



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: June 15, 2021
Report Number: PDS.21.075
Title: Recommendation Report – Holding ‘-h3’ Removal – 114 John Street (P3001)
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.21.075, entitled “Recommendation Report – Holding ‘-h3’ Removal – 114 John Street (P3001)”;

AND THAT Council enact a By-law to remove the Holding ‘-h3’ symbol from those lands legally described as Plan 111, Part Lot 9, Registered Plan 16R-2311, Part 4.

B. Overview

The purpose of this report is to provide review and recommendation to Council to authorize the removal of the Holding ‘-h3’ symbol from the lands.

C. Background

The purpose of this report is to make a recommendation to Council on the development status of a vacant lot of record located on John Street in the Village of Clarksburg (see Figure 1 below).

The Owner has made application to remove the Holding ‘-h3’ symbol from the subject lands to allow the issuance of a Building Permit to construct a single detached dwelling on the subject property. As a pre-condition to the issuance of a Building Permit for this particular property it is required to remove the Holding ‘-h3’ symbol through the enactment of an Amending By-law by Council (see Attachment 1).

Figure 1: Subject property



In accordance with Part 10.2.3 of the Zoning By-law, the Holding “-h3” provision applies to lands within the defined assessment areas from the fill area of a closed waste disposal site, as identified in the Official Plan. Environmental Impact Studies were prepared in July 2010 for the Thornbury Closed Landfill site and Clarksburg Closed Landfill site to refine the assessment areas. Lands within these assessment areas are required to prepare a report in accordance with Ministry of Environment, Conservation & Parks (MECP) Guideline D4 (“Land Use On or Near Landfills and Dumps”). The Town also conducts peer reviews of the D4 Assessment Report to validate the conclusions, recommendations, and any necessary mitigating measures.

The Holding “-h3” symbol may be lifted once the D4 study, and associated Peer Review indicates that the lands to be developed are deemed secure from any potential negative impacts from the landfill site, or what remedial measures or conditions are required prior to any development approval being granted.

The property owner has submitted a D4 Study, prepared by RJ Burnside, confirming that there are no anticipated impacts on the subject lands due to the closed landfill site. The submitted D4 Study was subject to a Peer Review by the Town’s consultant which confirmed and concurred with the findings of the D4 Study as submitted.

D. Analysis

The subject lands are an existing lot of record located in Clarksburg and are designated *Community Living Area* and *Hazard* by the Town of The Blue Mountains Official Plan. The CLA designation applies to the Primary Settlement Area of Thornbury and Clarksburg, as outlined in the County of Grey Official Plan. The lands are subsequently zoned Residential One (R1-1) and Hazard (H) per Zoning By-law 2018-65 and are subject to the Holding “-h3” symbol as discussed previously in this report. No development is being proposed on that portion of the subject lands that is zoned Hazard (H).

The lands have direct frontage onto John Street, which is a municipally owned and year-round maintained road, and are proposed to be serviced by private on-site services (i.e., well and

septic), as municipal sewer and water are not available at the property frontage. It is noted that the property is also located within an area regulated by the Grey Sauble Conservation Authority under Ontario Regulation 151/06. As such, a Development Permit will be required from their office prior to any site alteration or construction taking place on the subject lands. An excerpt of the current zoning of the subject lands has been provided (see Figure 2 below).

Figure 2: Zoning of the Subject Lands



Zoning By-law 2018-65

The subject lands are zoned Residential One (R1-1) and Hazard (H). Single detached dwelling units and accessory uses thereto, are permitted in the R1-1 zone. No buildings, structures, or site alterations are permitted within the Hazard zone portion of the lands.

Presently the Holding “-h3” symbol remains in place on the property. In accordance with Part 10.2.3 of the By-law, the symbol may be lifted once a study has been prepared by a qualified engineer and submitted for review in accordance with the Ministry of the Environment, Conservation and Parks Guideline D-4, indicating that the lands to be developed are secure from potential methane gas and/or leachate migration from the landfill site or what remedial measures or conditions are required prior to any development approval being granted.

A D4 Study was submitted to the Town as part of the complete application. The D4 Study confirmed that there are no anticipated impacts on the development of the lands as a result of the former closed landfill site. The findings of the report were subject to a Peer Review which concurred with the conclusions contained in the D4 Study. Copies of the submitted D4 study and the Peer Review are provided as part of this report (see Attachments 2 and 3). It is noted that the Peer Review recommended that the proponent complete interviews with neighbouring property owners to determine if any impacts have been observed with respect to odour, pests, and/or water quality. This was completed by the proponent and confirmed in writing. No known impacts were identified through that interview process.

Conclusion

Based on the information above, Planning Staff recommend that it is now appropriate for Council to enact and pass a By-law to remove the Holding “-h3” symbol from the subject lands. This in turn will allow for the issuance of Building Permits for the construction of a single detached dwelling unit. It is noted that detailed site servicing (private on-site septic and water services) will be required as part of the standard Building Permit application. It is also generally noted that a Development Permit is required from the Grey Sauble Conservation Authority prior to site alterations or construction.

Finally, based on staff past experiences dealing with similar matters, staff recommend that a note be placed on the subject property in the Town’s Property information database, specifically referred to as CityView. This note reflects a best practice and would accomplish the following:

- Acknowledge on title the subject property’s proximity to a former waste disposal site
- Acknowledge the preparation of the D4 Study and the associated Peer Review which supported the land use.

Since the Holding provision would be lifted, the note would assist Town staff to inform future prospective landowners of the subject property’s proximity to a former waste disposal site.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of this application. A Development Permit will be required from the Grey Sauble Conservation Authority prior to site alteration and construction.

G. Financial Impacts

No adverse financial impacts to the municipality are anticipated as a result of this application.

H. In Consultation With

Trevor Houghton, Manager of Community Planning

Will Thomson, Director of Legal Services

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Pursuant to Subsection 36(4) of the *Planning Act* a public meeting is not required prior to Council passing a by-law to remove a holding “h” symbol.

Any comments regarding this report should be submitted to Travis Sandberg,
planning@thebluemountains.ca

J. Attached

1. Draft Holding “-h3” Symbol Removal By-law – 114 John Street, Clarksburg
2. Guideline D-4 Study for 114 John Street, Clarksburg, Ontario – prepared by RJ Burnside & Associates Limited (August 12, 2020)
3. Peer Review of Guideline D-4 Study, 114 John Street, Clarksburg, Ontario – prepared by Cambium Inc. (dated May 11, 2021)

Respectfully submitted,

Travis Sandberg
Planner I

Trevor Houghton, RPP MCIP
Manager of Community Planning

Nathan Westendorp RPP MCIP
Director of Planning and Development Services

For more information, please contact:
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Report Approval Details

Document Title:	PDS.21.075 Recommendation Report - Holding '-h3' Removal - 114 John Street (P3001).docx
Attachments:	PDS.21.075 Attachment 1 - VanderMeer - Holding 'h' Removal By-law.docx PDS.21.075 Attachment 2 - 114 John St. 051999 D4 study 8122020 (May 21st).pdf PDS.21.075 Attachment 3 - 2021-05-10 Guideline D-4 Study Peer Review, 114 Street, Clarksburg, Ontario.docx.pdf
Final Approval Date:	Jun 8, 2021

This report and all of its attachments were approved and signed as outlined below:

Trevor Houghton - Jun 7, 2021 - 9:37 AM

Nathan Westendorp - Jun 8, 2021 - 2:03 PM

Shawn Everitt - Jun 8, 2021 - 4:28 PM