

**Applications for Plan of Condominium,
Amendments to the
County of Grey Official Plan and
Municipality of Meaford Official Plan
& Zoning By-law Amendment
Parts 1, 2 & 3, RP16R-9207, Part Lot 3, BFC
Municipality of Meaford, County of Grey**

AQORPIONS INC.

**ADDENDUM TO
PLANNING OPINION
DATED APRIL 19TH, 2022**



Prepared by:
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**LAND USE PLANNING &
PROJECT MANAGEMENT**

August 19th 2022

This Addendum to the Planning Opinion dated April 19th, 2022, is in response to a ‘Letter of Incomplete Submission’ issued by the County of Grey on May 25th, 2022 (see attached).

It should also be noted that we now propose to proceed with the development of the Eco-retreat as a Vacant Land Plan of Condominium, as opposed to a Common Element Condominium, as originally proposed in the April 2022 Planning Opinion (see # 7 below).

For the Municipality and County to deem the applications complete, the following items need to be addressed.

1. An addendum to the Planning Report addressing the following sections of the County Official Plan:

- a. 5.4.2(2) and 5.4.3(1) with respect to lot sizes for the proposed condominium lots,**
- b. 9.3 with respect to official plan amendments,**
- c. the remainder of section 9.13 with respect to plans of condominium, and**
- d. a description of the amphitheatre and the proposed uses or programming for that section of the site.**

a. Sec. 5.4.2(2)

Minimum lot size within the Rural land use type for non-agricultural uses shall be determined by the zoning by-law of the local municipality and shall address the requirements of Sections 8 and 9 of this Plan. Unless otherwise specified new non-farm sized lots shall be a minimum of 0.8 hectares in size.

Comment

A minimum non-farm lot size of 0.8 ha (2.0 ac) within this Eco-retreat development is not necessary or desirable. The proposed lots are sized to support smaller cottages and individual on-site septic systems. These lots are intended to blend into the natural landscape and not be prominent features. Larger lot sizes would not maintain the visual appearance of a rural landscape and would negatively impact the natural environment.

The scale of the residential use is appropriate and desirable in relation to the resource based recreational use. Only five lots are being proposed in the north-east portion of the property. The lots average 1,000 m² in area. These five lots are not shorefront lots, but rather smaller lots, integrated into the natural features of the subject property. The shape and size of the proposed lots have been delineated based on the physical and natural heritage features on the property. The proposed lots are situated on lands designated Rural and zoned Shoreline Residential (SR). The proposed orderly and contiguous parcel configuration supports tree preservation and retention of waterfront lands for the Eco-retreat.

The proposed resource based residential lots will maintain the visual appearance of a rural landscape and will not negatively impact the natural environment. These lots will complement the Eco-retreat and will provide diversity to the project.

The lands are zoned Shoreline Residential (SR). The SR Zone requires a minimum lot area of 6,000 m² (1.5 ac). The proposed five lots do not comply with the minimum lot area of 6,000 m² of the SR Zone. In part, the submitted Zoning By-law Amendment application proposes to reduce the minimum lot size for these five-resource based residential parcels to a more appropriate 1,000 m².

The requirements of Sections 8 and 9 of the County Plan have been addressed in our Functional Servicing and Traffic Impact reports.

a. Sec. 5.4.3(1)

- 1) All consents for new lot development shall be no smaller than 0.8 hectares in area, and the maximum lot density shall not be exceeded as outlined in Table 9 below. The lot density is determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size of the original Township lot. Any proposed increase to this maximum lot density will require an amendment to this Plan and will require justification as to the need for additional Rural lot creation.**

Table 9: Permitted Rural Severances based on Original Township Lot Size

Original Township Lot Size (in hectares)	Number of Severances Permitted	Total Lots Permitted including the Severed and the Retained
20	1	2
40	3	4
60	4	5
80	5	6

The maximum lot density as outlined in Table 9 is intended to be the maximum permitted. Local municipalities through their local official plans can be more restrictive than the County Official Plan as it applies to the maximum lot density in the Rural Land Use Type without causing a conflict to the County Official Plan.

In order to avoid narrow linear parcels of land, the frontage-to-depth ratio for *non-farm sized* lots shall be a maximum of 1:3 and the lot must conform to the appropriate zoning by-law in reference to minimum lot frontage and other applicable provisions. Justification to go beyond the 1:3 frontage-to-depth ratio

shall be justified in a development application but will not require an amendment to this Plan.

Comment

The five-resource based residential lots are not proposed on a typical Rural property. The lots are internal to the lands and do not front onto a public road. The lands abut Georgian Bay to the north, slope to the south and are heavily wooded. The location of the lots was selected so that they are located on the lands designated Rural in both official plans and on lands zoned Shoreline Residential (SR), thereby preserving the natural heritage features of the property. The 1.3 frontage to depth ratio does not lend itself to 'good planning' in this instance.

Clustering of Rural non-farm sized lots is encouraged subject to meeting the Rural lot density provisions in Table 9 as well as satisfying the development policies in Section 5.4.2.

Comment

The proposed five lots are clustered together. The proposed lots exceed the density permitted and as such, applications to amend both the County and Municipal Official Plans have been submitted. The policies of Section 5.4.2 are addressed above and in the April 19th, 2022 Planning Opinion (Sec. 11.2)

Consideration can be given to a smaller lot, without an amendment to this Plan, provided adequate justification is provided, and the lot is large enough to sustain the use over the long-term.

Comment:

Minimum lot size – see Comment #1 above. The Functional Servicing Report and the Tatham Drawing No. GS02 support the lot sizes proposed and demonstrate that the lots are large enough to sustain individual private septic systems and the uses over the long-term.

b. 9.3 Making Changes to the Plan – with respect to Official Plan Amendments

2) In considering a change to this Plan, the *County* will be guided by the basic intent of this Plan and by Provincial policies along with:

a) The need for the proposed change; however, this criterion does not apply to applications for the creation or expansion of a mineral aggregate operation;

b) The effect of the proposed change on the demand for services and

facilities;

c) The implications the change may have on other policies of the Plan;

d) The impact of the proposed change on the County's and local municipalities' ability to achieve the principles and policies expressed in this Plan, the local official plan, or on other *County* or municipal policies, programs and interests;

Comment:

a) The scale of the residential use is appropriate and desirable in relation to the resource based recreational use. Only five lots are being proposed in the north-east portion of the property. The lots average 1,000 m² in area. These five lots are not shorefront lots, but rather smaller lots, integrated into the natural features of the subject property. The proposed parcel configuration supports tree preservation and retention of waterfront lands for the Eco-retreat.

An application to amend the County Official Plan has been submitted, as the creation of the five lots exceed the permitted density in the Rural designation. The proposed five lots conform to the relevant policies of Sections 3 through 8 to the County of Grey Official Plan, as proposed to be amended.

The shape and size of the proposed lots have been delineated based on the physical and natural heritage features on the property. The proposed lot pattern is orderly and contiguous.

b) The proposed five lots will be privately serviced with individual shore wells and individual septic systems. There will be nor demand or change to municipal services.

c) The proposed change will have no implications on other policies of the Plan.

d) The proposed change will not negatively impact the ability of the County and/or Municipality to achieve the principles and policies expressed in their Plans, or on other County or Municipal policies, programs and interests.

c. 9.13 Plans of Subdivision and Condominium

In any new applications for plan of subdivision or plan of condominium submitted to the *County* for approval, the proponent will need to consider and be prepared to justify the following:

- 1) **The layout of the proposed plan with regard to matters of:**
 - a) **Access and connections to public transportation (where applicable) and access to existing trails;**

Comment:

There is no public transportation or access to existing trails available. The Eco-retreat will establish a trail system on the lands for use by guests of the Eco-retreat.

- b) **The layout of the subdivision should be designed such that the lots back onto the Provincial Highway or County road and front onto a local internal street;**

Comment:

No applicable.

- c) **Improving and promoting walkability/cyclability within the proposed plan through sidewalks, bike lanes, bicycle parking/racks, and/or other active transportation infrastructure with consideration for existing walking and cycling conditions;**

Comment:

The Eco-retreat will promote walkability/cyclability through the establishment of an on-site trail system.

- d) **Accessibility needs;**

Comment:

The subject property is not a level piece of land. There are elevation changes which will limit accessibility, however, all efforts will be made to provide accessibility where possible.

- e) **The street pattern of the proposed plan and how it fits with the surrounding neighbourhood. Plans which utilize a grid pattern or a modified grid pattern must be considered more favourably than those with curvy street patterns or cul-de-sacs;**

Comment:

Not applicable.

- f) **Energy conservation and efficiency design measures such as LEED (Neighbourhood) and Low Impact Development;**

Comment:

The proposed development will implement energy conservation and low impact development to achieve design measures that embody the vision and goals of the Eco-retreat.

- g) **Impact on the natural environment, as defined in Section 6 of this Plan;**

Comment:

The EIS concluded that the proposed development can be undertaken as planned, in keeping with relevant policy and without significant adverse effects on the natural features present within and adjacent to the property, including the Significant Woodlands, the wetland features, fish habitat, Priority Species and SWH.

- h) **Consideration of the design of street lighting to minimize impact on dark skies;**

Comment:

By the very nature of the development being an Eco-retreat, the lighting along the internal private roadway and lighting within the property will be dark sky compliant, while at the same time providing a sense of safety and security for the guests.

- i) **The provision of usable parkland and green space;**

Comment:

Based on the nature of the proposed development, being an Eco-retreat, the majority of the lands will be dedicated to greenspace and an internal trail system.

- j) **Public access to waterfront or beach (where applicable);**

Comment:

The subject property is located on the shore of Georgian Bay. The lands will be under private ownership, operating as the Eco-retreat. Guests of the Eco-retreat will have access to the waterfront and beach area. There may be an opportunity in the future to allow beach access to the general public in limited numbers. This is something the proponent can decide once the Eco-retreat is up and running.

k) Snow removal and emergency vehicle access;

Comment:

Snow removal will be privately contracted. The internal private road system has been designed to accommodate snow removal equipment and emergency vehicles (fire, ambulance).

l) Compatibility with the Ministry of the Environment, Conservation and Parks' D-Series Guidelines or its successor document(s);

Comment:

As noted in the County letter, “. With respect to the noise study (if required) and the DND compatibility assessment above, staff would be willing to accept these documents following the submission of the other documents above (i.e. these two documents could follow after the application has been deemed complete and the circulation and review process has begun).”

We concur with this strategy and will initiate the required studies.

m) Accessible, age-friendly design features; and

Comment:

The subject property is not a level piece of land. There are elevation changes which will limit accessibility, however, all efforts will be made to implement age-friendly design features and provide accessibility, where possible.

n) Healthy environment development provisions outlined in Section 4.3(1).

d. Amphitheatre

As discussed in the Planning Opinion (Sec. 7.0), a small amphitheatre is proposed in the mid-northern area of the property, with a view to the bay. It is anticipated that performances by local musicians and/or theatre groups would take place for guests of the Eco-retreat. The amphitheatre could also be a venue for ‘movies under the stars’, again for the guests of the Eco-retreat.

2. The Planning Addendum should also include:

- a. How Meaford Official Plan policy B2.3.4.6 has been addressed with respect to how the residential is linked to recreation if the common elements condominium is only for the road and not any of the recreational resources, and**
- b. Clarification on zoning relief with attention to the general provisions.**

a. B2.3.4.6 Recreational Uses

Residential Development associated with resource-based recreational uses, shall require an amendment to this plan and may only proceed via plan of subdivision/ condominium.

Prior to approving residential uses associated with a resource-based recreational use, and in addition to the requirements of Section E4 ‘Amendments to the Plan’ and other relevant policy requirements of this Plan, Council shall be satisfied that:

- i. The development is located to utilize the recreational attributes of a natural resource;**

Comment:

The lands are to be developed as a Vacant Land Plan of condominium, with six units being created as part of the vacant land condominium; Eco-retreat as one unit and the five resource-based lots constituting five units. Services such as roads, visitor parking, shore wells, utility facilities, walking trails and any of the amenities that are currently anticipated to be located on the Echo Retreat (save and except dwellings) would be included as common elements in the vacant lot condominium.

The resource based residential component of the development is located to utilize the recreational attributes of the natural and recreational resource attributes.

- ii. The development will enhance recreational, tourism and/or other economic opportunities for the Municipality and its residents;**

Comment:

The overall development will enhance recreational and tourism interests and will provide employment opportunities for municipal and regional residents.

- iii. Justification is provided demonstrating that the scale of the residential use is appropriate and desirable in relation to the resource-based**

recreational use and surrounding rural area;

Comment:

The proposed five resource-based residential lots will provide a recreational accommodation alternative for perhaps a family that wishes to purchase a unit within the Vacant Land Plan of Condominium and build a suitable recreational dwelling to suit their needs and family size. These units could also be included in a potential rental program administered by the Eco-retreat.

The scale of the residential use is appropriate and desirable in relation to the resource based recreational use. Only five lots are being proposed in the north-east portion of the property. The lots average 1,000 m² in area. These five lots are not shorefront lots, but rather smaller lots, integrated into the natural features of the subject property. The shape and size of the proposed lots have been delineated based on the physical and natural heritage features on the property. The proposed lots are situated on lands designated Rural and zoned Shoreline Residential (SR). The proposed orderly and contiguous parcel configuration supports tree preservation and retention of waterfront lands for the Eco-retreat.

These lots are intended to blend into the natural landscape and not be prominent features. Larger lot sizes would not maintain the visual appearance of a rural landscape and would negatively impact the natural environment.

- iv. **The development incorporates principles of healthy and sustainable community development with respect to social, physical, economic and environmental health;**

Comment:

By its very nature, the Eco-retreat will incorporate the principles of a healthy and sustainable community, with respect to social, physical, economic and environmental health.

- v. **Notwithstanding Section D1.5, Council may consider an extension to municipal services for such a development where it can be demonstrated that the extension is both technically and economically justified or necessary and where the allocation of services to the development would not negatively impact the Municipality's objective to provide full municipal services to designated lands within the Urban Area. Appropriate financial agreements, which may include cost sharing and cost recovery mechanisms, shall be required as a condition of approval;**

Comment:

Not applicable. The Eco-retreat and the five lots will be privately serviced.

- vi. **A Water Resources Management Report, in accordance with Section C4 shall be required;**

Comment:

Refer to Functional Servicing Report.

- vii. **The development will be phased to ensure the establishment of the resource based recreational use either in advance of, or in concert with the residential component.**

Comment:

The first phase of development will include the establishment of the private roads, servicing, Eco-retreat buildings and the five resource-based lot under a Vacant Land Condominium. The final phase will be the restoration of the harbour.

The property will be developed as a Vacant Land Plan of Condominium. A vacant land condominium provides greater flexibility in developing this type of project on the Lands. In this type of corporation, buildings do not need to be constructed before the condominium corporation is registered and several types of structures can be accommodated in a single development. As the Lands will contain 5 residential units and one unit for the Echo Retreat, a vacant land condominium will provide this flexibility.

Services such as roads, visitor parking, shore wells, utility facilities, walking trails and any of the amenities that are currently anticipated to be located on the Echo Retreat (save and except dwellings) would be included as common elements in the vacant lot condominium.

b. Zoning

Comment:

The submitted 'draft' Zoning By-law Amendment was prepared to implement the proposed Site Plan. The proposed Site Plan is based on our technical studies (EIS, FSR). The delineation of the proposed Shoreline Residential (SR) Zone is based on the technical findings of the EIS, which more accurately refines the SR Zone vs. what is delineated in the Meaford Zoning By-law. The EIS also concluded that minor encroachment into the 30 m buffer around the wetlands or those lands zoned Environmental Protection for the establishment of a passive recreational trail system and the placement of some of the accommodation cabins will not negatively impact any Natural Heritage Features on or adjacent to the site.

The 'draft' ZBA recognizes additional permitted uses under the SR Zone proposed for the Eco-retreat and implements standards thereto and rezones the proposed five recreational residential lots to the more appropriate RLS Zone, with an exception to reduce the minimum lot area from 6,000 m² to 1,000 m².

It is understood that upon circulation and initial comments, the Site Plan may be subject to change thereby precipitating a change to the proposed Zoning By-law Amendment. At that time a detailed review of the zone provisions, including the General Provisions will be undertaken.

The proposed Eco-retreat is a unique development and as such, we believe it would be prudent to have a re-zoning discussion with County and Municipal Planning Staff, once first submission comments have been received.

- 3. With respect to item 1(d) above, depending on the proposed uses for the amphitheatre, a noise study may also be required for this development.**

Comment:

As discussed in the Planning Opinion (Sec. 7.0), a small amphitheatre is proposed in the mid-northern area of the property, with a view to the bay. It is anticipated that performances by local musicians and/or theatre groups would take place for guests of the Eco-retreat. The amphitheatre could also be a venue for 'movies under the stars', again for the guests of the Eco-retreat.

- 4. Staff also question whether weddings are a proposed use for the resort lands? If so, this should be factored in, and a noise study would be required in support of such a use.**

Comment:

Weddings and/or wedding receptions are not proposed to be held at the Eco-retreat.

- 5. Staff would also request some comments on the compatibility between the proposed uses and the nearby Department of National Defence (DND) lands. The compatibility assessment should consider noise and/or vibrations from DND lands and any potential for impact on the resort or residential elements of the proposed development.**

Comment:

The County letter states: “With respect to the noise study (if required) and the DND compatibility assessment above, staff would be willing to accept these documents following the submission of the other documents above (i.e. these two documents could follow after the application has been deemed complete and the circulation and review process has begun).”

We concur with this strategy and will initiate the requires studies.

6. **More detail on the shore wells which will feed the proposed condominium lots, and whether or not easements will be used from the lot lines to Georgian Bay over the resort lands.**

Comment:

A detailed drawing of the shore wells is attached. The shore wells will require easements from the lot lines to Georgian Bay over the Eco-retreat lands

7. **A legal opinion with respect to the relationship between the resort and the common elements condominium. Within this opinion it may also be worth contemplating whether the consent and common element condominium approach is best suited here, or if a vacant land plan of condominium would be appropriate? This opinion should also include a comment on the status of merging the existing development parcels 1 and 2.**

Comment:

The property will be developed as a Vacant Land Plan of Condominium. A vacant land condominium provides greater flexibility in developing this type of project on the Lands. In this type of corporation, buildings do not need to be constructed before the condominium corporation is registered and several types of structures can be accommodated in a single development. As the Lands will contain 5 residential units and one unit for the Echo Retreat, a vacant land condominium will provide this flexibility.

Services such as roads, visitor parking, shore wells, utility facilities, walking trails and any of the amenities that are currently anticipated to be located on the Echo Retreat (save and except dwellings) would be included as common elements in the vacant lot condominium.

The lands are to be merged via the Deeming By-law process into one ownership once planning application are approved.

A legal opinion prepared by Spadafra & Murphy LLP is attached.

8. **Based on Meaford fee schedule, Major development includes a proposal that contains a mixture of units and non-residential uses exceeding 2000m². Your client should have paid the major fee for combined OPA/ZBA = \$26,000 + \$10,000 security deposit = \$36,000 whereas it appears they only paid \$17,000.**

Comment:

The additional \$19,000.00 will be delivered to the Municipality of Meaford.

9. **A copy of a topographic survey.**

Comment:

A topographic survey is attached.

Respectfully submitted,



Miriam Vasni, *MCIP, RPP*