



Staff Report PL2023-020

**Title of Report: PL2023-020-B3-23-Watra Residents Association
O'Donnell**

Department: Planning

Committee Date: April 26, 2023

Recommendation:

Be it resolved that the Committee of Adjustment receive Staff Report PL2023-020 for information; and

That the severances be approved with the following conditions:

- 1. That** a Zoning by-law amendment be obtained to implement the consents.
- 2. That** Lots 20 and 21 be merged with the retained lands and a pin consolidation obtained
- 3. That** a survey be provided; and
- 4. That** all outstanding taxes, fees and charges are paid, if any.

Property Location: BLK 29 of Plan 812



The property is legally described as CON 21, Pt Lot 11, Plan 812 BLK 29, Watra Road, Geographic Township of Egremont. There is no civic address assigned.

The parcel is approximately 6.47 ha (16 acres) with frontage on Watra Road and Southgate Sideroad 49.

The Proposal:

The proposal is to sever a 0.4ha area lot with 47.3m of frontage on Watra Road. The retained lands that are approximately 6.125ha will be merged with lots 20 and 21 on Plan 812, which are undevelopable within the subdivision.

The Effect would be to create a new residential lot but remove two previously created lots that are not developable. The end result would be a decrease in lot density by one lot.

Background:

The consent file B3-22 can be viewed at the following link:

<https://www.southgate.ca/en/municipal-services/planning-applications-public-notice.aspx#B3-23-Watra-Residents-Association-C4-23->

The Comments received to date on the consent applications are as follows:

County of Grey indicates that the proposal is acceptable to County Staff and have no further concerns.

Public Works Department indicates that a safe access can be provided and that the road is a rural asphalt standard. A road widening is not necessary.

Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

The Historic Saugeen Metis have no concerns or objections to the proposal.

Policy Review:

The Provincial Policy Statement

The applicants planning consultant Ron Davidson has prepared a planning justification outlining how the proposal conforms to policy. For the PPS he states:

"The Provincial Policy Statement (PPS) allows for limited lot creation on rural lands. The PPS also allows for development on private services where municipal or communal services are not available provided the site conditions are suitable over the long term. In this regard, the 0.4 hectare lot should be of ample size to accommodate a private septic system and well. There are no known soil or water issues within this existing subdivision.

Furthermore, the PPS protects natural heritage features from development. As explained above, however, all of the natural features existing on the site are located at the north end of the property and not in close proximity to the severed parcel.

Lastly, the PPS also promotes areas of known aggregate to be protected for possible future extraction. As noted earlier, the subject lands are recognized as having a potential sand and/or gravel deposit, however, establishing a licensed pit on this particular lands would generally represent poor land use planning given the large number and proximity of residential dwellings within the immediate vicinity.

Based on the above, the proposal should be deemed consistent with the PPS."

The Township of Southgate agrees with this assessment of conformity with the Provincial Policy Statement that the proposal is consistent with the Provincial Policy Statement.

The County Official Plan and Township of Southgate Official Plan

The County and Township official Plan designates the lands as Rural and Hazard lands. The portion to be severed is entirely within the rural lands designation.

The Applicants consultant has again reviewed the policies of the County and Township Official plans with respect to the Rural designation as follows:

"The 'Rural' policies limit lot creation to a four lots per original 40 hectare Crown-surveyed parcel. Previous versions of the Official Plan, however, gave consideration to Plans of Subdivisions within the 'Rural' designation, which explains the large number of lots that have been created from the original 40 hectare parcel known as Lot 11, Concession 21, Egremont Township. The current policies would not allow for any additional parcels to be created, and therefore in order to create the severed parcel, the retained lands must be merged on title with another lot. Since Lots 20 and 21 are undevelopable, the Association decided to acquire those two parcels for the purposes of being able to merge the retained parcel with those lots. This lot addition will actually reduce the overall number of parcels created within Lot 11, Concession 21 by one.

With regard to lot size, the 'Rural' policies required new lots to be at least 0.8 hectares in size; however, a reduced lot area may be considered in the case of lot line adjustments provided both the severed and retained parcels are at least 0.4 hectares in size. The proposal is consistent with this policy. Creating a larger lot was discussed during preconsultation; however, it was agreed by all parties that including 'EP' zone lands with the severed parcel for the purposes of reaching a larger lot area didn't have any merit.

The majority of the subject lands is identified on Schedule B as 'Aggregate Resource Area'. The intent the Official Plan is to protect these lands from development for possible future sand and gravel extraction. The creation of non-farm lots is generally not allowed within the 'Aggregate Resource Area'; however, in this particular situation, the establishment of a license pit would not be feasible given the large number of residential lots that exist within this subdivision and, frankly, would represent bad land use planning. This issue was discussed during the preconsultation exercise with the Township and County Planning Departments, and it was agreed that the 'Aggregate Resource Area' policies should not interfere with the intended development.

Schedule C identifies the north portion of the subject lands as 'Natural Heritage System Linkage'. The creation of new non-farm lots is generally prohibited within this constraint area. Given that the new lot will be created at the south of the property and well beyond the 'Natural Heritage System Linkage' area, the proposal would not conflict with this natural heritage policy.

Schedule B places the north portion of the subject property within the 'Significant Valleyland' and 'Significant Woodland' constraint areas. A small area is also shown as 'Other Wetlands'. These lands will be protected from any development and site alteration as a result of the Zoning By-law Amendment and therefore the severance of a lot at the south end of the property will conform with all applicable natural heritage policies. Based on the foregoing, it is apparent that the proposed severance conforms with the Grey County Official Plan.

The Township of Southgate Official Plan mirrors the Grey County Official with regard to mapping and the associated policies listed above. It is evident that the proposal also conforms with the local Official Plan."

The Township of Southgate concurs with above policy review and agrees that the proposal is consistent with the Policies of the County and Township Official Plans.

Zoning

Currently the subject lands are zoned as Open Space and EP. The retained lands will remain zoned as Open Space and EP. The 0.4 hectare parcel to be severed is currently zoned Open Space (OS). The proposed Zoning By-law Amendment would change these lands to Residential Type Six exception (R6-XXX). The exception provisions would reduce the minimum lot area and frontage requirements from 0.8 hectares and 100 metres to 0.4 hectares and 47.43 metres respectively. The construction of a house and accessory building would be allowed under the new zoning.

Lots 21 and 22 are currently zoned mostly Environmental Protection (EP), with some Residential Type Six (R6) zoning along the front portions of these two parcels. The (R6) zoned area will be changed to 'OS'. No development or site alteration will be permitted on these lands or on the retained parcel which will merge with these lands.

Financial Implications:

There will be a minor increased assessment growth as a result of the creation of one new buildable lot.

Concluding Comments:

Based on the above, and comments received, it is recommended that the consent be approved with conditions provided no new additional negative comments are received at the hearing.

Respectfully Submitted,

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



CAO Approval: Original Signed By
Dina Lundy, CAO

Attachments:

1. Consent Sketch showing proposed lots
2. Planning Justification Report