



## Council report

<b>Meeting date:</b>	May 16, 2022
<b>Title:</b>	ZA09.2022 – MATTA, Jennifer and Craig and LEBLANC, Pauline and Brian
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

### Recommendation

That Council receive Planner Spencer's report and proceed to consider 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading of the by-law at a future meeting.

### Executive summary

The applicant has applied to change the zoning on the subject lands to remove the industrial zoning on a portion of the subject lands and revert zoning to the restricted rural (A3) zone. In addition, the applicant has requested permission for the placement of a second detached dwelling unit on the subject lands.

The purpose of the application is to change the zone symbols on the subject lands from A3 (restricted rural), M1-99 (industrial with exception), and NE (natural environment) to A3 (restricted rural), M1-99 (industrial with exception), NE (natural environment) and A3-460 (restricted rural with exception). Exception 99 adds the permission to use the lands for a transport terminal. Exception 460 will permit an accessory structure in the front yard and a second residential unit within the accessory structure.

The effect of which will remove the industrial zone from a portion of the lands and revert the lands to the A3 (restricted rural) zone, permit the placement of an accessory structure in the front yard and permit a second residential unit within the accessory structure subject to specific parameters.

### Background and discussion

The subject lands municipally identified as 313327 Highway 6 and legally identified as PT LT 28, CON 1 EGR; 16R-7280; PT 2 in the geographic township of Glenelg. The property currently contains a single detached dwelling unit and two accessory structures. A private well and two (2) septic systems currently exist on the subject lands. A single access to the transport terminal and the other associated structures is in place to Highway 6. The property is physically located on the east side of Highway 6 south of the Town of Durham.

The lands have historically been used in the past for a transport terminal which was permitted under the M1-99 (industrial with exception) zone.

The subject lands are designated predominantly as 'rural' under the County Official Plan with a



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swath of the 'hazard' designation through the north side to the south toward the midline of the property. All development is required to occur outside of the 'hazard' lands designation. Appendix B of the County Plan also designates a significant portion of the property as significant woodlands. Any tree removal on the subject lands shall have regard to the County of Grey Forest Management By-law 4341-06. Although alterations have occurred within the vegetation on the site to accommodate the existing structures, the majority of the lands are covered in mature woodlands.

To determine the consistency of the application planning staff have conducted a review of the Provincial Policy Statement (PPS, 2020), the County Official Plan and the Municipality's Comprehensive Zoning By-law.

## 1.0 2020 Provincial Policy Statement

In respect of the exercise of any authority that affects a planning matter, section 3 of the planning act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

The Provincial Policy Statement 2020 (PPS), specifically section 1.1.4, speaks to rural areas within municipalities. Rural areas under the PPS are important to the economic success of our Province and our quality of life. Rural areas are a system of lands that may include rural settlement area, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. The 2020 PPS stresses the importance of leveraging rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Section 1.1.5.2 defines permitted uses on rural lands as the following:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

Section 1.1.5.4 further states development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Planning staff are satisfied that the proposed uses are consistent with the 2020 PPS.

Section 1.1.5.8 further states that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with minimum distance separation formulae.

Planning staff have reviewed MDS and are satisfied that the subject lands are not within 450 metres of an active livestock operation or a livestock facility capable of housing livestock.

Section 2.0 of the 2020 PPS also speaks to the wise use and management of resources.



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Specifically section 2.1.1 states that natural features and areas shall be protected for the long term.

Staff are satisfied that the official plan designations including appendix B provide sufficient protection to ensure that future development of the subject lands is conducted in a manner that will protect the natural features and functions over the long-term. Planning staff are satisfied that the request to convert some the industrial zoning on the subject lands back to the A3 (restricted rural) zone is consistent with the PPS as it will limit uses to avoid the potential for impact on the features in future.

## 2.0 County of Grey Official Plan

As previously noted, the subject lands are predominantly 'rural' under the County Official Plan with an identified swath of the 'hazard' designation. No development is proposed, nor permitted within the 'hazard' designation. The placement of the second unit within the accessory structure is outside of the 'hazard' designation. The proposed accessory structure will be located within the rural designation within a partially cleared area. Staff note that permission for any associated tree removal should be conducted by the landowners in consultation with the County of Grey.

Policy 5.4 states that the predominant uses within the rural land use type will be agriculture, aggregate extraction, recreation and forestry. Rural areas will permit the consideration of resourced based recreational uses and other appropriate rural land uses so long as they do not impact agriculture, forestry, aggregate extraction or the natural environment. Planning staff are satisfied that the proposed change in land use maintains the general intent and purpose of this policy.

Policy 7.2 of the County Plan speaks to 'hazard lands'. These areas are defined as floodplains, steep or erosion prone slopes, organic or unstable soils and poorly drained areas. These lands can be impacted by flooding, erosion and / or dynamic beach hazards or have poor drainage, or any other physical condition that is severe enough to pose a risk for the occupant, property damage, or social disruption if development. While these are intended to be regulated so as to avoid natural hazards, they also contribute to the natural environment within the County.

This policy further advises that development shall generally be directed away from 'hazard lands'. Permitted uses in the 'hazard' designation are limited to forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses also permitted are agriculture, passive public parks, public utilities and resource based recreational uses. The aforementioned uses are only permitted where suitable site conditions exist. As previously noted, buildings and structures are generally not permitted within this designation.

Planning staff are generally satisfied that the application maintains the general intent and purpose of the policies of the county plan.

## 3.0 Municipality of West Grey Comprehensive Zoning By-law 37-2006:

As previously noted, the subject lands are zoned A3 (restricted rural), M1-99 (industrial with exception) and NE (natural environment) within the municipality's comprehensive zoning by-



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law 37-2006. Exception 124 states as follows:

Exception 99 permits an additional use within the M1 (industrial) zone for a transportation terminal.

The current zoning of the property provides a wide area of the site to be used for the transportation terminal unnecessarily, particularly within the eastern half of the property. Planning staff are satisfied the request to revert the zoning back to the A3 (restricted agricultural) zone is appropriate.

A further purpose of the application will place the A3-460 (restricted rural with exception) zone. This will facilitate the construction of the accessory structure and permit the use of the structure for a second residential unit.

Planning staff note that the by-law will limit the potential for a second unit within the principal detached dwelling unit as it is not supported under the County of Grey Official Plan.

Although the accessory structure will be located in the front yard, it is well screened from the streetscape and proposed in an area previously altered and partially clear within the mature woodlands. As part of the building permit process, sufficient water and septic services will be required.

Planning staff are satisfied that the proposed development is consistent with the 2020 PPS, maintains the general intent and purpose of the Official Plan and the municipality's -zoning by-law. Planning staff have no further concerns in this regard.

## Legal and legislated requirements

None

## Financial and resource implications

None

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority
- Ministry of Transportation

## Alignment to strategic vision plan

Pillar: Build a better future

Goal: Invest in business

Strategy: Review zoning by-laws and West Grey Official Plan

## Attachments

- 1.) Aerial and Official Plan mapping
- 2.) Aerial and Zoning By-law mapping
- 3.) Commissioned application form
- 4.) Planning Justification Report (Plan Wells Associates)
- 5.) County of Grey Planning and Development Department comments
- 6.) Saugeen Valley Conservation Authority comments
- 7.) Ministry of Transportation comments
- 8.) Draft Zoning By-law
- 9.) Draft Schedule 'A'

## Next steps

That Committee forward the appropriate by-law to Council for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading. Once 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading is provided, staff will notify of the passing to commence the appeal period (20 days). Provided no appeals are received, the applicants will be notified that they may pursue a building permit.

Respectfully submitted:



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Manager of Planning and Development