SUBJECT: Request for Comments
Consent File Nos. B-61 to B67-2012.62
Related File No. Z-43-2012.62
Owner: Linda Weatherhead
Agent: Genivar Consulting/Jerry Haan
Part Lot 20, Concession 5, WBR (Eastnor)
Lot 41, Plan 780, Part 1, Plan 3R-2722
Fowlie Road
Roll No. 620-1-135

FROM: Mary Lynn Standen, Municipal Clerk

DATE: May 13, 2013

RECOMMENDATION:

THAT Council concurs with staff’s comment noted below:

1. THAT the Municipality is unable to monitor and enforce the proposed conditions recommended in the Request for Comments: a) implementation of a maximum tree clearing of 0.4 ha per lot, b) establishment of 15 metre tree buffers between building envelopes, and c) prohibition of tree cutting between December 1 and March 31 of any given year.

AND THAT, should the consent applications be granted by the County, Council directs staff to submit to the County of Bruce Planning and Economic Development Department, the Municipality’s position of no objection to Consent File Nos. B-61 to B-67-2012.62 for property owned by Linda Weatherhead, legally described as Part Lot 20, Concession 5, WBR, Lot 41, Plan 780, Part 1, Plan 3R-2722, (Eastnor) and located on Fowlie Road, Municipality of Northern Bruce Peninsula subject to the imposition of the following conditions of granting of consent:

2. THAT an accredited appraisal be obtained to determine the 5% cash in lieu of parkland contribution to the Municipality;
3. THAT written confirmation be provided by the Municipality and Grey Sauble Conservation Authority (GSVA) that upgrades to the existing driveway entrance within the EH zone located on the proposed Lot 61 (File No. B-61-2012.62) are acceptable.
4. THAT a surveyor’s drawing be completed and a copy filed with the Municipal Clerk, the Registration and two copies filed with the Approval Authority for the County of Bruce;
5. THAT, pursuant to Section 53(42) of the Planning Act, the Certificate of Consent be affixed to the deed within one year of the giving of the Notice of Decision. [NOTE: Section 53(43) of the Planning Act required that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (ie. stamping of the deeds)];
6. THAT the applicant pay the County a $130.00 fee at the time of certification of the deeds;
7. THAT the Municipality provide written confirmation to the Approval Authority that the Municipal conditions as imposed herein have been fulfilled;
8. THAT the Clerk of the Municipality provides written confirmation to the Approval Authority that zoning amendment, under File No. Z-43-2012.62, is in force and effect pursuant to the provisions of the Planning Act, 1990, as amended;
9. THAT the Owner’s solicitor submits all deeds for certification for File Nos. B-61 to B-67-2012.62 (inclusive) to the Approval Authority at the same time and that the Approval Authority apply certification to all deeds consecutively;
10. THAT the Owner and Municipality execute a Site Plan Control Agreement as it relates to the development of the subject lands;
11. THAT the Owner’s solicitor provide an undertaking to register the Site Plan Control Agreement approved by the Municipality on the title of each property at the same time as the deeds are registered;

BACKGROUND:

It is the Owner’s intention to sever seven (7) vacant lots. Portions of the proposed Lot 17 and the majority of the retained parcel are to be rezoned to Environmental Hazard (EH).

The proposed lots and a building envelope on the retained parcel are to be zoned Resort Residential Special.

COMMENTS:

#11 of the recommendations outlines the only concern that the Municipality has with respect to these consent matters.

ATTACHMENTS:

1. Request for Comments

MUNICIPAL STRATEGIC COMMITMENT:

By evaluating strategic objectives, it can be assured that the actions taken by the Municipality create value across all strategic priorities identified in the Strategic Plan. In doing so, the
Municipality moves closer to its vision of providing a safe, progressive municipality that is committed to managing growth and providing a welcoming, diverse and environmentally sustainable community that enhances the quality of life for all residents and visitors.

<table>
<thead>
<tr>
<th>Strategic Priority</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well managed and fiscally responsible municipal government is enhanced</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation and protection of unique natural environment including the encouragement of well managed growth is enhanced</td>
<td></td>
<td></td>
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<tr>
<td>Health, safety and education of the community are enhanced.</td>
<td></td>
<td></td>
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<tr>
<td>Development/promotion of cultural and recreational opportunities is enhanced</td>
<td></td>
<td></td>
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<td>Citizen involvement is enhanced.</td>
<td></td>
<td></td>
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<tr>
<td>Economic development strategies are enhanced.</td>
<td></td>
<td></td>
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<tr>
<td>Does the option(s) recommended create value across all strategic priorities?</td>
<td></td>
<td></td>
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<tr>
<td>Does the option(s) recommended make Northern Bruce Peninsula a municipality of choice for high performance public servants?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BUDGET IMPLICATIONS:**

Revenue dedicated to the Municipality’s Park Fund will be generated by the provision of the 5% cash in lieu of parkland contribution.

Respectfully submitted:

Mary Lynn Standen, Municipal Clerk

Approved by:

Bill Jones, Chief Administrative Officer
REQUEST FOR COMMENTS
PROPOSED CONSENT TO SEVER LAND
(Section 53, Planning Act, 1990)

TO: Municipal Staff, GS Conservation Authority, Health Unit, First Nations

The County of Bruce has received a Planning Application as outlined below. The application is being circulated to you for your review and comments. Please see the attached schedule on the reverse of this form for location information.

Development Proposal
To sever 7 vacant residential lots. Portions of the proposed lot one (northwest corner) and lot 7 (southwest corner) and the majority of the retained parcel are to be re-zoned to EH Environmental Hazard. Residential lots and a building envelope on the Retained parcel are to be zoned R2-xx-2013 Resort Residential Special. The R2-xx-13 zone will establish site plan control on the lots and implement maximum tree clearing of 0.4 ha per lot, 15 metre treed buffers between building envelopes, and prohibit tree cutting between December 1 and March 31 of any given year.

Related File
Z-43-2012.62

Owner
Linda Weatherhead

Applicant
Same

Agent
Genivar Consulting / Jerry Haan

Legal Description
Plan 780 Lot 41 Con 5 WBR Pt Lot 20 INCL RP 3R2722 PART 1 (Eastnor) Northern Bruce Peninsula, Roll 4109602000113500

Municipal Address
Fowlie Rd

Lot Description:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Description</th>
<th>Frontage</th>
<th>Depth</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 B-61</td>
<td></td>
<td>+/- 45m</td>
<td>+/- 220 4m</td>
<td>+/- 9373 sq. m.</td>
</tr>
<tr>
<td>2 B-62</td>
<td></td>
<td>+/- 53m</td>
<td>+/- 220 5m</td>
<td>+/- 8175 sq. m.</td>
</tr>
<tr>
<td>3 B-63</td>
<td></td>
<td>+/- 50m</td>
<td>+/- 149 3m</td>
<td>+/- 8097 sq. m.</td>
</tr>
<tr>
<td>4 B-64</td>
<td></td>
<td>+/- 50m</td>
<td>+/- 139m</td>
<td>+/- 8100 sq. m.</td>
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<tr>
<td>5 B-65</td>
<td></td>
<td>+/- 61.3m</td>
<td>+/- 169.5m</td>
<td>+/- 10,338 sq. m.</td>
</tr>
<tr>
<td>6 B-66</td>
<td></td>
<td>+/- 106.2m</td>
<td>+/- 120m</td>
<td>+/- 11,018 sq. m.</td>
</tr>
<tr>
<td>7 B-67</td>
<td></td>
<td>+/- 398.76m</td>
<td>+/- 43.59ha</td>
<td></td>
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</tbody>
</table>

Uses
- Existing: Vacant Rural
- Proposed: Residential

Structures
- Existing: None
- Proposed: 1 single detached dwelling per severed lot

Servicing
- Existing: None
- Proposed: On-site private septic and water

Access
- Class 1 Municipal Rd, Fowlie Rd

County Official Plan
- Rural Recreational Area

Proposed Official Plan
- No change

Local Official Plan
- n/a

Proposed Official Plan
- n/a

Zoning By-law
- RU2 Restricted Rural (Comprehensive Zoning By-law 2002.54)

Proposed Zoning By-law
- R2 Resort Residential and EH Environmental Hazard

Surrounding Land Uses
- Residential and Vacant Rural
The proposed Consent application is consistent with the Provincial Policy Statement, complies with the Bruce County Official Plan and is being processed in conjunction with an application to amend the Municipal Zoning By-law. Your comments and conditions are requested for consideration by the Planning Department for the preparation of the conditions of approval.

The Planning Department has reviewed the application and makes the following preliminary conditions of approval:

1. That the owner enter into an Agreement with the Municipality, if deemed necessary by the Municipality, to satisfy all the requirements, financial or otherwise, of the Municipality, which may include, but shall not be limited to, the provision of parkland (or cash-in-lieu of land), roads, installation of services, facilities, drainage and the timing and payment of a development charge.

2. That the owner provides an appraisal of the subject lands to the Municipality. Said appraisal shall be the basis of the 5% cash in lieu of parkland contribution.

3. That a Surveyor’s drawing be completed and a copy filed with the Municipal Clerk, the Registrar and two copies filed with the Approval Authority for the County of Bruce, or an exemption from the survey be received.

4. That, pursuant to Section 53(42) of the Planning Act, the ‘Certificate of Consent’ be affixed to the deed within one year of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act) requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (i.e. Stamping of the deed)

5. That the applicant pay a $130.00 fee at the time of certification of the deeds.

6. That the Municipality provide written confirmation to the Approval Authority that the municipal conditions as imposed herein have been fulfilled.

7. That the Clerk of the Municipality provide written confirmation to the Approval Authority that zoning amendment Z-43-2012.62 is in force and effect pursuant to the provisions of the Planning Act, 1990.

8. That the Applicant’s solicitor submit all deeds for certification for files B-61-2012.62 to B-67-2012.62 (inclusive) to the Approval Authority at the same time, and that the Approval Authority apply certification to all deeds consecutively.

9. That the Applicant’s solicitor provide an undertaking to register site plans approved by the Municipality on the title of each property at the same time as the deeds are registered.

10. (B-61 Only) That the Municipality provide written confirmation that upgrades to the existing driveway entrance within the EH zone have been completed to the satisfaction of the Municipality and the Grey Sauble Conservation Authority.

Additional Information relating to the application including: Stage 1 & 2 Archaeological Assessment, Functional Servicing Report, Environmental Impact Study, and Site Plans may be obtained at the Wiarton Office, at the above address, between the hours of 8:30 a.m. and 4:30 p.m. (Monday to Friday). Additional Information can also be viewed on-line at http://www.brucecounty.on.ca (under Quick Links, Applications, by Municipality).

Comments made in response to this application must be received by the Planning Department by May 6th, 2013. If you are unable to comment in the time specified, please contact the Wiarton Office of the Bruce County Planning Department at the address indicated above. Comments or requests for additional time may also be forwarded to the Planner responsible for the file, Jakob Van Dorp at bcpwil@brucecounty.on.ca

FILE: B-61-2012.62 to B-67-2012.62

NO COMMENTS: COMMENTS: __________________________

Title: __________________________ Signature: __________________________

PLEASE ATTACH SCHEDULE ‘A’ (Genivar Site Plan)
May 6, 2013

Mr. Jakob Van Dorp, Planner
County of Bruce
Planning and Economic Development Department
Box 129, 578 Brown St
Wiarton ON
N0H 2T0

Dear Mr. Van Dorp:

RE: Zoning By-law Amendment: Z-43-2012.62
    Applicant: Linda Weatherhead
    Part Lots 19, 20, Concession 6 WBR; Fowlie Road
    Municipality of Northern Bruce Peninsula, formerly Eastnor Township
    Our File: P10713

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per our Memorandum of Agreement with the County of Bruce. We offer the following comments.

Site Description
The subject property is located in close proximity to the Lake Huron Shoreline on the east side of Fowlie Road, south of Spry Road. The majority of the property is predominantly coniferous forest. Species noted include eastern white cedar, white spruce, tamarack, balsam poplar, and white birch. Drainage of the site is variable but does include a wetland in the central portion of the property to be zoned EH Environmental Hazard.

Provincial Policy Statement
3.1 Natural Hazards
Natural Hazards identified on the subject property include the potential flood and erosion prone areas adjacent to the watercourse and associated wetland features that flow from east to west toward Fowlie Road.

2.1 Natural Heritage
Significant natural heritage features on the subject property include the above noted wetland feature, which supports a range of flora and fauna. The watercourse that runs through the wetland provides direct habitat for fish, reptile and amphibian species. The property is also within the range of the Threatened Eastern Massasauga rattlesnake (EMR). In addition, the Ministry of Natural Resources database has identified the entire subject property as part of a large deer yard on the west side of the Bruce Peninsula.

The Environmental Impact Study (EIS) prepared by AWS Environmental Consulting confirms the presence of EMR, area sensitive bird species, fish, and amphibians on the subject property. With
regards to winter deer yards, the report states that during the study there was little evidence of deer activity on the western portions of the property and that the core area for deer habitat is the south-east property corner. In addition, the report outlines that the forest stand on the subject property provides a diversity of habitat and specifically identifies a Provincially Rare Treed Alvar habitat. (April, 2012).

**Recommendations**

Based on our review of the Environmental Impact Study and the servicing/stormwater management report, we generally have no objection to the proposed Zoning By-law Amendment and Consent Applications. We recommend that development of the proposed 7 new lots (and one retained lot) comply with the recommended setbacks, development constraints, and mitigation measures identified in the EIS and outlined on the site plan Genivar Site plan. This would limit any proposed new development to the areas designated as “Development Lands” outlined on figures No. 8A, 8B, and 8C of the EIS (April, 2012). The zoning by-law is acceptable and maps an appropriate environmental hazard zone on the property.

We note that the servicing study notes that a Hydrogeology study is required and this should be completed and assessed prior to final approval of the proposal.

If any questions should arise, please contact our office.

**Regards,**

Andrew Sorensen  
Environmental Planning Coordinator

enclosure

cc Municipality of Northern Bruce Peninsula