

## Report PDR-CW-06-17

**To:** Warden Barfoot and Members of Grey County Council  
**From:** Randy Scherzer, Director of Planning  
**Meeting Date:** January 12, 2017  
**Subject:** **Beaver Valley Village Redline Revision – 42T-2007-16  
(Municipality of Grey Highlands)**  
**Status:** Recommendation adopted by Committee of the Whole as presented per Resolution CW04-17; No Council approval necessary, as it was delegated to the Planning and Community Development Committee.

### Recommendation

- 1. That Report PDR-CW-06-17 be received and that in consideration of the matters to have regard for under Subsection 51(24) of the Planning Act RSO 1990 as amended, the redline revisions for Plan of Subdivision File 42T-2007-16 are approved subject to the revised conditions set out in the Notice of Decision.**

### Background

Plan of Subdivision 42T-2007-16 (Beaver Valley Village) was originally draft approved on May 10, 2012. The draft approved subdivision is located on lands legally described as Part Lots 1 and 2, Concession 6 (geographic Township of Euphrasia) in the Municipality of Grey Highlands (see Map 1 below). The current owner of the subject lands is Martin and Maria Kiener. The lands are situated north of Bowles Bluff Road and west of the Beaver Valley Ski Club. The draft approved subdivision includes a total of sixteen single detached residential lots and one future development block. Below is a link to the previous staff report on the original application along with a copy of the draft approved conditions:

[PDR-PCD-17-12](#)

[Current Draft Plan Conditions](#)

The Owner has requested redline revisions to the subdivision which would increase the total single detached lots to seventeen lots with seven of the lots proposed to have

direct frontage onto Bowles Bluff Road and ten lots along an internal road currently identified as “Street A”. It should be noted that Bowles Bluff Road is an open and maintained road under the jurisdiction of the Municipality of Grey Highlands

The proposed revised plan and supporting documentation were circulated to various agencies for comment. Below is a link to the proposed revised plan as well as link to the County website which contains links to the supporting documentation:

[Proposed Revised Plan](#)

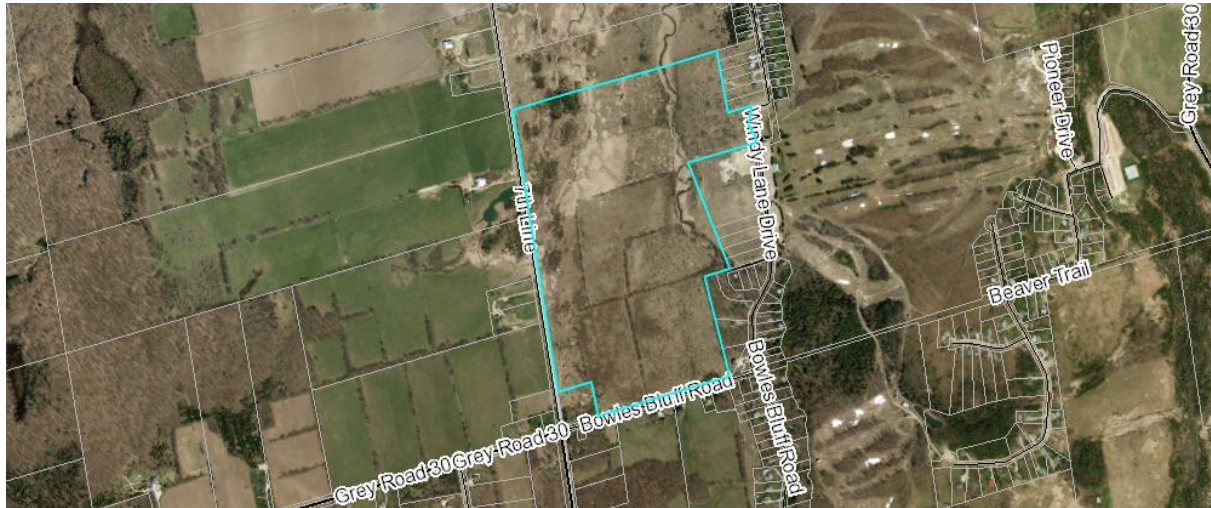
[Supporting Documentation](#)

## Comments Received from the Public

The Municipality of Grey Highlands held a Public Meeting for the proposed redline revisions on October 1, 2016. There were a number of comments and questions raised by the public at the Public Meeting which can be summarized as follows:

- What contingency does Municipality have if drilled wells compromise current wells in area? Will the wells of residents in close proximity be monitored on how working and if water table drops? Is there an action plan if there is a problem? Concerned about drilling new wells and how it will affect water across the road. Recommend that monitoring includes communication back to others.
- The size of the lots in Phase 1 appears smaller in size than what was originally approved. Recommendation was to maintain standards of frontage.
- Question why the development is being allowed and introducing density in the area. Noted that Butternut Court development is nearby with vacant lots. Not in favour of the development
- Question regarding the internal road and having to turn right at the intersection.
- Will there be streetlights?
- Question regarding seven new entrances on road and whether they would clear all natural environment. Recommended that the existing plan with lots fronting on an internal road remain the same.

## Map 1 – Subject Property



## Agency Comments Received

Bluewater District School Board (BWDSB) – in an email dated August 22, 2016, the BWDSB indicates they have no comments or concerns at this time.

Historic Saugeen Metis – in an email dated August 26, 2016, the Historic Saugeen Metis indicates they have no objection or opposition to this proposed development.

Hydro One – in an email dated September 14, 2016, Hydro One indicates they have no comments or concerns at this time.

County Transportation Services – in an email dated September 1, 2016, the County Transportation Services indicates they have no objection to the redline revision of Phase 1 and 2. Transportation Services is requesting that prior to Phase 3 (development within the future development block), a Traffic Impact Study be performed to look at the impact to both Grey Road 30 intersections with Bowles Bluff Road. Condition 19 of the original conditions requires that a Traffic Impact Study be completed prior to considering further development on the Future Development Block.

Niagara Escarpment Commission (NEC) – in a letter dated October 31, 2016, the NEC indicates that the development of the seven new lots fronting on Bowles Bluff Road could, with the establishment of a permanent buffer along the road, meet the intent of the red lined Landscape Concept Plan. The NEC recommends that in order to ensure a sufficient buffer with screening that the following is provided:

- A 25 metre buffer/setback from the southerly property line on each lot
- Registered on title or other legal measures to ensure the buffer and vegetated screen will be maintained in perpetuity and protected from any development

other than driveways and utilities. Utilities in the 25 metre setback would not include tile beds

- The 25 metre buffer/setback area be planted in a continuous manner except for the ROW Block for future Street A and the lot driveways
- All planting to be installed by the subdivision developer prior to the issuance of the first building permit.

The NEC also recommended that all previous conditions be carried forward and that Condition 10 be modified to reflect the above recommendations. The conditions regarding the Landscape Plan and the Vegetation Inventory/Impact Assessment/Preservation Plan shall be prepared by a qualified professional to the satisfaction of the Municipality and the NEC and incorporated into the Subdivision Agreement. The NEC comments have been addressed through the proposed revised conditions.

Municipality of Grey Highlands – Grey Highlands Council approved a motion on November 21, 2016 indicating that they support an amendment to the redline revision to include that Phase 1 include Lots 1 to 7 on Bowles Bluff Road and remaining 10 lots be identified as Phase 2 and timeline of two years. County staff clarified the two year reference with Grey Highlands staff and the reference to the two time year timeline was to ensure that there is at least two years of monitoring of Phase 1 before Phase 2 is developed. County staff have worked with municipal staff to develop revised draft plan conditions.

## Analysis of Planning Issues:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Within Grey County they must also make decisions that conform to the County of Grey Official Plan.

## Provincial Legislation – The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development in a healthy natural environment within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act. The following matters under Section 2 of the Planning Act apply to this proposed development:

- (a) The protection of ecological systems, including natural areas, features and functions;

With respect to the protection of ecological systems including natural features and functions, there was extensive environmental work completed to support the original draft approved development. The environmental consultant involved with the original plan of subdivision reviewed the revised plan and concluded that there are no aspects of the proposed revised plan that would alter the conclusions of the previous environmental studies. Grey Sauble Conservation Authority has reviewed the proposed revised development and has no concerns from a natural environment perspective, subject to the existing conditions of draft approval remaining in place.

- (f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

There were many comments and concerns raised by members of the public at the meeting regarding adding new wells to the area and what impact that may have on neighbouring wells. There was extensive work completed as part of the original application regarding the adequacy of servicing including a peer review of the servicing studies. In the end the studies concluded that servicing can be accommodated on site, however the recommendation was to continually monitor wells both on-site as well as neighbouring wells throughout the development of the first phase and two years after the last unit is built. It is recommended that this condition remain throughout the build out of Phase 1 and 2 and two years after the last unit is built within Phase 2 prior to considering any further development within the Future Development Block.

A concern was raised at the Public Meeting about smaller lot sizes within Phase 1. Although the proposed lots are narrower than the Phase 2 lots, the Phase 1 lots are deeper and therefore in terms of lot area the Phase 1 lots are actually slightly larger than the Phase 2 lots. An updated Hydrogeological Report and Functional Servicing Report was submitted with the proposed redline revisions and the consulting engineer and hydrogeologist are satisfied that the lots can be serviced.

From a transportation perspective, the Grey Highlands Public Works Department and the County Transportation Services Department have reviewed the proposed revised plan and have no concerns. County Transportation Services recommends that a Traffic Impact Study be required prior to any development occurring within Phase 3 (Future Development Block). Condition 19 indicates

that a Traffic Impact Study is required prior to any lots being draft approved within the Future Development Block.

(p) The appropriate location of growth and development

There were concerns raised at the Public Meeting about the appropriateness of the development and the density of the development. The subject lands are designated as Escarpment Recreation Area in the County Official Plan which contemplates development of this nature. The density of the proposed development is within the density limits set out in the Grey Highlands Official Plan.

The proposed redline revisions have regard for matters of Provincial Interest under *The Planning Act*.

## Provincial Policy Statement (PPS)

A key goal of the PPS is directing new growth to settlement areas, and promoting the vitality of such settlement areas through re-development and intensification. The Escarpment Recreation Area designation is akin to a settlement area and the County Official Plan indicates that lands designated as such will generally be the focus of growth within the County in addition to the designated Settlement Areas.

It can be concluded that the proposed revised draft plan of subdivision, with the revised conditions of draft approval, is consistent with the PPS.

## County of Grey Official Plan

The County Official Plan currently designates the subject lands as 'Escarpment Recreation Area'. Section 2.5.2(6) of the County Official Plan states that the Escarpment Recreation Areas designation, in addition to the designated Settlement areas, will generally be the focus of growth within the County. Detailed policies are contained in the Grey Highlands Official Plan as to how Escarpment Recreation Areas should be developed.

It can be concluded that the proposed redline revisions conforms to the policies contained in the County Official Plan and the Grey Highlands Official Plan, subject to conditions.

## Financial/Staffing/Legal/Information Technology Considerations

At this point there are no financial, staffing, legal or IT considerations beyond those normally encountered in processing a red-line revision.

## Link to Strategic Goals/Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Permitting residential growth in an area where growth is permitted can be considered sound land use planning.

## Attachments

*Draft Notice of Decision – Revised Draft Plan Conditions*

Respectfully submitted by,

Randy Scherzer  
Director of Planning

Applicant: Martin and Maria Kiener  
Municipality: Municipality of Grey Highlands  
Location: Part Lots 1 and 2 Concession 6 (Geographic Township of Euphrasia), Municipality of Grey Highlands, County of Grey  
Date of Decision:  
Last Date of Appeal:

File No.:42T-2007-16 (Revised)

Date of Notice:

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## NOTICE OF DECISION

### On Application for Approval of Draft Plan of Subdivision under Subsection 51(45) of the Planning Act

Draft Plan Approval was given on May 10, 2012. **REVISED** Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

#### WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal
- (2) submit completed appeal forms from the Ontario Municipal Board's website - <http://elto.gov.on.ca/omb/>
- (3) be accompanied by the fee (\$300) prescribed under the Ontario Municipal Board Act.

#### WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of subdivision to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or group.

#### RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Grey to the Ontario Municipal Board by filing with the Director of Planning and Development of the County, or her delegate, a Notice of Appeal.

#### HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.



**Applicant: Martin and Maria Kiener**

**File No.:42T-2007-16 (Revised)**

**Municipality: Municipality of Grey Highlands**

**Location: Part Lots 1 and 2 Concession 6 (Geographic Township of Euphrasia), Municipality of Grey Highlands, County of Grey**

**Date of Decision:**

**Date of Notice:**

**Last Date of Appeal:**

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### **GETTING ADDITIONAL INFORMATION**

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling (519) 376-2205 or 1-800-567-GREY.

### **ADDRESS FOR NOTICE OF APPEAL**

**County of Grey**

**595-9th Avenue East**

**OWEN SOUND, Ontario N4K 3E3**

**Attention: Mr. Randy Scherzer, MCIP RPP**

**Director of Planning & Development**

Applicant: Martin and Maria Kiener  
Municipality: Municipality of Grey Highlands  
Location: Part Lots 1 and 2 Concession 6 (Geographic Township of Euphrasia), Municipality of Grey Highlands, County of Grey  
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Plan of Subdivision File No. 42T-2007-16 has been revised and granted draft approval. The draft plan is hereby revised. The County's conditions of final plan approval for this draft Plan of Subdivision are amended as follows:

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No. Conditions

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1. Condition 1 of the draft plan conditions approved on May 10, 2012 is hereby deleted and replaced with the following:

**That this approval applies to the draft Plan of Subdivision File No. 42T-2007-16, prepared by D.C. Slade Consultants Inc. dated December 2016, showing a total of seven lots in Phase 1 (Lots 1 to 7), ten lots in Phase 2 (Lots 8 to 17), one future development block (Block 1), an open space block (Block 2), and a road allowance (Street A) on Part Lots 1 and 2, Concession 6, geographic Township of Euphrasia, Municipality of Grey Highlands, County of Grey.**

2. Condition 10 of the draft plan conditions approved on May 10, 2012 is hereby deleted and replaced with the following:

**Prior to the registration of the Plan, the Owner shall complete a Final Landscaping Plan (including substantive planting along the frontage of Lots 1 to 7 as described below, and substantive planting on Lots 8 to 17, Block 2 and Block 1 adjacent to the lots). The Landscape Plan shall be prepared by a qualified individual to the satisfaction of the Niagara Escarpment Commission and the Municipality. A Vegetation Inventory/Impact Assessment/Preservation Plan shall also be prepared by a qualified individual to the satisfaction of the Niagara Escarpment Commission and the Municipality. The Landscape Plan and the Vegetation Inventory/Impact Assessment/Preservation Plan shall be consistent with the Grading and Drainage Plans. The Landscape Plan shall include, among other matters, substantive screen planting, woodlot edge management planting, stormwater management planting and street tree planting for the subdivision.**

**The Landscape Plan and the Vegetation Inventory/Impact Assessment/Preservation Plan shall be consistent with the following documents: the Landscape Concept Plan DWG:575-06-LCP dated July 9, 2010; the Planning Report by D.C. Slade dated November 2007 (with particular reference to Section 5, Page 6 and the plan titled "Subdivision Design Incorporated Existing Trees"), and the recommendations of the Environmental Impact Study and the EIS Addendums. The Final Landscape Plan and the Vegetation Inventory/Impact**

Applicant: Martin and Maria Kiener  
Municipality: Municipality of Grey Highlands  
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**Assessment/Preservation Plan shall be incorporated into the Subdivision Agreement.**

**With respect to Lots 1 to 7, the following is required in order to ensure a sufficient buffer with screening:**

- **A 25 metre buffer/setback from the southerly property line on each lot;**
- **Registered on title or other legal measures to ensure the buffer and vegetated screen will be maintained in perpetuity and protected from any development other than driveways and utilities. Utilities in the 25 metre setback would not include tile beds;**
- **The 25 metre buffer/setback area be planted in a continuous manner except for the ROW Block for future Street A and the lot driveways;**
- **All planting to be installed by the subdivision developer prior to the issuance of the first building permit.**

**The injury or destruction of trees related to this development, as approved in the Vegetation Inventory/Impact Assessment/Preservation Plan, are exempt from the requirements of the County's Forest Management By-law as per Section 4(d) of the By-law.**

3. That Condition 16 of the draft plan conditions approved on May 10, 2012 be amended by adding in the following subsection (h):

**16(h) The prior to the registration of any lots within Phase 2, the results of the well monitoring following the build out of Phase 1 and following a period of two years after the last unit is occupied within Phase 1 shall be provided to the Municipality, the County, and the Ministry of the Environment and Climate Change. The monitoring results will be made available to members of the public. Should the Municipality or the County require that the monitoring results be peer reviewed, the peer review will be at the owner's expense.**

4. That Condition 19 of the draft plan conditions approved on May 10, 2012 is hereby deleted and replaced with the following:

**That prior to final registration of the entire plan, a major redline revision may be considered to develop the future development block on private services up to a maximum of 28 additional lots subject to the results of the Municipality of Grey Highlands Servicing Study and subject to the results of the monitoring program identified in Condition 16. A Traffic**

Applicant: Martin and Maria Kiener

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Municipality: Municipality of Grey Highlands

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**Impact Study and an updated site specific servicing study will need to be provided to support the proposed redline revision to allow any future development considerations with the future development block (Block 1). The updated site specific servicing study shall be provided to the satisfaction of the Municipality, the Ministry of the Environment and Climate Change, and the County. The Traffic Impact Study shall be provided to the satisfaction of the Municipality and the County Transportation Services Department. Proposed development on full services within the future development block will require a new subdivision application to be submitted.**

5. That all other conditions of draft approval as granted on May 10, 2012 remain in effect.