

Draft Plan of Subdivision 42T-15501 Conditions – June 24, 2019

At its meeting on June 24, 2019, City Council passed Resolution R-190624-004:

“That in consideration of Staff Report CS-19-088 respecting Official Plan Amendment No. 6, Zoning By-law Amendment No. 18, Draft Plan of Subdivision 42T-15501 for a Plan of Subdivision at 1905 8th Street East, City of Owen Sound Council:

1. Receives Staff Report CS-19-088;
2. In consideration of the staff report and recommendations and written and oral submissions, Council finds that the applications are consistent with the Provincial Policy Statement and the goals and objectives and intent of the City Official Plan; and,
3. Directs Staff to bring forward a by-law to adopt Amendment No. 6 to the Official Plan for the City of Owen Sound and give notice in accordance with Sec. 22 of the Planning Act;
4. Directs Staff to bring forward a by-law to adopt Amendment No. 18 to the City’s Zoning By-law No. 2010-078 and give notice in accordance with Sec. 34 of the Planning Act;
5. Approve Draft Plan of Subdivision 42T-15501 by Crozier & Associates Consulting Engineers dated July 27, 2015, attached in Appendix ‘B’ subject to the conditions outlined in Appendix ‘I’, and to give notice in accordance with Sec. 51 of the Planning Act.”

A.	STANDARD CONDITIONS	
1.	That the Owner shall enter into a Subdivision Agreement with the City of Owen Sound pursuant to Section 51 of the Planning Act to be registered on title of the lands to which it applies.	
2.	That this approval applies to the draft plan drawing number 534-3586-FIG. 3, prepared by Crozier & Associates Consulting Engineers dated 07 March 2017, which shows a total of forty-two (42) residential lots, thirteen (13) blocks and public highway dedication	
3.	That the road allowances (Street ‘A’ and ‘B’) included in this Draft Plan be shown and dedicated as public highways.	
4.	That the street(s) included in the draft plan shall be named to the satisfaction of the City of Owen Sound.	

5.	That the owner convey 5 percent of the land included in the draft plan to the City of Owen Sound for park or other recreational purpose in accordance with Sec. 51.1 of the Planning Act. Alternatively, the City may require cash-in-lieu of all or a portion of the conveyance.	
6.	That prior to final approval, the applicant provide plans showing appropriate building envelopes, confirming that the lots/blocks conform to zoning requirements in accordance with the Zoning By-law 2010-078, as amended.	
7.	That prior to final approval, the applicant provide a tax certificate prepared by the City's Financial Services Department (Tax Division) indicating that property (and business) tax installments levied and due on the subject lands are paid in full.	
B.	DRAINAGE CHANNEL REALIGNMENT	
1.	That prior to any development on Blocks 42, 44 and 45 or Lots 5,6,7,37, 38 the Developer: a) Obtain approval from Fisheries and Oceans Canada and any necessary permit from the Grey Sauble Conservation Authority, to the satisfaction of the Director of Public Works & Engineering for authorization to re-route the surface drainage channel across the above named lots and blocks, and; b) Obtain approval from the Grey Sauble Conservation Authority, to the satisfaction of the Director of Community Services and the Director of Public Works & Engineering and provide geotechnical reports supporting construction of dwellings or works on the lots and blocks.	
2.	That prior to final approval, a detailed restoration and landscape plan be prepared for the relocated drainage channel to the satisfaction of the Grey Sauble Conservation Authority and the City's Community Services Department (Planning & Heritage Division). The restoration and landscape plan are to be included in the Subdivision Agreement.	
3.	That prior to the City assuming the Drainage Channel (Blocks 44 & 45) the developer shall demonstrate to the satisfaction of the City's Operations Department (Engineering Services Division) and the Grey Sauble Conservation Authority that the Drainage Channel in Block 44 and 45 together with the required culvert beneath Street A have been constructed in accordance with the approved plans and have been inspected and deemed to be operating satisfactorily by the design engineer and are past the required maintenance period.	
4.	That prior to final approval, the applicant shall demonstrate to the satisfaction of the City's Operations Department (Engineering Services) and the Grey Sauble Conservation Authority that the former drainage channel has been remediated to ensure the location no longer exhibits natural hazard characteristics and has been deemed suitable for construction of dwellings and works on the lots/blocks by an engineer qualified in geotechnical investigation.	

5.	<p>That the subdivision agreement contains wording acceptable to the Grey Sauble Conservation Authority, wherein the owner agrees to provide permanent delineation for the lots abutting Blocks 44 and 45 in a manner acceptable to the City of Owen Sound and Grey Sauble Conservation Authority for any rear lot line and/or side yard.</p> <p>That the subdivision agreement contains wording acceptable to the Grey Sauble Conservation Authority, wherein the owner agrees to provide permanent delineation using bollards or other appropriate measures in a manner acceptable to the City of Owen Sound and Grey Sauble Conservation Authority for any rear lot line and/or side yard for all Lots and Blocks abutting Block 48.</p>	
C.	REGULATED AREA & STORMWATER MANAGEMENT AREA	
1.	<p>That the subdivision agreement contains wording, to the satisfaction of the Grey Sauble Conservation Authority, that any and all development and site alterations on lands within the regulated area will require the acquisition of permits from the Grey Sauble Conservation Authority.</p> <p>The following components of the proposal require a permit from the Grey Sauble Conservation Authority:</p> <ul style="list-style-type: none"> • The relocation and restoration of the western tributary channel (Blocks 44 and 45) and the related culvert installation. • The cut and fill of the floodplain related to the construction of 'Street A'. • The construction of the stormwater outlet. • The construction of any dwellings, structures and related site alteration of specific lots that fall within the Ontario 151/06 regulated area. 	
2.	That the Owner convey Blocks 43-48 and 51-52 to the City of Owen Sound (subject to any maintenance period).	
3.	<p>That prior to final approval, the applicant provide a lot grading, drainage and detailed storm water management report and plan, and a detailed sediment and erosion control plan, prepared by a professional engineer licensed in the Province of Ontario, in accordance with applicable City By-laws, to the satisfaction of the City's Operations Department (Engineering Services) and the Grey Sauble Conservation Authority and that the plans are to be included in the Subdivision Agreement.</p> <p>That the plans shall include detailed design provisions respecting thermal mitigation measures and address Section 8.0: Environmental Consideration and Mitigation of the Scoped Environmental Impact Study dated July 2015 prepared by Azimuth Environmental Consulting Inc.</p>	
D.	BLOCK 48 - FLOODPLAIN & ESA DEVELOPMENT PLAN	
1.	<p>That the Owner include in all offers of purchase and sale for Block 53 the following:</p> <p>That Purchasers are advised that for Block 53 of M-Plan #____ no buildings or structures shall be constructed or any new use established until such time as</p>	

	the Holding Provision is removed in accordance with Zoning By-law 2010-078, as amended.	
2.	<p>That prior to final approval and the City assuming Block 48, the Developer shall implement the Development Plan to the satisfaction of the Community Services Department (Planning & Heritage Division) and the Grey Sauble Conservation Authority by undertaking the following:</p> <ul style="list-style-type: none"> • That the Development Plan has been completed and the five-year maintenance period is complete and no further maintenance within Block 48 is required. <p>OR</p> <ul style="list-style-type: none"> • That the Development Plan has not been completed and the Developer shall enter into a maintenance agreement with the City to complete ongoing maintenance of the compensation area until such time as it has been confirmed that no further work is required; and, • That Developer will be required to provide appropriate securities to the City to ensure the completion of the Development Plan. 	
3.	<p>That the following provisions from Section 8.2: Environmental Consideration and Mitigation of the Scoped Environmental Impact Study dated July 2015 prepared by Azimuth Environmental Consulting Inc. be included in the Subdivision Agreement:</p> <ul style="list-style-type: none"> • Removal of vegetation shall generally be restricted from occurring between May 1 and July 31. If vegetation removal is requested within this timeframe, the Developer is responsible to obtain the services of a qualified environmental consultant to assess the site immediately prior to the site alteration to ensure that the activities are not in contravention of the Migratory Birds Convention Act, 1992 or Endangered Species Act (per section 8 of Environmental Impact Study). • The Developer is responsible for any and all compliance with the Endangered Species Act. • Site lighting shall be dark sky compliant to reduce light pollution. Lighting shall be directed away from the tributary to Bothwell's Creek to the extent possible. Developer to provide photometric plan prior to final approval (for street lights). • Native, non-invasive species shall be utilized in all landscaped areas to the satisfaction of the City's Community Services Department. 	
4.	<p>That prior to final approval, access to Block 53 is to be established via means to the satisfaction of the City in order to provide a legal means of permanent access for the owner of Block 53 for maintenance, non-livestock farming, and in case of emergency.</p> <p>Access to Block 53 is preferred to be established over lands to the east (2251 8th St. E.; 425904007512000) if possible, as opposed to through Block 48 given the inherent troubles with encroachment into the natural hazard feature.</p>	

	The easement agreement shall identify that non-emergency access shall be carried out at times of low flow/dry conditions and that any alterations to the floodplain require permit from GSCA.	
E.	PHASING	
1.	<p>The subdivision agreement shall include the requirement for:</p> <ul style="list-style-type: none"> a) A Phasing Plan shall outline each stage of development, the timing of required studies, and the design and timing of construction of all amenities and services (road construction, services, etc). b) That the Owner agrees to phase any development of the Plan in a manner satisfactory to the City of Owen Sound and the County of Grey, and in accordance with the Phasing Plan identified in Condition (E (1) a). The Registration of the Plan of Subdivision may proceed in phases and in accordance with the Phasing Plan. c) That Draft Approval for Plan of Subdivision 42T-15501 for Redhawk Construction Co. Ltd in the City of Owen Sound shall lapse as follows: <ul style="list-style-type: none"> i. For the first phase, three (3) years after the date of Draft Approval (that being day/month/year) unless it has been extended by the City of Owen Sound; and, ii. For any subsequent phases, five (5) years after the date of final approval of the preceding phase. 	
2.	<p>That the subdivision agreement contains staging arrangements to provide for implementation of:</p> <ul style="list-style-type: none"> 1. Necessary traffic controls, easements or other tools to the satisfaction of the City of Owen Sound and the County of Grey for vehicular and non-vehicular access over Block 41 in favor of Block 42 prior to Street 'A' being open and assumed. 	
3.	That prior to construction of Phase 3 of the development, Redhawk Construction Co. Ltd. complete an updated Traffic Impact Study to the satisfaction of Grey County Transportation Services and the City of Owen Sound, with the possibility that the County may require reconfiguration of the west condominium entrance.	
F.	SITE PLAN APPROVAL	
1.	That Site Plan Approval is required in accordance with the City's Site Plan Control By-law 2011-034, or its successor, for all row and multi-unit residential dwellings and institutional uses on site prior to development of the lands.	
2.	<p>That the Subdivision Agreement include a clause that site plan approval is required under By-law 2011-034 for the apartment buildings on Block 41.</p> <p>Specifically, site plan approval for Block 41 shall demonstrate compliance with the recommendations found in WSP Flight Path Study dated March 2016 including, but not limited to, maximum building height and red steady</p>	

	burning obstruction lights to be installed. An update to the WSP study may be required to reflect final site plan.	
G.	LANDSCAPING	
1.	Prior to final approval, a Tree Preservation and Planting Plan be provided to the satisfaction of the Community Services Department for those blocks containing single detached dwellings. Restrictive covenant or other means may be required to prevent removal of the hedgerow at the south lot line or to require construction and ongoing maintenance of fencing /bollards.	
H.	GEOTECHNICAL	
1.	That prior to final approval, the developer acknowledges and agrees to submit the project design drawings to a qualified geotechnical engineer for geotechnical review for compatibility with site subsurface conditions.	
2.	That the Subdivision Agreement contain a clause that requires any recommendations contained in their November 9, 2017 geotechnical investigation report by PML be incorporated in building plans and construction notes.	
3.	That the Subdivision Agreement contain a clause that the developer acknowledges and agrees that any dewatering during construction shall be directed overland and not conducted directly to any watercourse.	
I.	SERVICING	
1.	That prior to final approval, the Developer demonstrate that the extension of domestic water and sanitary sewer trunk services to the subject lands has been provided.	
2.	That prior to final approval of the Plan, the owner demonstrates to the satisfaction of the City that there is an adequate supply of potable water to service this development.	
3.	That prior to final approval of the Plan, the owner demonstrates to the satisfaction of the Ministry of the Environment, Conservation and Parks that there is adequate sanitary and storm sewer capacity to service this development.	
4.	That prior to final approval of the Plan, the City is to be advised in writing by the Developer's consulting engineer that the Ministry of Environment, Conservation and Parks has issued Environmental Certificates of Approval (ECA) for the wastewater and storm sewer systems.	
J.	ACCESS & ROADS	
1.	That prior to final approval of the Plan, the owner provide access to the development from 8 th Street East to the satisfaction of the Director of Public Works & Engineering and the County of Grey.	
2.	That prior to final approval, the Developer provides for a cul-de-sac at the	

	southern terminus of Street 'A' to the satisfaction of the City's Operations Department (Engineering Services).	
3.	The Owner shall convey Blocks 49 & 50 to the County of Grey and /or the City of Owen Sound as applicable (subject to any maintenance period).	
4.	That before any blocks, roads, walkways, trails, service corridors, sight triangles, and 0.3 meter reserves identified on the Plan are conveyed to the City of Owen Sound and/or County of Grey as applicable, they shall be free and clear of encumbrances.	
5.	That pedestrian and maintenance access links, cul-de-sacs and sidewalks be provided to the satisfaction of the Community Services Department (Planning Division & Heritage Division) and the Public Works & Engineering Department (Engineering Services Division) in accordance with best County/City design standards.	
6.	That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Owen Sound and/or County of Grey concerning the cash contribution, provision of roads and service corridors, installation of services and drainage; including capital contributions to the intersection improvements at 8 th Street East & Street 'A' (extension of 20 th Avenue East). Clauses shall be added to the Subdivision Agreement to facilitate each of these items, as appropriate.	
7.	That such easements as may be required for utilities, drainage or snow storage purposes shall be granted to the appropriate authority.	
8.	<p>That the Subdivision Agreement between the owner and the City of Owen Sound contain the following provisions with wording acceptable to the Public Works & Engineering Department, wherein the owner agrees:</p> <ul style="list-style-type: none"> (a) before commencing any grading or construction on any lot, to have prepared a detailed report, drawings and site plans acceptable to the City of Owen Sound showing the location of all buildings and structures to be erected on the site, all final grades and vegetation, the means whereby storm drainage will be accommodated, and the means whereby erosion and silt transport will be contained and minimized, both during and after the construction period. (b) to provide for the construction of roads, services and common stormwater management facilities and, furthermore, shall provide for the City to assume ownership and operation of the roads, services and common stormwater management facilities. (c) to erect snow fencing or other suitable barriers prior to initiating any grading or construction on the site to prevent the unauthorized dumping of fill and to keep these barriers in place until all grading and construction on abutting lots and roadways has been completed to the satisfaction of the City of Owen Sound. (d) to develop a tree preservation plan in accordance with the City of Owen 	

	<p>Sound Residential Tree Preservation Policy.</p> <ul style="list-style-type: none"> (e) to provide demarcation of the common lot line and hazard line in a manner acceptable to the City and Grey Sauble Conservation Authority. (f) to provide demarcation of the common lot line between the subject lands and the abutting properties to the south and west, which may include a fence, in a manner acceptable to the City. (g) that the Subdivision Agreement between the owner and the City of Owen Sound be registered against the lands to which it applies once the plan of subdivision has been registered. (h) to develop a planting plan using native non-invasive species in accordance with the direction provided in the Environmental Impact Study and Functional Servicing Study for the Stormwater Management pond. (i) to develop a planting plan using native non-invasive species in accordance with the direction provided in the Environmental Impact Study and Functional Servicing Study for the realigned drainage channel. (j) that this subdivision shall not be developed except in accordance with the approved plan. (k) To provide for the installation of a water supply system subject to the approval of the City, and furthermore shall provide for the City to assume ownership and operation of the system upon completion of the maintenance period, at the expense of the Developer. (l) To provide for the installation of a wastewater sewer subject to the approval of the City and the Ministry of Environment, Conservation and Parks, and furthermore, shall provide for the City to assume ownership and operation of the system upon completion of the maintenance period, at the expense of the Developer. (m) To provide for the construction of the common stormwater management facilities and the drainage channel realignment subject to the approval of the City of Owen Sound and the Grey Sauble Conservation Authority and, furthermore, shall provide for the City to assume ownership and operation of the system upon completion of the maintenance period, at the expense of the Developer. (n) to include wording acceptable to the City of Owen Sound and the Grey Sauble Conservation Authority to implement the surface water management plan, the drainage channel realignment, tree preservation plan, and individual lot requirements. 	
K.	ADDITIONAL CONDITIONS	
1.	That the Subdivision Agreement include the following conditions related to archaeological resources:	

	<ul style="list-style-type: none"> • Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the Ontario Heritage Act. • The Cemeteries Act, R.S.O. 1990, c. C.4 and the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services. 	
2.	The [Developer] covenants and agrees to provide [the Municipality] with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved [engineering design drawings/Draft Plan], at the time of sidewalk and/or curb installation. The [Developer] further covenants and agrees to provide notice to prospective purchasers of the locations of CMBs and that home/business mail delivery will be provided via CMB.	
3.	That prior to final approval the detailed design be presented to the Accessibility Advisory Committee and any recommendations be incorporated as conditions to the satisfaction of the Director of Community Services	
4.	That prior to final approval of the Plan, the City is to be advised in writing by the County of Grey that conditions of approval have been satisfied.	
5.	That prior to final approval of the Plan, the City is to be advised in writing by Grey Sauble Conservation Authority that conditions outlined that conditions of approval have been satisfied.	