



Date Wednesday, May 08, 2019

From Jenn Burnett, Planner

Subject **Re-Zoning Application Z-07-19, Deeming By-law and Encroachment Agreement for Rotary Club of Owen Sound Camp Presqu'ile**

Report PL.2019.20

Recommendation

That Report PL.2019.20 regarding Re-Zoning Application Z-07-19, Deeming By-law and Encroachment Agreement for Rotary Club of Owen Sound Camp Presqu'ile for lands described as 339639 Presqu'ile Road be received for information.

Application Summary

Legal Description: P142 LT 1-12 E KING LT 1-11;W MAIN LT A,B,E,7-11 E MAIN;LT D,K,C,1-6 S CENTRE C3 PT;LOT 41 WL OPPOSITE
Civic address: 339639 Presqu'ile Road
ARN: 4203 580 004 11200

This application is to rezone the property from R2 – Inland Lake and Shoreline Residential to I – Institutional to permit a building addition to the kitchen area of the main hall. The application also seeks relief to:

1. Section 4.8.1 as the lot does not front upon and have direct access to an improved public street;
2. Section 24.2 reduce the side yard setback to 0m from 4.5 m for the building addition;
3. recognize each respective parcel as a lot of record per section 3.125 of the zoning by-law as the lots will be deemed not to be lots on a registered plan so that they merge; and
4. Recognize the existing encroachments on the road allowance through an encroachment agreement.



Policies Affecting the Proposal

Provincial Policy Statement 2014, Grey County Official Plan and the Township of Georgian Bluffs Comprehensive Zoning By-law 6-2003.

The 2014 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 4.7 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 should identify provincial interests and set out appropriate land use designations and policies." (PPS 2014, pg. 33). Schedule A to the Grey County Official Plan (GCOP) designates the subject property as Inland Lake and Shoreline and permits resource based recreational uses which includes water based recreation, campgrounds, and lodges/resorts. The property currently operates as Camp Presqu'ile and would be considered a permitted use under the GCOP.

Appendix 'B' Constraint mapping locates Significant Woodlands on a portion of the property west of Presqu'ile Road. The proposed building addition to the main hall is on the property east of Presqu'ile Road, within the existing building cluster and clearly outside of the Significant Woodlands. Appendix B also locates the subject lands adjacent to Georgian Bay and the GCOP policies do not permit development within 30 m of the banks of a stream, river, lake or Georgian Bay. The GSCA provided comments on this application that they require additional information to determine the exact location of the proposed addition in relation to the shoreline. It has not been demonstrated that the application meets Policy 2.8.6(5) of the Grey County Official Plan.

Section 3.1 of the PPS directs development to areas outside of

"3.1.1.1 a) hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;"

The proposed building addition is located within a regulated area and permits will be required from the GSCA. The GSCA noted that the proposed setback of 0 m for the building addition may need to be increased and located further away from the lot line. Section 4.17.4 c) (ii) of the zoning by-law prohibits development within 20 m of any cold and warm water lake. This setback may include any shore or marine road allowance. The proposed addition appears to be separated from the high water mark by a 20 m unopened road allowance and approximately 5 m of a shore road allowance, however, this cannot be confirmed with the information provided with the application. As

recommended by the GSCA a survey will need to be completed to show that this setback can be met. It has not been demonstrated that the application meets Section 3.1 of the PPS.

The Township of Georgian Bluffs Comprehensive Zoning By-law 6-2003 zones the subject lands R2- Inland Lake and Shoreline Residential and permits primarily residential uses. The proposal is to rezone the property from R2 to 'I' Institutional to permit the camp to continue to operate and to comply with the zoning by-law. The Institutional zoning to permit a private camp complies with the County Official Plan designation for this property. The amending by-law will recognize each respective parcel as a lot of record per section 3.125 of the zoning by-law; recognize that each lot does not front upon and have direct access to an improved public street as required by Section 4.8.1; and, recognize the existing accessory structures and provide relief to the setback requirements as well as the number of structures. The by-law will also specifically permit sleeping cabins, recognize the existing parking and reduce the setback to 0m to allow the building addition and if supported by the GSCA.

Deeming By-law

Pursuant to Section 50(4) of the *Planning Act*, the deeming by-law application is to deem multiple lots within 5 separate parcels, to allow them to amalgamate into 5 lots separated by 3 road allowances. They will be deemed not to be lots on a registered plan, so that they no longer have registered lot status and can be merged to become one parcel under each respective PIN.

Because of the location of the road allowances, merging the parcels will not create one larger parcel. Please see Figure 1. The amalgamation of the lots results in larger lot areas that that will reduce non-compliance with zoning setbacks for existing structures.

Once the by-law is passed, a new deed will be registered and will legally recognize the above noted lots as five separate parcels with no internal lot lines.

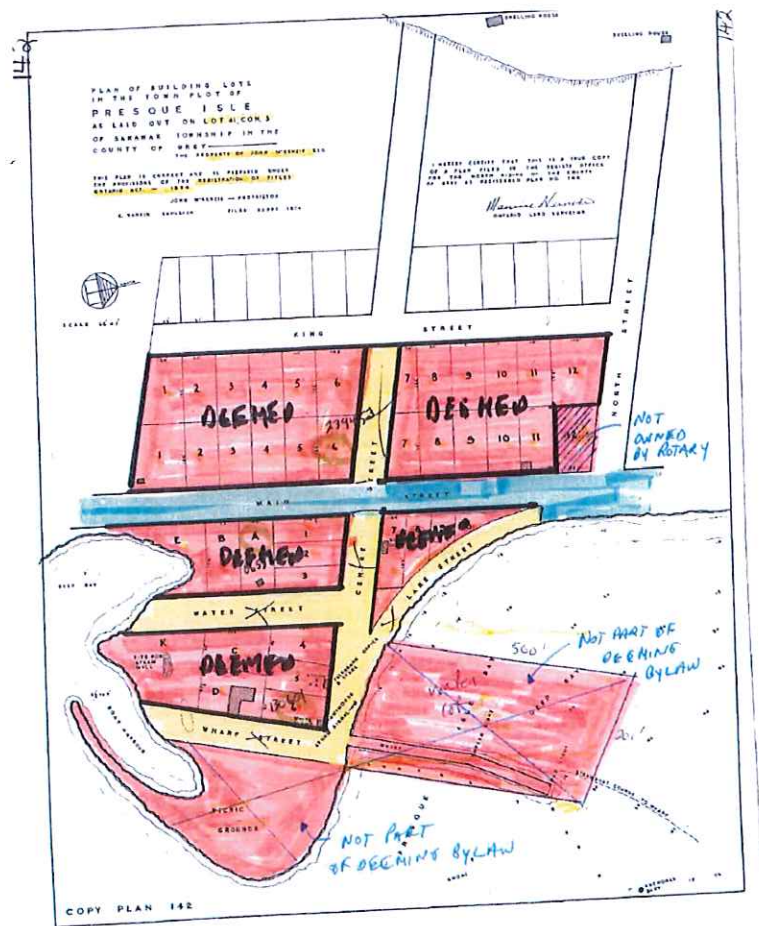


Figure 1

Encroachment Agreement

The encroachment agreement will recognize numerous structures located on the shore road allowance and the unopened road allowances. There appears to be 15 structures, including sleeping cabins, located entirely on the road allowances and 6 located partially on the road allowances. Similar to other encroachment agreements, the document recognizes the encroachments, locates them on a legal survey, permits them to be maintained provided such maintenance does not further increase the encroachment, and agrees to rebuild structures on lands entirely under ownership of the Rotary Club of Owen Sound. An encroachment agreement and authorizing by-law will be presented to Council for consideration at a future meeting.

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 email correspondence dated April 26, 2019, the GSCA notes no objection to the approval of the proposed zoning by-law amendment subject to maintaining appropriate setbacks from the Georgian Bay shoreline for any new development. They recommend that a survey be completed to include the 100 year flood line at elevation 177.9 metres Geodetic Survey of Canada. (A geodetic survey is a land area survey in which the curvature of the surface of the earth is taken into account (Dictionary.com)). The proposed addition would need to be located outside a minimum 15 metre setback landward from this line. Depending on the location in relation to the cobble beach on the property, this setback may need to be increased. A more detailed site plan will be required to confirm this and setbacks from the shoreline. Portions of the property are regulated under Ontario Regulation 151/06, natural hazard and/or natural heritage features and development will require a permit. They request a notice of decision in this matter be provided to their office.
- **Grey County Planning & Development Department:** "Provided that positive comments are received from the conservation authority and safe road access can be ensured, County planning staff have no further concerns with the subject application. The County requests notice of any decision rendered with respect to this file." (Correspondence dated April 18, 2019)
- **Historic Saugeen Metis (HSM)** in email correspondence dated April 8, 2019, 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."

The Notice of Complete Application and Notice of Public Meeting was circulated to all property owners within 120 m of the subject property. Written comments were received from:

Mrs. Magdalene Szczepski who requested to be notified of any decision on this file (email correspondence dated April 19, 2019).

Conclusion & Recommendation

It has not been demonstrated that the application meets Policy 2.8.6(5) of the Grey County Official Plan or Section 3.1 of the PPS (2014). It is recommended that Report PL.2019.20 regarding Re-Zoning Application Z-07-19, Deeming By-law and Encroachment Agreement for Rotary Club of Owen Sound Camp Presqu'ile for lands described as 339639 Presqu'ile Road be received for information.

Respectfully Submitted:



Jenn Burnett, MSc., MCIP, RPP

SITE PLAN
339639 Presqu'île Road
4203 580 004 11200

