



Planning Report

To: Arran Elderslie Council

From: Jenn Burnett, Senior Development Planner

Date: October 10, 2023

Re: Application - Z-2022-015 for Shepherd

Recommendation:

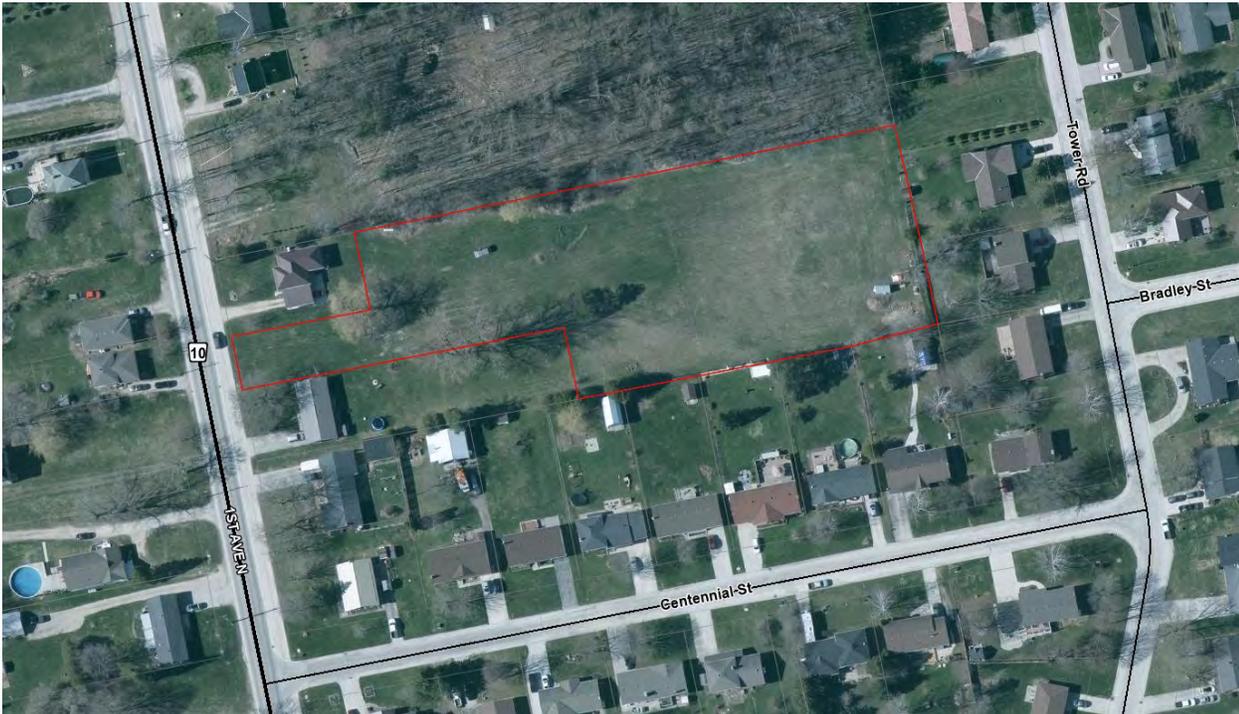
Positive comments have not been submitted by Saugeen Ojibway Nation. It is recommended that the report for application Z-2023-015 for 5019386 Ontario Inc. c/o Jamie Shepherd for lands described as Pt Lt 31 Con 3, Pt Pk Lt Y, Plan 217, 16R-10669 Pt 2, be received for information.

Summary:

This application proposes to create a 19-unit townhouse development on full municipal services along a private road with a 16 m direct access to 1st Avenue North, Chesley. To facilitate this proposal, an application to rezone the property from R1 - Residential: Low Density Single to R2 - Residential: Low Density Multiple to permit townhouse development has been submitted for Council's consideration. The request also seeks an increase in the lot coverage from 40% to 45% and relief to reduce the minimum separation distance between a cluster townhouse and an adjoining property from 7.5 metres to 6.0 metres for five of the units.

The property is a vacant lot located adjacent to 267 1st Avenue North. Application B-2022-055 was recently approved to sever the existing house from the lands.

Airphoto

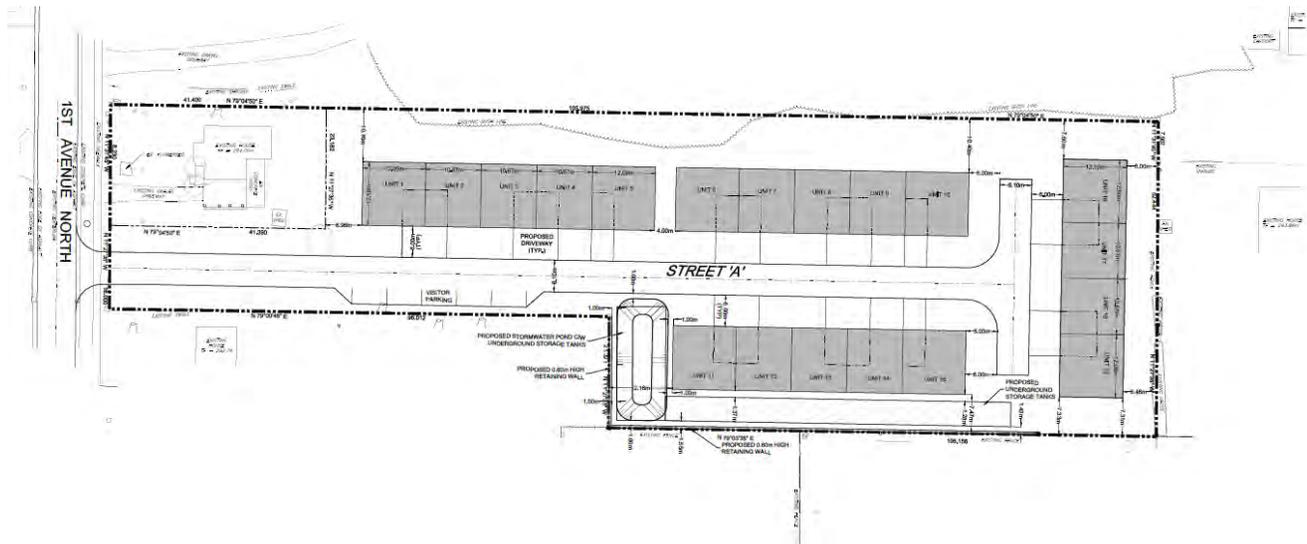


The application proposes:

- 4 townhouse blocks totalling 19 units with attached garages and 5 visitor parking spaces.
- Landscaped areas are proposed along the north and south side yards, within the parking lot, and around the buildings.
- One entrance at 1st Avenue North leading to a private driveway.
- A stormwater management pond with underground storage containers is proposed along the south side yard.

The proposed layout of the site can be seen on the attached Site Plan.

Site Plan



Planning Analysis:

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 Official Plan for the Urban Areas of Chesley, Paisley & Tara/Invermay and the Arran Elderslie Zoning By-law Number 36-09.

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.

Under Section 4.6 of the PPS, the Official Plan is identified as, "the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies." (PPS 2020, pg. 35).

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). Schedule 'A' of the Bruce County Official Plan (BCOP) locates the subject property within the settlement area of Chesley as 'Primary Urban Communities' and permits residential development within the settlement area designation.

The proposed development also falls within the 'Residential' designation of the Official Plan for the Urban Areas of Chesley, Paisley & Tara/Invermay, within the Chesley Settlement Area where the creation of 19 townhouse units is appropriate. The property is surrounded by residential development and has direct access onto a municipal road.

Sewage, Water and Stormwater

This area is fully serviced with municipal water and sewers. A servicing plan was submitted in support of the application and indicates that the development will connect to the existing mains located on 1st Avenue North. The municipality's engineer provided comments confirming capacity of the existing water treatment and wastewater treatment works and noted that testing will be needed to confirm that the watermain and sanitary sewer can accommodate the additional users. A booster pumping system, at the expense of the developer, may be required to enable connecting to the existing mains. Water and sewer servicing details will be further refined through the site plan control process and any requirements for development can be included in the site plan agreement.

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"

In support of the application, a Storm Water Management (SWM) report was submitted and peer reviewed by the Municipality's engineer. The plan proposes to construct a stormwater management pond and underground storage chambers along the southern property line. The outlet from the underground storage chambers will connect to the existing rear yard catch basin at 24 Centennial Street. The Municipality's engineer identified some concerns with the proposed storage chambers and the effects of sedimentation on the system in the future. Maintenance of the underground storage chambers will not be a municipal responsibility as the development will be captured within a condominium corporation and the SWM feature can be identified as a common element within that condominium. Maintenance requirements can also be addressed in the site plan agreement, with a requirement for the property to provide the municipality with maintenance records on a set basis. The municipality does not have an easement over the catch basin at 24 Centennial Street, so one will need to be granted prior to approval of the site plan agreement.

A geotechnical report was submitted and peer reviewed by the municipality's engineer. In that report, it was noted that,

"Any existing field tiles or subdrains that may be located within the proposed building envelopes must be completely removed. Ideally, depending on flow direction, any existing tile drains (if present and in functioning order with positive drainage to a suitable outlet) in the hard-surfaced areas should be redirected outside of the building envelope areas in order to maintain flow and prevent subsurface accumulation of water."

There is an existing tile drain that extends from the adjacent property, 275 1st Ave North Street, across the subject lands to the drainage outlet at 24 Centennial Drive. Comments identifying the presence of the drain tile were submitted by Mr. Mitch McLeod and forwarded to the municipality's engineer and the developer for a response. Municipal staff have indicated that this drainage concern will be addressed at the detailed design stage.

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 development in April 2022 in their capacity as a service provider to the County. They provided preconsultation comments as follows:

"It is the opinion of SVCA staff that the property features adjacent lands to other wetlands. SVCA staff is of the opinion that if development is restricted to the previously disturbed area/manicured lawn, the potential impacts to Other Wetlands will be negligible, and the requirement for an EIS can be waived. As such, it is the opinion of SVCA staff that the proposed development and severance would be consistent with Section 2.1.5 c) of the PPS (2020) and Section 4.3.3.3 of the County of Bruce OP."

The proposed development appears to be within the manicured lawn area consistent with SVCA comments. No EIS was submitted with the application and staff support SVCA comments waiving the requirement for one.

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. Saugeen Valley Conservation Authority (SVCA) comments indicate that the property is not affected by natural hazards. The SVCA comments are attached for Council's review.

Cultural Heritage and Archaeology

Section 1.2 of the PPS, 2020 directs that municipalities shall engage Indigenous communities through the planning process:

"1.2 Coordination

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 application was circulated to Saugeen Ojibway Nation (SON), the Historic Saugeen Metis and the Metis Nation of Ontario for comment. The Archaeology Assessment was completed however positive comments were not received from SON by the report submission deadline; therefore, it cannot be determined at this time that the application is consistent with the Provincial Policy Statement 2020.

Zoning By-law 36-09

The Zoning By-law zones the subject lands ‘R1’ (Residential: Low Density Single) and does not permit townhouses. Therefore, the application proposes to rezone the lands to ‘R2’ (Residential: Low Density Multiple), to facilitate the creation of 19 townhouse units. The by-law identifies townhouses that do not front onto a public street as ‘cluster’ townhouses. The application requests relief from the minimum 7.5 metre separation distance between a cluster townhouse and an adjoining property, as required by Section 10.3, footnote (e), (iv). The reduced setback would apply to the following units:

- 6.96 metres for the west (side) yard of Unit 1;
- 6.0 metres for the east (rear) yard of Units 16 to 19;
- 7.31 metres for the south (side) yard of Unit 19; and,
- 7.47 metres for the south (rear yard of Units 11 to 15.

Relief to the total lot coverage has also been requested. This increase will permit a maximum lot coverage of 45% where the by-law specifies a maximum of 40%. The 5% increase represents an additional 457 m² (4919 sq. ft.) area being covered on a .914 ha (2.25 ac) parcel. As of right, the By-law permits 3656 m² of the lot to be covered, with the increase to lot coverage, a total of 4113 m² could be covered with buildings, or just over 1 acre of the 2.25 acre parcel.

No other relief to the provisions of the By-law has been requested. The proposal meets the required 1 parking space per unit and 5 spaces for visitor parking. The minimum landscaped/open space area required is 30% or 2742 m² leaving approximately 2200 m² for driveways, a roadway and visitor parking.

Appendices

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

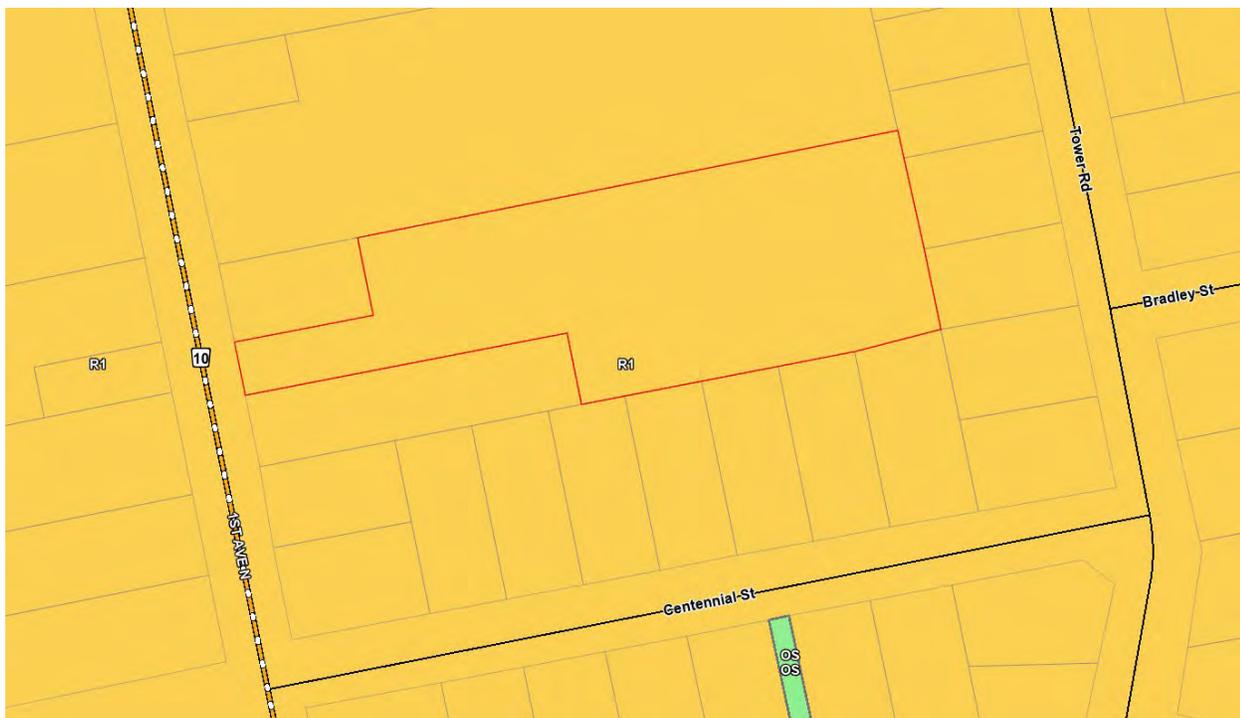
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned Residential One 'R1')



List of Supporting Documents and Studies

- Planning Report. Proposed Residential Development, 1st Avenue North, Chesley, Part of Park Lot Y, Plan 217 Geographic Town of Chesley, Municipality of Arran-Elderslie, County of Bruce. Ron Davidson Land Use Planning Consultant Inc. February 1, 2023.
- Functional Servicing and Stormwater Management Report. Proposed Townhouse Development 267 1st Avenue North, Town of Chesley, Municipality of Arran-Elderslie.; COBIDE Engineering Inc., January 2023.
- Geotechnical Investigation. Proposed Townhouse Development, 267 1st Avenue North, Chesley, Ontario. CMT Project 22-487.R01 CMT Engineering Inc. September 29, 2022.
- Stage 1-2 Archaeological Assessment. 267 1st Avenue N, Chesley Part of Lot 31 Concession 3, Geographic Township of Elderslie, now Municipality of Arran-Elderslie, Bruce County, Ontario. Detritus Consulting Ltd. Michael Pitul; PIF Number: P462-0134-2022; July 14, 2022.

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:

Risk Management Office Source Water Protection (RMO) in comments dated May 31, 2023 noted no comment as the property is not located within a vulnerable source protection area where policies apply under the Clean Water Act.

Saugeen Valley Conservation Authority (SVCA): in comments dated June 2, 2023 the SVCA noted,

“SVCA staff has reviewed this application in accordance with our MOA with Bruce County and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act. The proposed application is considered acceptable by SVCA staff. Given the above comments, 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 local planning policies for natural hazards has been demonstrated.”

They wish to be notified of the decision on this application.

Bruce County Transportation Services: noted no comment on the application.

Arran-Elderslie staff: in comments dated October 3, 2023, staff noted that the detailed engineering work could be dealt with during the site plan control stage. Staff have indicated to the applicant’s engineer that they should address Mitch McLeod’s drainage issues through the process.

Residents:

Mitch McLeod: in email correspondence commencing June 21, 2023, Mr. McLeod identified that his lot drains through the subject lands to the outlet at 24Centennial Street. As the drainage infrastructure was installed with the approval of Town staff, Mr. McLeod would like to know how the development is going to impact his property and drainage.

Staff response: Town staff have been made aware of the concern and have addressed the issue with the developer and the municipality's engineer and have indicated that the concern can be addressed at the site development stage.

Joan Albright: June 25, 2023 correspondence seeking additional information about the proposal on behalf of Mitch McLeod.

Nancy Kirk and Bill Treadway: in email correspondence dated September 26, 2023, the writer asked questions about the type of units, fencing, trees along the property line and the project start date.

Jeanette and Martin Fitzpatrick: in correspondence dated September 29, 2023 concerns were raised about the financial impact of the water and sewer infrastructure on the municipality, traffic flow and signals, the proposed stormwater management plan and if there's a risk/impact to neighboring properties with the proposal, and the request for the reduced separation distance between a cluster townhouse and abutting property and the increase in maximum lot coverage from 40% to 45%.

From: [Karen Gillan](#)
To: [Lori Mansfield](#)
Cc: [Jennifer Burnett](#); [RMO Mailbox](#)
Subject: RE: Request for Agency Comments and Notice of Complete Application Z-2023-015 Shepherd
Date: Wednesday, May 31, 2023 9:02:08 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

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Good morning,

Please note that this property is not located within a vulnerable source protection area where policies apply under the Clean Water Act, therefore we have no comments.

Thank you for circulating to this office.

Karen Gillan

Risk Management Official

226-668-2556 (mobile)
548-877-0599 (office)
237897 Inglis Falls Road
Owen Sound, ON N4K 5N6
www.greysauble.on.ca



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From: Lori Mansfield <LMansfield@brucecounty.on.ca>
Sent: May 30, 2023 4:49 PM
To: Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>
Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: Request for Agency Comments and Notice of Complete Application Z-2023-015 Shepherd

Good Afternoon:

Attached please find a Request for Agency Comments and Notice of Complete Application with respect to Z-2023-015 Shepherd.

Please also find the Application, Planning Justification Report, Servicing and Stormwater Management Report, Geotechnical Report and Archaeological Assessment, for your information and review.

Should you have any questions, please contact our office.

Yours truly,
Lori Mansfield

Lori Mansfield
Applications Technician
Planning and Development
Corporation of the County of Bruce

Office: 519-534-2092
Direct: 1-226-909-5987
www.brucecounty.on.ca



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SENT ELECTRONICALLY ONLY (jburnett@brucecounty.on.ca, bcplwi@brucecounty.on.ca)

June 2, 2023

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

Attention: Jenn Burnett, Planner, Bruce County

Dear Jenn Burnett:

RE: Application for Zoning By-Law Amendment: Z-2023-015
267 1st Avenue North
Roll No. 410339000107600
CON 3 PT LOT 31; PLAN 217 PT PARK LOT Y RP; 3R10669 PART 2
Geographic Town of Chesley
Municipality of Arran-Elderslie (Shepherd)

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 3.1 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 Bruce County representing natural hazards; and the application has been reviewed through SVCA's role as a public body under the *Planning Act* as per our Conservation Authority (CA) Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of this application is to rezone a parcel of land from R1 to R2 to facilitate a residential development involving 19 townhouse dwellings along a new private road. Site specific regulations to the R2 zoning are requested to provide relief from Section 10.3, footnote (3)(iv), to permit a reduced separation distance between a cluster townhouse and an abutting lot from 7.5 meters to 6.0 meters for five of the units. An additional site-specific regulation is requested to provide flexibility for the proposed tenure of the planned townhouse units, and requests that the maximum lot coverage of 40% be increased to 45%.

SVCA Staff have reviewed the following documents associated with this application:

- 1) Planning Justification Report
- 2) Functional Servicing and Stormwater Management Report
- 3) Archaeological Assessment
- 4) Geotechnical Report

Recommendation

SVCA staff find the application acceptable. We elaborate in the following paragraphs.

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 Bruce County in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, 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 the subject property is not affected by natural hazards. As such, SVCA is of the opinion that the proposed development is in conformance with hazard policies of the PPS (2020), the Bruce County Official Plan, and the Municipality of Arran-Elderslie OP.

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.

Stormwater Management (SWM):

In accordance with our MOA with the County of Bruce, SVCA does not review SWM plans that outlet to existing storm sewers. However, we do recommend a level of “enhanced treatment” given stormwater will ultimately outlet to the Saugeen River. SVCA find the SWM Plan to be acceptable.

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.

“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 Permission for Development or Alteration

SVCA hazard mapping indicates the subject property is subject to Ontario Regulation 169/06. As such, permission for development from this office is not required on this lot. The proposed development associated with this application will need permission from this office. Please note, this letter is not permission for development.

Summary

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

The proposed application is considered acceptable by SVCA staff.

Given the above comments, 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 local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the County 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 m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation
MC/

cc: Moiken Penner, Authority Member, SVCA (via email)
Building Department, Municipality of Arran-Elderslie (via email)
Ron Davison, Planning Consultant (via email)

Existing Structures	None
Proposed Uses	Residential
Proposed Structures	19 townhouse dwelling
Existing Services	None
Proposed Services	Municipal
Access	County Road
Surrounding Land Uses	North - Vacant; West - Residential; South - Residential; East - Residential
Designations and Zones	Existing
County Official Plan	Primary Urban Communities
Local Official Plan	Residential
Zoning By-law	R1 - Low Density Single
Designations and Zones	Proposed
County Official Plan	No change
Local Official Plan	No change
Zoning By-law	R2 – Low Density Multiple

File Number: Z-2023-015

Agency: Bruce County Transportation Services

No Comment:

Title: Eng. Technician

Signature:



Comments:

From: [Sylvia Kirkwood](#)
To: [Jennifer Burnett](#)
Cc: [Christine Fraser-McDonald](#); [Scott McLeod](#); [Pat Johnston](#); [Lori Mansfield](#)
Subject: RE: Z-2023-015 Shepherd- Request for Documents
Date: Tuesday, October 3, 2023 2:56:48 PM
Attachments:

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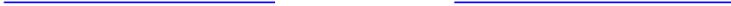
Hi Jenn, We are sorry for the delay in responding to your questions below. We would be supportive to continue with the recommendation report proceeding and the detailed engineering work be dealt with during the site plan control. Scott has indicated to the applicant's engineer Cobide that they should address Mitch's drainage issues. I can speak to you about this if you are available. Thanks, Sylvia

From: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Sent: October 2, 2023 4:15 PM
To: Sylvia Kirkwood <SKirkwood@arran-elderslie.ca>
Cc: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>; Scott McLeod <SMcLeod@arran-elderslie.ca>; Pat Johnston <PJohnston@arran-elderslie.ca>; Lori Mansfield <LMansfield@brucecounty.on.ca>
Subject: RE: Z-2023-015 Shepherd- Request for Documents

Happy Monday all,

Just following up on staff comments for this file. Happy to have a phone call to scope down the issues and discuss.

Jenn



From: [REDACTED]
To: [Jennifer Burnett](#)
Cc: [Scott McLeod](#); [Sylvia Kirkwood](#)
Subject: Re: File Number: Z-2023-015 Shepherd
Date: Tuesday, September 26, 2023 2:14:54 PM

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Ok. I will wait for an update from Scott.

Mitch

On Tue, 26 Sept 2023 at 10:17, Jennifer Burnett <JBurnett@brucecounty.on.ca> wrote:

Hi Mitch,

I will include your comment in the report to Council. By way of this email, I'd like to connect you with Scott McLeod who has been working with the Municipality's engineer and may be able to discuss the plan moving forward and the impact to your drainage.

Jenn

From: Mitch McLeod [REDACTED]
Sent: Monday, September 25, 2023 8:24 PM
To: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: Re: File Number: Z-2023-015

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Hi Jenn,

In your previous email you said "The application won't go forward to a Public Meeting until this drainage issue has been substantially addressed." I have recently received a notice for a public meeting. Are you able to share the outcome of the discussion between the developer and the municipality's engineer? I haven't received anything official about the drainage being addressed and haven't noticed anything different on the plans online. Can you also make sure my concern is brought up during the public meeting?

Thank you,

Mitch

On Wed, 12 Jul 2023 at 13:23, Jennifer Burnett <JBurnett@brucecounty.on.ca> wrote:

Hi Mitch,

The developer is still working with the municipality's engineer to address the stormwater management. As your lot is draining through the developer's property, they will need to speak with you about any proposed changes. Please keep in mind that as there is no drainage easement agreement in your favor, you may be financially responsible for your own on-site drainage works remediation.

The application won't go forward to a Public Meeting until this drainage issue has been substantially addressed.

Happy to speak with you further on this.

Jenn

From: Mitch McLeod [REDACTED]
Sent: Wednesday, July 12, 2023 11:08 AM
To: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: Re: File Number: Z-2023-015

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Hi Jenn,

Just wondering if you have any updates?

Thank you,

Mitch McLeod

On Jun 23, 2023, at 14:07, Jennifer Burnett <JBurnett@brucecounty.on.ca> wrote:

HI Mitch,

Thank you for providing this information. Did you happen to obtain a drainage easement across 267 to the catchbasin in the back yard of #24?

It appears that the location of the proposed townhouses will disrupt the existing tile drain. I will forward this on for review and comment to the engineer and will get back to you early next week.

Jenn

From: Mitch McLeod [REDACTED]
Sent: Friday, June 23, 2023 1:52 PM
To: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Cc: Chris Legge <clegge@arran-elderslie.ca>
Subject: Re: File Number: Z-2023-015

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Jenn, here are the details and documents as requested. I also met with Chris Legge from the municipality and included him in my response. If needed he can send over the municipality's GIS map showing the location of the catch basin that I had installed on my property.

Prior to me purchasing my property in May of 2014 the previous land owner of 267 1st Ave North received numerous loads of fill from the site of the new Bluewater District School Board building at the north end of town (one picture is attached and others can be seen on google maps (June 2009)). After being levelled and graded, the fill landlocked all of the rain water on my property (still easy to see when on site) and did not allow the water to run into the existing municipal catch basins.

Currently there is a 4" non-perforated tile that runs straight across to my property (275 1st Ave N) from the municipal catch basin in the backyard of 24 Centennial Street (see attached picture). The tile is approximately 200' long and starts at a depth of roughly 1 foot at my property and gets deeper by approximately 2" every 10' until reaching its final depth at the municipal catch basin (access grate has been covered over by the neighbours lawn decorations so, I was unable to get the exact depth). Prior to installing this tile the previous municipal works foreman and manager (Ivan Langerap & Vern Wepler) met with me to discuss the best course of action. They brought their transit level with them and determined that the catch basin in the backyard of 24 Centennial Street was the best option for me to use and granted permission to do so. Along with the permission of the previous land owner of 267 1st Ave North I hired and paid for a contractor to install the tile and catch basin in November of 2015.

Please let me know if there is anything you need.

Thanks for your help!

Mitch

On Thu, 22 Jun 2023 at 14:38, Jennifer Burnett

██████████ wrote:

Hi Mitch,

If you could provide formal comments on the application to myself as well as the Town that would be helpful as their staff need to be aware of the

constraints when evaluating the servicing. If you have a location map detailing the location, size, depth etc of the tile drain and any easement documents, that would be helpful as well. The municipality's engineer is reviewing the proposed servicing so I can forward your information to him. He's on holiday this week so if you can provide additional info by Monday, I can review with the Town and determine if the engineer needs to review it.

Jenn

From: Mitch McLeod [REDACTED]
Sent: Thursday, June 22, 2023 2:30 PM
To: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: Re: File Number: Z-2023-015

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Thanks, Jenn!

As far as I can see the drawings show the existing catch basin, but there is no mention of the existing tile that runs into it from my property. Can you provide any direction on what steps I should take to ensure it isn't missed if/when construction takes place?

Thanks for your help!

Mitch

On Thu, 22 Jun 2023 at 10:20, Jennifer Burnett
<JBurnett@brucecounty.on.ca> wrote:

Hello Mitch,

Attached is the servicing report. Please see Pgs. 7 (Section 4.3.2 POST DEVELOPMENT CONDITIONS) & 17 (site servicing plan). Please let me know if you require additional information or wish to discuss your concerns further.

Jenn

Jennifer Burnett
Senior Planner
Planning and Development
Corporation of the County of Bruce

Office: 519-881-1782
www.brucecounty.on.ca



From: Mitch McLeod [REDACTED]
Sent: Thursday, June 22, 2023 10:03 AM
To: Lori Mansfield <LMansfield@brucecounty.on.ca>
Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: Re: File Number: Z-2023-015

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Thanks, Lori!

Jenn, are you able to share where the proposed stormwater lines and catch basins will be located? I am slightly concerned that my 4" tile drain will be destroyed during construction (see previous email) and the water will be unable to drain away from my property. I understand if you aren't able to share this information yet (if you even have it).

Thank you,

Mitch

On Wed, 21 Jun 2023 at 15:39, Lori Mansfield
<LMansfield@brucecounty.on.ca> wrote:

Good Afternoon:

Thank you for your interest in Zoning By-Law Amendment
Application Z-2023-015.

Attached is the Site Plan, as requested.

I have copied Sr. Planner Jenn Burnett on this email, as she the
Planner assigned to this file.

Yours truly,

Lori Mansfield

Lori Mansfield
Applications Technician
Planning and Development
Corporation of the County of Bruce

Office: 519-534-2092
Direct: 1-226-909-5987
www.brucecounty.on.ca

<image001.png>

From: Mitch McLeod [REDACTED]
Sent: Wednesday, June 21, 2023 3:05 PM
To: Bruce County Planning - Peninsula Hub
<bcplwi@brucecounty.on.ca>
Subject: File Number: Z-2023-015

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Good afternoon,

I'm wondering if it is possible to have a PDF version of the site plan for File Number: Z-2023-015 emailed to me? I have the property to the North (275 1st Ave North) of the property that is requesting the zoning change. The reason I am requesting the site plan is, currently there is a 4" tile drain that runs from my property across the property requesting the change to a municipal drain in the backyard of a house on Centennial Street. The municipality is aware of this tile drain and I also had a brief conversation with the new owner about it. I just want to make sure it doesn't get forgotten in the process.

Thank you,

Mitch McLeod

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Jennifer Burnett
Senior Planner
Planning and Development
Corporation of the County of Bruce

Office: 519-881-1782

www.brucecounty.on.ca



**Orange Shirt Day / National Day for Truth and Reconciliation |
September 30**



Join us in reflecting, showing support, and joining the global conversation on this day that honours the thousands of First Nations, Metis, and Inuit children across Canada who were forced to attend residential schools. Artwork by Taylor Cameron, Saugeen First Nation. To learn more visit [Orange Shirt Society - Creating Awareness \(orangeshirtday.org\)](http://orangeshirtday.org)

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From: [Joan Albright](#)
To: [Jennifer Burnett](#)
Subject: RE: Z-2023-015 Shepherd- Request for Documents
Date: Friday, July 28, 2023 12:22:13 PM
Attachments: [image005.png](#)
[image001.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

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Hi Jennifer,

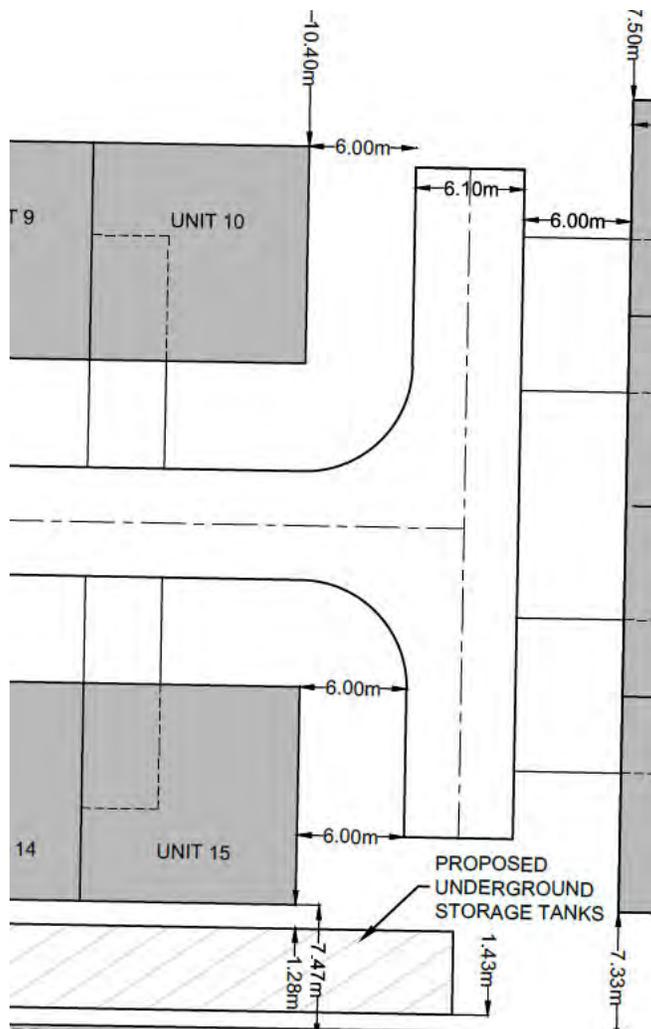
Thank you. I have some other questions which would be better for the applicant to deal with before the public meeting.

I haven't seen anything in the reports about snow removal. The size of the development on the property seems pretty tight. Where would snow be piled up? Would snow be loaded onto trucks and hauled away each time it snows? Where would the snow be dumped? If all units have a vehicle parked in respective driveways, how would snow removal be carried out?

I'm trying to imagine a fire in the winter time when the Fire Department shows up with multiple vehicles which become jammed up in the T-shaped driveway turn-around, (not a normal turn-around – it's a drive in, back up and turn out) could require backing out onto County Road 10 in some conditions.

Snaps from report:

There will be private road throughout the development with a provision for fire truck turn-around. The entrance will be located off 1st Avenue North.



Fire Hydrants: the report states,

Fire hydrants will be placed throughout the site at a spacing no greater than 90m to provide fire department connections. After the last hydrant, the main will downsize to a 50mm diameter service.

According to the site plan, using the southern boundary measurements, the total length of the property is, $96.012\text{m} + 105.156\text{m} = 201.572\text{ m}$ or 661.3255 ft .

The above statement has the hydrants spaced 90m, or 295.2756 ft. First hydrant would be 90 m (295.28 ft); second hydrant would be 180 m (590.5512 ft) into the site, leaving 21.572 m (70.077428 ft) from the east boundary.

Rear yard at east end is average 6.23 m (20.44 ft), unit length is 12.19 m (39.99 ft) parking space length is 6 m (19.69 ft) which total 24.42 m (80.12 ft) so the second hydrant would be in the front yard of a unit along the east end.

The above statement provides that “after the last hydrant, the main will downsize to a 50mm (2”) service” to be used to service each of the units – 15 of which have already been passed if a second hydrant is installed.

Seems odd. Why not just state where the hydrants will be placed after consultation with the Fire Chief?

4.2 PROPOSED DRAINAGE CONDITIONS

The intent of the stormwater drainage plan for the townhouse development is proposed to collect the runoff from the site and convey the runoff away from neighbouring residential lots.

How will the rain and snow melt be collected? How will it get to the proposed storage tanks? Curbs & gutters?

There is an existing storm drain from the property north of this development, 275 1st Ave N, which travels across the Applicant's land and connects to the rear yard catch basin between houses 20 and 24 on Centennial St which the Applicant intends to connect to for stormwater.

With the consent of the Municipality, the existing storm drain was extended from 275 1st Ave N, southerly across the sellers' property, now the Applicant's, to the catch basin referred in the application to alleviate runoff from the Applicant's property post fill. Whether or not there is an easement for the storm drain on the Applicant's property – it exists because it was approved. The Applicant should perhaps get legal advice as to interfering with a storm drain permitted by the Municipality.

When the applicant purchased this property, did the sellers disclose the location of the storm drain across his proposed property purchase? If not, perhaps he should consult with the sellers.

6. TRAFFIC AND ROADS

Vehicular access to the development will be from 1st Avenue North.

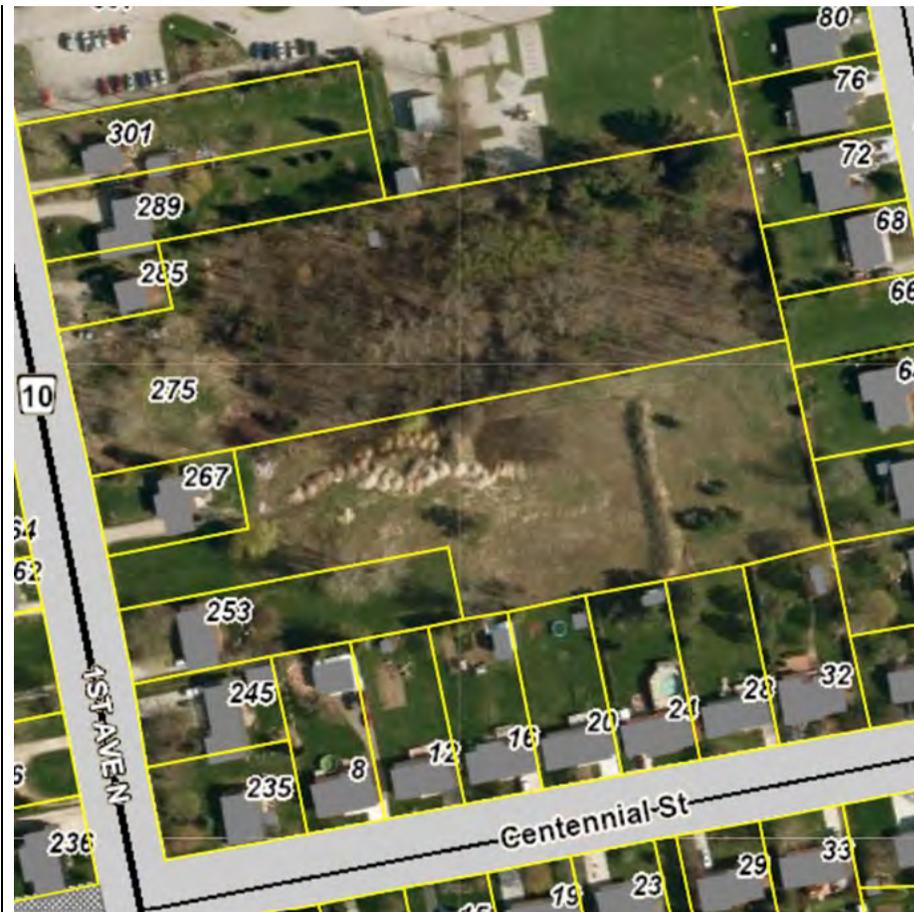
The proposed internal road and parking area will be designed to meet the laws. The following parameters are proposed:

- 6.1m road width;
- 6.0m wide Fire Route with 12.0m radius;
- 5 visitor parking spaces;

Is a T-intersection a 12m (39.4 ft) radius?

As to the alleged fill from the Board of Education building site, these 2010 aerial views from the County GIS mapping show up to about 25-28 dump truck loads which would each contain from 12 to 20 tons of gravel or, 8 to 10 cu yards, totalling up on the lower number with today's large trucks to: 25 loads x 20 tons = 50 tons (50 x 2000 = 100,000 pounds) – no idea what area received so much gravel.





Joan Albright



From: Jennifer Burnett <JBurnett@brucecounty.on.ca>

Sent: July 28, 2023 9:21 AM

To: Joan Albright [REDACTED]; Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>

Subject: RE: Z-2023-015 Shepherd- Request for Documents

Hi Joan,

Just following up to confirm that your questions have been forwarded to the Developer for a response.

Thank you,

Jenn

Jennifer Burnett

Senior Planner

Planning and Development

Corporation of the County of Bruce

Office: 519-881-1782

www.brucecounty.on.ca



From: Joan Albright <[REDACTED]>

Sent: Wednesday, July 26, 2023 3:41 PM

To: Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>

Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>

Subject: RE: Z-2023-015 Shepherd- Request for Documents

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Good afternoon,

I have downloaded all the files at this link, so unless there are more, it will not be necessary to send them to me.

I have one question about why the severed lot in the northwest corner is included in a zoning change application for the rest of the original lot. The engineer has clearly included the severed lot within the property boundary.

Just seems odd. Thanks, a lot!

COBIDE
ENGINEERING INC

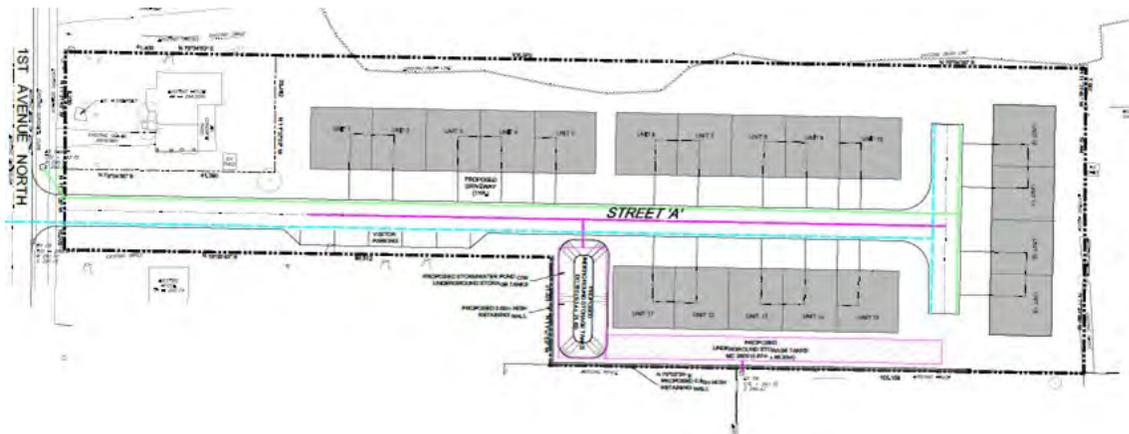
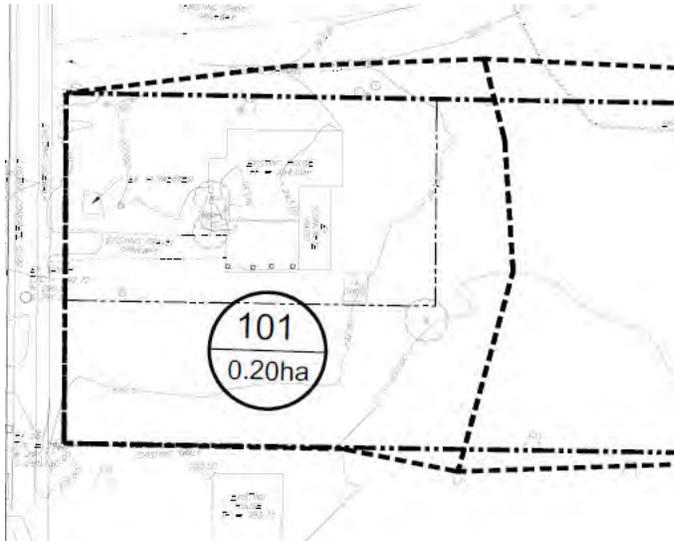
517 10th Street, Hanover, Ontario N4N 1R4
Telephone: (519) 506-5959
www.cobideeng.com

Title: SHEPHERD TOWNHOUSES CHESLEY
MUNICIPALITY OF ARRAN-ELDERSLIE
COUNTY OF BRUCE
CONCEPT PLAN

Client: JAMIE SHEPHERD

LEGEND

- PROPERTY BOUNDARY
- POST-DEVELOPMENT STORM CATCHMENT AREA
- 202 CATCHMENT AREA NUMBER
- 1.07ha CATCHMENT AREA, IN HECTARES



Joan Albright



From: Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>

Sent: July 26, 2023 3:23 PM

To: Joan Albright < >

Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>

Subject: RE: Z-2023-015 Shepherd- Request for Documents

Good Afternoon:

Thank you for your email. It has been forwarded to Sr. Planner Jenn Burnett for review and response.

In the interim, below is a link to the application, site plan and supporting documents. **Please note, this link will remain active for 14 days.**

[https://can01.safelinks.protection.outlook.com/?](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sendthisfile.com%2FIOhHREPiDMYG3ISH9fWafdyd&data=05%7C01%7CImansfield%40brucecounty.on.ca%7C06705dad2fa44096f6a508db8e0bd49f%7Cfd89d08b66c84a86a12d6fcc6c432324%7C0%7C0%7C638259953687095066%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAilCJQljoiv2luMzliLjBtIl6k1haWwiLjCjXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=mS2n30As7Fk%2Brms6bt3c8Y%2B4mkqzz5aBWMEstMxm4mE%3D&reserved=0)

[url=https%3A%2F%2Fwww.sendthisfile.com%2FIOhHREPiDMYG3ISH9fWafdyd&data=05%7C01%7CImansfield%40brucecounty.on.ca%7C06705dad2fa44096f6a508db8e0bd49f%7Cfd89d08b66c84a86a12d6fcc6c432324%7C0%7C0%7C638259953687095066%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAilCJQljoiv2luMzliLjBtIl6k1haWwiLjCjXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=mS2n30As7Fk%2Brms6bt3c8Y%2B4mkqzz5aBWMEstMxm4mE%3D&reserved=0](https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sendthisfile.com%2FIOhHREPiDMYG3ISH9fWafdyd&data=05%7C01%7CImansfield%40brucecounty.on.ca%7C06705dad2fa44096f6a508db8e0bd49f%7Cfd89d08b66c84a86a12d6fcc6c432324%7C0%7C0%7C638259953687095066%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAilCJQljoiv2luMzliLjBtIl6k1haWwiLjCjXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=mS2n30As7Fk%2Brms6bt3c8Y%2B4mkqzz5aBWMEstMxm4mE%3D&reserved=0)

Thank you,

Lori Mansfield

From: Joan Albright <[REDACTED]>
Sent: Tuesday, July 25, 2023 4:51 PM
To: info <info@brucecounty.on.ca>
Subject: Z-2023-015 Shepherd- Request for Documents

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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Good afternoon,

Acting on behalf of Mitch McLeod, could you please email me all the documents listed on your web page as follows:

The following supporting documents are available upon request: Application, Site Plan, Planning Justification Report, Functional Servicing and Stormwater Management Report, Archaeological Assessment and Geotechnical Report.

In addition, is there a site plan showing the elevation of the property before and after tons of fill were deposited on this site from the School Board Office building site, and a compaction report of the fill for construction of the town houses?

Is there a drainage plan to protect surrounding lots from rain falling on so many rooftops and paving and how that storm water will be collected and piped to the 1st Ave N storm sewer?

That's all for now – thank you, very much,

Joan Albright
[REDACTED]

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our ability to send messages to you in the future.

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#); [REDACTED]
Subject: Proposed Development File Z-2023-015
Date: Tuesday, September 26, 2023 11:18:51 AM

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1. What type of units are proposed! Geared to income? Seniors? Low income?
2. We believe two walnut trees are on or just outside of our property line. It appears the proposed holding tank would likely uproot these trees. We wish to keep these trees
3. Will builder financially take charge of putting up a permanent privacy fence between existing houses' backyards and new development.
4. What is the proposed start date and estimated completion
5. Is there any type of compensation to existing homeowners for excessive noise, dust, etc., during construction period.

Thank you

Nancy Kirk
Bill Tredway

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: File Number Z-2023-015 _ Retraction of email I sent earlier today
Date: Friday, September 29, 2023 10:35:28 PM

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County of Bruce
Planning and Development Department
268 Berford Street, PO Box 129
Warton, ON N0H 2T0
226-909-5515

Attention Jenn Burnett, Planner on this file

Dear Jenn,

As per our conversation, please disregard and strike from Bruce County records the email and post script to that email dated September 28, 2023, sent at 4:52 PM and 5:04 PM. respectively.

After I had sent these messages, I thought of another question, regarding fencing. Before sending a third message, I decided to look at the recommended website for "<https://www.brucecounty.on.ca/land-use-planning>". There I found the "[4337 Planning Justification Report Z15 Shepherd file.pdf](#)" which listed a Planning Report dated February 1, 2023 and not included in correspondence to me directly, thus far from the Bruce County Planning and Development Department. This document had answers to many of the questions asked in my earlier email - which I wish to retract. Instead, the following questions reflect some, perhaps not all, of the concerns of neighbouring residents regarding the proposed change in our neighbourhood to rezone the parcel of land from R1 to R2 to facilitate a 19-unit townhouse development along a new private road located north of Centennial Street, Chesley, Ontario, N0G 1L0, per File Number Z-2023-015.

- 1) a) Is there adequate road allowance in the space allotted for the new private road, to accommodate vehicle traffic in and out of the land development?
- 1) b) What will be the configuration of the automobile traffic control signage, e.g. one stop sign for traffic exiting the land development?

- 2) Regarding the private road which "will be owned by the condominium corporation", please verify who pays for repairs to and snow removal from the private road, including in the foreseeable future?

- 2) Regarding this private road and/or subject land development, who pays for sanitary sewers, maintenance, installation of water and hydro lines during development and in the future? Will any of these costs be passed on to the residents of Chesley in the form of levies or taxes?

3) Will any costs associated with this proposed land development create an "undue burden on the taxpayers of the Municipality" now or in the foreseeable future?

4) Why is there a request for a reduced separation distance between a cluster townhouse and an abutting lot changed from 7.5 meters to 6.0 metres for five of the units and an increase to the maximum lot coverage from 40% to 45%?

5) a) Are there any risks to neighbouring properties as a result of the proposed stormwater pond and/or underground storage tanks, and/or retaining walls?

5) b) What is the anticipated life of the stormwater pond, storage tanks and respective retaining walls?

5) c) What stipulations will be in place to ensure the integrity of the stormwater pond, storage tanks, and respective retaining walls in the distant future and whose responsibility will it be to ensure the same?

5) d) Are all costs associated with the proposed stormwater pond, storage tanks and respective retaining walls the responsibility of the condominium corporation?

6) The following Planning Report statements are heartening.

"It is unlikely that the units will fall within the "affordable" category; however, the units will likely be financially attainable for many households."

"These townhouse condominiums are typically geared toward the Seniors markets, as the units are smaller in size and require a minimal amount of yard maintenance. This form of housing may also be desirable for young families that are first-time home buyers, since the units will be more affordable than detached dwellings."

"The units will not be rentals."

8) Has consideration been given to signage on Bruce County Road 10 and 1st Avenue North in regard to alerting motor traffic about this proposed new street? Many motorists do not obey the speed limit in the area. In fact, one resident on 1st Avenue North, further north of the proposed private road, has posted a homemade sign reminding motorists to slow down because the speed limit is still 50km per hour.

We trust the content of this email will be addressed at the upcoming Public Meeting in Chesley on October 10, 2023.

Submitted by

Jeannette & Martin Fitzpatrick

8 Centennial St, PO Box 991

Chesley, ON N0G 1L0



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



September 5, 2023

File Number: Z-2023-015

Public Meeting Notice

You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2023-015
October 10, 2023 at 9:00 am

A change is proposed in your neighbourhood: The purpose of this application is to rezone a parcel of land from R1 to R2 to facilitate a 19-unit townhouse development along a new private road. The application also requests a reduced separation distance between a cluster townhouse and an abutting lot from 7.5 metres to 6.0 metres for five of the units and an increase to the maximum lot coverage from 40% to 45%.



ELDERSLIE CON 3 PT LOT 31; PLAN 217 PT PARK LOT Y RP; 3R10669 PART 2
Municipality of Arran-Elderslie (Formerly Chesley)
Roll Number: 410339000107600

Learn more

Additional information about the application is available at <https://brucecounty.on.ca/living/land-use>. 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 September 28, 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 the 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 the Municipality of Arran-Elderslie 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 of Arran-Eldersli 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/>.