

STAFF REPORT PUBLIC MEETING OF PLANNING

November 28, 2022

TO: Mayor and Council Members

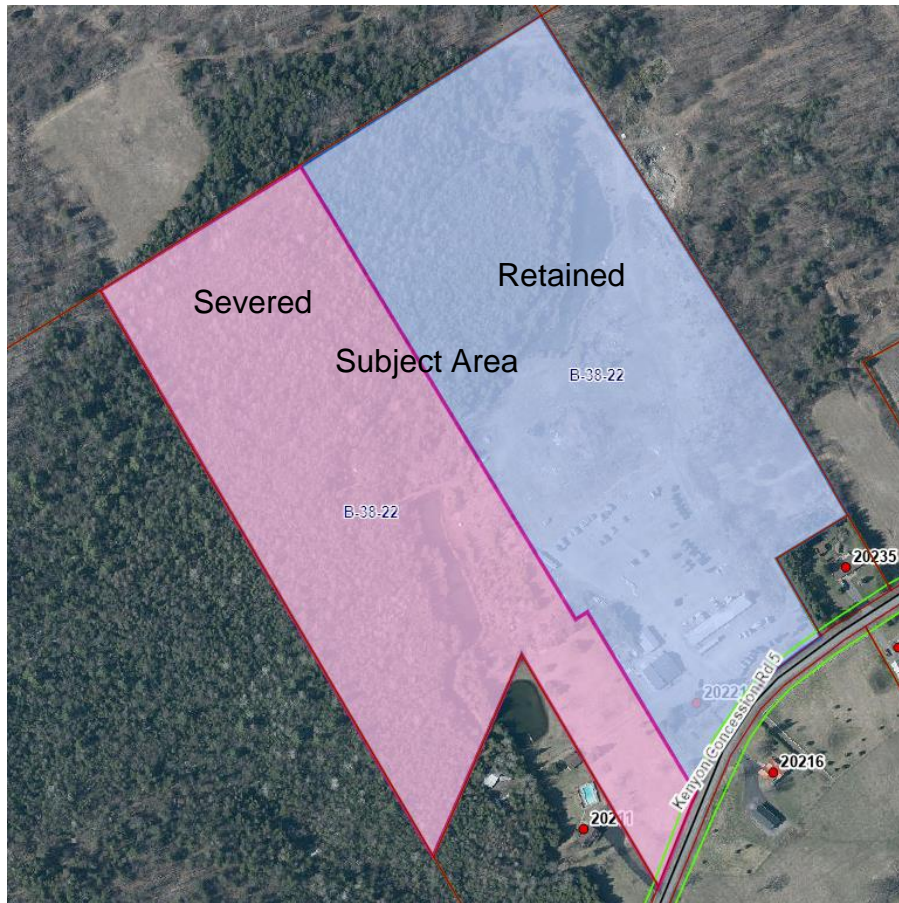
**FROM: Stephanie Morin, Municipal Planning Consultant
Jacob Rheume, Director of Building, Bylaw and Planning**

RE: Zoning By-law Amendment No. Z-12-2022 & Official Plan Amendment No. 16

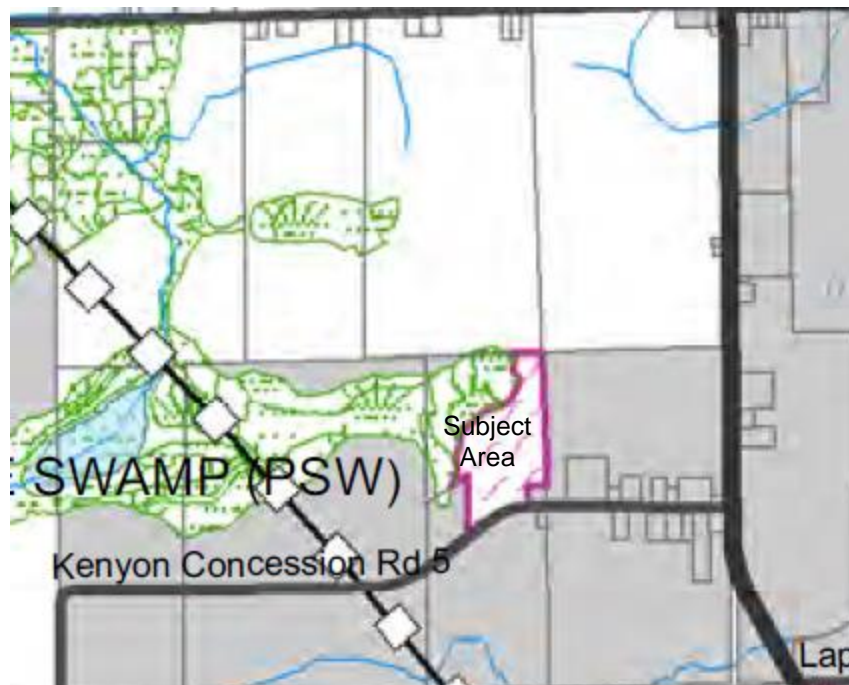
Owner: Heinrich Bartch & Gertruda Bartch

Location: 20221 Kenyon Concession Rd 5, Alexandria, ON
Con 5, Part Lots 2 & 3, geographic Township of Kenyon
Severed and Retained portions of Consent No. B-38-22

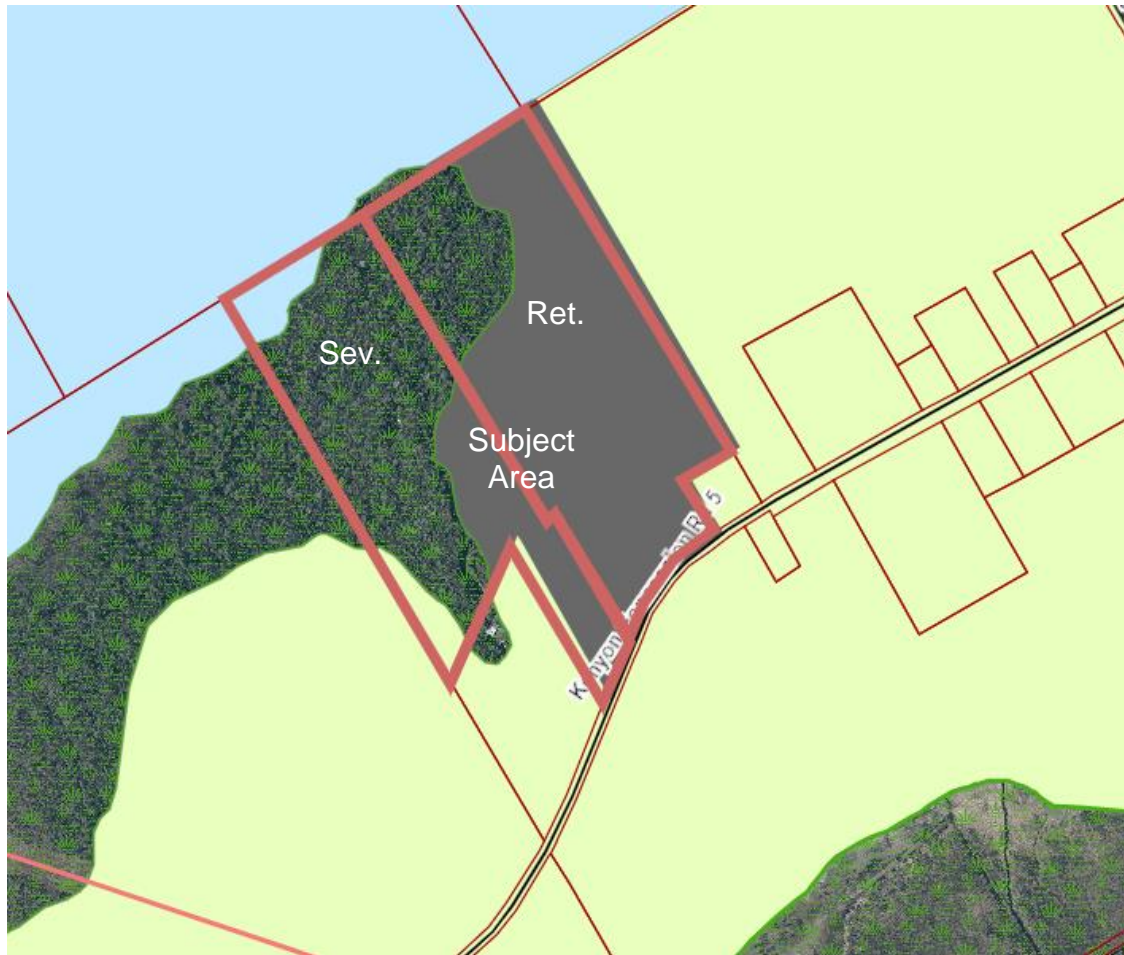




Official Plan designation: "Salvage Yard District" and "Provincially Significant Wetland"



Zoning designation: “Wrecking Yard” and “Provincially Significant Wetland”



Purpose of the Applications:

Official Plan

- To remove the Salvage Yard District designation on the severed portion of Consent No. B-38-22, whereby re-designating the land to rural district.
- To re-designate the retained portion of Consent No. B-38-22, to a Special Land Use district to address the rural industrial use related to the owner's existing garden shed construction business, in addition to the salvage yard district policies.

Zoning By-law:

- To re-zone the severed portion of Consent No. B-38-22 from “Wrecking Yard (WY)” to “Rural (RU)”
- To re-zone the retained portion of Consent No. B-38-22 from “Wrecking Yard (WY)” to “Wrecking Yard – Special Exception 2 (WY-2)” to permit the landowner's existing garden shed construction business.

Background:

A consent application on the subject land was submitted to the County to add land, previously used as a salvage yard, to a neighbouring rural residential property. The retained lands are also currently not used as a salvage yard, though a garden shed construction business and residential use remain on the retained lands of the consent application. Together with a supporting Record of Site, the application received conditional approval from the County. The applicant submitted a concurrent Official Plan Amendment and Zoning By-law Amendment to remove the salvage yard use on the severed portion, and permit an existing garden shed construction business on the retained portion to satisfy a condition of Consent approval for Application No. B-38-22.

The subject property is described as being Part of Lots 2 & 3, Concession 5, in the former Township of Kenyon, now the Township of North Glengarry, located at 20221 Kenyon Concession Road 5, Alexandria. The severed lands include approximately 72.24 m of frontage on Kenyon Concession Road 5 and measures approximately 20.03 acres in size. The retained lands include approximately 146.3 m of frontage on Kenyon Concession Road 5 and measures approximately 23.91 acres in size. The property is located on the north side of Kenyon Concession Road 5, south-west of the intersection of Kenyon Concession Road 5 and County Road 34. Surrounding land uses include rural residential uses and Provincially Significant Wetlands. Part of the subject lands are designated Provincially Significant Wetlands as well and are not proposed to change.

To permit the existing uses on both the benefitting lot and the retained lot, amendments to the United Counties Official Plan and Township of North Glengarry Zoning By-law are required, as the designation and zoning of the lands do not allow for the proposed and existing uses.

In accordance with the *Planning Act*, a public meeting is being held, and notice was circulated by regular mail, e-mail, advertised in the Glengarry News and posted at the property. As of the writing of this report, no public or agency comments (aside from RRCA, see below) were received by the Township or United Counties.

We have received a comment from RRCA as Provincially Significant Wetlands are mapped within 120m of the subject lot. The wetland is known as Mud Lake Swamp. Development or site alterations within and setback 120m from the Provincially Significant Wetlands shall require permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06.

The process of concurrently filling an Official Plan Amendment and Zoning Amendment application includes the public meeting being held this evening at the lower-tier municipality (Township), a resolution of support will be issued by Council and sent to the United Counties. This is required prior to County Council considering the Official Plan Amendment to ensure the Township and County are both in favor of this amendment. The Zoning By-law Amendment is to be brought back to Council at a later date, only after the County made their decision on the amendment. The reason for this order of process is simply because in this case, as the proposed ZBA would not be compliant with the OP, it would not be “recommended” until the OP is amended. The zoning by-law amendment will be passed by Council subsequently.

Policy Considerations:

The following is a summary of the agency roles in the approvals process:

- The **United Counties of Stormont, Dundas, and Glengarry** is the administrator and approval authority for official plan amendments (OPAs). Notwithstanding this, local municipalities often host public meeting and assist in facilitating the OPA process, given that the County OP also acts as the local OP. The United Counties also is reviewing the concurrent consent application for a lot addition to an adjacent residential lot.
- The **Township of North Glengarry** is the administrator and approval authority for zoning by-law amendments. Zoning amendments cannot be passed unless they conform to the OP.

Planning Act

The *Ontario Planning Act* gives municipal Councils the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the Act. *The Planning Act* also requires that in making planning decisions, Council must have regard for matters of Provincial Interest. *The Planning Act* requires that Council's decisions must be consistent with the Provincial Policy Statement, and conforms with the Stormont, Dundas and Glengarry Official Plan which apply to the lands.

Provincial Policy Statement (PPS)

The Provincial Policy Statement, also known as the "PPS", provides policy directions on matters of provincial interest related to land use planning and development. It aims to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The subject lands are located within the "Rural Area" and "Rural Lands" as defined in the PPS.

Section 1.1.1 supports healthy, livable and safe communities by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term and avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.4.1 goes on to suggest that rural areas should be supported by building on rural character, leveraging rural amenities and assets, as well as promoting a diverse economic base through goods and services. While Section 1.1.5 speaks of permitted uses on rural lands of which include, residential development that is locally appropriate, home occupations and home industries, and that such development be compatible with the rural landscape.

United Counties of SDG Official Plan (OP)

The Official Plan contains a number of goals and strategic objectives; growth is the goal to direct most forms of development to support the efficient use of land. The strategic objective is to encourage infilling, intensification, and development in appropriate locations and with appropriate built form and design.

The Official Plan also seeks to protect and enhance the character of existing urban areas and the stability of existing and well-established residential neighborhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

The subject property is currently designated as “Salvage Yard District” and “Provincially Significant Wetland.”

The severed portion of Consent No. B-38-22 is proposed to be re-designated as “Rural District” and maintain the area currently designated as “Provincially Significant Wetlands.”

The retained portion of Consent No. B-38-22 is proposed to be re-designated as “Special Land Use District” to include the existing garden shed construction business in addition to the uses permitted in the salvage yard district. The areas of the land that are currently designated as “Provincially Significant Wetlands” will continue to be designated as such.

“3.4.6 Rural District

The Rural District contains a variety of land uses, such as farms, forests, small industries, golf courses, and in many places, small clusters of residential and commercial development. The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location and a limited amount of residential development where such development will not preclude continued agricultural and non-residential uses”...

“When considering an application to amend the zoning By-law to permit a new use identified above, the following matters must be considered:

- a. The use would not be better located in a Settlement Area or the urban area;*
- b. The volume and pattern of traffic flow anticipated from the development will not interfere with the proper functioning of the local road network;*
- c. The privacy of adjacent landowners or the mitigation of potential adverse impacts from lighting, noise, odour, dust or traffic can be achieved by separating the land uses, buffering or other measures as part of the development;*
- d. The potential for reducing possible impacts on neighbouring agricultural uses or nearby rural residential or settlement areas, where relevant;*
- e. The development is in keeping with the surrounding rural character and landscape;*
- f. All relevant servicing, design and compatibility and environmental protection policies of this plan;*
- g. Noxious uses will only be considered where suitable screening and buffering can be provided and generally these uses will not be considered in vulnerable drinking water protection areas, immediately adjacent to residential areas, or in waterfront areas; and,*
- h. The impact that the development will have on the protection of tree cover as result of proposed site clearing and grading, fencing, security lighting, and other similar site plan matters.”*

Table 3.5 of the Official Plan highlights the generalized list of permitted uses in the rural district and salvage yard district. Rural district uses include low density housing (severed portion), whereas the salvage yard district explicitly permits only salvage-related activities. The salvage yard district does not permit rural industrial uses, such as the existing garden shed construction business.

The proposed uses are best situated in the rural area. An Official Plan amendment is required to change the designation of the subject lands.

Township of North Glengarry Zoning By-law

The subject lands are zoned “Wrecking Yard” and “Provincially Significant Wetland” in the Township’s zoning by-law. The proposed, more sensitive land uses do not fall into the permitted uses of the “Wrecking Yard” zone. A zoning amendment is required to change the zoning of the subject lands.

Analysis:

Considering the analysis provided herein and the supporting Record of Site Condition (RSC) submitted with the Consent application, staff are of the opinion that the Official Plan Amendment and Zoning Amendment:

- are consistent with the Provincial Policy Statement;
- would be in conformity with the applicable policies of the United Counties of SDG Official Plan; and,
- represents good planning, having had regard for matters of Provincial interest outlined in Section 2 of the *Planning Act*.

Therefore, staff recommend that Council support by way of resolution, the proposed Official Plan Amendment and at a future Council meeting, approve the Zoning By-law amendment on the subject lands to remove the “Wrecking Yard” zone and replace with “Rural” on the severed portion of Consent No. B-38-22, and amend the “Wrecking Yard (WY)” zone to “Wrecking Yard – Special Exception 2 (WY-2)” to permit the existing garden shed construction business in addition to the other “Wrecking Yard (WY)” uses on the retained lands of Consent No. B-38-22.

Environmental Considerations:

The applicant has provided an adequate Record of Site Condition (RSC) to address the proposed sensitive land use on the subject land. No additional negative impacts to the environment are anticipated by the proposal.

Recommended Conditions:

None.