



Committee Report

To:	Warden Milne and Members of Grey County Council
Committee Date:	April 13, 2023
Subject / Report No:	Shahabi Subdivision / Addendum to PDR-CW-02-21
Title:	Shahabi Subdivision Final Report 42T-2020-05
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 CW63-23; Endorsed by County Council on April 27, 2023, per Resolution CC35-23.

Recommendation

1. That Addendum to Report PDR-CW-02-21 be received; and
2. That all written and oral submissions received on plan of subdivision 42T-2020-05 known as the Shahabi 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-2020-05 for lands described as Plan 447 Part Lot 51, Lot 52, Lot 52A, in the Township of Georgian Bluffs (geographic Township of Sarawak), the Grey County Committee of the Whole approves this plan of subdivision to create a total of six (6) residential lots, and one block for access and drainage purposes, subject to the conditions set out in the Notice of Decision.

Executive Summary

The proposed subdivision application, known as Shahabi Subdivision (County file number 42T-2020-05), will create 6 single detached dwelling lots and one access/drainage block. This property is approximately 0.5 kilometres (km) south of East Linton and 1.7 km north of Balmy Beach in the former geographic Township of Sarawak, now in the Township of Georgian Bluffs. The lots will have access onto Balmy Beach Road, an existing open public road maintained year-round by the Township. Servicing will be via partial services, connecting to municipal water and installing individual private septic systems. Several technical reports have been submitted with the proposed subdivision application. Public input was considered throughout the development review process, which also included a peer review, and has helped shape this recommendation. Based on input received, and staff's analysis of the proposed plan of subdivision (County file # 42T-2020-05), 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 known as Shahabi subdivision that proposes to create 6 single detached dwelling lots and one block for access and drainage purposes. The Township of Georgian Bluffs has requested the 6-metre-wide block for access and drainage purposes. Access to each of the newly created lots will be provided by Balmy Beach Road, an existing public road maintained year-round by the Township. The proposal is to service the new lots with partial services; municipal water and individual private septic systems. A peer review was conducted to ensure that the servicing and stormwater management methods meet the applicable standard at the provincial and Township levels.

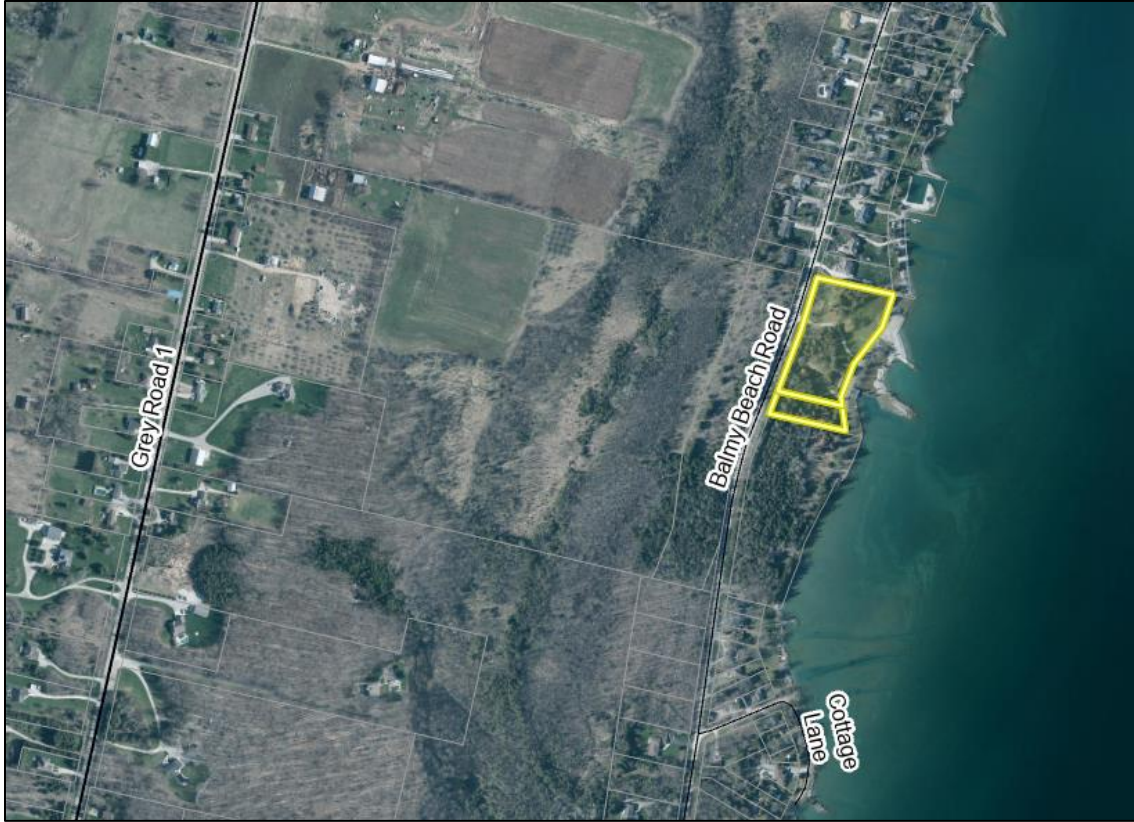
The subject lands are legally described as Plan 447 PT Lot 51, Lot 52, Lot 52A (municipally known as 345 and 355 Balmy Beach Road), geographic Township of Sarawak, in the Township of Georgian Bluffs. These properties previously housed a former seasonal resort where there are still existing structures, including: cottages, a gazebo, various outbuildings, perennial gardens, tennis courts and pools.

The subject lands are approximately 1.6 hectares (ha) in size, approximately 0.5 km south of East Linton and 1.7 km north of Balmy Beach. The lands immediately to the south are undeveloped, while the remaining lands in proximity to the subject property have been predominantly developed into seasonal and permanent residential dwellings. Map 1 below shows the subject lands (highlighted in yellow) and surrounding area, while Map 2 shows the proposed plan of subdivision.

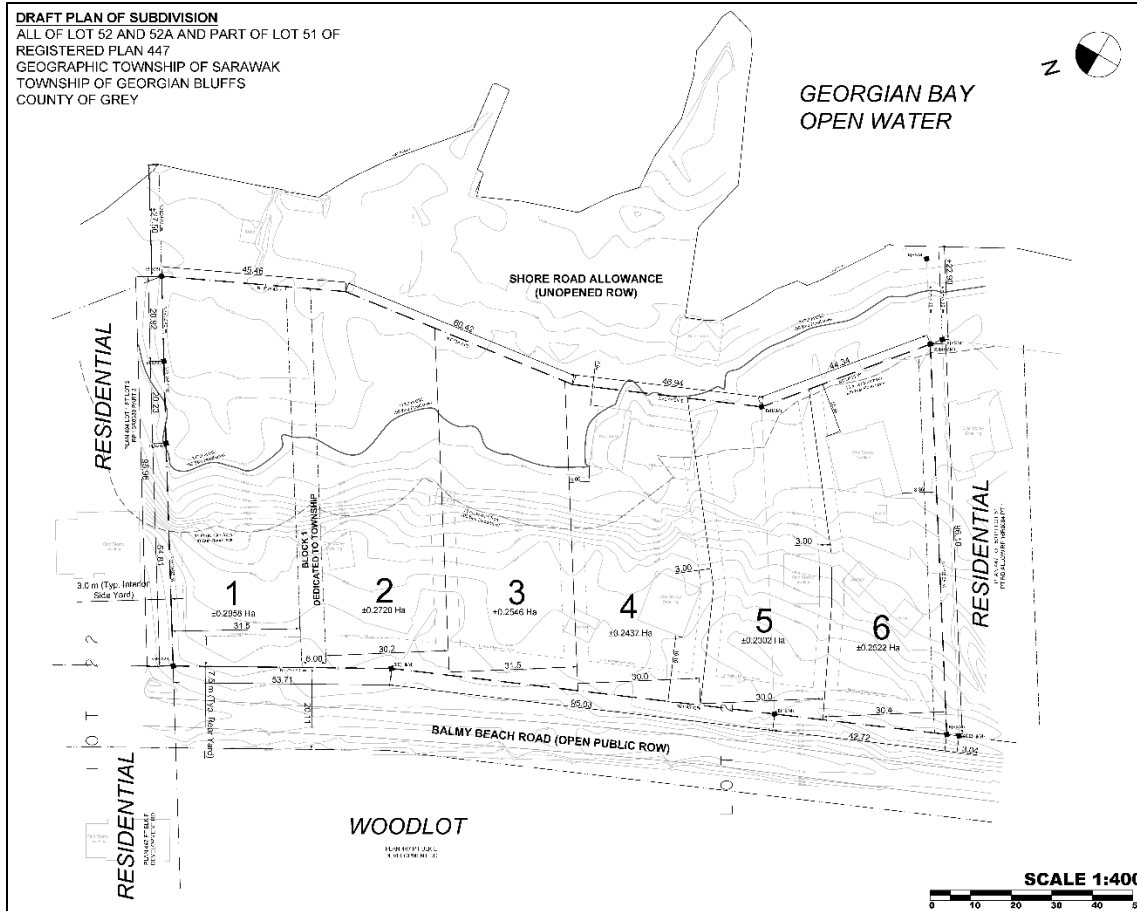
The purpose of this report is to formulate a recommendation with respect to the proposed plan of subdivision.

The County Official Plan designates the subject lands as 'Inland Lakes and Shoreline' and 'Hazard Lands'. The Inland Lakes and Shoreline designation is a designated settlement area in the County Plan.

The proposed development conforms with the local Township Official Plan and Zoning By-law, and no Township planning applications were required.



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



Map 2: Proposed Draft Plan of Subdivision

(Map 2 Courtesy of Cuesta Planning)

A number of background reports and technical studies were prepared in support of this development. Copies of all background reports and plans 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.

Agency Comments Received

Correspondence was received from the following agencies:

Grey Sauble Conservation Authority (GSCA)

In correspondence dated December 14th, 2020, the GSCA provided recommended conditions of draft plan approval, which have been incorporated into the conditions attached to this report. Since the GSCA initially provided their comments, these conditions have changed slightly, to reflect the GSCA's redefined role, following the passing of Bill 23 in November 2022. GSCA staff have provided guidance on which conditions were required to change.

Historic Saugeen Metis (HSM)

In correspondence dated November 27th, 2020, the HSM noted that they have no objection to the proposed land re-designation, rezoning, and subdivision application as presented.

Enbridge Gas Distribution

In correspondence dated November 24, 2020, Enbridge requested that as a condition of final approval that the owner provide the necessary easements or agreements for the provision of gas services to this development.

Hydro One

In correspondence dated November 26th, 2020, Hydro One noted that they have no concerns at this time.

Bruce Telecom

In correspondence dated November 20th, 2020, Bruce Telecom noted that they will not be affected by the subdivision.

Saugeen Ojibway Nation (SON)

The SON Environmental Office were engaged in pre-submission consultation on this application and completed on-site monitoring with the project archaeologist. SON noted that; *“Bill had a look at this and has no comments, changes or additions. Please proceed with your submission to MTCS.”*

City of Owen Sound

Through a staff report dated December 14, 2020, the City of Owen Sound supported the following staff recommendation:

“THAT in consideration of City Policy CS81 and Staff Report CS-20-152 respecting a proposed Plan of Subdivision in the Township of Georgian Bluffs, City Council:

- 1) Receives Report CS-20-152 for information;*
- 2) Indicates preliminary concerns with respect to the proposed Plan of Subdivision from a growth management and servicing perspective;*
- 3) Directs the City Clerk to provide a copy of this report together with Council’s resolution on the matter to the Township of Georgian Bluffs, the County of Grey, and the Ministry of Municipal Affairs and Housing as the City’s preliminary comment on the application;*
- 4) Request that the County provide a copy of the results of Servicing Options Study peer-review; and further,*
- 5) Requests 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 peer reviewed 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 Township water and individual septic systems, and that the proposed stormwater management for the site was appropriate.

Risk Management Office

In correspondence dated February 28, 2023, the Risk Management Office noted the following:

“From the information noted in the application for a proposed subdivision, it has been determined that neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities) applies on the above-noted property, pursuant to the Clean Water Act, 2006.

Consequently, no policies apply to the activities identified in the application, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that the above property is located within the Intake Protection Zone - 1 for the East Linton Drinking Water System, whereby the storage of fuel is regulated. If fuel storage greater 2,500L is planned as part of this application please contact this office to develop a Risk Management Plan.”

Township of Georgian Bluffs

Jennifer Burnett, Planner for the Township of Georgian Bluffs prepared a staff report (dated September 14th, 2022), which provided a detailed planning analysis, a summary of written and oral comments, and the Township’s recommended draft plan conditions. A copy of this staff report can be found at [this link](#).

Cuesta Planning Consultants, agent for the applicant, requested modifications to those draft plan conditions via a deputation to the Township Committee of the Whole, on the same evening Ms. Burnett presented her report. The Township did not support Cuesta’s request for modifications in this regard. A link to Cuesta’s supporting memo can be found at this [this link](#). Additional discussion on this matter is included later in this report.

Public Comments Received

A public meeting was held on October 20th, 2021 by the Township of Georgian Bluffs for the plan of subdivision application. A link to the public meeting minutes can be found at [this link](#).

Public comments were received from the following;

- Nancy Gawel,
- Shawna Macivor, co-signed by Bob Kanduth, Vivian McCaffrey, Jeff Bradford, Ellen Shearer, Vivian Wade, Jessica Jordan, Alex Wade, Tom Rice, and Julie Rice, and
- Shirley and John Reaburn.

A summary of the public comments with a staff response has been provided below.

Concern	Response
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<p>1. A need to balance development with the duty to act as guardians for the land and common good</p>	<p>County staff would concur with this comment. The subject lands are designated as a settlement area in the County Official Plan and zoned for development in the Township Zoning By-law. That said, there are still environmental and infrastructure considerations that guide the development of these lands. The developer has completed a series of technical reports. These reports were reviewed by agencies, Township/County staff, and a peer reviewer to ensure that this balance is being achieved and that adequate protections are in place to ensure the development can be safely accommodated.</p>
<p>2. Hazard Lands including drainage, water pooling, and flooding</p>	<p>The GSCA has reviewed the application, in addition to Township staff, and their peer reviewer to ensure that; (a) there will be no development in the Hazard Lands, and (b) there will be no drainage issues resulting from this development. With the recommended conditions of draft plan approval, staff are satisfied that this represents a safe location for development and that there will be no further flooding or drainage issues resulting from the development of this site. Staff would further note that there will be portions of the site which will remain undeveloped due to the mapped hazard lands on-site.</p>
<p>3. Impact on the environment and wildlife</p>	<p>In support of the development, the developer commissioned an Environmental Impact Study (EIS). Prior to the passing of Bill 23, GSCA staff reviewed the EIS and were generally satisfied with the recommendations of the EIS, subject to implementing the findings into the conditions of draft plan approval. The conditions recommended by the GSCA have been incorporated in the conditions attached to this report. These conditions will implement the recommendations of the EIS in accordance with provincial and local policies.</p>
<p>4. Consider not allowing development on lot 1</p>	<p>Based on the answers to items # 2 and # 3 above, lot 1 is still considered to be developable. That said, approximately two thirds of the lot will be undevelopable and therefore the building envelopes on-site will need to be in the front portion of the lot abutting Balmy Beach Road.</p>
<p>5. Restriction of access to the shoreline as a result of the proposed development</p>	<p>The proposed development lands are in between Balmy Beach Road and the shoreline road allowance. The proponent of this development does not own the shoreline road allowance and it will not be developed as a result of this development. County staff are not</p>

	aware of any plans to close access to the shoreline road allowance at this time, and it would not be this developer that would close said access. Beyond the proposed Block 1, any access between Balmy Beach Road and the shoreline road allowance through the developer's private property would continue to be restricted, just as it is today. It is important to note that Block 1 would not permit public vehicular access, but could allow pedestrian access.
6. Seeking further information on what is proposed on the property	Staff directed this individual to the County website where more information could be found and offered to answer any questions.

Table 1: Public Comments and Staff Responses

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 2019 County Official Plan does not map any significant environmental features on-site, as defined in the PPS. That said, the subject lands are in the adjacent lands of Georgian Bay and a Significant Woodland. An EIS was completed in support of the proposed development. The EIS did find a Butternut tree, and potential habitat for other species on-site. The Butternut is substantially decayed, and the developer is proposing a planting plan of 10 trees to replace the Butternut, which will need to be finalized in consultation with the Ministry of the Environment, Conservation, and Parks (MECP). GSCA staff have reviewed the EIS (pre-Bill 23) and have not identified any concerns that cannot be addressed through the attached conditions of draft approval.

Furthermore, the subject lands are also mapped as being within an Intake Protection Zone (IPZ) 1. Residential development is generally not incompatible in an IPZ. The servicing report for this development has further noted the following:

“As per the approved Source Water Protection Plan for the Grey Sauble and Saugeen River watershed, there are no identified significant threats related to the construction of new septic systems within an IPZ. Therefore, individual septic systems are not prohibited in this IPZ.”

The Township’s Risk Management Official (RMO) has signed off on this application.

- (f) This section of the Inland Lakes and Shoreline settlement area is currently serviced with municipal water and individual septic systems. The developer undertook a servicing options report and servicing strategy for these lands. The nearest sewer services are over 5 km to the south (Owen Sound) or 3 km to the north (Cobble Beach). It is not feasible to extend municipal sewer services for these 6 lots. This work was subsequently peer reviewed on behalf of the Township and County by WSP. Subject to the recommended conditions of draft plan approval, WSP has concluded that the development can be serviced in accordance with provincial guidelines. Staff would note that there are conditions of draft plan approval (e.g., 8, 12, etc.) which speak to the additional servicing requirements which need to be met prior to registration of the subdivision, as per the peer review comments.

The proposed subdivision will be serviced by standard communications and utilities, as per existing development in the Balmy Beach and East Linton area.

The proposed development will not require the construction of any new roads, as the six lots will have access directly onto Balmy Beach Road, which is an open and maintained public road.

- (h) The proposed development is within a designated settlement area. Surrounding the development within the settlement area are a mixture of residential (north and further south) and treed (west and abutting to the south) properties. The type of residential development being proposed is common along the shoreline in this, and many other parts of the County. The Inland Lakes and Shoreline settlement area provides for limited new residential development. This designation does not support larger multi-residential forms of development (e.g., apartment buildings, townhouses, etc.) that would require full municipal services.
- (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 partial services including individual septic systems, which are not generally appropriate for higher density development. 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 (i.e., lots near the waterfront) and size of lots, County staff do not believe that this development will meet the affordable definition.

- (o) As noted above in the public comments section, there will be sections of the property which are undevelopable based on the potential for flooding associated with Georgian Bay. Development will not be permitted in these sections of the property. A suitable building envelope has been identified on each of the 6 lots which meets zoning and setback requirements.
- (p) The subject lands are in a designated settlement area and have been zoned for Shoreline Residential. 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 some commercial in Balmy Beach.
- (q) Development of this scale is not conducive to the provision of public transit, and nor are there any transit routes which run on Balmy Beach Road. This scale of development is common in smaller privately or partially serviced settlement areas across the Township, County, and Province. Development of this nature is still generally car-oriented, with the exception of walking to local recreational amenities (i.e., many use the shoreline road allowance for walking and access to the Bay). That said, the abutting shoreline road allowance is currently used as a walking area for residents in the area.

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)

Several 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 County Official Plan. Section 1 of the PPS directs most new development and redevelopment to settlement areas across the province.

The PPS speaks to an appropriate range of land uses in settlement areas, including infilling and rounding out of existing development. The proposed development will only include residential development, which is common to large portions of the Inland Lakes and Shoreline settlement area. 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.

Section 1.6.6 of the PPS provides a servicing hierarchy for new development wherein full municipal services are atop the hierarchy. Partial services are permitted “*within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*” The City of Owen Sound, through their comments, raised questions with the proposed servicing, and whether the development constitutes “*infilling and minor rounding out of existing development*”, as per section 1.6.6.5 of the PPS (as it pertains to partially serviced development). Neither ‘infilling’ or ‘rounding out’ are defined terms in the PPS or County Official Plan, but staff are satisfied that given the amount of development to the north and south of this development in the Inland Lakes and Shoreline settlement area, that this would qualify in this

regard. Staff would note that the County Plan does allow for lot creation on partial services. The developer has completed 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) Guidelines. Additional analysis on this component has been included in the review of the County Official Plan policies discussed below. Furthermore, the six lots will be on an existing road, without requiring any new roads to be built.

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 is necessary”*. 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. The Archaeological Assessment has been accepted into the provincial register, and SON monitors were on-site as the assessment was being conducted. SON staff noted that they had no further comments on this assessment.

Section 3.1 of the PPS directs development away from areas of natural hazard. The GSCA has reviewed this development and offered recommended conditions of draft plan approval.

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

County of Grey Official Plan (Recolour Grey)

All new development proposals within the County must conform to the purpose and policies of the Official Plan.

The subject lands are designated as ‘Inland Lakes and Shoreline’ and ‘Hazard Lands’ in Recolour Grey. Much of the policy basis through Recolour Grey is similar to the PPS and *Planning Act* sections reviewed above.

There are no prescriptive density policies in the Inland Lakes and Shoreline designation. The predominant form of development in this designation is detached residential dwellings or small commercial uses. The proposed dwellings would conform to the Inland Lakes and Shoreline designation policies and be in alignment with neighbouring development to the north and south along Balmy Beach Road.

The Hazard Lands mapping is located outside of the proposed development envelopes for the new homes on this property.

Recolour Grey has detailed servicing policies which were approved by the province and thereby deemed to be consistent with the PPS. Sections 8.9.1(4) and 8.9.1(10) read as follows:

“(4) The following hierarchy of water or sanitary servicing options will be used to evaluate any development applications within the County, except where specific exclusions are made through this Plan or where more detailed policies have been

developed in a local official plan or secondary plan. The feasibility of the options will be considered in the following order of priority which will be assessed through a Servicing Options Study in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-5-3 Series Guidelines, or any subsequent update to these Guidelines:

- a) Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas*
- b) Private communal sewage services and private communal water services, where municipal sewage and municipal water services are not provided. Municipalities will require the entering into of a responsibility agreement and provision of sufficient financial assurance between the owner/operator and the municipality. The responsibility agreement is to ensure on-going maintenance of these systems is provided in order to avoid impacts to human health and the environment*
- c) Partial services in accordance with Section 8.9.1(10) or,*
- d) Individual on-site sewage services and individual on-site water services in accordance with the policies contained in Section 8.9.1.”*

“(10) Partial services must only be permitted subject to the completion of a servicing options study in accordance with 8.9.1(4) and in the following circumstances:

- a) Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
- b) Within settlement areas, to allow for development where partial services exist provided that:*
 - The development is within the reserve sewage system capacity or reserve water system capacity; and*
 - Site conditions are suitable for the long-term provision of such services as determined through the servicing options study.*
- c) Development on partial municipal services can include development of vacant and/or underutilized lots, as well as the creation of lots for infilling and minor rounding out, in accordance with the settlement area policies and the requirements noted above. Infilling and minor rounding out can include the creation of new lots from existing lots that are located within the current designated settlement area land use type subject to the findings of the Servicing Options Study.”*

As per section 8.9.1(10)(c) development on partial services can include lot creation. County staff are satisfied that the servicing policies have been addressed as the development is within a settlement area, has appropriate water capacity, and can be serviced with individual septic systems in a safe manner. Staff are further satisfied that given the level of development to the north and south in the settlement area, that this represents infilling or minor rounding out.

Township staff have determined that Balmy Beach Road is suitable for the 6 new dwellings and that entrances are available onto the road.

Environmental, drinking water source protection, and archaeological policies have generally been addressed in other sections of this report.

Staff are further satisfied that the policies of section 9.13, which are the criteria for plans of subdivision and condominium have been complied with.

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

County staff would generally concur with the Township staff report dated September 14, 2022 with respect to an analysis of Township Official Plan conformity. As such, County staff will not provide further analysis on the Township Official Plan.

It is however worth noting that there is one matter where the Township and the developer currently do not agree. The Township has requested a 6-metre-wide block (Block 1) between Balmy Beach Road and the shoreline road allowance. The purpose of this block is twofold; (1) to facilitate drainage, and (2) facilitate Township access to the shoreline road allowance for the purposes of rehabilitating and maintaining the existing shoreline road allowance. Township staff have noted that the Township wants to own this block of land for the following purposes:

“the Township is requesting the dedication of a 6 m block for stormwater and access purposes between lots one and two. A dedicated block would mean that the Township owns the land that contains its drainage infrastructure and can prevent drainage alterations made by landowners; an issue that the Township is currently addressing further north along Balmy Beach Road...”

The Township requires vehicular access to the Shore Road Allowance (SRA) to perform maintenance and rehabilitation/removal of the built structures on the SRA. Further to the Grey Sauble Conservation Authority comments, removal of structures on the SRA and rehabilitation of the area is recommended. A multi-year remediation and maintenance plan will need to be implemented and given the potential requirement to remove concrete and rebar, a safe access to accommodate construction type vehicles and equipment is required. An easement for access through a lot is not sufficient given that the full scope of the rehabilitation of the SRA is not known at this time.”

Proponent’s Perspective on Block 1

In a deputation to Township Council, the proponent’s planner, Ms. Genevieve Scott, has raised issues with the inclusion of Block 1. In her [September 8, 2022 Memo](#), Ms. Scott outlines her client’s concerns with respect to this approach. The memo outlines the proponent’s concerns in detail, but a general summary of the concerns is as follows:

- A. ‘a culvert is not needed at this location, and a swale would suffice to convey off-site drainage, which is also the more economical option,
- B. the timing and details of the SRA rehabilitation are not known, and such rehabilitation may trigger an Environmental Assessment (EA),
- C. the proponent is willing to grant temporary access and cost-share on the SRA rehabilitation, provided it’s done in a timely fashion,

- D. having an access here could impact property values of the proposed lots and encourage further nuisance or trespass in this area,
- E. additional access to the SRA is not needed here as there are already accesses to the north and south of this property, and
- F. the existing boathouse should be permitted to remain on the SRA'.

Additional Discussion on Block 1

Since last September, there have been additional discussions between Ms. Scott, Township staff, and County staff. Item A above has generally been resolved through these additional meetings, wherein the following items were agreed to (as summarized by Ms. Scott):

1. *“The Township has requested a block of land (versus an easement) for future drainage and municipal access purposes as part of the draft plan approval conditions. Currently there are no Township plans to install drainage or access infrastructure at this location.*
2. *If and when the infrastructure is installed, the Township will be responsible for the installation (and associated costs) as the infrastructure is not required by the proposal.*
3. *Until the infrastructure is installed, the block will remain in an unaltered condition (likely grassed).*
4. *If and when a municipal access is installed, the surface treatment will be graveled to a width required by municipal vehicles. Fencing is not expected to be required.*
5. *If and when the access is installed, the Township will gate the access and provide signage indicating the lane is for municipal access purposes (or similar wording).*
6. *As the block would be municipally owned, pedestrians may access the shore road allowance via the block.”*

Township staff have agreed with items 1 – 6 above and further noted that: *“The Township would likely upgrade the culvert when the watermain works are being installed.”*

With respect to items B – F County staff would offer the following comments.

- B. the timing and details of the SRA rehabilitation are not known, and such rehabilitation may trigger an Environmental Assessment (EA),
- C. the proponent is willing to grant temporary access and cost-share on the SRA rehabilitation, provided it's done in a timely fashion,

Staff Comment: County staff understand through discussions with the Township, that the full cost of the SRA rehabilitation is not yet known, and may not be fully known until further detailed investigations can occur (which may or may not trigger the need for an EA). Once those final costs are known the Township would then need to assess where that work fits within future Township budgets and workplans. Given these uncertainties, at this stage the Township cannot commit to a timeline for when these works would be completed. Furthermore, given the scope of work that may be required, and the possible need for heavy equipment to complete this work, Township staff have concerns with respect to using other accesses to the SRA, and the disturbance that could cause.

County staff can appreciate the developer's desire that this work get completed ASAP, and appreciate the offer to cost-share, so as to minimize the impact on future homebuyers in this development. That said, County staff can also understand the Township's rationale for requiring

this access, and not being able to commit to a timeline for rehabilitation given the uncertainties around scope and budget.

- D. having an access here could impact property values of the proposed lots and encourage further nuisance or trespass in this area,

Staff Comment: Property values are not something a County Planner can consider under the existing legislative and policy framework. Although staff can certainly understand why this is of primary concern to any landowner or developer, it is not something that staff can factor into our recommendations on development applications.

With respect to access, Township staff have noted that Block 1 will be gated, so as to prevent any unauthorized vehicular access along the Block. Pedestrian access would be feasible via this block, or any of the other accesses to the SRA, such as Cottage Lane. The SRA is not currently restricted from public access. Should any future landowners of the proposed lots choose to install fencing or landscaping to demarcate their property boundaries and prevent access onto private property they would be free to do so. If there is any illegal activity happening on the SRA, then that's a matter for either by-law enforcement or police, and not something that can be addressed through a subdivision approval. The County Official Plan is generally supportive of public access to the waterfront, and County staff do not view the inclusion of Block 1 as incompatible with the proposed neighbouring residential lots.

- E. additional access to the SRA is not needed here as there are already accesses to the north and south of this property, and

Staff Comment: The County Plan does contain policy which promotes public access to waterfront or beach (where applicable) through section 9.13(1)(j), which is the criteria for plans of subdivision and condominium. Staff understand Ms. Scott's points with respect to the fact that there are other SRA accesses in relatively close proximity to this development. That said, County staff believe, through speaking with Township staff, that the primary need for Block 1 is to facilitate (a) the future culvert, and (b) vehicular access to the SRA to facilitate future rehabilitation or maintenance. As per above, these works may require the use of heavy equipment which this access would facilitate, thereby causing minimal impact on existing landowners in the area. Although pedestrians could utilize Block 1, that is not the primary reason for the inclusion of Block 1. Staff would also note that the number of accesses needed to the SRA may be somewhat subjective (i.e., how many is enough), but, with so much of the County's waterfront being in private ownership, it is nice to allow for public access where feasible.

- F. the existing boathouse should be permitted to remain on the SRA'.

Staff Comment: County staff take no position on this matter and would simply defer to the Township.

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

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: Dr. Mehran Shahabi

File No.: 42T-2020-05

Municipality: Township of Georgian Bluffs

Location: 345/355 Balmy Beach Road, Plan 447, Part Lot 51. Lot 52, Lot 52A, geographic Township of Sarawak

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 Ontario Land 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 Ontario Land 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 Ontario Land 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 Ontario Land 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 Ontario Land Tribunal (OLT) 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 OLT website or contact OLT - <https://olt.gov.on.ca/about-olt/>

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.

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File No.: 42T-2020-05

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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

None

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. Scott Taylor, MCIP, RPP, Director of Planning and Development

Applicant: Dr. Mehran Shahabi

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Plan of Subdivision File No. 42T-2020-05 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 this approval applies to the draft plan of subdivision located on the property legally described as 345/355 Balmy Beach Road, Plan 447, Part Lot 51, Lot 52, Lot 52A, geographic Township of Sarawak, Township of Georgian Bluffs, County of Grey, prepared by Cuesta Planning Consultants Inc. issue date August 10, 2020 and a last revision date of February 9, 2022, showing the following:
 - Six (6) residential lots, each gaining access off Balmy Beach Road,
 - One (1) 6-metre-wide block extending from the lot line abutting Balmy Beach Road to the Shore Road Allowance for approximately 95.95 m to be deeded to the Township for drainage and access to the shore road allowance.
2. The Owner shall enter and execute a Subdivision Agreement, in accordance with these Draft Plan Conditions, prior to final approval and registration of the Plan, to satisfy these conditions and all financial, legal, and engineering matters, including landscaping and the installation of municipal services, and other requirements of the Township of Georgian Bluffs ("the Township") and the County of Grey ("the County"), as well as any statutory requirements of other government authorities, including the payment of all applicable development charges in accordance with the applicable Development Charges By-law(s).
3. That the Owner shall enter into development and other necessary agreements or obtain necessary approvals, satisfactory to the Township or any other appropriate authority before any development or site alteration within the plan including filling, grading, removing trees and/or topsoil, installing any works, or constructing any buildings or structures. These Agreements may deal with matters including but not limited to the following:
 - i. Engineering works which include municipal water, sanitary sewer services;
 - ii. Professional services including preparation of reports, plans, inspections, certifications and approval;
 - iii. Drainage, stormwater management;
 - iv. Storm sewers and infiltration galleries;
 - v. Road construction, cul-de-sac and intersection;
 - vi. Securities, cash contributions, development charges;
 - vii. Emergency services;
 - viii. Land dedications and easements, reserves;
 - ix. Hydro, Street Lighting, Natural Gas and Telecommunication Utilities;
 - x. Architectural Control;
 - xi. Grading and sodding;
 - xii. Fencing & Landscaping;

- xiii. Trails/walkways;
- xiv. Fire Break Plan, if required;
- xv. Construction Implementation and/or Mitigation Measures;
- xvi. Warning clauses, signed entry features and safety hoarding;

The details of which may be indicated in correspondence from appropriate commenting agencies and/or departments.

4. The Owner shall agree in the Subdivision Agreement that all the works required by the Township, the County, other government authorities and utility providers for the development and servicing of the lands shall be designed and installed in accordance with the Township's Engineering Standards, and Provincial & Federal Guidelines & Standards, that are in effect at the date of execution of the Subdivision Agreement to the satisfaction of the Township. Where compliance with Township Engineering Standards necessitates offsite works, (i.e., stormwater management system upgrades) the owner shall enter into agreements with the Township and/or the County to implement the requisite offsite works, to the satisfaction of the Township.
5. Prior to final approval and registration of the subdivision by the County, if necessary, 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*, satisfactory to the Township.
6. That the Subdivision Agreement contain a clause, requiring restrictive covenants be registered on each property and included in all offers of purchase and sale that there is a 20 metre shore road allowance between the subject lands and the water that is owned by the Township of Georgian Bluffs and no site alteration, tree removal, pruning, vehicular access or occupation of the shore road allowance is permitted.

Servicing, Grading and Road Requirements

7. That prior to final approval by the County, a Site Servicing Plan is prepared to show how the development is fully serviced with septic systems and municipal water from the East Linton Water System to the satisfaction of the Township and the Grey Sauble Conservation Authority (GSCA). The cost of any revisions to the certificates or required improvements to the existing water plant required because of this development will be borne by the owner, and these terms shall be included as part of the registered Subdivision Agreement.
8. That the Subdivision Agreement shall include detailed designs of the onsite sewage systems considering localized hydrogeological conditions. A test pit and the preparation and submission of a test log and particle system curve be prepared and submitted for each of the six lots at the time a septic system permit application and to submit to the Chief Building Official for approval.

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9. That prior to execution of a Pre-Servicing Agreement and/or Subdivision Agreement with the Township, sufficient water capacity shall be available and confirmed by the Township.
10. That prior to final approval and registration of the Plan, the Township shall provide confirmation to the County that there is sufficient water capacity available and allocated to service the entire plan of subdivision, based on actual usage, as determined by the Township's monitoring of water flows.
11. That the Subdivision Agreement shall detail and confirm the water servicing capacity allocated to this plan of subdivision.
12. That prior to final approval, the required setbacks according to Table 8.2.1.6(A) and Table 8.2.1.6(b) of the OBC are addressed, particularly the suitability of the existing filter bed on Lot 4 shall be confirmed by a professional engineer to the satisfaction of the Township. Should the existing filter bed(s) not comply with Ontario Building code requirements, it/they shall be replaced.
13. The Subdivision Agreement shall contain the following provision: "*Prior to the initiation of any site grading or servicing, the Owner shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the Township that all wells and septic systems identified have been decommissioned (where required) in accordance with all applicable laws and regulations.*" A professional engineer shall be retained to conduct the capacity analysis for the sewage systems that are proposed to be retained, to the satisfaction of the Township.
14. That the Owner shall agree in the Subdivision Agreement to provide for all necessary installations and connections to any existing municipal storm drainage and water servicing systems to service the proposed development, to the satisfaction of the Township.
15. That prior to execution of a Pre-Servicing Agreement or Subdivision Agreement, a detailed engineering and drainage report will be provided which describes the stormwater drainage system for the proposed development on the subject lands to the satisfaction of the Township and GSCA. The Plan shall demonstrate how the drainage system will tie into the drainage of surrounding properties and how external drainage and site drainage is appropriately conveyed.
16. That the Subdivision Agreement shall include wording for the provision of Operation and Maintenance Manuals for any non-standard infrastructure that may be required, to the satisfaction of the Township.

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17. That the Subdivision Agreement shall contain specific clauses related to the required Ontario Building Code / Engineering Standards, as applicable, including but not limited to the following:
- i. The entrances be designed and constructed to the satisfaction of the Township;
 - ii. That suitable construction traffic routes are identified to the satisfaction of the Township; and,
 - iii. The street lighting system on roadways be designed and constructed to the satisfaction of the Township. The Subdivision Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant.

Utilities

18. That the Owner shall grant all necessary easements and/or blocks and/or enter into agreements for drainage, utility and servicing purposes, including CRTC-licensed telephone and broadcasting distribution, as may be required, to the appropriate agency or public authority.
19. The Owner, in consultation with the applicable utilities and Communications Service Providers, shall prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the subdivision, as well as the timing and phasing of the installation.
20. That the Subdivision Agreement include a clause requiring that the Owner agrees to relocate any existing utilities because of the subject development at the sole expense of the Owner.

Vegetation, Fencing and Streetscape Requirements

21. That prior to final approval, the Owner prepares a detailed tree retention and planting plan by a qualified consultant to the satisfaction of the Township. The Plan shall include amongst other matters:
- i. Special provisions to ensure that the existing vegetation on the periphery of the site be maintained and protected, where feasible, during the development process;
 - ii. Special provisions to ensure that existing vegetation on the adjacent lands be protected during development and construction; and,
 - iii. That said plan be incorporated into the Subdivision Agreement with the Township.
22. The Subdivision Agreement shall ensure that the Owner shall save and/or remove any trees and vegetation on the subject lands as required by the Vegetation Assessment / Vegetation Management Plan to the satisfaction of the Township.
23. That wording be incorporated into the Subdivision Agreement stating that the riparian rights of the Township will not be transferred to any other party and that no development

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of the shore road allowance will be permitted without the expressed written approval of the Township and GSCA.

24. That the Subdivision Agreement shall include wording that a permit be required from GSCA for development and/or site alterations within the areas subject to Ontario Regulation 151/06.
25. The Subdivision Agreement include the EIS mitigation measures, in wording acceptable to the Township.
26. Demonstration that the proposal has satisfied the Ministry of Environment Conservation and Parks requirements related to the *Endangered Species Act* to the satisfaction of the Township and the County.

Park and Open Space Requirements

27. The Owner shall pay cash-in-lieu of Parkland dedication of up to 5% to the Township, in accordance with the *Planning Act*. The Subdivision Agreement shall contain a provision to this effect.

Miscellaneous

28. That the Subdivision Agreement between the Owner and the Township provide for the dedication of 0.30 metre (1 foot) reserves to be conveyed to the Township, as deemed necessary, without monetary consideration and free of all encumbrances to be held by the Township to prohibit unauthorized access to adjacent lands.
29. That prior to final approval and registration, the Owner shall obtain a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries, that the Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
30. That the Owner shall agree in the Subdivision Agreement, prior to offering any of the residential lots for purchase, to display to prospective purchasers the approved location of all public walkways, mailboxes, environmental protection areas/tree preservation areas, and the lands defined as the shore road allowance. Accepted for Construction drawings should also be shared which show drainage blocks and easements, utilities, lighting, lot grading, landscaping, as applicable.
31. That prior to final approval and registration, a record of site condition is completed for the lands where the swimming pool is situated, to the satisfaction of the Township. Should the Owner satisfy the Township that a record of site condition is not required, then a record of site condition will not be needed. Prior to removal of this structure, it shall be ensured that any environmental concerns are addressed.

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Administration

32. Prior to final approval and registration, the Subdivision Agreement shall include special provisions addressing the following matters in wording acceptable to the Township:
- i. That the Owner shall agree that all vacant lots shall be rough graded such that best efforts are taken to ensure there is no standing water and shall be maintained in general conformance with the approved comprehensive grading plan. The Owner shall further agree in the Subdivision Agreement to topsoil and seed any rough graded area not proceeding to construction in a timely manner, to the satisfaction of the Township.
 - ii. That the Owner shall agree to engage a qualified engineer and that the Owner's Engineer certify that their reports conform with applicable standards to the satisfaction of the Township and GSCA and that the Engineer provides certification that the final constructed works conform to the approved design.
 - iii. That the Owner shall agree to engage a qualified engineer to review and certify that the completed pre-grading works comply with the pre-grading shown on the approved grading and drainage plan.
 - iv. The Owner, and/or any future Lot Owner, shall agree to engage a qualified consultant to prepare a Final Lot Grading Certificate prior to Final Inspection, indicating that the grading of the lot has been completed in conformity with the Approved for Construction Master Grading/Drainage Plan, and to submit to the Chief Building Official for approval.
 - v. The Owner shall agree that any temporary stormwater management, construction mitigation, sediment and erosion control measures be approved by the Township and in place prior to site alteration, except for site alteration to install such measures.
 - vi. That the Owner shall agree to obtain any required statutory permits from the County of Grey, Township, or any other applicable authority, prior to any site alteration.
 - vii. The Owner shall agree 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 section 48 (1) of the *Ontario Heritage Act*;
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*.

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- viii. The Owner shall agree to provide for all necessary installations and connections to any existing municipal storm drainage and water servicing systems to service the proposed development, to the satisfaction of the Township.
 - ix. The Owner shall agree that a municipal numbering system shall be assigned to the satisfaction of the Township regarding 911 emergency servicing. The Owner shall also agree in the Subdivision Agreement to display the lot number and corresponding assigned municipal address in a prominent location on each lot prior to and during all times of construction.
33. That prior to final approval, the County is advised in writing by the Grey Sauble Conservation Authority how Conditions 7, 15, 23, 24, and 32 have been satisfied.
34. That prior to final approval, the County is advised in writing by the Township how Conditions 1-32 have been satisfied.
35. This draft plan approval shall lapse on April 13, 2026. 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 together with the applicable application fee and a resolution/letter of support from the local municipality must be submitted to the County of Grey, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.
36. That prior to final approval, a copy of the fully executed Subdivision Agreement between the Owner and the Township shall be provided to the County of Grey.
37. That the Owner, submit to the Township and the County of Grey a digitized copy of the Final Plan in a format acceptable to the County of Grey.

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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 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 near 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 County Road 18
Owen Sound, ON, N4K 5N5

Grey Sauble Conservation Authority
237897 Inglis Falls Road, RR4
Owen Sound, ON, N4K 5N6
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 or a storm 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. The final plan approved by the County must be registered within thirty (30) days

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or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.