

SCHEDULE H

AGENCY COMMENTS

Bell Canada (WSP) – December 12, 2022

Historic Saugeen Metis – December 13, 2022

Grey County Planning & Development – December 22, 2022

Saugeen Ojibway Nation Environment Office – January 09, 2023

Bluewater District School Board – January 24, 2023

Grey Sauble Conservation – January 24, 2023

Engineering Services Division Staff Report – March 17, 2023

Saar Environmental Inc. Peer Review - March 5, 2023

From: [CA - Circulations](#)
To: [Sabine Robart](#)
Subject: RE: Request for Comment - ZBA 44 at 2275 16th Street East (Telfer Creek Square)
Date: December 12, 2022 1:39:39 PM
Importance: Low

Thank you for your circulation on Request for Comment - ZBA 44 at 2275 16th Street East (Telfer Creek Square) . Your email has been received and relayed to Bell staff for review. The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated at CA.Circulations@wsp.com on any future materials related to this development project or infrastructure/policy initiative.

Development Application Circulations

Please note that Bell Canada does not generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Infrastructure and Policy Initiative Circulations

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure/policy initiative circulation received at this time.

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada.



wsp.com

From: [Coordinator LRC HSM](#)
To: [OS Planning](#)
Subject: Request for Comments - Owen Sound (Teller Creek Square) - Proposed Zoning By-Law Amendment
Date: December 13, 2022 10:15:20 AM

Owen Sound Municipality

RE: ZBA-44

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed proposed Zoning By-Law Amendment ZBA-44. HSM generally does not support development or encroachment within areas designated as Environmental Protection and Hazard Lands. HSM acknowledges that the Grey Sauble Conservation Authority regulates development or encroachment in areas designated as Shoreline, Environmental Protection and Hazard.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
email: hsmlrcc@bmts.com
phone: 519-483-4000
site: saugeenmetis.com
address: 204 High Street Southampton, ON

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From: planning@grey.ca
To: [Briana Bloomfield](#); [Desiree van Dijk](#); [OS Planning](#)
Subject: County comments for ZBA 44 - 2275 16th St E (Telfer Creek Square)
Date: December 22, 2022 4:27:12 PM

County comments for ZBA 44 - 2275 16th St E (Telfer Creek Square)

Hello Owen Sound,

Please note that County Staff have reviewed Zoning application ZBA 44 - 2275 16th St E (Telfer Creek Square) - Sydenham Square Inc. The subject proposal seeks zoning approval for a mixed use development, including five single-storey commercial buildings, and three 3-storey residential buildings (120 units total). A number of studies have been circulated to support and inform the proposed development, including a Planning Justification Report, Servicing Study, Stormwater Management Plan, Urban Design Study, Archaeological Assessment, Transportation Impact Study, Solar Study, Hydrogeological Study, Geotechnical Investigation and Floodplain Analysis.

It is noted that the Planning Justification Report indicates that an Environmental Impact Study was completed to support the development, but the EIS has not yet been circulated to County staff for review.

Of the studies received, County staff find them generally comprehensive and acceptable. County Transportation Services staff have reviewed the completed TIS and have indicated no concerns.

Previous County comments, dated August 17, 2020 were provided on an earlier proposal at the pre-circulation stage. These comments are generally still of relevance to the subject application and be found here: <https://docs.grey.ca/share/public?nodeRef=workspace://SpacesStore/996b7383-68df-4cba-b071-47a270b6cc8e>

County staff are pleased to see a mixed-use development that facilitates opportunities for people to live where they work, with access to business services in walking distance. The Urban Design Study provides a comprehensive assessment to demonstrate how the proposed development would align with the design criteria of the City's Official Plan. The County recognises the efforts that have been made to reduce sprawling parking areas through landscaped buffering between lots, and the use of some underground parking to service the residential uses. These design features contribute to the County's climate change action strategy, which encourages shaded parking areas to reduce the urban 'heat island' effect. Mixed-use development also contributes to the goals of the County's Age Friendly Community Strategy, which recognises the need for housing that facilitates 'aging in place' for older adults.

Regarding the placement of buildings, staff would note that one of the residential

buildings appears to be positioned quite close to 16th Street East, a 'Highway Connecting Link,' in Appendix D of the County's Official Plan. Staff would kindly inquire whether there has been any discussion (including any comments received from MTO) around noise mitigation measures and/or further study, to ensure that future residents of this building would not be unduly impacted by noise from 16th Street East.

The subject property is situated adjacent to the County's Rail Trail. The County's Forest and Trails department has provided the following comments:

No drainage should be diverted toward the trail. Additionally, if the proponent is considering a trail access point from the subject lands to the trail, this needs to be reviewed and approved by the County.

If the proponent and/or the City would like to discuss trail access across the subject lands, County staff are open to this conversation. While County staff would generally prefer trail access to be taken at designated public street crossings, a sidewalk connection along the frontage of this property may be problematic due to steep embankments along 16th Street East. That said, a trail connection to this area of the City could increase the potential for the trail to be used for general commuting to businesses along 16th Street East.

County staff have no further comments at this time.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Becky Hillyer

010129 Highway 6,
Georgian Bluffs, ON
NOH 2T0
(519) 534-5507
saugeenojibwaynation.ca



January 09, 2023

To
PLANNING OF OWEN SOUND / COUNTY OF GREY

Re. Saugeen Ojibway Nation conditions for 2275 16th Street East, Owen Sound, County of Grey proposed subdivision development.

This letter is addressed to the County of Grey, regarding the duty to consult and accommodate SON regarding a proposed approval of a plan of subdivision.

Sydenham Square Inc. % Muzzammill Dewan (the Proponent) has proposed to develop five commercial buildings (multi unit plazas) and three residential apartment buildings referred to as 2275 16th Street East (the Project) at 2275 16th Street East.

Saugeen First Nation and Chippewas of Nawash Unceded First Nation, collectively known as the Saugeen Ojibway Nation (SON) are concerned about the ongoing impacts of residential and commercial development and associated infrastructure in SON Territory. SON Territory (see enclosed map) includes the lands of the Saugeen (Bruce) Peninsula and approximately 1.5 million acres of land south of the Peninsula, as well as the surrounding waters. This is a finite landscape shared by many different forms of life that are inextricable from SON's rights, culture, ways of life, and the health of the lands and waters. SON has an inherent responsibility to protect and steward its Territory. Over the last century, residential, commercial, tourism, agricultural and infrastructure development has proceeded in SON Territory without SON's input, adequate consultation or SON's free, prior and informed consent.

The proposed development of five commercial buildings and three residential apartment buildings will have an impact on SON's rights, interests and its Territory by reducing the extent of natural habitat available to many wildlife species, including species of cultural importance. These include White-tailed Deer, which have been documented on the subject lands and which undoubtedly use the natural habitat within the subject lands and along the adjacent rail trail to the north and south as a movement corridor and feeding area.

This pattern of development cannot continue; the law requires that SON be meaningfully consulted and accommodated, before any further development is approved. Development that occurs within SON Territory cannot negatively impact SON rights and interests, which include a healthy environment. SON's Aboriginal and treaty rights, exercised by its members throughout SON's Territory, are protected by Section 35 of Canada's Constitution (Canada's highest law). This protection triggers the need for consultation and accommodation with SON whenever a development or activity is considered that could potentially harm SON's rights.

In most parts of SON Territory, well over 50% of natural lands have been significantly altered. The pressures of development are ongoing and increasing. Impacts occur at the scale of each individual project as well as on a cumulative scale. The conversion of forests, wetlands, grasslands and other natural habitats into developed lands (e.g., subdivisions, roads, utility corridors and other built environments) has led to significant impacts on healthy ecological functions (e.g., loss of habitat connectivity and biodiversity; declines in populations of plants and animals that are culturally important to SON; reduced carbon sequestration and ecological resilience in the face of climate change; introduction of invasive species) as well as impacts to fish habitat (e.g., due to shoreline alteration), surface water and groundwater quality and quantity (which can occur as a result of stormwater management and the infrastructure required for drinking water and sewage management). The combinations of these land and water related impacts are a major concern for SON, given the cumulative effects of multiple developments in a given area that typically occur over time. SON's uses of and relationships with its lands and waters since time immemorial are impacted, as are, by extension, SON's rights, interests, and responsibilities.

A significant proportion of lands along the recreational trail (along the decommissioned railroad) that intersects with the eastern edge of the subject lands are naturally vegetated, or are naturalizing, forming a corridor of woodlots, hedgerows, wetlands and meadows extending for more than 25 km from west of Chatsworth to Georgian Bay at the Hibou Beach. Maintaining and expanding greenspace along this natural corridor, rather than developing it, would contribute to a healthier regional natural heritage system, providing benefits not only to wildlife, but to the mental, physical and spiritual health of current and future generations of the residents of Owen Sound and environs, as well as for the SON communities.

Through its Environment Office, SON has participated in some consultation with Sydenham Square Inc. % Muzzammill Dewan on 2275 16th Street East. As an outcome of that consultation, SON has identified concerns relating to the loss of forest cover in the area, limiting wildlife habitat and movement corridors in a part of SON Territory that has already undergone immense alteration to agricultural and residential uses.

Certain conditions must be met and/or implemented prior to any proposed activity or construction proceeding. SON expects the following accommodations to be incorporated into the conditions for the approval of a plan of subdivision (as per section 51 subsection 25 of the Ontario Planning Act) or to be incorporated into an agreement between the municipality and the proponent imposed as a condition to the approval of a plan of subdivision (as per section 51 subsection 26 of the Ontario Planning Act), depending on which is more appropriate for each. SON requires the opportunity to review and verify that this is complete prior to withdrawing its objection to the Project.

Accommodation expectations of SON regarding the Project:

1. Proponent to landscape with trees, shrubs and wildflowers that are native to SON Territory, and to provide SON with a complete list of species to be planted prior to landscaping activities (SON may be able to provide guidance on species selection).
2. Proponent to install signage at trailheads leading to the rail trail from the development to educate local residents about:
 - a. SON Territory, SON history in the area, and SON values, rights and responsibilities to the land.
 - b. Impacts of off-leash pets, invasive species, garden encroachment, and disposal of litter and compost in natural areas.
 - c. The benefits of gardening with native plants.

Regardless of the above conditions being met, SON continues to have concerns about the cumulative impacts of building developments in SON Territory, especially where natural habitat is being developed. There needs to be a process in place between the County, Municipalities, and SON to address cumulative impacts in SON Territory at the earliest stages of planning. We look forward to these conversations.

Please note, SON is especially concerned about development close to current shorelines. SON does not support the development of any currently undeveloped shorelines in SON Territory for residential or other uses.

From here, SON expects PLANNING OF OWEN SOUND / COUNTY OF GREY to follow up regarding appropriate mechanisms to implement each of the above accommodations to ensure long term enforceability.

Miigwetch,



Acting Associate of Resources and Infrastructure,
Environment Office of the Saugeen Ojibway Nation

Cc'd: Sydenham Square Inc. % Muzzammill Dewan



Bluewater District School Board

P.O. Box 190, 351 1st Avenue North
Chesley, Ontario N0G 1L0
Telephone: (519) 363-2014 Fax: (519) 370-2909
www.bwdsb.on.ca

January 24, 2023

Sabine Robart, Senior Planner
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4

RE: ZBA No.44
2275 16th Street East, Owen Sound (Telfer Creek Square)

Attention: Sabine Robart,

Thank you for circulating notification with respect to a Zoning By-Law Amendment application to amend the City's Zoning By-law 2010-078 to permit a mixed-use development which includes three multi-unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units.

Bluewater District School Board (BWDSB) has no objection to this development. Planning staff request that urban standards such as sidewalks be included throughout the proposed development to facilitate heavy foot traffic areas and promote walkability. BWDSB requests the following conditions be included as part of Site Plan approval:

1. "That the owner(s) agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school operated by Bluewater District School Board may be accommodated in temporary facilities; including but not limited to a portable classroom, a "holding school", or directing students to an alternative attendance boundary."
2. "That the owner(s) shall agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at discretion of the Student Transportation Service Consortium of Grey-Bruce."
3. "That the owners(s) agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce."

Please provide BWDSB with a copy of the Notice of Decision, including a copy of the Site Plan approved conditions for our files. Once the Agreement has been registered, please provide BWDSB with a copy of the registered Agreement in electronic format. Once the Plan has been registered, please provide BWDSB with a copy of the registered Site Plan in electronic format.

Please do not hesitate to contact us if you have any questions, concerns or for more information.

Sincerely,
Shelley Crummer, Business Analyst

c.c.: Rob Cummings, Superintendent of Business Services
Dennis Dick, Manager of Plant Services

January 24, 2023

GSCA File: P22682

City of Owen Sound
808 2nd Ave E
Owen Sound, ON
N4K 2H4

Sent via email: osplanning@owensound.ca

Re: Zoning By-law Amendment (ZBA 44, Telfer Creek Square)
Address: 2275 16th Street East
Roll No: 425904006014000
City of Owen Sound

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal

The purpose of the application is to permit a mixed-use development which includes three multi-unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The applicant is seeking to amend the City's Zoning By-law to enable this development, from Rural (RUR) and Hazard Lands (ZH) zone to a Retail Commercial Holding with Special Provisions zone.

GSCA Regulations

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. The regulated area is associated with the unnamed tributary of Bothwell's creek. The regulated area is generally indicated on the attached map.

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

Provincial Policy Statement 2020

3.1 Natural Hazards

Natural Hazards on the subject property include the flooding and erosion potential of the unamended tributary of Bothwell's creek which flows northeast. GSCA staff have reviewed a Floodplain Analysis Report prepared by GM BluePlan in support of the application (March 2021). We are generally in support of the findings which have delineated a new flood limit under a Regional Storm event. The application proposes a cut and fill of 40m³ which would straighten the edges of the flood limit to facilitate development. The Report details that this fill is minor in overall volume and has been designed to result in equal volumes being displaced at the same elevations and will result in no impact to the floodlines. As such, we accept the proposed "Post Development Floodline" as indicated on the Servicing and Grading drawings. We note that the Request for Comments and Planning Report did not explicitly refer to changes in the Hazard Lands (ZH) zone on the subject property. However, according to our in-office mapping the "Post Development Floodline" represents a slight increase in the extent of the currently mapped hazard. As such, we recommend the City's Zoning By-law be amended to match the findings of the Floodplain Analysis, as indicated on the attached mapping.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

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

Recommendations

The GSCA recommends that the "Post Development Floodline" as indicated on the provided Floodplain Analysis Report be adopted as the limit of the Hazard Lands (ZH) zone on the subject property. The proposed cut and fill should be carried out prior to any buildings being constructed. We recommend that this requirement be implemented through a holding provision or through the Site Plan Control/Draft Plan of Condominium process that is anticipated to follow the Zoning By-law Amendment. The proposed cut and fill will require a permit from our office.

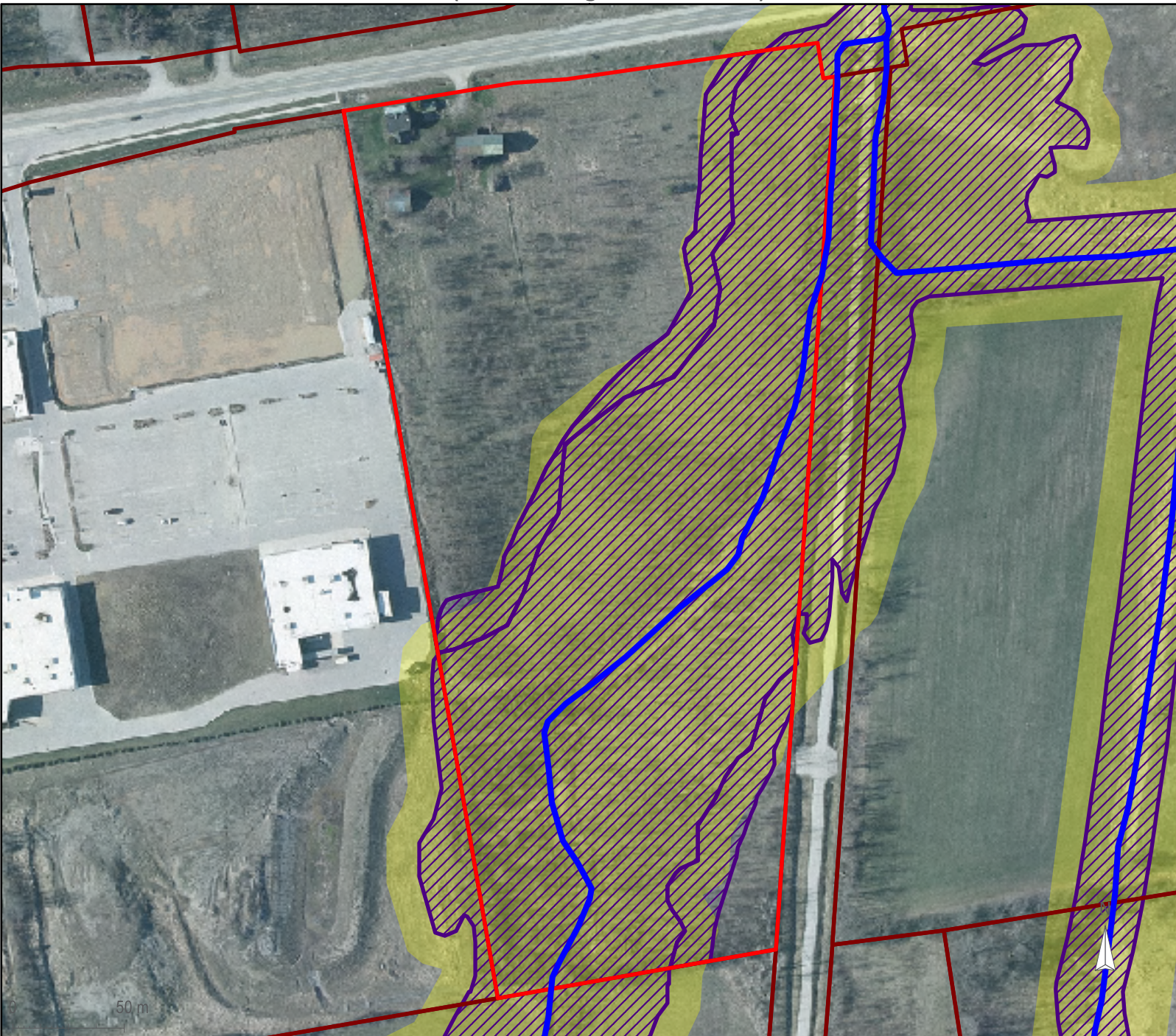
Regards,








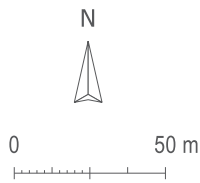
Jake Bousfield-Bastedo, Watershed Planner

c.c. Scott Greig, GSCA Director, City of Owen Sound
Marion Koepke, GSCA Director, City of Owen Sound

**Regulation of Development, Interference with Wetlands
and Alterations to Shorelines and Watercourses
(Ontario Regulation 151/06)**



-  Watercourses (Approx.)
-  Natural Hazard (Approx.)
-  O. Reg 151/06 (Approx.)
-  Subject Parcel (Approx.)
-  Other Parcels (Approx.)



GSCA Regulations Map

ZBA 44, Telfer Creek Square
2275 16th Street East
Roll No: 425904006014000
City of Owen Sound

GSCA File: P22682
Tuesday, January 24, 2023

The included mapping has been compiled from various sources and is for information purposes only. By accepting this map you agree not to edit the map or disclaimer without the exclusive written permission of Grey Sauble Conservation. Produced by GSC with Data supplied under Licence by Members of the Ontario Geospatial Data Exchange. © Queen's Printer for Ontario and its licensors. [2021] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY. This mapping contains products of the South Western Ontario Orthophotography Project (SWOOP). They are the property of Grey Sauble Conservation Authority © 2021.

Projection: Universal Transverse Mercator - Zone 17 (N)
Datum: North American 1983 (mean for Canada)

Staff Report

Engineering Services Division

DATE: 2023 March 17 **ENG. FILE:** 2275 16th Street East
ROLL NO.: 4259 04006 014000

TO: Sabine Robart, Manager of Planning & Heritage
Pam Coulter, Director of Community Services
Lara Widdifield, Director of Public Works & Engineering

FROM: Dana Goetz, C.E.T., Engineering Technologist

SUBJECT: **ZONING BY-LAW AMENDMENT ENGINEERING REVIEW**
2275 16TH STREET EAST ENGINEERING REVIEW

Applicant: Sydenham Square Inc.

PLANNING FILES: ZBA 44

LEGAL DESCRIPTION: RANGE 5 EGR PT PARK LOTS 9 AND 10

RECOMMENDATION: The Public Works & Engineering Department supports approval of this Zoning By-law Amendment Application.

BACKGROUND:

The applicant, Sydenham Square Inc. (Muzammiil Dewan) through Ron Davidson Land Use Planning, has submitted application for a Zoning By-law Amendment to the City's Zoning By-law 2010-078, as amended for 2275 16th Street East.

- The purpose of the application is to permit a mixed-use development which includes three multi unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The development is proposed to be accessed via an extension of 22nd Ave E south of 16th St E.
- The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zone	Proposed Zone
<ul style="list-style-type: none"> • Rural (RUR) • Hazard Lands (ZH) 	<ul style="list-style-type: none"> • Retail Commercial Holding with Special Provisions (C2(H)14.XXX)

The proposed special provisions will address Section 3.5.2.5 East City Commercial – General Policies of the City’s Official Plan (2021), among other matters.

ANALYSIS:

SITE ACCESS:

The site is to be accessed from a private roadway providing shared access to both properties (2125 16th Street East and 2175 16th Street East) as an entrance directly from 16th Street East (Highway 26) will not be allowed.

There is an agreement between the two adjacent landowners that provides for cooperation with respect to stormwater management and access from the private road.

The City attempted to mediate a solution with the two adjacent developers that would involve the City assuming this road, however this exercise did not seem to resolve the differences between the two developers and the City has reverted to its original position (private road).

TRANSPORTATION IMPACT STUDY:

The submitted TIS presents the following conclusions:

1. Existing Traffic Conditions: The study area intersections are operating with acceptable levels of service.
2. Development Trip Generation: The development is forecast to generate 166 and 106 trips during the AM and PM peak hours, respectively.
3. 2027 Background Traffic Conditions: The study area intersections are forecast to operate with acceptable levels of service, except for the northbound left-turn movement at the intersection of 18th Avenue East and 16th Street East which is forecast to operate with 95th percentile queues exceeding the available storage of 40 metres by 2 metres during the PM peak hour.
4. 2027 Total Traffic Conditions: The study area intersections are forecast to operate with the same critical movement as under 2027 background traffic conditions. The northbound left-turn movement at the private access road intersection at 16th Street East is forecast to operate with LOS D during the PM peak hour; however, v/c ratios are low during both the AM and PM peak hours.
5. Private Access Road at 16th Street East:
 - a) The new private roadway connection to 16th Street East has been analyzed under stop control on the northbound approach.
 - b) Traffic signal control is not warranted under both 2027 background and total traffic conditions.
 - c) Under stop control, a westbound left-turn lane with 25 metres of storage is warranted under both 2027 background and total traffic conditions.
 - d) The northbound left-turn queues were assessed relative to the driveway locations on the private access road. The closest northerly driveway is located 61 metres south of 16th Street East. The projected 95th percentile

queue lengths under 2027 total traffic conditions, are 8 metres during the AM peak hour, and 20 metres during the PM peak hour. Therefore, the internal driveway will not be impacted by northbound left-turn queues at 16th Street East.

Engineering Services was concerned that this TIS did not account for the latest concept for the Heritage Grove Centre as the related TIS from Heritage Grove was based on a different concept. However, the draft amended TIS received from Heritage Grove shows similar conclusions to the TIS submitted with this application. While the actual intersection design may change, the concept of a stop controlled 'T' intersection for the private road and 16th Street East will remain. Lane configuration, stacking length, etc. can be resolved under the SP Approval process to reflect any updates.

Engineering Services accepts the conclusions of the submitted TIS.

SITE SERVICING:

A function Servicing Study was submitted for review as part of this application. This site has wastewater servicing available by direct connection to the Sydenham Heights Trunk Sewer from the Rail Trail.

The water serving is available from the Industrial pressure Zone via a watermain in an easement in favour of the City on the Heritage Grove site to the west.

The proposed stormwater management design discharges to the west branch of Telfer Creek tributary.

The submitted Functional Servicing Report is acceptable and the design details can be resolved through the Site Plan Application process.

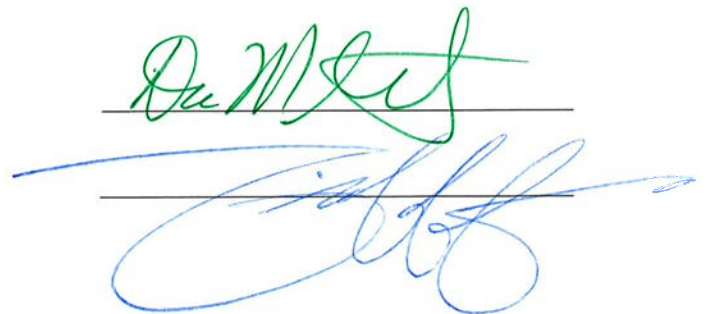
The City has the service capacity available in this area to support the ZBA.

PEDESTRIAN ACCESS: Pedestrian walkways, sidewalks and connections to City streets are to be provided. In addition, A sidewalk and/or ATR (Active Transportation Route – 3 m wide asphalt paved path - for pedestrians and cyclists) will be required to be constructed from the private roadway, across the 16th Street East frontage of the subject property to the Rail Trail.

Due to topographical challenges and the existing rural cross section of 16th Street East road, the City will work with the Developer to arrive at an acceptable solution.

Prepared By: Dana Goetz, C.E.T.

Reviewed By: Chris Webb, P.Eng.

The image shows two handwritten signatures. The top signature is in green ink and is written over a horizontal line. The bottom signature is in blue ink and is written over another horizontal line. The signatures are stylized and cursive.



SAAR Environmental Limited
BIOLOGISTS

Natural Heritage Peer Review
Natural Heritage EIS
Range 5 EGR Part Park Lots 9,10, Grey County

March 5, 2023

1.0 Introduction

SAAR Environmental Limited was retained by the City of Owen Sound to complete a peer review of an Environmental Impact Study (EIS) prepared by AWS Consulting Inc. (2021) in support of a multi-use residential and commercial block at 2275 16th Street East in Owen Sound.

Figure 1 illustrates the location of the site on the outskirts of the built settlement. Telfer Creek and associated wetland fringe runs through the east portion of the lands. The lands are partially forested, have been historically farmed, and support an original farmhouse, outbuildings and barn fronting Highway 26.

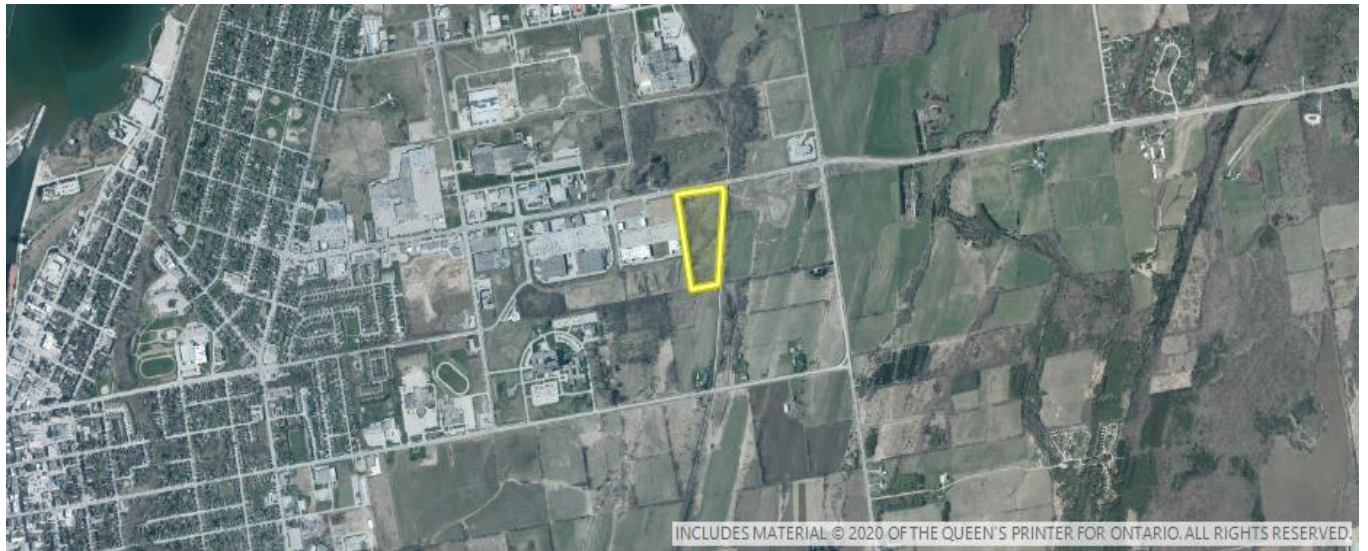


Figure 1: Parcel in relation to surrounding landscape

2.0 PROPOSED USE

The top northwest part of the parcel is proposed for development. The development would be a mix of residential and commercial uses and include three 3-storey residential buildings (120 units) and three multi-unit commercial buildings serviced by an internal road with parking areas and stormwater management.

These uses require an amendment to the existing City of Owen Sound rural zone to Retain Commercial Holding with Special Provisions. The City of Owen Sound Official Plan designates the rural zone with an East City Commercial land use designation. The Grey County Official Plan (GCOP) captures the lands in the Primary Settlement Area of Owen Sound. Hazard Land captures the creek meander.



Figure 2: Proposed mixed residential and commercial uses on the northwest portion of the parcel

3.0 PEER REVIEW APPROACH

We attended the site first for an independent eye, then conducted our technical review of reports. Documents included hydrology (GMBluePlan, 2022) and agency reviews, with emphasis on the Natural Heritage Environmental Impact Study (AWS, 2021).

Documents reviewed for the character of the site and surrounding landscape included:

- Grey County Official Plan (2019)
- Green in Grey Natural Heritage Systems Study (2016)
- City of Owen Sound Official Plan ()
- Provincial Policy Statement (PPS, 2020)
- Natural Heritage Reference Manual (MNR, 2012)
- Eco Region 6E Significant Wildlife Habitat Criteria Schedules (MNR, 2015)
- Significant Wildlife Habitat Mitigation Support Tool (MNR, 2014)
- Natural Heritage Information Centre (NHIC)
- Endangered Species Act (ESA)
- Species at Risk Act (SARO)
- Conservation Authorities Act, Ontario Regulation 151/06
- Inter-disciplinary studies (e.g. hydrogeology study)

- Agency reviews (GSCA) and SON
- Relevant current science
- Atlas Projects (e.g. Breeding Bird, Herpetofauna and Mammal Atlas)
- Grey Sauble Conservation Authority Regulation and Watershed Mapping

We audited random sample plots on the study site to compare the character of the site to the EIS reporting during a site inspection in February 2023. The winter landscape provided good access to discern level of wildlife travel by tracks on snow during a milder snowmelt period in the winter.

4.0 POLICY AND REGULATION CONFORMITY

The Provincial Policy Statement (PPS) outlines seven categories of natural heritage:

- a) significant wetlands;
- b) habitat of endangered species and habitat of threatened species;
- c) significant Areas of Natural and Scientific Interest (ANSIs);
- d) significant woodlands (south and east of the Canadian Shield);
- e) significant valleylands (south and east of the Canadian Shield);
- f) significant wildlife habitat;
- g) fish habitat, and more recently, significant coastal wetlands.

We found the EIS to conform with policy, and be consistent with PPS tests, and identified an area where the EIS would more clearly meet conformity with the GCOP in regard to significant woodland analysis; we include the GCOP test in the Opportunities section of the peer review for the EIS author to review.

Statutes

A recent change in this statute involves nest habitat of the Pileated Woodpecker. The rectangular cavities excavated by these birds are to be evaluated for nest activity over a 36 month period (Schedule 1, Migratory Bird Regulations).

SAAR reviewed the environmental report and confirmed this bird was not observed on the study site. Next, we attended the site during leaf off conditions to best evaluate presence/absence of cavities in trees not only for the potential of Pileated Woodpecker use but also to assess quality of this treed habitat for bats.

We did not observe any cavities excavated by the Pileated, which are distinctive. We then reviewed the local distribution of this bird relative to the study site. One of many databanks for such species records is the naturalist e-Bird, below, and the Provincially vetted NHIC (Natural Heritage Information Centre).

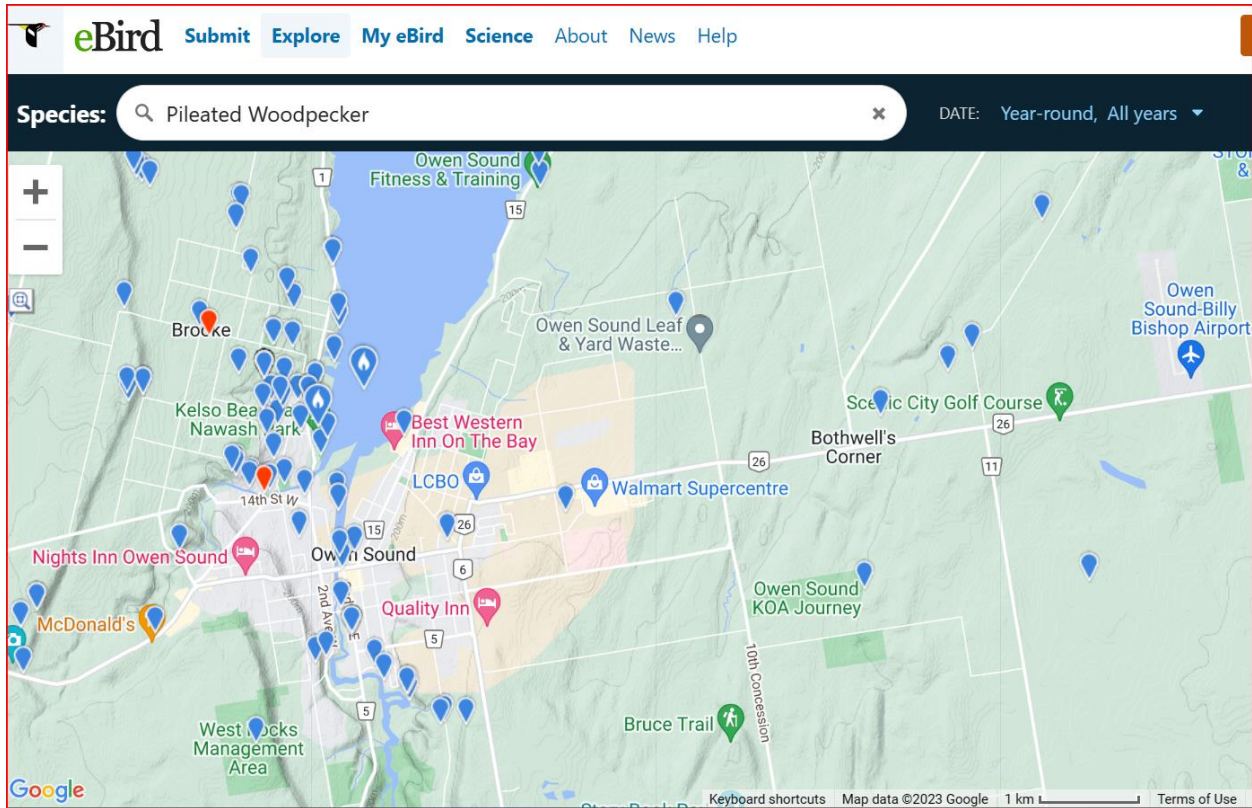


Figure 3: E-Bird naturalist sightings of Pileated Woodpecker

The closest sighting was at the Season's Retirement Community.

Based on the habitat we observed on site, the young trees (AWS, 10 and 14cm dbh in Vegetation Communities 1 and 3 respectively), and lack of Pileated Woodpecker cavity sign during the winter site inspection (SAAR) the habitat does not appear optimal for nesting. However, the EIS team should confirm this by a) a review of their field notes, and/or b) a follow up site inspection before any cut/fill activity and removal of trees.

Creek corridor plantings recommended herein will assist in enhancing habitat over time, and in time when trees age sufficiently to decay (stub/decay trees) there will be more potential for this bird.

GSCA Hazard Lands

We are in agreement with the GSCA and floodplain delineation (GMBluePlan, 2022) and note for natural heritage the aquatic functions require retention of a continuous tree cover that contributes to maximum ecological function of the riparian corridor

We attended at a warm melt in February of 2023 to gain an appreciation of the creek morphology. Detention areas offer side eddies with shrub and tree cover that could provide for spring vernal habitat of salamander and/or amphibian breeding. These areas are captured in the final iteration of hazard land limit.

4.0 Document Review

Strengths

The EIS provides good clarification of the policy and planning. We find the level of field effort expended, field observations and analysis in the EIS to offer a fair representation of the character of the site. The EIS correctly notes the GSCA Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses and GSCA recommended 15m regulated allowance from hazard land of Telfer Creek associated with flood and erosion control.

We note the Butternut on site and agree with the area recommended for future Butternut plantings. Updates to species status and/or mitigation are noted in the Opportunity and Conclusion section of this report.

Opportunities

Often concurrent surveying of wildlife results in more field hours than documented. Confirm whether the protocols for the Bobolink field effort included the MECP three visits, and the three herptile visits.

SAAR found the EIS consistent with the PPS policy tests of no negative impact, and note the significant woodland analysis can benefit from expanded detailing. We included the GCOP test for EIS author review herein (S. 2.8.2):

1. "Woodland must be either greater than or equal to forty (40) hectares in size outside of settlement areas, or greater than or equal to four (4) hectares in size within settlement area boundaries. If a woodland fails to meet the size criteria, a woodland can also be significant if it meets any two of the following three criteria:

- a) Proximity to other woodlands i.e. if a woodland was within 30 metres of another significant woodland, and,
- b) Overlap with other natural heritage features i.e. if a woodland overlapped the boundaries of a Provincially Significant Wetland or an Area of Natural and Scientific Interest, or
- c) Interior habitat of greater than or equal to eight (8) hectares, with a 100 metre interior buffer on all sides" (County of Grey Official Plan)".

The site is located in a planning area with greater than 30% forest cover. Guided by PPS technical manuals this does not trigger the 40 hectare size for significant woodland. The other factors noted in the OP (a-c above) are then examined for other values that can attain "significant" woodland status:

- a) Treed Area is proximate to another significant woodland (within 30m of another woodland)
- b) Treed Areas do not overlap with the boundary of a Provincially Significant Wetland or ANSI, and,
- c) Treed Areas on site do not support 8 or more hectares interior forest using 100m treed edge buffer, and in particular using the 200m edge metric for forest area sensitive breeding birds

- Grades were generally Good to Excellent.
- In areas with more intensive agriculture, grades were lower.
- Forest cover grades take time to improve since after trees are planted it may take years before they form a tree canopy.

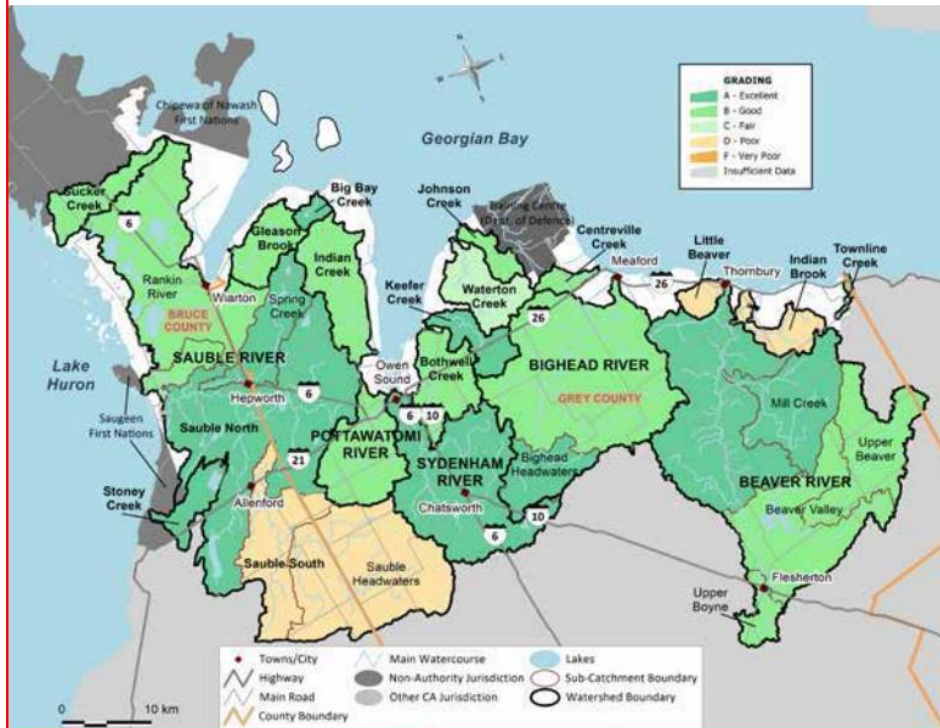


Figure 4: Grey Sauble Conservation Authority Watershed Report Card

The study site falls within the Bothwell Creek watershed which received a B grade for forest conditions. The grading system for forest condition is based on: “percentages of forest cover, forest interior, and stream edges forested were measured. Forest interior provides habitat for many species that don’t survive in smaller patches of trees. Forested stream edges cool water for native fish, prevent erosion and reduce contaminants entering streams” (GSCA Watershed Report Card, 2018).

The same watershed scored well for water quality (B) and poorly for wetland cover (C). This lack will be remediated at a site level for this land use application by the planting plan. We looked at the potential for interior area, where a forest may not score for being “significant woodland” but may support Significant Wildlife Habitat (SWH) as described by the Province. Measuring the width of the natural heritage system corridor confirms there is no useable forest interior using the 200m metric in Provincial Criteria for Significant Wildlife Habitat in EcoRegion 7E (MNR, interior forest birds).

The planting plan at the central part of Telfer Creek on the parcel is in line with GRCA stewardship recommendations in their watershed: ‘Be a Watershed Steward! Plant native species, particularly trees and shrubs along streams, lakes, rivers, and ponds’ (GSCA Watershed Report Card, 2018).

The GSCA report card notes a tree cover of 20-30% in the watershed. The EIS correctly describes the character of trees in Vegetation Communities 1-3 as young, with respective diameters at breast height (dbh) of 10 and 14cm. We provided a double check in the peer review on whether treed areas on site met the GCOP 4 hectare size standard within the settlement area. not meet the 4 hectare size standard test, using the GCOP policy and definition of woodland.

Other avifauna

SAAR is in agreement with the EIS findings on Bobolink. Habitat is not optimal, it has succeeded into young shrub and woodland which is not the open grassland habitat the bird nests in. Given the vegetation cover of the site and the AWS findings from field survey we are comfortable with the AWS findings.

We confirmed Ruffed Grouse from our winter site inspection along the treed creek corridor, and recommend enhancement planting along the summer creekbanks to partly ensure habitat quality for the bird ground cover, but also moderation of creek baseflow temperature during peak summer months for the cool and coldwater fishery support.

Enhancement Plantings

Install local flora of known provenance but also known survival and value to wildlife that are compatible with the adjacent nearby residential blocks; i.e. do not plant the corridor with food that entices black bear.

- Remove invasives during installation of the native shrub layer
- Share list of recommended shrub species with SON elders for input on ethnobotanical values



Figure 5: Schematic example of shrub plantings mid parcel along the west bank of Telfer Creek

- in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.*

The EIS can benefit from expanded discussion to achieve consistency with the PPS on the above policy point. We looked at whether this development removes riparian habitat, creek support of aquatic, semi-aquatic or nearshore wildlife in a cumulative sense on the landscape and the integrity of the creek corridor is being retained, setback by virtue of hazard land zoning and enhanced by planting.

Next, we looked at whether the development removes wildlife travel corridor function in a cumulative sense on the landscape, additive to prior forest removal for the westerly commercial block and southerly residential development for City dwelling. Ultimately yes any city limits have encroached on prior treed areas. The question and test of the PPS is will the current development pose such an added risk that it results in degradation of ecology values the area is known for.

For the study site, we take this to mean the contributory waters of Telfer Creek on the study site to downstream Bothwell's Creek convergence and fish spawning functions at the outfall to Georgian Bay. Potential impact to the water quality is addressed through the best management practices including installation of silt barriers during construction, and design of the stormwater management for the site. The GMBLuePlan hydrogeology findings were reviewed and are detailed in the impact assessment review portion of this document.

The creek corridor is one of other corridors in the planning area for wildlife in a representative sense.

The quality of the creek corridor can be affected by the building shade for instance, and where humans are introduced into the corridor by access. We discuss these points in the next section and offer mitigation for consideration in the mitigation review section.

Significant:

- a. *in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources;*
- b. *in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;*

The post construction environment changes (shade, reduced solar gain, etc.) on the above species is a discussion point.

Regional Landscape of Rarities

The AWS report does a thorough job of reviewing documented rarities in the Natural Heritage Information Centre (NHIC) broad search. SAAR is in agreement regarding the low potential for Bobolink grassland birds on this site given the encroaching successional young forests that are succeeding prior farm clearings. Food and water that can be gleaned along the creek corridor for the birds is a possible function that would remain on a post development landscape.

We note the EIS inventory included Black Ash trees. *Fraxinus nigra* is currently recommended for Endangered status by the Committee on the Status of Species at Risk in Ontario (COSSARO); under a two year moratorium.

Thus if construction is scheduled for 2024 after the 2-year moratorium, the tree status can be clarified at that time and if endangered or threatened, location relative to the cut/fill and tree removal areas is required before site alteration.

IMPACT ASSESSMENT

Hazard Land

Grey Sauble Conservation Authority reviewed the land use application for flood and erosion potential given the natural hazard associated with Telfer Creek. We reviewed this carefully as hazard land often supports overlapping natural heritage values. Hazard Lands are currently zoned hazard (ZH-3) and would be refined following the new delineation provided by GMBluePlan (2022). GSCA has accepted their post development floodline in the Floodplain Analysis Report.

SAAR agrees with the GSCA recommendation of cut and fill being carried out before any buildings are constructed, implemented through a holding provision or Site Plan Control/Draft Plan of Condominium following a Zoning Bylaw Amendment. Cut and fill will also require a GSCA permit.

SAAR is not opposed to straightening a portion of the prior mapped flood limit given pre and post development is not altered. The post development floodline appears to capture more area. We do recommend some added mitigation for natural heritage before cut and fill, outlined in the mitigation section to ensure lack of particular species and/or relocation before this activity.

Tree Removal

We reviewed the area of proposed future cut/fill associated with the hazard land limit refined by GMBluePlan (2022). Relatively recent updates to statutes can be captured in the final EIS mitigation. Schedule 1, Migratory Bird Regulations updates Pileated Woodpecker survey effort

- Cavity trees if present to be retained consistent with MECP bat maternity roost guidelines
- Cavity tree of an active or potentially active Pileated Woodpecker requires attention below

The EIS team should confirm absence of Pileated Woodpecker nesting by a) confirmation from their field notes of no suitable cavity excavation, or b) a site inspection before any cut/fill activity and tree cut.

Regarding bat maternity roost habitat, we note the EIS confirmed tree cut is limited to Vegetation Communities 1,3 where trees fall below the MECP 25cm diameter at breast height (10 and 14cm averages respectively).

Negative impact means

- a. in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b. in regard to policy 2.2, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development or site alteration* activities;
- c. in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- d. in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single,

We agree that development with mitigation is consistent with the PPS definition of negative impact. In particular d) above, due to surrounding uses that include open agrarian lands and the existing settlement of Owen Sound. The location of the proposed commercial and residential use does represent additive human uses but does not fragment a greenspace corridor; the corridor was historically changed. The application does provide opportunity to enhance existing conditions along Telfer Creek for aquatic, semi-aquatic and avian species via additional creekbank plantings.

Buildings and Humans

The three storey building heights cast late day shadow. Morning and mid day thermal gain required by birds to incubate eggs, and bird and bat foraging, appears safeguarded.

The creek corridor can be viewed for nature appreciation however we recommend the access be directed to the easterly rail trail and not immediately flanking the rear of the buildings. Balconies adjacent to the creek feature are benign but a walking path is discouraged adjacent to the creek.

Water Quality

Telfer Creek eventually joins Bothwell's Creek to the north before outfall to Georgian Bay at Leith. The EIS correctly reports on creek support of fish including Rainbow Trout, and we agree, with observed spawning Rainbow Trout at the outfall near Leith.

We agree the creek values are respected by the proposed best management practices; these include installation of a silt curtain to avoid upstream contribution of sediment from construction at this site, and installation of an oil grit separator (OGS) upstream of the outlets from the site. The OGS provides storm water quality treatment for runoff from a majority of the site (GMBluePlan, 2022).

CONCLUSIONS

SAAR finds the EIS acceptable, with addition of the below to EIS S. 16, p. 28 mitigation:

- Salvage search of buildings on site before demolition (birds, bats, snakes)
- Salvage search before any cut/fill by new Hazard Land limit and relocation (e.g. Digger Crayfish chimneys, aestivating turtles, Pileated Woodpecker cavity trees)
- Confirm final COSSARO status of Black Ash and location relative to cut/fill and tree removal area
- Plant native shrub border at summer creekbank for a wildlife privacy screen and shading for Telfer Creek peak summer water temperature supporting the cool and coldwater fish
- Restrict mirrored windows and place hawk silhouettes at corner windows where glass is perceived as safe passage for flying wildlife

Please direct any questions or comments to the undersigned.

Yours truly,



Linda Liisa Söber, H.B.Sc

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LITERATURE

MNRF. 2015. Significant Wildlife Habitat Criteria Schedules for EcoRegion 6E.

MNRF. 2014. Significant Wildlife Habitat Mitigation Support Tool.

MNRF. 2020. Provincial Policy Statement.

Lower and Upper Tier Official Plans