

## Staff Report

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**Report To:** Committee of Adjustment

**Report From:** Jacklyn Iezzi, Senior Planner  
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**Meeting Date:** July 16, 2024

**Report Code:** CS-24-066

**Subject:** B02-2024 for Roll No. 4259040065000100 (16th Street East and 28th Avenue East)

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### Recommendations:

THAT in consideration of Staff Report CS-24-066, respecting a consent for lot creation for property at the southwest corner of the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East (Roll No. 4259040065000100), the Committee of Adjustment approves Consent Application B02-2024 by Bruce Grey Catholic District School Board through Ron Davidson Land Use Planning on behalf of Wilma VanDolder, subject to the conditions outlined in Schedule 'F'.

### Highlights:

- A Consent Application (B02-2024) has been submitted by Bruce Grey Catholic District School Board through Ron Davidson Land Use Planning on behalf of Wilma VanDolder (owner) for property at the southwest corner of the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East (Roll No. 4259040065000100).
- The applicant is proposing to sever the southern portion of the lands for the purposes of a new secondary school. The retained parcel is proposed to remain vacant at this time.
- Staff recommend approval of the application, subject to conditions.

## **Strategic Plan Alignment:**

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

The subject application represents a legislated review process.

## **Climate and Environmental Implications:**

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by considering climate adaptation in the development of the City's strategies, plans, and policies.

## **Previous Report/Authority:**

[Ontario Planning Act, R.S.O. 1990, c. P. 13](#), s. 51 & s. 53

[City of Owen Sound Official Plan \(2021\)](#)

## **Background & Proposal:**

An application for a Consent for lot creation (B02-2024) has been submitted by Bruce Grey Catholic District School Board through Ron Davidson Land Use Planning on behalf of Wilma VanDolder for property located at the southwest corner of the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East (Roll No. 4259040065000100).

## **Property Description**

The subject property is located on the southwest corner of the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East. The lands are sized approximately 45 ac (18 ha) and are presently vacant of buildings. The lands have approximately 311 m of frontage on 16<sup>th</sup> Street East, 326 m of frontage on 28<sup>th</sup> Avenue East and are bound by the Grey County Rail Trail and Hazard Lands associated with a tributary of Telfer Creek to the west.

Surrounding land uses include:

North: industrial (East Ridge Business Park), vacant industrial lands, hazard lands

East: Municipality of Meaford

South: existing single detached dwelling, vacant residential lands

West: hazard lands (tributary of Telfer Creek), vacant open space, Grey County Rail Trail, vacant and developed commercial and residential lands (Sydenham Square, Heritage Grove, Home Depot, Walmart).

The subject lands are designated 'East City Commercial', 'Open Space', 'Hazard Lands', and 'Residential' on Schedule 'A' – Land Use of the City's 2021 Official Plan. Schedule 'A2' further identifies the lands as being within Phase I of the Sydenham Heights Planning Area, which further designates the lands 'East City Commercial', 'Open Space', 'Hazard Lands', 'High Density Residential', and 'Low Density Residential'.

The Sydenham Heights Planning Area (Schedule 'A2') and Transportation Plan (Schedule 'C') of the City's 2021 Official Plan envision the extension of a Collector Road from 8<sup>th</sup> Street East, northerly across the abutting lands to the south, then easterly to connect to 28<sup>th</sup> Avenue East. It is envisioned that the roadway would continue northerly, as a Local Road, to provide a right-in, right-out connection to 16<sup>th</sup> Street East/28<sup>th</sup> Avenue East.

The subject lands are zoned 'Rural' (RUR) and 'Hazard Zone' (ZH) by the City's Zoning By-law (2010-078, as amended).

For locational 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 applicant is proposing to sever the southern portion of the lands for the purpose of constructing a new secondary school.

The proposed severed parcel is designated 'Residential', 'Open Space', and 'Hazard Lands' on Schedule 'A' – Land Use of the City's 2021 Official Plan and is within Phase I of the Sydenham Heights Planning Area (Schedule 'A2'), which further designates the portion of lands as 'High Density Residential', 'Low Density Residential', 'Open Space', and 'Hazard Lands'. The severed lot is proposed to have approximately 151 m of frontage on 28<sup>th</sup> Avenue East, 476 m of lot depth, and 18.5 ac (7.5 ha) of lot area.

The vacant, retained parcel is designated as 'East City Commercial', 'Open Space', and 'Hazard Lands' on Schedule 'A' – Land Use and Schedule 'A2' – Sydenham Heights Planning Area of the City's 2021 Official Plan and is

proposed to have approximately 155 m of frontage on 28<sup>th</sup> Avenue East, 311 m of frontage on 16<sup>th</sup> Street East, and 23 ac (9.3 ha) of lot area.

The consent application also provides for the creation of a new, 20 m wide Local road between the severed and retained parcels, to be deeded to the City. The new Local road is proposed to be located approximately 237 m south of the existing intersection of 28<sup>th</sup> Avenue East and 16<sup>th</sup> Street East and will provide access to the severed and retained parcels via 28<sup>th</sup> Avenue East.

A proposed Severance Plan and Site Plan of the proposed secondary school are attached as Schedule 'D'.

A fulsome review and analysis of the proposed consent is outlined below.

## **Analysis:**

The subject consent is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Policy Statement and in conformity with the City Official Plan and Zoning By-law. The application is subject to review by City Planning, Engineering and Building staff, as well as external commenting agencies. All applicable policies, standards, and comments are reviewed below in the context of the subject application.

## **Provincial Policy Statement**

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act. The matters described include, among others, the protection of natural areas, supply and efficient use of water, adequate provision of transportation, sewage and water services as well as waste management, orderly development of healthy communities, accessibility for persons with disabilities; the adequate provision of a full range of housing, including affordable housing; the protection of public health and safety; appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and oriented to pedestrians.

The 2020 Provincial Policy Statement (PPS) provides direction on matters of provincial interest. Municipal decisions on planning matters are required to be consistent with the PPS. The PPS has been reviewed with regard to the subject application.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS requires that settlement areas shall be the focus of growth and development and that new development taking place in designated growth areas should occur adjacent to the existing built-up areas and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The PPS classifies schools as public service facilities. Public service facilities shall be provided to accommodate the current and projected needs while considering the impacts of climate change and protection of public health and safety, optimizing the use of existing facilities and co-locating facilities in community hubs.

The proposed lot creation to enable the construction of a secondary school is required as existing facilities within the developed areas of the City are at and exceeding capacity. The Ministry of Education specifies standards for the size of new secondary school sites that are not available within the City's River District (downtown) or built-up area. The Sydenham Heights Planning Area is designated as the City's growth area. At this time, there are approximately 2,000 residential units proposed through draft plans of subdivision or site plan approval on lands within 1 km of the subject property. The locations of approved development are illustrated in Schedule 'I'. The proposed location of the school will be important to the development of the Sydenham Heights Planning Area and may facilitate the creation of a community hub as the surrounding lands are developed into residential neighbourhoods.

The PPS requires that the lands be serviced with full, urban municipal water and sanitary services and designed with stormwater management best practices to ensure consistency with the PPS (Section 1.6.6). Full municipal service infrastructure and capacity are available for the proposed development. A detailed Stormwater Management (SWM) Report will be required as a component of detailed design during the Site Plan Approval process. The future SWM system will require quantity and quality controls and be designed with stormwater management best practices. Servicing matters are discussed in detail in the County and City OP sections of this report.

Sec. 1.6.7 and 1.6.8 of the PPS speaks to the requirement to provide and protect transportation systems and infrastructure corridors. The PPS requires that as part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections. Through the land division process, the road network envisioned by the Official Plan for the lands between 16<sup>th</sup> St E, 28<sup>th</sup> Ave E and 8<sup>th</sup> St E will be realized with minor modifications. The proposed road network will provide for connectivity between the proposed school and the City's active transportation network through the Rail Trail. Transportation matters are discussed in detail in the County and City OP sections of this report.

The PPS directs development to areas away from hazard lands and requires the protection of natural heritage features and areas and the conservation of archaeological resources. As discussed below, matters respecting detailed site design will be addressed through future Planning Act applications (i.e., Zoning By-law Amendment, Site Plan Approval) as the severed and retained parcels are developed.

The following sections of this report will assess these matters of Provincial interest relative to the subject applications in more depth. In consideration of this fulsome analysis, the proposal is consistent with the direction provided by the PPS, subject to the recommended conditions.

### **County of Grey Official Plan**

The City of Owen Sound is designated as a 'Primary Settlement Area' in the County of Grey 2019 Official Plan (County OP). Settlement areas with full municipal services are to be the focus of the majority of growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Areas. Land use policies and development standards are to be in accordance with the local Official Plan.

The County was provided notice of the application in accordance with the requirements of the Planning Act and the City's typical development review process. Comments received from the County are attached in Schedule 'G' and can be summarized generally as follows:

- Schedule 'A' of the County OP designates the subject lands as 'Primary Settlement Area' and 'Hazard Lands'. Institutional land

uses (secondary school) are among those permitted within Primary Settlement Areas.

- Appendix A of the County's Official Plan indicates that there may be an Abandoned Petroleum Well within 700 m of the subject property. Through future Planning Act applications for development of the severed and retained parcels, a Letter of Opinion from a qualified professional engineer will be required to address the potential presence of an abandoned petroleum well.
- Grey County Forestry and Trails Staff note that the site is adjacent to a highly active area of the County Rail Trail. County Staff encourage the applicant to facilitate future connections to the Rail Trail in the design of the school site to facilitate active transportation options for students.
- From a general planning perspective, County Staff recommend that development of the site consider:
  - Connections with new or existing parklands, including natural areas, to promote opportunities for learning and shared recreational opportunities.
  - Provision of active transportation options including sidewalk and bicycle routes.
  - Opportunities to use and promote climate friendly infrastructure, which may include the use of green roofs, solar panels, EV charging stations, shaded parking areas, and low-impact development.
  - Shaded seating and socialization spaces should be made available through the site to encourage accessible outdoor social spaces.
  - Internal sidewalks should be included within the design to facilitate safe movement of pedestrian and mobility-device users throughout the site.

The purpose of the subject consent application is to facilitate land division to allow the severed parcel to be conveyed to a new owner. Matters respecting detailed site design will be determined through future Planning Act applications (i.e., Zoning By-law Amendment, Site Plan Approval), as the severed and retained parcels are developed. As discussed further in the 'City of Owen Sound Official Plan' section of this report, the construction of the 20 m Local road proposed to be created through the subject consent application will be required to meet the City's standard cross-section for a Local road

(OSS-100B), which will include a 1.5 m concrete sidewalk on the south side of the roadway. Through future Planning Act applications (i.e., Zoning By-law Amendment, Site Plan Approval) opportunities to connect the severed and retained parcels to the Grey County Rail Trail to the west of the property will be further refined and implemented to allow pedestrians to access the existing sidewalk on the south side of 16<sup>th</sup> Street East. Recommended provisions within the Consent Agreement to be registered on title of the severed and retained parcels will ensure the provision of sidewalks or multi-use pathways along 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East, as development of the severed and retained parcels progresses.

Comments received from Grey County Ecology Staff indicate that the subject property contains:

- Potential Habitat of Threatened or Endangered Species;
- Potential Significant Wildlife Habitat;
- Potential Fish Habitat;
- A watercourse; and,
- Is in the adjacent lands of Significant Woodlands.

County Ecology Staff recommend that an Environmental Impact Study (EIS) be completed as part of a future Zoning By-law Amendment (ZBA) application to address potential impacts of development on the above noted features. An EIS will be required in support of a future ZBA to facilitate development on the severed and retained parcels.

Lastly, the subject lands have frontage onto 28<sup>th</sup> Avenue East which is designated as a Minor Arterial/County Highway by the Transportation Plan (Schedule 'C') of the City's 2021 Official Plan. Comments received from the County's Transportation Staff on the subject consent application indicate the following:

- A road widening across the 28<sup>th</sup> Avenue East frontage of the severed and retained parcels has been previously conveyed and is therefore not required as a condition of consent.
- A 0.3 m (one foot) reserve is not required.
- A stormwater management plan is required to ensure post-development flows onto 28<sup>th</sup> Avenue East (Grey Road 5) do not exceed pre-development flows.
- The 20 m wide Local road allowance proposed to be created through the subject application will intersect with 28<sup>th</sup> Avenue East (Grey Road 5). The intersection is 237 m (less than 400 m) from

the intersection of 28<sup>th</sup> Avenue East (Grey Road 5) and 16<sup>th</sup> Street East (Highway 26). An exemption to the County's Road Entrance Separation policies is required.

- A fulsome traffic impact study is required to evaluate what impact development will have on 28<sup>th</sup> Avenue East (Grey Road 5). County Staff are open to further discussions regarding the implementation of a Community Safety Zone around the proposed school site.

As discussed further in the 'City of Owen Sound Official Plan' section of this report, a comprehensive Traffic Impact Study (TIS) has been completed by Paradigm Transportation Solutions Ltd., in accordance with a Terms of Reference approved by the County of Grey and the Ministry of Transportation. The final TIS addresses comments from Grey County Transportation Services Staff and is attached as Schedule 'D'. The TIS confirms the safety and appropriateness of the new, 20 m wide Local road with a separation distance of 237 m from the intersection of 16<sup>th</sup> Street East (Highway 26) and 28<sup>th</sup> Avenue East (Grey Road 5). County Transportation Services Staff have provided acceptance of the final TIS and an exemption to the County's Road Entrance Separation policy for the location of the new road in a letter dated June 4, 2024 (attached as Schedule 'E').

The proposal conforms with the County of Grey Official Plan.

### **City of Owen Sound Official Plan**

As noted in the 'Background' section of this report, the proposed severed parcel is designated 'Residential', 'Open Space', and 'Hazard Lands' on Schedule 'A' – Land Use of the City's 2021 Official Plan. The lands are within Phase I of the Sydenham Heights Planning Area (Schedule 'A2') which further designates the lands as 'High Density Residential', 'Low Density Residential', 'Hazard Lands' and 'Open Space'.

The intent of the Residential designation is to permit the development of lands for residential uses, which shall be the predominant area for housing within the City. Other uses that are complementary and provide service to residential uses such as schools, parks, places of worship, and convenience commercial type uses are also permitted within this designation. Similarly, the policies of the Sydenham Heights Planning Area permit local institutional uses such as schools and churches in areas designated Residential provided access to such facilities from arterial or collector streets is readily available, subject to rezoning, and the Institutional policies of the OP (Section 3.10).

The subject consent application will facilitate the severance of the southern portion of the lands for a new secondary school, that is permitted and supported by the underlying OP designation. A future Zoning By-law Amendment application will be required to rezone the severed parcel from Rural to Institutional, to permit the proposed school.

A small portion of the rear (west) of the severed parcel is designated as 'Open Space' and 'Hazard Lands' and is proposed to contain an athletic field serving the secondary school, as shown on the conceptual Site Plan attached as Schedule 'D'. Active and passive parks, trails, and athletic fields are among the uses permitted within the Open Space designation.

The vacant, retained parcel is designated 'East City Commercial', 'Open Space', and 'Hazard Lands' on Schedule 'A' – Land Use and Schedule 'A2' – Sydenham Heights Planning Area of the City's 2021 Official Plan.

The East City Commercial designation applies to the major vehicle-related commercial area in Owen Sound and is intended to accommodate large-format retail sales requiring relatively large sites. Large-format retail and service commercial uses such as garden centres, warehouse stores, and vehicle services are among the uses permitted within this designation.

Open Space and Hazard Lands present on the retained parcel are concentrated in the northwest corner of the site. A small portion of the Hazard Lands extends into the rear (west) of the severed parcel which will require realignment to facilitate development and will be addressed as part of a future ZBA application. The Hazard Lands are associated with the flooding potential of a tributary of Telfer Creek. The Hazard Lands designation is intended primarily for the preservation and conservation of lands in their natural state and is generally not intended to accommodate new development. The City's OP policies (Sec. 3.13.2) generally require that lands designated Hazard Lands be set aside for environmental protection purposes. The City will require public conveyance of these lands through the development approvals process. As a condition of approval, a Consent Agreement with the City will be required to be registered on the retained parcel. Provisions of this agreement will require conveyance of the Hazard Lands to the City at the time of future development, consistent with the OP.

The City's Official Plan policies (9.3.2.2) state that plans of subdivision are generally the preferred method of land division particularly where more than three (3) lots (two severed and one retained) from a land holding are being

created and the creation of a new public road for the provision of access and/or the provision or extension of municipal services is required. Notwithstanding policy 9.3.2.2, the requirement for a plan of subdivision may be waived for infilling or redevelopment of lots that have frontage on a public road that is maintained on a year-round basis in an area serviced by municipal water and sanitary sewers.

The subject consent application results in two (2) lots being created (one severed and one retained), which is a logical separation along the boundary of the East City Commercial and Residential lands designated by the OP. The lands front onto 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East, which are both publicly assumed roads maintained on a year-round basis. As discussed further in the balance of this report, the Consent necessitates the creation of a new, 20 m wide Local road to provide access via 28<sup>th</sup> Avenue East to the severed and retained parcels. Municipal sanitary services are available adjacent to the site within the Grey County Rail Trail to the west however, City water services will need to be extended from 8<sup>th</sup> Street East to facilitate development of either parcel.

The Planning Act provides that the same conditions may be imposed on a consent as a draft plan of subdivision. Specifically, s. 53 of the Planning Act and policies of the City's Official Plan (9.3.2.6), allow the Committee of Adjustment, as the approval authority, to impose appropriate conditions of consent, including necessary road widening/conveyance and the execution of agreements with the City to ensure fulfillment of conditions and/or City policy. Through conditions of the consent, including associated agreements with the City that will be registered on title, and future Planning Act approvals processes the City will ensure that the appropriate measures are in place to address the safe, orderly and efficient development of both parcels.

Policy 9.3.2.4 of the OP requires regard for the following criteria when considering an application for consent:

**a. The lands front onto an existing, assumed public road that is maintained on a year-round basis.**

As noted above, the subject lands have frontage on 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East which are existing, assumed public roadways that are maintained on a year-round basis. The Transportation Plan (Schedule 'C') of the City's OP designates 16<sup>th</sup> Street East (Highway 26) as a Provincial Highway/Connecting Link and 28<sup>th</sup> Avenue East (Grey Road 5) as a Minor

Arterial/County Highway. The intersection of 28<sup>th</sup> Avenue East and 16<sup>th</sup> Street East is under the jurisdiction of the Ministry of Transportation (MTO).

Development fronting onto a Provincial Highway/Connecting Link shall be in accordance with Section 5.1.3.11 of the OP which generally requires that development adjacent to controlled access roads be setback in accordance with the requirements of the MTO. Development fronting onto Arterial and/or County Roadways shall be in accordance with Section 5.1.3.12 and 5.1.3.13 of the OP, including that:

- The minimum road allowance width for County Arterial roads is generally 30 m.
- New individual lot access onto County roads shall be strictly controlled and limited in number.
- Access from abutting properties to County roads shall require the approval of the County.
- Arterial roads are to be designed in accordance with the general design standards in Appendix 'A' of the OP. The City will generally require the design and construction of County Roads within the City to address approved City Standards for an urban road.
- Frontage, abutting land uses, access, and curb use shall be controlled. Access to a property on an arterial road shall be from a collector or local road where possible.
- Sidewalks shall generally be constructed on both sides of an arterial road.

Through the pre-consultation process on this proposed development, comments were received from the MTO which indicated that access to the proposed severed parcel must be located a minimum of 400 m from the end of radius of Highway 26. The southern property boundary of the lands is located approximately 400 m south of the intersection therefore, the 400 m separation distance required by MTO's Access Management Policy is not achievable. Through the pre-consultation process, the MTO and the County of Grey agreed to reviewing a Traffic Impact Study (TIS) in support of the proposed development to provide for the creation of a new, 20 m wide Local road approximately 237 m south of the existing intersection of 28<sup>th</sup> Avenue East and 16<sup>th</sup> Street East. The new Local Road will provide access to the proposed school site (severed lands) and remnant commercial lands (retained lot), as well as an existing, two-acre parcel located at the corner of the intersection under different ownership (Roll No. 425904006501000).

A Terms of Reference (TOR) for the TIS was provided by the applicant's qualified transportation engineer (Paradigm Transportation Solutions Ltd.) and was approved by the MTO and the County of Grey in March of 2024. A comprehensive TIS, attached as Schedule 'D', was completed based on the approved TOR. The TIS confirms the safety and appropriateness of the new Local Road despite its reduced separation of 237 m from the intersection of 16<sup>th</sup> Street East (Highway 26) and 28<sup>th</sup> Avenue East (Grey Road 5). As noted, 28<sup>th</sup> Avenue East is designated as a Minor Arterial/County Road by the Transportation Plan (Schedule 'C') of the City's OP. Transportation Association of Canada (TAC) Guidelines generally recommend an intersection spacing of 200 m on Minor Arterial Roads; the proposed 237 m separation distance exceeds this standard.

Furthermore, it merits note that the proposed road network generally implements the conceptual road network for the Sydenham Heights Planning Area as it's shown on Schedule 'C' and 'A2' of the City's OP except that the proposed east to west Collector Road has been shifted further north and will be designated as a Local Road. Additionally, the Collector Road from 8<sup>th</sup> Street East, northerly across the abutting lands to the south will no longer bisect the proposed severed parcel (school site) to connect to the future, right-in, right-out access onto 16<sup>th</sup> Street East. Section 4.2.5 of the OP generally requires all lands to be developed in general conformity with the schematic road system plan illustrated on Schedule 'A2'. For local and collector roads, the road system plan may be considered illustrative only and changes to the location and configuration of such streets shall be permitted without an official plan amendment, provided the planned street does not adversely impact the development ability of adjoining lands or the general traffic flow system provided, and the layout is in accordance with suitable design principles.

The proposed road network is supported by a comprehensive TIS to demonstrate consistency with Section 4.2.5 of the OP. Furthermore, the proposed road network is consistent with the policies provided in Section 5.1.3.12 and 5.1.3.13 of the OP (as noted above), as it requires access onto the County Road (28<sup>th</sup> Ave E) to be achieved via a municipal Local Road, in place of individual lot access, that will require traffic circulation as a result of development to occur internal to the subject lands and those further south. The road network also limits/prohibits access onto the Provincial Highway (16<sup>th</sup> Street East), with the exception of a future, right-in, right-out only

access that is to be constructed across the retained commercial lands as part of future development.

Acceptance of the final TIS and an exemption letter from the County of Grey for the reduced 237 m separation distance was provided and is attached as Schedule 'E'. Comments from the MTO on the final TIS were received on June 13, 2024. A formal written response to MTO's comments was provided by the applicant's transportation engineer (Paradigm) on June 27, 2024. At the time of writing of this report, no further comments from the MTO on the application have been received.

The severance plan submitted in support of the subject application attached as Schedule 'D' acknowledges the proposed location of the new, 20 m wide Local road allowance between the severed and retained parcels extending from 28<sup>th</sup> Avenue East, west to the Grey County Rail Trail.

At this time, it is proposed that the 20 m wide Local Road, including a 1.5 m concrete sidewalk on the south side, will be constructed from 28<sup>th</sup> Avenue East, approximately 175 m westerly, and terminate in a temporary turn around bulb approximately 15 m in radius. Vehicular driveway entrances into the proposed secondary school will be from the new Local road. Conditions of the approval will require the conveyance of the road allowance to the City, together with a temporary turn around bulb approximately 15 m in radius and 5.0 m by 5.0 m sight triangles at the intersection of the new road with 28<sup>th</sup> Avenue East. Provisions of the Consent Agreement to be registered on title of the severed parcel will also require that the detailed design and construction of this portion of the roadway be completed at the sole effort and expense of the applicant at the time of Site Plan Approval.

The construction of the Local road together with several off-site transportation improvements identified by the TIS will occur as part of future development of the severed parcel. Provisions of the Consent Agreement to be registered on title of the severed parcel will require that the applicant agree to construct the following recommended transportation improvements as identified by the TIS:

- An all-moves T-intersection at 28<sup>th</sup> Avenue East (Grey Road 5), 237 m from 16<sup>th</sup> Street East (Highway 26) having:
  - A dedicated eastbound left turn lane with 30 m of storage.
  - A southbound right turn (taper) lane on 28<sup>th</sup> Avenue East with 15 m of storage and,

- A northbound left turn lane on 28<sup>th</sup> Avenue East with 40 m of storage.

At the time a future, 20 m Local Road is constructed north-to-south across the adjacent, retained parcel providing a right-in, right-out access onto 16<sup>th</sup> Street East, the remaining portion of the east-to-west Local road (minimum of approximately 100 m +/-) will need to be constructed to facilitate connection of the two roadways. Provisions of the Consent Agreement to be registered on title of the severed parcel will also require that the applicant agree to construct the remaining portion of road or alternatively, provide a capital contribution to the City equal to the cost of construction. The land conveyed to the City for the temporary turn around bulb (shown as Part 3 on the draft severance plan attached as Schedule 'D') would be conveyed back to the Owner of the retained parcel, following construction of the roadways. The Consent Agreement to be registered on title of both of the severed and retained parcels will include provisions respecting the conveyance of the temporary turn around bulb.

The future, right-in, right-out access onto 16<sup>th</sup> Street East to be constructed north to south across the retained parcel is shown on the Transportation Plan (Schedule 'C') and Sydenham Heights Planning Area (Schedule 'A2') of the City's OP however, as the retained lands are proposed to remain vacant at this time, the exact location of the road allowance is not known. The location of the road is also subject to the completion of a future Traffic Impact Study, to be completed by a qualified professional in support of future development and will require MTO review and approval at that time.

Therefore, as a condition of approval, a Consent Agreement with the City is required to be registered on title of the retained parcel, providing for the following matters:

- That the Owner acknowledges and agrees that the completion of a Traffic Impact Study (TIS) by a qualified professional will be required to support any future development of the retained lands. The TIS shall address the location and configuration of a 20 m wide, Local road allowance providing a right-in, right-out access via 16<sup>th</sup> Street East, as it is contemplated by the City's 2021 Official Plan, among other matters to the satisfaction of the City's Engineering Services Division and the Ministry of Transportation.
- That the Owner acknowledges and agrees to convey a 20 m wide Local road allowance, together with all necessary 5.0 m by 5.0 m

sight triangles to the City, for the purposes of a right-in, right-out access via 16<sup>th</sup> Street East.

- That the Owner acknowledges and agrees to design and construct the 20 m wide Local road (including a sidewalk on at least one side of the roadway) providing a right-in, right-out access via 16<sup>th</sup> Street East at their sole effort and expense at the time of future development of the retained lands. The right-in, right-out access is to be located a minimum of 200 m west of the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East, and connected to the future, east to west Local road to 28<sup>th</sup> Avenue East.
- That the Owner acknowledges and agrees to obtain any approvals as may be required by the Ministry of Transportation to facilitate the construction of the 20 m wide Local road, providing a right-in, right-out access onto 16<sup>th</sup> Street East.

As development of the severed and retained parcels progresses and the 20 m wide Local roads east to west and north to south across the lands are constructed, the conceptual road network of the Sydenham Heights Planning Area will be realized. The Roads (Section 5.1.3) and Active Transportation (Section 5.1.5) policies of the City's OP require roads to be built according to the principles of proper engineering design and incorporate tree planting, landscaping, crosswalks, bicycle paths, safe pedestrian interfaces, medium strips and boulevards where appropriate, as shown in the City's standard cross sections in Appendix 'A' of the OP (policy 5.1.3.2). The OP further requires that new developments be designed to be walkable and bike-friendly by including trails, sidewalks, and/or paved shoulders where appropriate to integrate with the overall complete transportation system (policy 5.1.5.1). The City shall promote sustainable, healthy, active living through well-connected and maintained streets, paths, and trails that are able to safely accommodate different modes of transportation. Pedestrian links and bicycle trails may be located on public road allowances, parks, City or government-owned lands and rights-of-way acquired over or through privately held lands as indicated by the City's Active Transportation and Recreation Trails Master Plan. Consideration shall be given to providing connections between pedestrian links/bicycle trails and residential streets and areas of open space, schools, and public transit facilities (policy 5.1.5.2).

As noted above, the construction of the 20 m Local road proposed to be created through the subject consent application will be required to meet the City's standard cross section for a Local road (OSS-100B), which will include

a 1.5 m concrete sidewalk on the south side of the road. The future construction of the 20 m wide Local road, north to south across the retained lands will be required to meet the City's standards in force and effect at the time of development.

Through future Planning Act applications (i.e., Zoning By-law Amendment, Site Plan Approval), opportunities to provide a year-round active transportation connection from the severed parcel containing the proposed secondary school to the Grey County Rail Trail to the west of the property will be further refined and implemented to allow pedestrians to access the existing sidewalk on the south side of 16<sup>th</sup> Street East. Provisions of the Consent Agreement to be registered on title of the severed parcel will require that the design and construction of the pedestrian connection be completed at the sole effort and expense of the applicant, including any required upgrades to the existing trail (e.g., hard surfacing).

The following provisions are also recommended to be included within the Consent Agreement to be registered on title of the severed and retained parcels to ensure the provision of active transportation infrastructure along 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East, as future development occurs:

- That the applicant agrees to provide payment of a capital contribution for the future construction of a sidewalk or multi-use pathway across the 28<sup>th</sup> Avenue East frontage of the severed parcel.
- That the owner of the retained lands agrees to the construction of a 1.5 m wide concrete sidewalk along the 16<sup>th</sup> Street East frontage and a 1.5 m concrete sidewalk or 3.0 m multi-use pathway across the 28<sup>th</sup> Avenue East frontage of the retained parcel at the time of future development. The owner also agrees to construct the sidewalk or multi-use pathway across the 28<sup>th</sup> Avenue East frontage of the severed parcel at this time, to be funded by the City through the capital contribution collected as a condition of consent.

Lastly, as shown on the Orthophoto attached as Schedule 'A', the subject lands surround an existing, two-acre parcel at the intersection of 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue, currently under different ownership (Roll No. 425904006501000). The lands have approximately 110 m of frontage on 16<sup>th</sup> Street East and 67 m of frontage on 28<sup>th</sup> Avenue East, and, due to their proximity to the intersection, will be unable to obtain a vehicular access to either of these roadways in accordance with the requirements of the MTO

and the County. The policies of the City's Official Plan (5.1.3.12 and 5.1.3.13) also do not support new individual lot access onto Arterial/County Roads. Access to a property on an Arterial Road shall be from a Collector or Local Road, where possible. Provisions within the Consent Agreement to be registered on title of the retained parcel will require that the Owner agree to convey any necessary easements to allow the existing two-acre parcel access to the 20 m wide Local Road proposed as part of this consent application and/or the future, 20 m wide Local Road to be constructed across the retained lands to provide a right-in, right-out to 16<sup>th</sup> Street East. Related easements for access to municipal services within the roadways and/or grading and drainage may also be required and will be implemented as part of the Consent Agreement.

**b. The consent shall have the effect of infilling in existing areas and not extending existing development.**

As noted within the 'Background' section of this report, the subject lands are designated for commercial and residential land uses by the City's OP and are within Phase I of the Sydenham Heights Planning Area which is intended to accommodate residential land uses together with a mix of compatible institutional, commercial, and open space uses to support and service the local residential area.

Section 4.2.6 of the OP requires all development within the Sydenham Heights Planning Area to proceed on the basis of full municipal services. Municipal sanitary services exist within the Grey County Rail Trail, along the west boundary of the property; however, municipal water services will be required to be extended from 8<sup>th</sup> Street East to service future development of the severed and retained parcels.

The subject lands are required to be serviced from the East Hill Pressure Zone (EHPZ), in accordance with the East Owen Sound Master Servicing Study (EOSMSS). The nearest watermain stub (300 mm diameter PVC watermain) in the EHPZ is located on 8<sup>th</sup> Street East, adjacent to the southeast corner of 1800 8<sup>th</sup> Street East (Owen Sound Hospital). The watermain will need to be constructed and will require looping, either back to the EHPZ or to the Industrial Pressure Zone (IPZ), with the installation of a pressure reducing/pressure sustaining valve and chamber, to ensure water quality. The nearest watermain in the IPZ exists at the intersection of 28<sup>th</sup> Avenue East and 17<sup>th</sup> Street East (200 m diameter PVC), north of the subject lands.

It is a policy of the Sydenham Heights Secondary Plan (4.2.8.1) that new development shall be responsible for the cost of upgrades to existing infrastructure and new infrastructure that will benefit such new development. The extension of municipal services (water) to service the severed and retained parcels will be required to be borne by the applicant in accordance with the OP. The City would make best efforts to recover costs from adjacent lands owners benefitting from the extension of such services, including the retained parcel.

An overview of the conceptual water and stormwater management servicing strategy for the severed parcel has been provided by the applicant's consulting engineer (GEI) and is attached as Schedule 'D'. A detailed servicing strategy (water, wastewater, and stormwater management) for the development of the severed parcel to permit the proposed secondary school will be refined through the Zoning By-law Amendment and Site Plan Approval process. As a condition of approval, a Consent Agreement with the City is required to be registered on title of the severed parcel, providing for the following matters as it relates to servicing:

- That the applicant agrees to complete a Servicing Feasibility Study, Servicing Plan, Stormwater Management Report and Design, and Grading and Drainage Plan as part of a complete Site Plan Approval application, to the satisfaction of the City's Engineering Services Division. The applicant further agrees to implement the findings and recommendations of these plans and studies, to the satisfaction of the City's Engineering Services Division to ensure the provision of adequate municipal services (water, wastewater, and stormwater management) to the severed parcel to service future development.
- That the applicant acknowledges and agrees that the cost of extension of municipal services, including detailed design and construction, shall be completed at their sole effort and expense. The City acknowledges and agrees to make best efforts to recover costs from adjacent landowners benefitting from any extension of municipal services.

Lastly, as noted above, a future, 20 m wide Local road allowance is to be constructed north to south across the retained lands providing a right-in, right-out access to 16<sup>th</sup> Street East in the future however, the exact location of the road allowance is not known at this time. In order to facilitate connection of the EHPZ and IPZ systems, the EHPZ watermain (300 mm

diameter PVC) may need to be extended across the retained lands, and temporarily located in an easement, to connect to the IPZ watermain on 17<sup>th</sup> Street East within the East Ridge Business Park, north of the subject lands. Provisions of the Consent Agreement to be registered on title of the retained lands will require that the Owner provide any easements as may be required by the City to facilitate the provision of municipal services to the severed and retained parcels.

**c. Creation of the lot does not compromise the long-term use of the remaining land or retained parcel.**

**d. The size of the parcel of land created by consent should be appropriate for the use proposed.**

As noted above, the subject application results in a logical separation of lands designated as East City Commercial and Residential by the OP. The proposed severed parcel will have approximately 151 m of frontage on 28<sup>th</sup> Avenue East and 18.5 ac (7.5 ha) of lot area. The size and frontage of the proposed severed parcel is sufficient for accommodating the proposed secondary school together with an off-street parking area and open space, including an athletic field, as demonstrated by the conceptual Site Plan attached as Schedule 'D'.

The vacant retained parcel will have approximately 311 m of frontage on 16<sup>th</sup> Street East, 155 m of frontage on 28<sup>th</sup> Avenue East, and 23 ac (9.3 ha) of lot area. The northeast corner of the retained parcel designated as East City Commercial on Schedule 'A' – Land Use and Schedule 'A2' – Sydenham Heights Planning Area of the City's OP is sized approximately 18.4 ac (7.4 ha) which is appropriate given that lands designated as East City Commercial are intended to accommodate large format retail uses, requiring relatively large sites. The remainder of the severed parcel is designated as Open Space and Hazard Lands and is sized approximately 1.9 ha. As noted above, provisions of the Consent Agreement to be registered on title of the retained parcel will require conveyance of the Hazard Lands to the City as part of future development.

The subject consent application provides for the creation of a new, 20 m wide Local road allowance between the severed and retained parcels. The construction of this new road will ensure that access to the severed and retained parcels, as well as an existing parcel at the northwest corner of the intersection under different ownership (Roll No. 425904006501000), is maintained for future development.

**e. Soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings.**

Recommended conditions of approval will require the provision of a detailed master grading and drainage plan for the severed and retained parcels to ensure that soil and drainage conditions are suitable, as required by the OP, and drainage conflicts are not created by the proposed lot creation.

Section 2.2.2 of the City's Property Standards By-law (1999-030) requires all yards, including vacant property, are to be graded and maintained in such a manner so as to prevent the excessive or recurrent ponding of stormwater. Alterations to site grading and drainage that cause the drainage of stormwater onto any adjacent property is not permitted.

Should drainage patterns in contravention of this by-law be identified as part of the master grading and drainage plan required as a condition of consent, provisions of the Consent Agreement to be registered on title of the severed and retained parcel will require that mutual grading and drainage easements be granted to allow the existing drainage patterns to continue until development.

On-site grading and drainage and the approach to stormwater management will be further refined through site plan approval as development of the severed and retained parcels occurs.

**f. Impact on any adjacent built heritage or archaeological resource.**

There are no identified built heritage resources in proximity to the subject lands. A Zoning By-law Amendment and Site Plan Approval in accordance with the City's Site Plan Control By-law (2019-185) will be required to facilitate the development of the severed and retained parcels. An Archaeological Assessment will be required in support of these future Planning Act applications to ensure that archaeological resources are conserved prior to development and/or site alteration, consistent with the policies of the PPS and the City's OP.

Lastly, Section 51.1 of the Planning Act and Section 7.4.3 of the City's OP allows the City to impose conveyance of parkland as a condition of land division. In the case of a land division proposed for commercial or industrial purposes, two per cent (2%) of the land or value thereof is required for parkland and in all other cases, the conveyance of parkland shall be five per

cent (5%) of the land or value thereof. Conditions of consent approval will require that the applicant provide cash-in-lieu of parkland in the amount of 5% of the value of the severed parcel in accordance with the requirements of the Planning Act.

The payment of cash-in-lieu of parkland in the amount of 2% of the retained parcel will also be required as a condition of consent, should a request for a certificate of consent for the retained parcel be made, pursuant to Section 53(42.1) of the Planning Act.

The application conforms to the policies of the City's Official Plan, subject to the recommended conditions.

### **City of Owen Sound Zoning By-law**

The subject lands are zoned 'Rural' (RUR) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended). Permitted uses in the RUR Zone are limited to agricultural uses, public parks, and single detached dwellings on existing lots of record. The proposed severed and retained parcels exceed the minimum lot frontage and lot area requirements of the RUR zone provisions.

As noted in the Official Plan section of this report, the lot area and frontage of the parcels proposed to be created by the subject consent application are suitable for accommodating commercial and residential/institutional land uses, as permitted by the underlying OP designation. Future Zoning By-law Amendment applications will be required and are anticipated following completion of the land division process to facilitate the proposed secondary school development on the severed parcel. A ZBA will also be required to facilitate development of the vacant, retained lands in the future. Through the ZBA process, additional technical supporting plans and studies will be required as part of a complete application.

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

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining to the subject application. Comments received by the Secretary-Treasurer as of the writing of this report are described below and included in Schedule 'G'.

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

Comment has been received from the City's Engineering & Public Works Department recommending approval of application B02-2024, subject to the following conditions included in Schedule 'F':

- Conveyance of the 20 m wide Local road allowance to the City together with a temporary turning bulb and 5.0 m by 5.0 m sight triangles at the intersection with 28<sup>th</sup> Avenue east.
- That the owner enter into a Consent Agreement to be registered on title of the retained lot including provisions related to the future conveyance of the 20 m wide Local road, providing a right-in, right-out to 16<sup>th</sup> Street East to the City, the conveyance of any easements required by the City to facilitate the provisions of municipal services to the severed and retained parcels, and the conveyance of any easements required to facilitate access, servicing and/or grading and drainage for future development of the existing parcel at the southwest corner of the intersection, under different ownership.
- That the applicant provide a detailed overall master grading and drainage plan for the severed and retained parcels and if required, obtain any necessary mutual grading and drainage easements.
- That the applicant enter into a Consent Agreement, to be registered on title of the severed parcel, including provisions related to the design and construction of the 20 m wide Local road and municipal services (water), among other matters.

## **City of Owen Sound Building Division**

Comment has been received from the City's Building Division with no objections to the application. Development of the severed parcel for the proposed secondary school will be subject to further review and approval upon the submission of a Building Permit application.

## **Hydro One**

Comment has been received from Hydro One with no objections to the application.

## **Grey County**

Comment has been received from Grey County with no objections to the subject application. Comments received from the County and how they have

been addressed is discussed at length in the 'County Official Plan' section of this report.

## **Public Comments**

Five (5) comments from members of the public have been received by the Secretary-Treasurer as of the writing of this report and are included in Schedule 'H'.

Comments and concerns received can be summarized generally as follows:

### **Access to Amenities and Active Transportation Infrastructure**

Several public comments received note concerns with the use of the proposed severed parcel for a secondary school site given that surrounding lands are generally undeveloped and there is limited existing access to amenities, including the River District, and active transportation infrastructure, such as sidewalks and bicycle routes.

One public comment specifically posed the following questions as it relates to active transportation infrastructure:

- a) Are there plans for traffic signals, crosswalks, or speed limits near the school?
- b) Will there be any designated, well marked crosswalks near the school?
- c) Are there any sidewalks or walking paths leading to the school that will be well maintained year-round?
- d) Are there any plans to create bike paths/lanes?
- e) Will there be any additional traffic calming measures such as speed bumps?

As discussed in the 'Provincial Policy Statement' and 'Official Plan' section of this report, the subject lands are designated for commercial and residential land uses by the City's OP and are within Phase I of the Sydenham Heights Planning Area. It is acknowledged that the subject lands and surrounding properties remain largely undeveloped at this time however, it merits note that approximately 2,000 residential units are proposed through draft plans of subdivision or site plan approval within one kilometre of the subject property (see Schedule 'I'). As the development of the Sydenham Heights Planning Area progresses, a mix of land uses, together with active transportation infrastructure, including sidewalks, trail connections, parks, and bicycle routes, will be readily available.

Furthermore, the design and construction of the new, 20 m wide Local Road proposed as part of the subject application must conform to the City's standard cross section for a Local road (OSS-100B), as provided in Appendix 'A' of the City's OP. This will include the provision of a sidewalk on the south side of the roadway. The Traffic Impact Study completed in support of the proposed development also requires that stop-control be implemented at the intersection of the new, 20 m wide Local Road with 28<sup>th</sup> Avenue East. Through future Planning Act applications required to facilitate the development of the severed parcel, opportunities to provide active transportation connections to the Grey County Rail Trail to the west of the property will be further refined and implemented. Provisions of the Consent Agreement to be registered on title of the severed and retained parcels will also ensure the provision of sidewalks or multi-use pathways along 16<sup>th</sup> Street East and 28<sup>th</sup> Avenue East, as development of the severed and retained parcels progresses.

### **Traffic Impact**

One public comment received questioned how the new secondary school proposed on the severed parcel will impact traffic flow in the neighbourhood.

As discussed in the 'Official Plan' section of this report, a comprehensive Traffic Impact Study (TIS) was completed based on a Terms of Reference approved by the County of Grey and the Ministry of Transportation. The TIS confirms the safety and appropriateness of the new, 20 m wide Local Road located 237 m south of intersection of 16<sup>th</sup> Street East (Highway 26) and 28<sup>th</sup> Avenue East (Grey Road 5). The findings of the TIS also indicate that the total traffic conditions for the following study area intersections are forecast to operate at acceptable levels of service (LOS D or better) to 2038:

- 16<sup>th</sup> Street East (Highway 26) and 28<sup>th</sup> Avenue East (Grey Road 5)
- 28<sup>th</sup> Avenue East (Grey Road 5) and 8<sup>th</sup> Street East
- 28<sup>th</sup> Street East (Grey Road 5) and Future Road A (proposed as part of this Consent application).
- 16<sup>th</sup> Street East (Highway 26) and Future Road B (right-in, right-out via 16<sup>th</sup> Street East).
- 28<sup>th</sup> Avenue East and Future Road C (east to west Collector, south of the subject lands).
- 8<sup>th</sup> Street East and Future Road D (north to south Collector, south of the subject lands).

## **Parking**

One public comment received asked whether there will be additional parking for school events.

Parking for the proposed secondary school will need to be provided in accordance with the requirements of the City's Zoning By-law in force and effect at the time of development. Site-specific parking ratios may be developed through the ZBA process. At this time, the Zoning By-law requires off-street parking for secondary schools to be provided at a rate of one (1) space for each classroom or one (1) space per 10 sq. m. of floor area in the gymnasium or auditorium, whichever is greater. As illustrated by the conceptual Site Plan provided in Schedule 'D', there is ample lot area provided on the severed parcel to accommodate required off-street parking.

## **Noise Impacts**

One public comment received posed the following questions as it relates to noise impact:

- a) What measures are in place to mitigate noise during construction and after the school is operational?
- b) What measures will be taken to minimize noise and dust during construction?
- c) Are there restrictions on construction hours?
- d) How will construction traffic be managed to minimize disruption?
- e) Will there be barriers or fencing around the construction site?

As discussed in the 'Official Plan' section of this report, the proposed severed parcel is designated 'Residential' on Schedule 'A' – Land Use of the City's 2021 Official Plan and within Phase I of the Sydenham Heights Planning Area which further designates the lands as 'High Density Residential' and 'Low Density Residential'. Local institutional uses, such as schools, are permitted within the Residential designation and considered compatible with residential land uses. A Noise Study will not be required to assess the noise impacts of the proposed secondary school.

The [City's Noise By-law](#) restricts the operation or use of any construction equipment to 7 am to 9 pm on weekdays and 8 am to 9 pm on weekends and holidays. Development of the site must comply with the requirements of the Ontario Occupational Health and Safety Act (OHSA) which includes matters related to noise and dust mitigation and construction fencing. The

Ministry of Labour is the provincial governing body responsible for the enforcement of the OHSA and regulations thereunder.

## **Site Design**

One public comment received posed the following comments as it relates to site design:

- a) Are there plans for green space and landscaping around the school?
- b) Will there be permanent fencing to be erected to provide privacy to the existing neighbours and property south of the proposed school?

The purpose of the subject consent application is to facilitate land division to allow the severed parcel to be conveyed to a new owner. Matters respecting detailed site design will be determined through future Planning Act applications (e.g., Zoning By-law Amendment, Site Plan Approval). The Urban Design policies of the City's Official Plan (Sec. 8.6.7) allow the City to develop and enforce setback requirements, site plan requirements and design guidelines to provide adequate visual and aural separation and privacy where a residential type of use abuts an industrial use, a commercial use, an institutional use, or a parking/loading area. Similarly, the OP generally requires that where a non-residential site abuts a residential use, the location of access lanes, parking area, loading areas, and waste storage close to the residential use should be avoided. A landscape buffer and appropriate screening shall be provided along the adjoining lot lines.

## **Environmental Impact**

One public comment received indicates that there is a fence line of mature trees between the properties to the south of the proposed school and questions what measures will be taken to preserve this area.

As discussed in the 'Official Plan' section of this report, an Environmental Impact Study (EIS) will be required as part of a complete Zoning By-law Amendment application to facilitate future development of the severed and retained parcels. The EIS will address potential impacts of the proposed development on potential habitat of threatened or endangered species, among other matters, and make recommendations for mitigation measures which may include tree retention. The policies of the City's Official Plan (8.2.1.6) generally require the locations of existing mature trees to be considered in the preparation of a site plan, where new development is

proposed. A Tree Survey and a Landscape Plan will be required as a component of a future Site Plan Approval application.

## **Servicing**

One public comment questioned the availability of water and sanitary servicing for the subject lands. As discussed in the 'Official Plan' section of this report, Section 4.2.6 of the OP requires all development within the Sydenham Heights Planning Area to proceed on the basis of full municipal services. Municipal sanitary services exist within the Grey County Rail Trail, along the west boundary of the property. Municipal water services will be required to be extended from 8<sup>th</sup> Street East to service future development of the severed and retained parcels.

A detailed servicing strategy (water, wastewater, and stormwater management) for the development of the severed parcel to permit the proposed secondary school will be refined through the Zoning By-law Amendment and Site Plan Approval process. Provisions of the Consent Agreement to be registered on title of the severed parcel will require the completion of a Servicing Feasibility Study, Servicing Plan, Stormwater Management Report and design, and Grading and Drainage Plan as a component of Site Plan Approval.

## **Official Plan Designation and Zoning**

Comments received pose the following questions relating to the Official Plan and Zoning designation applying to the lands:

- a) Does the RUR zoning support the requested severance without a change of use or a plan of subdivision?

As discussed in the 'Official Plan' section of this report, the subject application meets the Consent criteria as outlined in policy 9.3.2.4 of the Official Plan. The proposal results in the creation of two (2) new lots (one severed and one retained) that have access onto publicly assumed roads, maintained on a year-round basis.

The proposed severed and retained parcel exceed the minimum lot frontage and lot area requirements of the RUR Zone provisions and are suitable for accommodating commercial and residential/institutional land uses, as permitted by the underlying OP designation.

- b) Why is the change of plan designation and zoning being considered through a consent?

An Official Plan Amendment and/or Zoning By-law Amendment are not being considered through the subject application. The proposed severed parcel is designated as 'Residential' on Schedule 'A' – Land Use of the City's Official Plan and within Phase I of the Sydenham Heights Planning Area (Schedule 'A2') which further designates the lands as 'Low Density Residential' and 'High Density Residential'. Local institutional uses, including schools, are among the uses permitted in the Residential designation. The purpose of the subject consent application is to facilitate land division to allow the severed parcel to be conveyed to a new owner. A Zoning By-law Amendment application will be required to rezone the lands from Rural (RUR) to Institutional (I) to permit the proposed school.

- c) Are there any change in zoning regulations that the public should be aware of?

None at this time. A Zoning By-law Amendment application will be required and is anticipated to facilitate development of the severed parcel for the proposed secondary school. Notice of the ZBA will be provided in accordance with the Planning Act which includes a mailed notice to property owners within 120 m, a sign posted on the property, and a public meeting held at City Council.

### **Commenting Period**

One public comment received noted concern with the limited time to provide comments on the application. Notice of the subject consent application was provided in accordance with the Planning Act by mailing a notice to property owners within 60 m of the lands and posting a sign on the property 14 days prior to the scheduled Committee of Adjustment hearing.

A future Zoning By-law Amendment will be required and is anticipated to facilitate the development of the severed parcel. Notice of the ZBA will be provided in accordance with the Planning Act which includes a mailed notice to property owners within 120 m of the subject lands, posting a sign on the property, and a public meeting held at City Council.

Finally, public comments received also note concerns with school board land management and the impact on property values effected by the new school and local road. It is not within the purview of the subject consent application to address these concerns.

### **Financial Implications:**

None at this time. Conveyance of the 20 m wide Local road allowance between the severed and retained parcels to the City is to be completed at the expense of the applicant. Future development of the severed and retained parcels will be required to pay for new infrastructure required to service such development including municipal water and Local roadways (including sidewalks).

Through the conditions of consent, the City will collect cash-in-lieu of parkland dedication in the amount of 5% of the value of the severed parcel.

### **Communication Strategy:**

Notice of the consent application was given in accordance with Section 53 of the *Planning Act* and Ontario Regulation 197/96.

### **Consultation:**

The application was circulated to various City Departments and our commenting agencies as part of the consultation process.

### **Attachments:**

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Map

Schedule 'C': Property Details

Schedule 'D': Plans and Studies:

- i. Severance Plan
- ii. Site Plan
- iii. Planning Opinion Letter by Ron Davidson Land Use Planning dated June 21, 2024.
- iv. Traffic Impact Study by Paradigm Transportation Solutions Ltd. dated May 2024

v. Conceptual Engineering Letter by GEI Consultants dated July 11, 2024.

Schedule 'E': County of Grey Exemption Letter

Schedule 'F': Conditions of Approval

Schedule 'G': Staff and Agency Comments

Schedule 'H': Public Comments

Schedule 'I': Approved Development – Sydenham Heights Planning Area

**Recommended by:**

Jacklyn Iezzi, BES., Senior Planner

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

**Submission approved by:**

Pam Coulter, BA, RPP, Director of Community Services

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