



Staff Report PL2023-026

Title of Report: PL2023-026-C4-23 Watra Residents
Department: Planning
Council Date: June 7, 2023

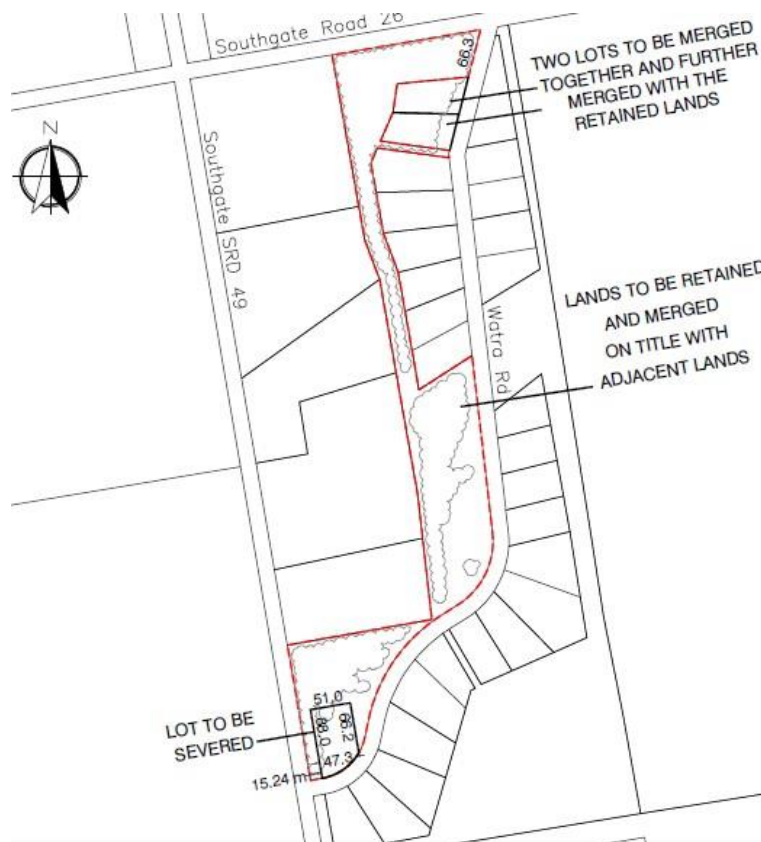
Recommendation:

Be it resolved that Council receive Staff Report PL2023-026 for information; and
That Council consider approval of By-law 2023-050.

That Council consider approval of Deeming By-law 2023-056.

That Council direct staff register By-law 2023-056 on title of the subject lands being Lots 20 and 21 of Plan 812.

Property Location: Con 21 Pt Lot 11, Registered Plan 812 Lot 20 and 21 and BLK 29



Subject Lands:

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 Purpose of the zoning bylaw amendment is to implement the severance of a 0.4 hectare parcel that is currently zoned Open Space (OS). The proposed Zoning By-law Amendment would change these lands to Residential Type 6 Exception (R6-540). The exception provisions would reduce the minimum lot area and frontage requirements from 0.8 hectares and 100 metres to 0.4 hectares and 47.3 meters respectively. The retained parcel is zoned Open Space (OS) and Environmental Protection (EP) and will remain zoned as such. Lots 20 and 21 are currently zoned Environmental Protection (EP), with some Residential Type 6 (R6) zoning along the front portions of these two parcels. The "R6" zoned area will be changed to Open Space (OS). No development or site alteration will be permitted on these lands or on the retained parcel which will merge with these lands.

The Effect of the zoning by-law amendment is to change the zone simple on the severed lands from Open Space (OS) to R6 exception (R6-540) to recognise the new lot and allow for the construction of a house and accessory building. The retained lands will merge with Lot 20 and 21 of Plan 812 and the Zoning on lot 20 and 21 will be changed from Residential Type 6 (R6) to Open Space (OS). The EP boundary may be adjusted based on Conservation Authority Comments.

A Deeming By-law is also required to merge lots 20 and 21 and deem them not to be lots so that they can be merged with the retained lands following the consent. This will have the effect of reducing the overall number of lots within the subdivision by 1 once the severance is complete. This by-law is to address a condition of consent B3-23 to merge the lots with the retained parcel.

Background

The Committee of Adjustment Hearing was held on April 26, 2023 at 9am. Supporting documents and the decision are available on the website at the following link:

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

A Public meeting was held in the Holstein Council Chambers on April 26, 2023 at 1pm. Supporting documents and comments posted on the website are available at:

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

The comments received include:

The public works department indicates that a safe access can be provided and that the road is a rural asphalt standard. No road widening is requested.

The County of Grey staff indicate that County Planning staff have no concerns with the subject application.

The SVCA indicate the proposal is generally acceptable to SVCA staff.

One comment was received from a member indicating that the ownership of Blk 29 was not inclusive to include all the residents of the Watra Association.

Staff Comments:

The comments from the public were discussed but ultimately it is not a planning issue as the ownership of Blk 29 has been established and the committee is not the correct forum to challenge the ownership of Blk 29.

Financial Considerations:

The Township will have an increase in assessment if the newly created lot is built upon however, it will also be losing the taxes from the two vacant lots that will be deemed.

Policy Review:

The Provincial Policy Statement

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

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 hectares 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.

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
Dina Lundy, CAO

Attachments: