

<b>To:</b>	Warden McQueen and Members of Grey County Council
<b>Committee Date:</b>	July 23, 2020
<b>Subject / Report No:</b>	Addendum 2 to PDR-CW-06-18
<b>Title:</b>	Davenport Subdivision 42T-2017-05 Final Report
<b>Prepared by:</b>	Randy Scherzer
<b>Reviewed by:</b>	Kim Wingrove
<b>Lower Tier(s) Affected:</b>	Township of Georgian Bluffs
<b>Status:</b>	

## Recommendation

1. **That Report Addendum 2 to PDR-CW-06-18 be received; and**
2. **That all written and oral submissions received on plan of subdivision 42T-2017-05 known as Davenport were considered; the effect of which helped to make an informed recommendation and decision; and**
3. **That in consideration of the draft plan of subdivision application 42T-2017-05, for lands described as Part Lot 27, Concession 3, Part 1 Plan 16R-11376, and South Part of Lot 27, Concession 3, Part 1 Plan 16R-11378, geographic Township of Sarawak, Township of Georgian Bluffs, the Grey County Committee of the Whole approves this plan of subdivision to create a total of twenty eight residential lots (Lots 1 to 28) and a future development block (Block 31), subject to the conditions set out in the Notice of Decision.**

## Executive Summary

The County has received a plan of subdivision application (County file number 42T-2017-05) known as Davenport, to facilitate the construction of 28 single detached residential units (Lots 1 to 28) in the settlement area of East Linton, Township of Georgian Bluffs. Several revisions have been submitted by the Applicant for this proposed subdivision. The first application submission was for 8 lots to be serviced by municipal water and private septic systems. The Township of Georgian Bluffs later negotiated with Cobble Beach to assume the sewage treatment system from Cobble Beach earlier than originally anticipated. This will allow the Township to connect this

development as well as other future developments in the area on full municipal services. Based on full municipal services being available, the Applicant submitted a revised development proposal with the latest proposal showing a total of 28 single detached lots. Access to the proposed lots would be off of streets that would be constructed as part of the subdivision development with two entrances into the subdivision coming off of Church Sideroad East. An associated local official plan amendment (LOPA 7) has been approved by the County which is currently in the appeal period and a zoning by-law amendment has been passed by the Township of Georgian Bluffs. Based on agency review and comments received regarding the proposed plan of subdivision, it is recommended that the proposed plan of subdivision be given draft approval subject to the conditions set out in the attached Notice of Decision.

## Background and Discussion

The County received a plan of subdivision application back in 2018 that proposed to create a total of 8 single detached lots and a future development block within the settlement area of East Linton. The proposal at that time was to service the development using municipal water and private septic systems. The Township of Georgian Bluffs and Cobble Beach have reached an understanding that the Township would assume the private sewage treatment plant in the near future. This will allow the Township to service other developments outside of Cobble Beach including this proposed development. Based on the servicing potential, the Applicant submitted several revisions to the proposed development with the most recent proposed plan showing a total of 28 single detached lots (Lots 1 to 28) and one future development block (Block 31). One of the lots (Lot 9) contains an existing single detached house. Two additional blocks (Block 29 and 30) would also be created to allow a temporary cul-de-sac to be created at the end of proposed Street 'B' which would be removed should development proceed within the future development block.

The subject lands are located at Part of Lot 27, Concession 3, geographic Township of Sarawak, in the Township of Georgian Bluffs. The subject lands are located south of Church Sideroad East and east of Grey Road 1 in the settlement area of East Linton (see Map 1 – airphoto of subject lands). The proposed 28 lots would gain access off of roads to be constructed as part of the proposed development with two road connections to Church Sideroad East (see Map 2 – proposed subdivision plan).

The Cobble Beach development which includes a golf course and residential dwellings is located north of the subject lands. There are existing residential dwellings to the west and east of the subject lands. Directly south of the subject lands is the proposed Georgian Shores development which is currently draft approved for 16 lots and a future development block.

The proposed development also required an amendment to the Township of Georgian

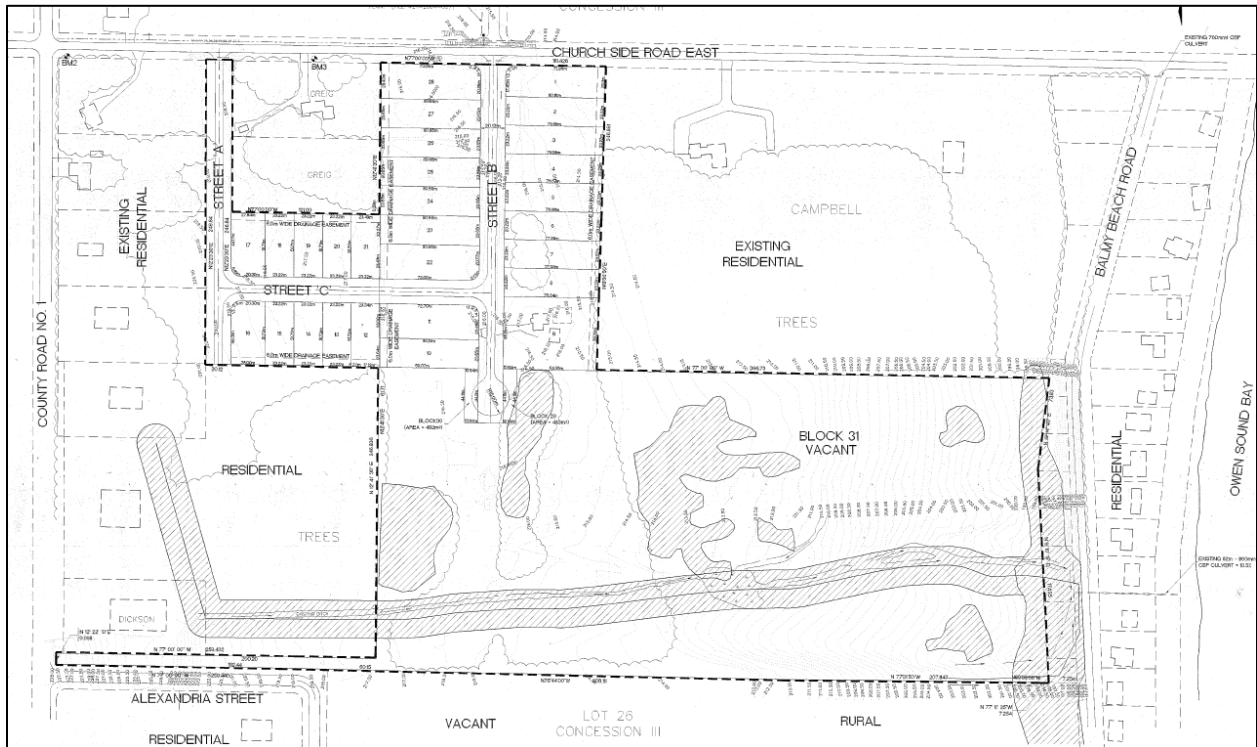
Bluffs Official Plan as well as an amendment to the Township of Georgian Bluffs Zoning By-law. Local Official Plan Amendment 7 (LOPA 7) to the Georgian Bluffs Official Plan has been approved and is currently in the appeal period. The associated zoning by-law amendment (By-law 2020-058) has been passed by the Township of Georgian Bluffs and is subject to LOPA 7 coming into force and effect.

The Applicant has submitted updated reports with the subdivision application to address the lands that have been added to the application as well as to address the previous comments raised by agencies and members of the public as part of the previous application submissions. Copies of all background reports and plans can be found at [this link](#).

### Map 1: Airphoto of Subject Lands



## Map 2: Proposed Plan of Subdivision



## Public and Agency Comments Received

The Township of Georgian Bluffs held an initial public meeting on September 15, 2018 for an earlier version of the proposed development and also held a second public meeting on June 5, 2019 in the Township of Georgian Bluffs Council Chambers based on additional lands being added to the proposed plan of subdivision. Three members of the public addressed Township Council at the public meeting on June 5, 2019 and raised the following summarized comments regarding the proposed development:

1. Murray Harris – storm sewers and retention ponds should be required, concerns regarding flooding during melt periods, existing drainage issues along Church Sideroad From Grey Road 1 to Balmy Beach Road, and the noted absence of a sub-watershed study for this area.
2. Robert Gibson – concerns with stormwater management and the existing ditch and culvert overflow, highlighted Church Sideroad drainage issues.
3. Brian MacIntosh – concerns with stormwater management and existing drainage issues.

Written public comments associated with the proposed development were also received from the following:

- Rose and Peter Peacock
- Murray Harris

- Barry Hargrave
- David Rai
- Brian MacIntosh
- Beth Anne Currie
- Ron Campbell
- Robert Gibson
- Marion Gibson
- Sue Honer

The comments received in writing or at the public meeting have been summarized into the table below along with a response on how the comments have been considered and addressed.

<b>Public Comments Raised</b>	<b>How Comments have been considered/addressed?</b>
<p><b>Concerns regarding stormwater management including concerns regarding surface and groundwater flowing downhill from the subject lands to the bay impacting fish habitat.</b></p> <p><b>Concerns regarding capacity of the culverts to handle the existing flows as well as any proposed increases to the flows from this proposed development.</b></p> <p><b>Concerns regarding existing stormwater management and drainage issues.</b></p> <p><b>Recommendation that a comprehensive plan that includes storm sewers and stormwater management retaining ponds for the entire block is needed.</b></p> <p><b>Concerns regarding maintenance of the proposed drainage swales.</b></p>	<p>The Grey Sauble Conservation Authority (GSCA) and the peer reviewer retained by the Township and the County (GM BluePlan) have reviewed the proposed stormwater management reports and are satisfied with the proposed plan subject to recommended conditions of draft approval.</p> <p>Part of the stormwater management plan includes utilizing the municipal roadside ditch upgrades downstream of the proposed Davenport subdivision. The Township is in the process of finalizing an engineered plan for the municipal roadside ditch upgrades along Church Side Road East that will not only address existing drainage issues in the area but will also be designed to accommodate the additional storm water from the proposed development. The developer will be responsible to pay for a portion of the costs to improve the roadside ditch and replace the Balmy Beach Road crossing culvert, prior to final approval of the subdivision (i.e. prior to any development proceeding).</p> <p>Stormwater Quality is proposed to be addressed through the use of enhanced grass swales and both GSCA and the</p>

	<p>peer reviewer are satisfied that the enhanced level of water quality treatment can be provided by the proposed design.</p> <p>The final stormwater management design will be subject to the approval of the Township and GSCA and will also require environmental compliance approval from the Ministry of Environment, Conservation and Parks (MECP) prior to any site alteration or construction occurring on the subject lands. Maintenance of the roadside ditch will be the responsibility of the Township. The recommended conditions of draft approval from the Township, the peer reviewer, and GSCA have been included in the proposed conditions of draft approval.</p>
<p><b>Concerns regarding maintenance of the wastewater treatment plant.</b></p> <p><b>The proposed sewer lines should be sized to allow for future phases of Georgian Shores to be put on full municipal services and should be left in a place that would be easily accessible to allow connections.</b></p> <p><b>Concerns regarding sewage treatment plant capacity and the need for a comprehensive master service plan</b></p>	<p>The Township has worked out an understanding with Cobble Beach to assume ownership of the sewage treatment plant in the near future. The sewage treatment plant was constructed as part of the Cobble Beach development and the intent has always been that the Township would assume ownership once the Cobble Beach development reached a certain point in the overall development. Development within Cobble Beach has been slower than anticipated which was primarily result of the recession. Development activity post-recession has increased quite steadily but has still not reached the trigger point as originally contemplated. The Township has a desire to take ownership of the sewage treatment plant which would allow this development and future developments in the area to connect to full municipal services. By assuming ownership, the Township will be responsible for maintaining the sewage treatment plant and the costs for maintenance will be funded by the users of the system.</p> <p>The final design of the sewer mains to be constructed from the sewage treatment plant will be reviewed by the Township</p>

	<p>consulting engineer and will need to be designed to the satisfaction of the Township. The design should consider capacity for not only the remaining parts of the Cobble Beach development but should also consider future developments/connections within the East Linton area.</p> <p>With respect to concerns regarding capacity and the need for a comprehensive master servicing plan, The Township has indicated no concerns with respect to servicing capacity to service the proposed development. The Township has noted that detailed plans for water and sewer services will be required at the subdivision agreement stage and will be reviewed by the Township consulting engineer and be completed to the satisfaction of the Township. This has been addressed in the recommended conditions of draft approval.</p> <p>With full services being potentially available to service the remaining parts of East Linton, this has the potential to increase density in this area. There is also the possibility of connecting existing uses to full municipal services. Moving forward, it is recommended that a master servicing plan be considered by the Township for this area. It is staff's understanding that Township Planning and Operations staff will be presenting a report on this issue to Township Council before the end of the year.</p>
<p><b>Concerns regarding environmental impacts.</b></p> <p><b>Concerns regarding impacts to species at risk</b></p> <p><b>Concerned about threats to water intake</b></p>	<p>An Environmental Impact Assessment (EIA) was completed. The EIA does note the presence of wetland features and suitable habitat for eastern meadowlark and bobolink. No other constraints were identified on the property. The EIA does note that approximately 3.3 hectares of meadowlark/bobolink habitat will be removed because of the proposed development and therefore a permit from</p>

	<p>MECP may be required in accordance with the Endangered Species Act, 2007. This has been addressed as part of the recommended conditions of draft approval.</p> <p>The EIA provides recommendations in order to protect the wetland features, the woodlands, and the peak breeding bird season. These recommendations have been addressed as part of the recommended conditions of draft approval.</p> <p>Portions of the property are also within Grey Sauble Conservation Authority's Regulated Area and therefore any development or site alternation within the regulated area will require a permit from GSCA. Based on the most recent comments from GSCA, GSCA notes that they generally have no objection to this proposal. GSCA recommended conditions of draft approval which have been incorporated into the proposed conditions of draft approval.</p> <p>With respect to the concerns raised about the threat to the municipal water intake, the Risk Management Office has indicated that the property is located outside of the Intake Protection Zone for the East Linton drinking water system and therefore no source protection policies apply. Comments regarding concerns about stormwater management and drainage and potential impacts to the bay and fish habitat were discussed above.</p>
<p><b>Concerns regarding increased density of the proposed subdivision and the impacts to the neighbourhood</b></p> <p><b>That approval of this proposal is unacceptable</b></p> <p><b>Concerned that this proposed development is not responsible planning and that it is being done in a</b></p>	<p>It has been demonstrated through the technical studies and the review of those studies by agencies and the peer reviewer that this proposed development can be considered subject to conditions of draft approval. The subject lands are designated 'Secondary Settlement Area' in the County Official Plan. Growth and development are meant to be directed to settlement areas, and as such this is an</p>



<p><b>piece meal approach. Suggested that the entire property have engineering studies completed and that a submission for the entire property be submitted.</b></p> <p><b>Concerned that the proposed development exceeds the 20 year planning horizon</b></p>	<p>appropriate location. The development will be serviced by municipal water and sewer services which is the preferred form of servicing. The location of the subject property is surrounded by a mix of low-density residential development and future development lands. The Cobble Beach development is north of the subject lands. Therefore, the proposed development is compatible with the surrounding land uses.</p> <p>Any development proposed within the future development block will require a local official plan amendment, zoning amendment and a subdivision application. Supporting studies will need to be submitted for any applications that propose development within the future development block.</p>
<p><b>Concerns regarding unsafe egress at proposed Street 'E'</b></p> <p><b>Concerns regarding increase in traffic, air pollution from increased traffic and road wearing</b></p>	<p>The Township Operations Department and County Transportation Services have reviewed the proposed development applications and have identified no concerns with respect to traffic impacts or the egress of the proposed roads. These matters will be reviewed in further detail as part of the detailed engineering design requirements prior to final approval of the proposed subdivision.</p>
<p><b>Concerns regarding light pollution and ensuring that the subdivision is 'dark sky' compliant</b></p>	<p>A condition of draft approval has been included requiring that the lighting for the proposed subdivision be 'dark sky' compliant.</p>
<p><b>Concerned about lack of parkland dedication</b></p>	<p>A condition of draft approval has been included as recommended by the Township regarding parkland dedication or cash-in-lieu of parkland.</p>
<p><b>Concerns about impact on property tax base</b></p>	<p>All costs associated with this development will be borne by the developer and will be detailed as part of the subdivision agreement between the Township and the developer. All costs for maintaining the sewage treatment plant and water treatment will be paid through user fees. Property taxes will be collected from the future homeowners to pay for services to be provided to the</p>

	development (i.e. garbage collection, maintaining roads, etc.). Based on the above, there should be no impact to the property tax base as a result of this development.
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Agency comments were as follows:

- **Ministry of Environment, Conservation and Parks (MECP)** - In correspondence dated May 4, 2020, the MECP provided further information and clarification regarding the rules and regulations regarding Bobolink and Meadowlark Habitat Management Plans. These requirements have been addressed as part of the recommended conditions of draft plan approval.
- **Risk Management Office – Source Water Protection (RMO)** - In correspondence dated March 27, 2019, the RMO indicates that the property is located outside of the Intake Protection Zone for the East Linton drinking water system and therefore no source protection policies apply.
- **Canada Post** - In correspondence dated March 27, 2019, Canada Post has indicated that mail delivery to the proposed development will be serviced by centralized mail delivery and identified some recommendations which have been incorporated into the recommended conditions of draft approval.
- **Enbridge** - In correspondence dated March 27, 2019, Enbridge requests that as a condition of final approval that the owner/developer provide to Union Gas/Enbridge the necessary easements and/or agreements required for the provision of gas services. Conditions of draft approval address these comments.
- **Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTC)** - In correspondence dated May 4, 2020 and in response to the archaeological assessments submitted with the proposed applications, the MHSTC notes: that no further archaeological assessment of the study area is warranted; the Provincial interest in archaeological resources has been addressed; and, the proposed undertaking is clear of any archaeological concern.
- **Historic Saugeen Metis** – in previous correspondence, Historic Saugeen Metis noted interest in reviewing the Stage 2 Archaeological Assessment. The Stage 2 Archaeological Assessment was provided to HSM and they noted in correspondence dated July 8, 2020 that they have no objection or opposition to the proposed development.
- **City of Owen Sound** - The City of Owen Sound previously provided comments on an earlier version of the proposed development applications which at that time proposed that the development would be serviced by municipal water and private septic systems. At that time the City expressed concerns. Now that the proposed development is proposed on full municipal services, it is County staff's

understanding that the previous concerns identified by the City have been addressed.

- **Grey Sauble Conservation Authority (GSCA)** – GSCA provided comments dated May 24, 2019 which noted that previously proposed Lot 10 contains some hazard area and the cul-de-sac appears to propose to fill in a portion of a wetland feature. The GSCA also noted concerns with the revised Stormwater Management Plan. The Developer addressed the concerns of the GSCA by removing proposed Lot 10 from the proposed plan of subdivision. In follow up comments dated June 4, 2019, and March 27, 2020 the GSCA indicated that they generally have no objection to this proposed development. GSCA requests that the habitat management/compensation plan be provided to their office once it has been accepted by the County and MECP.

GSCA also recommends the following conditions of draft approval:

1. That the final stormwater management plan be prepared and implemented through the subdivision agreement to the satisfaction of the County, the Township and GSCA.
2. Wording be included in the subdivision agreement to the satisfaction of GSCA and the Township that no site work is to be completed until the downstream municipal drainage infrastructure is adequately sized to accommodate increased flows from the site.

GSCA also recommends that as a condition to draft approval that the subdivision agreement include the following note:

3. A portion of the property falls within a regulated area under Ontario Regulation 151/06 administered by the Grey Sauble Conservation Authority (GSCA). Prior to development in a regulated area, permits are required from the GSCA. This would include the infilling of the portions of a wetland related to the construction of 'Street A'.
- **Grey County Transportation Services** - In correspondence dated April 10, 2019, Transportation Services notes that they have no concerns with the proposed development and that the number of proposed lots does not trigger the need for a Traffic Impact Study. If and when this development increases to 50 lots or more than a Traffic Impact Study will be required.
  - **Township of Georgian Bluffs** - Georgian Bluffs Council adopted LOPA 7 through by-law 2020-057 on June 17, 2020 and passed the associated zoning by-law amendment. This adoption followed a recommendation by their planner in Township Staff Report PL.2020.24 dated June 3, 2020. The Township staff report identified recommended conditions of draft approval which were supported

by Township Council. The recommendations have been incorporated into the recommended conditions of draft approval.

## *Analysis of Planning Issues*

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2020, and conform to any Provincial Plans or Municipal Official Plans that govern the subject lands. In this case, the County of Grey Official Plan and the Township of Georgian Bluffs Official Plan all have jurisdiction over the subject property.

## *Provincial Policy and Legislation*

Both the *Planning Act* and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a settlement area and will be serviced by municipal water and sewer services. The PPS indicates that the preferred form of servicing for settlement areas is full municipal services. Municipal water and wastewater treatment capacity is currently available for the proposed units once extended to the site.

The supply of an adequate range of residential housing types is preferred in both Provincial documents. In this case, the proposed plan of subdivision is providing single detached units. Although a mixture of housing types is always preferred, the proposed single detached units would be compatible with the existing residential uses in the area. Should further development be proposed in the future development block, there may be an opportunity to consider a mixture of housing types. Given the housing prices in the area, it is unlikely that these units would be considered 'affordable housing'.

The protection of significant environmental features is also required through the legislation and policy. An Environmental Impact Assessment (EIA) was completed. The EIA does note the presence of wetland features and suitable habitat for eastern meadowlark and bobolink. No other constraints were identified on the property. The EIA does note that approximately 3.3 hectares of meadowlark/bobolink habitat will be removed because of the proposed development and therefore a permit from MECP may be required in accordance with the Endangered Species Act, 2007. The EIA also provides recommendations in order to protect the wetland features, the woodlands, and the peak breeding bird season. These matters have been addressed as part of the recommended conditions of draft approval.

Section 51(24) of the *Planning Act* also provides criteria which must be considered when assessing any new plan of subdivision. These criteria (in italics), along with staff analysis are as follows:

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The matters of provincial interest have been analyzed earlier on in this section.

*(b) whether the proposed subdivision is premature or in the public interest;*

Services can be provided to this subdivision. The lands have also been designated for growth in both the County and Township Official Plan. Furthermore, there is a demand for additional residential units in the Township. As such, the proposed plan of subdivision is in the public interest and would not be premature.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

Local Official Plan Amendment 7 to the Georgian Bluffs Official Plan has been approved which designates the subject lands as 'Residential' which would permit the proposed subdivision. Some of the subject lands were already designated 'Residential'. All of the subject lands are located within a designated settlement area in both the County Official Plan and Georgian Bluffs Official Plan. There is an existing draft plan of subdivision south of the subject lands. Should development proceed on the Future Development block, servicing connections and road connections should be considered in order to connect both subdivisions. It is recommended that Georgian Bluffs consider acquiring an easement across the Future Development Block to allow services to be connected to the future development block in the Georgian Shores subdivision should Georgian Shores proceed with development prior to the future development block of Davenport proceeding.

*(d) the suitability of the land for the purposes for which it is to be subdivided;  
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Based on the background reports and technical studies, the subject lands appear suitable for residential development. It is not known if any of the proposed units will be 'affordable', but it is unlikely given their location and lot size.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

This item has been reviewed by the proponent, Township staff and County staff with no concerns identified. Draft plan conditions are included to address the final detailed design of the proposed roads to the satisfaction of the Township.

*(f) the dimensions and shapes of the proposed lots;*

The proposed dimensions and shapes of the proposed lots are standard and form a grid like pattern which is preferred.

*(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

County staff are not aware of any restrictions or proposed restrictions on the subject lands which would prevent the proposed development. The proposed development will be subject to a subdivision agreement, as is standard for such developments.

*(h) conservation of natural resources and flood control;*

GSCA staff have provided recommended conditions of draft plan approval to address the natural resources on the subject lands which have been incorporated in the recommended conditions of draft approval.

*(i) the adequacy of utilities and municipal services;*

The proposed lands will be adequately serviced by municipal water and sewer services.

*(j) the adequacy of school sites;*

The two school boards were circulated on this application and did not raise any concerns.

*(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Streets A to C shown on the proposed plan would be dedicated to the Township following the construction of the roads by the developer in accordance with the Township's road standards. Block 29 and 30 would also be dedicated to the Township for a temporary cul-de-sac to be constructed until such time as development occurs on the future development block. No other lands are proposed to be conveyed for public purposes.

*(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The lands will connect to the existing road network and services in an efficient manner.

*(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is*

*also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.*

The proposed single detached lots do not require the utilization of site plan control.

The proposed plan of subdivision application, with the attached conditions of draft approval, would have regard for matters of Provincial Interest and the criteria of section 51(24) of the *Planning Act* and is consistent with the PPS 2020.

### ***County Official Plan***

The proposed plan of subdivision was submitted prior to the approval of Recolour Grey, the County's new Official Plan. County staff have reviewed the application against Recolour Grey, as it stands as Council's most recent statement of goals and objectives for the County.

The subject property is primarily designated as 'Secondary Settlement Area' with a small portion of 'Hazard Lands' being designated on the eastern edge of the 'Future Development' lands. The Secondary Settlement Area designation permits limited residential growth as well as new community facilities and employment uses. Within this designation the County Plan generally defers to the development standards of the Township of Georgian Bluffs (including in their official plan and zoning by-law).

The subject property contains pockets of 'Significant Woodlands' on the 'Future Development' lands as mapped on Appendix B to the County Plan. Although not mapped in the County Plan, there have been species at risk concerns identified with respect to Meadowlark and Bobolink habitat. As noted previously, an Environmental Impact Assessment (EIA) was submitted with the proposed development applications which provides recommendations in order to protect the wetland features, the woodlands, and the peak breeding bird season. GSCA has reviewed the EIA and has no objections to the proposed development subject to conditions of draft approval. These matters have been addressed as part of the recommended conditions of draft approval.

Section 8.9.1 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in Section 8.9 of the Plan, are policies which govern roads, transportation, and stormwater management all of which have been addressed as noted above.

The proposed plan of subdivision conforms to the County of Grey Official Plan, with the attached conditions of draft approval.

## *Township of Georgian Bluffs Official Plan*

Local Official Plan Amendment 7 has been approved which is currently in the appeal period. LOPA 7 redesignated a portion of the subject lands from the 'Future Development' designation to the 'Residential' designation. A portion of the subject lands that contains proposed Lots 12 to 21 were previously designated as 'Residential'. The future development block remains designated as 'Future Development' and therefore will require a future official plan amendment application prior to development being permitted on these lands. Township Planner, Jennifer Burnett, issued a planning report (PL.2020.24) on June 3, 2020 regarding the proposed official plan amendment. A copy of the Township staff report can be found on page 101 of [this link](#). Overall, the Township planning report finds that the proposed official plan amendment is consistent with the PPS, and conforms to the intent of the County and Township Official Plans. County staff generally concur with the position of Township staff, and will not offer a duplicative policy review here.

LOPA 7 has been approved but is currently within the appeal period and therefore is not in force and effect. Should LOPA 7 be appealed, the matter would be referred to the LPAT for a final decision. The recommended conditions of draft plan approval indicate that LOPA 7 needs to be in force and effect prior to issuing final approval.

With the attached recommended draft plan conditions, County staff are of the opinion that the proposed development:

1. has regard for matters of Provincial interest under the *Planning Act*,
2. is consistent with the Provincial Policy Statement 2020,
3. conforms to the County of Grey Official Plan, and
4. conforms to the Township of Georgian Bluffs Official Plan pending Local Official Plan Amendment 7 coming into force and effect.

## Legal and Legislated Requirements

The application was processed in accordance with the *Planning Act*.

## Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing a subdivision application. The County has collected the requisite fee and peer review deposit for this application.



## Relevant Consultation

- ☒ Internal: Planning, Transportation Services, Legal
- ☒ External: The Public, Township of Georgian Bluffs, GM BluePlan (peer reviewer for some of the technical studies), Grey Sauble Conservation Authority, and other required agencies under the *Planning Act*.

## Appendices and Attachments

[PDR-CW-06-18 Davenport Subdivision Information Report](#)

[Addendum to PDR-CW-06-18 Revised Davenport Subdivision Information Report](#)

*Draft Notice of Decision (conditions of draft approval) – attached*

Applicant: MJD Investments Inc., Patricia and Murray Davenport  
Municipality: Township of Georgian Bluffs  
Location: Part Lot 27, Concession 3, Part 1 of Plan 16R-11376,  
and South Part of Lot 27, Concession 3, Part 1 of Plan 16R-11378,  
geographic Township of Sarawak  
Date of Decision:  
Last Date of Appeal:

File No.: 42T-2017-05

Date of Notice:

## **NOTICE OF DECISION**

### **On Application for Approval of Draft Plan of Subdivision**

### **under Subsection 51(37) of the Planning Act**

Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

#### **PUBLIC AND AGENCY COMMENTS RECEIVED ON THE FILE**

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

#### **WHEN AND HOW TO FILE A NOTICE OF APPEAL**

Notice to appeal the decision to the Local Planning Appeal Tribunal must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal,
- (2) be accompanied by the fee required by the Tribunal as prescribed under the Local Planning Appeal Tribunal Act, and
- (3) Include the completed appeal forms from the Tribunal's website.

#### **WHO CAN FILE A NOTICE OF APPEAL**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person\* or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions of the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

\*Notwithstanding the above, only a 'person' listed in subsection 51(48.3) of the Planning Act may appeal the decision of the County of Grey to the Local Planning Appeal Tribunal (LPAT) as it relates to the proposed plan of subdivision. Below is the prescribed list of 'persons' eligible to appeal a decision of the County of Grey related to the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act. These are recent changes that have been made to the Planning Act by the province. A link to the revised Planning Act can be found here - <https://www.ontario.ca/laws/statute/90p13>.

Applicant: MJD Investments Inc., Patricia and Murray Davenport  
Municipality: Township of Georgian Bluffs  
Location: Part Lot 27, Concession 3, Part 1 of Plan 16R-11376,  
and South Part of Lot 27, Concession 3, Part 1 of Plan 16R-11378,  
geographic Township of Sarawak  
Date of Decision:  
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File No.: 42T-2017-05

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For more information about these recent changes, please visit the LPAT website or contact LPAT - <https://elto.gov.on.ca/tribunals/lpat/about-lpat/>.  
The prescribed list of 'persons' eligible to appeal a decision of the County on the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act is as follows:

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
2. Ontario Power Generation Inc.
3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.
8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

### **RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS**

The following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing a notice of appeal with the approval authority: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

### **HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS**

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision if you have made a written request to be notified of changes to the conditions.

### **RELATED APPLICATIONS**

Township of Georgian Bluffs Official Plan Amendment 7

Township of Georgian Bluffs Zoning By-law Amendment – Z-03-18 (By-law 2020-058)

**Applicant: MJD Investments Inc., Patricia and Murray Davenport**  
**Municipality: Township of Georgian Bluffs**  
**Location: Part Lot 27, Concession 3, Part 1 of Plan 16R-11376,**  
**and South Part of Lot 27, Concession 3, Part 1 of Plan 16R-11378,**  
**geographic Township of Sarawak**  
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### **GETTING ADDITIONAL INFORMATION**

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below. Please contact the Planning Office at 519-376-2205 or 1-800-567-GREY to schedule an appointment to review the information.

### **ADDRESS FOR NOTICE OF APPEAL**

**County of Grey**  
**595-9th Avenue East**  
**OWEN SOUND, Ontario N4K 3E3**  
**Attention: Mr. Randy Scherzer, MCIP RPP**  
**Director of Planning & Development**

**Applicant:** MJD Investments Inc., Patricia and Murray Davenport  
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Plan of Subdivision File No. 42T-2017-05 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

### **General Requirements**

1. That the final plan shall conform to the Draft Plan of Subdivision File No. 42T-2017-05 prepared by M.J. Davenport and Associates Ltd. and surveyed by Hewitt and Milne Ltd., dated February 10, 2020 showing:
  - a. Twenty-eight (28) lots to gain access off of roads to be constructed as part of the overall development shown as Streets 'A', 'B' and 'C',
  - b. Two blocks to create a temporary cul-de-sac at the south end of Street 'B', and
  - c. A Future Development Block (Block 31).

The legal description of the subject lands is Part of Lot 27, Concession 3, Part 1 or Plan 16R-11376, and South Part of Lot 27, Concession 3, Part 1 or Plan 16R-11378, geographic Township of Sarawak, Township of Georgian Bluffs, County of Grey.

2. That prior to final approval the owner enter into a subdivision agreement with the Township, to be registered on title to the property and then upon each lot once the plan has been registered.
3. That the owner agrees in writing, to satisfy all the requirements, financial and otherwise, of the Township of Georgian Bluffs, concerning roads, installation of services, drainage, parkland, security, and other matters as determined by the Township including the payment of all applicable development charges in accordance with the applicable Development Charges By-law. Other requirements could include easements as necessary to allow the future extension of services to adjacent lands. Any street lights and lighting required for this development shall also be 'dark sky' compliant.
4. Prior to final approval and registration of the subdivision, an amending Zoning By-law implementing the subject plan shall be approved and be in force and effect under Section 34 and 36 of the *Planning Act*.

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5. Prior to final approval and registration of the subdivision, Local Official Plan Amendment 7 to the Township of Georgian Bluffs shall be in force and effect under Section 17 of the *Planning Act*.

### **Parkland and Open Space Requirements**

6. That the owner convey 5% cash-in-lieu of parkland, parkland dedication or a combination thereof, to the Township and that the subdivision agreement contain a provision to effect this.

### **Servicing, Grading and Road Requirements**

7. That the roads shall be dedicated as a public highway, and named to the satisfaction of the Township. All roads and entrances shall be designed and constructed to a standard acceptable to the Township, and such design shall be included in the subdivision agreement. The owner agrees to provide detailed plans and specifications indicating that the roads and drainage will be constructed to the standards of the Township. The final plan shall also include any one-foot reserves deemed necessary by the Township of Georgian Bluffs.
8. That entrances to lots from the internal road of the subdivision be to the satisfaction of the Township of Georgian Bluffs.
9. That wording be included in the subdivision agreement requiring the developer to pay a portion of the off-site drainage works in lieu of providing stormwater quantity control and that the Developer is responsible to pay for a portion of the costs to improve the roadside ditch and replace the Balmy Beach Road crossing culvert, prior to final approval of the subdivision and to the satisfaction of the Township.
10. That the subdivision agreement contain the provision, "No site work is to be completed until the downstream municipal drainage infrastructure is adequately sized to accommodate increased flows from the site."
11. That prior to final approval of the plan of subdivision, a final storm and surface water management report and grading and drainage plan be prepared and submitted for review, at the expense of the owner, by the Township and the Grey Sauble Conservation Authority. The report shall include such matters as building envelopes, lot grading, sediment control measures. The report should also ensure that run-off, including the storm water and spring snow melt, does not adversely affect neighboring properties, and detail all necessary upgrades to existing road and or drainage structures. This report should detail all easements or rights of way required to be dedicated to the Township.

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12. That prior to final approval, that a detailed servicing plan be provided to the satisfaction of the Township. The servicing plan should consider capacity for future connections including the future development block and any future potential connections to adjacent lands.

### **Natural Environment**

13. The subdivision agreement shall include provisions for protecting the ecological and natural heritage features of the lands, and to implement the recommendations in Section 9, items 1 to 9, of the Environmental Impact Assessment dated November 27, 2017 completed by Niblett Environmental Associates Inc. to the satisfaction of the Grey Sauble Conservation Authority.
14. That wording be included in the subdivision agreement that a permit be required from GSCA for development and/or site alterations within the areas subject to Ontario Regulation 151/06. This would include the infilling of the portion of a wetland related to the construction of 'Street A'.
15. That prior to final approval, a habitat management/compensation plan regarding the loss of potential habitat for meadowlark and bobolink habitat be provided to the satisfaction of the County, the Township, and the Grey Sauble Conservation Authority and that addresses the requirements of the Endangered Species Act, 2007 and the corresponding regulations. Please note that a permit may be required from the Ministry of Environment, Conservation and Parks.

### **Utilities and Canada Post**

16. That all easements and or agreements for drainage, gas line or utility purposes shall be dedicated to the appropriate authority or public authority. Should the relocation of any utilities be required as a result of this development, that all associated costs be at the Developer's expense.
17. The Owner shall make satisfactory arrangements with Canada Post and the Township, for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The applicant shall further provide the following for the Community Mailboxes:
  - a) An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required vehicle lay-bys, walkway access and/or curb depressions for wheelchair access.
  - b) A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been

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completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.

## **Administration**

18. Prior to the signing of the final plan by the County of Grey, the applicant is to provide to the County written correspondence from the Township of Georgian Bluffs indicating that all the Draft Plan Conditions have been carried out to the Township's satisfaction.
19. Prior to the signing of the final plan by the County of Grey, the applicant is to provide to the County written correspondence from the Grey Sauble Conservation Authority how Draft Plan Conditions 10, 11, 13, 14 and 15 have been addressed to GSCA's satisfaction.
20. Prior to the signing of the final plan by the County of Grey, the County is to be advised by the applicant in writing from Canada Post how Draft Plan Condition 17 has been addressed to the Canada Post's satisfaction.
21. If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the *Planning Act, RSO 1990*, as amended. If the owner wishes to request an extension to draft approval, a written explanation along with the applicable application fee and a resolution from the local municipality must be received.
22. That the Owner shall provide the Township of Georgian Bluffs and County of Grey with digital copies of the Final Plan in a format acceptable to the Township and the County.

## **NOTES TO DRAFT APPROVAL**

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the



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Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

3. Clearances or consultations are required from the following agencies, as well as the appropriate agency or authority providing utilities or services:

Township of Georgian Bluffs  
177964 Grey Road 18, RR#3  
Owen Sound, ON N4K 5N5

Grey Sauble Conservation Authority  
237897 Inglis Falls Road, RR4  
Owen Sound, ON N4K 5N6

Canada Post Corporation  
300 Wellington Street  
London, ON N6B 3P2

4. We suggest you make yourself aware of the following subsections of the Land Titles Act:

- a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
- b) subsection 144(2) allows certain exceptions.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

5. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment Conservation and Parks under the Ontario Water Resources

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Act, RSO 1990, as amended.

6. All measurements in subdivision final plans must be presented in metric units.
7. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.