



Staff Report PL2021-038

Title of Report: PL2021-038-C25-20 Don Lewis
Department: Clerks
Branch: Planning Services
Council Date: May 5, 2021

Recommendation:

Be it resolved that Council receive Staff Report PL2021-038 for information; and
That Council consider approval of By-law 2021-064.

Property Location: 143336 Southgate Road 14



Subject Lands:

The subject lands are described as Con 3, Pt lot 36 and are approximately 37ha (91.4 acres). The lands have frontage on Southgate Road 14.

The Proposal

The applicant proposes to sever a portion of his lot (143336 Southgate Road 14 (Lot A)) and merge the severed portion with an existing lot to the east (412202 Southgate Sideroad 41 (Lot B, Holstein Cemetery)). No new lots will be created as a result of this proposal. (See attachment 1)

Background

A Public meeting was held virtually on January 27, 2021. Supporting documents and comments posted on the website are available at:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#C25-20-Don-Sharon-Lewis-co-Lewis-Land-and-Stock-Associated-with-B13-20->

The comments received include:

The Public Works Department indicate that a safe access can be provided and that a road widening is required if one has not been provided for in the past.

The County of Grey staff indicate that provided positive comments are received from the Conservation Authority regarding the hazard lands and MDS can be met, County planning staff have no further concerns.

The SVCA indicate the proposed consent and zoning are acceptable to SVCA staff.

The Historic Saugeen Metis indicate that they have no concerns or objection.

The Grey Bruce Health unit in a letter with the submission indicate that based on the information and work proposed and in comparison with standards in use elsewhere in Canada, the Grey Bruce Health Unit believes that the land forming the proposal is suitable for the establishment of a green burial ground.

No comments were received from members of the public.

Staff Comments:

With respect to the County comments the SVCA has responded that the application is acceptable and the by-law proposes to reduce the MDS requirement to a Type A land use which will then meet the MDS requirement. Even without the reduction the existing cemetery is directly between the proposed new green cemetery and the existing barn. If MDS was calculated it would be calculated from the zone boundary and not include the green cemetery portion of the lot. Based on this it is Township's staff's opinion that the reduction in MDS setback is appropriate in this particular instance.

Financial Implications:

The financial Implications for this proposal are minimal. It is my understanding that cemeteries are not taxed so the addition of one acre of lands would theoretically mean that 1 acre of lands has been removed from the agricultural tax category to an exempt category. That being said there is a societal need for cemeteries and there are no Green cemeteries in within Southgate.

Staff Review

Staff reviewed this application based on the Planning Act, the Provincial Policy Statement (PPS), Southgate Official Plan and the Zoning By-law.

The Provincial Policy Statement 2020 (PPS)

The PPS has been reviewed in its entirety and is intended to guide growth and development and protect matters of provincial interest. The planning analysis in the Planning report submitted by Cuesta Planning Consultants has done a detailed review of the policy. Township staff concur with the overall finding that the proposal is consistent with the PPS.

With respect to the issue of MDS, while it may not meet the exact setback for MDS it can be stated that the reduction in the MDS setback will not further hinder agriculture as the addition to the cemetery is behind the existing cemetery and further away.

County of Grey Official Plan

The County has provided comments on the application and have indicated that provided the Conservation Authority is satisfied and MDS can be met they have no further concerns. The Conservation Authority has provided positive comments and finds the application acceptable.

As noted above with respect to MDS, the intent of MDS is still being maintained and the reduction in the setback will not further hinder agricultural operations in the area.

The applicants consultants have also reviewed the application against the County Policy in their planning report in detail and the Township agrees with the results of the analysis.

Based on the above the report is consistent with the County of Grey Official Plan.

Township Official Plan

The Township of Southgate Official Plan (OP) designates the subject lands "Agricultural" and "Hazard lands".

The Applicants consultants, Cuesta Planning, have addressed the policies in detail in section 2.3 of the planning report submitted with the application. The Township concurs with their assessment of the policies.

Cemeteries are a permitted use within the Agricultural designation of the Township Official Plan. The implementing of the consent to add 1 acre of land to the cemetery will not hinder future agricultural development in the area will not create an undersized remnant lot as agriculture is still proposed to continue. Again the intent of MDS is being maintained.

A Green cemetery is a unique service to the area that will provide individuals with options for end of life and memorial. The approval of the proposal will provide a new opportunity for residents and will still maintain the character of the area and be compatible with agriculture.

Township staff are satisfied the proposal is consistent with the Township Official Plan Policies.

Zoning By-law

The proposed zoning by-law amendment would rezone the retained lands to Agricultural exception (A1-477) and the severed portion to be added to the cemetery lot as Community Facility exception (CF-478). The agricultural exception 477 will recognize the lot area reduction from 37 ha to 36.5ha as a result of the lot addition.

The Community facility exception 478 will provide the relief from the MDS requirement indicating that for the purposes of MDS the use will be considered a Type A land use.

The zoning provisions are reviewed in detail in section 2.4 of the Cuesta Planning report. The Township agrees with their planning analysis and recommend consideration of the amendment.

Conclusions

Based on the above policy review and the information provided and comments received, the proposal is consistent with the Policies of the Provincial Policy Statement, The County of Grey Official Plan, The Township of Southgate Official Plan. The proposed zoning by-law amendment should therefore be approved and is considered appropriate for the area and good land use planning.

Respectfully Submitted,

Municipal Planner: *Original Signed By*
Clinton Stredwick, BES, MCIP, RPP



CAO Approval: *Original Signed By*
Dave Milliner, CAO

Attachments:

1. B and W site plan from Cuesta Planning report.