

Report PDR-PCD-37-14

To: Chair Wright and Members of the Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: November 13, 2014
Subject: **Report on the red-line revision to a draft approval for the Private Residences at Georgian Bay Club (42-CDM-2007-07)**
Status: Recommendation adopted by Committee as presented per Resolution PCD120-14; Endorsed by County Council November 25, 2014 per Resolution CC163-14;

Recommendation(s)

WHEREAS plan of condominium application 42-CDM-2007-07 was draft approved effective on January 8, 2008;

AND WHEREAS the County has received a request from the owner to revise the draft approved plan;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-37-14 be received;

AND THAT in consideration of the draft plan of condominium and the matters to have regard for under Subsection 51(24) of the Planning Act RSO 1990 as amended, the Grey County Planning and Community Development Committee hereby approves the red-line revision to Plan of Condominium File 42-CDM-2007-07, subject to the conditions set out in the Notice of Decision.

Background

The subject properties are known as Block 42, Registered Plan 16M-6, and Block 2 and Part of Block 1, Registered Plan 1157, and Part of Lot 27, Concession 7 (geographic Township of Collingwood) in the Town of The Blue Mountains and are part of the larger Georgian Bay Club Development. The application is being made by the Private Residences at Georgian Bay Club.

The proposed red-line revision is to draft plan of condominium 42-CDM-2007-07, which was approved by the County in 2007 and appealed to the Ontario Municipal Board (OMB). The OMB subsequently approved the draft plan effective January 8, 2008. In addition to the red-line revision, there has also been an official plan amendment (OPA) application, a zoning by-law amendment application and a site plan application submitted to the Town of The Blue Mountains. The County approved OPA 29 to the Town's Plan on October 14, 2014. The Town has also passed zoning by-law amendment (ZBLA) 2014-58, in conjunction with the development. The existing draft approval contemplates a total of 48 residential units on the subject lands. Collectively what the four applications would do would be to slightly re-define designation and zone boundaries, and to modify the existing plan of condominium draft approval to permit the development of 56 residential units.

The subject lands are 5.52 acres in size with 85 metres of frontage onto the 7th Line. Frontage and access for the proposed dwelling units would be onto a private condominium road. The proposed development will be serviced by municipal water and sewer services.

In support of the subject applications the developer submitted a number of technical studies including a planning report, a landscape plan, an archaeological assessment, a functional servicing and stormwater management report, a geotechnical study, an environmental impact study and updated commentary related to the traffic impact study. Copies of the studies can be found on the Town's website at the below link:

[Link to The Blue Mountains Website](#)

Materials specifically related to the proposed red-line revision can be found on the County website at the below link:

[Link to the County's Website](#)

Surrounding the subject lands are a mixture of forested, residential and golf course lands (see map one below). Also enclosed is a copy of the proposed draft plan of condominium (see map two below).

Map 1 - Air Photo of the Subject Properties



Map 2 - Draft Plan of Condominium

A detailed architectural drawing of a condominium plan. The plan shows a series of units arranged in a curved layout. It includes various sections, such as Section 8, Section 9-A, Section 9-B, and Section 9-C. The drawing is accompanied by several legal notes and certificates, including an Owner's Certificate and a Surveyor's Certificate. The plan is titled "REGISTERED PLAN 1157" and "BLOCK 2 AND PART OF LOT 27". It also includes a scale of 1:500 and a north arrow. The drawing is dated June 2014 and is for the Town of the Blue Mountains, County of Grey.

A public meeting was held for the official plan and zoning by-law amendments on April 28, 2014. A public meeting is not required for the red-line revision or site plan applications.

Public and Agency Comments Received

As part of the planning application process the following comments were received by the following agencies. No comments were received by the public.

Grey Sauble Conservation Authority (GSCA) – In an email dated October 9, 2014, the GSCA noted that they are generally satisfied with the revised conditions of draft approval. The GSCA did however request that the following note be added to the draft approval;

“A portion of the subject lands are affected by Ontario Regulation 151/06: Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulation. As such permits are required from the Grey Sauble Conservation Authority prior to site alterations and/or construction within the affected area.”

Ministry of Transportation (MTO) – In an email dated September 29, 2014, the MTO noted that they have no objection to the proposed development and that the existing conditions of draft approval relating to MTO clearance and a traffic study can be removed.

Town of The Blue Mountains (TOTBM) – In a letter dated October 27, 2014, the TOTBM have noted that they are satisfied with the proposed red-line revision and that the existing draft plan conditions are appropriate for the subject lands.

Grey County Transportation Services – In their review of the accompanying applications the Grey County Transportation Services department have noted that they have no further concerns with the proposed development.

Planning Policy Analysis

Planning decisions in Ontario must have regard for matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to the goals and objectives of any official plans governing the lands. In this case the County of Grey Official Plan and the Town of The Blue Mountains Official Plan are both applicable to the subject lands.

The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development in a healthy natural environment within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act. The most relevant matters of provincial interest to this application are: (a) the protection of ecological systems, including natural areas, features and functions; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, (h) the orderly development of safe and healthy communities, (j) the adequate provision of housing, including affordable housing, and (p) the appropriate location of growth and development.

- a Impacts on the natural environment have been minimized through the environmental impact study and its addendum, which were submitted with the OPA 29 application. Consultation with the GSCA has also aided in minimizing impact in this regard. Additional implementation details will still be addressed at the site plan stage to ensure adequate environmental protection.
- (f) The subject development will be serviced by municipal water and municipal sewer services.
- (h) The subject development is within the settlement area boundaries of the 'Recreational Resort Area' in the County Official Plan, and is being proposed on full municipal water and sewer services. The proposed development would also provide housing opportunities within a recreational district of the municipality. Natural heritage matters on-site have been addressed to the satisfaction of the County and agencies. It can be concluded that this development constitutes healthy orderly development, which would achieve municipal and County objectives in this regard.
- (j) The proposed development would offer a slightly more intensive housing form than what is currently draft approved for the subject lands. It is unlikely that any of the housing being proposed would fall within the affordable range.
- (p) The subject lands are located within a designated settlement area in the County Official Plan. The subject lands are already primarily designated for growth, with the exception of the Hazard lands on-

site. Based on the changes which have been made to the Plan, there would not appear to be any land use compatibility issues between the proposed development and neighbouring land uses. Detailed design considerations including the proximity of homes to the golf course can generally be addressed at the site plan approval stage.

The subject red-line revision, in accordance with the attached draft plan conditions, would have regard for matters of Provincial Interest under *The Planning Act*.

Provincial Policy Statement

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development and intensification.

Section 1.1.3.1 of the PPS states that;

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”

The development proposed through the red-line revision would constitute a slightly more-dense form of development within a serviced settlement area.

Section 1.6.6.1 of the PPS outlines the servicing hierarchy to be utilized in the Province of Ontario. At the top of the hierarchy are municipal water and sewer services, which will be the form of servicing utilized by the proposed development.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. This item has generally been covered above as a matter of Provincial Interest under the *Planning Act*.

Section 3.1 of the PPS directs development away from areas of natural hazard. The GSCA has recommended some minor redefinitions to the Hazard boundaries which have been implemented into OPA 29.

It can be concluded that the proposed red-line revision, in accordance with the attached draft plan conditions, is consistent with the PPS.

County of Grey Official Plan

The subject property is designated as ‘Recreational Resort Area’ in the County Official Plan, which is a designated settlement area. Through the development of the golf course and subsequent draft plan approvals there has been a significant amount of development review on the subject lands.

Throughout some of the earlier processes there was monies paid by the developer to the County for improvements on Grey Road 40. Transportation Services staff are satisfied that the subject development will not result in any further improvement needs in this regard.

Schedule B to the County Plan identifies some 'Significant Woodlands' in proximity to the subject lands. As noted above an Environmental Impact Study and addendum were prepared in support of this development.

In general the County Plan mimics the policy matter covered under the review of the *Planning Act* and the PPS.

The proposed red-line revision, in accordance with the attached draft plan conditions, conforms to the goals and objectives of the County of Grey Official Plan.

Financial / Staffing / Legal / Information Technology Considerations

At this point there are no financial, staffing, legal or Information Technology considerations beyond those normally encountered in processing a red-line revision. The County has collected an application and associated fee for the major red-line revision.

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 new residential growth in a settlement area, which efficiently uses municipal infrastructure, and provides for a range of housing opportunities, could be considered sound land use planning principles.

Attachments

Attachment: Notice of Decision

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: Randy Scherzer

Applicant:

File No.: 42-CDM-2007-07

Municipality: Town of The Blue Mountains

Location: Part of Lot 101, Concession 1 NETSR, (Geographic Township of Collingwood)

Date of Decision:

Date of Notice:

Last Date of Appeal:

NOTICE OF DECISION

On Application for Approval of Draft Plan of Condominium

under Subsection 51(45) of the Planning Act

Draft Plan Approval was given by the Ontario Municipal Board effective on January 8, 2008. A request has been made to revise the draft plan. The County has rescinded the previous decision which was effective on January 8, 2008 and a copy of the revised Decision is attached. Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above. The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of condominium to the Ontario Municipal Board. 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 group.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The applicant or any public body may, at any time before the final plan of condominium is approved, appeal any of the conditions imposed by the County of Grey to the Ontario Municipal Board by filing with the Director of Planning and Development of the County, or her delegate, a Notice of Appeal.

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of condominium may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of condominium if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of condominium, or

Applicant:

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- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of condominium.

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.

ADDRESS FOR NOTICE OF APPEAL

County of Grey

595-9th Avenue East

OWEN SOUND, Ontario N4K 3E3

Attention: Mr. Randy Scherzer, MCIP RPP

Director of Planning & Development

Applicant:**File No.: 42-CDM-2007-07****Municipality: Town of The Blue Mountains****Location: Part of Lot 101, Concession 1 NETSR, (Geographic Township of Collingwood)****Date of Decision:****Date of Notice:****Last Date of Appeal:**

Plan of Condominium File No. 42-CDM-2007-07 was granted draft approval effective January 8, 2008. The draft approval is hereby revised with the previous draft plan of condominium conditions being deleted and replaced by the conditions as follows:

No. Conditions

1. That this approval applies to the draft Plan of Phased Condominium File No. 42-CDM-2007-07, prepared by Zubek, Emo, Patten and Thomsen Limited dated July 22, 2014 with a total of fifty-six (56) residential units within Block 42, Registered Plan 16M-6, and Block 2 and Part of Block 1, Registered Plan 1157, and Part of Lot 27, Concession 7 (geographic Township of Collingwood) in the Town of The Blue Mountains, County of Grey.
2. That such easements and interests for the plan of condominium as may be required for servicing, utility or drainage shall be granted to the appropriate authority or land owner, including approved storm water management facilities, sewer line connections, including any sizing necessary, as well as provisions for maintenance, default in accordance with Town of the Blue Mountains standards.
3. That a Landscape Plan be prepared to the satisfaction of the Town of The Blue Mountains and the Niagara Escarpment Commission and that the plan be incorporated into the Development Agreement.
4. That a detailed stormwater management plan be completed for the lands subject to this application and tied to the previously required stormwater management plan for the overall Georgian Bay Club property and that said plan be prepared to the satisfaction of the Town of The Blue Mountains and the Grey Sauble Conservation Authority. The stormwater management plan shall be incorporated into the Development Agreement.
5. That a Development Agreement between the owner and the Town of The Blue Mountains shall be entered into and registered against the lands to which it applies. The Agreement shall contain appropriate provisions for the establishment of common elements condominiums, provision of services both external and internal to the lands, the Landscape and Planting Plan and stormwater management and grading plan, amongst other matters.

Applicant:**File No.: 42-CDM-2007-07****Municipality: Town of The Blue Mountains****Location: Part of Lot 101, Concession 1 NETSR, (Geographic Township of Collingwood)****Date of Decision:****Date of Notice:****Last Date of Appeal:**

6. That prior to the final approval by the County, we are advised by the Town of The Blue Mountains that appropriate zoning is in effect for this proposed condominium.
7. That prior to final approval, a copy of the fully executed Development Agreement referred to in Condition 5 between the developer and the municipality shall be provided to the County of Grey.
8. That prior to final approval the County is advised in writing by the Grey Sauble Conservation Authority how Condition 4 has been satisfied.
9. That prior to final approval the County is advised in writing by the Niagara Escarpment Commission how Condition 3 has been satisfied.
10. That prior to final approval the County is advised in writing by the Town of The Blue Mountains how Conditions 2 to 9 have been satisfied.
11. If final approval is not given to this plan within three years of the revised draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution from the local municipality must be received by the County of Grey Director of Planning, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.
12. That the owner, submit to the County of Grey with a computer disk containing a digitised copy of the Final Plan in a format acceptable to the County of Grey.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for

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Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

3. Development directly adjacent to or near a provincial highway system may require permits (access, building and land use, and sign) from the Ministry of Transportation, under The Public Transportation and Highway Improvement Act. Consultation with the Ministry of Transportation. Southwestern Regional Office at 659 Exeter Road, London Ontario N6E 1L3 (519-873-4100) is recommended.
4. Clearances are required from the following:
Town of The Blue Mountains
Municipal Office
Box 310
Thornbury, ON, N0H 2P0

Grey Sauble Conservation Authority
237897 Inglis Falls Road, R.R. #4
Owen Sound, ON N4K 5N6

Niagara Escarpment Commission
99 King Street East
Thornbury, ON, N0H 2P0
5. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
 - b) subsection 144(2) allows certain exceptions.

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The condominium plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

6. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment and Climate Change under the Ontario Water Resources Act, RSO 1990, as amended.
7. All measurements in condominium final plans must be presented in metric units.
8. A portion of the subject lands are affected by Ontario Regulation 151/06: Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulation. As such permits are required from the Grey Sauble Conservation Authority prior to site alterations and/or construction within the affected area.
9. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.