



INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

November 7, 2023

City of Owen Sound
808 2nd Avenue East
Owen Sound, Ontario
N4K 2H4

Attention: Jacklyn Iezzi, Senior Planner
Community Services Department

Re: Planning Rationale
Application for Removal of the Holding Symbol
2198 3rd Avenue East, Owen Sound

On behalf of Owen Sound Heights Inc., (Jagjit Sandhu), Innovative Planning Solutions is pleased to submit the following Zoning By-law Amendment application for removal of Holding in relation to lands municipally known as 2198 3rd Avenue East, Owen Sound.

The purpose of this Report is to support the removal of the Holding symbol on lands currently zoned 'MC(H)-14.56' and a portion of lands currently zoned 'ZH(H)-14.56' per Map 11 of Zoning By-law 2010-078. This Report addresses discussions with City staff at a previous preconsultation meeting respecting the registered Record of Site Condition applicable to the subject lands, with the exception of the area within 30m of the shoreline.

As such, the applicant wishes to proceed with the rezoning application to have the Holding symbol removed where an RSC is filed, while further assessments are underway to obtain an RSC for the outstanding portion of the land. Initiating this process will allow for future development applications on the subject lands to proceed.

1.0 SUBJECT LANDS

The application to remove the Holding provision applies to lands municipally known as 2198 3rd Avenue East, Owen Sound, as well as the adjacent property currently owned by the City of Owen Sound (Assessment Parcel Number 425901000507820) and the abutting City owned Right Of Way (Assessment Parcel Number 425901000507206). These parcels were part of one whole property at the time the Holding provision and Special Provision

14.56 was placed on these lands in 2002. Through consultation with City staff, the City has agreed to involve the City-owned lands as part of the subject application for removal of Holding provision. The subject lands referred to hereinafter, include Assessment Parcel Number 425901000507820, Assessment Parcel Number 425901000507206, and 2198 3rd Ave East, save and except for all lands within 30m of the Georgian Bay shoreline.

The subject lands were historically utilized for industrial uses, however, are currently vacant.

The lands are located within the 'East Waterfront Study Area' per Schedule 'B' and are designated in part 'Waterfront Mixed Use' and in part 'Hazard Lands' per the City's Official Plan (2021). The lands are zoned in part 'Mixed Use Commercial' (MC), with Special Provision 14.56, and a Holding provision' and in part 'Hazard Lands' (ZH), with Special Provision 14.56, and a Holding provision' per the City's Zoning By-law (2010-078, as amended).

The surrounding land uses include:

- North: Vacant residential lands, institutional (water treatment plant)
- East: Residential, hazard lands, open space (Timber McArthur Park)
- South: Institutional (wastewater treatment plant), open space (Bayshore Community Centre, Timber McArthur Park), hazard lands
- West: Georgian Bay

An aerial figure of the subject lands and surrounding land uses are provided in **Appendix A** attached.

2.0 THE PROPOSAL

The Zoning By-law Amendment to remove the Holding provision, aims to facilitate the construction of a four-phase development, generally consisting of the following:

Phase 1:

- Two (2), 7-storey Condominium Buildings containing 156 units each, for a total of 312 units, with 1-storey parking podium built beneath the residential units, with amenity space located above. 192 covered parking spaces with an additional 143 parking spaces are provided for future residents.

Phase 2:

- Consists of one, 7-storey seniors apartment building containing 128 units and with a total of 143 parking spaces (44 underground spaces and 99 surface spaces).

Phase 3:

- Includes one 5-storey hotel with 180 rooms/units, with a 2-storey parking podium providing 195 covered parking spaces. In addition, two buildings intended for future retail/office uses, with an additional 156 surface parking spaces.

Phase 4:

- Lands part of Phase 4 are currently owned by the City of Owen Sound. Subject to a leasing agreement between the applicant and the City of Owen Sound, Phase four will consist of a 1-storey Marina Utility Building with 78 associated watercraft slips. As well as 339 surface parking spaces intended to provide additional site parking and accommodate for the minor parking deficiencies on Phases 1-3.

Development also proposed to extend the City's East Waterfront Trail (EWT) across the entire waterfront of the property fronting Georgian Bay. The proposed recreational trail extension is subject to the registration of an additional RSC due to the proposed parkland uses being a more sensitive use. A subsequent application is intended to remove the Holding from the remaining portion of the lands.

A Conceptual Site Plan is provided in **Appendix B** attached.

3.0 PLANNING REVIEW AND ANALYSIS

The following section will provide a brief overview of applicable policies in the context of the proposed application for removal of Holding symbol on the lands as illustrated on Draft ZBA Scheule 'A' provided in **Appendix C** of this Report.

3.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. It sets the policy foundation for regulating the development and use of land in Ontario. The PPS has been reviewed and considered in the context of the proposed development.

Section 1.1.1 of the PPS provides policies for managing and directing land use to achieve efficient and resilient development and land use patterns. Applicable policies under Sections 1.1.1, and their rationale, are provided below.

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

Site remediation was completed to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP) to proceed with residential and commercial development. The registered RSC resolves issues with soil contamination and provides for the redevelopment of the subject lands. Removal of the Holding provision would facilitate future development within an existing major urban settlement area to support logical and sequential development of the existing urban settlement. Therefore, the subject application is consistent with Section 1.1.1 of the PPS.

Section 1.1.3 of the PPS relates to Settlement Areas. Section 1.1.3.3 states,

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 states,

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The subject lands are considered Brownfield lands as they are previously developed lands which can accommodate future development and utilize the opportunity to accommodate growth through intensification in support of Provincial Interests. Removal of the Holding provision would support municipal planning authorities in identifying opportunities to accommodate housing options and intensification through the redevelopment of Brownfield sites, where a Record of Site Condition establishes no potential risks to the public's health and safety.

Section 1.7 of the PPS relates to long-term economic prosperity. Section 1.7.1. states,

Long-term economic prosperity should be supported by:
f) promoting the redevelopment of brownfield sites

The subject application is consistent with Section 1.7.1 of the PPS as it would facilitate the redevelopment of a brownfield site, as encouraged.

For the reasons stated above, the proposed application to remove the Holding provision on the lands demonstrates consistency with the Provincial Policy Statement.

3.2 CITY OF OWEN SOUND OFFICIAL PLAN

The subject lands are within the 'East Waterfront Study Area' and are designated in part 'Waterfront Mixed Use' and in part 'Hazard Lands'.

Section 3.8 of the Official Plan outlines policies relating to lands designated Waterfront Mixed Use. Section 3.8.1 states,

The Waterfront Mixed Use designation is intended “to integrate a broad array of industrial, residential, office, retail and service uses, institutions, entertainment, recreation and cultural activities, and parks and open space, in a compact urban form, at higher development densities. With appropriate separation from industrial uses, medium to high density residential uses, alone and in combination with commercial uses such as offices and retail, will be accommodated throughout a large area of the waterfront.

An active harbour is to be retained with small boat marinas. Activities and uses that support recreation and tourism, such as hotels, convention facilities, restaurants, theatres, parks and museums would be appropriate to locate here. This new neighbourhood will also include a future vehicular bridge connection with the West Harbour Planning Area as well as supportive retail, institutional and service uses.

Approving the proposed holding removal would enable future development applications to proceed with the redevelopment of the subject lands and introduce a mix of uses which are compatible with the Waterfront Mixed Use designation.

Section 3.13 relates to Hazard Lands. Section 3.13.1.1 states,

Where lands are designated Hazard Lands on Schedule ‘A’ – Land Use, the predominant use shall be for preservation and conservation including the following uses:

- a. No buildings or structures other than those necessary for flood or erosion control, and conservation purposes and related private access.*
- b. Passive and active outdoor recreation uses, including trails for walking, cycling or cross-country skiing provided they can operate without adversely affecting the hazardous conditions of Hazard Lands or be subject to excessive damage due to potential hazardous conditions.*

In alignment with these policies, this application poses no negative impacts to the existing Hazard Lands. Further coastal studies and environmental reports will be prepared in support of future development applications to ensure the proposal can proceed without adversely affecting Hazard Land conditions.

Removal of the Holding provision would allow for future development that will conform to the City's Official Plan by contributing to residential intensification targets and

integrate a variety of commercial/business uses and activities and spaces which support public recreation and tourism.

Section 6.1.7 of the Official Plan relates to Soil Contamination. Section 6.1.7.1 states,

The City will require the submission of a Record of Site Condition where development is proposed on, or adjacent to, a known or potentially contaminated site per the Environmental Protection Act.

In accordance with Section 6.1.7 of the Official Plan, a Holding provision was applied to the lands to consider the potential impact of historical uses and ensure future land uses are appropriate. A Record of Site Condition (RSC) was filed in 2008 on the Environmental Site Registry (Registration number 45250). The filled RSC applies to the subject lands (inclusive of 2198 3rd Ave East, ARN. 425901000507820 & ARN. 425901000507206), save and except for lands within 30m of the Georgian Bay shoreline. Lands within 30m of the shoreline are not included as part of this ZBA (removal of Holding) application.

A copy of the filed RSC has been included with this application to remove the Holding provision on the lands where the RSC #45250 applies. A Due Diligence Phase 1 Environmental Site Assessment (ESA) was also completed and confirmed that there was no further contamination on the subject lands since the Record of Site Condition was filed. As such the RSC remains valid and appropriate for the uses proposed on the subject lands. A copy of the Due Diligence Phase 1 ESA has been submitted with this application.

The lands within 30m of the Georgian Bay shoreline, where RSC #45250 does not apply, will remain zoned as 'Hazard Lands' (ZH), with Special Provision 14.56, and a Holding provision'. The remaining lands are intended for a future extension of the City's East Waterfront Trail. As determined by Qualified Professionals from EXP. Services Inc., an RSC is required for the remaining lands to permit public parkland uses in this area. The Holding provision on those lands will remain in place and restrict any site alteration until such time that an RSC is filed and a separate ZBA application for removal of Holding is approved.

Draft ZBA Schedule 'A', provided in **Appendix C** of this Report identifies the lands where the Holding provision will remain.

Through a review of the applicable municipal policies, the proposal demonstrates conformity with the City's Official Plan.

3.3 CITY OF OWEN SOUND COMPREHENSIVE ZONING BY-LAW

As indicated above, the lands are zoned in part 'Mixed Use Commercial' (MC), with Special Provision 14.56, and a Holding provision' and in part 'Hazard Lands' (ZH), with Special Provision 14.56, and a Holding provision' per the City's Zoning By-law (2010-078, as amended).

Special Provision 14.56 functions to restrict the use of the subject property to those existing on January 28, 2002, until the Holding provision is removed. At such time when the Holding

is removed, all uses in the MC zone are permitted and Special Provision 14.56 will continue to apply.

The MC zone permits a wide array of uses including but not limited to the following:

- *Commercial Use*
- *Convenience Stores*
- *Group Residence*
- *Hotels*
- *Long Term Care Facilities*
- *Marina*
- *Offices*
- *Parking Area or Structure*
- *Restaurants*
- *Retail Stores*
- *Apartment Dwellings*

Special Provision 14.56 permits the following uses:

1. *Industrial Use, Industrial Mall*
2. *Wholesale Establishment*
3. *Transportation Depot*
4. *Utility Service Buildings and Uses*
5. *Warehouse within a completely n enclosed buildings*
6. *Boat Launch And Dockage Facilities*
7. *Retail Sale Of Fuel For Boats*
8. *All uses permitted in the MC Zone*

The ZH zone permits the following uses:

- *Boat Launch and Dock Facility*
- *Public Park*
- *Works and facilities in connection with the prevention of erosion, flood control, pedestrian access, protection of vegetation and wildlife.*

Special Provision 14.56 also provides for site-specific regulations for apartment dwellings among other uses. A zoning matrix for detailed standards review will be provided at the Site Plan application stage, following the Hold removal.

All uses proposed for redevelopment are permitted in the MC-14.56 & ZH-14.56 zone. The conceptual Site Plan submitted with this application has been designed in accordance with limits of the filed RSC. Future development applications will further consider the appropriate Hazard Lands delineation following the results of a Coastal Study.

The subject application will remove the Holding provision currently in place on the subject lands, save and except for the land area within 30m of the shoreline. Removing the Hold provision on lands zoned MC-14.56 will allow for future development applications consisting of a mix of residential and commercial uses as permitted, to proceed. A subsequent ZBA will be submitted to address removal of the Holding from the remaining lands to permit a public recreation use trail and marina use, when and if required.

For these reasons the proposed application meets the requirements of the City's Zoning By-law.

3.4 ENVIRONMENTAL PROTECTION ACT AND ONTARIO REGULATION 153/04

During Pre-consultation discussions, the City requested supporting information from a Qualified Professional as per the Environmental Protection Act, and address Ontario Regulation 153/04 which sets the Provincial standard for the assessment of environmentally impacted land.

As previously mentioned, Qualified Professionals from EXP. Services Inc. have prepared a Due Diligence Phase 1 ESA Report (dated 2022) to review historical records pertaining to the site and surrounding properties and conduct a Phase 1 site reconnaissance. The Due Diligence Phase 1 ESA prepared by EXP., confirmed that the site is free from concern relating to environmental site contamination. The report concludes that the approved RSC remains valid and is appropriate for the proposed residential and commercial uses.

3.5 MUNICIPAL STAFF COMMENT RESPONSE

City staff, in conducting their due diligence, requested that the following questions be confirmed by a Qualified Person. Ms. Amanda Catenaro from EXP. Services Inc., (Qualified Person as defined by O.Reg. 153/04) has addressed these City comments. A copy of this correspondence is provided in Appendix D of this Report, and are reiterated through the following:

Question 1: Please confirm that the RSC remains valid and appropriate to uses proposed.

QP Response: "A due diligence Phase I ESA was conducted in February 2022. Based on the updated record review and site inspection, no new environmental concern was identified at the Site or surrounding properties. If the proposed development at the Site is mixed residential and commercial development, an updated RSC should not be required."

Question 2: Status of shoreline and spit. Is there a risk if we remove RSC and the other lands aren't remediated? How do we confirm contamination has not migrated from lands where remediation has not occurred and that there is no risk that migration could happen?

QP Response: "Based on the 2008 Phase I and II ESA report, the groundwater flowed in northwest direction. Therefore, the shoreline area is considered as downgradient of the RSC property. Therefore, the risk of migration of contaminants from shoreline area to RSC property is low. Please see the groundwater contour plan in the attachment."

Question 3: Is there a need for RSC on outstanding portion of land if land is used for recreational trail?

QP Response: "Based on the O.Reg. 153/04, the recreational trail is considered as parkland use. Due to proposed land use is more sensitive than current land use (industrial), an RSC is required for the outstanding portion of the land."

Based off Due Diligence Phase 1 ESA results and supporting responses from a QP, sufficient information has been provided to permit the removal of the Holding provision.

4.0 CONCLUSION

In consideration of the foregoing review, it is my professional planning opinion that the requested application to remove the Holding provision on the subject lands, as outlined on the Draft ZBA Schedule 'A' submitted as part of this application, demonstrates consistency with, and conforms to, applicable Provincial Policy Statement (Sections 1.1.1., 1.1.3., 1.1.3.4, & 1.7) and City of Owen Sound Official Plan (Sections 3.8.1, 3.13, & 6.1.7) policies and represents good planning.

Respectfully submitted,
Innovative Planning Solutions



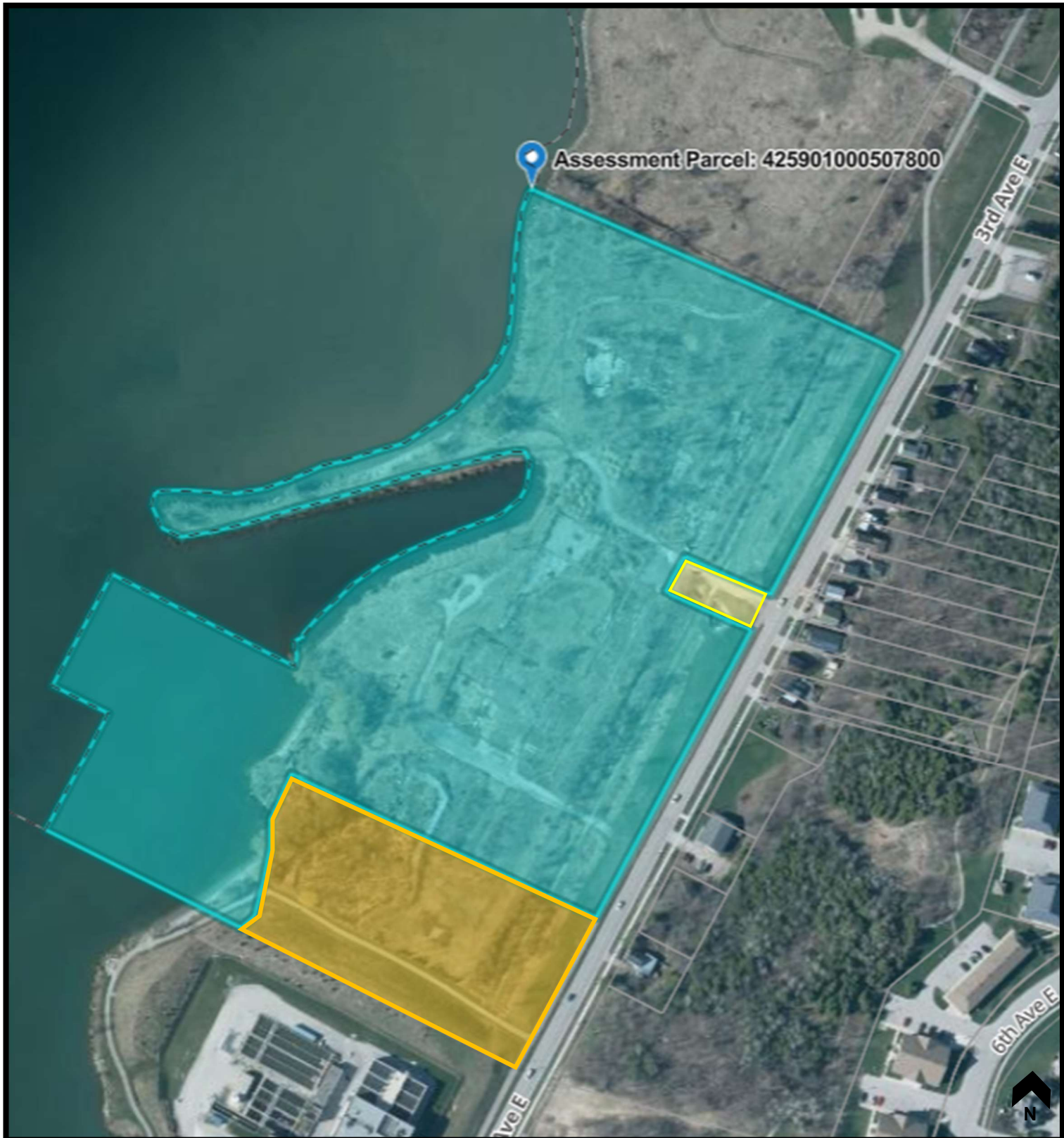
Kevin Bechard, BES, M.Sc., RPP
Senior Associate



Lauren Jeffrey, BAH, M.Sc.
Intermediate Planner

APPENDICES

**APPENDIX A: IMAGE OF SUBJECT LANDS AND
SURROUNDING LAND USES**



LEGEND

- Lands Municipally Known as 2198 3rd Avenue East
- Assessment Parcel 425901000507206
- Assessment Parcel 425901000507820

Subject Lands – Aerial View

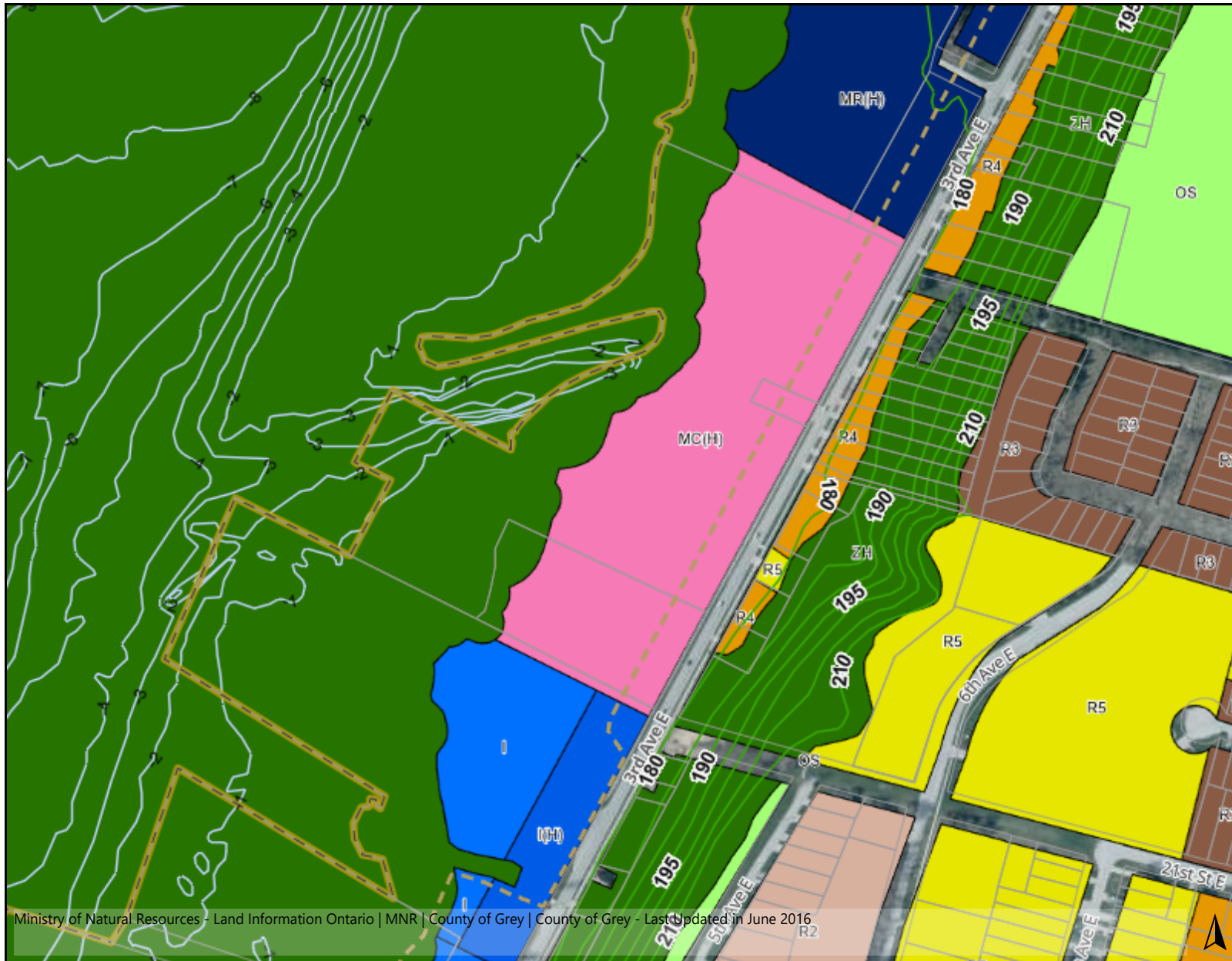
Source: Grey County Interactive Maps

Drawn By: LJ

















File: 23-1313



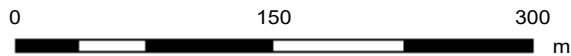
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Legend

- Trails
 - Hiking 
 - Grey County 
- Assessment Parcel 
- Grey County Boundary 
- Municipality Boundary 
- Contours (Meters ASL)
 - 180 
 - 185 
 - 190 
 - 195 
 - 200 
 - 205 
 - 210 
- Bathymetric
 - 1-50m 
 - 1-50m 
 - 1-50m 
 - 1-50m 

Ministry of Natural Resources - Land Information Ontario | MNR | County of Grey | County of Grey - Last updated in June 2016



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Notes

APPENDIX B: CONCEPTUAL SITE PLAN

context plan



statistics

2230 368 dufferin street, toronto, on. m6k 1z8. tel: (416) 691-5416

STATISTICS - 2198 3rd Avenue East, Owen Sound, ON- NEW 23-30

October 23, 2023

ZONING	TBC				
SITE AREA	TOTAL SITE AREA	m ²	ft ²	acres	density (F58)
	PHASE-1	19,695	211,995	4.87	1.60
	PHASE-2	9,018	97,072	2.23	
	PHASE-3	15,831	170,399	3.91	
	PHASE-4	14,933	166,741	3.69	

PHASE-1	TFA		GFA		NSA		UNITS		PARKING		BIKE		
BUILDING - A	COVERED PARKING	6,297	67,782										
	GROUND	619	6,667										
	2ND - 7TH	12,015	129,332										
	TOTAL	18,931	203,782										
	GRAND TOTAL												
BUILDING - B	GROUND	619	6,667										
	AMENITY	1,010	10,866										
	2ND - 7TH	12,015	129,332										
	TOTAL	13,644	146,865										
	GRAND TOTAL	32,576	350,647										
BUILDING - A	GROUND	527	5,667										
	2ND - 7TH	10,213	109,932										
	TOTAL	10,740	115,599										
	GRAND TOTAL												
	UNITS												
BUILDING - A	GROUND	0	0	0	0	0	0	0	0	0	0	0	
	2ND - 7TH	6	48	0	108	0	156						
	TOTAL	6	48	0	108	0	156						
	%		31%	0%	69%	0%	0%						
	GRAND TOTAL	96	0	216	0	312							
BUILDING - B	GROUND	0	0	0	0	0	0						
	2ND - 7TH	6	48	0	108	0	156						
	TOTAL	6	48	0	108	0	156						
	%		31%	0%	69%	0%	0%						
	GRAND TOTAL	96	0	216	0	312							
BUILDING - A	REQUIRED	1.25	390										
	PROVIDED	COVERED GARAGE	192										
	SURFACE PARKING	112											
	TOTAL	304											
	BIKE	REQUIRED	12%	39									
PROVIDED	COVERED GARAGE	39											
PHASE-2	TFA	BUILDING - 2											
		GROUND-7TH	7	10,312	110,394								
		TOTAL	10,312	110,394									
		UNITS											
		TOTAL											
BUILDING - 2	TFA	GROUND-7TH	7	10,312	110,394								
		TOTAL	10,312	110,394									
		UNITS											
		TOTAL											
		PARKING	REQUIRED	1.25	160								
PROVIDED	UNDERGROUND GARAGE	44											
SURFACE PARKING	99												
TOTAL	143												
PHASE-3	TFA	BUILDING - 3											
		GROUND-2ND	2	9,888	106,436								
		3RD-7TH	5	9,745	104,899								
		TOTAL	19,634	211,335									
		UNITS											
BUILDING - 3	TFA	GROUND-2ND	2	9,888	106,436								
		3RD-7TH	5	9,745	104,899								
		TOTAL	1,246	13,411									
		UNITS											
		TOTAL											
BUILDING - 4	TFA	GROUND	1,246	13,411									
		UNITS											
		TOTAL											
		PARKING	REQUIRED	1.2	216								
		PROVIDED	COVERED PARKING	195									
SURFACE PARKING	30												
TOTAL	225												
BUILDING - 4	TFA	RETAIL/OFFICE	m/2/5	49									
		UNITS											
		TOTAL											
		PARKING	REQUIRED	m/2/5	77								
		PROVIDED	UNDERGROUND PARKING	0									
SURFACE PARKING	77												
TOTAL	77												
GRAND TOTAL	342												
PHASE-4	UNITS	MARINA WATER CRAFT SLIP											
		TOTAL											
		PARKING	REQUIRED	0.5	39								
		PROVIDED	MARINA PARKING	39									
		SURFACE PARKING	300										
TOTAL	339												

The drawings are the property of Architecture Unfolded. The drawing and all associated documents are an instrument of service by the Designer. The drawing and the information contained therein may not be reproduced in whole or in part without prior written permission of the designer.

These Contract Documents are the property of the architect. The architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application the architect will provide architectural clarification or supplementary information regarding the intent of the Contract Documents. The architect will review Shop Drawings submitted by the Contractor for design conformance only.

Drawings are not to be scaled for construction. Contractor to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the architect before commencing work.

Positions of exposed or finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the architect.

These drawings are not to be used for construction unless noted below as "Issued for Construction".

All work to be carried out in conformance with the Code and bylaws of the authorities having jurisdiction.

The Designer of these plans and specifications gives no warranty or representation to any party about the constructability of the represented by them. All contractor or subcontractor must satisfy themselves when bidding and at all times that they can properly construct the work represented by these plans.

notes:
some preliminary design done by Ware Malcomb Architects

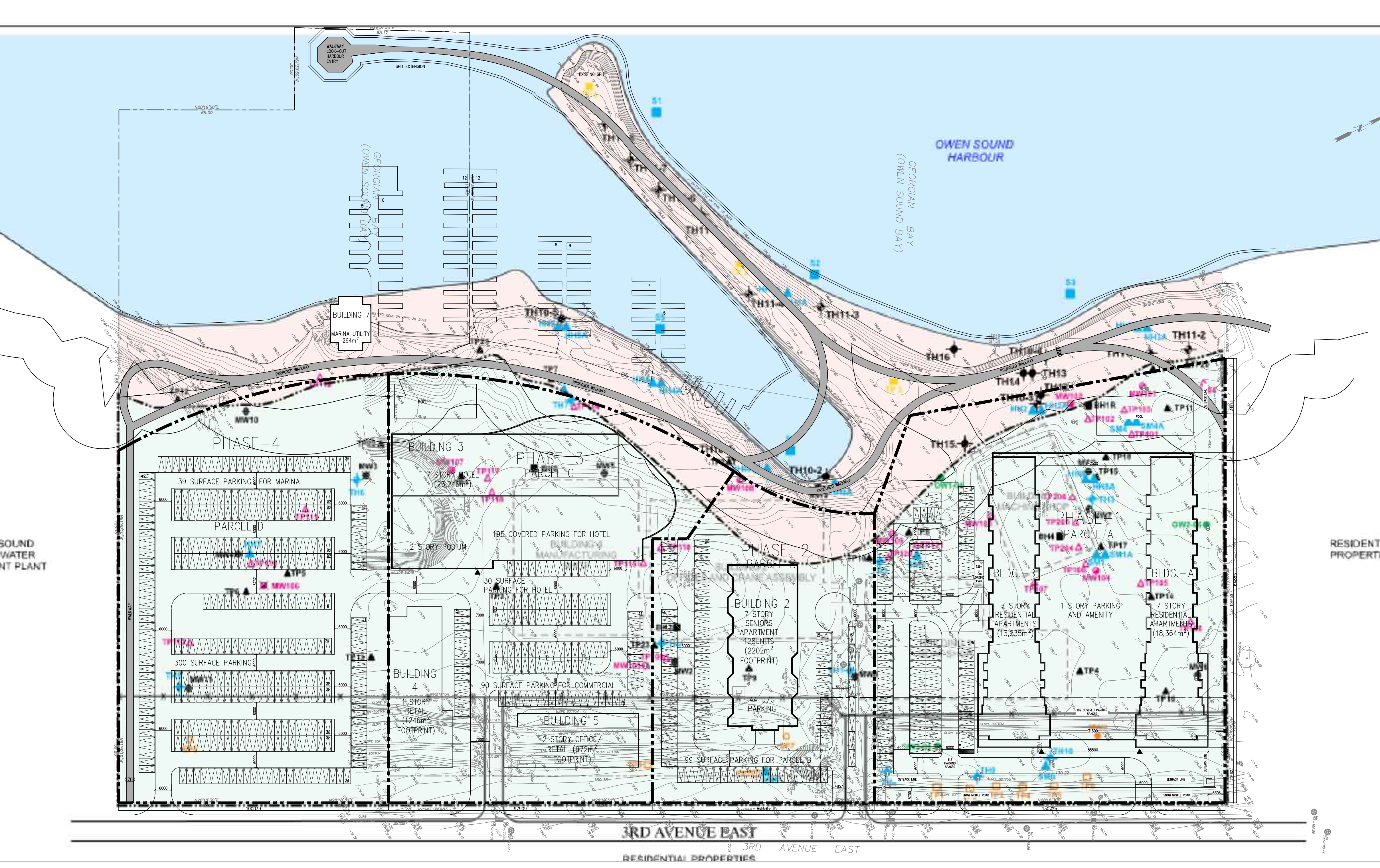
revisions: dd-mm-yy

architectural team :
mark zwicker
rushad dastoor

project:
2198 3rd ave.
owen sound, ontario

site plan
october 12, 2023
1:800
23-30
rd/eb

date:
scale:
project:
drawing number:
A101



**APPENDIX C: DRAFT ZBA TEXT & ZBA SCHEDULE
'A'**

BY-LAW NO. 2023-XX
THE CORPORATION OF THE CITY OF OWEN SOUND

BEING A BY-LAW TO AMEND BY-LAW 2010-078, AS AMENDED, KNOWN AS THE ZONING BY-LAW FOR THE CITY OF OWEN SOUND, TO REMOVE THE HOLDING (H) PROVISIONS FROM THE LANDS KNOWN MUNICIPALLY AS 2198 3RD AVE EAST.

WHEREAS section 34 of the Planning Act, R.S.O. 1990, c P.13, as amended (the "Planning Act"), permits the council of a local municipality to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and

WHEREAS section 36 of the Planning Act permits a municipality to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the bylaw; and

WHEREAS the Comprehensive Zoning By-law No. 2010-078, as amended, of the Council of The Corporation of the City of Owen Sound (the "City") places certain lands in a 'Multiple Residential'(MR) with Special Provision 14.56 with a Holding Provision zone specifying the use to which lands, buildings or structures may be put at such time as the holding symbol is removed pursuant to section 36 of the Planning Act; and

WHEREAS the Council of the Corporation of the City of Owen Sound is desirous of adopting a zoning by-law amendment to remove the zoning hold symbol on the portion of the subject lands located at 2198 3rd Ave East, described as FIRSTLY: Part of Lots 5,6,7,8,9 and 10, Bay Shore Range and Part of 22nd Street East, between Lots 8 and 9, Bay Shore Range and Part of the Original Shore Road Allowance in front of Lots 5 to 10, Bay Shore Range (Closed by By-law 869, Instrument No. 34981) and the Water Lots, being Part of the Bed of Owen's Sound, in front of Lots 5 and 6, Bay Shore Range, in the City of Owen Sound, County of Grey, now designated as Part 1, Plan 16R-5822. SECONDLY: Part of Park Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range, in the City of Owen Sound, in the County of Grey, now designated as Parts 15, 16, and 17, Plan 16R-7626. *****RSC Property is Parts 1 and 3 on draft RPlan 16R-: FIRSTLY: Part of Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range and Part of 22nd Street East, between Lots 8 and 9, Bay Shore Range and Part of the Original Shore Road Allowance in front of Lots 5 to 10, Bay Shore Range (Closed by By-law 869, Instrument No. 34981) and the Water Lots, being Part of the Bed of Owen's Sound, in front of Lots 5 and 6, Bay Shore Range, in the City of Owen Sound, County of Grey, now designated as Part 1, Plan 16R-5822. SECONDLY: Part of Park Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range, in the City of Owen Sound, in the County of Grey, now designated as Parts 15, 16, and 17, Plan 16R-7626.

WHEREAS such amendment to By-law 2010-078, as amended will maintain the terms and intent of the City of Owen Sound Official Plan; and,

WHEREAS it is now deemed desirable and in the public interest to adopt By-law 2023-____.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

- 1) That Schedule 'A', Zoning Map 11, forming part of By-law 2010-078, as amended, is hereby further amended by removing the Holding (H) symbol from the 'Multiple
-

Residential' (MR) with Special Provision 14.56 and Holding Provision, that was placed on the subject lands.

- 2) That the lands subject to the removal of the holding provision are legally described as
FIRSTLY: Part of Lots 5,6,7,8,9 and 10, Bay Shore Range and Part of 22nd Street East, between Lots 8 and 9, Bay Shore Range and Part of the Original Shore Road Allowance in front of Lots 5 to 10, Bay Shore Range (Closed by By-law 869, Instrument No. 34981) and the Water Lots, being Part of the Bed of Owen's Sound, in front of Lots 5 and 6, Bay Shore Range, in the City of Owen Sound, County of Grey, now designated as Part 1, Plan 16R-5822. SECONDLY: Part of Park Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range, in the City of Owen Sound, in the County of Grey, now designated as Parts 15, 16, and 17, Plan 16R-7626. *****RSC Property is Parts 1 and 3 on draft RPlan 16R-: FIRSTLY: Part of Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range and Part of 22nd Street East, between Lots 8 and 9, Bay Shore Range and Part of the Original Shore Road Allowance in front of Lots 5 to 10, Bay Shore Range (Closed by By-law 869, Instrument No. 34981) and the Water Lots, being Part of the Bed of Owen's Sound, in front of Lots 5 and 6, Bay Shore Range, in the City of Owen Sound, County of Grey, now designated as Part 1, Plan 16R-5822. SECONDLY: Part of Park Lots 5, 6, 7, 8, 9 and 10, Bay Shore Range, in the City of Owen Sound, in the County of Grey, now designated as Parts 15, 16, and 17, Plan 16R-7626. More particularly described in Schedule 'A' which is attached to and forms part of this by-law.

- 3) That this by-law shall come into force and effect on the final passing thereof by the Council of the City of Owen Sound, subject to compliance with the provisions of the Planning Act, R.S.O. 1990, as amended.

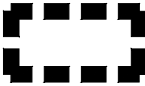
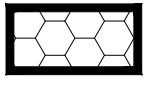
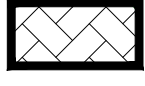
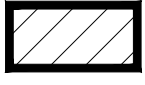
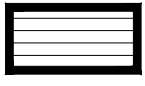
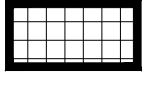
FINALLY PASSED AND ENACTED this _____ day of _____ 2023.

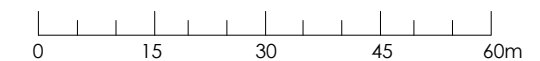
Mayor

City Clerk

SCHEDULE "A" ZONING BY-LAW AMENDMENT 2198 3rd Ave East, Owen Sound

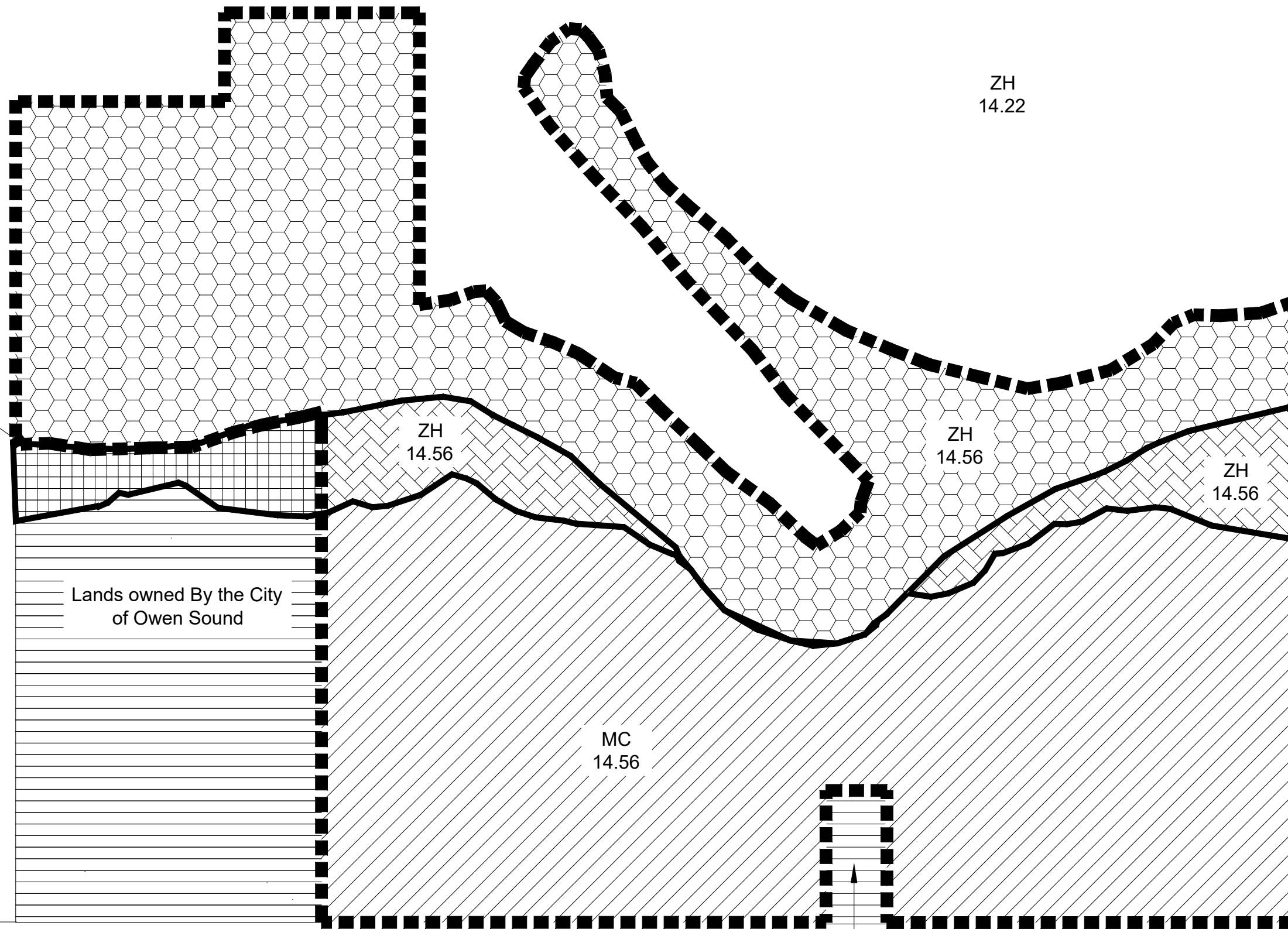
LEGEND

-  Subject Lands
-  Lands to remain 'Hazard Lands (ZH) Holding, Special Provisions 14.56 Zone'
-  Lands to be rezoned from 'Hazard Lands (ZH) Holding, Special Provision 14.56 Zone' to 'Hazard Lands (ZH), Special Provision 14.56 Zone'
-  Lands to be rezoned from 'Mixed Use Commercial (MC) Holding, Special Provision 14.56 Zone' to 'Mixed Use Commercial (MC) Special Provisions 14.56 Zone'
-  Lands owned by the City of Owen Sound to be rezoned from 'Mixed Use Commercial (MC) Holding, Special Provision 14.56 Zone' to 'Mixed Use Commercial (MC) Special Provisions 14.56 Zone'
-  Lands owned by the City of Owen Sound to be rezoned from 'Hazard Lands (ZH) Holding, Special Provision 14.56 Zone' to 'Hazard Lands (ZH), Special Provision 14.56 Zone'



Date: November 2, 2023	Reviewd by: LJ
File: 23-1313	Drawn By: CP

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3rd Avenue East

ZH
14.56

Lands owned by the City of Owen Sound

R4

**APPENDIX D: CORRESPONDENCE WITH
QUALIFIED PERSON FROM EXP. SERVICES INC.**

Lauren Jeffrey

From: Amanda Catenaro <Amanda.Catenaro@exp.com>
Sent: October 29, 2023 7:13 PM
To: Lauren Jeffrey
Cc: Yadvinder Deswal; Kevin Bechard; Samuel Lee; Henry Yee
Subject: Environmental Condition - 2198 3rd Ave East, Owen Sound
Attachments: 2022-02-14 FINAL DD Phase I EA_Development_Parcel_3rdAvenue_Owen_Sound_REV01.pdf

Hello Lauren,

As per our conversations, our responses are as follows:

- Confirm RSC is valid and appropriate to uses proposed. – A due diligence Phase I ESA was conducted in February 2022. Based on the updated record review and site inspection, no new environmental concern was identified at the Site or surrounding properties. If the proposed development at the Site is mixed residential and commercial development, an updated RSC should not be required.
- Status of shoreline and spit. Is there a risk is we remove RSC and the other lands aren't remediated? How to we confirm nothing has migrated or is there a risk that migration could happen. – Based on the 2008 Phase I and II ESA report, the groundwater flowed in northwest direction. Therefore, the shoreline area is considered as downgradient of the RSC property. Therefore, the risk of migration of contaminants from shoreline area to RSC property is low. Please see the groundwater contour plan in the attachment.
- Is there a need for RSC on outstanding portion of land if land is used for recreational trail. – Based on the O.Reg. 153/04, the recreational trail is considered as parkland use. Due to proposed land use is more sensitive than current land use (industrial), a RSC is required for the outstanding portion of the land.

Please also find the final DD Phase I ESA report attached, for your records.

Let me know if you have any questions.

Kind Regards,



Amanda Catenaro, M.E.Sc., P.Geo.

EXP | Senior Project Manager

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CANADA

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