



Date Tuesday, October 19, 2021

From Chloe Reaburn, Planner

Subject Public Hearing Report for B-08-21 for Bell Canada

Report PL.2021.36

Recommendation

Positive comments were not received from the Ministry of Transportation by the report submission deadline. It cannot be concluded that application B08/21 is consistent with the Provincial Policy Statement 2020 and the County of Grey Official Plan. It is recommended that PL.2021.36 for Bell Canada be received for information.

Application Summary

Owner: 1512179 Ontario Ltd.
Legal Description: Part Lot 1, Concession 21, Keppel being Part 1 on 16R-1879
Civic Address: 10171 Highway 6
ARN: 4203 620 006 00300

Consent application B-08-21 proposes to create a +/- 155 m x +/- 8.5 m registered easement in favour of Bell Canada to access existing underground telecommunications infrastructure.



The proposed dimensions are as follows:

	Retained Lot	Severed Lot
Lot Area	+/- 4.76 ha	+/- 0.13 ha
Frontage	+/- 215 m	+/- 155 m
Lot Depth	+/- 286 m	+/- 8.5 m
Configuration	Irregular	Irregular

Existing Structures	Motel	Vacant
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Policies Affecting the Proposal

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

The 2014 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 if the proposal conforms to the Provincial Policy Statement.

Under Section 4.7 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 should identify provincial interests and set out appropriate land use designations and policies." (PPS 2014, pg. 33). The Grey County Official Plan (GCOP, Schedule 'A') designates the subject lands as primarily Space Extensive Industrial and Commercial as well as some Niagara Escarpment Development Control Area, and Hazard Lands which are outside of the area subject to the proposed easement.

Section 8.9 of the GCOP, 'Services, Utilities, Broadband and Other Technology Considerations', states, "Access to affordable utilities such as water, sewers, natural gas, and hydro is crucial to the health and financial wellbeing of our residents and businesses. The movement of data and information within and beyond the County is another important consideration for the future of Grey County. There have also been a number of technological advances in transportation over the years that we need to be aware of and plan for including drones, driverless cars, and alternative energy vehicles such as electric cars."

Section 8.9.3 'Utilities', speaks to utilities, also referred to as infrastructure, including telephone/cable and broadband fibre.

4) Utility companies will be requested to ensure construction of their lines and facilities has minimal impact on farm operations, residential, and other surrounding land uses.

5) During the construction of utilities, adequate environmental protection will need to be provided with respect to fueling, dust, noise, landscaping, site drainage, erosion control, groundwater wells, and waste disposal.

No new infrastructure construction is proposed at this time.

Section 8.9.4 of the GCOP speaks to the County's support of high-quality telecommunication services (including broadband/fibre and cellular services) within urban settlement and rural areas.

The proposed easement contains fibre optic infrastructure which is part of the backbone in providing high speed internet services in addition to provisioning cell towers and expanding wireless home internet.

Appendix A of the GCOP indicates that the subject area falls within an "Intake Protection Zone" and "Events Based Area". Section 8.11 of the GCOP speaks to the importance of protecting drinking water through source protection plans which identify threats to our water and identify ways to help prevent these threats from contaminating our water.

These mapped features are largely concerned with storage of large quantities of fuel and do not affect the subject application. The Risk Management Office has provided Notice of Restricted Land Use and confirmed that no Source Protection Plan policies apply to the activities identified in this application.

Appendix A also indicates a mapped Wastewater facility east of the subject property. Section 8.9.1 of the GCOP notes that local municipalities must comply with the Ministry of Environment, Conservation and Parks D-2 Guidelines or its successor document for compatibility between wastewater treatment facilities/sewage treatment works as shown on Appendix A and those outside of but within 400 metres of the Grey County boundaries, and sensitive land uses.

The proposed easement does not present a sensitive land use in proximity to the mapped Wasterwater facility, and therefore complies with the intention of the D-2 Guidelines and policies of Section 8.9.1 of the GCOP.

GSCA reviews impacts of development as per Section 3.1 of the PPS 2020 which directs development outside of natural hazards. The natural hazards identified on the subject property include the flood and erosion potential of a channelized watercourse.

GSCA comments note that given that no development is proposed, the proposal is consistent with Section 3.1 policies of the PPS.

The subject property is partially regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

GSCA comments note that no development is proposed within the regulated feature (channelized watercourse) at this time.

GSCA reviews impacts of development on natural heritage features as per Section 2.1 of the PPS 2020 which directs that natural features and areas shall be protected for the long term.

GSCA comments note that there are no natural features identified on the subject property, as such, the proposal is consistent with Section 2.1 policies of the PPS 2020.

GSCA reviews impacts of development as per Section 2.2 of the PPS 2020 which directs that planning authorities shall protect, improve or restore the quality and quantity of water.

GSCA comments note that no development is proposed, therefore the proposal is consistent with Section 2.2 policies of the PPS 2020.

Section 1.6.8.3 of the PPS 2020 states, "Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities."

No new development is proposed at this time, and the existing infrastructure is supportive of the long-term purposes of the corridor through providing necessary telecommunications infrastructure. The proposal is consistent with PPS 2020 Section 1.6.8.3.

Section 8.3.1(1) of the GCOP states, "All proposed development located adjacent to a Provincial Highway or located within the MTO's permit control area under the Public Transportation and Highway Improvement Act will be subject to MTO approval. Early consultation with MTO is encouraged to ensure the integration of planning initiatives with provincial transportation planning. Direct access to a Provincial Highway will be discouraged and often prohibited. MTO policy is to allow only one entrance for each existing lot of record. Development is encouraged to utilize local roads and shared access wherever possible. New, altered, or expanded land uses, parcels, signs, and entrances adjacent to Provincial Highways will be subject to approvals or prohibitions as may be required by MTO."

MTO comments have not been received, therefore it has not been demonstrated that the proposal is consistent with the PPS 2020 or the GCOP Section 8.3.1(1).

Zoning By-law 2020-020:

The subject property is zoned C4 – Highway Commercial and NEC – Niagara Escarpment Commission. The easement does not create conflict with the provisions of the C4 zone and the Niagara Escarpment Commission indicated no concerns with the proposal. Section 5.22 of the Zoning By-law permits the use of any lot or the erection or use of any building or structure for the purposes of a public use provided by any telephone, telegraph or cable television company and any natural gas company, which company possesses all the necessary powers, rights, licenses and franchises.

Relevant Consultation

The Notice of Complete Application and Notice of Public Meeting was circulated to the agencies for review. The following comments were received by the report submission deadline:

- **County of Grey Planning and Development:** In Correspondence dated September 19, 2021, the County of Grey notes that provided that D-2 Guidelines can be met and that minimal disruption would occur to existing land uses, the County has no further concerns. The County requests notice of any decision rendered with respect to this application.
- **Risk Management Office (RMO):** In Correspondence dated September 20, 2021, RMO notes that 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 Events-base Area for the Wiarton Drinking Water System, whereby the storage of fuel greater than 8,000 litres is regulated.
- **Grey Sauble Conservation Authority:** In correspondence dated October 12, 2021, Grey Sauble Conservation Authority notes no objections to the proposed consent for easement purposed as it is not anticipated to impact any areas regulated under Ontario Regulation 150/06, natural hazards and/or natural heritage features. GSCA requests to be informed of any decision made on the subject application and any notice of appeals filed.
- **Saugeen Obijway Nation:** In Correspondence dated September 20, 2021, the Saugeen Obijway Nation notes they have no further comments on this project. If at any point anything of archaeological interest is revealed on site, please contact the SON Environmental Office immediately.
- **Niagara Escarpment Commission:** In Correspondence dated October 12, 2021, the Niagara Escarpment Commission notes that as there is no development, change of use or site alteration as part of the proposal, NEC staff do not have any concerns or objections.

The Notice of Complete Application and Notice of Public Meeting was circulated to all property owners within 60 m of the subject property. No written comments were received from the public.

Conclusion & Recommendation

Positive comments were not received from the Ministry of Transportation by the report submission deadline. It cannot be concluded that application B08/21 is consistent with the Provincial Policy Statement 2020 and the County of Grey Official Plan. It is recommended that PL.2021.36 for Bell Canada be received for information

Respectfully Submitted:

Chloe Reaburn, Planner, M.PL.

Report Approval Details

Document Title:	PL.2021.36 Public Hearing - Bell Canada c-o Ron Nightingale B-08-21.docx
Attachments:	
Final Approval Date:	Oct 15, 2021

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

Brittany Drury