

MEMORANDUM

To: Mayor Clarkson and Members of Council
Copy: Ms. Tiffany Ly
From: Chris Jones MCIP, RPP
Date: February 7, 2020
Re: Granite Ridge Phase 2 Plan of Subdivision/Condo – OPA Adoption

PURPOSE OF MEMO

This memo is further to my memo of November 7, 2019. The purpose is to review comments that were provided at the public meeting held on December 17, 2019 and provide Council with a recommendation with respect to the adoption of the Official Plan Amendment.

BACKGROUND

Granite Ridge Phase 2 is a reference to an application for a plan of subdivision and common element condominium for a 33 lot residential subdivision proposed to be located in the settlement of Buckhorn in Part Lot 8, Concession 9. The proposed plan of subdivision was also accompanied by applications for official plan amendment and zoning by-law amendment. These applications were received by the Municipality on October 16, 2012 and were circulated as complete applications on November 27, 2012.

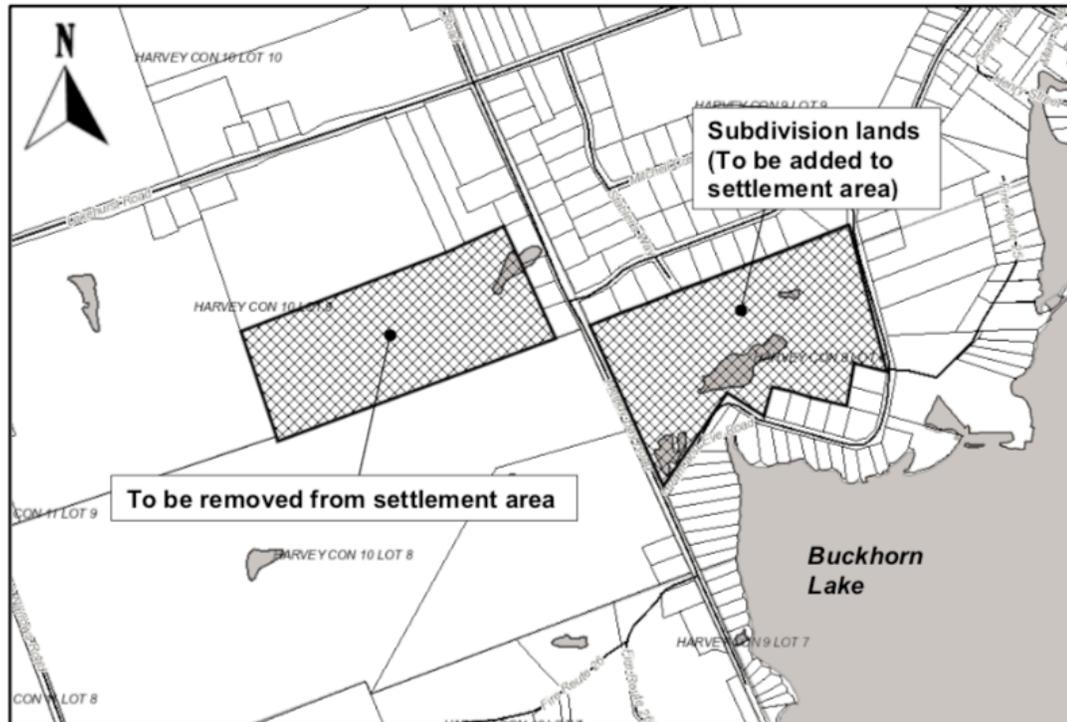
The application for plan of subdivision, an approval subject to the review and approval of the County of Peterborough, was originally submitted to the County in 2012 and was subsequently circulated in accordance with the Planning Act as a complete application.

The application proposes to redevelop of a former gravel pit, abutting the settlement of Buckhorn, which is now depleted of aggregate resources. The design of the gravel pit involves the creation/maintenance of a large, central pond surrounded by 33 residential lots. The pond, which would function as a stormwater facility for the development, is a primary component of the common-element condominium which is proposed by the applicant. As a common-element, the pond would be jointly owned and maintained by all landowners in the subdivision.

The application also proposes to adjust the settlement boundary of Buckhorn by trading lands currently located in the Hamlet designation with lands abutting the settlement but currently designated Rural. The lands to be designated for development are the site of

the earlier referenced depleted gravel pit. Figure 1 on the following page illustrates the location of the lands subject to this application.

Figure 1 – Location of Lands Subject to the Application



TECHNICAL MATERIALS ACCOMPANYING THE APPLICATION

The following document and/or studies comprise this application:

- Draft Plan of Subdivision prepared by Skelton Brumwell & Associates (January 2018)
- Draft Plan of Condominium prepared by Skelton Brumwell & Associates (January 2018)
- Planning Justification Report prepared by Skelton Brumwell & Associates (February 2018)
- Preliminary Stormwater Management report prepared by Skelton Brumwell & Associates (Revised March 2016)
- Environmental Impact Study Addendum prepared by Skelton Brumwell & Associates (February 2018)
- Environmental Impact Study prepared by Skelton Brumwell & Associates (October 2012)
- Hydrogeological Update prepared by GHD (December 2016)
- Hydrogeologic Investigation Report prepared by Geo-Logic Inc. (Revised September 2014)
- Phase One Environmental Site Assessment Report prepared by Geo-logic Inc. (February 2013)
- Fish Habitat Impact Assessment report prepared by RiverStone Environmental Solutions Inc. (April 2014)
- Revised Traffic Impact Statement prepared by Skelton Brumwell & Associates (March 2017)
- Archaeological Stage 2 Report prepared by the Central Archaeology Group Inc (January 2019)

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PUBLIC CONSULTATION

On December 17, 2019 the County and the Municipality held a public meeting in accordance with the Planning Act for the proposed OPA, ZBA, Plan of Subdivision and Plan of Condominium. The public meeting was well attended and Council heard from a number of neighbouring landowners who provided comments and questions with respect to the development applications. The issues and questions raised at the public meeting generally related to the following themes:

- Water supply and septic systems;
- The pond;
- Traffic and roads; and,
- Blasting.

CONSIDERATION OF COMMENTS AND QUESTIONS

Water Supply and Septic Systems

On the issue of water supply concerns were related the potential for negative impacts on existing wells caused by the drilling of new wells or as a result of blasting to accommodate new construction. Concerns with respect to the new septic systems focused on potential impacts resulting from the installation of 33 new septic systems.

On the issue of wells and water supply, at the public meeting Council heard directly from the proponent's hydrogeologist, Nyle McIlveen, P. Geo, who indicated that the installation of new wells for the proposed development would not impact existing water supplies. On the issue of potential impacts resulting from the installation of new septic systems, it is noted that as part of the application process, the applicant's consulting engineer prepared a nitrate impact assessment and concluded that nitrate concentration and attenuation from the development would be compliant with Ministry Guideline D-5-4.

The Pond

Several questions were raised with respect to the pond including who will own it and why did the Municipality not retain ownership of the pond. In response, it is important to note that the pond will function as a stormwater containment facility in conjunction with the subdivision and not as a public park. Notwithstanding, it is anticipated that the pond will have intrinsic appeal in the context of the overall development. The pond will be owned by the collective 33 landowners as a common-element through the proposed Plan of Condominium. As such the collective landowners will be responsible for long-term maintenance and liability associated with the facility. This application has been in process for many years and at an early stage the Municipality was clear with the applicant that the Municipality did not wish to take ownership of the pond. This matter was discussed with the Municipal solicitor in 2015 who formally advised the

applicant that the Municipality did not wish to take ownership of the pond.

Traffic and Roads

Concerns were raised regarding traffic impacts such as additional volumes and speed. As part of the complete application the proponent submitted a Traffic Impact Study. This study considered additional traffic volumes but did not recommend any changes to the current posted speed limit of 50 km/h.

Blasting

A number of concerns and questions were raised concerning blasting to accommodate new construction. Concerns were wide-ranging and focused on the location of blasting, impacts of blasting, notification when blasting will occur, noise and ground vibration.

A blasting study or impact assessment was not completed as part of the applicant's submission, however, the applicant has indicated that blasting is only undertaken as a matter of last resort to accommodate road construction or the installation of a foundation. Where blasting is required it can only be undertaken by an authorized professional in accordance with Federal regulation. On the issue of notification, the applicant has indicated a willingness to provide notification to landowners when blasting will be undertaken and provisions could be incorporated in the subdivision agreement that would formalize the notification requirements.

Submission from Proponent's Planning Consultant

The proponent's planning consultant has prepared a matrix of the specific questions raised during the public meeting and has provided a response to each of the questions. I have reviewed this matrix and attached it as Appendix 1 to this report. I concur with the responses that have been provided by the applicant's planner.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Municipality of Trent Lakes is subject to the policy requirements of the Provincial Growth Plan. According to the definitions of the Growth Plan, the Hamlet of Buckhorn is a "rural settlement", which is defined in the following manner:

Existing hamlets or similar existing small settlement area that are long established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

It is noted that although the lands proposed for development are located in an area

that abuts but is outside of the designated settlement, the application has proposed to facilitate a boundary adjustment to the settlement as is contemplated in Section 2.2.9.7 of the Growth Plan shown below:

Notwithstanding 2.2.8.2, minor adjustments may be made to the boundaries of rural settlements outside of a municipal comprehensive review, subject to the following:

- a) *The affected settlement area is not in the Greenbelt Area;*
- b) *The change would constitute a minor rounding out of the existing development, in keeping with the rural character of the area;*
- c) *Confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts; and,*
- d) *Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied).*

PROVINCIAL POLICY STATEMENT (PPS 2014)

The proponent's planner submitted a planning justification report in conjunction with the applications. In Section 5.1 of this report, the proponent's planner reviewed the salient policies of the PPS. I have reviewed this summary and commentary and concur with the conclusion of the proponent's planner that the proposed amendments and plan of subdivision are consistent with the PPS.

TRENT LAKES OFFICIAL PLAN

Section 8.10.3 of the Official Plan establishes the following criteria to be considered in the context of making a decision on an Official Plan Amendment. Where applicable I have provided comments (shown in italics) with respect to how the proposed OPA addresses the criteria.

- a) The need for the proposed use.

Section 4.1 of the Official Plan directs new residential development to existing areas of residential development and the Township's hamlets.

- b) The suitability of the site for the proposed use.

- c) The compatibility of the proposed use with adjacent and surrounding uses in the Township.

The proposed OPA will integrate a residential subdivision into an area of existing development in a compatible and suitable manner

- d) The physical suitability of the land and water area to sustain itself in relation to the proposed use giving consideration to:

- i) the existing environmental and/or physical hazards;
- ii) the potential impacts of hazards; and, the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.
- iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.

The proposed OPA will allow the conversion of an existing, depleted gravel pit into a high quality residential development that has been the subject of rigorous and substantial technical justification.

e) the location of the area under consideration with respect to:

- i) the adequacy of the existing and proposed highway system in relation to the development of the proposed areas;
- ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto;
- iii) the adequacy of potable water supply, sewage disposal facilities and other municipal services in accordance with technical reports or recommendations which the Council shall request from any appropriate authority such as the Ministry of Environment or its agencies deemed advisable.

The proposed OPA is supported by a traffic impact study as well as water and septic serving studies which conclude the use of the subject lands for residential purposes is appropriate.

f) The potential effect of the proposed use on the financial position of the municipality;

The proposed OPA involves the conversion of portion of the Buckhorn settlement area for an alternate location resulting in no net increase in the overall settlement area and the appurtenant financial obligations associated with the ultimate build-out of the settlement area.

g) Site design and development criteria

The proposed OPA and its related plan of subdivision has an appropriate site design, which is technically sound and also has aesthetic appeal.

h) Impact on natural resources including mineral aggregates, environmental sensitive land, fish and wildlife habitat, areas of natural and scientific interest.

The proposed OPA is supported by an Environmental Impact Study.

i) Integration with future development opportunities on abutting lands.

The proposed OPA will accommodate the development of a plan of subdivision which positively integrates and rounds out the southern extent of the Buckhorn settlement area.

j) The agricultural capability of the subject lands and the effect such a change in land use would have on these lands and similar abutting lands;

Not applicable.

k) The Minimum Separation Distance Formulae, in accordance with Section 5.1.12 of this Plan.

Not applicable.

l) Such other matter as may be acquired by the Municipality.

ANALYSIS

In my opinion the applications before Council (OPA, ZBA, Plan of Subdivision and Plan of Common Element Condominium) have been the subject of extensive technical study, rigorous peer review as well as First Nation and public consultation. On the basis of this work as well as the consideration of and responses to neighbouring landowners, it is recommended that Council proceed first with the adoption of the Official Plan Amendment. Given that the OPA requires County approval, it is further recommended that a decision on the ZBA be deferred pending approval of the OPA. Should County Council approve the OPA, I will provide a supplemental report regarding proposed draft approval conditions related to the proposed plan of subdivision and plan of condominium.

RECOMENDATIONS

If Council concurs with the findings of this report, the following recommendations are provided:

1. This report be received;
2. The planning department be directed to prepare an Official Plan Amendment for Council's consideration and adoption at the March 3, 2020 meeting of Council.

Respectfully Submitted,



Chris Jones MCIP, RPP

• Appendix 1 •

Response to Questions

At Public Meeting December 17, 2019

Comments and Responses by Granite Ridge Estates II

Topic	No.	Question	Response
Water supply and Septic Systems	1.	With the large number of new wells - will it affect our water supply wells?	<p>There will be no significant impact to the groundwater baseflow and no expected impact to the neighboring surface water bodies and shallow dug wells. The Hydrogeological investigation has shown that there will be a net surplus of water to the shallow groundwater regime from the proposed development. Minimal impacts to the deeper groundwater resources and neighboring drilled wells are expected to be minor in the long-term. It is expected that there will be a minor loss of infiltration to the groundwater regime based upon the proposed development with infiltration enhancements. (Geo-logic 2010 report).</p> <p>Testing and reporting were carried out and peer reviewed. The analysis indicated that local existing wells will not be significantly impacted. The testing carried out included monitoring of existing wells that showed little to no impact during the testing. (GHD)</p>
	2.	Who is responsible if existing wells in the vicinity go dry? Is it the municipality or developer? Who is liable?	<p>Testing was carried out and peer reviewed and no impact is expected. The responsibility of wells is governed under <i>the Ontario Water Resources Act</i> and regulation 903. The MECP enforces and responds to well complaints under this Act. (GHD)</p>
	3.	Will blasting of Granite Ridge affect our wells? Our houses structurally?	<p>No, the blasting is only expected to be shallow for the road bed, servicing and landscaping. No blasting of the wells is proposed therefore no impact to the local deeper aquifer is expected. (GHD)</p> <p>The blasting contractor to be hired by Granite Ridge will be instructed to contact all of the lot owners along the perimeter of the subdivision to advise them on the blasting program and any questions they may have.</p>

	4.	What is the environmental impact of the proposed septic systems?	<p>The proposed 33 septic systems are expected to have no detrimental impact on the environment in accordance with the Hydrogeological investigations which included application of the then MOEE Land Development Guidelines. (Geologic)</p> <p>The assessment was peer reviewed and accepted in qualified peer reviews by the Municipality. See also response 1</p>
Creek / Pond	5.	Concerns for flow of the creek through adjacent lots at Adam and Eve Road and people trespassing on my property to get to Buckhorn Lake.	<p>The culvert that runs under Adam & Eve Road appears to be in good condition and is relatively free of debris. It is expected that there will be no excess flow in this area (Prelim SWM report SBA)</p> <p>There are no proposed works for the culvert.</p> <p>Detailed design for the Subdivision Agreement will include sizing of the outlet from the pond.</p> <p>A “Private Property No Trespassing” sign can be required on the eastern side near the end of culvert as a clause in the Subdivision Agreement.</p>
	6.	Will there be run off from septic systems into the pond and then Buckhorn Lake?	<p>No. The septic systems will be designed and installed as per the technical studies and government regulations.</p> <p>Further there will be a 30 m vegetated buffer between the structures and septic system of each lot and the pond.</p>
	7.	Who will be responsible for the Pond under the Condominium Act?	<p>The Condominium Corporation made up of all 33 Lot owners, will own the pond as a Common Element and be responsible for ongoing use as a recreational pond by adjoining owners and for liability of users.</p> <p>The “Municipality will reserve an easement over the pond and drainage channels leading to the pond and would be liable only for maintenance of the easements and pond for the purpose of administering environment storm water drainage.” (Letter August 26, 2015 from Municipal Solicitor)</p> <p>The easement for municipal maintenance is expected as a condition of Draft plan Approval.</p>

	8.	Is it true that in early discussions of Phase II, that the pond could not become a “municipal obligation or liability” and was mandated that the developer adjust the plans accordingly? Why?	<p>The municipality (Solicitor’s letter August 2015) advised that it will not take ownership of the pond mainly for maintenance, health and safety issues.</p> <p>Granite Ridge was required to make an arrangement whereby the pond would not be in Municipal ownership.</p> <p>The Plan was revised to form a Common Element Condominium for the pond and drainage courses.</p>
	9.	Why is it not possible to have a common subdivision area and storm management pond, if it works as such just like any other new subdivision is required to provide in a new development in other municipalities?	<p>The Municipality insisted that the stormwater pond is not to be in Municipal ownership.</p> <p>See also Response 8.</p>
	10.	Why is the Pond no longer an Open Park area as originally proposed by the developer? It was one of the reasons for many of us to move into the subdivision.	<p>See response 8.</p> <p>The subdivision was revised to include a Block of .59 ha (1.4 acres) as a Common Element Open Space for the Condominium lot owners.</p>
Condominium	11.	Questions regarding the common elements condominium.	<p>The Common Elements of the Condominium will be the pond, drainage courses and Open Space.</p> <p>The Common Elements will be owned by the Common Element Condominium.</p> <p>Liability for the pond is addressed in responses 7 and 8.</p> <p>The Condominium Agreement will define, establish finances and manage the Common Elements.</p> <p>The Condominium Corporation will define who, beyond the adjacent lot owners, can use the pond.</p> <p>The Condominium Corporation of the 33 lot owners will determine the makeup of its Board.</p>

Traffic & Roads	12.	With the increased traffic flow into and through the existing subdivision, what is the proposed speed limit?	The Traffic impact study prepared by SBA March 1, 2017, made no recommendation of changes to speed limits. The speed limit on local roads is 50 km/h.
	13.	Wants Stabler's Way blocked off and when will the road be paved?	Stabler's Way is to remain as a planned entrance and exit from Granite Ridge Estates II. The pavement will be completed in the Fall of 2020.
Blasting	14.	Concerns regarding blasting directly behind properties on Mitchell Crescent and how it will effect on lower garages.	See response 3.
	15.	Will the Ministry of the Environment be contacted regarding the future dynamiting? Will they monitor the blasting?	See response 3. The blasting company will be Licensed by the Province and responsible for compliance with Ministry regulations.
	16.	Will there be a blasting consultant involved to oversee the blasting and ensure that it follows the MOE's guidelines for blasting in this area? Specifically, noise levels, ground vibration, over pressure and fragmentation.	The blasting contractor to be hired by Granite Ridge will be instructed to contact all of the lot owners along the perimeter of the subdivision to advise them on the blasting program and any questions they may have.
	17.	Will there be seismographs used at the blasting area and adjoining properties? Will there be records kept of the seismograph readings as well as tail blasting records?	The contractor will use seismographs and keep records.
	18.	Is there any documentation showing all the areas to be blasted in the Phase II development?	No. The extent of blasting will be determined in detailed engineering for the roads and by the building contactor (Granite Ridge) for any house foundations.
	19.	Will there be a notice of blasting times sent to adjacent neighbors beforehand?	See response 3.
	20.	Will the municipality provide a list of applicable regulation and standards regarding blasting and well drilling to area residents?	The applicable law for blasting is Federal in the: <i>Explosives Act and Explosives Regulations, 2013.</i> Well drilling in Ontario is subject to Regulation 903 as amended under the <i>Ontario Water Resources Act R.R.O. 1990 (The Wells Regulation).</i>

General comments	21.	Will the municipality monitor and enforce all applicable regulations and standards in regard to this development?	The Municipality will monitor and enforce the municipal regulations and standards as established in the Subdivision Agreement. The Subdivision Agreement will define the implementation and securities for the required works.
	22.	Concerns about the date of the public meeting and if Phase 1 can be tabled to a future meeting date.	The public meeting date was coordinated by the County of Peterborough in consultation with the Municipality.
	23	Supportive of development in Buckhorn, and Jeff Chesher has done well in Granite Ridge.	The comment is appreciated.
	24.	Concerns raised of adjacent property devaluation.	The subdivision will be an attractive and valuable addition to Buckhorn of 33 new custom-built houses. There is no basis to expect a devaluation of adjacent properties.

Prepared by and submitted on behalf of Granite Ridge Estates by:

Gary Bell, RPP
 Consulting Planner
 Skelton Brumwell & Associates Inc.

Nyle McIlveen, P. Eng
 Hydrogeologist
 GHD

February 6, 2020