



Committee Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	December 12, 2019
Subject / Report No:	Addendum to PDR-CW-38-18 Final Report
Title:	Kilsyth Plan of Subdivision (Barry's Construction) 42T-2018-11
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Township of Georgian Bluffs
Status:	Recommendation adopted by Committee as presented per Resolution CW09-20; Endorsed by County Council January 9, 2020 per Resolution CC13-20;

Recommendation

1. That Addendum to Report PDR-CW-38-18 be received; and
2. That all written and oral submissions received on plan of subdivision 42T-2018-11 known as the Kilsyth plan of subdivision 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-2018-12, for lands described as Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, Township of Georgian Bluffs, geographic Township of Derby, the Grey County Committee of the Whole approves this plan of subdivision to create a total of thirty-three (33) residential units, two blocks for stormwater management (Blocks 34 and 36), two blocks for daylight triangles (Blocks 39 and 40), road widening (Block 41), 0.3 metre reserves (Blocks 37 and 38), an open space block (Block 35), and a future road (Street 'A'), subject to the conditions set out in the Notice of Decision.

Executive Summary

The County of Grey and Township of Georgian Bluffs received development applications for a Township official plan amendment, zoning by-law amendment, and a thirty-three lot plan of subdivision. After detailed staff review, including an independent third-party peer review, the zoning and official plan amendments have now been approved. Public input was considered throughout the development review process and has helped shape this recommendation. Based on agency review and comments received regarding the proposed plan of subdivision (County file # 42T-2018-11), 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 of Grey received a plan of subdivision application from Barry's Construction and Insulation Ltd., to create;

- 33 new residential lots for single detached dwellings,
- 2 blocks for stormwater management,
- 1 open space block, and
- 1 new road (referred to as Street 'A' on the draft plan).

The proposed plan of subdivision will be serviced via individual wells and septic systems.

A corresponding Township official plan amendment (LOPA 8) re-designated the subject lands (approximately 17 hectares) from the 'Future Development' designation to the 'Residential' designation to allow for the development of the subdivision. There was no change in the lands designated 'Environmental Hazard' on-site. The associated zoning amendment (ZBLA 2019-124) rezoned the lands to 'R1' Residential with exceptions and 'OS' Open Space, and recognized Grey Sauble Conservation Authority Hazard and Regulated Area mapping. Both LOPA 8 and ZBLA 2019-124 have now been approved by the County and Township respectively, however at the time of writing this report the appeal deadline has not yet lapsed on these approvals.

The purpose of this report is to formulate a recommendation with respect to the proposed plan of subdivision. A separate report (TR-CW-01-20) is also on the County Committee of the Whole agenda with respect to a related matter regarding a strip of road widening along Grey Road 5.

The subject lands are legally described as Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, geographic Township of Derby, Township of Georgian Bluffs.

The subject property is on the south side of Grey Road 5 east of Concession 7 in the settlement area of Kilsyth. Through the plan of subdivision, a new road would be built connecting Grey Road 5 to Concession 7. The majority of the new lots would have frontage and direct access onto this new road.

The property is currently farmed, and there was previously a house and a barn on the subject lands. Surrounding the subject lands are a mixture of farms, a campground, residential development, a community centre, and vacant lands. The former Derby school site is located

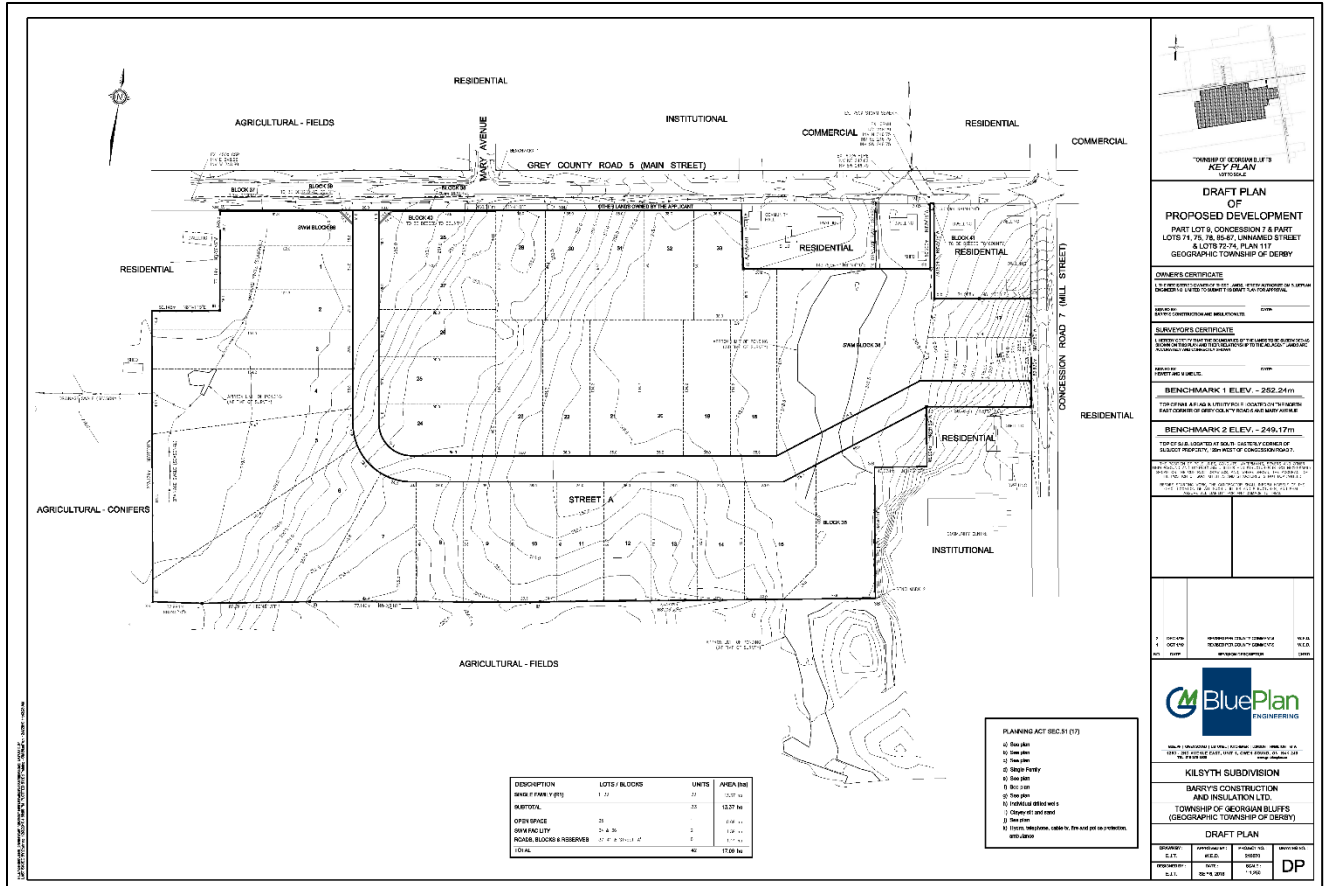
directly across Grey Road 5, as well as a plan of subdivision along Mary Avenue.

The County Official Plan designates the subject lands as 'Secondary Settlement Area'.

Map 1 below shows an airphoto of the subject lands and surrounding area, while map 2 shows the layout of the proposed plan of subdivision. Please note that the below airphoto was taken in 2015, and the buildings on-site have subsequently been removed.



Map 1: Air Photo of the Subject Property and Surrounding Lands



Map 2: Proposed Plan of Subdivision

(Map 2 Courtesy of GM BluePlan Engineering)

A public meeting was held on September 4th, 2019 by the Township of Georgian Bluffs for the official plan and zoning amendments, as well as the plan of subdivision application. A link to the public meeting minutes can be found at [this link](#).

A number of background reports and technical studies were prepared in support of this development. Copies of these studies and reports can be found at [this link](#).

Jennifer Burnett, Planner for the Township of Georgian Bluffs prepared a staff report (dated November 6th, 2019) on LOPA 8 and ZBLA 2019-124, which provided a detailed planning analysis, as well as summary of written and oral comments on the file. A copy of this staff report can be found at [this link](#).

Public and Agency Comments Received

As part of the development application process County and Township staff received comments from several agencies and members of the public. Correspondence was received from the following agencies:

Grey Sauble Conservation Authority (GSCA)

In correspondence dated December 17th, 2018, the GSCA noted that ‘they were generally satisfied with the proposed development subject to some conditions being implemented through the draft plan of subdivision, and that the stormwater management and drainage outlet areas be zoned as Environmental Protection’.

Historic Saugeen Metis (HSM)

In correspondence dated November 6th, 2018, the HSM noted that they ‘have no objection to the proposed land re-designation, rezoning, and subdivision development’.

Enbridge Gas Distribution

In correspondence dated November 15, 2018, Enbridge notes that they have no concerns with the proposed development.

County of Grey Transportation Services Department

In a letter dated November 5th, 2018 the County of Grey noted;

“Transportation Services has reviewed the above noted file and will require the remainder of the 17 feet or 5.18 metres road widening that has not been attained along Grey Road 5. Also, rather than the 32.8 feet or 10 metres Daylights shown on the plan, 50 feet or 15.24 metres Daylights will be required at the proposed intersection.

As per section 2.5.2 of the County Entrance Procedure “Where a subdivision or individual lot fronts on both a County Road and a Local Road, the entrance will be from the local road where feasible.” A 0.305 metre or 1 foot reserve beyond the widening will also be required along Lots 28, 29, 30, 31, 32, 33 as to limit entrances onto the Grey Road. Also, we will require the sideroad entrance to be built to OPSD 300.010 or 300.020, whichever the terrain allows.

Grey County’s setback policy for structures is 75 feet or 22.86 metres from the centerline of road. Proposals not meeting this requirement will be required to submit an Exemption Request to the Director of Transportation Services for review and approval with an explanation on why the request is being made and why the requirement cannot be met.

As mentioned earlier we will require an Exemption Request with reasons forwarded to the Director to allow the placement of the proposed intersection in relation to the proximity of Mary Street being less than 400 metres.”

On September 9th, 2019, Transportation Services later clarified that the 1-foot reserve is only required for those lands that do not otherwise have direct access onto a Township Road (lot 28 and block 36). Transportation Services further noted that it is possible to have the 50 kilometre per hour speed limited pushed further out to the west, and that they would investigate further. The 10 metre daylightings are also acceptable to Transportation Services versus the 15 metre daylightings as originally requested.

Risk Management Official

In comments dated November 5th, 2018, the Township’s Risk Management Official noted; *“the application for a proposed plan of subdivision in Kilsyth does not fall within a vulnerable source*

protection area, therefore no further comments will be provided under the local source protection plan.”

Hydro One

In correspondence dated November 12th, 2019, Hydro One noted that they have no concerns at this time.

Canada Post

In correspondence dated November 5th, 2018, Canada Post provided a series of standard draft plan conditions to be included in any future decision on the plan of subdivision.

Grey Bruce Health Unit

In correspondence dated November 15th, 2018 the Grey Bruce Health Unit shared the Healthy Communities Checklist and noted that this document should generally cover their comments on the application.

City of Owen Sound

In a correspondence dated September 27, 2019, the City of Owen Sound commented;

“THAT in consideration of staff report CS-19-117 respecting update regarding County of Grey Plan of Subdivision 42T-2018-11 – Barry’s Construction (Kilsyth) (Part of Lot 9, Concession 7 and Part of Lots 71, 75, 78, 85-87 and unnamed street Registered Plan 117, Part 1, Plan 16R-10979, Geographic Township of Derby, Township of Georgian Bluffs) City Council request:

- 1) That the City Clerk provide a copy of this report together with Council’s resolution on the matter to the Township of Georgian Bluffs and the County of Grey as the City’s comment on the applications.*
- 2) That the City reiterate concern with respect to the proposed Plan of Subdivision from a growth management and servicing perspective and request that it be demonstrated how the Provincial Policy Statement servicing policies are met.*
- 3) That the City request a copy of any further notice on the matter and the County of Grey staff report evaluation of the Provincial Policy Statement and County of Grey Official Plan.”*

WSP

WSP were tasked with providing a peer review of the stormwater management and site servicing of the proposed development. Subject to conditions of draft approval attached to the plan of subdivision, WSP concluded that the site can be serviced with individual private wells and septic systems, and that the proposed stormwater management for the site was appropriate.

Township of Georgian Bluffs

The Township and County worked on these development applications together throughout the process. The Township has since passed ZBLA 2019-124, and adopted LOPA 8 (recently approved by the County). In the Township staff report dated November 6, 2019, they also recommended draft plan conditions to the County.

Public Comments Received

Public comments were received from the following;

- Bruce Hoffman,
- Ken and Karen Linner,
- Ron Logan,
- Ruth McKinnon,
- Robin Moore,
- Kyle Potter,
- Rhojos777, and
- Merv and Sharon Vokes.

Georgian Bluffs staff provided the following summary and response to the public comments received in their staff report.

“Concern	Response
Increased Traffic impacts/pedestrian traffic/safety/ reducing the speed limit	Township Planning Staff agree with the comments regarding the increase in traffic to the area. With the existing residential development, proposed residential development and the campground adjacent to the settlement area, the posted traffic speed should be reviewed as well as possible traffic calming measures such as community safety zones. As noted in the agency comments above, the Grey County Transportation Services is amendable to extending the 50 km/h speed limit.
Destruction of wetland	Section 9 of the EIS states that there are no Provincially Significant Wetlands or evaluated significant wetlands on the property or within 120m of the property.
Dates and hours of construction	This can be addressed through the subdivision agreement.
Well water quality and quantity	The proposed development was peer reviewed and it was determined that the work submitted complies with provincial and local guidelines. Please refer to the policy review section of this report for more detail.
Communication infrastructure	The installation of communication infrastructure is addressed through the subdivision agreement process with direction in Section 8.9.4 of the GCOP [Grey County Official Plan].

Increase in the size of the community	The creation of 33 new lots will substantially increase the size of the Kilsyth Community in the near future. Lands on the north side of Grey Road 5, including the former Derby school site are within the Kilsyth settlement area have potential for development. The Township is in the process of creating a Recreation and Trails Master Plan that includes the Derby arena. The Georgian Bluffs Official Plan policies for Kilsyth will be reviewed in 2020, as part of a larger review.
Drainage	The Conceptual Stormwater Management Report and the Revised Site Servicing Report both address that drainage will maintain pre-development flows.”

County Planning staff would generally concur with the Township’s summary and comments in this regard. Further detailed planning analysis will follow in the Analysis of Planning Issues section of this report.

Analysis of Planning Issues

Proposed development under the Planning Act, must be consistent with the Provincial Policy Statement (PPS), and must conform to the County and Township Official Plans. The subject lands are not located within the boundaries of the Niagara Escarpment Plan.

Provincial Legislation – The Planning Act

Section 1.1 of the Planning Act outlines the purpose of the Act. The purpose of the Act is to promote sustainable economic development in a healthy, natural environment within a land use planning system, led by provincial policy and matters of provincial interest.

Section 2 of the Planning Act provides matters of provincial interest which planning authorities must have regard for in rendering any decision under the Act. Most notable to this proposed plan of subdivision are clauses; (a) the protection of ecological systems, including natural areas, features, and functions, (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, (h) the orderly development of safe and healthy communities, (j) the adequate provision of a full range of housing, including affordable housing, (o) the protection of public health and safety, (p) the appropriate location of growth and development, and (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

- (a) The 2012 County Official Plan did not map any environmental features on-site. The 2019 County Plan does map a small watercourse on-site. An Environmental Impact Study (EIS) was completed in support of the proposed development. GSCA staff have reviewed the EIS and have not identified any concerns that cannot be addressed through the attached conditions of draft approval.

- (f) The Secondary Settlement Area of Kilsyth is currently serviced with individual private wells and septic systems. The developer undertook a servicing options report in addition

to a detailed hydrogeological study on the subject lands, including investigating any potential for impacts to neighbours. This work was subsequently peer reviewed on behalf of the Township and County by WSP. After further study, and dialogue with the developer's engineering / hydrogeological team, Township staff and the County; WSP has concluded that the development can be serviced in accordance with provincial D-5-3, D-5-4, and D-5-5 Guidelines, subject to appropriate conditions being attached to the draft plan of subdivision.

Improved communications infrastructure cannot be guaranteed at this time, but having additional customers for such infrastructure in this area would make it more attractive to future service providers. The proposed subdivision will be serviced by standard communications and utilities, as per existing development in Kilsyth. The developer should consider providing access to conduit under the future roadway should future fibre communications infrastructure be brought to the area.

The proposed new road would provide a further connection between Grey Road 5 and Concession 7. At this point the Township is not seeking sidewalks on this road, as it will have relatively low traffic volumes, and because there are no further connecting sidewalks in the area.

- (h) The proposed development is within the current settlement area boundaries of Kilsyth. Surrounding the development within the settlement area are a mixture of residential and institutional facilities. Although the neighbouring school has since been removed, the subject lands would still represent an appropriate location for new residential development. The new road would provide a connection between Grey Road 5 and Concession 7, which would be residential in nature, and have less automobile traffic than on Grey Road 5.
- (j) At this stage the proposed residential development is slotted to be entirely single detached dwellings. The rationale behind having single detached dwellings is primarily because the development will be serviced via individual private services, which are not generally appropriate for higher density development. In the future there could be the possibility for these houses to contain secondary suites, subject to confirmation that the secondary suite can be appropriately serviced, and a zoning amendment. At this stage it is not known if any of the subject dwellings will meet the definition of affordable housing, but based on the location and size of lots, County staff are doubtful that this development will meet the affordable definition.
- (o) As noted above, in response to public comments, the County Transportation Services department will be investigating a reduction in the speed limit to the western boundaries of this development. The Township of Georgian Bluffs can ask for sidewalks as part of this development, but at this stage have not requested as such.
- (p) The subject lands are designated 'Secondary Settlement Area' in the County Official Plan, and have recently been re-designated to 'Residential' in the Township Plan. Growth and development are meant to be directed to settlement areas, and as such this is an appropriate location. The location of the subject property is surrounded by a mix of

low-density residential development and a community centre. There is also some commercial activity within Kilsyth.

Although there is a barn in proximity to this development, Minimum Distance Separation (MDS) formulae is not applied to this subdivision development as it is within the settlement area. The barn itself is outside of the settlement area boundaries.

- (q) Development of this scale is not conducive to the provision of public transit. This scale of development is common in smaller privately serviced settlement areas across the Township, County, and Province; however, development of this nature is still generally car-oriented, with the exception of some walkable destinations within Kilsyth.

The proposed plan of subdivision has regard for matters of provincial interest under the *Planning Act*, subject to the attached conditions of draft approval.

Provincial Policy Statement (PPS)

A number of the policy sections of the PPS are duplicative of the matters of provincial interest under the *Planning Act*. For the sake of brevity, a fulsome re-review of all the duplicative policy sections will not be undertaken here.

The subject lands are within the current settlement area boundaries in the Township of Georgian Bluffs and County Official Plans. Section 1 of the PPS directs the majority of new development and redevelopment to settlement areas across the Province.

The PPS speaks to an appropriate range of mixed land uses. Section 1.1.1b) states,

Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open spaces and other uses to meet long-term needs.

Detailed density policies have not been established for settlement areas of this size, and servicing type; rather the development must be commiserate with the servicing levels available. The proposed subdivision will be in close proximity to the community centre. Georgian Bluffs is in the process of creating a Recreation and Trails Master Plan that includes the neighbouring community centre. Through this Master Plan it will help inform the Township as to whether a mixture of parkland dedication and/or cash-in-lieu would be best to supplement the facilities lost at the former Derby school, and/or adding onto the outdoor spaces adjacent to the community centre are appropriate. Township staff are in discussions with the developer with respect to parkland versus cash-in-lieu. In the recommended conditions of draft approval, it would leave flexibility for either option depending on how these discussions 'shape up' and what the Master Plan concludes. In the zoning amendment that was passed for this development, the Township has included a corresponding 'Open Space' zone in the southeastern portion of this property.

Section 1.6.6 of the PPS provides a servicing hierarchy for new development wherein full municipal services are atop the hierarchy. Individual private services are permitted within the hierarchy, only once full services and communal services have been demonstrated to be unfeasible. The developer has completed significant servicing work, including reviewing all servicing options for this site. As noted earlier in this report, an independent 3rd party peer review has also been conducted demonstrating that the development can be serviced in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) D-5 Series Guidelines.

The City of Owen Sound, through their comments, raised questions as to whether or not the proposed servicing is consistent with the PPS. The City's comments specifically revolve around the term "*infilling and minor rounding out of existing development*", which is used in section 1.6.6 of the PPS as it pertains to privately serviced development. In reply to these comments, the applicant's planner submitted [this response](#). County staff would generally concur with Mr. Davidson in this regard, and would reiterate that there were no comments from the Province in the review of Recolour Grey, or the previous five year official plan review (OPA 80) which required the County to; (a) shrink the boundaries of privately settlement areas like Kilsyth, or (b) limit new lot creation to individual lots via the consent process. Based on the justification put forward by the proponent's planner, and the technical studies completed by the engineer and hydrogeologist, as well as the peer review, County staff are satisfied that the proposed development is consistent with the PPS, subject to the attached conditions of draft approval.

Section 2.1 of the PPS addresses natural heritage. This matter has been discussed above in the *Planning Act* review.

Section 2.6 of the PPS addresses cultural heritage and archaeology. A Stage 1-2 Archaeological Assessment was completed for this development. This report concluded that 'no further archaeological work was required on the subject lands.' The Archaeological Assessment provided some general conditions that are included in the recommended draft plan conditions, should any further materials be found during the development of the site.

Section 3.1 of the PPS directs development away from areas of natural hazard. The GSCA has reviewed this development and offered; (a) draft approval conditions, and (b) mapping showing the regulated and hazardous areas on-site. In the zoning amendment passed by the Township they have utilized the GSCA's mapping in this regard.

This proposed plan of subdivision is consistent with the PPS, subject to the attached conditions of draft approval.

County of Grey Official Plan

All new development proposals within the County must conform to the purpose and policies of the Official Plan. The proposed subdivision was submitted in September 2018, prior to the passing of the County's new Official Plan, Recolour Grey. As a result, the subject application shall generally be tested against the County's 2012 Official Plan. That said, in the spirit of the 'public interest', County staff have also tested the application against the Recolour Grey Official Plan as well. What follows is an abbreviated summary of official plan conformity as it applies to both the 2012 and 2019 County Official Plans.

2012 County Official Plan

The subject property is designated as 'Secondary Settlement Area' on Schedule A of the County Official Plan. The Secondary Settlement Area designation permits a wide range of dry industrial, residential, institutional and commercial development, where they are appropriate to the service levels provided. Within this designation, the County Plan generally defers to the development standards of the Township of Georgian Bluffs.

There are no mapped constraints on the subject property in any of the appendices to the County Plan.

Section 2.6.4(4) of the County Plan limits new lot creation to a maximum of five lots on private services, except where it can be demonstrated that site conditions are suitable for private services, and that municipal/communal servicing is not feasible. This section goes on to note that further development can be considered, but may require the need for a Settlement Capability Study (SCS), which is to be determined at the time of pre-submission consultation. Neither County nor Township staff required a SCS for this development, provided the technical information could be shown to meet the MECP D-5-3, D-5-4, and D-5-5 series guidelines. Based on the opinion of the County and Township's peer reviewer, the proposed development is compliant with those guidelines, subject to the implementation of the recommended draft conditions.

By way of background, the logic for this 'five lot limit' specified in section 2.6.4(4) of the County Plan stems from a policy that was in the 2005 PPS, which contained a similar policy limitation. The 2014 PPS, which is the version of the PPS applicable to the current development applications, removed that five lot limit. It is for this reason that staff waived the need for a SCS, subject to compliance with MECP D-5 series guidelines.

The County Plan contains similar natural environment and natural hazard policies to that of the PPS and the *Planning Act*.

Section 5.2 of the County Plan contains policies which govern County Roads. The general intent of these policies is that new entrances and intersections onto County Roads are limited, in order for the County Road network to remain an efficient 'mover' of people and goods. Where County Roads pass through a settlement area, which has been designated for growth, some consideration can be given to new development on the County Road. In this case, the development will have one new road intersection onto Grey Road 5, as well as five new entrances. County Transportation Services staff were involved in the development review process and have given their support in principle for this development subject to conditions (e.g. daylight triangles), and a future exemption for the intersection location (included as a draft plan condition). Transportation Services has also noted that they will consider extending the 50 kilometre per hour zone to the western edge of this development for safety purposes. The proposed draft plan of subdivision, with recommended draft plan conditions appears to address the County Transportation Service department's comments on this development.

There is a small parcel of land which was previously surveyed for road widening along Grey Road 5 that was never deeded to the County for road widening purposes. The County and developer are working together to see that these lands get appropriately accommodated into the

road allowance in this regard. This matter is being addressed through staff report TR-CW-01-20.

Blocks 39, 40, and 41 will be deeded to the County as daylight triangles and road widening. Blocks 37 and 38 will be 0.3 metre reserves to restrict direct access onto the County Road.

Section 6.12.1 of the County Plan contains criteria for new plans of subdivision, including connectivity, provision of sidewalks, impact on the natural environment, the provision of parkland, affordable housing, etc. These criteria have generally been addressed throughout other sections of this report. At this stage the Township is not seeking sidewalks in this development, but much of the rest of the criteria can be met. As noted above, it is not anticipated that the housing in this development would meet the definition of affordable housing.

The proposed plan of subdivision appears to generally conform to the 2012 County Official Plan, with the attached conditions of draft approval.

2019 County Official Plan (Recolour Grey)

The subject lands are designated as 'Secondary Settlement Area' and 'Hazard Lands' in Recolour Grey. Much of the policy basis through Recolour Grey for Secondary Settlement Areas remains similar to the previous 2012 County Plan. Recolour Grey still generally defers to the detailed policies of the Township Official Plan for development within settlement areas.

The Hazard Lands mapping is located outside of the proposed development envelopes for the new homes on this property. The majority of these Hazard Lands would overlap with the stormwater management block of this plan of subdivision.

Recolour Grey has removed the policies that relate to the aforementioned five lot limit, and section 8.9.1 of the Plan gives guidance on the servicing hierarchy. County staff are of the opinion that municipal and communal services are not feasible for development in Kilsyth at this time, and that it has been demonstrated that the lands can adequately service 33 lots in private individual systems. Through the individual private servicing of this development there should be no undue impact on the natural environment, or on neighbouring wells and septic systems.

Recolour Grey does place increased emphasis on both the provision of parkland, and active transportation. County staff are pleased to see that the developer and Township are working together to look at parkland options for this development, surrounding the community centre. Although the Township has noted that no sidewalks will be required at this time, County staff would encourage the developer and Township to consider pedestrian movement in the design and construction of the new road.

Appendix B to Recolour Grey does map a watercourse on-site in the location of the Hazard Lands. Staff believe that this feature has been adequately addressed through the EIS, the stormwater management plan, the zoning amendment, and the GSCA comments on this development.

The proposed plan of subdivision appears to generally conform to the 2019 County Official Plan, Recolour Grey, with the attached conditions of draft approval.

Township of Georgian Bluffs Official Plan

The subject lands were designated as 'Future Development and 'Environmental Hazard' in the Township of Georgian Bluffs Official Plan. An official plan amendment (LOPA 8) has been adopted and approved that re-designated the Future Development lands to the 'Residential' designation to permit the proposed plan of subdivision. Township Planner, Jennifer Burnett, issued her planning report on November 6th, 2019 on the proposed official plan amendment, zoning amendment, and draft plan of subdivision. County staff generally concur with the position of Township staff, and will not offer a duplicative policy review here.

Township Council supported the staff recommendation by approving the ZBLA 2019-124, adopting LOPA 8, and recommending draft plan conditions on the plan of subdivision. Now that the County has approved LOPA 8, the proposed plan of subdivision conforms to the Township Official Plan, with the attached conditions of draft approval.

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 and Transportation Services
- External: The public, Township of Georgian Bluffs, Peer Reviewer, and required agencies under the *Planning Act*.

Appendices and Attachments

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

Applicant: Barry's Construction and Insulation Ltd.

File No.: 42T-2018-11

Municipality: Township of Georgian Bluffs

Location: Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, geographic Township of Derby

Date of Decision:

Date of Notice:

Last Date of Appeal:

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>. 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.

Applicant: Barry's Construction and Insulation Ltd.

File No.: 42T-2018-11

Municipality: Township of Georgian Bluffs

Location: Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, geographic Township of Derby

Date of Decision:

Date of Notice:

Last Date of Appeal:

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 8 and Zoning By-law Amendment 2019-124. Both of which have been approved.

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 or by calling 519-376-2205 or 1-800-567-GREY.

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: Barry's Construction and Insulation Ltd.

File No.: 42T-2018-11

Municipality: Township of Georgian Bluffs

Location: Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, geographic Township of Derby

Date of Decision:

Date of Notice:

Last Date of Appeal:

Plan of Subdivision File No. 42T-2018-11 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-2018-11 prepared by GM BluePlan Engineering dated September 6, 2018 (last revised December 4, 2019) showing:
 - a. 33 single detached lots (Lots 1 to 33)
 - b. 2 blocks for stormwater management (Blocks 34 and 36)
 - c. 1 block for open space (Block 35)
 - d. 1 future road (Street 'A')
 - e. 0.3 metre reserves (Blocks 37 and 38)
 - f. 2 daylight triangles (Blocks 39 and 40)
 - g. 1 road widening (Block 41)

The legal description of the subject lands is Part of Lot 9, Concession 7, Plan 117, Part of Lots 71, 75, and 78, and Lots 72, 73, 74, 85, 86 & 87 and unnamed street, Part 1, Plan 16R-10979, Township of Georgian Bluffs, geographic Township of Derby, County of Grey.

2. 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.
3. 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.
4. 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.
5. That the road (Street 'A') 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 the County of Grey, 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.

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6. That wording be included in the Subdivision Agreement to note that entrances to lots from the internal road (Street 'A') of the subdivision be to the satisfaction of the Township of Georgian Bluffs.
7. That wording be included in the Subdivision Agreement to;
 - a. note that entrances to lots off Grey Road 5 be to the satisfaction of the County of Grey, and will require entrance permits from the County Transportation Services department,
 - b. ensure that the County has received remainder of the 17 feet or 5.18 metres road widening that has not been attained along Grey Road 5, shown as Block 41 on the plan,
 - c. reference the 0.3 metre reserves (Blocks 37 and 38) to restrict direct access onto Grey Road 5, and
 - d. ensure that the daylight triangles (Blocks 39 and 40) at the intersection of Street 'A' and Grey Road 5 meet the standards of the County of Grey and the Township and be deeded to the County.
8. That the developer apply for an exemption to the County Transportation Services department with respect to the separation distance between intersections, for the new intersection of Street 'A' and Grey Road 5. Prior to final approval of the plan of subdivision, the intersection exemption shall be granted, only when the criteria of the County of Grey have been satisfied.
9. 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, to the satisfaction of the Township and the Grey Sauble Conservation Authority. This report shall include such matters as building & sewage system envelopes, wells, lot grading, and sediment control measures. This report should also ensure that run-off, including the storm water and spring snow melt, does not adversely affect neighbouring 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 or the County.
10. That the stormwater management blocks (blocks 34 and 36) and the open space block (block 35) be deeded to the Township of Georgian Bluffs.
11. That the Subdivision Agreement contain a provision requiring that steel casings for water supply wells be grouted in place to a minimum depth of 12 m below ground surface for each lot.

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12. That the Subdivision Agreement contain a provision requiring the developer to provide documentation that wells not used for monitoring or domestic use have been decommissioned in accordance with Ontario Regulation 903, as amended.
13. That prior to final approval of this plan of subdivision the developer submit a Conceptual Servicing Plan that illustrates proposed structures, driveways, amenities, wells, and private sewage systems on each lot to the satisfaction of the Township of Georgian Bluffs.
14. That prior to final approval, the developer propose baseline water quality sampling consistent with the recommendations of the Peer Review prepared by WSP and dated August 26, 2019. This will be at the expense of the developer, to the satisfaction of the Township of Georgian Bluffs and County of Grey and implemented through wording in the Subdivision Agreement.
15. The Subdivision Agreement shall include provisions for protecting the ecological and natural heritage features of the lands, and implementing Mitigation Measures 17.1 and 17.2 of the Environmental Impact Study (EIS) dated July 2018 completed by AWS Environmental Consulting, to the satisfaction of the Grey Sauble Conservation Authority.
16. That a removal of holding provision be implemented on the property or a clause in the Subdivision Agreement that requires the developer to demonstrate how they have complied with the EIS mitigation measure 17.1 prior to any development or alteration on the property to the satisfaction of the Grey Sauble Conservation Authority and the Township.
17. That wording be included in the Subdivision Agreement requiring the development of lots adjacent to the drainage and seep features demonstrate compliance with EIS mitigative measure 17.2b. and 17.2.d. to the satisfaction of the Grey Sauble Conservation Authority and the Township.
18. That wording be included in the Subdivision Agreement that a permit be required from Grey Sauble Conservation Authority for development and/or site alterations within the areas subject to Ontario Regulation 151/06.
19. That all easements and or agreements for drainage, gas line, telecommunication, 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.
20. That wording be included in the Subdivision Agreement requiring the siting and installation of a single Community Mail Box to service mail delivery for the thirty-three lots, to the satisfaction of Canada Post. The applicant shall further provide the following for the Community Mailboxes:

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- 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 final grading has been 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.

21. The owner shall agree in the Subdivision Agreement to the following:

- a) Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48 (1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the Ontario Heritage Act;
- b) That anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.

22. Prior to final approval, the County is advised in writing from the Grey Sauble Conservation Authority that Draft Plan Conditions 9, 10, 15, 16, 17 and 18 have been addressed to their satisfaction.

23. Prior to final approval, the County is advised in writing from Canada Post that Draft Plan Condition 20 has been addressed to their satisfaction.

24. Prior to final approval, the County is advised in writing from the County Transportation Services department that Draft Plan Conditions 7 and 8 have been addressed to their satisfaction.

25. Prior to the signing of the final plan by the County of Grey, the County is to be advised that all Draft Plan conditions have been carried out to the Township's satisfaction.

26. 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.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to

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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 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, Rural Route # 3,
Owen Sound, ON, N4K 5N5

Grey Sauble Conservation Authority
237897 Inglis Falls Road, Rural Route # 4,
Owen Sound, ON, N4K 5N6

Grey County Transportation Services
595 9th Avenue East
Owen Sound, ON, N4K 3E3

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

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drainage system, is subject to the approval of the Ministry of the Environment, Conservation and Parks under the Ontario Water Resources 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.