Staff Report

Report To: City Council
Report From: Jacklyn Iezzi, Junior Planner
Meeting Date: September 28, 2020
Report Code: CS-20-110
Subject: Comments on proposed Township of Georgian Bluffs Zoning By-law Amendment Z-11-20 – Harshman (106 Grey Road 17B, Georgian Bluffs)

Recommendation:

THAT in consideration of City Policy CS81 and Staff Report CS-20-110 respecting a Zoning By-law Amendment in the Township of Georgian Bluffs, City Council:

1) Receives report CS-20-081 for information;
2) Confirms that, should water be required for the proposed, the City does not consent to an amendment to the Water Service Agreement (2004-093) and that City water service shall not be used to service the development;
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, the GSCA and the NEC as the City’s initial comment on the application;
4) Requests that the County and the GSCA ensure the PPS and County OP are implemented as part of the review and approval of the proposed Zoning By-law Amendment; and,
5) Requests a copy of any further notice on the matter.

Strategic Initiative:

- Protect and encourage long-term sustainability of our natural environment.
- Clearly define the City’s role as a regional centre.
Background:

The City received Notice of Complete Application and Public Meeting from the Township of Georgian Bluffs for a Zoning By-law Amendment (Georgian Bluffs File No. Z-11-20) on August 31, 2020. The public meeting is scheduled to be held on October 7, 2020.

The Township of Georgian Bluffs is the approval authority for the Zoning By-law Amendment. Copy of the Notice of Complete Application and Public Meeting is attached as Schedule ‘A’.

The proposed Zoning By-law Amendment is site-specific and applies to lands located at 106 Grey Road 17B in the Township of Georgian Bluffs.

The lands are designated ‘Sunset Strip Area’ in the County Official Plan and Township of Georgian Bluffs Official Plan and are zoned ‘Industrial’ (M1) and ‘Environmental Protection’ (EP) by the Township of Georgian Bluffs Zoning By-law. The effect of Z-11-20 is to realign the boundary of the EP Zone and reduce the minimum required setback from an EP Zone from 15 m to 0 m.

The lands are also subject to a related Site Plan Approval Application (SP-06-20) proposing to establish five (5) indoor storage units ranging from 278 m² to 669 m². Warehouses and Storage Industries are a permitted use within the M1 Zone.

Purpose of this Report:

In accordance with City Policy CS81, a staff report has been triggered for the site-specific Zoning By-law Amendment as the following criteria are satisfied:

a) The subject lands directly abut the City limits to the west;
b) The subject lands are located within the Sunset Strip;
c) The subject lands are serviced by City of Owen Sound water (Water Service Agreement 2004-093); and,
d) There is an existing industrial use on the subject lands.

This report is intended to inform City Council of the proposed Zoning By-law Amendment, and related Site Plan Approval Application, and identify areas where the proposal may impact the interests of the City.

The comments herein are provided in consideration of the key areas identified in Policy CS81 where Planning Act applications in our neighbouring municipalities could impact the interests of the City specific to this site include:

1) Ability to optimise the use of existing water and wastewater infrastructure in Owen Sound;
2) Controlling the integrity of the municipal water distribution system (i.e. ensuring proper precautionary measures are taken on new connections); 3) Viability of Commercial nodes and Employment areas; and, 4) Traffic impact on the City of Owen Sound.

Where a person or public body does not make oral or written submissions before an approval authority makes a decision they are not entitled to appeal a decision to the Local Planning Appeal Tribunal. Providing comment during the early stage of the planning process is the best way to ensure all levels of approval consider the position of the City. It also provides an opportunity for fellow planners to respond to the City’s comments before consideration by their respective Council.

Analysis:

This section provides an analysis of the proposed Zoning By-law Amendment in consideration of Provincial and upper-tier planning policy and the key areas identified in Policy CS81 as described above.

The Proposal

The proposed Zoning By-law Amendment is site-specific and applies to lands municipality known as 106 Grey Road 17B in the Township of Georgian Bluffs. The subject lands are located within the ‘Sunset Strip’ and directly abut the City limits to the west.

The subject lands are irregularly shaped and approximately 1.74 ha (4.3 ac). Due to the irregular shape of the lot, the lands have only 9.8 m (32 feet) of frontage along Grey Road 17.

There is currently a single detached dwelling with an accessory garage and asphalt driveway occupying the east (front) portion of the subject lands. The single-detached dwelling is serviced by City of Owen Sound water. A Water Service Agreement (2004-093), attached as Schedule ‘B’, is registered on title of the subject lands and provides, among other terms and matters, that City piped water shall only be used for the single-detached dwelling and ‘domestic purposes’ such as, sanitation and food preparation.

A 279m² building containing a light industrial use exists to the west (rear). Access to the light industrial building is provided via a private driveway from Grey Road 17B.

Surrounding land uses to the subject lands are predominately commercial uses, particularly those uses existing south of the subject lands along 10th St W and...
Highway 6. Existing further north and northeast are low density residential uses within the Township and medium density residential uses within the City of Owen Sound.

Immediately west of the subject lands is the Niagara Escarpment. A detailed Orthophoto of the subject lands and surrounding land uses is provided in Schedule ‘C’.

The County of Grey Official Plan (OP) designates the subject lands as within the ‘Sunset Strip Area’ and ‘Niagara Escarpment Plan Area’. ‘Significant Woodlands’ and ‘Significant Valleylands’ exist on the rear (west) portion of the lands as mapped in Appendix B of the County OP.

The lands are designated ‘Sunset Strip Policy Area’ by the Township of Georgian Bluffs Official Plan and are currently zoned ‘Industrial’ (M1) and ‘Environmental Protection’ (EP) by the Township of Georgian Bluffs Zoning By-law. Planning Policy Context for the subject lands is provided in Schedule ‘D’.

The effect of the Zoning By-law Amendment is to realign the boundary of the EP Zone and reduce the minimum required setback from an EP Zone from 15 m to 0 m. It merits note that the EP Zone includes the Pottawatomi River that flows into Owen Sound and enters Georgian Bay at Kelso Beach.

Planning Staff requested background studies submitted as part of the application. Georgian Bluffs staff confirmed that no studies, including an Environmental Impact Study (EIS), were submitted in support of the application.

If approved, Z-11-20 would facilitate the development of five indoor storage facilities on the subject lands. A related Site Plan Approval Application (SP-06-20) has been submitted illustrating the proposed development and is attached as Schedule ‘E’. Staff note that modifications to the site have already commenced.

**Provincial Policy Statement, 2020**

All decisions made by municipalities on land use planning matters must be consistent with the Provincial Policy Statement (PPS, 2020)

The PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which are fiscally responsible over the long-term (policy 1.1.1 b), and by avoiding development and land use patterns which may cause environmental or public health and safety concerns (policy 1.1.1 c).

Section 2.1 of the PPS provides policy direction on natural heritage. Policy 2.1.1 provides that natural features and areas shall be protected for the long-term. The
natural heritage features identified on the subject lands include Significant Woodlands and Significant Valleys as mapped in the County’s OP. Comments received from the GSCA also indicate the potential for significant wildlife habitat and adjacent lands to fish habitat associated with the Pottawatomi River.

No rationale or assessment of impact and mitigation strategies in regards to the reduced setback has been provided. The application does not appear to be consistent with the PPS.

**Niagara Escarpment Plan (NEP)**

The rear (west) portion of the subject lands are designated ‘Niagara Escarpment Plan’ (NEP) as indicated on Schedule A of the County’s Official Plan. Lands along the southeast portion of the City and continuing through the entire ‘Sunset Strip’ area are predominately designated ‘Urban Area’ by the NEP; however, it appears that a portion of ‘Escarpment Natural Area’ designation may ‘spill’ over onto the subject lands at the rear.

The County Official Plan states that development and growth shall not extend into the Escarpment Natural Area and Escarpment Protection Area land use types of the Niagara Escarpment Plan (Section 6.2.4 (a)).

It would be helpful for Niagara Escarpment Commission (NEC) Staff to confirm if the lands are subject to Development Control and whether a Development Permit from the NEC is required. Planning Staff recommend that Council request the NEC to provide a copy of their comments (if any) on the Zoning By-law Amendment application as it relates to conformity with the NEP.

**County of Grey Official Plan**

The subject lands are designated ‘Sunset Strip Area’ by the County Official Plan and are subject to policies within Section 3.9 of the County OP. Warehousing and storage uses are a permitted use within the ‘Sunset Strip Area’ designation.

The rear (west) portion of the subject lands contains Significant Woodlands and Significant Valleylands, as mapped on Appendix B of the County Official Plan.

Section 7 of the County OP identifies these natural features and areas as constraints. Development may be permitted within these areas or on ‘adjacent lands’, subject to addressing specific policies of the County OP and/or provincial and federal requirements.

The County OP defines ‘adjacent lands’ as meaning those lands that are beside a natural heritage features where development or site alteration may have a
negative impact on the features and further provides minimum land widths of adjacent lands based on the provincial Natural Heritage Reference Manual.

An adjacent land width of 120 metres is required for lands adjacent to Significant Woodlands and Significant Valleylands. The County OP states that reductions to this distance do not require an amendment to the County OP or a municipal Official Plan, but will generally be supported by an Environmental Impact Study (EIS) prepared by a qualified individual.

An EIS was not submitted as part of a complete application and no planning rationale has been provided to support why an EIS is not required (policies within Section 7.11.3 of the County OP).

Planning Staff are in receipt of the Grey Sauble Conservation Authority’s (GSCA) comments on Z-11-20, attached as Schedule ‘F’. Comments received recommend that the revised mapping of the new EP boundary be utilized, such that the most westerly structure is no longer within the EP Zone, and that the setback from the EP Zone be reduced to zero metres. A permit from the GSCA will be required for the proposed development.

Notwithstanding comments received from the GSCA, Staff reiterate their concerns as it relates to the requirement for an EIS in order to demonstrate conformity with the County OP and PPS.

Planning Staff recommend that Council request the County and GSCA to ensure the PPS and County OP are implemented as part of the review and approval of Z-11-20.


The Township of Georgian Bluffs Official Plan provides that development in the Sunset Strip shall be dry in nature and represent commercial uses, which do not require large volumes of potable water or create large values of wastewater.

As noted, the existing single-detached dwelling on the subject lands is serviced by City of Owen Sound water. An existing Water Service Agreement (2004-093) is registered on title of the subject lands and provides, among other terms and water, that City piped water shall be used for no other purpose than for providing water to the existing residence.

The Agreement provides that if that Owner defaults in complying with the Agreement, the City may disconnect the City piped water service to the subject lands.
The application has submitted that water service is not required for the proposed indoor storage units.

On September 24, 2020, City Planning and Building Staff conducted a site visit and observed that modifications to the site have already occurred, including the pouring of concrete foundations and footings for storage units #1 to #3. It did not appear that City water service has been moved or altered to service the development.

Should water be required for the proposed development, such as for the purposes of a public washroom, it is recommended that Council does not consent to an amendment to the Water Service Agreement (2004-093) and confirms that City water service not be used to service the development.

**Financial/Budget Implications:**

None to the City.

**Communication Strategy:**

A copy of these comments will be provided to the County, the Township of Georgian Bluffs, the GSCA, and the NEC as the City’s preliminary comments on the application.

**Consultation:**

- Jennifer Burnett, Planner, Township of Georgian Bluffs
- Amy Cann, Manager of Planning & Heritage

**Attachments:**

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Notice of Complete Application and Public Meeting

Zoning By-law Amendment Z-11-20
October 7th, 2020 at 4:00 PM

Council Chambers
177964 Grey Road 18, Owen Sound, ON N4K 5N5

Note: Council Chambers are CLOSED to the Public. Electronic Council Meetings and Electronic Public Meetings can be viewed here:

https://www.youtube.com/channel/UCVDSm65WH42XTxR5tsfafQ/videos

What is being proposed?

Zoning By-law Amendment Application Z-11-20 proposes to realign the mapped Environmental Protection Zone and reduce the minimum required setback from an 'EP' Zone in Section 5.5 of the Zoning By-law from 15 metres to 0 metres.

No other amendments have been requested.

Please visit www.georgianbluffs.ca to view the additional information submitted with this application.

Date of this Notice: August 31st, 2020

How can I participate in a virtual Public Meeting?

Public participation is encouraged. For more information on how to participate, contact Brittany Drury, Acting Clerk:
By telephone: 519-376-2729 ext. 244
By email: bdrury@georgianbluffs.ca

If you wish to be notified of the decision of the Council of the Township of Georgian Bluffs on the proposed zoning by-law amendment, you must make a written request to the Township of Georgian Bluffs at the address noted below.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Georgian Bluffs before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of Georgian Bluffs to the Local Planning Appeal Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Georgian Bluffs before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT), unless in the opinion of the Tribunal, there are reasonable grounds to do so.

How do I submit my comments?

For more information about this matter, including information about preserving your appeal rights or, if you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request to Jenn Burnett, Planner at:

177964 Grey Road 18
Owen Sound, ON
Telephone: 519-376-2729 ext. 242
By email: jburnett@georgianbluffs.ca

Please note that any submitted comments become part of the Public Record, including names and addresses. Written comments are due by September 22nd, 2020 so that they may be read at the meeting for the benefit of everyone in attendance.
Questions? Want more information? Ask a Staff Member!

Jenn Burnett, MSc., MCIP RPP  519-376-2729

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Township's website and/or made available to the public upon request.

This document can be made available in other accessible formats as soon as practicable and upon request.
BY-LAW NO. 2004-093

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A WATER SERVICING AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF OWEN SOUND, THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS AND 4061420 CANADA INC. FOR THE PURPOSE OF SUPPLYING WATER SERVICES TO 1030/1050 9th AVENUE WEST LOCATED IN GEORGIAN BLUFFS

WHEREAS Council deems it desirable to execute an agreement between The Corporation of the City of Owen Sound, The Corporation of the Township of Georgian Bluffs and 4061420 Canada Inc. for the purpose of supplying water to 1030/1050 9th Avenue West located in Georgian Bluffs.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement on behalf of the Corporation, and the Clerk to affix the Corporate Seal thereto, an Agreement dated the 11th day of April, 2004 between The Corporation of the City of Owen Sound, The Corporation of the Township of Georgian Bluffs and 4061420 Canada Inc. respecting the supply of water services to 1030/1050 9th Avenue West located in Georgian Bluffs, more particularly described on Schedule "A" attached to the Agreement.

2. A copy of the Agreement referred to in Clause 1 is hereby attached to By-law No. 2004-093.

3. This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 21st day of June, 2004.

[Signature]
Mayor

[Signature]
Clerk
AMENDING WATER SERVICE AGREEMENT

This Amending Agreement dated the 11th day of April, 2004.

BETWEEN:

THE CORPORATION OF THE CITY OF OWEN SOUND
herein called the "City"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
herein called the "Township"

OF THE SECOND PART

- and -

4061420 CANADA INC.
herein called the "Owner"

OF THE THIRD PART

WHEREAS the Owner is the registered owner of the lands described on Schedule "A" attached hereto ("the subject lands");

AND WHEREAS the subject lands are serviced by piped City water pursuant to a Water Service Agreement dated the 3rd day of March 1998 registered as instrument number 394226 in the Land Registry Office at Owen Sound, Ontario (herein called the "Water Service Agreement");

AND WHEREAS the Owner has changed the use of the subject lands, and said use now involves the servicing and washing of motor vehicles, a use which requires substantially more water than the previous use on the subject lands;

AND WHEREAS the City has notified the Owner that as a result of the change of use, the City intends in accordance with the Water Services Agreement, to terminate the delivery of City water to the subject lands;

AND WHEREAS the Owner has agreed that it will not in any way use the City piped water to the subject lands hereafter except for providing water service to the existing residence on the subject lands, the water to be used at the residence for domestic purposes only;

AND WHEREAS the parties hereto are desirous of entering into this Agreement amending the Water Service Agreement to outline the conditions on which the City will allow the continuation of the City's piped water service to the subject lands;

NOW THEREFORE in consideration of the mutual covenants contained herein and other valuable consideration the parties agree as follows:

1. The recitals set out above are true.

2. The Owner has the absolute right to enter into this Agreement.

3. The Township consents to this Agreement.

4. (a) The Owner covenants and agrees that the City piped water to the subject lands shall be used for no other purpose but for providing water to the existing residence
on the subject lands, the water to be used for domestic purposes only, and the said City piped water shall not be used by the Owner, its tenants, invitees, employees, or representatives for any other purpose.

(b) When used herein, "domestic purposes" shall mean the use of the City piped water for household requirements, including sanitation, laundries, human consumption, and food preparation.

5. Without limiting the generality of the foregoing, the Owner covenants and agrees that no water originating from the City piped water supply to the subject lands shall be used for the servicing and/or washing of motor vehicles on the subject lands.

6. (a) To ensure that the Owner complies with the provisions of this Amending Agreement, the Owner, after acquiring any and all permits or approvals for the same, including a Plumbing Permit from the Chief Building Official for the Township, shall within fifteen (15) days of execution of this Amending Agreement by the Owner, carry out all of the following work in or about the said residence:
   
   (i) all work required to cap and permanently close off the water line in the basement of the residence beyond the water meter therein;
   
   (ii) take all necessary steps to provide a complete physical separation of the water system in the residence from any water well supply system on the subject lands. This provision also applies to any other buildings on the subject lands that could otherwise in any way be connected to the City municipal water system;
   
   (iii) to install an approved backflow preventor on the City supply water line where it enters the basement of the residence on the subject lands. This backflow device will be installed near the water meter and must be located before or ahead of any tap or other appurtenance in the residence’s water system.

(b) After completion of the foregoing work, the Owner shall forthwith inform the City of the completion thereof, and the City may enter the residence to inspect the work.

7. In addition to completing the work required by section 6 hereof, the Owner shall at all times maintain all the plumbing, water lines, and equipment on the subject lands in order to ensure compliance with this Agreement, including without limiting the generality hereof, maintaining the complete separation of any water well system on the subject lands, from the City's piped water supply to the residence on the subject lands.

8. (a) The City through its authorized officials or representatives may at any reasonable time upon five days notice to the Owner enter the basement of the residence on the subject lands to determine whether any provisions herein are being fully complied with. If entry by the City to inspect to determine compliance into any part of the residence occupied by a tenant or other occupant is required, the Owner shall when requested obtain the consent of that person to the entry by the City.

(b) If the Owner defaults in complying with this Agreement, the City after written notice to the Owner of the default and the requirement to correct the same may, if the default continues for fifteen (15) days after the notice, at the City's sole discretion, either enter the subject lands, including any building or residence thereon, to correct the same, or disconnect the City piped water services to the subject lands including the residence or other building. If the City corrects the default, the City may collect the cost thereof from the Owner, or if any costs are paid by the City to correct the situation, and the Owner defaults in payment for the
said costs, the City may disconnect the piped water service to the subject lands, including any residence or other building.

9. The Owner shall at all times ensure that any occupier, tenant, or invitee on the subject lands is informed of the provisions of this Amending Agreement and the Water Service Agreement, and shall ensure that said persons comply with the terms thereof.

10. Except as amended herein, the provisions of the Water Service Agreement shall remain in full force and effect, provided that:

(a) as the Public Utilities Commission of the City of Owen Sound no longer exists, any rights or obligation of the Commission are now vested in the City;

(b) the rights or obligations of the former Corporation of the Township of Derby are now vested in the Township.

11. The provisions of this Amending Agreement, and the Water Service Agreement shall enure to the benefit of, and be binding upon the successors and assigns of the parties.

12. This Amending Agreement will be registered on title to the subject lands.

IN WITNESS WHEREOF the parties hereto have affixed their corporate seals as attested by their duly authorized officers in that regard.

SIGNED, SEALED AND DELIVERED in witness whereof

THE CORPORATION OF THE CITY OF OWEN SOUND
Per:
Ruth Lovell, Mayor
Glen E. Henry, Clerk

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
Per:
Larry Miller, Mayor
Ken J. Clarke, Clerk

4061420 CANADA INC.
Per:
Kelly Pennings, President

I/we have the authority to bind the Corporation
SCHEDULE "A"

In the Township of Georgian Bluffs, formerly the Township of Derby, County of Grey being composed of Part of Park Lot 1, in the East End of the Half Mile Strip, more particularly described as follows:

PREMISING that the easterly limit of said Lot has a bearing of north 9 degrees 34 minutes 45 seconds west and relating all bearings herein thereto.

FIRSTLY:

COMMENCING at a point on the westerly limit of said part Lot distant 358.0 feet measured northerly from the southwest angle of said Part Lot;

THENCE southerly along the westerly limit a distance of 358 feet to the said southwest angle;

THENCE north 76 degrees 33 minutes 35 seconds east, 451.17 feet along the southerly limit of said Lot to the southwest angle of Part 2, Plan 16R-798;

THENCE north 9 degrees 34 minutes 45 seconds west along the west limit of Part 2, Plan 16R-798, a distance of 180.22 feet to the northwest angle of Part 2, Plan 16R-798;

THENCE north 75 degrees 40 minutes 15 seconds east along the north limit of Part 2, Plan 16R-798, a distance of 38.85 feet to the southwest angle of Part 3, Plan 16R-798;

THENCE north 9 degrees 34 minutes 45 seconds west along the west limit of Part 3, Plan 16R-798, a distance of 101.5 feet to the northwest angle of Part 3, Plan 16R-798;

THENCE north 77 degrees 40 minutes 15 seconds east along the north limit of Part 3, Plan 16R-798, a distance of 132.24 feet to the westerly limit of the Township Deviation Road;

THENCE north 40 degrees 49 minutes 45 seconds west along the westerly limit of the Township Deviation Road, a distance of 75.1 feet;

THENCE south 77 degrees 40 minutes 15 seconds west on a line drawn through the point of commencement, a distance of 582.66 feet to the point of commencement.

SECONDLY:

Part of Part Lot 1, East End of the Half Mile Strip, in the Township of Georgian Bluffs, formerly Township of Derby, County of Grey being more particularly described as Part 3, Plan 16R-798.

SAVE AND EXCEPT Part 1, Plan 16R-2283.
TOWNSHIP OF GEORGIAN BLUFFS OFFICIAL PLAN

SCHEDULE 'A'

OFFICIAL PLAN POLICY AREAS

LAND USE POLICY AREAS
- PRIMARY SETTLEMENT AREA
- SECONDARY SETTLEMENT AREA
- TERTIARY SETTLEMENT AREA
- SUNSET STRIP POLICY AREA
- POLICY AREA SOUTH OF WIARTON
- PROVINCIAL HIGHWAYS
- ARTERIAL ROADS
- LOCAL ROADS
- NIAGARA ESCRAMPTMENT AREA
- COUNTY OF GREY OFFICIAL PLAN

NUMBER | SETTLEMENT | SCHEDULE or POLICY REFERENCE
--- | --- | ---
1 | SHALLOW LAKE | Schedule 'A-1'; Also refer to Community Policy Area section 3.5.12
2 | SPRINGMOUNT | Schedule 'A-2'; Also refer to Community Policy Area section 3.5.12
3 | BALMY BEACH | Schedule 'A-3'
4 | KELSYTH | Schedule 'A-4'
5 | KEADY | Schedule 'A-5'
6 | ROCKFORD | Schedule 'A-6'
7 | EAST LINTON | Schedule 'A-7'
8 | BROOKE | Schedule 'A-8'; Also refer to Community Policy Area section 3.5.12
9 | COBBLE BEACH | See Secondary Schedule Map 16 to the County of Grey Official Plan
10 | KEMBLE | Schedule 'A-9'
11 | BIG BAY | Schedule 'A-10'
12 | OXENDEN | Schedule 'A-11'
13 | CRUCKSHANK | Schedule 'A-12'
14 | CREAMERY HILL | Schedule 'A-13'
15 | AREA SOUTH OF WIARTON | Refer to Section 4.1
16 | SUNSET STRIP | Refer to Section 4.3
SCHEDULE 'E': Site Plan
August 25, 2020
GSCA File: P20221

Township of Georgian Bluffs
177964 Grey Road 18
Owen Sound, ON
N4K 5N5

Attn: Jenn Burnett
Planner
jburnett@georgianbluffs.ca

Dear Jenn Burnett

Re: Site Plan Application SP-06-20
106 Grey Road 17B
Roll No. 42-03-540-005-179-00
Township of Georgian Bluffs, formerly Derby Township
Owner: Grey Bruce Water Company Inc. c/o Martin Harshman

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 151/06. Grey Sauble Conservation Authority (GSCA) has also provided comments as per our Memorandum of Agreement (MOA) with the Township of Georgian Bluffs representing their interests regarding natural heritage and water identified in Sections 2.1 and 2.2, respectively, of the Provincial Policy Statement. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, GSCA has provided advisory comments related to policy applicability and to assist with implementation of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan under the Clean Water Act.

GSCA staff have reviewed the above-noted site plan application for the construction of five mini storage units.
Documents Reviewed

GSCA staff have reviewed the following documents circulated with the subject proposal:

- Email from GSS Engineering, dated July 18, 2020, received by GSCA August 7, 2020;
- Site Development Plans, drawings 20009-01 to 20009-06 inclusive, prepared by GSS Engineering, dated April 2020, revised August 21, 2020, received by GSCA August 21, 2020;
- Stormwater Management Report, prepared by GSS Engineering, dated August 2020, received by GSCA August 21, 2020;

Site Characteristics

Existing mapping indicates that the subject property is:

- Is partially regulated under Ontario Regulation 151/06. The regulated area is associated with the valleylands of the Pottawatomi River.
- Designated Sunset Strip and Niagara Escarpment Plan in the County of Grey Official Plan;
- Zoned M1 – Industrial and EP – Environmental Protection in the Township of Georgian Bluffs Comprehensive Zoning By-law;
- Located within an area that is subject to the policies contained in the Source Protection Plan;
- The property features a single-family dwelling, detached garage, detached workshop, gavel parking area, grassed manicured areas, and forested valley slope.

Delegated Responsibility and Statutory Comments

1. GSCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.

Natural hazards identified include the erosion potential of the Pottawatomi River valleylands.

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 lake systems which are impacted by flooding hazards and/or erosion hazards.

GSCA Comment: The site plan was georeferenced with the existing EP – Environmental Protection zone mapping overlayed. A small portion of the most westerly structure (storage unit
#5) is within the existing EP zone. This is shown on the enclosed map. We understand no buildings or structures are permitted in the EP zone. The zoning by-law provisions also require buildings and structures maintain a 15 metre setback form the EP zone. Although not shown on the enclosed map, the 15 metre setback from the EP zone appears to impact storage unit #5 and to a small degree storage unit #4.

GSCA has refined the hazard boundary based on the slope hazard mapping criteria, site-specific review of the slope, topographic survey, and LiDAR contours. The results indicate that the hazard boundary can be reduced overall and that the most westerly restructure is not within the hazard area proper. The revised hazard boundary is shown on the enclosed Ont. Reg. 151/06 map. We recommend that any future zoning by-law utilize the revised mapping as the new EP boundary and the setback from the EP boundary be reduced to 0 metres. GSCA is of the opinion the proposal is consistent with the Section 3.1 policies.

2. GSCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 151/06. This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. GSCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses administered by the GSCA. The regulated area is associated with the Pottawatomi River valleylands. The enclosed Ont. Reg. 151/06 map shows the extent of the regulated areas subject to the GSCA permit.

During GSCA’s site visit, it was noted that works have commenced within the regulated area without GSCA authorization. The landowner was advised of this and a permit application was subsequently submitted. We note the application is being reviewed in conjunction with the subject site plan application.

Advisory Comments

3. GSCA has reviewed the application through our responsibilities as a service provider to the Township of Georgian Bluffs in that we provide comment on natural heritage features under Section 2.1 of the Provincial Policy Statement and on water under Section 2.2 of the Provincial Policy Statement through a MOA.
2.1 Natural Heritage

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

GSCA Comment: The natural heritage features identified on the subject lands include significant woodland and significant valleylands as mapped in the County of Grey Official Plan, potential for significant wildlife habitat, and adjacent lands to fish habitat associated with the Pottawatomi River.

2.1.5 Development and site alteration shall not be permitted in:

   b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
   c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
   d) significant wildlife habitat;

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

GSCA Comment: The Grey County OP mapping identifies the forested valley as significant woodland and extends to a cluster of trees to the south west of the property. These trees have been removed but based on the air photo and site visit were not part of the valley woodland.

The OP identifies the Pottawatomi River valley as significant valleylands. The mapping extends from the valley and onto the plateau area adjacent to the valley. A portion of the proposed development is within this mapped feature.

A review of NHIC records indicate potential significant wildlife, however, none of the candidate species were observed during GSCA’s site visit. We anticipate that any significant wildlife habitat is associated with the forested valleylands.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

GSCA Comment: The proposed development is adjacent to significant woodland, significant valleylands, potential significant wildlife habitat, and fish habitat. The County of Grey Official Plan and Natural Heritage Reference Manual recommends a 120 metre adjacent lands width for consideration of negative impacts. No information has been provided by the applicant in this regard. As the site was already disturbed for the proposed development a review of air photos...
was conducted to identify existing conditions. Based on a review of air photos prior to site development commencing, the area of the proposed development appears to be primarily gravel parking and grass, with some conifer trees in the south west. Based on the contours in the GSS site plans, drainage appears to be directed to an incised feature that extends into the property. As the valleylands are remaining undisturbed and with the implementation of a satisfactory stormwater management plan we do not anticipate negative impacts with regards to the natural heritage features. As such, we are of the opinion the proposal is consistent with the Section 2.1 policies.

2.2 Water

2.2.1 **Planning authorities shall protect, improve or restore the quality and quantity of water by:**

   i) **Ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.**

GSCA Comment: The proposed development will increase the amount of impervious area resulting in impacts to stormwater if left unmitigated. The proposed approach to stormwater management is for a series of catchbasins to collect stormwater and utilize a clear stone gallery below the drive lanes for storage and ultimately infiltration into the subsoils. GSCA has reviewed the Stormwater Management Plan prepared by GSS Engineering and are satisfied with the proposed approach. We recommend that the Township require certification in writing from the project engineer that the proposal, including the underground stone infiltration gallery is constructed in accordance with the proposed design. GSCA is of the opinion the proposal is consistent with the Section 2.2 policies.

4. **GSCA has reviewed the application in terms of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the **Clean Water Act, 2006. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**

The subject property is located within an area that is not subject to the local Source Protection Plan.

**Summary**

Given the above comments, it is the opinion of the GSCA that:

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 is required from our office for the proposed development within the GSCA regulated area;
3. Consistency with Section 2.1 and Section 2.2 of the 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.

**Recommendation**

GSCA has no objections to the approval of the subject application. We note, a future zoning by-law may be required at the discretion of the Township to address storage units #4 & 5 and implement the revised EP zone shown on the enclosed map. We recommend the Township require certification in writing from the project engineer that the proposal was constructed as per the engineer’s design, including the stone infiltration gallery.

Please inform this office of any decision made by the Township of Georgian Bluffs with regard to the applications. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,

Mac Plewes
Watershed Planner, Environmental Planning & Regulations

Encl. Existing EP – Environmental Protection Zone Map
Revised Ont. Reg. 151/06 and Hazard Map

c.c. Dwight Burley & Sue Carleton, GSCA Directors, Township of Georgian Bluffs
Martin Harshman, Landowner/applicant
Jeff Graham, GSS Engineering Ltd.
Planning & Building Departments, Township of Georgian Bluffs
Planning Department, County of Grey
Niagara Escarpment Commission
GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)