

## Report PDR-PCD-14-15

**To:** Chair Wright and Members of the Planning and Community Development Committee

**From:** Randy Scherzer, Director of Planning

**Meeting Date:** March 17, 2015

**Subject:** **42-CDM-2008-10(A) and 42T-2008-10(B) – Havens Subdivision - Three Year Draft Approval Extension Request**

**Status:** Recommendation adopted by Committee as presented per Resolution PCD42-15; Endorsed by County Council April 7, 2015 per Resolution CC55-15;

### Recommendation(s)

**WHEREAS the Ontario Municipal Board approved draft Plan of Condominium No. 42-CDM-2008-10(A) and draft Plan of Subdivision 42T-2008-10(B) in accordance with the minutes of settlement as outlined in the Board Decision dated June 22, 2012;**

**AND WHEREAS the Ontario Municipal Board has given the County the authority to clear the conditions of draft approval, however the conditions can only be modified by the Ontario Municipal Board and therefore an extension request needs to be approved by the Board;**

**AND WHEREAS a request has been received from the developer's agent requesting that the parties to the Board Hearing support a three year extension to draft approval;**

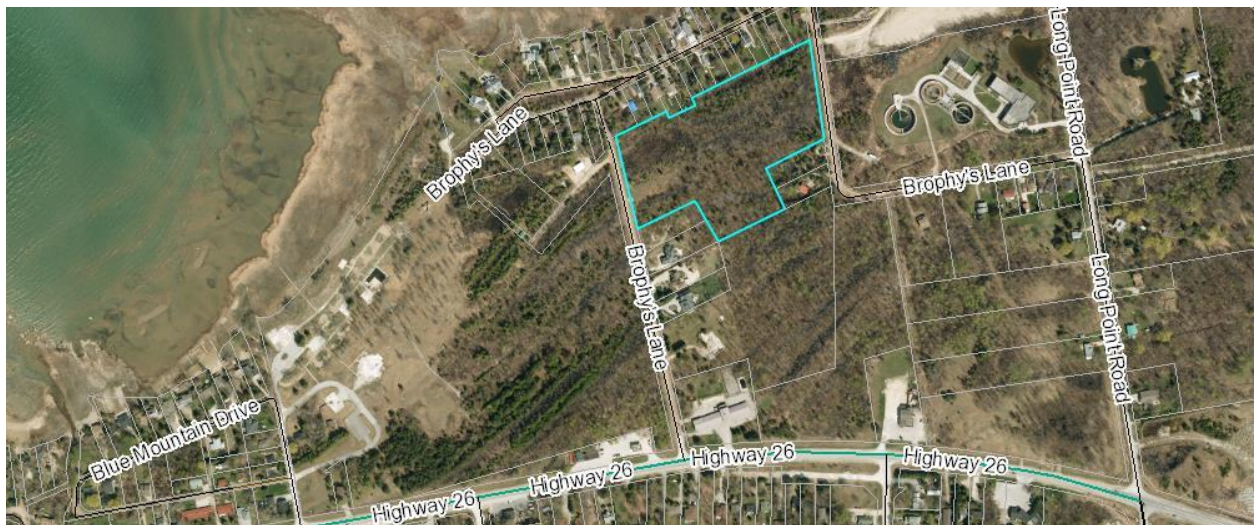
**NOW THEREFORE BE IT RESOLVED THAT the Planning and Community Development Committee receives Planning Report PDR-PCD-14-15;**

**AND THAT the Committee supports the request for a three year extension to draft Plan of Condominium 42-CDM-2008-10(A) and draft Plan of Subdivision 42T-2008-10(B) subject to the Town of The Blue Mountains supporting the request.**

## Background

Plan of Condominium Application 42-CDM-2008-10(A) and Plan of Subdivision application 42T-2008-10(B), as well as a zoning by-law amendment application, were appealed by the Applicant to the Ontario Municipal Board based on the County and the Town not making a decision on the applications within the prescribed timeframe under the Planning Act. Most of the delay with respect to the applications was a result of the natural heritage features on the subject lands. The subject lands are located in the Craigeith area and are described as Part of Lot 21, Concession 1, being Part of Lot 89, RP 529, (geographic Township of Collingwood), Town of The Blue Mountains (see Map 1 below). The draft approved plans include a 16 lot residential plan of subdivision and 1 block for an internal common elements condominium road. Minutes of Settlement were reached between the parties which resulted in modifications to the proposed plan and the conditions of draft approval. The Board approved the revised plan and the modified conditions in an oral decision on May 17, 2012 and was reflected in a written decision dated June 22, 2012.

### *MAP 1: Havens Subdivision Subject Lands*



In an email dated February 24, 2015, the developer's agent requests that the parties to the Board Hearing support a 3 year extension to draft approval.

The standard period of time for extensions of draft approval is one year. The granting or supporting of one year extensions has been delegated to the Director of Planning. Extension requests beyond one year are required to be approved or supported by the Planning and Community Development Committee. In this case, the Board has delegated the clearing of conditions to the County; however the conditions can only be modified by the Board. To extend the approval for another 3 years would involve

modifying Condition 4 and therefore draft approval extensions for this development need to be approved by the Ontario Municipal Board. Prior to making a decision on the extension request, the Board will want to hear whether or not the parties support the extension.

County staff typically recommends that extensions to draft approval only be for a one year period to ensure that the proponent is continuing to move forward with fulfilling the conditions and to allow local municipalities to have the option of not extending draft approval if the municipality is experiencing servicing capacity issues.

The Town of The Blue Mountains will be considering the extension request at a future meeting.

County staff recommends that Committee support the three year extension to draft approval subject to the Town of The Blue Mountains supporting the request.

## Financial / Staffing / Legal / Information Technology

### Considerations

At this point there are no financial, staffing, legal or Information Technology considerations.

### Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Permitting an extension to draft approval for a previously draft approved subdivision would be considered sound land use planning, given the specific circumstances.

Respectfully submitted by,

Randy Scherzer  
Director of Planning