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. As noted above 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 GSCA which demonstrate that the lands can be developed outside of the hazardous portions of the site. The hazard lands boundaries can be properly refined through the zoning by-law amendment application currently before the Township.

Section 3.2 of the PPS speaks to potentially contaminated sites, or sites on or adjacent to human made hazards. The site is adjacent to a former gas bar; as such should the amendments be approved, the Township may wish to consider demonstration as part of the site plan approval process, that the site is clear from any neighbouring contamination.

The proposed official plan amendment is generally consistent with the PPS, provided the range of permitted commercial uses on the property is adequately restricted.

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 Space Extensive Commercial policies are found at section 2.10 of the Plan.

As noted above, the subject lands are currently designated as Space Extensive Commercial on Schedule A to the County Plan. This land use designation affords the property a number of commercial development opportunities, including; a building supply outlet, horticultural nurseries, automobile sales and services, and recreational vehicle sales and services, without the need for an amendment to the Plan. Additional small retail uses can also be contemplated within existing shopping centres in this designation. In this case however, an amendment is required for the proposed development, as the subject property is vacant, and the current permitted uses would not be conducive to the relatively small building envelope on the subject lands.

Section 2.10(2)(b) of the County Plan also states;

“In addition to the uses permitted in (a), new uses would be permitted subject to satisfying all of the following criteria:

- I. The uses require accessible sites to serve their market area;*
- II. The uses serve demands from highway traffic;*
- III. The uses require a large parking or outdoor storage area or require a large volume single purpose building;*
- IV. The location of the proposed use in a general retail block in an urban centre is not feasible due to its storage area or building volume requirements.”*

Of the four above-noted tests for new uses in the Sunset Strip, the proposed uses on the subject property could generally meet the first two criteria, but would generally fail the second two. With respect to criterion one above, all commercial uses require accessible sites to meet their market area. With respect to serving demands from highway traffic, this test becomes tough to define, unless one is siting a service station along a major highway. The proposed uses would serve highway traffic in a similar manner to existing commercial/retail uses within the Sunset Strip. Criterion three above cannot be met simply based on the lot size and the size of the building envelope on the subject lands, which is the reason the amendment has been applied for. Criterion four also cannot be met by the proposed application, as any of the proposed uses could also be sited within a general retail block in an urban centre, as could a number of existing uses on the Sunset Strip.

As demonstrated above, the proposed application does not completely conform to the tests set out in the County Plan for new development in the Space Extensive Commercial designation. However the question County staff have been struggling with is; *‘if not small commercial or retail on the subject lands, then what other land use would be appropriate’?* Based on the commercial nature of the surrounding lands, and the existing commercial designation on the property, new commercial development would

appear to be most appropriate for the subject lands. The location and configuration of the subject lands do not lend themselves to an open space, municipal park, or institutional use on the lands. New residential development would not be encouraged based on the potential for further conflict with the surrounding commercial uses. Although there are some existing detached residential dwellings on the Sunset Strip, this is not the long term vision for these lands. There could be a potential for dry industry on the subject lands, but the building envelope available on the site would not be conducive to supporting a very large industry in this regard, and such smaller industries may also not fit the 'space extensive' nature of the designation.

Section 2.10(3)(a) of the County Plan requires that uses in the Space Extensive Commercial designation be 'dry' in nature, where dry is generally defined to mean that the only waste water discharges are from employee bathrooms. The County Plan is somewhat duplicitous in this regard, as both horticultural nurseries and automobile sales and services require additional water beyond simply employee bathrooms.

The permitted uses being requested by the applicant for the subject property are summarized in Table One below. Within the Table Cuesta Planning Consultants have also provided their analysis as to whether or not the proposed uses conform to the definition of a 'dry use'.

Proposed Use	Conformity to Definition of “Dry Use”
Flower Shop	Yes
Auto Parts	Yes
Banks	Yes
Paint Supplies	Yes
Variety Stores	Yes
Beer Store	Yes
LCBO	Yes
Wine Shop	Yes
Pet Shop	Yes (minor water for pets)
Personal Service Shop – but not to include a coin operated laundry or similar use	Yes

Table One: List of Permitted Uses Requested by the Applicant (Source: Cuesta Planning Consultants Inc.)

Based on some of the servicing challenges on-site County staff would recommend further narrowing the range of permitted uses on-site to the following;

1. flower shop,
2. auto parts,
3. banks,
4. paint supplies,
5. variety stores,
6. beer store, but not to include any premise where beer is made or prepared on-site,
7. LCBO or wine shop, but not to include any premise where wine is made or prepared on-site, and
8. Personal service shop, but not to include barber shops, hairdressing shops, beauty parlors, dry cleaning where the cleaning is done on-site, or a coin operated laundry or similar use.

Although a flower shop would require some water for the flowers, it would appear to be serviceable on-site, and would not be beyond the water usage of a horticultural nursery which is already permitted within the Space Extensive Commercial designation. As noted earlier in the report, site plan control would be necessary here to ensure appropriate servicing related to such uses.

The appendices to the County Plan also identify a pocket of ‘Significant Woodlands’ on the subject property. The proposed development would be outside of the Significant Woodlands.

The County Plan also contains servicing policies similar to the PPS, but these have generally already been reviewed in the *Planning Act* and PPS analysis. County staff would generally agree with comments from the MOECC and the City of Owen Sound that a long-term comprehensive servicing strategy for the Sunset Strip, and particularly for the small lots on the strip would be beneficial. At this stage based on the development application before the County at the moment, such a strategy is not in place. County staff would be happy to work with all relevant stakeholders on such a comprehensive strategy in the future.

Provided the permitted uses on-site are scoped as per above, the proposed uses 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 permitted uses recommended by County staff, and based on the surrounding commercial uses, 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 Official Plan Amendment 126 Ed Raco](#)

[DRAFT Schedule to Official Plan Amendment 126 Ed Raco](#)

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: *Randy Scherzer*