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**NOTICE OF DECISION**  
**With respect to an Official Plan under**  
**Subsection 17(35) of the Planning Act**

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A decision was made on the date noted above to approve all of the City of Owen Sound Official Plan as adopted by By-law No. 2021-080 with modifications.

**Purpose and Effect of the Official Plan**

The purpose and effect of the City of Owen Sound Official Plan is to establish new policies for the municipality. The new Official Plan will replace the current 2006 Official Plan for the City of Owen Sound. The new Official Plan sets out policies for growth and development within the planning horizon. The policies apply to all lands within the City of Owen Sound. A copy of the County's modifications is attached as Schedule 1.

**When and How to File an Appeal**

Any appeal to the Ontario Land Tribunal must be filed with the County of Grey no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Deputy CAO/Director of Planning, at the address shown below and it must,

- (1) set out the specific part or parts of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Land Tribunal, payable by certified cheque or money order to the Minister of Finance, Province of Ontario, and
- (4) be accompanied with a completed Ontario Land Tribunal Appeal Form that can be found on the Tribunal's website at - <https://olt.gov.on.ca/appeals-process/forms/>

**Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

**When the Decision is Final**

The decision of the County of Grey is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

### **What Happens to the Appeal Once Submitted?**

Once an appeal has been received by the County, the County prepares the appeal package and sends this to the Ontario Land Tribunal (OLT). Once OLT receives the appeal, the Notice of Appeal will be reviewed by OLT and an acknowledgment letter will be provided.

### **Other Related Applications**

- None

### **Getting Additional Information**

The County of Grey Planning & Development can be contacted at the address noted below. Please note that as of the time of mailing this notice, County Offices are currently closed to the public, but staff are available by phone, mail, or email.

### **Mailing Address for Filing a Notice of Appeal:**

County of Grey Planning & Development Dept.  
595-9<sup>th</sup> Avenue East  
Owen Sound, ON, N4K 3E3  
Tel: 519-376-2205 extension 1232  
Fax: 519-376-7970  
[planning@grey.ca](mailto:planning@grey.ca)

Dated and mailed at the City of Owen Sound  
this 25<sup>th</sup> day of January 2022

Randy Scherzer, MCIP RPP  
Deputy CAO/Director of Planning

# DECISION

## With respect to an Official Plan Amendment Subsection 17(34) of the Planning Act

The County of Grey hereby approves all the City of Owen Sound Official Plan as adopted by By-law No. 2021-080, subject to the modifications contained in Schedule 1.

### Schedule 1: Modifications to the City of Owen Sound Official Plan

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
1	1.1(1)	“Provide policies, goals and objectives to guide the development and redevelopment of lands within the City for a period of 25 years.”	Subsection 1.1(1) is hereby deleted and replaced with the following: “Provide policies, goals and objectives to guide the development and redevelopment of lands within the City for a period equal to the planning horizon of the County of Grey Official Plan.”	The County’s Growth Management Strategy (GMS) Update has now been finished, but the County Official Plan has not been updated yet, as such the County’s planning horizon is still 2038. This modification will allow the City to utilize the 25-year planning horizon without needing to pass another amendment, once the County’s Updated GMS has been incorporated into the County Plan through County Official Plan Amendment # 11.
2	3.1.1(d)	“ARUs in a building accessory to a single detached dwelling, semidetached dwelling or row house if the single detached dwelling, semidetached dwelling or row house contains a single residential unit on one lot and subject to the policies of Section 3.1.7.1.”	Subjection 3.1.1(d) is hereby deleted and replaced with the following: “ARUs in a building ancillary to a single detached dwelling, semi-detached dwelling or row house if the single detached dwelling, semi-detached dwelling or row house contains no more than two residential units on one lot and subject to the policies of Section 3.1.7.1.”	Corrections have been made to section 3.1.1(d) to align with the provisions of the <i>Planning Act</i> that permit Additional Residential Units (ARUs) in both ancillary buildings and in the primary dwelling.

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
3	3.1.7.1(a)	<p>“a. Not more than two accessory dwelling units are permitted in association with an existing legal dwelling unit on a lot and a lot may not contain more than two accessory dwelling units.”</p>	<p>Subsection 3.1.7.1(a) is hereby modified by deleting the word “accessory” and replacing it with the word “ancillary”.</p> <p>Subsection 3.1.7.1(a) is hereby further amended by deleting the words “accessory dwelling units” and replacing it with “ARUs”.</p>	<p>Similar to modification # 2, changes have been made to ensure consistent terminology throughout the Plan.</p>
4	3.4.1.3	<p>“The Regional Shopping Centre designation may permit residential uses, subject to an Official Plan Amendment and/or Zoning Bylaw Amendment with appropriate studies, to create a well-balanced and integrated, mixed use commercial centre. An application for Residential development shall consider the following:</p> <ul style="list-style-type: none"> <li>a) Adequate parking for residential and non-residential uses.</li> <li>b) Appropriate buffering and/or integration of the residential uses and other permitted uses.</li> <li>c) Analysis of land use compatibility considerations, such as noise and traffic.</li> <li>d) Implementation of urban design policies, any approved urban design</li> </ul>	<p>Subsection 3.4.1.3 is hereby modified by deleting the words “an Official Plan Amendment and/or” in the first sentence of this section and replacing it with the word “a”.</p>	<p>Clarifying that an official plan amendment would not be needed to permit residential development in the Regional Shopping Centre designation, provided criteria (a) – (d) can be met with a zoning by-law amendment.</p>

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
		guidelines and objectives of this Plan.”		
5	3.2.3.2	“Drive-through and curbside pickup facilities may be permitted on lands designated for commercial use. Drive-through facilities are discouraged in the River District. Provisions to permit and/or regulate drive-through facilities will be implemented in the Zoning By-law.”	Subjection 3.2.3.2 is hereby deleted and replaced with the following: “Drive-through and curbside pickup facilities may be permitted on lands designated for commercial use. Drive-through facilities are not permitted in the River District. Provisions to permit and/or regulate drive-through facilities will be implemented in the Zoning By-law.”	The City policy is to not permit drive-throughs in the River District and the adopted policy would have conflicted with Subsection 3.3.1.1(j).
6	5.1.4.15	A new subsection to be added at the end of the existing Parking section of the City Plan.	A new subsection 15 is hereby added onto the end of section 5.1.4 as follows: “The City may consider reducing the required number of parking spaces needed for development or redevelopment where the following criteria have been justified: a) Demonstration that the proposed use does not require the stated level of parking e.g. affordable housing whereby car ownership would be low, or b) An agreement has been registered on-title to provide off-site parking.”	Parking is generally regulated by the zoning by-law, rather than in the official plan. This proposed modification will offer guidance on how one considers a parking reduction from the requirements in the zoning by-law. The City already considers parking reductions through zoning amendment and in other policies of this Plan such as 3.3.6.1(g). The need for an over-supply of parking can be a barrier to affordable housing and other pedestrian oriented design objectives. This policy will not compel the City to reduce its parking standards, but rather would support staff and Council in doing so in appropriate scenarios.

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7	3.7.4	Subheading in this section currently reads: "8 <sup>th</sup> Street East from 10 <sup>th</sup> Avenue East to 17 <sup>th</sup> Avenue East"	The reference to "17 <sup>th</sup> Avenue East" with respect to the Health and Education District is hereby deleted and replaced with "20 <sup>th</sup> Avenue East".	Reference to 17 <sup>th</sup> Avenue East was minor typographical error. The Health and Education District is to be extended to 20 <sup>th</sup> Avenue East.
8	3.1.5.5	A new subsection to be added at the end of the existing Attainable & Rental Housing section of the City Plan.	A new subsection 3.1.5.5 is hereby added as follows:  "For the purpose of this Official Plan, attainable housing units are those that do not meet the provincial definition for 'affordable' rental rates but whose rental rates are less than the current market rate and attainable to the City's residents and workforce."	Clarification on the term 'attainable' which is not otherwise defined in the Plan or the Provincial Policy Statement.
9	Schedule A1	Clarification of mapping.	Schedule A1 is hereby deleted and replaced by a new Schedule A1 which redesignates lands at the corner of 9 <sup>th</sup> Avenue East and 26 <sup>th</sup> Street East from 'Neighbourhood Commercial' to 'Arterial Commercial'.  <a href="#">Link to modified Schedule A1</a>	A minor change to lands to shift the existing commercial designation to Arterial Commercial.
10	4.2.4.1	"Relocation of the trail network to facilitate development of abutting lands may be permitted without amendment to this Plan provided that the trail remains continuous in a linear fashion with safe road crossings and that the design is consistent with the needs of a variety of trail users. Any	Section 4.2.4.1 is hereby deleted and replaced with the following:  "The County maintains a trail along the former railway corridor that bisects the Sydenham Heights Planning Area. Appropriate setbacks may be required as development occurs within	A minor wording change, similar to what was in the former City Official Plan, which also reflects the County's long-term goals for the C.P. Rail Trail.

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		potential trail relocation shall require agreements with and approval from the County of Grey.”	this area. Potential relocation of the trail to facilitate development of abutting lands may be permitted without amendment to this Plan provided the trail remains continuous in a linear fashion with safe road crossings, the design is consistent with the needs of a variety of trail users, and the potential relocation does not conflict with the County’s long-term goals and objectives for the former railway corridor. Any potential trail relocation shall require agreements with and approval from the County of Grey.”	
11	7.4.7.2	“Access for snowmobiles or other motorized recreational vehicles will be limited to specific routes.”	Section 7.4.7.2 is hereby deleted and replaced with the following: “Access for snowmobiles or other motorized recreational vehicles will be limited to specific routes, as per City by-laws, legislation, and/or agreements with trail owners.”	The County does not currently permit ATVs on those sections of the C.P. Rail Trail in the City.
12	7.4.7.3	“The City supports maintaining and improving abandoned rail corridors for trail and recreational uses and will collaborate with the County on the potential transition of a rail corridor to a trail or recreational use.”	Section 7.4.7.3 is hereby deleted and replaced with the following: “The City supports maintaining and improving abandoned rail corridors for trail and recreational uses and will continue to collaborate with the County on using the rail corridor as a trail or recreational use in accordance with the County’s long-term goals and objectives for the former railway corridor.”	Similar to modification #10, a minor modification to reflect the County’s long-term plans for the C.R. Rail Trail.

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13	4.2.7.2	<p>“Phase 1 development is projected to accommodate up to 1,350 units providing a range and mix of unit types in support of the overall planned density target, excluding any infill, intensification or redevelopment. The City will monitor the unit numbers and density target through the development approvals process.”</p>	<p>Section 4.2.7.2 is hereby modified by deleting the phrase “up to 1,350 units providing”.</p>	<p>A minor revision to the unit totals, should plans change for Sydenham Heights Phase 1.</p>
14	4.2.7.3	<p>“Development beyond 1,350 units in Phase 1 before 2026 will be subject to further assessment and approval in accordance with the projected growth needs, to the satisfaction of the City. No development will be permitted beyond Phase 1 as shown on Schedule ‘A2’ until development in Phase 1 is substantially complete, there is justification for additional development and the necessary water and wastewater infrastructure construction has proceeded such that Phase 2 can be adequately serviced. No amendment will be required to the plan for additional growth beyond Phase 1 provided the development is within the servicing capacity and the above-noted criteria have been satisfied.”</p>	<p>Section 4.2.7.3 is hereby modified by deleting the first sentence of this subsection. The deleted first sentence previously read as follows:</p> <p>“Development beyond 1,350 units in Phase 1 before 2026 will be subject to further assessment and approval in accordance with the projected growth needs, to the satisfaction of the City.”</p>	<p>The reference to 2026 relates back to the former County Official Plan, which had a planning horizon of 2026, which then had growth projections tied to that date. Given the changes in the County’s planning horizon and the City’s population projections, the reference to 1,350 units and a horizon of 2026 may simply no longer be valid. The key portion of this section remains intact i.e. development in phase 2 does not occur until phase 1 is substantially constructed.</p>
15	4.3.2.3	<p>“Where a development within the West Harbour Planning Area is proposed and a</p>	<p>Subsection 4.3.2.3 is hereby deleted.</p>	<p>This section of the Plan needed to be updated based on the provincial changes to section 37 of the</p>



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		parkland dedication exceeding the requirements of Section 9.7.4 of this Plan is agreed upon, the City may provide that Section 9.1.5 of this Plan respecting a by-law for increased density applies subject to the requirements of the Planning Act. It is acknowledged that the City has entered into a lease agreement with Transport Canada for the East and West waterfront lands.”		<i>Planning Act</i> regarding bonusing.
16	7.1.2.8(f)	“Using the provisions of Section 37 of the <u>Planning Act</u> in order to maintain the integrity of identified built heritage resources;”	Subsection 7.1.2.8(f) is hereby deleted, and the remaining subsections are re-lettered accordingly.	This section of the Plan needed to be updated based on the provincial changes to section 37 of the <i>Planning Act</i> regarding bonusing.
17	7.4.2.4(g)	“g. Bonusing.”	Subsection 7.4.2.4(g) is hereby deleted, and the “; and” in subsection (f) is hereby deleted and replaced with a “.”, based on it being the end of this subsection.	This section of the Plan needed to be updated based on the provincial changes to section 37 of the <i>Planning Act</i> regarding bonusing.
18	9.1.5	9.1.5 Bonus Zoning – entire section to be deleted.	Section 9.1.5 is hereby deleted, and the remaining sections are re-numbered accordingly.	This section of the Plan needed to be updated based on the provincial changes to section 37 of the <i>Planning Act</i> regarding bonusing.
19	4.4.1.3	“In areas designated Waterfront Mixed Use “A” on Schedule ‘A4’; residential, neighbourhood commercial and institutional	Section 4.4.1.3 is hereby deleted and replaced with the following: “In areas designated Waterfront Mixed Use “A”	Minor wording changes to add additional clarity to this section.

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		uses shall be permitted in accordance with Section 3.8 of this Plan. Development in an integrated manner is encouraged providing a wide array of commercial, residential and institutional uses and purposes with intensification over time. Commercial development can serve the needs of the neighbourhood and the City, however the mixed land use designation is not primarily intended for commercial development. This designation strongly encourages medium and high-density residential uses.”	on Schedule ‘A4’; residential, neighbourhood commercial and institutional uses shall be permitted in accordance with Section 3.8 of this Plan. Development and intensification in an integrated manner is encouraged with the vision of medium and high density residential uses as the primary uses. Commercial and institutional uses are permitted as secondary uses to support the residential uses. This designation strongly encourages medium and high-density residential uses.”	
20	6.1.1.3	“Enhance and expand the natural heritage system outlined on Schedule ‘A’ – Land Use by designating and protecting significant components and natural linkages with other green spaces.”	Subsection 6.1.1.3 is hereby modified by adding the following clause after the end of the existing subsection.  “Linkages are mapped in the County Official Plan. Policies for these linkages shall defer to the County Plan, unless otherwise defined by the City.”	A modification to note that there are existing linkages in the City which are mapped in the County Plan.
21	6.1.3.3	“Develop a City Tree By-law that regulates the destruction, injuring or removal of trees in hazard lands, rights of way, public lands and significant woodlots in accordance with the County of Grey Forest Management By-law.”	Subsection 6.1.3.3 is hereby deleted and replaced with the following:  “Develop a City Tree By-law that regulates the destruction, injuring or removal of trees in hazard lands, rights of way, public lands and significant woodlots.”	Should the City develop a City Tree By-law, it would not necessarily be ‘in accordance with’ the County Forest Management By-law, which only regulates forests. Instead, the City’s by-law would be ‘complimentary to’ the County’s by-law.
22	6.1.10	“6.1.10.5 Alternative energy systems and	Subsection 6.1.10.5 is hereby deleted in its	Deletion of this subsection based on the repeal of

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		renewable energy systems shall locate in accordance with provincial and federal requirements. Within the area of Niagara Escarpment Development Control, a Development Permit is required for any proposed alternative energy systems and renewable energy systems. These systems shall be designed and constructed to minimize impacts on surrounding land uses. Proponents are encouraged to undertake sufficient public notice and consultation to ensure members of the community and the City have sufficient opportunity to provide comment on the proposed facilities to the proponent and/or approval authority. The City will review proposals for such systems to assess impacts on City services and infrastructure and in consideration of other policies of this Plan.”	entirety.	the Green Energy Act.
23	6.1.12 and 6.1.12.1	“The <u>Clean Water Act</u> , 2006, was created to ensure the quality and quantity of municipal drinking water supplies are protected from contamination and other adverse effects due to incompatible land uses and activities. As required by the <u>Clean Water Act</u> , all municipal decisions, including those made under the <u>Planning</u>	Sections 6.1.12 and 6.1.12.1 are hereby deleted and placed by the following:  “The City shall require that all decisions, including those made under the <u>Planning Act</u> and <u>Condominium Act</u> , conform to the significant drinking water threat policies found in the Grey Sauble Source Protection Plan approved by the MECP on October 16, 2015, as may be	Some minor changes to this section to reflect the fact that there are no Municipal Wellhead Protection Areas in the City.

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		<p><u>Act</u> and <u>Condominium Act</u>, will conform to the significant drinking water threat policies found in the Grey Sauble Source Protection Plan-that was approved by the MECP on October 16, 2015.</p> <p>The following policies acknowledge and protect municipal drinking water sources:</p> <ul style="list-style-type: none"> <li>a. Municipal Wellhead Protection Areas (WHPAs), and Municipal Intake Protection Zones (IPZs) as identified through the Drinking Water Source Protection (DWSP) program are shown in the County Official Plan and shall be considered a special protection area within which the requirements of Section 6.1.12b must be fulfilled prior to new development or redevelopment in these areas.</li> <li>b. A Municipal WHPA or Municipal IPZ boundary may be modified by Amendment to the County Official Plan where the geographic extent of the Municipal WHPA or Municipal IPZ is modified through further study or where the use of a municipal well is to be discontinued. Further it is acknowledged that</li> </ul>	<p>amended.</p> <p>The following policies acknowledge and protect municipal drinking water sources:</p> <ul style="list-style-type: none"> <li>a. Municipal Intake Protection Zones (IPZs) as identified through the Drinking Water Source Protection (DWSP) program are shown in the County Official Plan and shall be considered a special protection area within which the requirements of Section 6.1.12b must be fulfilled prior to new development or redevelopment in these areas.</li> <li>b. Municipal IPZ boundaries may be modified by Amendment to the County Official Plan where the geographic extent of the Municipal IPZ is modified through further study. Further it is acknowledged that these boundaries may be subject to change or refinement as part of the DWSP process. The City will endeavor to work with the County to keep the information current and will consult with DWSP staff on an application, or site-specific basis, where required. Establishment of a new Municipal IPZ shall be subject to an amendment concurrently with the Class Environmental Assessment process.</li> </ul>	

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
		<p>these boundaries may be subject to change or refinement as part of the DWSP process. The City will endeavor to work with the County to keep the information current and will consult with DWSP staff on an application, or site-specific basis, where required. Establishment of a new Municipal WHPA or Municipal IPZ shall be subject to an amendment concurrently with the Class Environmental Assessment process.</p> <p>c. Any <u>Planning Act</u> applications proposed within the Municipal WHPAs or Municipal IPZs are subject to a review by the City and the City’s Risk Management Official to assess the risks of such uses to potentially contaminate groundwater or surface water and, based on this assessment, to determine whether or not a Hydrogeological Study or Environmental Impact Study is required to the satisfaction of the City and the City’s Risk Management Official. A Hydrogeological Study or</p>	<p>a. Any <u>Planning Act</u> applications proposed within IPZs are subject to a review by the City and the City’s Risk Management Official to assess the risks of such uses to potentially contaminate groundwater or surface water and, based on this assessment, to determine whether or not a Hydrogeological Study or Environmental Impact Study is required to the satisfaction of the City and the City’s Risk Management Official. A Hydrogeological Study must be completed by qualified individuals.</p> <p>Where a Hydrogeological Study is required to identify any impacts or mitigation measures on Municipal IPZs; the study will be scoped based on the nature of the development being proposed.”</p>	

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
		<p>Environment Impact Study must be completed by qualified individuals.</p> <p>Where an Environmental Impact Study or Hydrogeological Study is required to identify any impacts or mitigation measures on the Municipal WHPAs or Municipal IPZs; such studies will be scoped based on the nature of the development being proposed.”</p>		
24	9.9.1.1 and 9.9.1.2	<p>9.9.1.1            “The City shall monitor and review this Plan in accordance with the requirements of the <u>Planning Act</u> including but not limited to a review every five years. The City may review any other master plans or studies in coordination with the review of the Official Plan.”</p> <p>9.9.1.2            “The ten-year review of this Plan shall meet the public meeting requirements of the <u>Planning Act</u> and be held by City Council or a designated Committee of Council.”</p>	<p>Subsections 9.9.1.1 and 9.9.1.2 of the Plan are hereby deleted and replaced by the following:</p> <p>9.9.1.1            “The City shall monitor and review this Plan in accordance with the requirements of the <u>Planning Act</u>. An initial review will be completed 10 years into the Plan, with subsequent reviews every five years thereafter. The City may choose to review the Plan more frequently than the requirements of the <u>Planning Act</u>. The City may review any other master plans or studies in coordination with the review of the Official Plan.”</p> <p>9.9.1.2            “The five and ten-year reviews of this Plan shall meet the public meeting requirements of the <u>Planning Act</u> and be held by City Council or a designated Committee of Council.”</p>	As per section 26(1.1) of the Planning Act, an official plan shall be reviewed within 10 years after it comes into effect, and every 5 years thereafter.

Modification Number	Section or Schedule Number	Adopted Policy or Summary	Recommended Modification	Policy or Principle Basis for the Proposed Modification
25	Schedule C	Correction of a minor mapping error.	Schedule C is hereby deleted by a new Schedule C. <a href="#">Link to modified Schedule C</a>	A minor mapping change to correct the former railway that inadvertently 'ended' at Highway 26 on the adopted Schedule C.
26	Schedule A2	Correction of a minor mapping error.	Schedule A2 is hereby deleted by a new Schedule A2. <a href="#">Link to modified Schedule A2</a>	On the adopted Schedule A2 there was a trail missing south of 8 <sup>th</sup> Street East.

Dated at Owen Sound this 25<sup>th</sup> day of  
January 2022

*Selwyn J. Hicks*  
[Selwyn J. Hicks \(Jan 21, 2022 17:31 EST\)](#)

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Selwyn Hicks  
Warden  
County of Grey






# Draft City of Owen Sound OP Decision Materials

Final Audit Report

2022-01-21

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