

**GH1 PLANNING ADDENDUM REPORT,  
MARCH 9, 2020.**

**RESPONSE TO MUNICIPAL REQUIREMENT FOR A  
SETTLEMENT AREA COMPREHENSIVE REVIEW.**

**MUNICIPALITY OF GREY HIGHLANDS &  
COUNTY OF GREY,  
MARKDALE, ONTARIO.**

**PART OF 95,  
CONCESSION 1,  
NORTH EAST OF THE TORONTO SYDENHAM ROAD,  
GEOGRAPHIC TOWNSHIP OF ARTEMESIA,  
NOW IN THE MUNICIPALITY OF GREY HIGHLANDS.**

**ATTENTION  
MICHAEL BENNER, Municipality of Grey Highlands &  
SCOTT TAYLOR, County of Grey.**

Dear Sirs,

This correspondence is in response to that of the of the County of Grey dated January 26<sup>th</sup>, 2022 respecting the determination by the County with input from the local municipality that the applications filed (Plan of Subdivision, County OPA, Local OPA, and Zoning Bylaw Amendment) were incomplete in accordance with specified provisions of the Planning Act. This correspondence is also further to a follow up conversation of the Parties respecting the said positions of the County and Municipality.

It is the position of the undersigned that the *required* applications are not incomplete. It is also the position of the undersigned that numerous alterations to County and Municipal policy and background material should be considered and implemented in the immediate future in order to avoid unnecessary processing requirements related to such general applications in the future. These alterations at the County level could be implemented as part of the current housekeeping amendment being considered by the County (OPA #11). Notwithstanding such positions, in order to facilitate and not delay processing of the submitted documents, the undersigned has provided the following detail in response to the municipalities requests as agreed during the above noted follow up conversation.

## **ITEM 1.**

With respect to Item 1 in the County letter, a “Draft Plan of Subdivision/Condominium Development Application Form” of the Municipality of Grey Highlands will be submitted to the Municipality of Grey Highlands under separate cover singularly to that municipality as agreed. As noted, municipal fees related to the Municipality processing a Plan of Subdivision have previously been forwarded to the Municipality and receipt of same acknowledged.

It is noted that the subdivision approval authority in Grey County is the County of Grey and not the Municipality of Grey Highlands. As such, a “Draft Plan of Subdivision/Condominium Development Application Form” is not authorized nor legally required in order for the County to process a subdivision application submitted to the County. It is suggested that the current lower tier application should be deleted to remove duplication and, *if deemed necessary after review of the matter*, replaced with a lower tier form to deal with processing (fees) for such function. In any event, the County is not bound to require such local ‘application’.

## **ITEM 2.**

This item requires the submission of a scoped comprehensive review in order for the lands to be considered for addition to the current settlement area of Markdale. In particular the matters identified in the PPS, the County OP, and the Grey Highlands OP are to be reviewed. It was noted *in the letter* that the reason for ‘scoping’ was that the size of the land area proposed to be added is small in area. It was also noted *in the follow up discussion* that ‘scoping’ of the review was further justified as some calculations of ‘developable’ area within the proposed expanded area had been previously supplied in the original submission which confirmed minor additional development potential or impacts from such lands.

It is the position of the undersigned that a comprehensive review scoped or otherwise is unnecessary to support the applications as stated in the original planning submission. Firstly, an official plan is a policy guideline not a statute, regulation, or bylaw and as such flexibility in the application of the provisions of such plan can and should be implemented. This position is supported by numerous decisions of the Ontario Municipal Board (LPAT). Given the total number of new dwelling units to be accommodated in the expanded settlement area (approximately 51) relative to the number of new dwelling units accommodated on the remainder of the site within the current settlement area approximately (418) the expansion is minor and when also compared to new potential dwelling units in the overall settlement area, the increase is miniscule. The population increases associated with such additional development on the same basis is therefore similarly minor or miniscule and insignificant by any measure. Secondly and further to the foregoing, the County Official Plan states that the Plan is a general framework, that minor alterations to boundaries can be made without changes to the Plan where the intent of the Plan is being maintained, and that boundaries between land use types are approximate except where they coincide with physical features (in this case the only identifiable physical feature is the top of bank of the valley land on the west side of the proposed development area in Lot 95). Thirdly, neither the County nor Local Official Plans note or otherwise take into account certain provisions of the Provincial Policy Statement (1.1.3.9) that permit alteration to settlement area boundaries without need of a comprehensive review scoped or otherwise.

Notwithstanding the afore noted justifications for not requiring a comprehensive review, scoped or otherwise, in order to expedite processing of the applications the following further submissions are made;

## **Provincial Policy Statement 2020**

### Definition of Comprehensive Review

The Comprehensive Review definition of the PPS (final paragraph) states that the level of detail of the assessment should correspond with the level of complexity and scale of settlement boundary or development proposal. As noted above in Item 1 the expansion of the settlement area proposed is minor with respect to a) the total increased number of dwelling units to be accommodated (51) relative to the total increased number of dwelling units proposed for the remainder of the site already within the settlement area (418) which is minor and b) relative to the number of dwelling units possible on the remainder of vacant lands available for development within the total existing settlement area which is miniscule. Correspondingly, the directly associated increase in population from the additional dwelling units proposed (51) is both minor and miniscule. As a further note with respect to population, the LCDG companies (of which GH1 is a part) evidence that average occupancy of the dwelling units those companies provide is approximately 2.1 persons per unit far less than that incorporated into the County Official Plan as currently written. As such the increased population generated from the proposed additional units (51) singularly or in combination with the calculations for the remainder of the site or current settlement area will not add any substantive additional population or the corresponding demand on services. As a side note, it is the position of the undersigned that comprehensive reviews were primarily intended to assess larger scale or other developments that could have a significant impact on services or intensification neither of which is of relevance in this situation. A further side note is the recognition that certain lands *larger* in land area than the subject parcel (and which are already designated for development within the current settlement area boundary of Markdale being the 'triangular' parcel north of the subject site) cannot reasonably, cost effectively, or properly be developed. If those lands had been properly evaluated when the settlement area boundaries were last established, they would not have been included within same (no reasonable sewage capability, no reasonable water looping capability, no adequate access or connectivity to built community, separation by major physical features and land uses). Conversely, the subject lands can be reasonably serviced (particularly with gravity sewers), are easily connected and looped with water systems both existing and proposed, can be directly connected to existing and proposed road systems, and have no significant development constraints (topography, water courses, natural areas, etc). The municipalities erred in not properly evaluating the available land base and not applying basic land use planning principles at the time of the last settlement area adjustment.

The proposed additional lands would accommodate approximately 51 new accommodation units generating an estimated 107 persons (at 2.1/unit). Based upon the foregoing, these units generating the stated population are less than that currently accommodated in the (partly unusable) settlement area ('triangular' area) and, even if those numbers were applied as increases the unit and population counts would be both very minor and miniscule.

The vast majority of the proposed units on the overall site are intended for the delivery of private sector *attainable housing* units in the form of town houses (152) and small lot singles (252) all of which are being developed at or beyond the minimum municipal densities for same. In addition, some market value units (61) will also be offered, again generally at or around the municipal net density targets. As

such the intensity principles of the PPS are being achieved whole taking into account physical constraints (the expanded settlement lands are easily accessed by minor extension of proposed roads that properly utilize existing topography).

The expanded settlement lands will utilize to provide lower cost gravity storm water management and sanitary sewage (rather than expensive pumping stations with back up power together with the maintenance of same). It is noted that these infrastructure works are also necessary to service the lands already within the settlement area limits without the use of pumping stations. This factor *alone* demonstrates the reason why the expanded lands should have been previously included in the settlement area and will result in optimal infrastructure asset management.

Surface water will be collected and treated through a train of facilities providing quality and quantity control. In this case, the SWM works for that part of the development currently within the settlement area have been designed to accommodate the additional flows .The expansion to the existing municipal SWM pond and facilities and new SWM pond and facilities are required to be constructed to MOECP requirements and SVCA requirements.

The municipality has confirmed that potable water and sanitary sewage collection, distribution, and treatment systems have or will have adequate capacity to accommodate the additional growth.

There are no cross jurisdictional issues or matters associated with the overall development nor with the expanded settlement area.

#### Other PPS Provisions

As per 1.1.3.8 a), the opportunities to satisfy the growth requirements and to satisfy market are not available in Markdale within currently designated lands. This is confirmed *generally* in the text of the current County Official Plan which states that Markdale has a Settlement Area land shortage (Page 20). Additionally and as noted previously, some substantial areas of the land which are currently designated for development with the existing Markdale Settlement Area *cannot reasonably* be developed and therefore are not available to meet the demand already calculated by the County (triangle area north of Rocky Saugeen tributary adjacent to subject lands, and others). Additionally, LCDG GH1 is not aware of any other developer delivering row or small lot single dwelling units at the increased density, intensity, or scale that is being proposed in the overall development scheme.

As per 1.1.3.8 b) and as previously stated above, infrastructure and public service facilities are sufficient and have been confirmed as being available for the expanded area. Also as noted previously, the addition of the subject lands will facilitate the cost effective provision of infrastructure not only for the new lands, but also for lands already within the existing settlement area.

In accordance with 1.1.3.8. c) d) and e), the subject expanded lands are not considered Prime Agricultural Lands (page 8 Beacon Report) nor a Specialty Crop Area nor are located in or form part of Prime Agricultural Area As detailed further in that report (assessment and conclusions) the urban development of subject additional lands would not negatively impact upon adjacent rural land uses including MDS formula separations and adjacent agricultural operations. The Beacon report was not required but was nonetheless undertaken as an abundance of caution.

With respect to 1.1.3.9, the requirement of this correspondence by the municipalities confirms the municipality's position that the provisions of such section are not applicable. The undersigned disagrees.

The addition of the subject lands should have been considered a settlement area boundary *adjustment* as there would be no net increase in *developable* land within the settlement generally (as certain other lands already within the designated area cannot reasonably be developed). With respect to other matters in this PPS section, the overall proposed development would properly address the municipality's intensification and redevelopment targets, will not impact prime agricultural areas, and the lands can be appropriately serviced (unlike the 'triangle' lands) including capacity evaluations.

### **County Official Plan**

The provisions of the County Official Plan related to Comprehensive Reviews generally reflect those of the PPS with some additional provisions. It is noted however the County OP does not reference or take into account Section 1.1.3.9 of the PPS (and it should in order to avoid unnecessary processing of minor and insignificant adjustments to settlement area boundaries). In this regard it appears that the County Plan (section 3.4.1 1) leader) is *not* consistent with the provisions of the PPS. The County Plan should be altered to reflect such provision and provide the flexibility intended by the PPS.

This review will only address matters in section 3.4.2 of the County Plan that are not previously dealt with in the PPS review preceding or the prior comments herein.

- 1.d) the expansion land is designated Rural not Agricultural,
- 1.g) there are no aggregate resource areas or operations abutting or adjacent impacted,
- 1.h) there are no unacceptable impacts on the natural environment, surrounding land uses, and the lands can be efficiently serviced (see EIS, planning and agricultural assessment, FSR)
- 2.a) an analysis of servicing and transportation has been undertaken (see FSR, TIS),
- 2.c) natural features and ecological functions are protected (see EIS)
- 2.d) hazard lands are set aside and protected. An abutting hazardous site has been previously assessed, has been dormant for more than 25 years, and will be further assessed wrt monitoring and the interim use of a holding provision,
- 2.f) an archaeological assessment has been completed,
3. a scoped comprehensive review has been agreed upon by the parties notwithstanding that the PPS does not require same for this type and scale of alteration,
4. for the reasons previously noted (County OP statement, unusable other lands designated), sufficient land for residential use is not available within the settlement area. The development is proposed to be phased based upon available hard servicing connections as well as vehicular access influences.

### **Grey Highlands Official Plan**

The provisions of the Local Official Plan with respect to Comprehensive reviews are primarily detailed definitions section of the plan. These provisions mimic those in the PPS and County Official Plan and have therefore been previously addressed herein.

### **ITEMS 3 AND 5**

The provisions of section 4.5.1 of the Local Official Plan were addressed in the original Planning Report as was the justification for not undertaking a Comprehensive Settlement Area Review. As stated, the proposal incorporates three land use types those being Residential, Open Space, and Hazard in order to accommodate at density row and primarily small lot single residential dwellings used primarily for private sector attainable housing. To complement such dense housing, passive and active open spaces

have been incorporated to provide for recreation and pedestrian linkage. Other lands within the development were considered for service commercial land uses but were not incorporated as the buffers required to separate same from the residential use would hamper the design and delivery of attainable housing units. In addition, the Highway 10 constraints imposed by the Province for such commercial use would compound the buffer, setbacks, and access matters related to the provision of such commercial use. Additionally in order to create a 'residential neighbourhood', the provision of such commercial use would be out of character for the development. The main concentration of commercial uses is located in the central and south parts of the community and represents the best areas to consolidate, build upon, and strengthen commercial uses and areas in this community. With respect to institutional uses, it is noted that an existing public arena, public library, and public elementary school are all located within ½ mile of the GH1 lands.

All the proposed residential development will be serviced by full municipal hard services as detailed in the FSR.

The average overall density of the proposed development exceeds 20 units per net hectare as detailed in the original planning report (all phases ranging between 22 to 30 uph except one phase at 16 upa). These densities also meet or exceed the intensification and targets set for Markdale.

The requirements for further study were pre consulted and it was acknowledged and agreed that the reports proposed in support of the overall plan of subdivision would meet the requirements detailed in section 4.5.1. Those reports (traffic, functional servicing including SWM, environmental impact, planning) were all filed as part of the original submission. In addition, agricultural and archaeological assessments were also undertaken which exceed what is required in Section 4.5.1. It was also acknowledged and agreed that for Lots 96, 97 and part of Lot 95 that no official plan amendment would be required to establish further land use designations as the Neighbourhood designation already existed and was sufficient. The extension of the Neighbourhood designation to the remnant part of Lot 95 is consistent with the current approach utilized by the Municipality. The Neighbourhood designation does not require the inclusion of commercial or institutional lands.

The Proposed Plan of Subdivision layout has been discussed with the municipalities and minor alteration to same has been incorporated to provide for potential future road access to the north and to provide increased pedestrian access to open spaces or hazard lands within the Subdivision Plan both as discussed with the Municipality. The conveyance or non conveyance of Blocks Q and R as illustrated on the Redline Revision for such future road allowance purposes is to be determined at the time of registration of Phase 6. It is the position of the undersigned that the vehicular link to abutting lands does not currently represent good planning as it would constitute the only vehicular community access link to the northerly already designated lands and more than one community access link is required to such lands; the construction of such singular community access link without another community access link would overburden the road network within the GH1 development as well as other existing developments to the east; the relative cost of construction of such link would be extremely high (300m of fully serviced road with no development on either side including a significant water crossing); with only one community access link, new water service loops to adequately provide for residual flow and pressure could not be provided unless easement(s) through other properties were acquired; and sewer in the singular link would have to a force main with some type of large pumping station upstream. The afore noted real situation does not constitute good or viable land use planning and the constraints could not be overcome unless connections through other currently undesignated large tracts of land were

added and planned for the community of Markdale (by major expansion to the Markdale settlement area).

A 'Redline Revision' dated March 8, 2020 of the previously submitted Proposed Draft Plan of Subdivision has been prepared and is submitted with this correspondence (provides potential vehicular access link to lands to the north in Phase 6 and also provides increased pedestrian access to the open spaces and hazard lands on and abutting the site in Phase 1).

No further significant alterations are proposed for the subdivision layout. In this regard, a redesign of the existing SWM pond has been produced and submitted for expedited approval. The updated SWM pond design does not require further alteration to design of the Plan of Subdivision nor to the property limits owned by the Municipality.

#### **ITEM 4**

GH1 Development Inc. has issued RFP's for the production of follow up D4 study of the landfill site previously evaluated in 2008. As per the original report, the only outstanding matter is the further review of potential methane gas production and migration from the landfill site to an area 60m beyond the limit of the landfill. A conservative approach to protection proposed expanding the migration concern to a distance of 120m.

Given the wording of the original 2008 report, it is anticipated that methane production within the landfill would have peaked approximately 14 years ago and that such methane production would be limited given the nature of materials in the landfill and the depth of same. Nonetheless, further review of the methane matter in particular the possible migration of same requires further review.

As an interim approach prior to receipt of updated D4 documentation, the use of a holding symbol to prohibit development of lands in Phase 3 appears to be a viable remedy together with a Draft Condition prohibiting the registration of Phase 3 until further favourable D4 recommendations are received and endorsed by MOECP and the Municipality.

I trust this addendum is adequate as discussed to address the concerns of the municipalities and to deem the applications complete. Your written confirmation of same is requested.

Respectfully submitted,

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