



Municipality of North Grenville

To: **Council**

Meeting Date: February 12, 2025

Subject: 1001 County Road 20

Report No: A-01-25

Prepared by: Phil Mosher, Deputy Director of Planning

Recommendation(s)

THAT the Committee of Adjustment approve a variance at 1001 County Road 20 to provide relief from Section 6.25[c] of Comprehensive Zoning By-law 50-12 to reduce the setback from the edge of the regulatory floodplain from 15 metres to 3.5 metres for a proposed septic system.

Executive Summary

Purpose

- To reduce the required setback for a septic system from 15 metres to 3.5 metres to facilitate construction of a single-detached dwelling at the subject property.

Key Findings

- This application arises due to an administrative error on behalf of the Planning Division.
- During the zone review for the subject property, planning sign-off on the proposed site plan was given despite the fact that the proposed septic system was shown within 30 metres of the boundary of a Provincially Significant Wetland.
- Upon realizing the error, staff contacted the Owner and communicated that the septic system would have to move locations, as provincial policy and the Official Plan do not support reductions to septic system setbacks where there is the ability to locate them outside the 30-metre setback.
- A variance application was submitted, with a revised grading plan and the application was deemed complete on January 28, 2025.

Financial Implications

- Due to this being an error, all administrative costs for the processing of the application are borne by the Planning Division. Specifically, 2 cheques had to be written to the RVCA for their regulatory and septic office review. The total value of these cheques is \$760. Additionally, the regular \$650 fee was not collected to process this application, bringing the total to \$1,410.

Background/Analysis

The subject property is an existing lot of record with frontage on County Road 20 (Attachment 1). It has an approximate frontage and depth of 281 metres and 246 metres, respectively. The total lot area is approximately 6 hectares (15 acres).

Despite this lot area, the property is located within the regulatory floodplain and is also occupied by the Kemptville Creek Provincially Significant Wetland. Due to these natural hazards and natural heritage features, the total available area for development is much smaller – approximately 0.26 hectares or 4% of the total lot area. North Grenville also applies a 15-metre setback from the extent of the 1:100 year regulatory floodplain. When all these constraints are combined, the total development area is minimal (Attachment 2).

Nevertheless, the applicant has been working with staff since 2024 to submit a building permit application that met all municipal and regulatory requirements. In August, 2024, the applicant received planning approval for the proposed dwelling and septic system. However, this approval was issued in error, as the proposed septic system was planned to be located 18 metres from the Kemptville Creek Provincially Significant Wetland, whereas the Zoning By-law requires any building or structure to be a minimum of 30 metres from the edge of a provincially significant wetland, especially where there is available land to do so.

Upon discovery of this error, staff worked with the applicant to find a solution. The result was a revised grading plan (Attachments 3 and 4) which shows that the septic system will be located outside the 30-metre setback from the wetland. However, this proposed new location meant that the system would be located within a 15-metre setback from the regulatory floodplain. Section 6.25[c] of the Zoning By-law requires that any building or structure, including septic systems, be located outside of this setback.

The main dwelling was sited to avoid environmental and hazardous areas and comply with all zone requirements. However, the relocated septic system requires a minor variance for the building permit to be issued.

Provincial Planning Statement (2024)

The Provincial Planning Statement 2024 (PPS) provides overarching policies for growth and development in Ontario. The PPS provides direction for growth on properties affected by natural heritage features in Section 4. Of note for this application, development and

site alteration shall not be permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Section 4.1.8). The PPS 2024 redefined adjacent lands to mean "...those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives."

Local conservation authorities, as well as the Municipality, have recently amended setbacks to provincially significant wetlands. Conservation authorities reduced the area of influence from 120 metres to 30 metres. Similarly, North Grenville reduced its zone setback from 120 metres to 30 metres, in line with partner conservation authorities.

A 30-metre setback from the wetland is being achieved in this revised proposal. This setback is consistent with similar approaches for other low-density, or single-detached development. In writing this, there are still instances where formal assessment by a biologist would be warranted, but, in the opinion of the planner, this application does not represent an instance where that is required based on the size and nature of the development.

Natural hazards are governed by Section 5 of the PPS. In the opinion of the Planner, this application does not violate Section 5.2 of the PPS. Specifically, development has safe access and the entirety of the developable area (and development) will occur outside of the flooding hazard. In addition, the proposed dwelling will meet a 15 metre setback from the edge of the floodplain. Only the septic system will be closer to the floodplain, but it is still proposed to be outside the floodplain by about 4 metres.

In the opinion of the Planner, this application is consistent with the PPS.

United Counties of Leeds and Grenville Official Plan (2019)

The subject site is designated as Rural Lands, Wetlands and Floodplain Hazards pursuant to Schedule "A" of the Counties' Official Plan.

The Wetland and Floodplain Hazard policies take precedence in this application. The Counties does include somewhat outdated language with regard to requiring environmental impact studies for development or site alteration within 120 metres of provincially significant wetlands. In this case, the Planner refers to the PPS as the overriding policy document.

Regarding natural hazards, it is an objective of the Counties' to direct development away from areas of natural or human-made hazards (Section 5.1[a]). In the opinion of the Planner, the subject application is consistent with this section of the Counties' Plan.

Staff are therefore of the opinion that the proposed variance does not contravene policies of the United Counties' Official Plan.

Official Plan (2018)

With respect to the Official Plan of the Municipality of North Grenville, the subject site is designated Rural, Provincially Significant Wetlands, Adjacent lands and Floodplain Hazards (Attachment 5).

Similar to the PPS and UCLG OP, the municipal Official Plan prohibits development within the floodplain (Section 5.2). The proposed development will be located outside the regulatory floodplain and is therefore consistent with this Section of the Official Plan.

Similarly to the Counties' OP, the municipal OP requires all development to be assessed when it is within 120 metres of the boundary of a provincially significant wetland. Again, this language is somewhat outdated and superseded by the PPS.

Finally, the proposed location of the dwelling will ultimately be located in the Rural land use designation. Construction of a dwelling in this location will not hinder the rural landscape, in the opinion of the Planner.

In the opinion of staff, the subject application does not contravene North Grenville's Official Plan policies.

Comprehensive Zoning By-law (50-12)

The subject property is currently zoned Rural (RU), Flooding and Erosion Protection (FEP) and Environmental Protection (EP). The lands are additionally within the influence area of the EP zone and the FEP zone. The EP zone requires a minimum 30-metre setback from the edge of the wetland. The FEP zone requires a minimum 15-metre setback from the edge of the floodplain.

Based on the submitted grading plan (Attachment 4), the proposed dwelling will comply with all required zone standards, including setbacks to the wetland and from the edge of the floodplain. The proposed septic system will not, and this is the reason for the requested variance. Based on the plan, the septic system appears to be setback at 4 metres from the edge of the floodplain. Staff recommends that a reduction to 3.5 metres be granted for any in-field discrepancies.

Other than the setback to the floodplain, the proposal complies with all zone requirements.

Relevance to Strategic Priorities

Strategic Pillar	Pillar #1 - Balanced and Environmentally Sustainable Growth
Goal	Goal #1.3 - Promote Environmentally Conscious Development
Key Action	Action #1.3.2 - Implement environmentally conscious design and engineering standards for Municipal infrastructure projects and establish a target for private developments

Options and Discussion

1. Approve the recommendation - **RECOMMENDED**
2. Do not approve the recommendation

Financial Impact

This item has been identified in the current budget: Yes No N/A

This item is within the budgeted amount: Yes No N/A

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

Internal/External Consultation

At the time this report was written no comments had been received. Any comments received between report writing and the public hearing will be compiled and reported to the Committee of Adjustment.

Communications

Communications on this file are as regulated by the *Planning Act*.

Attachments

- Attachment 1 – subject property
- Attachment 2 – Zoning
- Attachment 3 – proposed septic plan
- Attachment 4 – proposed lot grading plan
- Attachment 5 – Official Plan designations