



Date Tuesday, February 15, 2022

From Jenn Burnett, Senior Planner

Subject Joint Report for Radbourne B11, B12 and B13-21 & Z-17-21

Report PL.2022.09

Recommendation

Comments received from the Saugeen Ojibway Nation request that the applicant submit an archeological assessment. Consistency with the Provincial Policy Statement 2020 cannot be determined at this time. It is recommended that PL.2022.09 Public Meeting Report for Z-17-21, B11-21, B12-21 and B13-21 for Radbourne, be received for information and any decisions on the applications be deferred to a future date.

Application Summary

Owners: Blair Radbourne & Cherilyn Radbourne

Agent: Ron Davidson Planning Consultant Inc.

Civic: 130 Maple Ridge Rd.,

Owen Sound, N4K 5N4

Legal: Part Lot 17, Concession 2

ARN: 4203 580 003 03300

Zoning Amendment Application

Z-17-21 proposes to rezone a

portion of the subject lands from

'RU' Rural to Residential to

facilitate severance applications

B11/21, B12/21 & B13/21. The

proposed lot sizes meet the

minimum lot area and frontage

for partially serviced lots in the

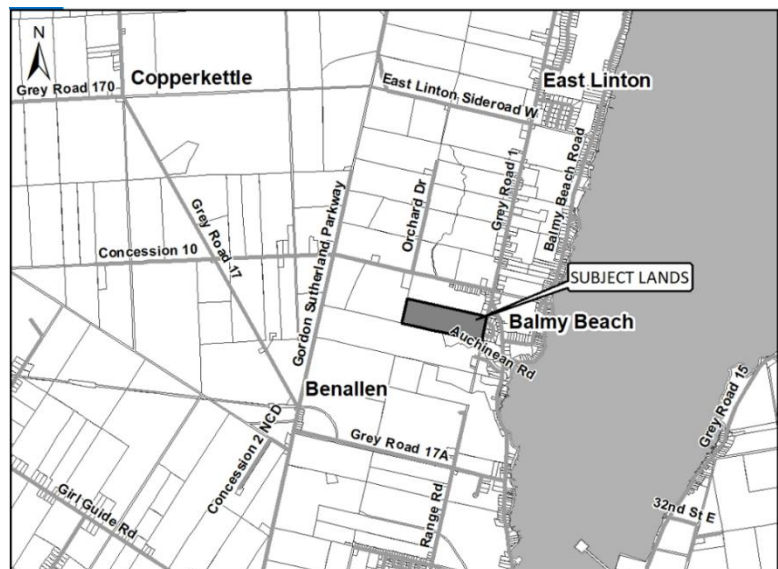
'R1' – General Residential zone.

In accordance with the

Environmental Impact Study, the 'EP' – environmental Protection zone boundary will be

realigned. Relief to Section 5.5c) will permit a 0 m setback to the realigned EP zone. The

lands within the Niagara Escarpment Plan area will remain zoned NEC.



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The new residential lots propose the following dimensions:

	B11-21	B12-21	B13-21	Retained
Frontage	+/- 66.45 m	+/- 31 m	+/- 38 m	159.13 m
Width: Rear Lot Line	+/- 66.45 m	+/- 31 m	+/- 38 m	294.58 m
Depth: Side Lot Line	+/- 76.6 m	+/- 76.6 m	+/- 76.6 m	1011.94 m
Area	+/- 5090 m ²	+/- 2374.6 m ²	+/- 2910.8 m ²	30.36 ha

In support of the application, the following reports were submitted:

- Planning Justification Report, prepared by Ron Davidson Land Use Planning Consultant Inc., dated November 30, 2021.
- Stormwater Management Report, prepared by Darryl M. Robins Consulting Inc., dated November 2021.
- Grading Plan & Site Plan, prepared by Darryl M. Robins Consulting Inc., dated November 2021.
- Environmental Impact Study, prepared by AWS Environmental Consulting Inc., dated December 2020.

Policies Affecting the Proposal

Provincial Policy Statement 2020, Grey County Official Plan (2019), Recolour Grey, the Township of Georgian Bluffs Official Plan 2014 and the Township of Georgian Bluffs Zoning By-law 2020-020.

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions 'be consistent with' provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal's conformity with the Provincial Policy Statement.

Under Section 4.6 of the PPS, the Official Plan is identified as, "the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies." (PPS 2020, pg. 35). Schedule 'A' of the Grey County Official Plan (GCOP) designates the subject property as Secondary Settlement Area and NEC and permits residential development within the settlement area designation. These lands have been under these designations since prior to 1997. Development within the portion of the property in the NEC designation is subject to the policies of Niagara Escarpment Plan, 2017. No development is proposed within the NEC lands as part of these applications.

The proposed development also falls within the Residential designation of the Township of Georgian Bluffs Official Plan, 2014 within the Balmy Beach Settlement Area. Section

1.1.3 of the PPS 2020, directs development to settlement areas. It states that the “vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.” It further states that “[s]ettlement areas shall be the focus of growth and development.” (PPS, 2020 Section 1.1.3.1). The application to create three lots within the settlement area of Balmy beach is supported by the Township Official Plan.

This area is partially serviced with municipal water from the East Linton Water system and individual on-site septic systems. The PPS, 2020 permits the provision of partial services in certain cases.

“1.6.6.5 Partial services shall only be permitted in the following circumstances:
b) 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 proposed development is considered to be infill development. The County Official Plan recognizes existing services. Section 8.9.1 (12) states, “[w]here municipal services pass by a property, new development will not be permitted unless a connection can be obtained.” The watermain is located on the west side of Maple Ridge Road directly in front of the proposed lots and installation of the water services will be overseen by the Operations Department.

The Township received several comments from area residents noting a lack of water pressure in their homes. Additionally, residents identified that the fire hydrant located within the road allowance in front of 128 Maple Ridge Crescent is painted black indicating that the hydrant was decommissioned. Staff reviewed the drawings for the watermain for this section of the water system. The neighborhood is serviced with 75mm (3 inch) line. Email comments from Ontario Clean Water Agency (OCWA) dated February 8, 2022 verify that four additional water services will not impact the existing water pressure to the Maple Ridge Subdivision properties.

“The 75 mm watermain on Maple Ridge Road should be able to accommodate 4 additional 19 mm water services without affecting available water volume to other residents. It may however affect available pressure to the first few properties situated south of the Indian Acre/Grey Road 1 Pressure reducing valve depending on the operation of said valve. Increasing flow through the pressure reducing valve may be enough to get the valve to open further hence allowing to sustain or even increase available pressure for those first few residences. However, should the flow increase to be enough to get the valve to open further, available pressure to the first few houses may be reduced.”

The comments from OCWA were reviewed by the Operations Department and it has been noted that the pressure reducing valve may need to be adjusted to accommodate

for any change in pressure to the affected properties north of the Maple Ridge Subdivision adjacent to Grey Road 1.

Council should be aware that through the watermain review conducted in 2019 the watermain in this neighborhood was recommended to be replaced with 150mm (6 inch) watermain. There are no upgrades planned for the watermain in this area within the next 5 years. When the watermain is upgraded, it will be funded from the water system reserves and potential grant funding.

Other comments expressed concern with the condition of the road with the anticipated water installations and construction traffic. The works to be considered for the installation of the services will be addressed through a Road Occupancy Permit and securities and insurance will be required. As the watermain is on the west side of the road, it is not anticipated that road cuts for installation of the water services will be necessary. There is no road work scheduled for Maple Ridge Road within the next 5 years.

Section 2.1 of the PPS 2020 directs that Natural features and areas shall be protected for the long term. The GSCA reviewed the proposed amendment in their review of impacts to Natural Heritage features on behalf of the Township and noted the following in their comments directly quoted from their January 31, 2022 correspondence:

“2.1.1 Natural features and areas shall be protected for the long term.

GSCA Comment: Natural heritage features and potential features were identified during the pre-consultation review and an Environmental Impact Study was requested to further assess the property, the features and proposal in relation to the Section 2.1 PPS policies. In this regard, the EIS identified natural heritage features in the form of fish habitat associated with the watercourse features, significant woodland associated with the woodland features, and potential for significant wildlife habitat associated with a species of special concern (Eastern Wood-pewee).

The EIS report outlines mitigation measures in section 16, page 24. GSCA is generally accepting of the recommended measures and their implementation through further planning tools. We note, there appears to be a discrepancy between the tree/vegetation clearing window between the EIS and the Planning Report. The restrictive window outlined in the EIS (April 1st to October 31st) is preferred. We should note, there is the potential for tree clearing to be over the total recommended limit based on the envelope sizes identified on the Grading Plan prepared by Darryl M. Robins. To address this, the Planning report identifies a limit of 0.1333 hectares of tree removal per proposed lot and is to be implemented through the zoning provisions to address this. The site-specific development plans will need to demonstrate they are within the envelopes and tree removal is at or below the recommended limit for each lot.

Provided the mitigation measures are implemented by the Township, we are of the opinion the proposal is consistent with the Section 2.1 PPS policies.”

Staff note the GSCA comment regarding the mitigation measures in the EIS and recommend that the owner enter into a site plan agreement with the Township as a condition of severance. The agreement will be registered on title to the lands at the expense of the owner and will specify development permissions in accordance with the mitigation measures in the EIS.

2.2 Water

“GSCA Comment: A Stormwater Management Plan was prepared by Darryl M. Robins Consulting Inc. to address stormwater quantity and quality measures for the site. The plan details the use of grassed swales within the Maple Ridge Crescent ROW and between Lots 2 & 3 to mitigate impacts to stormwater. The proposed swales generally meet the design qualifiers as per the MOE’s Stormwater Management Planning & Design Manual. We note, the proposed swale between lots 2 and 3 is along the proposed property boundary. Should the lots fall into separate ownership prior to the swale being constructed, it would be challenging for the swale to be installed and would require an agreement between the landowners. The Township may wish to consider requiring the swales to be installed through a site plan agreement and/or conditions of severance with clearance provided by the engineer upon their completion.”

Staff note the GSCA comment regarding the construction, certification and maintenance of the proposed swale and recommend that this be addressed through the above-note site plan agreement.

Section 3.0 of the PPS 2020, Protecting Public Health and Safety, directs that development shall be directed away from areas of natural or human-made hazards. GSCA comments indicate that “[n]atural hazards are associated with the flood and erosion potential of the Indian Creek valley and an unnamed watercourse.

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:
b) hazardous lands adjacent to river, stream and small inland lakes systems which are impacted by flooding hazards, and/or erosion hazards.

GSCA Comments: The EP zone is proposed to be re-aligned to the ‘No Development’ areas outlined in the site plan prepared by Darryl M. Robins Consulting Inc. and a 0 metre setback from the EP zone is proposed. As the ‘No Development’ areas include the appropriate setback allowances, no additional setbacks are necessary and the proposed lots identify suitable development envelopes outside of the hazard areas. As such, we are of the opinion the proposal is consistent with the Section 3.1 PPS policies.”

The GSCA comments are attached for Council's review.

Section 1.2 of the PPS, 2020 directs that municipalities shall engage Indigenous communities through the planning process:

"1.2 Coordination

1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters."

Further In Part IV: Vision for Ontario's Land Use Planning System, the PPS, 2020 provides;

"The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making." (PPS, 2020 Pg. 5)

The Notice of Complete Application and Public Meeting and Public Hearings was circulated to Saugeen Ojibway Nation (SON), the Historic Saugeen Metis and the Metis Nation of Ontario on December 17, 2021 and a request for the submission of an archeological assessment was received from SON. The applicant was advised of the request and has confirmed that an archaeological assessment will be conducted. In the absence of an archeological assessment, it cannot be determined that the applications are consistent with the Provisional Policy Statement 2020.

The Township of Georgian Bluffs Zoning By-law 2020-020 zones the subject lands 'RU' Rural, 'EP' Environmental Protection and NEC – Niagara Escarpment Commission. No development or site alterations is proposed within the lands zoned NEC. The application proposes to rezone a portion of the lands in the zoned RU-Rural to Residential 'R1' to facilitate the creation of three residential lots proposed through severance applications B11/21, B12/21 & B13/21 and to permit a 0 m setback to the EP zone. Residents identified concerns with the reduction of the EP setback to 0m. It should be noted that the required 15 m setback in the Zoning By-law is from the mapped EP feature. The re-aligned EP zone contains appropriate setback allowances, the GSCA provided comments that negate the need for additional setbacks as the proposed lots identify suitable development envelopes outside of the hazard areas. The EIS evaluated the actual features on the ground and provided mitigation measures to protect it. The 0m setback is supported by the Grey Sauble Conservation Authority.

Relevant Consultation

The Notice of Complete Application and Public Meeting was circulated to various agencies for review. The following comments were received:

- **Bell Canada** – in comments dated December 20, 2021 Bell Canada noted “no concerns with Applications for Consent B11/21, B12/21. B13/21 (and related zoning application) regarding 128 Maple Ridge Road.”
- **Grey Sauble Conservation Authority** - in comments dated January 31, 2022 GSCA noted “no objections to the approval of the subject applications provided the natural heritage and stormwater management implemented through the appropriate planning tools.
 1. Consistency with Section 3.1 of the PPS has been demonstrated;
 2. Ontario Regulation 151/06 does apply to the subject site. A permit will be required from GSCA for any development or site alteration within the regulated area;
 3. Consistency with Sections 2.1 & 2.2 PPS has been demonstrated;
 4. The subject site is located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.”

As an adjacent landowner they provide the following comment,

“The property adjacent to the south of the proposal is the Indian Falls property owned by GSCA. We respectfully request that the southerly property boundary along proposed Lot 1 be clearly delineated and we request to receive a copy of any survey completed in this regard.

- **Grey County Planning Department** - In comments dated January 27, 2022 the County notes that provided that,
 - “[p]ositive comments are received by the NEC and GSCA;
 - Positive comments are received from Georgian Bluffs Building Officials in relation to the (sic) any OBC requirements and long-term maintenance considerations for tertiary septic systems;
 - The mitigation measures recommended in the EIS are implemented as conditions of consent and/or through GSCA development permit conditions;
 - Mitigation measures are taken to ensure that stormwater is managed on site (such as the installation of the recommended grass swale).The County has no further concerns with the above application. The County requests notice of any decision rendered with respect to this application.
- **Niagara Escarpment Commission (NEC)** – in comments dated December 20, 2021 the NEC noted no concerns with the proposed severances.

- **Risk Management Office (RMO) Source Water Protection-** in comments dated December 17, 2021 the RMO noted, “This property is not located within a vulnerable source protection area where significant threat policies apply, therefore we have no further comment on this application under the Clean Water Act.”
- **Saugeen Ojibway Nation (SON)** – in comments dated December 17, 2021 SON provided the following comment, “Hi there, we won't engage at the bylaw amendment stage, but if the plan is to develop this as a subdivision in the future, please ask the proponent to contact the SON Environment Office directly.” In comments dated January 28, 2022, SON requested an archeological assessment. “Subdivision aside, this area has extremely high archeological potential (19th century Ojibway settlement and proximity to water etc.). The severance itself is just a line on a map, but it implies future disturbance. If any disturbance is contemplated for this site SON will require that an archeological assessment is done prior. SON will need to be notified when the arch assessment is initiated.”

Staff Comment: The applicant's agent has been notified of this request.

The Notice of Complete Application and Public Meeting was circulated to all property owners within 120 m of the subject property. Comments were received from the following residents are summarized below. The complete submissions are attached for Council's review:

Ken and Norma Aplin- in comments dated January 18, 2022 the Aplins expressed concerns with the new residential development resulting in impacts to the natural environment, the condition of the roads, area water pressure and drainage issues. Please read the full comment letter attached to this report.

Barb and Dave Carriere– in comments dated January 11, 2022, Ms. Carriere listed questions regarding on-site drainage, access to the farm field on the retained lot, limits on tree cutting, repair of damage to roads caused by truck traffic and preservation of the creek. Please read the full comment letter attached to this report

Peter and Kathryn Kaufman- The Kaufman's provided comments dated January 26, 2022. The comments are contained within a 28 page document that identifies concerns with ... they are in opposition to the applications. Please read the full comment letter attached to this report

Laura Daniels- Provided comments dated January 12, 2022 and expressed concerns related to surface water drainage and contamination of a spring fed creek. Please read the full comment letter attached to this report.

Larry MacLean/Jaye Wigston- Provided comments dated January 11, 2022 expressing concern that the existing water infrastructure may not be able to accommodate the addition 4 connections. They are opposed to the applications if the infrastructure needs to be upgraded and the residents are billed for the upgrade. Please read the full comment letter attached to this report.

Aaron Murray - Provided comments received January 27, 2022 expressing concern with he southern lot, but not specifying the exact concern. Other concerns identified are related to the infrastructure required for the development. Please read the full comment letter attached to this report.

Sue and Check O'Reilly- In comments dated January 16, 2022 the O'Reilly's identified the following concerns: the fire hydrant adjacent to their property was decommissioned due to the water pressure; the impact of development on the road, the impact of development on the watercourse, drainage and natural heritage features. Please read the full comment letter attached to this report.

Carol Parsons – In comments dated January 25, 2022, Ms. Parsons noted concerns related to the size of the proposed lots, the access to Lot 1, the impact of development on the road, drainage, aesthetics and environmental impact. Please read the full comment letter attached to this report.

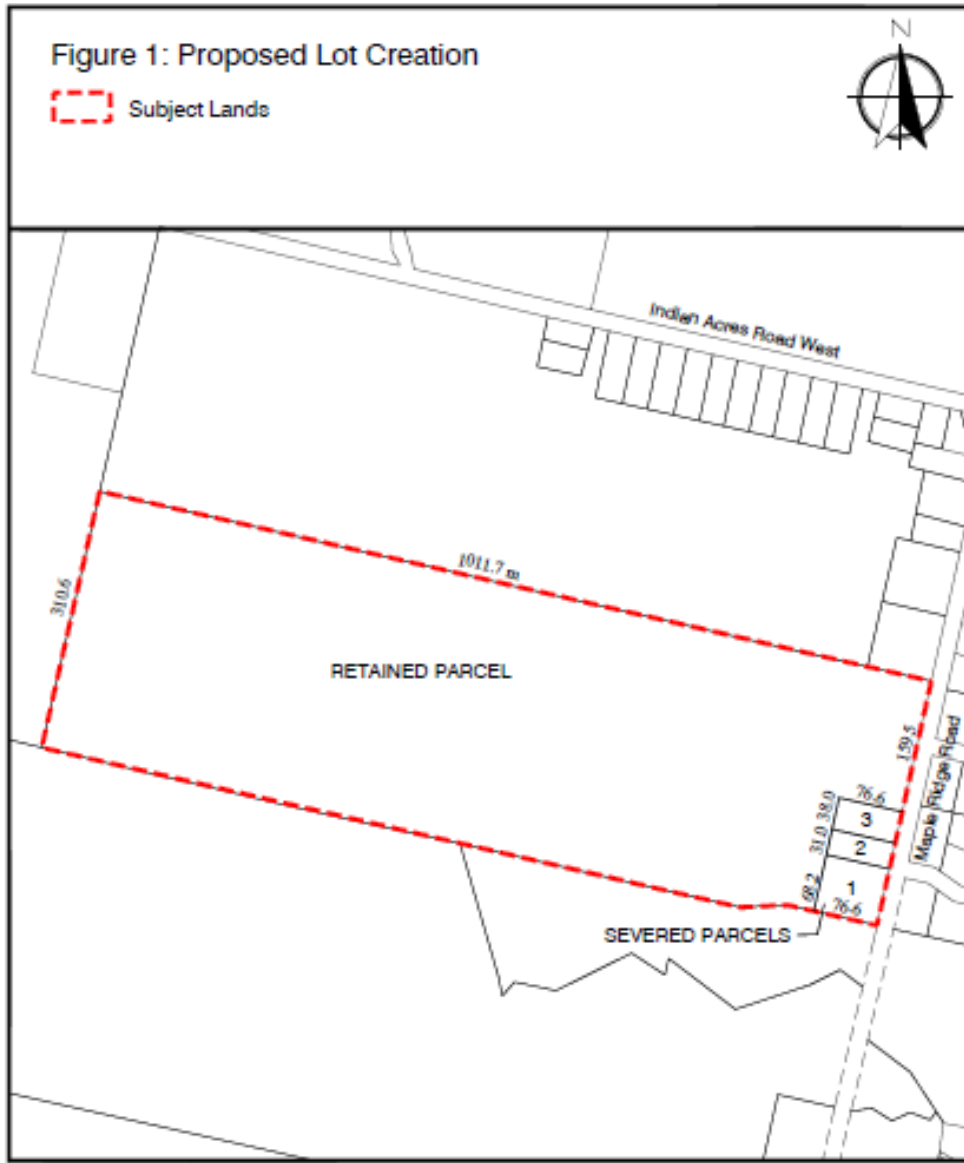
Conclusion & Recommendation

The applicant has been notified of comments submitted by SON and a request for the submission of an archeological assessment. The applicant's planner has confirmed that an assessment will be conducted. The applications will be brought back before Council and Committee of Adjustment for consideration once the Township has received confirmation that the archeological assessment has been received into register by the Province and positive comments have been received from the Saugeen Ojibway Nation.

Respectfully Submitted:

Jenn Burnett, MSc., MCIP, RPP
Senior Planner

Site Plan
130 Maple Ridge Rd



Proposed Lot Creation
South Part of Lot 17, Concession 2
Geographic Township of Sarawak
Township of Georgian Bluffs

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:8000

Report Approval Details

Document Title:	PL.2022.09 Joint Report Radbourne B11-21, B12-21, B13-21 and Z-17-21.docx
Attachments:	
Final Approval Date:	Feb 9, 2022

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

No Signature - Task assigned to Tim Lewis was completed by workflow administrator Brittany Drury

Tim Lewis

No Signature found

Steven Dollmaier

No Signature found

Crystal Gunn

No Signature found

Samantha Buchanan

Brittany Drury

Cynthia Fletcher