



TOWNSHIP OF CHATSWORTH

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June 28, 2018

Township of Chatsworth
R.R. 1
CHATSWORTH, Ontario
N0H 1G0

Dear Mayor Pringle and Members of Council

**Re: Application for Zoning By-law Amendment
Part Lot 22, Concession 4, Geographic Township of Sullivan,
Township of Chatsworth
File: Z01/2018
Owner: LEARI Holdings Ltd. c/o Rick and Leanne Struyk
Applicant: Cuesta Planning Consultants Inc.**

On April 18, 2018, a Public Meeting was held to discuss the above-noted application. A preliminary Planning Report dated March 7, 2018 was presented at the meeting.

Township Council will be considering the draft Zoning By-law Amendment at the July 18, 2018 Council meeting. To assist in this regard, this updated Planning Report has been prepared.

Please consider the following:

Background:

In 2017, the owners of the subject property allowed for occasional camping on their site for up to nine trailers for the benefit of family and friends.

The owners had installed water, septic and hydro services at the nine campsites. The water was supplied from the well servicing the existing dwelling on the property. The septic hookups were connected to a new septic system that was installed on the property solely for this purpose.

The use of the property for camping is not permitted under the site's current zoning.

The septic system was installed without a permit from the Township.

The owners have now applied to amend the zoning of the subject lands to permit a private campground comprising a maximum of nine campsites.

The owners intend to provide camping privileges to only family and friends, and will charge no camping fee.

Accompanying the Zoning By-law Amendment application was a Planning Report prepared by Cuesta Planning Consultants and a Site Servicing Review conducted by GM BluePlan Engineering.

Subject Lands:

The subject property is located at the southwest corner of the East Park Road / Concession 4 intersection, approximately 120 metres east of McCullough Lake.

The property comprises 24.42 hectares of land and is occupied by a detached dwelling, garage and shed. A series of small ponds exist on the site. Approximately one-half of the property is forested.

The area proposed to be rezoned and used for camping purposes is situated in the northeast corner of the property.

Adjacent Lands:

The subject property is located approximately 120 metres from McCullough Lake and abuts the rear property boundaries of several residential backlots that front along McCullough Lake Road.

Other land uses in the area include a large vacant lot to the south, a forested property owned by the Saugeen Valley Conservation Authority to the east, an agricultural property to the north and additional residential lots to the north and south.

Official Plan:

The subject property is designated predominantly 'Rural' on Schedule A of the County of Grey Official Plan. Two small areas of the lot are designated 'Hazard Land'. The area of the site to be rezoned for a campground is designated entirely 'Rural'.

Permitted uses in the 'Rural' designation are agriculture, forestry, conservation, low density residential, small-scale commercial and industrial uses, institutional, resource-based recreation uses and aggregate operations in certain instances. A resource-based recreational use included campgrounds according to the definition section in the

Official Plan. In this regard, consideration can be given to rezoning the site for campground purposes provided the development complies with the other relevant policies of the Official Plan.

The *Development Criteria* policies for the 'Rural' land use designation contained in Section 2.3.3 of the Official Plan requires new development to comply with the Minimum Distance Separation Guidelines. In this regard, there are no livestock barns or manure storage facilities within close proximity of the subject lands and therefore MDS compliance is not an issue.

Schedule B to the Official Plan identifies a significant amount of land in the McCullough Lake area, including the entire subject property, as 'Aggregate Resource Area'. In this regard, Section 2.3.3(1)(i) states that non-farm development shall only be permitted on such lands where it has been demonstrated that the proposed land use or development would not significantly preclude or hinder future aggregate extraction, or represent an incompatible land use. It must be demonstrated to the appropriate approval authority that:

- (i) the extraction of the aggregate resource is not feasible due to the quality or quantity of material or the existence of incompatible development patterns. The quality and quantity of the material will be determined by having a qualified individual dig test pits within the area proposed for the non-farm development as well as the adjacent lands within 300 metres of the proposed non-farm development; or that
- (ii) the proposed land use or development serves a greater long term interest of the general public than does aggregate extraction; and
- (iii) issues of public health, public safety and environmental impact are addressed

Given the proximity of the site to a significantly large number of residential dwellings that exist in the McCullough Lake area, the use of the subject property as an aggregate operation is not in the interest of the general public. A gravel pit on these lands would seem highly inappropriate.

Appendix B of the Official Plan identifies the forested portion of the subject property and the SVCA lands to the east as 'Significant Woodlands'. In this regard, Section 2.8 (*Natural Environment*) of the Official Plan does not permit development or site alteration within 50 metres of a 'Significant Woodland' unless it can be demonstrated that such development or site alteration would not negatively impact this natural heritage feature or its function. In a letter dated March 29, 2018, the Saugeen Valley Conservation Authority (SVCA) addressed this particular matter with the following comment:

SVCA staff is of the opinion that the negative impacts to the Significant Woodlands as a result of the campground will be negligible. Therefore it is the opinion of SVCA staff that

an Environmental Impact Study (EIS) regarding Significant Woodlands is not warranted for this particular proposal.

Although 'Fish Habitat' mapping is not provided in the County Official Plan, there are policies in the Official Plan, that prohibit development within 30 metres of the banks of a stream, river, lake or Georgian Bay unless an Environmental Impact Study has concluded that the setback can be reduced. In this regard, the SVCA stated the following in their letter:

An unnamed tributary located on the property and the adjacent lands is considered fish habitat by SVCA staff. SVCA staff is of the opinion that the negative impacts to the lands adjacent to fish habitat as a result of this proposal will be negligible, and we are not recommending the preparation of an EIS.

Mapping is also not provided in the Official Plan for 'Significant Wildlife Habitat'; however, the text of the Official Plan prohibits development and site alteration in such an area or within 50 metres unless an EIS has been proven that such development or site alteration would not negatively impact this natural heritage feature or its function. The SVCA has stated the following in this regard:

While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on or adjacent to the property. The Grey County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. It is the opinion of SVCA staff that an EIS regarding Significant Wildlife Habitat is not warranted at this time.

The Official Plan also protects development in habitat of 'Endangered and Threatened Species' or within 50 metres unless proven by an EIS that such development or site alteration would not negatively impact this feature. In this regard, the SVCA has advised of the following:

It has come to the attention of SVCA staff that the habitat of threatened species may be located in the area of the proposed development. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed.

In this regard, the Biologist for the Ministry of Natural Resources and Forestry has advised that the subject lands are not habitat for any Endangered or Threatened Species.

With regard to servicing, Section 5.3 of the County Official Plan gives consideration to development on private services, and states the following:

- 10) *In any part of the County to be serviced by individual on-site private systems, new development shall be subject to a study sufficient to demonstrate the feasibility, as defined in this section, of the development to meet the requirements of the Ministry of Environment or the appropriate authority respecting Ontario Building Code approved sewage systems, and the provisions of this Plan.*
 - (a) *This study will collect and evaluate hydrogeological data, assess the hydrogeological environment of the area of the proposed development and comment on the suitability of the study area for development to be serviced by private water supply wells and by sewage systems waste water disposal, taking into account the cumulative impact of development in the area. Where appropriate, it will also determine necessary minimum lot sizes. Council shall be satisfied that the proposed development will not create or contribute to any long-term problems of water quality or quantity for itself or the surrounding area.*

The Site Servicing Review prepared by GM BluePlan Engineering was conducted to demonstrate that the site conditions are suitable to accommodate the proposed campground with a new private septic system and a well shared with the existing dwelling located on the site. As part of this study, the Engineer conducted a nitrate attenuation assessment and concluded that the proposed development is not expected to impact local groundwater resources. The purpose of the study, however, was not to comment on the adequacy of the new septic system that was recently installed without a permit. That issue will be discussed later in this Planning Report.

The Engineer's report also examined water well records associated with the nearby wells, and using a conservative estimation approach determined that the existing well would be sufficient to supply the proposed development.

Provincial Policy Statement:

The Provincial Policy Statement would consider these non-prime agricultural lands to be "Rural Lands"; and as such, Section 1.1.5.2 of the PPS would give consideration to a resource-based recreational use, such as a campground, on this parcel.

Section 2.1 of the PPS protects natural heritage features from development and site alteration. The figures used to define "adjacent lands" are greater (i.e. more restrictive) than the numbers provided in Official Plan. That notwithstanding, the SVCA is satisfied that the proposed development would have no impact on the 'Significant Woodland', 'Fish Habitat' and 'Significant Wildlife Habitat' features that exist in this area, and MNRF

has advised that the subject lands are not habitat for any Endangered or Threatened Species.

Section 2.5 of the PPS contains policies that protect known deposits of mineral aggregate resources. In such areas, development and activities that would preclude or hinder the establishment or access to the resources shall only be permitted if the resource use would not be feasible or the proposed land use or development serves a greater long-term public interest, and issues of public health, public safety and environmental impact are addressed. As explained earlier in this Planning Report, the use of the subject property as an aggregate operation is not in the interest of the general public, given the proximity of the site to a significantly large number of residential dwellings that exist in the McCullough Lake area. A gravel pit on this site would seem highly inappropriate.

Section 1.6 of the PPS gives consideration to privately-serviced development where site conditions are suitable for the long-term provision of such services with no negative impacts. In this regard, the Site Servicing Review prepared by GM BluePlan Engineering was conducted to demonstrate that the site conditions are suitable to accommodate the proposed campground with a new private septic system and a well shared with the existing dwelling located on the site. As part of this study, the Engineer conducted a nitrate attenuation assessment and concluded that the proposed development is not expected to impact local groundwater resources. Provided a septic system is installed in accordance with the recommendations of the Engineer, this particular policy of the PPS would be adequately addressed. The Engineer's report also examined water well records associated with the nearby wells, and using a conservative estimation approach determined that the existing well would be sufficient to supply the proposed development.

Based on the foregoing, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement.

Zoning By-law:

The subject property is zoned 'A2' (Restricted Rural) and 'EP' (Environmental Protection). The area of the site to be rezoned is zoned entirely 'A2'. The 'A2' zone does not permit camping, be it for commercial purposes or simply for family and friends. As such, the owner of the property is requesting that the northeast corner of his property be rezoned to permit camping. A By-law has been drafted for this purpose and is being presented to Council for consideration.

Addressing Public Comments:

A large number of people have become involved in this development proposal by writing letters and attending the Public Meeting. Some people have expressed their support

toward the application, although the majority of those involved are opposed to the proposed campground.

At the Public Meeting, a summary of the letters and e-mails received in advance of the meeting were summarized by staff. Copies of all correspondence submitted to the Township were also provided to Council members. The concerns expressed at the Public Meeting were captured in the Minutes, which Council has since adopted.

The concerns of the neighbours have been taken into consideration when preparing this Planning Report. In this regard, please consider the following:

Township staff is well aware of the fact that the campground was established without the necessary approvals, and to this end, the By-law Enforcement Officer has been involved. Having said that, the past actions of the land owner are not grounds for refusing the application. The Zoning By-law Amendment needs to be considered from the perspective of Official Plan conformity, consistency with the PPS and sound land use planning principles. Planning staff is treating the application as if the campground doesn't currently exist.

The Engineer representing the applicant has conducted a nitrate attenuation assessment and concluded that the proposed development will not impact local groundwater resources. As a follow-up to the concerns raised at the Public Meeting, the Engineer prepared an addendum to his original report which including the following statement in response to concerns raised that the septic system would not fit within the area of the site to be rezoned: *Based on calculations, the tile bed would require a total area of 385 m². This bed area includes the mantle, which may be of native materials where soil conditions permit. The current soil conditions meet the requirements for use of the native soils to achieve the mantle. A review of the proposed location of the tile bed has been completed. A conceptual layout is enclosed. The set-backs under the OBC can be met. As per planning staff comments, the tile bed will be located fully in the area proposed by re-zoning. Under this review, the locating of the sewage system on the lot is not considered to be a constraint for the proposed development.* A copy of the Engineer's addendum report has been provided in Council's package and is posted on-line for public viewing.

In response to the concerns raised at the Public Meeting regarding water usage, the Engineer's addendum report included the following response: *We confirm that a Permit to Take Water (PTTW) under the Ontario Water Resources Act (OWRA) is not applicable in this scenario. As noted in the meeting, the actual takings at a property govern the need for a permit, not the potential ability to take water. Although wells in the area may be capable of providing greater than 50,000 L per day, a PTTW would only be required if indeed greater than 50,000 L per day is being taken/used (subject to exceptions or depending on use per the OWRA). In this instance, the expected water use at the property is estimated to be in the range of 3,000 to 6,000 L per day when the trailer and residential units are in use.*

The Engineer also provided the following statement in his latest report that is intended to address concerns raised at the Public meeting regarding one-time or bulk dumping of sewage from all trailers: *It is noted that the trailers are proposed to have sewer line hook-ups to the septic tank. This will allow continual dumping from the trailers while in use, preventing one-time dumping. It is understood that many owners may plan on continually discharging grey water during hook-up, with holding of black water for dumping at the end of the stay. Under a scenario of black water holding, a sewage flow of 230 L per unit is considered. This is based on a 190 L (50 gallon) holding tank and 40 L clean-out (10 gallon). Assuming all trailers left on the same day, this would result in a daily flow of 2,070 L. Based on the minimum required septic tank size of 7,650 L, the black water volume that is being dumped is not considered to influence sewage system operations.*

The subject property is not within close proximity of lands designated 'Wetland' on the County Official Plan. The closest 'Wetland' is situated approximately 700 metres to the north of the subject property. The PPS and the County Official Plan require 'Wetlands' within 120 metres of a subject property to be taken into consideration.

On a similar note, no negative impacts on the natural environment have been identified. As explained earlier in this Planning Report, all natural heritage features within the area have taken into consideration, and no impacts are anticipated. The SVCA has prepared a letter in this regard.

An Entrance Permit for the recently-improved entrance along East Park Road has been issued by the Township. The Township's Operation Manager has no concern with the use of this entrance.

Recommendation:

The proposed Zoning By-law Amendment conforms with the relevant sections of the Grey County Official Plan and is consistent with the Provincial Policy Statement. The requested By-law has merit and should be approved.

The Zoning By-law Amendment alone, however, will not allow the owners to utilize the property as a campground. The owners must enter into a Site Plan Control Agreement with the Township. Council is advised not to enter into such an Agreement until the septic system issue has been addressed. At the present time, a septic system does exist for the use of the nine trailers; however, no information has been provided to the Township to explain the details pertaining to the septic system's design and construction. In other words, the Township doesn't know if the new septic system is appropriate. The consulting Engineer has explained that a septic system can be accommodated within the area to be rezoned in a manner that is acceptable to Provincial standards; however, the Engineer has not commented on the existing system's suitability for the site because he likely doesn't know what has been constructed. In this regard, the owner will be need to make the necessary

arrangements with the Township's Building Department as required to obtain a Septic Permit and ensure that the proper system has been installed prior to the Development Agreement being signed.

Respectfully submitted.

A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized, cursive script.

Ron Davidson, BES, RPP, MCIP