



Staff Report

Report To: Council

Report From: Stephanie Lacey-Avon, Senior Planner, Grey County

Meeting Date: September 5, 2023

Subject: ZA02.2023 and OPA14 1993934 Ontario Inc. (Cobide Engineering)

Recommendations:

THAT in consideration of staff report 'ZA02.2023 and OPA14 1993934 Ontario Inc. (Cobide Engineering)', council directs staff to bring forward a bylaw to:

1. authorize the passage of a zoning bylaw amendment; and
2. adopt West Grey Official Plan Amendment application 14, for final approval by the County of Grey.

Highlights:

- The purpose of this report is to provide a recommendation to council on application for a Local Official Plan Amendment and Zoning Bylaw Amendment for the proposed residential development, which would have the effect of permitting nine (9) townhouse units.

Previous Report/Authority:

None.

Analysis:

- Application File Numbers: LOPA 14, ZBLA 02.2023
- Application Received Date: January, 2023
- Application Deemed Complete Date: July 18th, 2023
- County Official Plan Designation: Primary Settlement Area
- Municipality of West Grey Official Plan Designation: Future Development
- Zoning Bylaw Designation: Future Development (FD)

Other Property Conditions: SVCA Regulated Area denoting flood fringe on the westerly portion of subject lands with roll #420526000415400.

Location: Property forming part of applications LOPA 14 and ZA02.2023 – roll #420526000415400, Park Street West, in the Town of Durham, Municipality of West Grey, Grey County.

The Municipality of West Grey received a LOPA application and Zoning Bylaw amendment application for property with roll #420526000415400 in the geographic Town of Durham, Municipality of West Grey. Subsequent consent applications are intended to follow once a decision is made on the following. These applications serve to redesignate and rezone the subject lands such that they would permit townhouse unit development. The subject lands are designated as 'Primary Settlement Area' in the County Official Plan, and 'Future Development' in the West Grey Official Plan. The purpose of the local official plan amendment is to redesignate the subject lands from 'Future Development' to 'Residential'.

A zoning bylaw amendment application has also been submitted to the Municipality of West Grey for this proposed development. The purpose of zoning bylaw amendment Z02.2023 is to amend the subject lands from FD (Future Development) to FD (Future Development) and R3 (Residential) to permit 9 townhouse units.

Proposal		
Roll #420526000415400	1 block of 4 townhouse units and 1 block of 5 townhouse units.	Property is approximately 2.88 acres in size, whereas only 0.9 acres is intended to be developed through this process.

In support of the Applications, several studies, reports and drawings have been included.

- Planning Justification Report (April 2023)
- Archaeological Assessment Stage 1 and 2 (June, 2022)
- Species at Risk Screening (December, 2022)
- Site Servicing, Grading, and Stormwater Management Brief (Jan, 2023)
- Preliminary Site Design (Sept, 2022)
- Grading Plans (August, 2023)

The property with roll #42052600041540 is currently vacant, recent tree removal on site took place. Surrounding this property is a mixture of residential, future development lands, and the municipal landfill all located within the primary settlement area of Durham.

Access to the subject lands will be via Park Street West, which is currently only a semi-urban street with no storm sewer facilities, sidewalks, curbs, or gutters. Anticipated upgrades to this road are expected in the foreseeable future, but should the subject

development receive approval, development of these lands may occur in advance of the road upgrade.

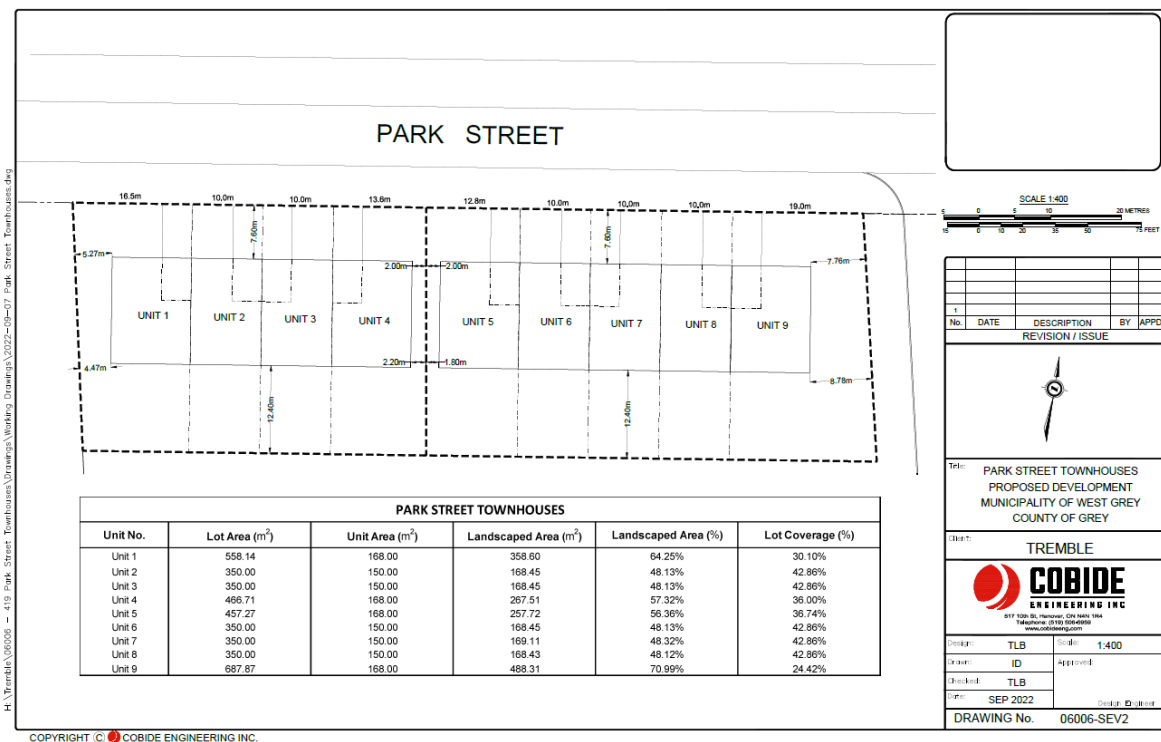
Municipal water and sewer services are proposed to be extended to the subject lands.

Pre-submission consultation between the proponent, the Municipality of West Grey and the County identified the submission requirements for the proposed development.

Maps 1 and 2 below show the subject lands and the proposed development plans.



Map 1: Location of the Subject Lands with Roll #420526000415400



Map 4: Roll #420526000415400 Concept Plan

Analysis of Planning Issues

Provincial Policy Statement

The Provincial Policy Statement 2020 provides direction on appropriate development, effective land use and long-term economic prosperity while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources promoting resilient and vibrant communities.

Building strong healthy communities (PPS Section 1.0) includes promoting efficient development and land use patterns to minimize land consumption and servicing costs. Residential uses should include an appropriate range of housing types, including a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (PPS Section 1.1.3.3 to 1.1.3.6 and 1.4). Settlement areas shall be the focus for growth. Opportunities for intensification must be identified and must consider local conditions (PPS Section 1.1.2).

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas (PPS Section 1.6.6.2). Planning for stormwater shall be integrated with planning for sewage and water services, ensuring that systems are optimized, feasible, and financially viable over the long term, prevent increase in

contaminant loads, minimize erosion and changes in water balance, and mitigate risks of human health, safety, property, and the environment (Section PPS 1.6.6.7).

Transportation systems must ensure the safe and efficient movement of people and goods, prioritizing the use of current and future use of transit and active transportation (Section PP 1.6.7).

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving and protecting natural and cultural resources (PPS Section 2.0). Maintaining the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or where possible improved for the long-term. Cultural resource such as archaeological areas and heritage properties should be conserved (Section PPS 2.6).

The proposed townhouse unit development consists of medium density townhouse units, increasing the efficient use of land, infrastructure, and public service facilities in comparison to single-detached dwellings. No sidewalks are being proposed in this area, which is consistent with how the lands in the surrounding neighborhoods have been developed. Due to low traffic volumes predicted on the subject road (Park Street), and limited future development that will occur immediately to the west of the subject site given the existing landfill site, the shoulder of the road may be used for pedestrians and other modes of active transportation. The proposed development will be serviced by municipal water and sewer, and stormwater management systems. There are no natural heritage features on the subject lands, and consultation has occurred with the County's planning ecologists and there appear to be no outstanding environmental concerns. An Erosion and Sediment Control plan was noted as a requirement from the planning ecologists. This provision will be addressed through future consent applications.

Grey County Official Plan

The Grey County Official Plan is in place to guide development within the whole of the County of Grey and provides broad policy framework for local Municipal Official Plans, Secondary Plans, and bylaws. It also provides further direction around how to achieve community planning goals, encouraging strong healthy communities, and new development growth while maintaining and protecting environmental and economic resources (Grey County Plan, Section 1.1). The subject lands are designated 'Primary Settlement Area' under the County OP. Section 3.5(2), 3.5(3), 3.5(5), and 3.5(6) states,

Land use policies and development standards in areas designated Primary Settlement Areas will be in accordance with local official plans and/or secondary plans.

This OP promotes the development of Primary Settlement Area land use types for a full range of residential, commercial, industrial, recreational, and institutional

land uses. These areas will be the focus of the majority of growth within the County.

Within Primary Settlement Areas, a minimum residential development density of 25 units per net hectare will be achieved for new residential development.

Intensification opportunities are strongly encouraged within Primary Settlement Areas.

Generally, the County defers to local municipal official plans for development within Primary Settlement Areas.

Appendix B of the County OP identifies 'significant woodlands', 'other wetlands', and a 'stream – Saugeen River' in proximity to the subject site. Comments were received from Saugeen Valley Conservation Authority with regards to the natural heritage features on the subject site. There were trees previously located on the property with roll #42052600041540, it was recommended that tree removal be limited to what is necessary for development. Provided that took place, it was expected that the impact to the 'significant woodlands', 'other wetlands', and 'potential significant wildlife habitat' would be negligible and the requirement for an Environmental Impact Assessment may be waived. All the trees on the subject site were removed, and the grading of the lands were altered without permit from SVCA. A violation notice was issued to the landowner April 13th, 2023 to rectify the issue. Subsequent grading plans were submitted to SVCA for review, and SVCA confirmed the amended plans satisfies SVCA's recommendations for the Municipality's planning applications and SVCA's requirements under ON regulation 169/06 for issuing permission for development after-the-fact and future works proposed. An application to 'alter a regulated area' is still required to be submitted to SVCA once planning approvals are in place.

Appendix A identifies an existing landfill and two previously abandoned landfills roughly 200 metres from the subject site. As per section 8.10.1(2), no development or site alteration will be permitted within 500 metres of an operating landfill site as shown on Appendix A, unless a D-4 study document has been prepared and submitted for review in accordance with MECP. A D-4 study was completed for the Durham landfill in 2013 by Gamsby and Mannerow and the monitoring of the landfill is on-going, with the latest monitoring report completed for 2022.

The D-4 study recommends the following limits for potential impacts for the closed/historic landfill site:

- Surface Water and Groundwater – from 50m to the south to within existing buffer lands to the east and west, extending to the north to the Saugeen River
- Landfill Gas – 100m in all directions,

The restrictive limit recommended for the closed/historic landfill site are sufficient for the active landfill site. Although, since waste is still being received at the active portion of the site, the conditions are dynamic. In review of the 2022 monitoring report, it notes that leachate impacts are primarily being measured in the shallow overburden at the landfill site. The groundwater flow is primarily in a northerly direction toward the additional municipally owned buffer lands and toward the Saugeen River, with evidence of some radial flow in a northwesterly direction. The groundwater quality is being monitored along the easterly boundary of the property. From the analytical data, the groundwater quality along the easterly boundary is generally consistent with the groundwater in the upgradient/background monitoring well. An evaluation of the historical groundwater results and long-term trends indicate that the concentrations of leachate indicator parameters have generally decreased in recent years and exhibit stable to decreasing trends.

As per the 2022 report, the methane gas monitors located on the landfill property reported 0% methane in the air. It is recommended that methane gas be continually monitored during future monitoring programs.

Surface water samples are collected north of the low-lying area adjacent to the landfill. There is a drainage channel where surface water outlets northward to the river. There was no mention of surface water contaminants that extend beyond the extent of the landfill site.

Municipality of West Grey Official Plan

The West Grey Official Plan applies to the settlement areas of Durham and Neustadt. The purpose of this plan is to provide a long-term strategy for managing growth and development within these two communities, in-keeping with the goals and objectives of maintaining livable and attractive communities.

The subject lands are designated as 'Future Development (FD)'. The purpose of the local official plan amendment is to redesignate the subject lands from 'Future Development' to 'Residential'. This land use designation is predominantly located within the periphery of the settlement area boundaries of both Durham and Neustadt, on lands that currently do not have access to municipal servicing. The need for additional lands within the proposed designation must be demonstrated when looking to change the current designation from FD. Policy D10.4.2 states,

Council may consider an Official Plan Amendment to place a Future Development property, or portion thereof, within a different land use designation where a demonstrated need has been provided. Among other things, it must be demonstrated that an adequate supply of land does not exist within that settlement area for the proposed land use and that full municipal services can be made available by the proponent.

A planning justification report has been submitted with the subject application and offers a perspective around growth projections in Durham and the need for lands designated and zoned to permit residential development. The County recently completed an update to the Growth Management Study (2021) where the Municipality of West Grey was highlighted in having future development forecasts between 35 and 50 units per year over the long-term with single detached and townhouse units continuing to be the predominant housing type.

There are lands that are currently designated 'residential' within the settlement area of Durham that have not been entirely built out at this stage. Staff are aware that the subject lands had previously been used for residential purposes and are located immediately adjacent to existing lands zoned for residential. The extension of these lands to residential would offer continuity in use type to the existing neighboring residential areas. Generally, further analysis regarding land use type will be required should the lands to the immediate south be proposed for development. A review of commercial, industrial, and open space will need to be explored.

Section D2.4.17 speaks to the planning criteria typically encouraged and recommended for medium and high-density residential areas. This development would present a density of 26 units/ha, landing under the medium density threshold as outlined by the municipal OP. General provisions under the medium density policy framework speaks to this density type being strongly encouraged within the settlement area of Durham. The proposed development shall be generally compatible with existing uses in proximity to the subject lands, the roads shall have the ability to handle increase in traffic, municipal water and sanitary sewer capacity shall be available, and adequate off-street parking shall be provided. The height, bulk and siting of buildings shall achieve harmonious design and integrate with the surrounding area. The proposed development will be serviced by full municipal servicing, Park Street will also be upgraded to an urban standard to accommodate future traffic, and each townhouse unit intends to have a driveway to accommodate off-street parking.

Municipality of West Grey Zoning Bylaw

The subject lands are zoned Future Development (FD) in the municipality's Zoning Bylaw 37-2006. This zone permits single detached residential units, agricultural uses, existing non-conforming uses, home occupations and accessory uses. An amendment will be needed to the bylaw to permit townhouse units on the subject lands. The proposed rezoning will zone the lands along Park Street from Future Development (FD) to Future Development (FD) and Residential Zone R3 (R3).

The subject lands are also zoned with the 'Flood Fringe Overlay'. The flood fringe is the outer portion of the floodplain, any development in the floodplain will be subject to the Saugeen Valley Conservation Authority Regulations. Clearance has been issued by SVCA for the proposed development. It was noted that all dwellings proposed to be built

are above the regulatory floodplain elevation, the grading plan also confirms safe access can be provided to the lot and dwellings. SVCA also confirmed they would be amending their floodplain mapping as per the elevation survey provided by the consultant, this would have the effect of amending the County and Municipal flood fringe mapping boundary.

Submitted Studies

In support of the development proposal, several studies, reports and plans have been submitted.

A Stage 1 and 2 Archaeological Assessment was completed for the property and concluded that no archaeological resources were identified and that no further archaeological assessment of the property is required. SON has provided review and comment on the archaeological assessment completed and accepts the recommendations.

A “D-4 Guideline Landfill Impact Assessment” was completed for the active and closed Durham landfill site that falls within 500 metres of the subject lands. This study was completed in 2013, with subsequent yearly monitoring reports provided to the municipality, with the latest being from 2022. The study recommends minimum setback areas from the closed and active landfill site where potential impacts may be incurred (whether from groundwater and/or surface water contamination, and gas). The subject lands exceed these setback limits, and there appears to be no concern from a public health and safety perspective. Continual monitoring of the landfill site will take place which will help inform best practices to contain and control the contaminants on site.

A species at risk screening was completed and it noted that no species at risk under the Endangered Species Act were observed during the site reconnaissance.

A site servicing, grading, and stormwater management brief was provided and confirms that the site can and will be serviced by municipal water, sewer, and stormwater sewers. Park street will be upgraded to an urban standard with storm sewers, which will accommodate the stormwater from the subject lands.

Grading plans were submitted by the consultant for review by Saugeen Valley Conservation Authority, as the lands fall within the regulated and flood fringe areas.

Public, Agency and Municipal Comments

The statutory public meeting occurred on August 15th, 2023. The public notice, as well as the presentation materials, and the recorded meeting are all available for viewing on the Municipal website. No comments from the public were received for the subject applications prior to the public meeting.

- SVCA has concern regarding the potentially altered grading/elevations of the site located within the Regulatory Floodplain boundary,

- SVCA requested updated elevation survey and engineered drawings that incorporate the appropriate dry floodproofing requirements,
- SVCA and the County's planning ecologist recommend a level of 'enhanced treatment' given to the stormwater, given stormwater will ultimately outlet to the Saugeen River, which is fish habitat,
- County staff request additional information regarding SWM, recommended subsequent peer review of the updated SWM once received. Looking to further outline – development standards of the Municipality, stormwater quality and quantity, pre-development, and post-development conditions, whether any stormwater outlets/facilities or other are required,
- Provision of dark sky measures to limit light pollution in the area.
- Building department has requested to ensure public works is satisfied with the water and sewer services that were recently installed for the Park St Units on the north side. The consultant has indicated grinder pumps would be required for each unit, which would be problematic in an outage.
- Grading drawings will be required for building permit applications to ensure stormwater is incorporated into the design.
- No concerns from the municipal fire chief.
- Manager of Public Works has requested a fire hydrant be added, and that consideration be given to a proper sewage lift station. Water services are to be minimum 25mm diameter, water and sewer laterals required with tracer wire from main to property line.

In response to the comments received, the development team provided grading plans to further speak to the stormwater management (SWM) on site. Adjustments have been made to the SWM, where it will no longer be outlet to the rear of the property unmanaged. It will be directed toward the storm sewer on park Street and the remainder will be directed to a rear yard catch basin in an easement in favour of the municipality. The Manager of Public Works at West Grey reviewed the updated drawings, alongside comments from SVCA and identified the proposal for SWM would meet the requirements of the Municipality. He recommended that the quantity and quality of the storm water is regularly monitored to ensure that it is in fact clean. Further comments received from the County's planning ecologist recommended planting as many trees as possible on site, as well as a vegetative buffer (shrubs, tall grasses, etc.) to assist in filtering the stormwater prior to it entering the catch basins. Limited use of road salts and sand deposits was recommended, and the installation of catch basin filters. This area is identified as potentially affecting highly vulnerable aquifers. An Erosion and Sediment Control plan was noted as a requirement. This provision will be addressed through the consent applications.

Conclusion

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning Bylaw amendment Z02.2023 and West Grey Official Plan Amendments 14 are consistent with the Provincial Policy Statement, conform to the intent and direction of the County of Grey Official Plan and the Municipality of West Grey Official Plan and represents good planning. Therefore, Planning Staff supports these applications subject to the comments contained in this report.

Financial Implications:

None.

Communication Plan:

As required under the Planning Act, R.S.O. 1990, as amended.

Consultation:

- County of Grey Planning and Development Department
- Hydro One
- Enbridge Gas
- Saugeen Valley Conservation Authority
- Saugeen Ojibway Nation
- West Grey Building Department
- West Grey Fire Chief
- West Grey Public Works

Attachments:

- Aerial and Zoning Mapping
- Aerial and Official Plan Mapping
- Notice of public meeting
- Saugeen Valley Conservation Authority comments
- West Grey Public Works Department comments
- West Grey Fire Chief comments
- West Grey Building Department comments

Recommended by:

A handwritten signature in black ink, appearing to read 'Stephanie Lacey-Avon'.

Stephanie Lacey-Avon, Senior Planner, Grey County

Karl Schipprack, CBCO, Director of Infrastructure and Development

Submission approved by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Stephanie Lacey-Avon, Senior Planner, Grey County at stephanie.lacey-avon@grey.ca or 519-372-0219 ext.1296