Date: Wednesday, October 07, 2020

From: Jenn Burnett, Planner

Subject: Zoning By-law Amendment Z-11-20 and Site Plan Control Application SP-06-20 GreyBruce Water Company Inc.

Report: PL.2020.46

Application Summary

This report covers zoning by-law amendment application Z-11-20 and related site plan control application SP-06-20

Applicant: GreyBruce Water Company Inc. c/o Martin Harshman
Legal Description: EHMS Pt Lot 1 RP 16R798 Part 3
Civic Address: 106 Grey Road 17B
Assessment Roll Number: 4203 540 005 17900
Related File: SP-06-20

Zoning By-law Amendment Application Z-11-20 proposes to realign the mapped Environmental Protection Zone and reduce the minimum required setback from an ‘EP’ Zone in Section 5.5 of the Zoning By-law from 15 metres to 0 metres. No other relief to the By-law has been requested.

The purpose of the zoning application is to permit the owner to build five (5) rental storage units for commercial purposes on a 4 acre parcel. The site currently contains a dwelling with a detached garage and a commercial building operating as GreyBruce Water Company.
The purpose of the site plan application is to review the proposed development to ensure that it complies with planning, building and fire department regulations.

**Policies Affecting the Proposal**


The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions ‘be consistent with’ provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal’s conformity with the Provincial Policy Statement.

Under Section 4.6 of the PPS, the Official Plan is identified as, “the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies.” (PPS 2020, pg. 35). Schedule A of the Grey County Official Plan (GCOP) designates the subject property as ‘Secondary Settlement Area’ and permits commercial dry and industrial uses. Schedule ‘A’ of the Township of Georgian Bluffs Official Plan locates the property within the Sunset Strip Development Area where dry commercial uses are permitted. The proposed storage units would be a permitted use within both plans.

A small portion on the west end of the property appears to fall within the Niagara Escarpment Plan area. The County OP defers to the NEP, 2017 for applicable policies. Correspondence dated September 30, 2020 from the Senior Planner indicates that the proposal has been reviewed and the proposed development appears to be located outside of NEC’s Area of Development Control and the Escarpment Natural Area.

Section 2.1 of the PPS 2020 directs that Natural features and areas shall be protected for the long term. The GSCA reviews impacts to Natural Heritage features for the Township and noted the following in their comments directly quoted from their August 25, 2020 correspondence:

“2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

GSCA Comment: The natural heritage features identified on the subject lands include significant woodland and significant valleylands as mapped in the County
of Grey Official Plan, potential for significant wildlife habitat, and adjacent lands to fish habitat associated with the Pottawatomi River.

2.1.5 Development and site alteration shall not be permitted in:
  b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
  c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
  d) significant wildlife habitat;
unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

GSCA Comment: The Grey County OP mapping identifies the forested valley as significant woodland and extends to a cluster of trees to the south west of the property. These trees have been removed but based on the air photo and site visit were not part of the valley woodland.

The OP identifies the Pottawatomi River valley as significant valleylands. The mapping extends from the valley and onto the plateau area adjacent to the valley. A portion of the proposed development is within this mapped feature. A review of NHIC records indicate potential significant wildlife, however, none of the candidate species were observed during GSCA's site visit. We anticipate that any significant wildlife habitat is associated with the forested valleylands.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GSCA Comment: The proposed development is adjacent to significant woodland, significant valleylands, potential significant wildlife habitat, and fish habitat. The County of Grey Official Plan and Natural Heritage Reference Manual recommends a 120 metre adjacent lands width for consideration of negative impacts. No information has been provided by the applicant in this regard. As the site was already disturbed for the proposed development a review of air photos was conducted to identify existing conditions. Based on a review of air photos prior to site development commencing, the area of the proposed development appears to be primarily gravel parking and grass, with some conifer trees in the south west. Based on the contours in the GSS site plans, drainage appears to be directed to an incised feature that extends into the property. As the valleylands are remaining undisturbed and with the implementation of a satisfactory stormwater management plan we do not anticipate negative impacts with regards to the natural heritage features. As such, we are of the opinion the proposal is consistent with the Section 2.1 policies.”

“2.2 Water
2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

i) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

GSCA Comment: The proposed development will increase the amount of impervious area resulting in impacts to stormwater if left unmitigated. The proposed approach to stormwater management is for a series of catchbasins to collect stormwater and utilize a clear stone gallery below the drive lanes for storage and ultimately infiltration into the subsoils. GSCA has reviewed the Stormwater Management Plan prepared by GSS Engineering and are satisfied with the proposed approach. We recommend that the Township require certification in writing from the project engineer that the proposal, including the underground stone infiltration gallery is constructed in accordance with the proposed design. GSCA is of the opinion the proposal is consistent with the Section 2.2 policies.”

Section 3 of the PPS 2020 directs that development shall be directed away from areas of natural or human-made hazards. The GSCA identifies that natural hazards on the subject lands include the erosion potential of the Pottawatomi River valleylands.

“3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

GSCA Comment: The site plan was georeferenced with the existing EP – Environmental Protection zone mapping overlaid. A small portion of the most westerly structure (storage unit #5) is within the existing EP zone. This is shown on the enclosed map. We understand no buildings or structures are permitted in the EP zone. The zoning by-law provisions also require buildings and structures maintain a 15 metre setback form the EP zone. Although not shown on the enclosed map, the 15 metre setback from the EP zone appears to impact storage unit #5 and to a small degree storage unit #4.

GSCA has refined the hazard boundary based on the slope hazard mapping criteria, site-specific review of the slope, topographic survey, and LiDAR contours. The results indicate that the hazard boundary can be reduced overall and that the most westerly restructure is not within the hazard area proper. The revised hazard boundary is shown on the enclosed Ont. Reg. 151/06 map. We recommend that any future zoning by-law utilize the revised mapping as the new EP boundary and the setback from the EP boundary be reduced to 0 metres. GSCA is of the opinion the proposal is consistent with the Section 3.1 policies.”
A portion of the property is regulated under Ontario Regulation 151/06 and permit GS20-312 Construction of storage units and associated site alterations was issued on September 15, 2020.

Section 1.6.8.3 of the PPS, 2020 states that,

“Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.”

Section 8.3.1 of the GCOP requires that all development proposed for lands adjacent to a provincial highway or within the Ministry of Transportation (MTO) permit control area is subject to approval from the MTO. As formal comments were not received by the report submission deadline, it cannot be concluded that the proposal is consistent with Section 1.6.8.3 of the PPS.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones the subject lands ‘M1’-General Industrial and permits a range of uses including motor vehicle repair and service, transport terminals, contractors yards and uses accessory thereto. A small portion of the west end of the property is zoned ‘EP’ Environmental Protection. The application proposes to realign the EP area at the recommendation of the Grey Sauble Conservation Authority and requests a 0 m setback from the realigned EP zone. The lot area comprises approximately 4 acres and the proposed development will result in five (5) detached storage buildings, accessible from the outside. The proposed structures and their locations in relation to the realigned EP area are noted on the site plan at the end of this report.

Site Plan Control

Site Plan Control application SP-06-20 was circulated to the required agencies and the applicant has addressed concerns raised through the circulation process. The City of Owen Sound provided comments noting that the subject property is serviced by municipal water under contract with the City. They note that the contract is for water to service the existing residential use only. The Township’s Building Department has reviewed the proposal along with the Fire Department and confirmed that the units proposed do not require a sprinkler system so no water connection is required for the proposed development. There are no modifications or changes to the dwelling proposed for this application.
The site plan agreement is a standard agreement identifying the engineered grading and drainage plan as well as a security to guarantee the completion of the engineered works as well as a provision for the release of the security. Given that the works are to be certified by an engineer, it is recommended that Council support a $5000.00 security. The agreement contains a provision permitting the Township to complete required works if necessary and to apply any overage of costs against the property.

MTO comments were not received by the report submission deadline so it is to be determined if they require provisions to be included in the site plan agreement.

Relevant Consultation

The Notice of Complete Application was circulated to various agencies for review. The following comments were received:

- **Grey Sauble Conservation Authority:** in email correspondence dated August 25, 2020, the GSCA notes:
  1. Consistency with Section 3.1 of the PPS has been demonstrated;
  2. Ontario Regulation 151/06 does apply to the subject site; A permit is required from our office for the proposed development within the GSCA regulated area;
  3. Consistency with Section 2.1 and Section 2.2 of the PPS has been demonstrated;
  4. The subject site is located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

GSCA has no objections to the approval of the subject application. They provided revised EP mapping and support a 0 m setback from the revised EP zone. They recommend the Township require certification in writing from the project engineer that the proposal was constructed as per the engineer’s design, including the stone infiltration gallery. They wish to be informed of any decision made by the Township of Georgian Bluffs with regard to the applications and to receive a copy of the decision and notice of any appeals filed.

*Staff Comment:* the GSCA comments are attached in their entirety for Council’s consideration. The requirement for the completed works to be certified by a qualified engineer has been included in Schedule “C” to the agreement.

- **Grey County Planning & Development Department:** note that County Transportation staff have reviewed the applications and have no objections. Provided positive comments are received from the Conservation Authority, County Planning Staff have no further concerns. The County requests notice of any decision rendered with respect to these applications. (Correspondence dated September 11, 2020)

- **Niagara Escarpment Commission:** In comments dated September 30, 2020 NEC staff commented that, “[b]ased upon the GSS Site Plan and Drainage 20-009 Final Drawings, the proposed development appears to be located outside of NEC’s Area of Development Control and the Escarpment Natural Area.”
“The Niagara Escarpment Commission has no specific objection to the Zoning By-law Amendment as proposed; however, prospective development facilitated by this approval should not encroach upon the ‘Escarpment Natural Area’. Should any future improvements and/or development be located within an Area of Development Control (Map – Development Control) a Development Permit from the NEC may be required unless exempt under O.Reg 828/90, as amended. The Commission requests notification of the Township’s decision on this application.”

- **Historic Saugeen Metis (HSM)** in email correspondence dated September 9, 2020 the HSM note that, “The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and has no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.”

- **Ministry of Transportation (MTO):** comments were not received by the report submission deadline but will be presented to Council if received prior to the Public Meeting.

- **City of Owen Sound:** In email correspondence dated September 29, 2020, the City provided Motion R-200928-014 approving the recommendations in the staff report on the subject applications. Report CS-20-110 is attached for Council’s consideration.

The Notice of Complete Application and Public Meeting was circulated to all property owners within 120 m of the subject property. No written comments in support of or in opposition to this application were received.

**Conclusion & Recommendation**

In the absence of comments from the Ministry of Transportation (MTO) it has not been demonstrated that the proposed applications are consistent with the PPS 2020. Once MTO comments are received by the Township, they will be presented to Council for consideration. It is recommended that Report PL.2020.46 for Zoning By-law Amendment Z-11-20 and Site Plan Control Application SP-06-20 for GreyBruce Water Company Inc. be received for information at this time.

Respectfully Submitted:

*Jenn Burnett*

Jenn Burnett, MSc., MCIP, RPP

Senior Planner