

## Staff Report

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**Report To:** City Council  
**Report From:** Sabine Robart, Senior Planner  
**Meeting Date:** November 7, 2022  
**Report Code:** CS-22-143  
**Subject:** Recommendation Report for Request for Draft Plan  
Extension – Telfer Creek Subdivision (Draft Plan 42T-  
19501)

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### Recommendations:

THAT in consideration of Staff Report CS-22-143 respecting a request for an extension to the draft plan approval for Draft Plan of Subdivision 42T-19501, known as the Telfer Creek Subdivision, City Council:

1. Approves the request by Barry's Construction and Insulation Ltd., dated October 03, 2022;
2. Grants a three-year extension to the draft plan approval for the first phase, being November 18, 2025, unless further extended by the City, in accordance with Section 51 (33) of the *Planning Act*; and
3. Approves that for any subsequent phases, the lapsing date shall be five (5) years after the date of Final Approval of the preceding phase.

### Highlights:

- Barry's Construction and Insulation Ltd. has submitted an application for an extension to the approval of the Draft Plan of Subdivision 42T-19501, applying to lands with Roll No. 42590400600100, Telfer Creek Subdivision.

- The subject lands received draft plan approval from City Council on November 18, 2019. The approval is scheduled to lapse on November 18, 2022, unless extended by the City.
- Planning Staff recommends that the request be approved and that a three-year extension to the draft plan approval for the first phase is granted.

## **Previous Report Authority**

Draft Plan of Subdivision recommendation report [CS-19-136](#)

## **Strategic Plan Alignment:**

Legislated review process.

## **Background & Proposal:**

Barry's Construction and Insulation Ltd has submitted an application for an extension to the approval of the Draft Plan of Subdivision 42T-19501, known as the Telfer Creek Subdivision, applying to lands with Roll No. 42590400600100.

The subject property is located on the north side of 8<sup>th</sup> Street East, immediately east of the Grey Bruce Health Services Owen Sound Hospital and south of Smart Centres (Walmart) and Heritage Grove commercial developments. The 25 ha (33.6 acres) property has 198 m of frontage on 8th Street East, which is a County Road. The vacant lands include fields, meadows, hedgerows, and a wide shallow tributary of Bothwell's Creek. One historic driveway access remains located on the west side of the creek. The Bothwell's Creek tributary is located in the southeast corners of the property and continues to the northeast, generally parallel to the rail trail.

Surrounding land uses include (see Orthophoto in Schedule 'A'):

North:	Commercial (Smart Centres & Heritage Grove commercial developments)
East:	Vacant, rural
South:	Future Redhawk subdivision
West:	Grey Bruce Health Services – Owen Sound Hospital

The parcel contains no buildings or structures and has historically been used for agricultural purposes.

The subject property is designated 'Residential', 'Open Space' and 'Hazard Lands' in Schedule 'A' of the Owen Sound Official Plan, 2021 (OP). The subject property is within the Sydenham Heights Planning Area and is further refined as 'High Density Residential,' 'Medium Density Residential,' and 'Low Density Residential' in Schedule 'A.2' of the OP.

The subject property is zoned Medium Density Residential (R4) (H), General Residential (R5)(H), Open Space (OS), and Hazard Lands (ZH), subject to special provisions that provide certain site-specific site and building regulations. For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

### **The Proposal**

The subject lands received a draft plan of subdivision approval (File No. 42T-19501) from City Council on November 18, 2019 (see Staff Report [CS-19-136](#)). At that time, the subject lands were owned by Bremont (Owen Sound) Corporation.

The approved draft plan, attached as Schedule 'D', provides for approximately 328 residential units, including a mix of single-detached dwellings, street fronting and multiple dwellings on full municipal services, the extension of 20<sup>th</sup> Ave East and the construction of local roads as well as a stormwater management system and parkland blocks. Further, the draft plan provides for a large block containing the hazard land associated with Bothwell's Creek tributary watercourse and its floodplain.

The existing draft plan conditions are attached as Schedule 'E'. In accordance with draft plan condition A.2, draft plan approval of the subdivision lapses as follows:

- a. For the first phase, three (3) years after the date of Draft Approval (**being November 18, 2022**), unless extended by the City; and,
- b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

The new owner, Barry's Construction and Insulation Ltd. has submitted a request to extend the draft plan approval relating to the first phase. The formal written request is attached as Schedule 'F'. As noted in the request, the applicant recently purchased the subject property and is preparing a red-line revision application.

The purpose of this report is to consider the implications and appropriateness of the requested extension to the lapsing date of the Telfer Creek subdivision draft approval from November 18, 2022 to November 18, 2025.

## **Analysis:**

A review of the draft plan of subdivision was undertaken in consideration of the *Planning Act*, Provincial Policy Statement (PPS), County Official Plan, and City Official Plan at the time of consideration by City Council through Staff report [CS-19-136](#). The proposed development was found to have regard for the matters of provincial interest under the *Planning Act*, be consistent with the PPS, and conform to the County and City Official Plans.

The owner of the subject lands has submitted a request to the City to extend the lapsing date of the draft plan approval. There are no modifications proposed to the draft plan, the conditions of approval, or the current zoning at this time. Should modifications be proposed in the future, they will be subject to the legislated review process outlined in the *Planning Act*, which includes review by commenting staff and agencies, a public meeting, and final approval by City Council.

Section 51 (33) of the *Planning Act* permits Council, as the approval authority, to extend the lapsing date for the draft plan of subdivision. The length of the extension is at the discretion of the approval authority. Section 51 (44) of the Act further allows Council to withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before final approval of the plan of subdivision is achieved. Where approval is withdrawn, or conditions are modified, notice must be provided in accordance with Section 51 (45) of the Act and Ontario Regulation 544/06, unless, in the opinion of Council, the change to the draft plan conditions is minor (Section 51(47)).

In accordance with Section 51 (33) of the *Planning Act*, Planning Staff are recommending that a three-year extension to the draft plan approval be granted for the completion of the first phase (November 18, 2025) unless

further extended by the City. For any subsequent phases, the lapsing date shall remain five (5) years after the date of Final Approval of the preceding phase in accordance with draft approval condition E.1. c.

Section 5.2.3.3 of the City's Official Plan states that where conditions of draft plan approval are not fulfilled within a reasonable time period, the City may not support the extension of development approval and assign the servicing allocation to other developments or areas of the City or hold the capacity in reserve. Comments received from Engineering Services note that there are no negative implications for service allocations that would impact the granting of an extension to draft plan approval for the subject lands.

Planning Staff have reviewed the conditions of the draft plan approval and find that no modifications are necessary at this time. The conditions remain relevant for addressing the needs of the City and other commenting agencies, including the County and the Grey Sauble Conservation Authority.

### **City Staff & Agency Comments**

The request for a draft plan extension was circulated to commenting staff and agencies on October 11, 2022. In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review and can be found attached hereto as Schedule 'G'.

### **City of Owen Sound Engineering & Public Works Department**

Comment has been received from the Engineering Services Division with no objection to the request. There are no negative implications for future service allocation, which would impact the existing Draft plan approval for this project. Engineering Services does not wish to change, add to, or amend any existing Draft Plan Approval conditions.

### **Financial Implications:**

None to the City.

### **Communication Strategy:**

Where an extension to draft plan approval is being granted, and the conditions of draft approval remain unchanged, the *Planning Act* does not require that notice be provided. Planning Staff will notify the applicant of Council's decision via email.

## **Consultation:**

The request for a draft plan extension was circulated to commenting staff and agencies on October 11, 2022.

## **Attachments:**

Schedule 'A': Orthophoto  
Schedule 'B': Planning Policy  
Schedule 'C': Property Details  
Schedule 'D': Approved Draft Plan of Subdivision  
Schedule 'E': Draft Plan Conditions  
Schedule 'F': Extension Request  
Schedule 'G': Staff & Agency Comments

## **Recommended by:**

Sabine Robart, MCIP, RPP Senior Planner  
Pam Coulter, BA, RPP, Director of Community Services

## **Submission approved by:**

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Senior Planner, at [planning@owensound.ca](mailto:planning@owensound.ca) or 519-376-4440 ext. 1236.