



Planning Report

To: Mayor Hammell and Council, Arran-Elderslie

From: Jenn Burnett, Senior Development Planner

Date: June 26, 2023

Re: Applications – L-2022-014 & Z-2022-014, for 2504970 Ontario Limited o/a Abraflex (2004) Ltd.

Recommendation:

Official Plan Amendment application L-2022-014 and Zoning By-law Amendment application Z-2021-101 are consistent with the Provincial Policy Statement 2020, the County of Bruce Official Plan and the Town of Arran-Elderslie Official Plan.

Subject to a review of submissions arising from the public meeting it is recommended:

That Council adopt Official Plan Amendment Number L-2022-014 by 2504970 Ontario Limited o/a Abraflex (2004) Ltd. and that the necessary by-law be forwarded to the County for approval.

That Council approve Zoning By-law Amendment Application Z-2021-101 by 2504970 Ontario Limited o/a Abraflex (2004) Ltd.

Application Summary:

Abraflex (2004) Ltd. is proposing to reconfigure their land holdings to facilitate future development of the business park use. The change would involve severing the existing Abraflex facility (lot area of 15,385 m², with a frontage of 40.07 m on Bruce County Road 3) and the business office/residence (lot area of 9,156 m², with a frontage of 238 m on North Street) into two separate parcels; thereby retaining a 15.05 ha vacant business park parcel with 219.63m of frontage onto North Street. No development is currently proposed for the retained parcel.

An amendment to the Arran-Elderslie Official Plan is required to remove the Special Policy Area constraint (SPA 3.10.1) from the lands and redesignate the proposed severed parcel on North Street from Industrial to Residential. No changes are proposed to the Natural Environment and Hazard designations.

A Zoning By-Law Amendment is required to rezone the severed parcels from BP1 – Business Park to R1 - Residential: Low Density Single.

Related Applications

Consent Application B-2021-102 proposes to sever a 15,385 m² lot with 40.07 m frontage onto Bruce County Road 3. The proposed lot will contain the Abraflex facility, parking area and a Quonset hut. No further development is proposed as part of the submitted applications.

Consent Application B-2022-129 proposes to sever a 9,156 m² lot with 238 m of frontage onto North Street. The proposed lot contains an existing 2-story business office/residence and will be serviced by a private well and septic system.

The retained parcel will have an approximate area of 15.05 ha, with 219.63 m of frontage onto North Street. No development is currently planned for the retained parcel.

Consent Application B-2021-103 for a water and sewer easement to service the Abraflex facility was conditionally approved January 18, 2022.

Airphoto



Severance Sketch

3437 Bruce County Rd 3
Pasley
Bruce County

LEGEND

- Subject Lands
(± 172,461m² / 42.62 ac)
- Proposed Abraxflex Severance
- Part 1 (± 15,385m² / 3.80 ac)
- OPA/ZBA and Severance for Residential
- Part 2 (± 9,156m² / 2.26 ac)
- Servicing Easement
- Part 3 (± 822m² / 0.20 ac)
- Part 4 (± 225m² / 0.06 ac)
- Retained Lands
- Part 5 (± 147,098m² / 36.35 ac)
- OPA to delete Special Policy Areas
(± 28,618m² / 7.07 ac)

Notes

- Areas approximate, to be verified by survey

Source

- Orange Satellite Imagery
- Property Boundary: Inherited from Old BluePlan Engineering Limited Sept. 22, 2022
- Copyright Information Inherited under the Open Government Licence, Bruce County

DATE Mar. 9, 2023

SCALE 1:2,500

DRN PL

FILE 22305A

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
MHC
200-660 BUCHANAN COURT DR. BETHUNGA, ON N0B 1M0
P: 519.763.5000 F: 519.763.5111 E: info@puhl.com

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including a review of the Provincial Policy Statement 2020, the Bruce County Official Plan, the Arran-Elderslie Official Plan and the Arran-Elderslie Zoning By-law.

The 2020 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act requires that land use planning decisions 'be consistent with' provincial policies. Decision makers are asked to be consistent with the policies of the PPS including: 1. Building Strong Communities; 2. Wise Use and Management of Resources; and 3. Protecting Public Health and Safety. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation, therefore only excerpts from the PPS have been highlighted to demonstrate the proposal's conformity with the Provincial Policy Statement.

Schedule 'A' of the Bruce County Official Plan (BCOP) designates the subject property as a Primary Urban Community and supports a mix of uses including residential development within the settlement area designation and industrial uses where full municipal services are available. The proposed changes meet the intent of the BCOP.

The subject property falls within the Industrial (IND), Future Development (FD) and Natural Environment and Hazard (ENVH) designations of the Arran-Elderslie Official Plan, within the Paisley Settlement Area. The property is also subject to Special Policy Area 3.10.1 that limits the permitted uses to two sewage treatment lagoons with no residential or institutional development within 200m of the Bruce Packers Treatment Ponds.

Section 1.1.3 of the PPS 2020 directs development to settlement areas. It states that the “vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.” It further states that “[s]ettlement areas shall be the focus of growth and development.” (PPS, 2020 Section 1.1.3.1). The proposed changes will facilitate future industrial development of the lands and are supported by provincial policy and both the County and local Official Plans.

Water and Sewer Services

This area is fully serviced with municipal water and sewers. The retained lands are not proposed for development at this time and will be zoned with a holding provision to require connection to full municipal services for future development. Application B-2021-103 for a servicing easement was approved in 2022 subject to conditions requiring connection to municipal services for the proposed severed lot containing the existing Abraflex building. The conditions for this application have not yet been fulfilled.

The structure on the proposed residential lot is currently serviced by a septic and municipal water piped from the Abraflex building. Public Works provided comment that the water line that services the dwelling is to be disconnected as a condition of severance. The PPS, 2020 permits the provision of private services in certain cases.

“1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.”

Given that a dwelling/office was constructed on the proposed parcel in 2021 and is serviced by a septic system and proposed well, the impact exists and would have been evaluated by the municipality’s CBO prior to the issuance of a building permit.

Stormwater Management

Section 1.6.6 of the PPS addresses the management of stormwater on-site. Specifically,

- “1.6.6.7 Planning for stormwater management shall:
- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
 - b) minimize, or, where possible, prevent increases in contaminant loads;
 - c) minimize erosion and changes in water balance, and prepare for the impacts

of a changing climate through the effective management of stormwater, including the use of green infrastructure;
d) mitigate risks to human health, safety, property and the environment;
e) maximize the extent and function of vegetative and pervious surfaces; and
f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development”

The applications do not propose any site alteration or development at this time. As the property falls within the SCVA Regulated area, permits are required prior to site alteration. The SCVA recommends that a stormwater management plan be designed in accordance with their guidelines. Development of the Business Park is anticipated to proceed through Site Plan Control and stormwater management can be addressed through that process once the site design has been confirmed.

Natural Heritage

Section 2.1 of the PPS 2020 directs that Natural features and areas shall be protected for the long term. The Saugeen Valley Conservation Authority (SVCA) reviewed the proposed amendments and opined that “the Saugeen River should be considered a Significant River Valley given its ecological function for fish habitat and potential for supporting significant wildlife habitat within the region.” (March 3, 2022, comments). Section 2.1.5 b) of the PPS does not permit development and site alteration in significant valleylands or on adjacent lands unless it has been demonstrated, through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions. Section 4.3.2.8.3 of the Bruce County Official Plan reiterates this. While no development or site alteration is proposed currently, the intention is to develop the lands in the future. A holding provision is recommended by the SVCA to require the submission of an EIS to demonstrate development potential. This has been incorporated into a site-specific zoning by-law amendment for Council’s consideration. With the holding provision in the by-law, the proposed amendment can be considered consistent with the natural heritage policies of the PPS and in conformity with the natural heritage policies of the County Official Plan

Natural Hazards

Section 3.0 of the PPS 2020, Protecting Public Health and Safety, directs that development shall be directed away from areas of natural or human-made hazards. SVCA (comments May 26, 2023) identify “portions of the property are affected by flooding and erosion hazards associated with the Saugeen River and a tributary to the Saugeen River.” SVCA staff confirmed that the mapped Hazard designation and the EP zone are appropriate and consistent with their hazard lands mapping and that the existing structures are outside of the hazard lands. There is no proposed change to the mapping for the Hazard designation or the EP zone.

SVCA have highlighted that, “the stream valley erosion hazard may be greater than existing hazard lands mapping indicates. As such, prior to development on either the retained lot (Part 6) and proposed severed lots (Parts 2 and 3) SVCA staff recommends a slope stability

assessment be undertaken to evaluate slope conditions and to provide an erosion hazard setback for future development.” (SCVA comments May 26, 2023). They recommend a holding zone within 30 metres of the existing hazard land limit on the proposed retained and severed residential lots.

Human-Made Hazards

The property previously had two sewage treatment lagoons associated with the Bruce Packers operation. Section 3.2.2 of the PPS 2020 addresses the need for site remediation prior to establishing a new use on the lands. The treatment lagoons were decommissioned and the site has been remediated in accordance with Provincial requirements. In support of the application, report *Documentation of Soil Remediation 3437 Bruce Road 3, Paisley ON* was submitted and concludes no additional investigation or remediation is considered necessary at this time. The above-noted document supports the removal of Special Policy Area 3.10.1 Bruce Packers Treatment Ponds from the Arran-Elderslie Official Plan.

Indigenous Community Engagement

The property falls within an area identified to have archaeological potential. Section 1.2 of the PPS, 2020 directs that municipalities shall engage Indigenous communities through the planning process:

“1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.”

Further In Part IV: Vision for Ontario’s Land Use Planning System, the PPS, 2020 provides;

“The Province’s rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities’ perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.” (PPS, 2020 Pg. 5)

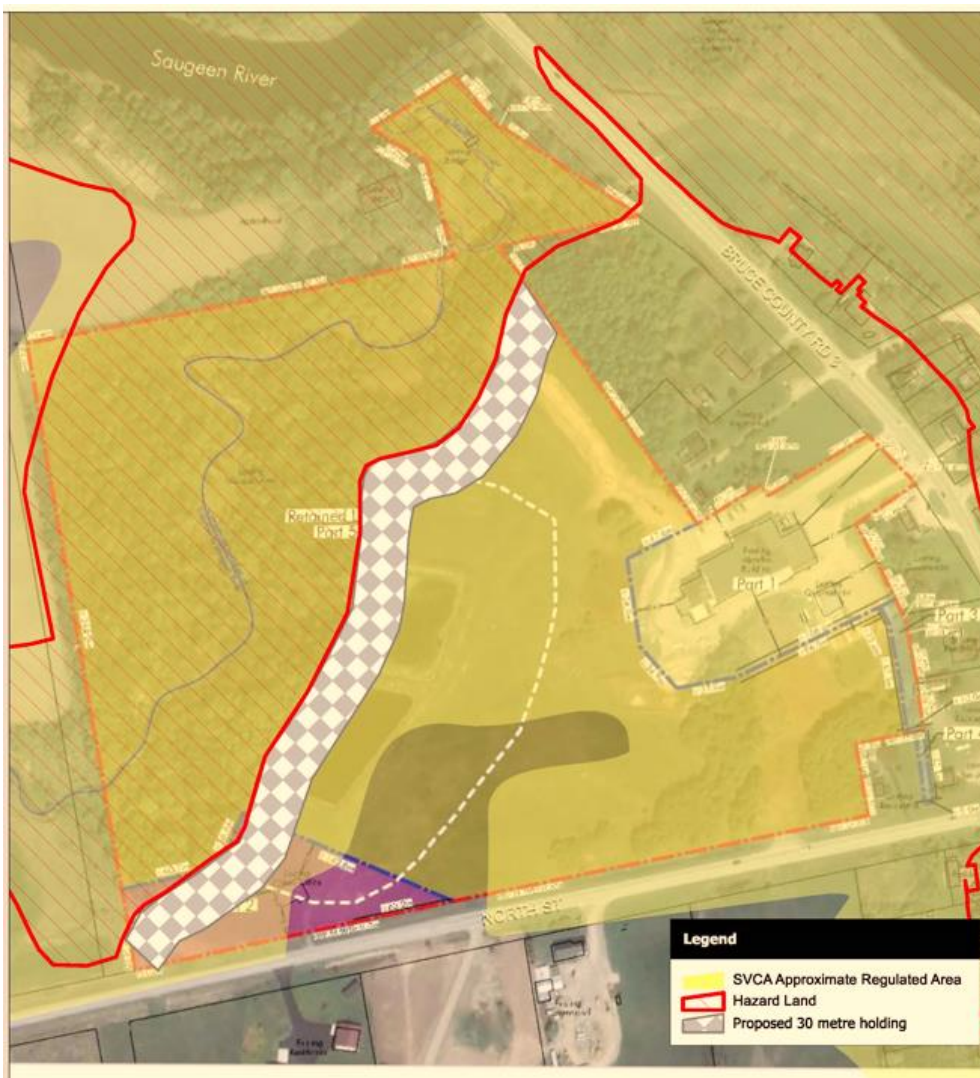
The Notice of Complete Application and Public Meeting was circulated to the prescribed Indigenous Communities on April 27, 2023, and one formal comment was received from the Historic Saugeen Metis noting no concern. County files do not contain documentation that consultation occurred with Saugeen Ojibway Nation (SON) and there is no related archaeological assessment, therefore, a holding provision will be implemented in the site-specific zoning by-law in accordance with Section 4.4.4 of the zoning by-law. The applicant is encouraged to consult with SON prior to commissioning the assessment.

Municipality of Arran-Elderslie Zoning By-Law Number 36-09

The property is zoned Business Park 1 (BP1), Environmental Protection (EP) and Future Development (PD). No development or site alterations is proposed within the lands zoned EP. Zoning By-Law Amendment (Z-2021-101) proposes to rezone the severed parcel from BP1 – Business Park to R1 - Residential: Low Density Single. The amending by-law will also incorporate the remediated sewage lagoons into the BP1 zone. No changes are proposed to the portion of the property zoned EP or PD.

Saugeen Valley Conservation Authority requested that a holding zone within 30 metres of the existing hazard land limit (EP zone) be implemented on the retained lot and the proposed severed residential lot. The purpose of the holding zone would be to prohibit development and site alteration until SVCA is satisfied with a slope stability study that assesses slope conditions and provides an erosion hazard setback to future development. The proposed holding zone is shown below.

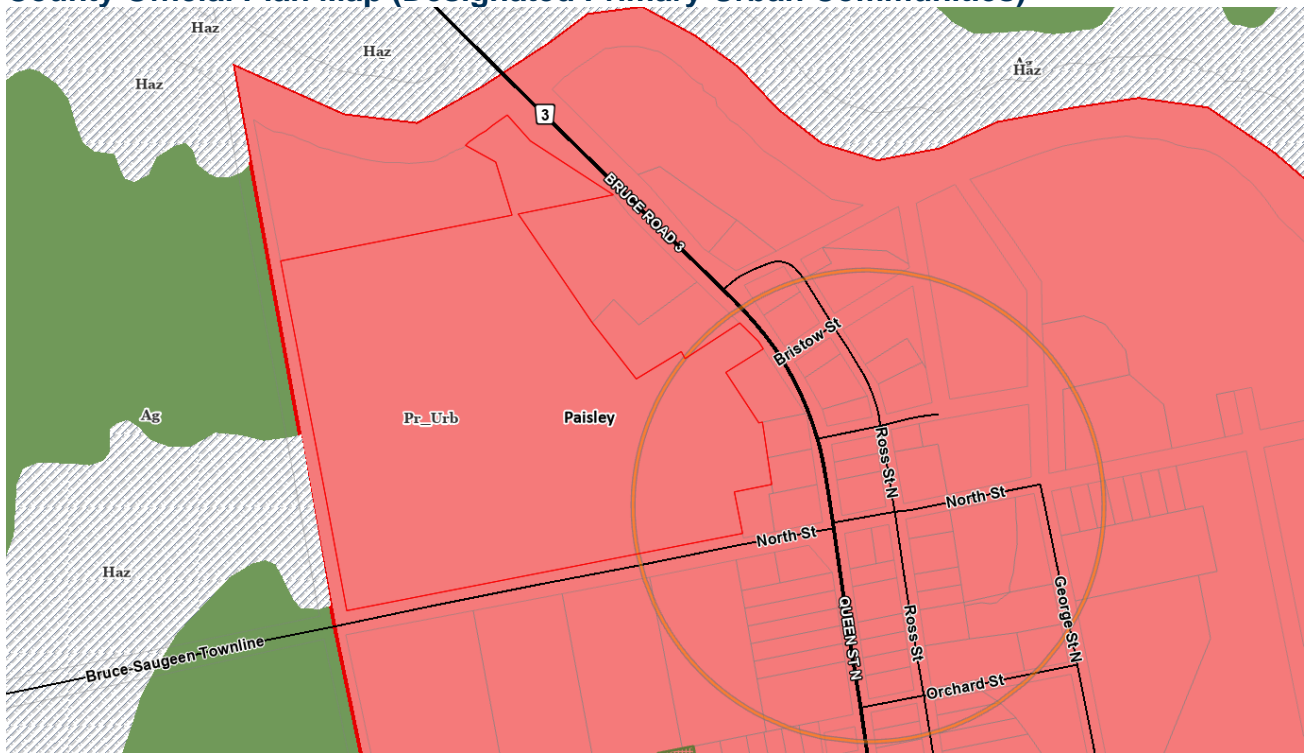
Amending by-laws will be presented to Council for consideration at a future meeting.



Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

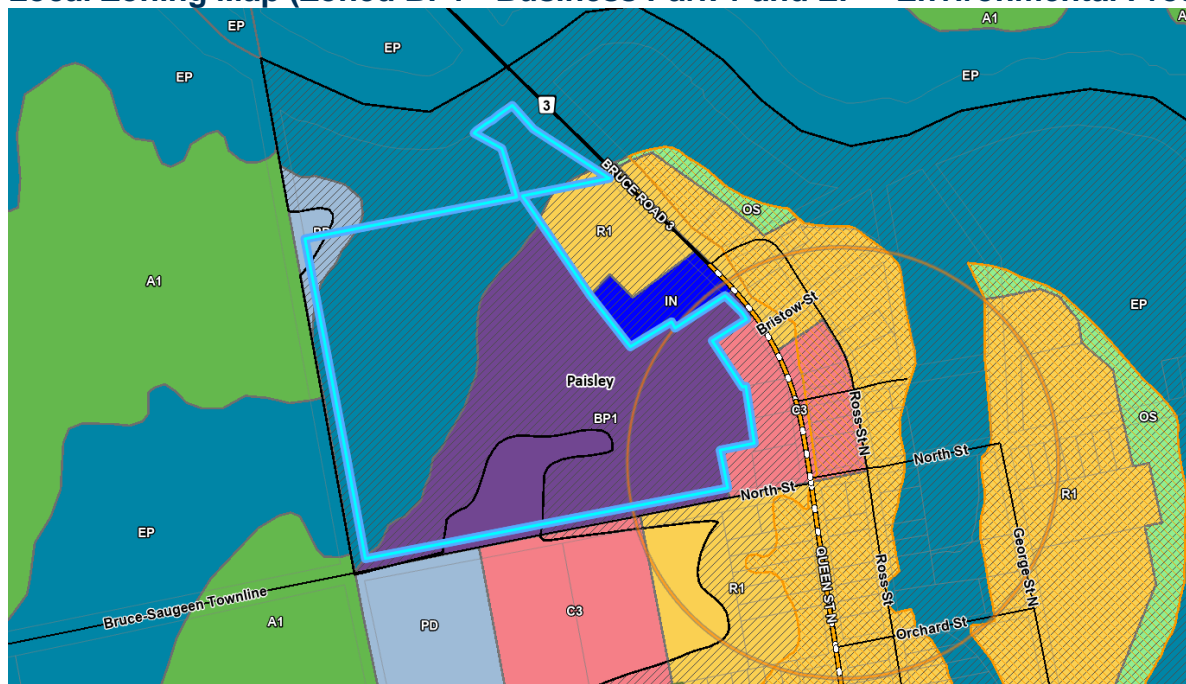
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Industrial with Special Provisions (SPA 3.10.1) and Natural Environment and Hazard)



Local Zoning Map (Zoned BP1 - Business Park 1 and EP – Environmental Protection)



List of Supporting Documents and Studies

- Proposed Site Plan. March 9, 2023. MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC), File No. 22306A.
- Planning Justification Report. December 2022. MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC), File No. 22306A.
- Documentation of Soil Remediation 3437 Bruce Road 3, Paisley ON. August 2022. Matthew Nelson P. Eng., P. Geo., File No. 221093-1
- Preliminary Sewage System Feasibility Assessment for Private Servicing of Proposed Severance: 3437 Bruce Road 3, Municipality of Arran-Elderslie. December 15, 2022. Matthew Nelson P. Eng., P. Geo., File No. 221093

Agency Comments

The applications were circulated to all properties within 120 m of the subject lands and to the required agencies. The following agency comments were received by the report submission deadline:

Agency:

Hydro One provided email comments dated May 12, 2023 noting no comments or concerns at this time.

In email comments dated May 15, 2023, the Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department noted no objection or opposition to the proposed Land Severance(s), Zoning and Local Official Plan Amendment as presented.

Saugeen Valley Conservation Authority provided comments dated March 3, 2022 and May 26, 2023 requesting that a holding provision within 30 metres of the existing hazard land limit be implemented on the proposed retained and severed residential lots. The purpose of the holding zone would be to prohibit development and site alteration until SVCA is satisfied with a slope stability study that assesses slope conditions and provides an erosion hazard setback to future development.

Bruce County Transportation Services noted no comment on the applications. (undated correspondence)

Residents:

No written comments submitted by the report submission deadline.

From: [ARABIA, Gabriel](#)
To: [Lori MapoField](#)
Subject: Bruce County - B-2021-102 B-2022-129 Z-2021-101 L-2022-014
Date: Friday, May 12, 2023 2:32:33 PM
Attachments: [image001.png](#)

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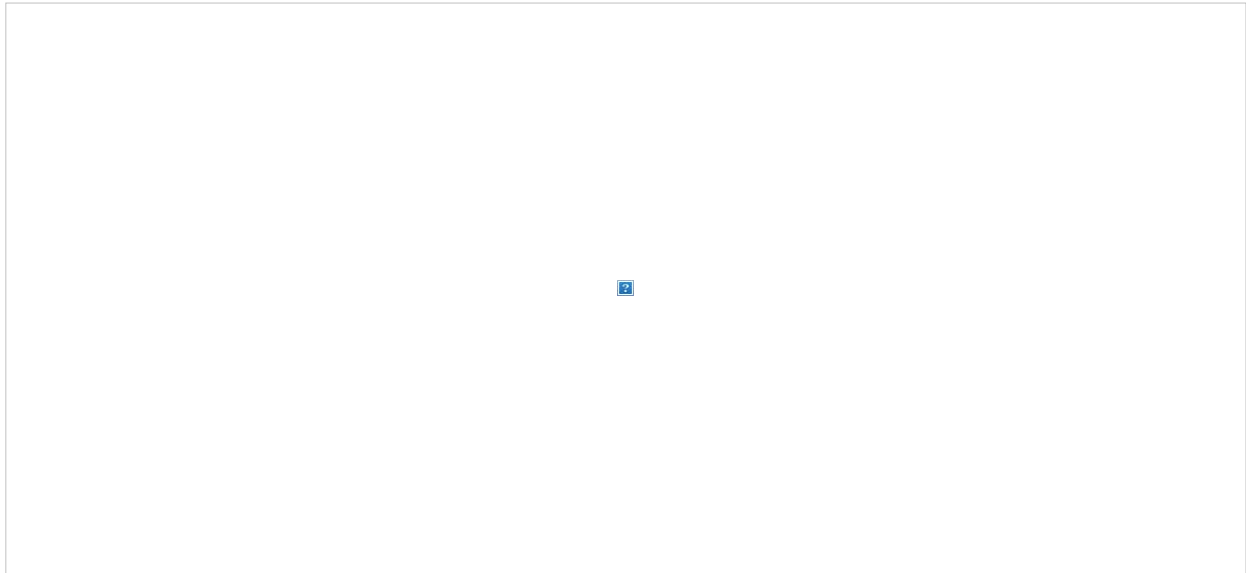
Hello,

We are in receipt of your Application for Consent, B-2021-102 B-2022-129 Z-2021-101 L-2022-014 dated April 27th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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From: [hsmrcc](#)
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Request for Comments - South Bruce (Abraflex) - proposed Land Severance(s), Zoning & Local Official Plan Amendment
Date: Monday, May 15, 2023 1:50:21 PM
Attachments: [PastedGraphic-5.png](#)

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South Bruce Municipality

RE: B-2021-102 / B-2022-129 / Z-2021-101 / L-2022-014

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Land Severance(s), Zoning and Local Official Plan Amendment as presented.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com
519.483.4000



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1078 Bruce Road 12, P.O. Box 150, Formosa ON N0G 1W0
Tel 519-367-3040, publicinfo@svca.on.ca,
www.saugeenconservation.ca

SENT ELECTRONICALLY (dkingsbury@brucecounty.on.ca)

March 3, 2022

County of Bruce
Planning and Development Department
268 Berford Street, Box 129
Wiarton, ON N0H 2T0

ATTENTION: Daniel Kingsbury, Planner

Dear Mr. Kingsbury,

RE: Application for Consent to Sever: B-2021-102
 Application for Zoning By-law Amendment: Z-2021-101
 3437 Bruce Road 3
 Roll Number 410338000101900
 CON A PT LOTS 16 & 17 PLAN; 156 LOT 3 TO 25
 Geographic Township of Elderslie
 Municipality of Arran-Elderslie [Eriksen]

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application for consent is to sever a 15.05 hectare parcel with a frontage of 500.55 m on North Road. The retained parcel, containing the Abraflex factory, will have an area of 2.19 hectare with a frontage of 42.87 m on Bruce Road 3. The severed parcel will remain as it currently is for commercial/industrial uses. Future development may be proposed on the severed lands.

The proposed Zoning By-Law Amendment is to permit a stand-alone office use on the severed property in an existing building on the lands.



Watershed Member Municipalities:
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth,
Municipality of Grey Highlands, Town of Hanover, Township of Howick,
Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto,
Township of Wellington North, Town of Saugeen Shores, Township of Southgate,
Municipality of West Grey

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comment, dated February 11, 2021;
- 2) Revised Application, dated September 13, 2021; and,
- 3) Drawing C1, GM BluePlan, dated August 11, 2021

Recommendation

SVCA staff would find the applications for consent and zoning by-law amendment acceptable, provided that a holding symbol is implemented on the severed parcel that could not be lifted until; (1) an EIS demonstrates future development will not have an impact on significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered/threatened species; and, (2) a hydrogeological study demonstrates future development will not negatively impact groundwater quality and quantity. We elaborate in the following paragraphs.

Site Characteristics

The subject property is irregularly shaped where the northeast and western portions of the property feature approximately 8.4 hectares of wooded stream/river valleys associated with the Saugeen River and a tributary to the Saugeen River. Southeast of these features the property is cleared, culturally disturbed lands containing an existing factory with accessory structures, office building, and two dug ponds, which SVCA staff understand to be sewage treatment lagoons.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

SVCA hazard mapping indicates that portions of the property are affected by flooding and erosion hazards associated with the Saugeen River and a tributary to the Saugeen River. It is SVCA staff's opinion that a portion of the property is zoned Environmental Protection (EP) in the Municipality of Arran-Elderslie Zoning By-Law 36-09, and designated Natural Environment and Hazard in the Arran-Elderslie Local Official Plan (OP). SVCA staff are of the opinion that both the EP zone and Hazard designation closely reflects SVCA's Hazard lands mapping.

The following is a summary of the natural heritage policies of the Province, County, and local municipality affecting the proposed.

Provincial Policy Statement – Section 3.1

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and/or erosion hazards; and directed away from hazardous sites. Section 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards.

Bruce County Official Plan (OP) Policies

Flood and erosion susceptible area, steep slopes, and organic soils are considered Hazard Land Areas in Section 5.8.1 of the Bruce County Official Plan, as interpreted by SVCA staff. Further, these policies state that buildings and structures are generally not permitted within these areas.

Arran-Elderslie Official Plan Policies

Lands susceptible to flooding, erosion, instability, and other physical conditions which may pose a risk to occupants of loss of life, or property damage, are considered Natural Environment and Hazard lands in the Arran-Elderslie Official Plan. As outlined in Section 3.6.5, it is SVCA staff's interpretation, no new development, structures, including enlargements or additions shall be permitted within these areas.

Based on SVCA staff's review of 2020 aerial photography, It appears existing structures on the property are located outside the hazard lands, and therefore, the applications are in conformance with the above-noted natural hazard policies.

Natural Heritage:

In the opinion of SVCA staff, the subject property features Significant Valleylands, Fish Habitat, and potentially Significant Wildlife Habitat, and potentially Habitat of Endangered Species or Threatened Species.

The following is a summary of the natural heritage policies of the Province, County, and local municipality affecting the proposed.

Significant Valleylands

It is the opinion of SVCA staff that the Saugeen River should be considered a Significant River Valley given its ecological function for fish habitat and potential for supporting significant wildlife habitat within the region. The Municipality of Arran-Elderslie does not appear to have policies specific to significant valleylands.

Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that development and site alteration shall not be permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Bruce County Official Plan (OP) Policies

It is SVCA staff's interpretation that s. 4.3.2.8.3 of the Bruce County OP states that no development or site alteration may be permitted within or adjacent (50 metres) to a significant valleyland unless it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or the ecological function of the significant valleylands.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Bruce County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. The Municipality of Arran-Elderslie does not appear to have policies specific to significant wildlife habitat.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (d) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted in significant wildlife habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to significant wildlife habitat unless it has been evaluated and demonstrated that there will be no negative impacts.

Bruce County Official Plan (OP) Policies

In the opinion of SVCA staff, Section 4.3.2.10 of the Bruce County OP states, in part, that development proposed within significant wildlife habitat requires an EIS that demonstrates there will be no negative impact on the feature.

Fish Habitat

The Saugeen River runs north of the property and a tributary of the Saugeen River runs through the northwest portion of the property and both watercourses are considered fish habitat by SVCA staff. Our review of Fish Habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) or the Department of Fisheries and Oceans (DFO).

Provincial Policy Statement – Section 2.1

Section 2.1.6 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within fish habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to fish habitat unless it has been evaluated and demonstrated that there will be no negative impacts.

Bruce County Official Plan (OP) Policies

Section 4.3.3.1 (v) of the Bruce County OP, in SVCA staff's opinion, states that development proposed within lands adjacent to fish habitat requires an EIS that demonstrates there will be no negative impact on the feature.

Arran-Elderslie Official (OP) Policies

It is SVCA staff's interpretation, section 4.4.3.5 of the Arran-Elderslie OP states, in general, development must have regard to the standards established by the Ministry of Natural Resources and the Conservation Authorities with respect to preserving fish habitat. It shall be a goal of the Municipality to have no net loss of fish habitat and to promote development options that create a net gain in fish habitat.

Threatened and Endangered Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the property. Our role is to identify habitat through a screening process in consideration of PPS and local policies, however it is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca . It does not appear the Municipality of Arran-Elderslie has policies specific to habitat of threatened and endangered species.

Provincial Policy Statement – Section 2.1

Section 2.1.7 of the Provincial Policy Statement dictates that development and site alteration shall not be permitted within habitat of threatened or endangered species.

Bruce County Official Plan (OP) Policies

Section 4.3.2.7 of the Bruce County OP, in SVCA staff's opinion, states that development will not be permitted on and within significant habitat of threatened and endangered species.

Environmental Impact Study (EIS):

It is SVCA staff's opinion, the requirement for an EIS could be waived for these applications given no new development is proposed at this time on either retained or severed parcel, provided that a holding

provision be implemented on the proposed severed parcel that could not be lifted until an EIS is undertaken that demonstrates future development would not have a negative impact on the above-noted natural heritage features and their adjacent lands.

Drinking Water Source Protection / Water resources:

Wellhead Protection Area

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management (RMO) at rmo@greysable.on.ca.

Significant Groundwater Recharge Area (SGRA)/Highly Vulnerable Aquifer (HVA)

It has come to the attention of SVCA staff, the subject property features both a SGRA and HVA, where groundwater resources could be negatively impacted by future development. As such, it is SVCA staff's opinion the above recommended holding symbol should also include a condition that prohibits development on the severed parcel until a hydrogeologic study demonstrates no negative impact to groundwater quality and quantity.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands, and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the subject property are within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires the permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream, or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

A SVCA permit for proposed development and/or alteration to watercourses on the property may be required in SVCA’s regulated area prior to undertaking the works. Please have existing/future landowners contact this office for more information in the event future development or alteration to the watercourse is proposed.

Summary

SVCA staff has reviewed this application in accordance with our MOA with the County of, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

SVCA staff would find the applications for consent and zoning by-law amendment acceptable, provided that a holding symbol is implemented on the severed parcel that could not be lifted until; (1) an EIS demonstrates future development will not have an impact on significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered/threatened species; and, (2) a hydrogeological study demonstrates future development will not negatively impact groundwater quality and quantity.

Given the above comments, and subject to the above recommendation, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS would be demonstrated.
- 3) Consistency with local planning policies for natural hazards and natural heritage would be demonstrated.
- 4) Consistency with Section 2.2, Water policies of the PPS would be demonstrated.
- 5) The proposed conditions for consent may need to be revised to include a condition for the revised zoning by-law amendment (to include the holding provision).

Please inform this office of any decision made by County/Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at b.walter@svca.on.ca.

Sincerely,

A handwritten signature in black ink that reads "Brandi Walter". The signature is written in a cursive, flowing style. It is positioned on a light gray rectangular background.

Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Mark Davis, Authority Member, SVCA (via email)
Planning Technician, County of Bruce (via email)

SENT ELECTRONICALLY (jburnett@brucecounty.on.ca)

May 26, 2023

County of Bruce
Planning & Development Department
268 Berford Street, PO Box 129
Wiarton, ON N0H 2T0

ATTENTION: Jennifer Burnett, Planner

Dear Jennifer Burnett,

RE: Application for Consents: B-2021-102 and B-2022-129
Application for Zoning By-law Amendment: Z-2021-101
Application for Local Official Plan Amendment: L-2022-014
3437 Bruce Road 3
Roll Number 410338000101900
CON A PT LOTS 16 & 17 PLAN;156 LOT 3 TO 25
Geographic Township o Elderslie
Municipality of Arran-Elderslie

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). Staff have also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The application has also been reviewed through our role as a public body under the Planning Act as per SVCA's Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

The purpose of the application is to reconfigure land holdings to facilitate future development of the business park use. Previous submissions have been amended and reactivated. The change would involve severing the existing Abraflex facility (lot area of 15,385 m², with a frontage of 40.07 m on Bruce County Road 3) and the business office/residence (lot area of 9,156 m², with a frontage of 238 m on North Street) into two separate parcels; thereby

retaining a 15.05 ha vacant business park parcel with 219.63m of frontage onto North Street. No development is currently proposed for the retained parcel. An Official Plan Amendment is required to remove the Special Policy Area constraint (SPA 3.10.1) from the lands and redesignate the proposed severed parcel on North Street from Industrial to Residential. A Zoning By-Law Amendment is required to rezone the severed parcels from BP1 – Business Park to R1 - Residential: Low Density Single. Related application B-2021-103 for a water and sewer easement to service the Abraflex facility was conditionally approved January 18, 2022.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments and associated applications, dated April 27, 2023,
- 2) Planning Justification Report, MHBC, dated December 2022; and,
- 3) Sewage System Feasibility Assessment, GM BluePlan, dated December 15, 2022.

SVCA staff provided comments on previous applications B102, B129, and Z101. At that time, residential use was not proposed.

Recommendation

In general, SVCA staff would find the applications acceptable, provided that a holding zone within 30 metres of the existing hazard land limit be implemented on the proposed retained and severed residential lots. The purpose of the holding zone would be to prohibit development and site alteration until SVCA is satisfied with a slope stability study that assesses slope conditions and provides an erosion hazard setback to future development. We elaborate in the following paragraphs.

Site Characteristics

The subject property is irregularly shaped where the northeast and western portions of the property feature approximately 8.4 hectares of wooded stream/river valleys associated with the Saugeen River and a tributary to the Saugeen River. Southeast of these features the property is cleared, culturally disturbed lands containing an existing factory with accessory structures, and an office building. It is SVCA's understanding that the sewage treatment lagoons on the retained parcel have recently been filled.

Delegated Responsibility and Advisory Comments

Natural Hazards

SVCA hazard mapping indicates that portions of the property are affected by flooding and erosion hazards associated with the Saugeen River and a tributary to the Saugeen River. It is SVCA staff's opinion that the portions of the property featuring the river and tributary valleylands are zoned Environmental Protection (EP) in the Municipality of Arran-Elderslie Zoning By-Law 36-09 and designated Natural Environment and Hazard in the Arran-Elderslie Local Official Plan (OP). SVCA staff are of the opinion that both the EP zone and Hazard designation closely reflects SVCA's Hazard lands mapping.

Provincial Policy Statement – Section 3.1

Section 3.1 of the Provincial Policy Statement dictates that development shall be directed away from hazardous lands adjacent to rivers and streams which are impacted by flooding hazards and/or erosion hazards; and directed away from hazardous sites. Section 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards.

Bruce County Official Plan (OP) Policies

Flood and erosion susceptible area, steep slopes, and organic soils are considered Hazard Land Areas in Section 5.8.1 of the Bruce County Official Plan, as interpreted by SVCA staff. Further, these policies state that buildings and structures are generally not permitted within these areas.

Arran-Elderslie Official Plan Policies

Lands susceptible to flooding, erosion, instability, and other physical conditions which may pose a risk to occupants of loss of life, or property damage, are considered Natural Environment and Hazard lands in the Arran-Elderslie Official Plan. As outlined in Section 3.6.5, it is SVCA staff's interpretation, no new development, structures, including enlargements or additions shall be permitted within these areas.

Based on SVCA staff's review of 2020 aerial photography, it appears existing structures on the property are located outside the hazard lands as currently mapped by the SVCA. However, it does not appear via SVCA records, the stream valley slope west, adjacent to the (previous) sewage lagoons and proposed residential lots has been assessed for slope instability. Based on a desktop review, the stream valley erosion hazard may be greater than existing hazard lands mapping indicates. As such, prior to development on either the retained lot (Part 6) and proposed severed lots (Parts 2 and 3) SVCA staff recommends a slope stability assessment be undertaken to evaluate slope conditions and to provide an erosion hazard setback for future development.

In order to implement the above recommendation, SVCA recommends a holding zone within 30 metres of the existing hazard land limit on the proposed retained and severed residential lots. The purpose of the holding zone would be to prohibit development until SVCA staff is satisfied with a slope stability assessment that defines an appropriate erosion hazard setback for development. We have attached a map depicting the proposed 30 metre holding zone. The slope stability assessment would be at the cost of the applicant, and we ask that SVCA staff be contacted to discuss the Terms of Reference for the study. If this is not done, and staff are not satisfied with the study, we may recommend the report peer reviewed.

Application for Official Plan Amendment

In general, it is SVCA staff's opinion that the official plan amendment would be in conformance with the natural hazard policies of the province, county official plan, and local official plan; provided SVCA staff's recommendations above are implemented.

Applications for Consent

In general, it is SVCA staff's opinion that the applications for consent would be in conformance with the natural hazard policies of the province, county official plan, and local official plan, provided that staff's recommendation for a holding zone is implemented.

The purpose of this is two-fold: should the holding zone not be considered, it may be discovered that Part 2 of the severed lots is undevelopable to an unaware buyer; and for Parts 3 and 6, time and finances for future developers could be wasted on drafting site plans and engineering drawings and reports for an area that may be undevelopable.

Application for Zoning By-Law Amendment

Provided the above recommendation for holding is implemented, it is SVCA staff's opinion that the zoning by-law amendment application would be in conformance with the natural hazard policies of the province, county official plan, and local official plan.

Stormwater Management (SWM) and Site Grading

Depending on the size and intensity of proposed future development on both the retained and severed residential lots, SVCA staff recommends that a SWM / site grading plan be considered. We ask that future developers contact SVCA staff for a copy of our SWM guidelines.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management Official (RMO) at rmo@greysauble.on.ca.

SVCA Regulation 169/06

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the Conservation Authorities Act, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the Conservation Authorities Act (CAA), development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the subject property are within SVCA's 'Regulated Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires permission from SVCA, prior to carrying out the work.

"Development" as defined under the Conservation Authorities Act means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

SVCA's Regulated Area on the property is associated with the stream valleylands, watercourse, and floodplains plus an allowance adjacent to these features. To determine the SVCA Approximate Regulated Area on the property, please refer to the attached map. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

A SVCA permit for proposed future development and/or alteration to watercourses on the property will be required in SVCA's regulated area prior to undertaking the works. Please have existing/future landowners contact this office for more information in the event future development or alteration to the watercourse is proposed.

Summary

SVCA staff has reviewed these applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act. Additionally, we have screened the proposed to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

SVCA staff would find the applications acceptable, provided SVCA's recommendation for a holding zone within 30 metres of the hazard limit is implemented.

Should SVCA staff's recommendation be implemented, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS would be demonstrated.
- 2) Consistency with local planning policies for natural hazards would be demonstrated.
- 3) Future landowners and developers will be aware portions of the property require investigation prior to (a) purchase of the land, and (b) drafting site plans and expensive technical reports.
- 4) SVCA staff ask that we be included in a pre-consultation meeting should future development on the retained and/or severed residential lots.

Please inform this office of any decision made by the county and municipality with regard to this application. We respectfully request a copy of the decision and notice of any appeals filed.

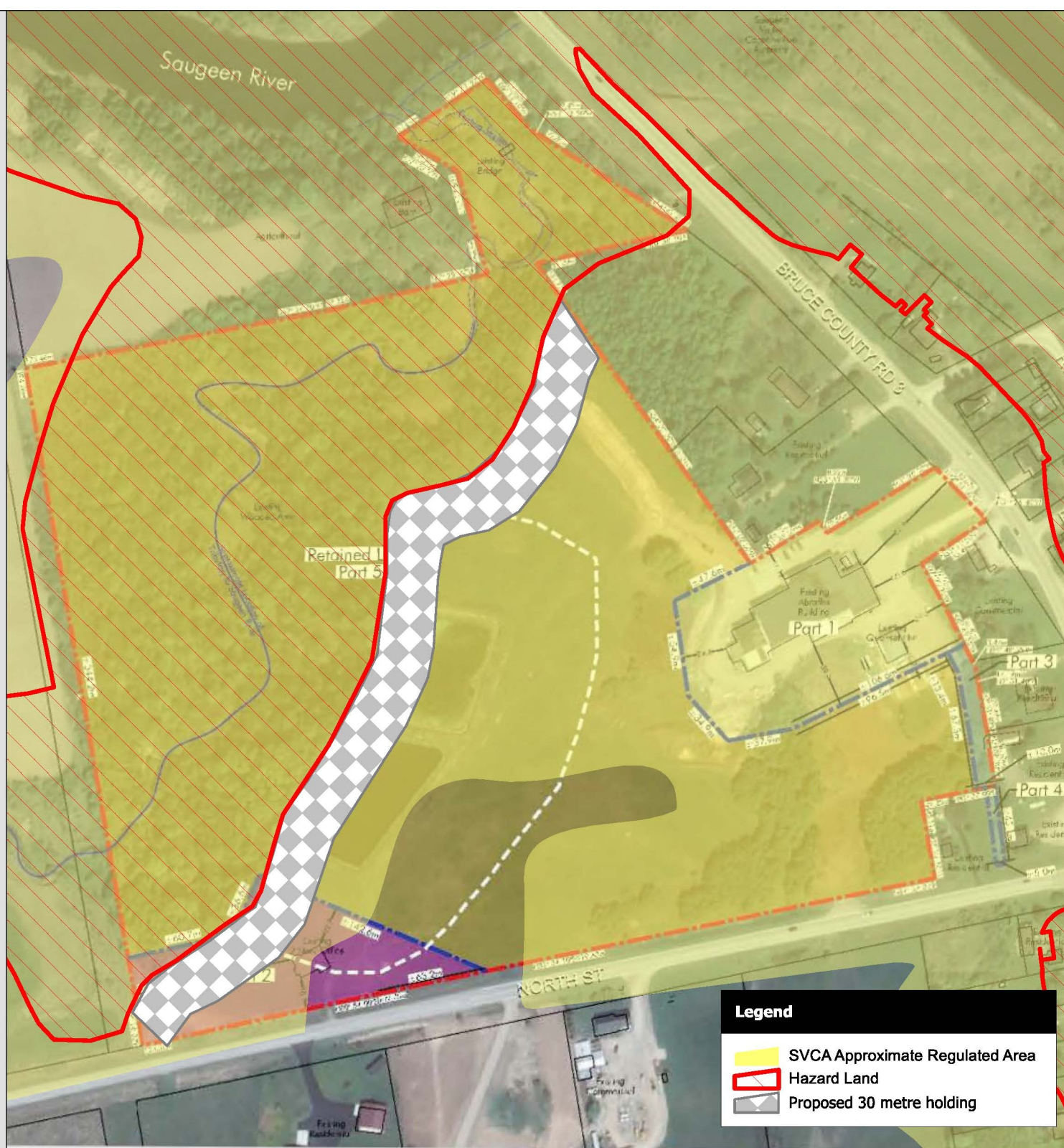
Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Brandi Walter". The signature is written in a cursive, flowing style.

Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation
BW/

Encl: SVCA Map
cc: Applications Technician, Bruce County (via email)
Moiken Penner, SVCA Member (via email)
Patrick Johnston, CBO – Mun. of Arran-Elderslie (via email)



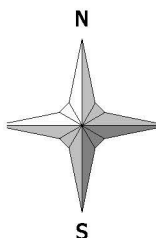
Legend

- SVCA Approximate Regulated Area
- Hazard Land
- Proposed 30 metre holding

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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This mapping contains products of the South Western Ontario Orthophotography Project 2020 (SWOOP2020). These images were taken in 2020 at 16cm resolution by Mapcon Mapping Ltd. They are the property of Saugeen Valley Conservation Authority ©2023.



3437 Bruce Road 3
Roll Number 410338000101900
CON A PT LOTS 16 & 17 PLAN; 156 LOT 3 TO 25
Geo. Twp of Elderslie
Municipality of Arran-Elderslie

UTM Zone 17N, NAD 83



0 50 m
1:3000

Figure 1

Preliminary 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 of Arran-Elderslie 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 a Reference Plan (survey that is registered) be completed and a copy filed with the Municipal Clerk and a digital copy (preferred) or a hard copy be filed with the Approval Authority, or an exemption from the Reference Plan be received from the Approval Authority.
3. That the Municipality provide written confirmation to the Approval Authority that the municipal conditions as imposed herein have been fulfilled.
4. That, pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed **within two years** 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 pays the applicable County of Bruce consent certification fee at the time of certification of the deeds.
6. That the Clerk of the Municipality provide written confirmation to the Approval Authority that Zoning By-law Amendment file Z-2021-101 is in force and effect.
7. That an employee of the County of Bruce confirm that Local Official Plan Amendment file L-2022-014 is in force and effect.

File Numbers: B-2021-102, B-2022-129, Z-2021-101 and L-2022-014

Agency: Bruce County Transportation Services

No Comment: ☒ X

Title: Eng. Technician

Signature:



Comments:



County of Bruce
Planning & Development Department
268 Berford Street, PO Box 129
Warton, ON N0H 2T0
brucecounty.on.ca
226-909-5515



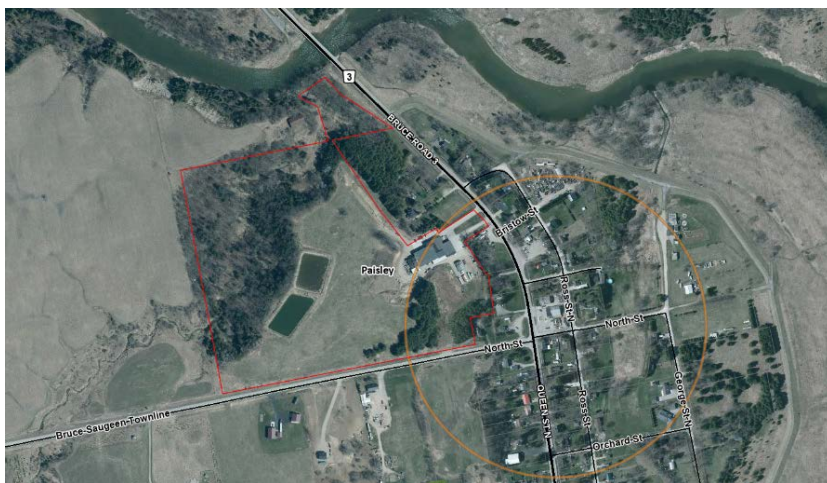
April 27, 2023

File Number: Z-2021-101 and L-2022-014

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2021-101
and Local Official Plan Amendment File No. L-2022-014
June 26, 2023 at 9:00 am**

A change is proposed in your neighbourhood: Abraflex (2004) Ltd. is proposing to reconfigure their land holdings to facilitate future development of the business park use. Previous submissions have been amended and reactivated. The change would involve severing the existing Abraflex facility (lot area of 15,385 m², with a frontage of 40.07 m on Bruce County Road 3) and the business office/residence (lot area of 9,156 m², with a frontage of 238 m on North Street) into two separate parcels; thereby retaining a 15.05 ha vacant business park parcel with 219.63m of frontage onto North Street. No development is currently proposed for the retained parcel. An Official Plan Amendment is required to remove the Special Policy Area constraint (SPA 3.10.1) from the lands and redesignate the proposed severed parcel on North Street from Industrial to Residential. A Zoning By-Law Amendment is required to rezone the severed parcels from BP1 – Business Park to R1 - Residential: Low Density Single. Related application B-2021-103 for a water and sewer easement to service the Abraflex facility was conditionally approved January 18, 2022.



3437 Bruce Road 3, CON A PT LOTS 16 & 17 PLAN; 156 LOT 3 TO 25 (Elderslie)
Municipality of Arran-Elderslie, Roll Number 410338000101900

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwi@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Jenn Burnett

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after June 15, 2023 may not be included in the Planning Report but will be considered if received prior to a decision being made, and included in the official record on file.

Please contact us by email at bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.

How to access the public meeting

The public meeting will be held in person, in the municipal Council Chambers located at 1925 Bruce Road 10, Chesley, ON, N0H 1L0. Seating may be limited and you may be required to wait outside until called upon to speak. As an alternative, you may submit written comments to the Bruce County Planning Department which will be considered at the meeting.

Please contact Clerk Christine Fraser-McDonald at cfraser@arran-elderslie.ca or 519-363-3039, ext. 101 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Municipality of Arran-Elderslie to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Municipality before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

