



Staff Report

Report To: Committee of Adjustment
Report From: Stephanie Lacey-Avon, Senior Planner Grey County
Meeting Date: September 5, 2023
Subject: B03.2023 and B15.2023 – 1993934 Ontario Inc. (Cobide Engineering)

Recommendations:

That in consideration of staff report 'B03.2023 and B15.2023 – 1993934 Ontario Inc. (Cobide Engineering)', the Committee of Adjustment provides provisional consent to both files, subject to the following conditions:

1. Payment of any outstanding municipal taxes (if applicable);
2. Payment of an entrance permit fee for the newly created lots from the Municipality of West Grey;
3. Receipt of acceptable entrance permits from the Municipality of West Grey;
4. Completion of an Erosion and Sediment Control Plan to the satisfaction of the County's Planning Ecologist;
5. Final Approval by Grey County of West Grey OPA 14;
6. Application to alter a regulated area submitted to SVCA; and
7. Payment of the \$500.00 parkland dedication fee.

Highlights:

The purpose of application B03.2023 is to sever approximately 0.17 hectares of rural land and retain approximately 1.19 hectares of rural land. The effect of which will create a new residential parcel and retain a rural parcel.

The purpose of application B15.2023 is to sever approximately 0.2195 hectares of rural land and retain approximately 0.97 hectares of rural land. The effect of which will create a new residential parcel and retain a rural parcel.

Previous Report/Authority:

None.

Analysis:

The property has not been allocated a civic address, but is legally defined as Plan 505, Park Part Lot 5 with roll # 420526000415400, in the Town of Durham.

The site is comprised of approximately 1.167 hectares and is currently vacant and historically treed. The westerly portion of the subject lands falls within the regulated area of the Saugeen Valley Conservation Authority. Any site alteration within this area requires an application to alter a regulated area to be submitted for review by SVCA. All the trees have been cleared prior to receiving clearance from SVCA. Follow-up with SVCA is identified as a condition for consent.

The subject lands are designated as 'Primary Settlement Area' under Schedule A of the County OP. Appendix B identifies 'significant woodlands', 'other wetlands', and a 'stream – Saugeen River' in proximity to the subject site. The Municipality of West Grey Official Plan designates the subject lands as 'Future Development'. A Local Official Plan Amendment application is currently being processed for the subject lands to redesignate the lands from 'Future Development' to 'Residential'. The Municipality of West Grey Comprehensive Zoning Bylaw No. 37-2006 zones the lands 'Future Development' and 'Flood Fringe'.

To determine consistency of the proposal, planning staff have conducted review of the 2020 Provincial Policy Statement (2020 PPS), County of Grey Official Plan, the Municipality's Official Plan and Comprehensive Zoning Bylaw No. 37-2006.

2020 Provincial Policy Statement (2020 PPS)

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).

These consents are to facilitate the development of 9 townhouse units. The proposed 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.

County of Grey Official Plan

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 hazard features located in proximity to the subject site and a portion of the subject property being within the regulated area for related files Z01.2023, Z02.2023, LOPA 14, and LOPA 15. Clearance has been issued by SVCA for the zoning and local official plan amendment applications, there were no comments/concerns received in relation to the natural hazards for the proposed consent files.

The County's planning ecologist also had the opportunity to review and offered the following recommendations for the related files Z01.2023, Z02.2023, LOPA 14, and LOPA 15. 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 will form part of a condition of consent.

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.

Planning staff are satisfied that the general intent and purpose of the Official Plan is maintained through consent files B03.2023 and B15.2023.

The Municipality of West Grey Official Plan

The subject lands are designated as 'Future Development (FD)'. As per section D10.4.3, new lots within the Future Development designation shall generally be prohibited. The subject lands are also subject to a LOPA application which intends to redesignate the subject lands from 'Future Development' to 'Residential'. Approval of the LOPA will form part of a condition of these consent applications.

The Municipality of West Grey Comprehensive Zoning Bylaw 37-2006

The Municipality of West Grey Comprehensive Zoning Bylaw zones the subject lands as Future Development (FD) and 'Flood Fringe Overlay'. This zone permits single detached residential units, agricultural uses, existing non-conforming uses, home occupations and accessory uses. There are no additional regulations for this zone that would limit the consents from proceeding. A Zoning Bylaw Amendment is required as the lands are being redesignated as Residential Zone

- R3. This forms part of a separate process and would not need to be part of a condition of consent.

General Comments

The applicant is advised that should the applications be provided provisional consent approval by Committee of Adjustment, the conditions stipulated must be completed within twenty-four (24) months from the date of decision or the approval will lapse.

Next steps will include the requirement to provide draft deeds once conditions have been fulfilled for review by staff. Once approved, it is the responsibility of the applicant to direct their lawyer to register the deeds with the Land Registry Office (LRO). A copy of the registered deed is required for the Municipality's records.

Should future development be proposed, the applicant is advised that further approvals may be required from the Saugeen Valley Conservation Authority (SVCA) who should be consulted prior to any development on these two parcels.

Valid entrance permits for each parcel are required to be obtained and / or confirmed for each parcel from the Municipality of West Grey Public Works Department.

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
- West Grey Building Department
- West Grey Fire Chief
- West Grey Public Works

Attachments:

1. Aerial and official plan mapping (Schedule A)
2. Aerial and official plan mapping (Appendix A)

3. Aerial and official plan mapping (Appendix B)
4. Aerial and zoning map

Recommended by:

A handwritten signature in black ink that reads "Stephanie" followed by a stylized surname.

Stephanie Lacey-Avon, MCIP, RPP

Karl Schipprack, CBCO

Submission reviewed by:

Laura Johnston, Chief Administrative Officer

For more information on this report, please contact Stephanie Lacey-Avon, Senior Planner at stephanie.lacey-avon@grey.ca.