

Staff Report

Report To: City Council

Report From: Margaret Potter, Senior Planner

Meeting Date: July 27, 2026

Report Code: CS-26-071

Subject: Request to Remove a One-Foot Reserve – 1389 16th Street East (Seasons)

Recommendations:

THAT in consideration of Staff Report CS-26-071 respecting the removal of a one-foot reserve from 1389 16th Street East (Seasons), City Council directs staff to bring forward a by-law to dedicate as a public highway:

1. All of Part 24 on Plan 16R-6702; and
2. That portion of Part 25 on Plan 16R-6702 that directly abuts 1389 16th Avenue East being both Part 33 on Plan 16R-6702 and Part 2 on Plan 16R-8893.

Highlights:

- Parts 24 and 25 on Plan 16R-6702 are 0.3 metre parcels that run parallel to 16th Avenue East from the northeast corner of 10th Street East across the frontage of the vacant property, Seasons Retirement Home, and the Grey Bruce Pet Hospital.
- The purpose of a 0.3 metre reserve is for the purposes of restricting access (driveway locations) as well as to ensure development does not occur without appropriate capital contributions to required servicing (e.g. frontage fees).
- Both Seasons Retirement Home and Grey Bruce Pet Hospital are subject of existing site plan approvals with site plan agreements, and their capital cost recovery contributions have been paid.

- It is recommended that the 0.3 metre reserves being Part 24 and that portion of Part 25 fronting Seasons Retirement Home be removed and that the portion of Part 25 fronting the vacant property remain as a 0.3 metre reserve.

Vision 2050 - Strategic Plan Alignment:

[Strategic Plan](#) Priority: City Building – Enhancing urban development, planning and place-making processes to create places and spaces that contribute to complete communities for existing residents, future residents and tourists.

Previous Report/Authority:

[Municipal Act](#), 2001, S.O. 2001, c. 25

[Planning Act](#), R.S.O. 1990, c. P.13

Background

In 1997, lands on the south side of 16th Street East on the east side of what is now 16th Avenue East were proposed for development and underwent a series of *Planning Act* applications. Several parts of Plan 16R-6702 were transferred to the City (Inst. 0380353) to fulfill conditions of severance for lands that now contain Canadian Tire. These parts provided for future stormwater management facilities, access thereto, and future roads, including:

- Part 1 on Plan 16R-6702 was dedicated as part of 16th Avenue East through By-law No. 2000-008 (Inst. 0418120). This is the section of 16th Avenue East between 10th Street East and 16th Street East
- Parts 24 and 25 on Plan 16R-6702 are 0.3-metre-wide parcels that run parallel to 16th Avenue East:
 - Part 24 abuts Grey Bruce Pet Hospital.
 - Part 25 abuts the stormwater pond outlet, Seasons Retirement Home, and the vacant parcel at the northeast corner of 10th Street East.

Parts 24 and 25 are illustrated (not to scale) in green and blue respectively on Schedule 'B' attached hereto.

In accordance with the Official Plan in place for this area at the time (By-law No. 1991-021), Holding provisions were to ensure that prior to significant development, the necessary municipal services are available and controls to manage the development are in place. The City had “front-ended” the installation of services along 16th Avenue East and lands fronting 16th Avenue East were placed in a Holding zone to allow the City to collect a portion of the costs relating to these services. In addition to the Holding provision through zoning, a 0.3 metre reserve was also put in place.

Since the construction of 16th Avenue East between 10th Street East and 16th Street East, development has proceeded in the area.

Three properties are impacted by the 0.3 metre reserve in place as Parts 24 and 25 on Plan 16R-6702:

Northeast Corner of 10th Street East and 16th Avenue East - Vacant Parcel

The Holding provision was removed from these lands at the same time that it was removed from the Seasons property (By-law No. 2006-109). The staff report (April 2006) for the removal of the Holding provision recognizes that the Holding zone was placed to allow the City to collect costs relating to the 16th Avenue East services and that the City also has a 0.3 metre reserve in place. The staff report notes the cost in 2006 dollars owing based on the frontage of the property and indicates that it would be paid prior to a building permit being issued. The staff report (May 2006) for the consent to sever the Seasons property from this property similarly identifies the capital costs to be recovered but conditions of consent apply only to the severed parcel.

There is no information in the file that the required capital cost recovery for 16th Avenue East services installed by the City have been paid for this vacant parcel (the retained lands in 2006).

Seasons – 1389 16th Avenue East

In 2006, the City approved a number of applications which provided for the development of Seasons Retirement Home at 1389 16th Avenue East, including a consent to create the lot (B04-2006), removal of the Holding provision (By-law No. 2006-109), a minor variance for height (A12-2006), and Site Plan Approval (ST2004-004).

A condition of the Site Plan approval required capital cost recovery for services installed by the City to be paid prior to the issuance of a building permit. Records show that \$97,257.18 was paid (representing \$797.19/metre over 122 metres of frontage for the Seasons property only).

It is worth noting for future reference that the final frontage cost applied to Seasons was less than noted in the Holding removal and consent reports because Seasons constructed the sidewalk in front of their property as a condition of site plan approval rather than it being included in the frontage charge.

In 2014, after following the necessary process ([CS-14-052](#)), the City sold a parcel of land to Seasons and Seasons obtained staff delegated conditional site plan approval (CS-14-152) for the expansion of their parking lot. The lands have since been merged on title. The parking lot expansion has not yet been fully completed.

Entrances to the site were established through Site Plan Approval.

The City holds \$10,000 in securities in accordance with the Site Plan Agreement.

The Seasons property is comprised of both Part 33 on Plan 16R-6702 (attached as Schedule 'A', and Part 1 on Plan 16R-8893 (attached as Schedule 'C').

Grey Bruce Pet Hospital – 1393 16th Avenue East

The Holding provision was removed from this property in 2004 (By-law No. 2004-142).

In 2020, the City approved a Site Plan providing for the development of the Grey Bruce Pet Hospital (ST2020-008).

Entrances to the site were established through Site Plan Approval.

As a condition of Site Plan Approval, capital cost recovery charges were paid (\$32,951.34).

The City holds \$5,000 in securities in accordance with the Site Plan Agreement.

The Grey Bruce Pet Hospital is comprised of Part 9 on Plan 16R-6702 (attached as Schedule 'A').

Purpose of this Report

While the 0.3 metre reserve (aka 1 foot reserve) was acknowledged during previous *Planning Act* processes, the reserves were not removed.

Seasons Retirement Communities is working to resolve issues with title to the lands and requested that the 0.3 metre reserve be removed as it technically blocks legal access and is considered an encumbrance to financing or future sale of the property.

Furthermore, Part 24 could present the same technical issue for the veterinary clinic.

The purpose of this report is to assess whether it is desirable to remove the 0.3 metre reserves known as Parts 24 and 25 on Plan 16R-6702 abutting 16th Avenue East.

Analysis and Options:

City Planning and Heritage Division and Engineering Services Division have considered the dedication of Parts 24 and 25 on Plan 16R-6702 as a public highway, which would remove the reserve.

The following have been considered:

- A 0.3 metre reserve may be required for the purposes of restricting accesses (driveway locations) as well as to ensure that development does not occur without appropriate contributions being made to servicing (e.g. frontage fees).
- Part 24 on Plan 16R-6702 abuts Grey Bruce Pet Hospital. Accesses have been established through site plan approval and capital costs recovered prior to building permit issued.
 - Staff have no objection to the dedication of all of Part 24 as a public highway.
- Part 25 on Plan 16R-6702 abuts two properties:
 - Seasons Retirement Home has been subject to site plan approval establishing appropriate site accesses and capital costs have been recovered prior to building permit issuance.
 - Staff have no objection to the dedication of that portion of Part 25 abutting Seasons Retirement Home to be dedicated as a public highway.

The intent of the use of the 0.3 metre (1 foot) reserve has been met for the above noted properties and staff recommend a by-law to remove the reserve and add these lands to the public street.

- Vacant lands at the northeast corner of 10th Street East and 16th Avenue East have not been subject of site plan approval and there is no record of capital costs having been paid.
 - The sidewalk has been constructed across this property.
 - In 2006 dollars, the capital cost recovery was identified as \$818.18 x 68 metres of frontage = \$55,636.24.
 - Staff recommend that the portion of Part 25 abutting this property remain as a 0.3 metre reserve.

Resource Alignment:

Financial Resources

Dedicating only part of Part 25 may require a new reference plan identifying only the applicable portion of Part 25 as an additional part.

Human Resources

This process is estimated to consume a minor amount of staff time and can therefore be accommodated within the existing work plan.

Time and Scheduling

The dedication is to be executed immediately upon approval.

Technology and Infrastructure

Upon registration of the reference plan, it will be shared with the Geomatics Specialist and Engineering Services Division.

Climate and Environmental Impacts:

There are no anticipated climate or environmental impacts.

Communication and Engagement:

This report has been posted to the City's website with the agenda in advance of the meeting.

Report Developed in Consultation With:

Engineering Services Division staff and external legal counsel.

Attachments:

Schedule A - Registered Plan 16R-6702

Schedule B – Illustrative Overlay 16R-6702

Schedule C – Registered Plan 16R-8893

Reviewed by:

Sabine Robart, MCIP, RPP, Manager of Planning & Heritage

Pamela Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Margaret Potter, Senior Planner at mpotter@owensound.ca or 519-376-4440 ext. 1250.