



Date Wednesday, February 16, 2022

From Jenn Burnett, Senior Planner

Subject Public Meeting Report for Older Z-01-22

Report PL.2022.10

Recommendation

Comments from the Grey Sauble Conservation Authority note that the application is not consistent with the policies of Section 2.1 of the Provincial Policy Statement 2020.

It is recommended that the decision on Zoning By-law Amendment Application Z-01-22 for Amanda Older and Eli Vermilyea for lands described as CON 20 PT LOT 3 RP 16R4491; PART 2, be deferred until positive comments have been received from the Grey Sauble Conservation Authority.

Application Summary

Applicant(s): Amanda Older & Eli Vermilyea
Owner(s): Amanda Older & Eli Vermilyea
Legal Description: CON 20 PT LOT 3 RP 16R4491; PART 2
Civic Address: unassigned Grey Road 17
ARN: 4203 620 005 10601

Zoning By-law Amendment Application **Z-01-22** seeks to reduce the setback to the 'EP' - Environmental Protection zone from 15 m to 3 m and to reduce the side yard setback from 10 m to 3 m for a property in the 'AG' – Agricultural zone for a non-farm residential property. The effect will be to create a development envelope wherein a detached dwelling can be built.



No other relief to the By-law was requested.

Policies Affecting the Proposal

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 with a small portion of Agricultural and permits single detached dwellings within the Agricultural designation. Development is not permitted in the Hazard areas. Appendix B to the GCOP notes the presence of 'Other wetlands' on the property.

The PPS, 2020 permits the development on private services.

"1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts."

The subject property is located in a rural area where no municipal water or sewers exist. The property will be serviced by a private well and a septic system designed and built in accordance with the Ontario Building Code.

Section 2.1 of the PPS 2020 directs that Natural features and areas shall be protected for the long term. The GSCA reviewed the proposed amendment in their review of impacts to Natural Heritage features on behalf of the Township and noted the following in their comments directly quoted from their February 10, 2022 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 include significant wildlife habitat and fish habitat.

2.1.5 Development and site alteration shall not be permitted in:

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: A review of Natural Heritage Information Centre (NHIC) records indicates snapping turtle habitat within the wetland feature. Snapping turtles are identified by the Province as a species of special concern and their habitats are considered a form of significant wildlife habitat. It is also expected that the wetland feature provides for other unconfirmed forms of significant wildlife habitat such as amphibian breeding habitat.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

GSCA Comments: Our records indicate fish observations within the watercourse connected to the wetland feature. Development located outside of the EP zone is not anticipated to negatively impact fish habitat. We recommend contacting the Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry for further information regarding fish habitat.

2.1.8 Development and site alterations 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 County Official Plan and Natural Heritage Reference Manual recommend a 120m adjacent lands width from the natural heritage features for consideration of negative impacts. Given the extent of the property boundaries and wetland feature, development of the property would occur within the adjacent lands to the natural heritage features. Development has the potential to result in negative impacts to the natural heritage features. GSCA's pre-consultation comments recommended development maintain a 3 metre setback from the EP zone boundary. In this instance, we would not request an EIS to be completed as it was anticipated to not result in negative impacts. We should note, the intent was to keep the entirety of the proposal, including any site alteration associated with the development beyond 3 metres from the EP zone. The detailed grading and drainage plan indicates site grading would extend into the 3 metre setback and into the EP zone. As such, the detailed design is not meeting the intent of GSCA's recommendations. There are also some additional details required related to the proposed septic system noted in our regulatory comments section that are applicable. Therefore, the proposal is considered inconsistent with the Section 2.1 PPS policies at this time. We recommend the decision be deferred until the above matters have been addressed.

2.2 Water

GSCA Comment: The proposed development will increase the imperviousness of the property. Through review of the provided engineered grading and drainage plan it appears that the proposed grades have demonstrated drainage will not result in any negative impacts to neighbouring properties.”

Section 3.0 of the PPS 2020, Protecting Public Health and Safety, directs that development shall be directed away from areas of natural or human-made hazards.

“GSCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.

- 3.1.1 b) Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
- c) hazardous sites.

The natural hazards identified on the property include flooding and erosion hazards associated with the local wetland feature and flood prone areas. Additionally, a review of the soils mapping indicates organic soils associated with the wetland feature. Organic soils are considered potentially hazardous for development due to their unstable nature.

GSCA Comments: The hazard area associated with the wetland is included with the EP zone. The findings of the soils analysis confirmed a design bearing capacity that could be met for the proposed foundation given the presence of inorganic soils at the test hole locations. As such, we are of the opinion that development as defined under the PPS is directed away from the hazard area and the proposal is consistent with the Section 3.1 PPS policies.”

The GSCA comments are attached for Council’s review.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones this 2.3-acre parcel ‘AG’ Agricultural and ‘EP’ Environmental Protection. The application proposes to rezone a portion of the lands in the southeast corner of the property AG-Agriculture ‘Special’ to recognize a development envelope with a 3 m side yard setback and a 3 m setback to the ‘EP’ zone. The Zoning By-law requires a 10 m side yard setback for non-farm residential development and a 15 m no development setback from the EP zone. The effect will be to create a development envelope wherein a detached dwelling can be built. No other relief to the By-law was requested.

As the property fronts on to Grey Road 17, the Zoning By-law requires a 23 m setback from the centreline of the County Road. The site plan submitted with the application shows the dwelling to be located just over 25 m from the centre line of the road. County comments indicated that all structures, including underground structures, must meet that setback. The Zoning By-law does not regulate the location of the septic system as

that falls within the Ontario Building Code requirements. The County's comments will be communicated to the applicant.

Relevant Consultation

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

Grey Sauble Conservation Authority - in correspondence dated February 10, 2022 GSCA provided the following comments:

"Based on our review of the application and information circulated with it, GSCA recommends the Township defer the decision on the zoning by-law amendment until a satisfactory site plan has been provided that addresses the above concerns. Please inform this office of any decision made by the Township of Georgian Bluffs with regard to the subject application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

1. The proposal is generally consistent with the Section 3.1 PPS policies.
2. Ontario Regulation 151/06 does apply to the subject site. An application for submission is required to the GSCA office prior to the commencement of development on the subject property.
3. The proposal has not demonstrated consistency with the Section 2.1 PPS policies at this time.
4. The proposal is generally 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.

Grey County Planning Department - In comments dated February 2, 2022 the County notes, "[i]t is recommended that positive comments are received from GSCA regarding the proposed development and the circulated grading and drainage plan. The subject property is located on Grey Road 17 and the subject application has been circulated to the County's Transportation Services Department. They have confirmed that an Entrance Permit is required for the subject development. Furthermore, they have noted that a 75-foot setback is in effect for all structures (including underground structures) from the centerline of the County Road. It is recommended that setbacks for all proposed structures be considered in this regard."

Staff comment: The location of the proposed dwelling is approximately 25 m from the centreline of the County Road. This complies with the County requirement and the Township of Georgian Bluffs Zoning By-law.

Risk Management Office (RMO) Source Water Protection- in comments dated January 18, 2022 the RMO noted, "[t]his property is not located within a vulnerable source protection area where policies apply, therefore have no comments under the local Source Protection Plan."

Saugeen Ojibway Nation (SON) – in comments dated January 21, 2022 SON provided the following comment, “At this point, the Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project. We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.”

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 the application were received by the report submission deadline.

Conclusion & Recommendation

Comments from the Grey Sauble Conservation Authority note that the application is not consistent with the policies of Section 2.1 of the Provincial Policy Statement 2020. It is recommended that the decision on Zoning By-law Amendment Application Z-01-22 for Amanda Older and Eli Vermilyea for lands described as CON 20 PT LOT 3 RP 16R4491; PART 2, be deferred until positive comments have been received from the Grey Sauble conservation Authority.

Respectfully Submitted:

Jenn Burnett, MSc., MCIP, RPP
Senior Planner

Report Approval Details

Document Title:	PL.2022.10 Public Meeting Report for Older Z-01-22.docx
Attachments:	<ul style="list-style-type: none">- Notice Of Public Hearing Z-01-22 Older.pdf- Application - Older_Redacted.pdf- Justification Report - Older.pdf- 221367 - Letter of Opinion - Bedrock Resource Area - Part Lot 3, Conc 20, Georgian Bluffs - November 8, 2021.pdf- 221367 - Field Review Report No. 1 - October 4, 2021.pdf- 211-03498-00 - Site Plan.pdf- 211-03498-00 - Lot Grading Plan - Issued for Review (2).pdf- 22043_OLDER_ZBA_GSCA_COMMENTS.pdf
Final Approval Date:	Feb 11, 2022

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

Brittany Drury, Director of Corporate Services / Clerk

Cynthia Fletcher, Chief Administrative Officer