



# Committee Report

<b>To:</b>	Warden Halliday and Members of Grey County Council
<b>Committee Date:</b>	January 11, 2018
<b>Subject / Report No:</b>	Artisan on Lora Bay Redline (42T-91009) / Addendum to Report PDR-CW-19-17
<b>Title:</b>	Artisan on Lora Bay Redline Final Report
<b>Prepared by:</b>	Scott Taylor
<b>Reviewed by:</b>	Randy Scherzer
<b>Lower Tier(s) Affected:</b>	Town of The Blue Mountains
<b>Status:</b>	Recommendation adopted by Committee as presented per Resolution CW34-18; Endorsed by County Council January 25, 2018 per Resolution CC18-18;

## Recommendation

- 1. Whereas all written submissions received on the redline revision to plan of subdivision 42T-91009 were considered; the effect of which resulted in additional planning and environmental work being completed, and helped to make an informed recommendation and decision;**
- 2. Now Therefore Be It Resolved That the Addendum to Report PDR-CW-19-17 be received, and that in consideration of the draft plan of subdivision application 42T-91009, and the matters to have regard for under Subsection 51 (24) for the Planning Act, the County of Grey Committee of the Whole hereby approves the revised plan of subdivision which proposes to create a total of five (5) residential lots, and one common element condominium block on lands described as Part of Lot 37, Concession 11, geographic Township of Collingwood, in the Town of the Blue Mountains.**

## Executive Summary

This report considers some minor changes to a plan of subdivision, through a redline revision, which was draft approved in 1993 for five residential lots. The proposed changes will reflect the fact that;

- the lands will now be serviced with municipal water and sewer,
- the road and open space will be common elements condominium to be processed through a condominium exemption application, and

- the most recent environmental conditions on-site are considered by the revised approval and draft conditions.

Development on this site will also contain a private condominium road, and an open space block, which will be facilitated by the condominium exemption application.

## Background and Discussion

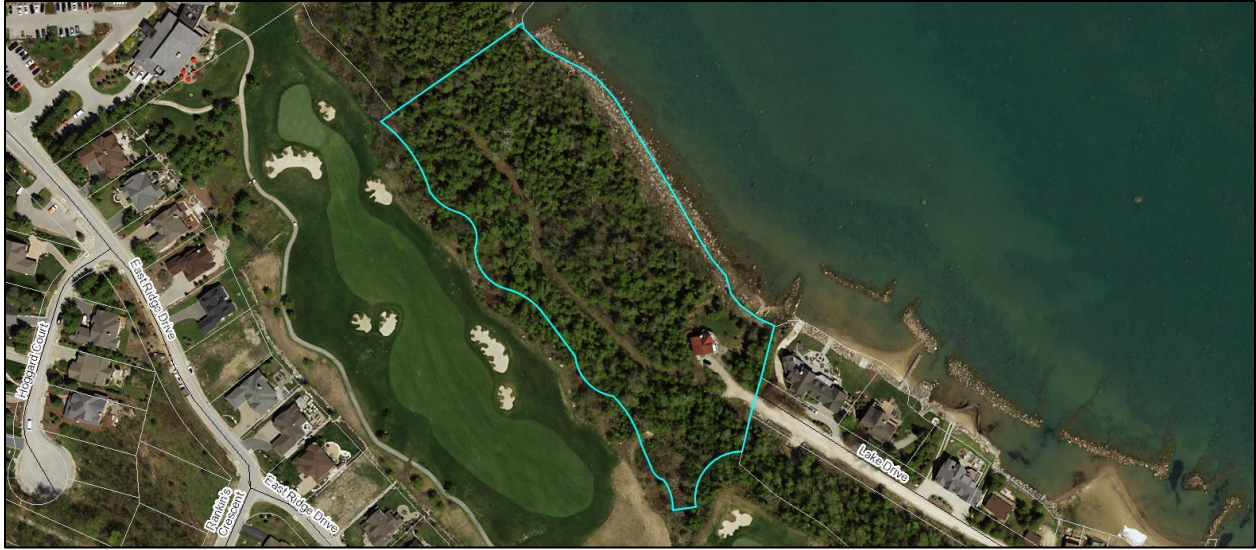
The County has received a request for a minor redline revision for a draft approved plan of subdivision (42T-91009) from Doug Adams. The redline revision application maintains the proposed five residential lots. The proposed redline would modify the 1993 draft plan conditions as many review and clearance agencies have changed since the original approval of the draft plan in 1993. In addition, the original subdivision was on a municipal road and is now being proposed as a common element condominium road, along with an open space block. The subdivision was also originally proposed to be serviced via private services, but municipal services now exist and are proposed to service this subdivision. A condominium exemption application has also been received for this development. An associated minor variance application was passed by the Town of The Blue Mountains for relief from front yard setbacks.

Based on the minor nature of this redline revision, there was not a public meeting for this application. A public hearing was held by the Town for the associated minor variance application. Based on the public process associated with the minor variance, the proposed development qualifies for the condominium exemption process.

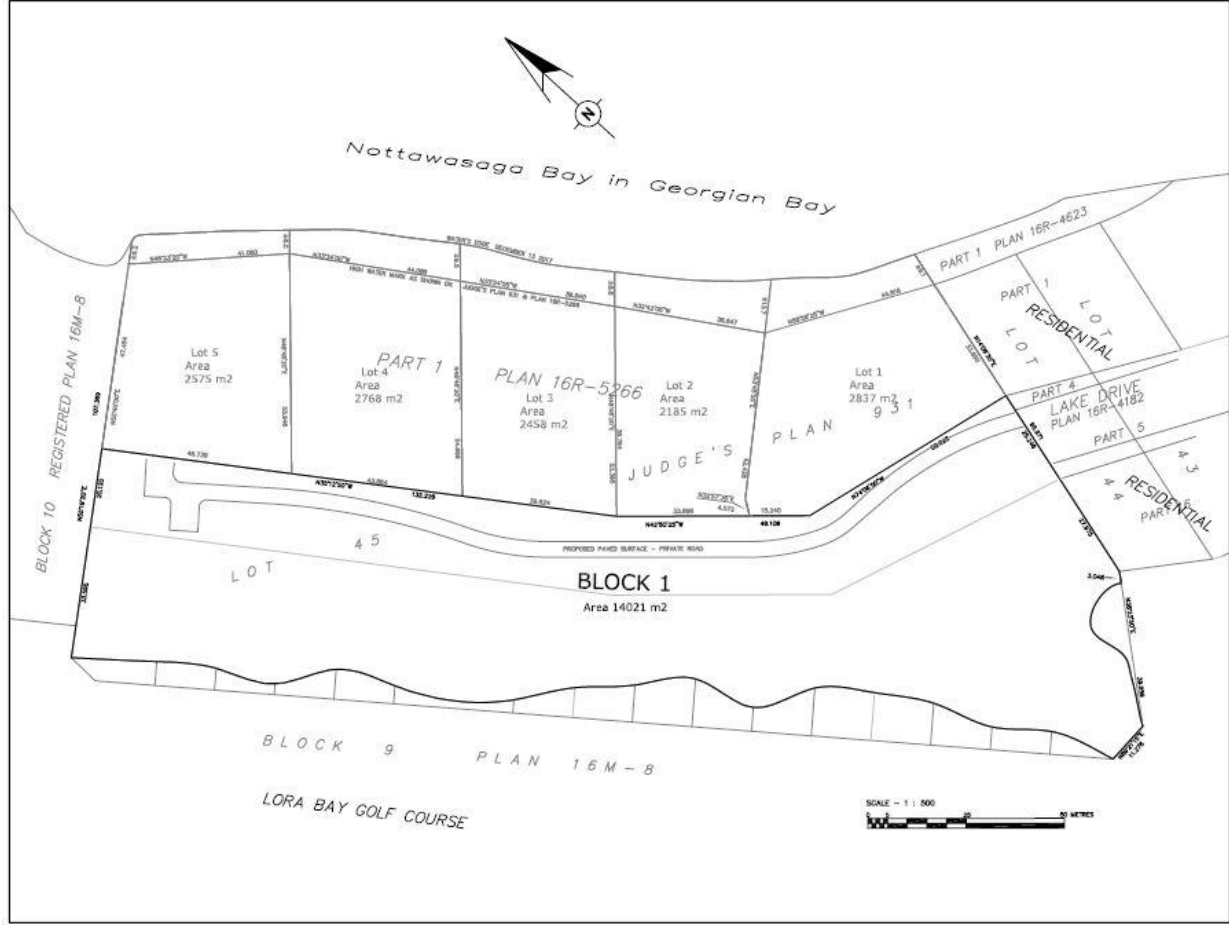
The lands are currently occupied by a single detached dwelling and are mainly treed. Access is from Lake Drive and the lands also abut Georgian Bay. Lake Drive for this section of the development is a proposed condominium road. The lands are currently designated 'Recreational Resort Area' and 'Hazard Lands' in the County Official Plan. 'Significant Woodlands' and an 'Intake Protection Zone 2' have also been mapped on the subject lands in the Appendices to the County Plan.

To the west and south of the property is the Lora Bay golf course and residential development. To the northeast of the property is the Bay. Map 1 shows the property location and surrounding lands, while Map 2 shows the proposed draft plan of subdivision.

The proposed redline revision is not proposing to change property boundaries of the five lots. The common elements block will include the condominium road and open space.



Map 1 Airphoto showing the Subject Lands



Map 2 Revised Draft Plan of Subdivision

The following background and technical reports were submitted with the redline revision and condominium exemption applications:

1. Submission Letter;
2. Draft Plan;
3. Grading Plan;
4. Environmental Review; and
5. 1<sup>st</sup> Engineering submission and Engineering Drawings

Copies of the background reports and the draft plan have been posted on the County website at the following link: [Draft Plan and Background Studies](#)

## Public and Agency Comments Received

### *Public Comments*

As part of the planning application process, there were no public comments received.

### *Agency Comments*

As part of the planning application process comments were received by the following groups, agencies and public bodies.

#### **Grey Sauble Conservation Authority (GSCA)**

In a letter dated April 19, 2017, the GSCA provided a series of draft approval conditions for the proposed redline revisions, which require clearances from GSCA before final approval.

#### **Historic Saugeen Metis (HSM)**

In an email dated March 24, 2017, the HSM Lands, Resources and Consultation Department indicated that they have reviewed the relevant documents and have no objection or opposition to the proposed development.

#### **Bluewater District School Board (BWDSB)**

In an email dated March 14, 2017, BWDSB noted that they no concerns or comments on the proposed development.

#### **Hydro One**

In an email dated March 21, 2017, Hydro One indicated that they have no comments or concerns at this time.

#### **Ministry of Natural Resources and Forestry (MNR)**

In correspondence dated September 2, 2017, MNR provided a confirmation of registration noting that the three Butternut trees on-site can be removed.

#### **Town of The Blue Mountains**

In a letter dated December 15, 2017 Town Planning staff note that they have reviewed the red-line revision, and have provided a list of recommended draft approval conditions. Town staff

followed up this correspondence by also noting that they have no concerns with the proposed condominium exemption application.

## Analysis of Planning Issues

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any official plans or provincial plans that govern the subject lands. In this case, the County of Grey Official Plan and the Town of The Blue Mountains Official Plan have jurisdiction over the subject property.

When assessing these applications, it is important to keep in mind that this is an older plan of subdivision application that already has draft approval. The revisions to the application were necessary based on the availability of full municipal services, and the change in review and clearance agencies. The density of the subdivision is not typical by today's standards, but as noted above the development already has approval status. Should such a development have been proposed via a brand new application, then there would have been a greater emphasis on a different form of development.

## 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) The subject lands do contain Significant Woodlands, and three Butternut trees have been identified on-site. Environmental work has been completed by the proponent's development team that assessed the woodlands and the Butternuts. Based on the location of the Butternut trees, an application to remove the trees has been made to the MNRF. A confirmation of registration has been received by the MNRF noting that the three trees can be removed. The conditions of draft approval include the completion of a vegetation retention and enhancement plan, and a lot specific tree retention plan, which will help minimize impacts on the natural features on-site.
- (f) The subject development will be serviced by municipal water and municipal sewer services. Servicing capacity is currently available to service the development. The previous 1993 draft approval was to include private services, so having full municipal services is considered an improvement.

The proposed road pattern of the plan of condominium road will be an extension of Lake Drive. This has not changed from the original draft approval, except for the fact that it is to be a condominium road.

- (h) The proposed development is within the 'Recreational Resort Area' designation, a designated settlement area, in the County Official Plan. Within this designation the County Plan generally defers to detailed municipal official plan or secondary plan policies. The Recreational Resort Area functions as a recreational settlement area, and contains some of the elements of a settlement area, but not all of the amenities (i.e. this designation is unlikely to contain schools, hospitals, or industries). The lands have a current residential draft approval on them, and the proposed redline revision would represent a 'tweaking' to the draft conditions, but would not change the principle of the land use.
- (j) It is not known if any of the housing being proposed will fall within the affordable range for ownership, but it is considered highly unlikely based on the lot sizes being proposed. As noted above, this draft approval was originally for large lots on private services, and was approved prior to the current planning policy regime. Should a new application have been submitted for these lands, additional density may have been required, if the environmental characteristics of the site could accommodate such development.
- (p) The subject lands are located in a designated settlement area and have been designated for residential growth, with a previously approved draft plan of subdivision on the lands.

The subject redline revision application, with the attached conditions of draft approval, and condominium exemption would have regard for matters of Provincial Interest under the *Planning Act*.

## Provincial Policy Statement (PPS)

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, infill and intensification. The subject lands have been designated for residential growth and are within a settlement area. Although the proposed redline revision is creating larger lots than typically seen in a settlement area, one has to factor in the existing approval on this site, as well as the Hazard Lands and natural features on-site. The current Town of The Blue Mountains Official Plan would permit 5 units on the subject lands.

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. The proposed development will be serviced by municipal water and sewer services.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. This section has generally been addressed in the discussion on the *Planning Act* requirements above.

Section 3.1 of the PPS directs development away from areas of natural hazard. GSCA has reviewed the proposed redline revision and noted that the site 'is difficult to develop considering the Hazard Land constraints, and will take significant engineering and expense'. The GSCA is

generally satisfied with the development, subject to the conditions of draft approval, including the geotechnical evaluation.

In considering the history of this development, it can be concluded that the proposed redline revision application, with the attached conditions of draft approval, is consistent with the PPS.

## County Official Plan

The proposed redline revision to plan of subdivision is designated as 'Recreational Resort Area' in the County Official Plan. The Official Plan identifies that Recreational Resort Areas shall be a focus of growth within the County. Section 2.6.7 of the Plan outlines the policies for the Recreational Resort Area. These areas generally fall within master planned communities that have a focus on recreation. In this case, Georgian Bay and the golf course provide nearby outdoor recreational components. County staff would however note that the current draft approval pre-dates the neighbouring Lora Bay development and golf course.

The County Plan generally defers to the Town Plan and Zoning By-law for detailed development standards on these lands. As noted above, the Town of The Blue Mountains Official Plan would permit 5 units on the subject lands, via a site specific exception in the Plan.

These lands are fully serviced by municipal water and sewer services and therefore conform to section 5.3 of the County Plan.

Section 6.12.1 of the County Plan addresses criteria to be considered in any new plan of subdivision or condominium. Specifically section 6.12.1(a)(vi) of this section states;

*"The street pattern of the proposed plan and how it fits with the surrounding neighbourhood. Plans which utilize a grid pattern or a modified grid pattern shall be considered more favourably than those with a curvy street pattern or cul-de-sacs,"*

The proposed street network would end in a private road 'dead-end', which generally is not considered ideal. However, in this case, there are no other feasible options based on the Hazard Lands in the area.

Section 6.12.1(a)(xi) speaks to the provision of usable parkland and green space. The proposed development would have a large treed open space block which would be a common element to the units.

Section 6.12.1(b)(c) and (d) of the Plan speak to the provision of a range of housing, including affordable housing. Based on the engineering involved with this site, and the large lot sizes, it is unlikely that the housing being provided would be affordable.

Many of the remaining policies in the County Plan mimic those discussed above in the review of the *Planning Act* and the PPS. A further in-depth review of those same policies in the County Plan will not be provided below.

As has been noted earlier in this report, these applications are 'tweaks' to an existing approval. Should such a development have been proposed as a new application, then there would have been a greater emphasis on a different form of development. However in the assessment of these applications, it is recognized the fact that the effect of the proposed redline revision to the plan of subdivision, and the condominium exemption application, would be to allow for full

municipal services, and change the review agencies. As such, subject to the conditions of draft approval attached to this report, the applications conform to the goals and objectives of the County of Grey Official Plan.

## Legal and Legislated Requirements

The proposed redline revision application has been processed in accordance with the Planning Act.

## Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed redline revision and condominium exemption applications, beyond those normally encountered in processing such applications. The County has collected the requisite application fees for these applications.

## Relevant Consultation

- Internal: Planning Staff
- External: Town of The Blue Mountains, required agencies under the *Planning Act*, and the public

## Appendices and Attachments

*Notice of Decision and Conditions of Draft Plan Approval as attached.*



Applicant: Doug Adams

File No.: 42T-91009

Municipality: Town of The Blue Mountains

Location: Part of Lot 37, Concession 11, (Geographic Township of Collingwood)

Date of Decision:

Date of Notice:

Last Date of Appeal:

# NOTICE OF DECISION

## On Application for Revision to Approval of Draft Plan of Subdivision under Subsection 51(45) of the Planning Act

Draft Plan Approval was originally given by the Province on December 15, 1993. Revised 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.

### **PUBLIC AND AGENCY COMMENTS RECEIVED ON THE FILE**

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

### **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,
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act, and
- (3) Include the completed appeal form from the Board's website.

### **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 subdivision 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 subdivision 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 subdivision 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 subdivision 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 subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

### **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.

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**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: Doug Adams**

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That the Redline Revision to Plan of Subdivision File No. 42T-91009 has been granted draft approval. The previous conditions of draft approval that were approved on December 15, 1993 are hereby deleted and replaced with this decision. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

No. Conditions

1. That this approval applies to the revisions to the Artisan at Lora Bay subdivision plan, being Lot 45 of Judge's Plan 931 (geographic Township of Collingwood), Town of The Blue Mountains. The revised plan titled DWG: 851-15-CEC1, and dated December 18, 2017, shows five (5) single residential lots; and one (1) common elements block, for open space and private roadway purposes.
2. That lots 6, 7, and 8 of the original plan, are shown as one block and ownership, and deeded in common to the owners of lots 1 through 5, through a plan of condominium. Prior to final approval of the plan of subdivision, the owner shall submit and receive approval for a plan of condominium exemption application to the County of Grey for the common elements block including open space and the private roadway.
3. That all easements for drainage, servicing or utility purposes shall be dedicated to the appropriate authority.
4. That the site be fully serviced with municipal sewers and water to the satisfaction of the Town of The Blue Mountains.
5. That a drainage, grading and stormwater management plan be prepared by a qualified engineer to the satisfaction of the Grey Sauble Conservation Authority and the Town of The Blue Mountains.
6. That an assessment by a qualified coastal engineer be completed with recommendations on setbacks for wave uprush and other water related hazards, and acceptable setbacks for shoreline erosion and bluff erosion to the satisfaction of the Grey Sauble Conservation Authority.
7. That a hydrogeological study be completed to assess impact of the development on tree cover and the coastal wetland on the site to the satisfaction of the Grey Sauble Conservation Authority. This study is also required to complete the geotechnical evaluation of the site.
8. Prior to the registration of the Plan, the Owner shall complete a vegetation retention/enhancement plan to the satisfaction of the Grey Sauble Conservation Authority and the Town of The Blue Mountains.
9. That appropriate lot-specific tree retention and enhancement measures, in accordance with the vegetation retention/enhancement plan, be included in a subdivision and/or

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condominium agreement, to the satisfaction of the Grey Sauble Conservation Authority and the Town of The Blue Mountains.

10. That prior to final approval by the County, Grey Sauble Conservation Authority and the County of Grey are advised by the Town of The Blue Mountains that appropriate zoning is in effect for this proposed subdivision.
11. That foundation requirements and structure design be verified by a qualified geotechnical engineer to the satisfaction of the Town of The Blue Mountains.
12. That the above-noted reports and mitigation recommendations be incorporated into a subdivision agreement and/or condominium agreement in acceptable wording to the Grey Sauble Conservation Authority and Town of The Blue Mountains.
13. That the subdivision agreement and/or condominium agreement between the owner(s) and the Town be registered against the lands to which it applies once the plan of subdivision or plan of condominium has been registered.
14. That prior to final approval by the County, that Grey Sauble Conservation Authority advises in writing that conditions 4 to 12 have been satisfied .
15. Prior to the signing of the final plan by the County of Grey, the Town of The Blue Mountains is to be advised that Draft Plan conditions 2 to 14 have been carried out to the Town's satisfaction.
16. That, if final approval is not given to this draft plan within three years of the draft approval date and if no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to draft approval, a written explanation, together with support from the Town of The Blue Mountains must be received by the County of Grey prior to the lapsing date.
17. That the Owner have prepared by an Ontario Land Surveyor a final plan in accordance with the Surveys Act, and with the Registry Act or the Land Titles Act, as the case may be and have provided that plan to the County of Grey prior to the lapsing date the mylars and white prints necessary for final approvals and registration.
18. That the Owner remit to the County the applicable final approval fee when the final plan is being presented to the County for the County's consideration for final approval.

#### 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.

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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 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. Portions of the Plan may be subject to the Grey Sauble Conservation Authority's 'Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' (Regulation No. 151/06). As such, written permission may be required from the Authority prior to any development occurring on the subject property.
4. Development directly adjacent to or near a provincial highway 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 Southwest Regional Office at 659 Exeter Road, London, Ontario, N6E 1L3 (519-872-4100) is recommended.
5. Clearances are required from the following;
  - a) Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, Ontario, N0H 2P0
  - b) Grey Sauble Conservation Authority, R R # 4, Owen Sound, Ontario, N4K 5N6
6. 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.
7. It is suggested that the municipality register the subdivision agreement as provided by section 51(26) of the Planning Act against the land to which it applies, as notice to prospective purchasers.
8. 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.
9. All measurements in the subdivision final plans must be presented in metric units.

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10. 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.