



Date Tuesday, August 23, 2022

From Jenn Burnett, Senior Planner

Subject **Recommendation Report for Radbourne B11-21, B12-21, B13-21 and Z-17-21**

Report PL.2022.47

Recommendation

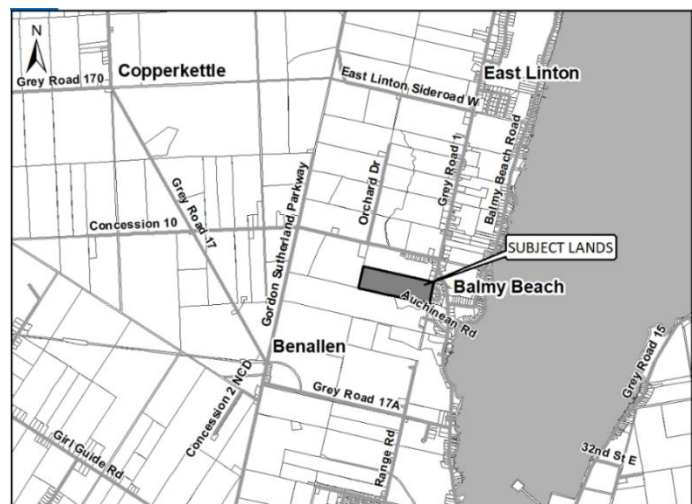
It has been demonstrated that applications B11/21, B12/21 and B13/21 for Cherilyn Radbourne and Blair Radbourne for lands described as Part Lot 17, Concession 2, Sarawak are consistent with the Provincial Policy Statement 2020, the County of Grey Official Plan, Recolour Grey, the Township of Georgian Bluffs Official Plan and the intent of the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that the applications be approved subject to the conditions noted herein.

It has been demonstrated that application Z-17-21 for Cherilyn Radbourne and Blair Radbourne for lands described as Part Lot 17, Concession 2, Sarawak is consistent with the Provincial Policy Statement 2020, the County of Grey Official Plan, Recolour Grey, the Township of Georgian Bluffs Official Plan and the intent of the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that the application be approved.

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



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Roll #4203-580-003-03300

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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.

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.

In response to comments received at the Public Hearing on February 15, 2022 and the Public Meeting on February 16, 2022 the applicant submitted the following reports:

- Archaeological Assessment June 22, 2022 by Amick Consultants Limited.
- Peto MacCallum Consulting Engineers Nitrate Study: Report 2 June 20, 2022
- Darryl M. Robins Consulting Inc. "Responses to the Kaufman's Stormwater Comments" emailed March 4, 2022.
- Ron Davidson Land Use Planning Consultant Inc. Post Public Meeting Summary dated August 10, 2022.

Relevant Consultation

A policy review was provided in [PL.2022.09](#). All comments received prior to the report submission deadline were presented to Committee of Adjustment at the February 15, 2022 hearing and to Council at the February 16, 2022 meeting. Those comments are appended to this report for review. The planner presented comments from the City of Owen Sound submitted after the report submission deadline. The minutes reflect that oral presentations were made at the Feb 15, 2022 hearing by:

Ron Davidson, RPP, applicant's planner
 Laura Swanson, P.Eng., applicants engineer
 John Morton, applicant's environmental consultant
 David Lawless, neighbor

Peter and Kathryn Kaufman, neighbors
Chuck and Sue O'Reilly, neighbors

At the Public Meeting on February 16, 2022 oral presentations were made by:
Kathryn and Peter Kaufman
Dennis Radbourne, Applicant

Recordings of both meetings are available on the Township's Youtube site.

Additional comments were submitted after the meetings by the Kaufman's on June 1, 2022 and on August 15, 2022.

Concerns with the Proposed Development

For Council's consideration this report provides a summary of the concerns raised and how the applicant has addressed those concerns.

Archeological Assessment

At the time of the public meetings to consider the applications, Saugeen Ojibway Nation (SON) requested an Archeological Assessment to determine if there were any areas of significance on the property. An archaeological assessment was conducted by Amick Consultants Limited with representation from SON on June 22, 2022. The report stated that,

“As a result of the property Assessment of the study area physical evidence of human activity in the past was observed but is too recent to qualify as an archaeological resource and is of no Cultural Heritage Value or Interest (CHVI). Accordingly, no archaeological resources were documented.

1. No further archaeological assessment of the study area is warranted.
2. The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed.

The proposed undertaking is clear of any archaeological concern.” (pg. 2)

Municipal Water Supply

The comments submitted by area residents were primarily centered around concerns with water servicing – primarily pressure for residential use and for firefighting purposes. Residents noted that the hydrant in the neighborhood is painted black and not available due to lack of water pressure. Staff reached out to our water system operator Ontario Clean Water Association (OCWA) to clarify the water pressure and volume concerns raised by the neighbors. OCWA noted that the pressure valve could be adjusted so that existing homes do not experience a change in pressure.

Staff then reached out to GSS Engineering, the engineering firm that is conducting the Master Servicing Study in the East Linton/ Balmy Beach Area for comment on the impact of 4 additional connections and GSS provided the following response:

“We have evaluated the effect of 4 new water connections at the south end of Maple Ridge Road on local water pressures.

There are currently 21 water connections on Maple Ridge Road and Maple Ridge Crescent. The proposed connections will increase this number to 25 total connections. From East Linton water meter data, we estimate the average daily usage to be 0.4 m³/day (0.0046 L/s or 0.061 Imp gpm) per connection. A peaking factor of 10.0 was used (water usage during a peak time is assumed to be 10 times the average water usage). Meaning, a single unit will have 4.0 m³/day peak flow (0.046 L/s or 0.61 Imp gpm). The four new units will increase peak flow by 16.0 m³/day (from a total of 84 m³/day to 100 m³/day).

The increase in peak flow will result in increased pressure losses of only 0.11 psi at the north end of Maple Ridge Road and 0.26 psi at the south end. These minor increases in frictional pressure losses should not noticeably change water pressure at the existing homes.

However, the comments you have received from residents seem to be more concerned with inadequate fire protection. 4 new single-detached homes will not increase the required fire flows in the area, and therefore will not worsen the issue of inadequate fire protection. The inadequate fire protection in this area is a result of the existing, undersized 75 mm diameter watermains. Currently this area cannot provide minimum fire flows of 3,000 L/min.

To improve fire flows, we propose that the 75 mm diameter watermain on Grey Road 1 be upgraded to a minimum of 300 mm diameter from the intersection of Grey Road 1 and Indian Acres Road to Maple Ridge Road (approximately 160 m south). Further, the 75 mm watermains on Maple Ridge Road and Maple Ridge Crescent should be replaced with new 200 mm diameter watermains. These upgrades will provide at least 3,000 L/min fire flows on Maple Ridge Road and Maple Ridge Crescent.

The attached drawing shows the proposed watermain replacements in red, for the Maple Ridge Area. As you are aware these replacements are only a small portion of the upgrades that we recommend as part of our Master Servicing Study to improve fire flows in the East Linton water system.” (Source: Jacob Bartley, B. Eng., E.I.T, GSS Engineering August 17, 2022)

Peto MacCallum Nitrate Study

In response to the concerns raised with regard to the study conducted by Peto MacCallum, the company conducted additional testing for pH, nitrite, nitrate and

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phosphorus. The study was conducted in accordance with the Ontario Ministry of Environment and Energy (MOEE) guideline D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment. This assessment is used to assess the combined or total impact on groundwater of a development proposal of more than five units with individual on-site sewage systems. The initial study was conducted by a Professional Geoscientist and a Professional Engineer and stamped September 13, 2021. The additional study was undertaken in April 2022 by a different Professional Geoscientist and Professional Engineer; the results of the second analysis indicate that, “the proposed building lots with on-site sewage disposal systems can accommodate adequate dilution of nitrate loading below or equal to 10 mg/L in the leaching beds of the proposed septic systems.” (PML June 20, 2022 Report, Pg. 11)

Part 8 of the Ontario Building Code (OBC) specifies the development requirements for sewage systems. The Code identifies 5 classes of sewage systems, specifies general requirements as well as design and construction requirements. It also regulates the location and construction of leaching beds and requires mandatory setbacks to property lines. Designs for septic systems are based on the soil type, percolation times and the estimated daily sanitary sewage flow as determined by occupancy. The septic system is designed by a qualified designer with a Building Code Identification Number (BCIN). If the design does not meet the OBC requirements, then a permit cannot be issued.

Septic permit applications are reviewed by the Building Department prior to the issuance of the permit. The installation of a septic system is overseen by the Chief Building Official who conducts a minimum of three inspections. The OBC then provides direction for the Operation and Maintenance of septic systems under Section 8.9 of the Code. This process ensures that lots serviced by septic systems can be sustainably serviced.

The concerns raised with regard to the use of septic systems was reviewed by the Chief Building Official, Tim Lewis, who provided the following comment:

“Georgian Bluffs Building Dept. assesses septic applications and soil conditions at the time lots are developed. Tertiary systems all have different levels of effectiveness, and many factors weigh into approving a system. The goal with most tertiary systems should be to produce effluent similar in quality to pool water. Soil conditions depend on the install and may or may not be a factor (i.e. raised beds, compacted soil, size of contact areas).

Everyone has a role in this; the key is knowing your role. It is not our role to do the comparisons referenced. We assess what is being proposed and ensure regulated distances and construction requirements are adhered to for a particular site.

The maintenance, service and monitoring alarms and checks for tertiary systems are legislated.

In my experience, since tertiary systems are monitored and alarmed, they are less likely to be a concern. Installed tertiary systems must be equipped to reduce or eliminate nitrates to acceptable levels. Building code does not require a nitrate loading review; however, where it is a concern, it can be better monitored with tertiary systems as you can take a sample before the clean water enters the distribution system and make it part of an annual maintenance program. There are systems such as “eco flow” that remove or reduce nitrates very effectively.” (Source: Tim Lewis, Chief Building Official, Township of Georgian Bluffs, August 8, 2022)

The addendum report by Peto MacCallum supports that the lots can be serviced with Class 4 septic systems consisting of a holding tank and a leaching bed, similar to what already exists in the neighborhood. As noted by the CBO above, septic application and soil conditions will be assessed at the application stage and permits will only be issued if the application conforms to the Ontario Building Code requirements.

Stormwater Management

A stormwater management (SWM) plan by Darryl M. Robbins Consulting Inc. was submitted in support of the application. The report and plan were authored by Laura Swanson, P.Eng. The SWM notes that it considers the mitigation measures outlined in the Environmental Impact Study (EIS), incorporates a hydrogeological assessment completed by Peto MacCallum and meets the specifications of the MOE’s Stormwater Management Planning & Design Manual (2003). The SWM report concludes that post development flows have been controlled to pre-development levels with the use of grassed swales.

On behalf of the applicant, Darryl M. Robbins Consulting Inc. provided a response, dated March 4, 2022, to the oral and written concerns raised at the Public Hearing and the Public Meeting. The response clarifies that the SWM Report addressed the requirements of the Grey Sauble Conservation Authority and that there is no increase in flow leaving the property as a result of the proposed development. When incorporating the EIS mitigation measures into the SWM the engineer identified that there is less than 2 hectares of developable land and therefore insufficient space to accommodate a SWM pond. Grassed swales are being proposed within the Township’s road allowance to achieve quantity and quality controls in the absence of a SWM pond. The swales on the road allowance will need to be maintained by the Township similar to open ditches that are accepted as part of the SWM plans in subdivision developments. The maintenance of any swale or drainage feature on private property is the sole responsibility of the private property owner.

A quick search online provides a number of resources to explain the benefit and function of grassed swales. The Sustainable Technologies webpage notes,

“The obvious benefit of these systems is that they detain, filter and infiltrate runoff as it is conveyed along the grassed ditch, resulting in smaller volumes of runoff

and associated pollutants from reaching the watercourse or stormwater management facility.

The terms swales and roadside ditches are often used interchangeably, although there are important differences between them. Roadside ditches are designed to function primarily for conveyance. Bare soil ditches may even act as a significant source of sediment. By contrast, swales and wet swales are intended both for conveyance and treatment and are often subject to more frequent maintenance.” Accessed online August 18, 2022

<https://sustainabletechnologies.ca/home/urban-runoff-green-infrastructure/low-impact-development/swales-and-roadside-ditches/#:~:text=Roadside%20ditches%20are%20designed%20to,subject%20to%20more%20frequent%20maintenance.>

Additional information on grassed swales can be accessed in the attachments to this report.

The SWM plan and report was accepted by the Township Operations staff and the Grey Sauble Conservation Authority. Staff recommend that the site plan agreement address the installation of the grassed swale at the expense of the developer and be installed prior to the commencement of development on the lots. The site plan agreement will also specify that swales and drainage features on private property are the responsibility of the property owner and must be maintained in accordance with the approved SWM plan and report.

Environmental Impact

In support of the application and in compliance with County Official Plan Policy related to Significant Woodlands, an Environmental Impact Study was conducted by AWS Environmental Consulting Inc. from March 2020 to August 2020. The report concludes that with the identified mitigative measures implemented through site plan control, the ecological functioning role and natural heritage features will be maintained. The site stormwater management plan and the building envelopes were designed to implement the recommendations in the EIS. The EIS was reviewed and accepted by the Grey Sauble Conservation Authority.

The site plan agreement will incorporate the mitigation measures in the EIS and the agreement will be registered on the lands, then registered on each lot and will run with the land. Staff recommend that the site plan agreement contain a provision requiring that each offer of purchase and sale provide a notification that development on the property is subject to the mitigation measures of the EIS and that tree clearing outside of the development envelope is prohibited.

Conclusion & Recommendation

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, the County Official Plan, the Township of Georgian Bluffs Official Plan and the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that applications B11/21, B12/21 and B13/21 for Cherilyn Radbourne and Blair Radbourne for lands described as Part Lot 17, Concession 2, Sarawak be **approved** subject to the following conditions:

1. That a Reference Plan be completed and a copy filed with the Municipal Clerk or an exemption from the Reference Plan be received from the Land Registry Office.
2. That, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within two years of the giving of the Notice of Decision or as specified in the Planning Act at the time of deed stamping. Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e. stamping of the deed).
3. That the applicant pays the applicable consent certification fee at the time of certification of the deeds.
4. That the applicant pays 5% cash-in-lieu of parkland in accordance with the Planning Act.
5. That a zoning by-law amendment be in force and effect.
6. That the applicant enter into a site plan agreement to be registered on title to the lands, to address stormwater management controls, the mitigation measures of the Environmental Impact Study, the Nitrate Study, securities related to the installation of the water service connections and any associated roadworks and any matters required for the development of the lots.

Zoning Amendment Application Z-13-22

It has been demonstrated that the proposed application is consistent with the Provincial Policy Statement 2020, the County Official Plan, the Township of Georgian Bluffs Official Plan and the Township of Georgian Bluffs Zoning By-law 2020-020. It is recommended that application Z-17-21 for Cherilyn Radbourne and Blair Radbourne for lands described as Part Lot 17, Concession 2, Sarawak be **approved**.

Respectfully Submitted:

Jenn Burnett, MSc., MCIP, RPP
Senior Planner

Report Approval Details

Document Title:	PL.2022.47 Radbourne Recommendation Report .docx
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<p>Attachments:</p>	<ul style="list-style-type: none"> - Notice - Public Meeting Z-17-21 and Hearing B11-21 to B13-21 Radbourne.pdf - 4 Zoning By-law Amendment application R.pdf - 1 Consent Application No 1 R.pdf - 2 Consent Application No 2 R.pdf - 3 Consent Application No 3 R.pdf - 5 Planning Report.pdf - 6 Stormwater Management Report.pdf - updated SWM drawings.pdf - Peto MacCullum Nitrate Study.pdf - Peto MacCallum Nitrate study addendum .pdf - 8 EIS.pdf - Archaeological Assessment.pdf - R.Davidson Letter to Township Radbourne response to Public Meeting comments (August 10, 2022).pdf - DarrylMRobinsConsultingInc response to Kaufmans stormwater comments-Mar4-22.pdf - GSS Engineering comments August 17, 2022 RE_ Maple Ridge Watermain.pdf - GSS Engineering drawing21-050 August 17, 2022 RE_ Maple Ridge Watermain.pdf - Lots expressing concern re water pressure.pdf - OCWA Comments re 4 Possible Connections on Maple Ridge Road.pdf - Comments - Tim Lewis GB Bldg.pdf - Grey County Comments.pdf - GSCA comments 22061_RADBOURNE_CONSENTS_ZBA_31JAN2022.pdf - Bell Canada Comments.pdf - NEC Comments.pdf - Comments - K Gillan GSCA RMO.pdf - Comments - Emily Martin (SON).pdf - City of Owen Sound comments Radbourne 2022.pdf - Aplin Comments.pdf - Carrierer Comments.pdf - Comments - P Kaufman.pdf - Comments - P Kaufman (2nd comments).pdf - Kaufman third comments August 15, 2022.pdf - Daniels Comments_Redacted.pdf - Murray Comments_Redacted.pdf - O'Reilley Comments.pdf - Parsons Comments_Redacted.pdf
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	<p>- LowImpactDevelopmentPlanningandDesignFactSheetSwalesSustainableTechnologies.pdf - J.F.Sabourin and Associates Inc.AnEvaluationofRoadsideDitches_2000.pdf</p>
Final Approval Date:	Aug 19, 2022

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

Brittany Drury, Director of Corporate Services/Clerk

Cynthia Fletcher, Chief Administrative Officer