

To:	Warden Halliday and Members of Grey County Council
Committee Date:	June 28 th , 2018
Subject / Report No:	PDR-CW-25-18
Title:	Balmy Beach Estates Redline Revision – 42T-2006-08 (former Byers Subdivision)
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Township of Georgian Bluffs
Status:	Recommendation adopted by Committee of the Whole as presented as per Resolution CW171-18; Endorsed by County Council on July 12, 2018.

Recommendation

1. That Report PDR-CW-25-18 be received and that the redline revisions for Plan of Subdivision File 42T-2006-08 Balmy Beach Estates are approved subject to the revised conditions set out in the attached Notice of Decision.

Executive Summary

Draft Plan of Subdivision 42T-2006-08 was draft approved by the County on August 16, 2011. The draft approved subdivision is located in the settlement area known as Balmy Beach. The draft approved subdivision includes a total of nine (9) single detached residential lots. The County has received an application for proposed revisions to the draft plan. The proposed revisions are required in order to deed an additional 16 feet to the Township based on existing utilities being discovered while preparing the site for development. The Township recommended that the lands where the utilities were discovered be deeded to the Township. The existing number of draft approved lots would remain the same.

Background and Discussion

Plan of Subdivision Application 42T-2006-08 received draft approval on August 16, 2011. The development is known as Balmy Beach Estates and is formerly known as the Byers Subdivision. The draft approved subdivision includes a total of nine (9) single detached residential lots, an open space block, one block to be added as part of the existing Township road allowance and one block for a daylight triangle and road widening for Grey Road 1. The subject lands are described as Part of Lot 17, Concession 3, Part Lot A, Plan 171, Township of Georgian Bluffs,

geographic Township of Sarawak. The lands are located within the Balmy Beach settlement area (see Map 1).

The County has received an application proposing revisions to the draft plan. The revisions are required in order to deed more land to the Township based on existing utilities being discovered while preparing the site for development. An additional 16 feet is proposed to be added to Block 12 which would run along the frontage of the draft approved lots and would be added as part of Balmy Beach Road (See Map 2).

A copy of the application form and revised plans can be found under the 'Township of Georgian Bluffs' tab and under the 'Balmy Beach Estates' tab at the link below:

[Link to Application Form and Revised Plans](#)

Map 1: Subject Lands



Comments Received

The following are comments received from various agencies:

Township of Georgian Bluffs

Township of Georgian Bluffs staff have indicated that an amendment to the zoning by-law is not required for the proposed revisions. The expansion of Block 12 to add more land to Balmy Beach Road

was recommended by the Township following the discovery of utilities during site preparation work. Township staff further noted that following the approval of the current redline revision application; the subdivision agreement will be amended as required and re-registered.

Grey Sauble Conservation Authority

The County was provided a copy of the permit issued by Grey Sauble Conservation Authority for the proposed subdivision. The County also received an email from Grey Sauble Conservation Authority indicating that conditions of draft approval have been addressed to their satisfaction.

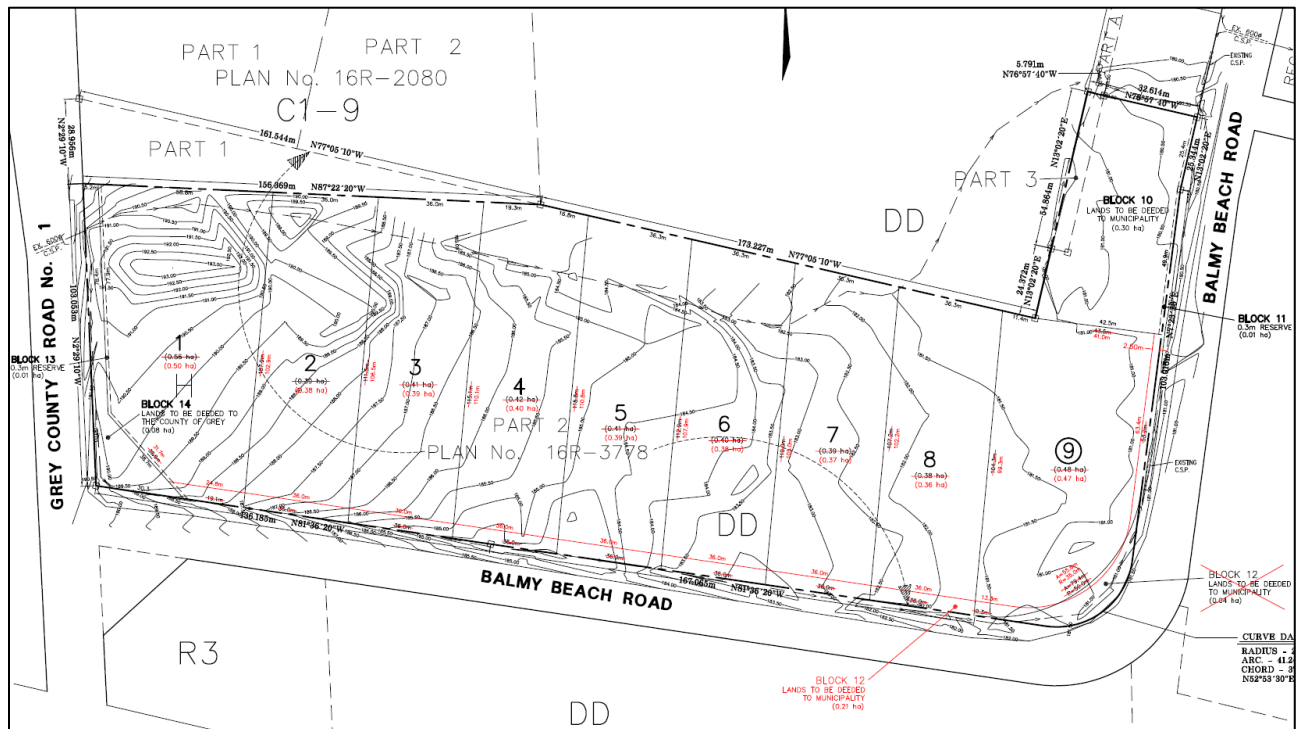
Hydro One

No comments or concerns at this time.

County Transportation Services

No further comments at this time.

Map 2: Proposed Redline Revisions



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) 2014, and conform to any official plans that govern the subject lands. In this case, both the County of Grey Official Plan and the Township of Georgian Bluffs Official Plan have jurisdiction over the subject

property. Majority of the planning analysis was conducted as part of the original draft approval in 2011. The following is a link to the previous staff report for the original draft approval – [PDR-PCD-26-11](#).

Provincial Legislation – The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act 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* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act.

The proposed redline revisions would have regard for matters of Provincial Interest under *The Planning Act*.

Provincial Policy Statement (PPS)

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development and intensification. The subdivision is located within a designated settlement area in the Township of Georgian Bluffs. The proposed development will be serviced with municipal water and septic systems. The previous technical studies submitted with the original application indicated that the proposed servicing is acceptable based on the site conditions.

It can be concluded that the proposed draft plan of subdivision, with the recommended conditions of draft approval, is consistent with the PPS.

County of Grey Official Plan

The County Official Plan designates the subject lands as ‘Secondary Settlement Area’. Significant Woodlands are also located on portions of the subject lands. Most of the Significant Woodlands on the property are located within the open space block and along the rear portion of the lots. A watercourse runs along the north portion of the subject lands. An existing condition of draft approval requires that a 30 metre setback from the watercourse be established as an environmental protection zone with no buildings or structures being permitted within this zone.

Township of Georgian Bluffs Official Plan

Township staff have reviewed the redline revision against both the Township Official Plan and Zoning By-law and have not identified any conformity issues or concerns in this regard.

It is County staff’s opinion that the proposed revisions have regard for matters under the Planning Act, are consistent with the Provincial Policy Statement and conform to the County Official Plan and the Township Official Plan, subject to the revised conditions of draft approval attached to this Report.

Legal and Legislated Requirements

The proposed redline revision has been processed in accordance with the *Planning Act*, and County staff are satisfied that the requirements of the legislation have been complied with.

Financial and Resource Implications

At this point there are no financial, staffing, legal or information technology considerations. The County has collected a fee for the redline revision application.

Relevant Consultation

Internal – County Transportation Services

External – Township of Georgian Bluffs, Grey Sauble Conservation Authority, and other prescribed agencies

Appendices and Attachments

Draft Notice of Decision and Revised Conditions of Draft Approval as attached
[Previous Notice of Decision/Conditions of Draft Approval](#)

Applicant: 1758506 Ontario Inc.

File No.: 42T-2006-08

Municipality: Township of Georgian Bluffs

Location: Part of Lot 17, Concession 3, Part Lot A, Plan 171, Township of Georgian Bluffs (Geographic Township of Sarawak)

Date of Decision:

Date of Notice:

Last Date of Appeal:

NOTICE OF DECISION

On Application for Revision to Approval of Draft Plan of Subdivision under Subsection 51(45) of the Planning Act

Draft Plan Approval was originally given on August 16, 2011. Revised 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.

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 lands are located.

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 persons or public body shall be added as a party to the hearing of the appeal regarding any changed conditions imposed by the approval authority, unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the 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.

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.

Applicant: 1758506 Ontario Inc.

File No.: 42T-2006-08

Municipality: Township of Georgian Bluffs

Location: Part of Lot 17, Concession 3, Part Lot A, Plan 171, Township of Georgian Bluffs (Geographic Township of Sarawak)

Date of Decision:

Date of Notice:

Last Date of Appeal:

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.

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: 1758506 Ontario Inc.

File No.: 42T-2006-08

Municipality: Township of Georgian Bluffs

Location: Part of Lot 17, Concession 3, Part Lot A, Plan 171, Township of Georgian Bluffs (Geographic Township of Sarawak)

Date of Decision:

Date of Notice:

Last Date of Appeal:

Plan of Subdivision File No. 42T-2006-08 has been revised and granted draft approval. The draft plan is hereby revised. The County's conditions of final plan approval for this draft Plan of Subdivision are amended as follows:

No. Conditions

1. Condition 1 of the draft plan conditions approved on August 16, 2011 is hereby deleted and replaced with the following:

That this approval applies to the draft Plan of Subdivision as prepared by GM BluePlan dated May 8, 2018, showing a total of nine detached residential lots (Lots 1 to 9), one open space block (Block 10), two 0.3 metre reserve blocks (Blocks 11 and 13), one block to be added as part of the existing road allowance (Block 12), and one block for a daylight triangle and 5 metre road widening (Block 14) on Part of Lot 17, Concession 3, Part Lot A, Plan 171, Township of Georgian Bluffs, geographic Township of Sarawak, County of Grey.

2. That all other conditions of draft approval as granted on August 16, 2011 remain in effect.