



Date Wednesday, February 24, 2021

From Jenn Burnett, Senior Planner

Subject Public Meeting Report for Morris Z-03-21

Report PL.2021.10

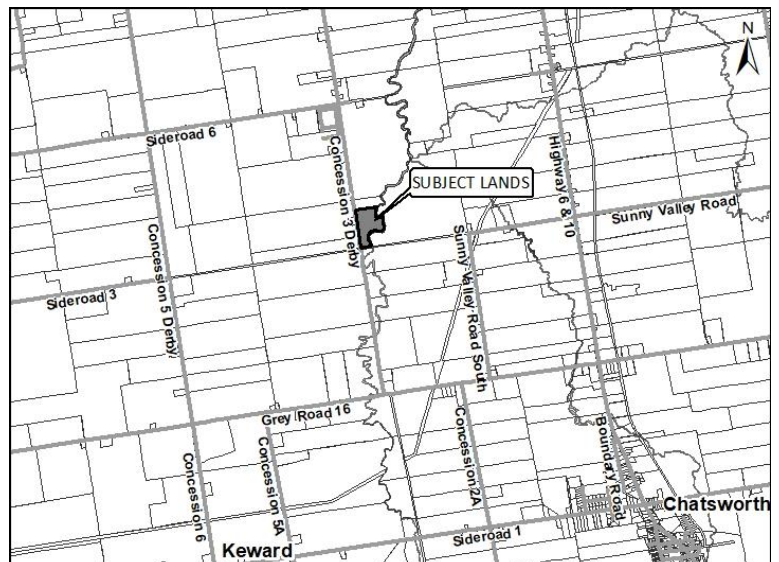
Recommendation

County comments indicate a requirement to demonstrate and/or provide justification that the proposed development will not negatively impact the operation of the adjacent pit. It cannot be demonstrated that the proposed application is consistent with the County of Grey Official Plan policies regarding Mineral Resource Extraction areas. It is recommended that PL.2021.10 Public Meeting Report for Z-02-21 for Morris be received for information.

Application Summary

Applicant: Cliff McMillan
Owner(s): Estate of Sharon M. Morris, Robert Morris Executor
Legal Description: Con 2 Pt Lot 4 RP 16R1928 Pt of Part 1
Civic Address: unassigned Concession 3, Derby
ARN: 4203 540 001 13320

Zoning By-law Amendment Application **Z-03-21** seeks to rezone a portion of the lands from Open Space 1 'OS-1' to Rural – 'RU' to allow a single-detached dwelling to be built. The amending by-law will identify a development envelope with 10 m front yard and side yard setbacks as recommended by the GSCA. There is no change proposed to the Environmental Protection 'EP' zone. No other relief to the By-law has been requested.



Provincial Policy Statement 2020, Grey County Official Plan (2019), Recolour Grey, and the Township of Georgian Bluffs Zoning By-law 2020-020.

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 'Hazard' and 'Rural' and permits residential uses within the 'Rural' designation.

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 November 6, 2021 consultation comments:

"The natural heritage features identified on the subject property include significant woodland as mapped in the County of Grey Official Plan and fish habitat associated with the Sydenham River. Potential unconfirmed natural heritage features include significant wildlife habitat and habitat of endangered or threatened species. We note, the property is also partially designated within the 'Core Natural Heritage System' as per the County of Grey Official Plan.

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; and 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 significant woodland feature includes the denser portions of mixed coniferous and deciduous woodland within the central portion of the property. This area is captured within the EP zone, which is prohibitive of development.

The presence or absence of significant wildlife habitat has not been confirmed at this time. A review of Natural Heritage Information Centre (NHIC) records indicates candidate species within the general vicinity of the property. It is

anticipated that the potential areas associated with significant wildlife habitat are contained within the EP zone.” (Correspondence date November 6, 2020)

In their preconsultation comments, the GSCA identified that Section 2.1.6 of the PPS 2020 does not permit development and site alteration in fish habitat except in accordance with provincial and federal requirements. They referred the applicant to the Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry regarding any fish habitat concerns as the Sydenham River provides direct fish habitat. The applicant provided email correspondence dated November 27, 2020 with Fisheries and Oceans Canada Biologist Brianne Kucharski who noted that as the development is 600 ft away from the river bank and there is a riparian buffer around the river that will remain untouched, there are no concerns with the location of the house.

“2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

GSCA Comment: The presence or absence of habitat of endangered species and threatened species is unconfirmed at this time. A review of records indicates potential candidate species within the general vicinity of the property. We recommend contacting the Ministry of Environment, Conservation and Parks regarding any endangered and threatened species concerns.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.5, and 2.1.6 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 County Official Plan and Natural Heritage Reference Manual recommend a 120m adjacent lands width for consideration of negative impacts. Development within the identified envelope is within the adjacent lands allowance. GSCA is of the opinion that in utilizing the recommended envelope to establish a residential use, an Environmental Impact Study is not necessary as we do not anticipate any negative impacts to the natural heritage features with development contained in this area.” (comments dated November 6, 2020)

Section 2.2 of the PPS, 2020 directs decision makers to consider the impact of the development on surface water. In their comments, the GSCA noted that the “proposed development would increase the imperviousness of the property but given the size of the property and grades, no negative impacts are anticipated in establishing a residential use within the identified development envelope.” (comments dated November 6, 2020)

GSCA comments identify natural hazards in accordance with Section 3.1 of the PPS 2020, to include the flooding and erosion hazards associated with the Sydenham River, wetlands and flood prone areas associated with the low-lying areas. The PPS directs development away from hazardous lands adjacent to rivers and streams which are impacted by flooding and erosion hazards. The proposed development area is outside of the EP area and hazard areas. The GSCA recommends that an engineered grading and drainage plan be completed to demonstrate how development is contained in the proposed development envelope and to detail existing and proposed grades and finished floor elevations of the future dwelling. In order to implement this requirement, staff recommend that Council consider implementing a holding provision on the amending by-law with the requirement to provide the engineered grading and drainage plan as noted by the GSCA.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones the subject lands Open Space 1 'OS-1' and Environmental Protection 'EP' and does not permit residential development in either zone. Rezoning the portion of the lands zoned OS-1 to RU – Rural would permit the owner to build a dwelling within a defined building envelope with 10 m front and side yard setbacks as permitted by the RU zone provisions.

Relevant Consultation

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

- **Grey Sauble Conservation Authority:** in correspondence dated November 6, 2020 and email correspondence dated February 16, 2021, the GSCA noted no objections to the approval of the subject application. The February 16, 2021 comments reiterated support for the November 6, 2020 comments. It is the opinion of the GSCA that:
 1. In utilizing the recommended development envelope, the proposal is anticipated to be consistent with the Section 3.1 PPS policies;
 2. Ontario Regulation 151/06 does apply to the subject site. A permit from GSCA will be required prior to any development or site alteration taking place within the regulated area;
 3. In utilizing the recommended development envelope, the proposal is anticipated to be consistent with the Section 2.1 PPS policies;
 4. It is anticipated that in establishing a residential use on the property, the proposal is anticipated to be consistent with the Section 2.2 PPS policies;
 5. The subject site is not located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

GSCA has identified a development envelope in which to contain development associated with a single-family residence on private services. The envelope

factors in setbacks under the anticipated Rural zone and the existing EP zone provisions in the Township of Georgian Bluffs Comprehensive Zoning By-law. An engineered grading and drainage plan is recommended to be completed as the site plan for the site-specific proposed development proposal.

They wish to be notified of any decision on this application.

- **Grey County Planning & Development Department:** note that, provided positive comments are received from the Conservation Authority regarding the Significant Woodlands, Valleylands and adjacent lands County planning staff have no concerns. They note that the property is adjacent to an active Mineral Resource Extraction Area as identified on Schedule 'B' to the Official Plan and although the development proposed is occurring on a preexisting lot, County Planning staff want to ensure that the development will not hinder the future expansion or continue use of the pit. The applicant shall demonstrate and/or provide justification that the proposed development will not negatively impact the adjacent pit. The County requests notice of any decision rendered with respect to these applications (Correspondence dated February 12, 2021).
- **Historic Saugeen Metis (HSM)** in email correspondence dated February 2, 2021 the HSM note that, "[t]he Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Zoning By-law Amendment as presented."

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

County comments indicate a requirement to demonstrate and/or provide justification that the proposed development will not negatively impact the operation of the adjacent pit. It cannot be demonstrated that the proposed application is consistent with the County of Grey Official Plan policies regarding Mineral Resource Extraction areas. It is recommended that PL.2021.10 Public Meeting Report for Z-02-21 for Morris be received for information.

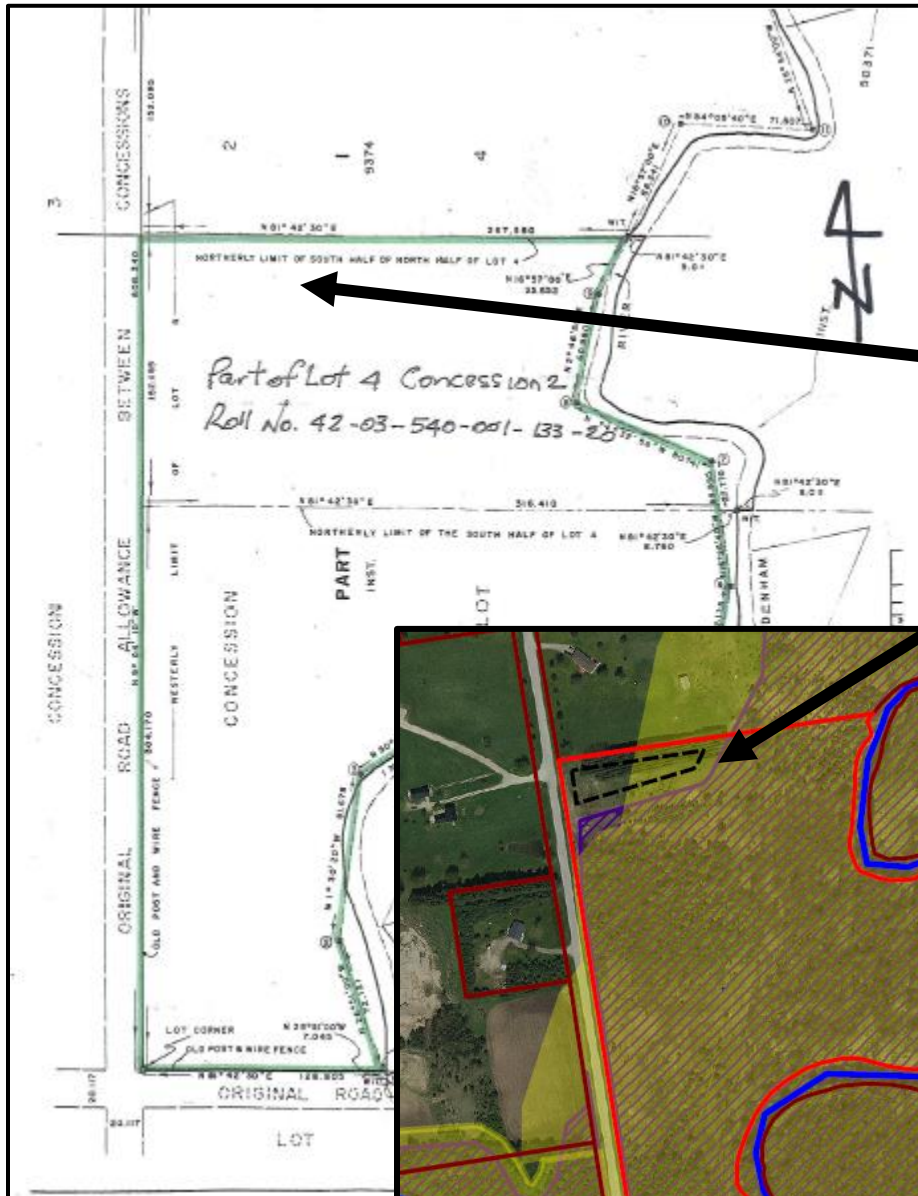
Respectfully Submitted:

Original signed by Jenn Burnett

Jenn Burnett, MSc., MCIP, RPP

Location Diagram
 Con 2 Pt Lot 4 RP 16R1928 Pt of Part 1
 Unassigned Concession 3
 4203 540 001 13320

Site Plan submitted by Applicant:



Proposed
development
envelope

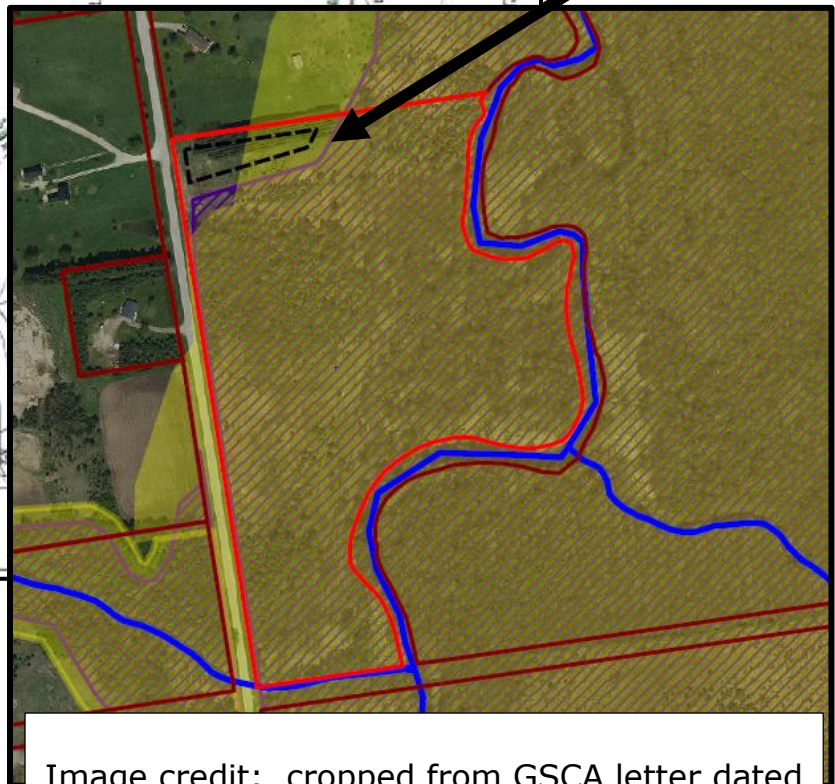


Image credit: cropped from GSCA letter dated November 6, 2020 for general location illustration only.

Report Approval Details

Document Title:	PL.2021.10 Public Meeting Report for Z-03-21 for Morris.docx
Attachments:	<ul style="list-style-type: none">- County Comments Z-03-21 Cliff McMillan.pdf- 20228_MCMILLAN_SITE-INSP_LETTER_06NOV2020.pdf
Final Approval Date:	Feb 18, 2021

This report and all of its attachments were approved and signed as outlined below:

Tim Lewis, Chief Building Official / By-law Enforcement Officer

Steven Dollmaier, Director of Operations

Janet Hilts, Human Resources Manager

Kassandra Rocca, Director of Finance / Treasurer

Brittany Drury, Clerk

Al Meneses, Chief Administrative Officer