



# Committee Report

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	July 14, 2022
<b>Subject / Report No:</b>	PDR-CW-26-22
<b>Title:</b>	Eden Oak Camperdown Subdivision Final Report – 42T-2018-06
<b>Prepared by:</b>	Randy Scherzer
<b>Reviewed by:</b>	Kim Wingrove
<b>Lower Tier(s) Affected:</b>	Town of The Blue Mountains
<b>Status:</b>	

## Recommendation

1. That Report PDR-CW-26-22 be received; and
2. That all written and oral submissions received on plan of subdivision 42T-2018-06, known as the Eden Oak Camperdown subdivision, were considered; the effect of which changed the draft plan of subdivision and helped to make an informed recommendation and decision; and
3. That in consideration of the draft plan of subdivision application 42T-2018-06, for lands described as Part of Lot 26, Concession 6, geographic Township of Collingwood, Town of The Blue Mountains, the Grey County Committee of the Whole approves this plan of subdivision to create a total of thirty-three (33) single detached residential units, along with a walkway, open space, stormwater management, and road blocks, subject to the conditions set out in the Notice of Decision.

## Executive Summary

The County received a proposed subdivision/condominium application in 2018 (formerly known as Romspen Camperdown) now known as the Eden Oak Camperdown subdivision (County file number 42T-2018-06). The initial plan proposed a total of 34 single detached lots to be accessed by a proposed common elements condominium private road. The latest version of the proposed plan includes a total of 33 single detached lots fronting on a 20-metre-wide public road, along with storm water management facilities, open space blocks, and includes other modifications to reflect comments received from the agencies, the Town, and the County. Servicing to the proposed subdivision will be via municipal water and sewer services. Various technical reports were submitted with the proposed subdivision application. Town Council has

recently supported the proposed subdivision through recommended conditions of draft approval conditional on receiving an explanation from Grey County as to how this application complies with Section 3.5 and 51(24)(a) of the *Planning Act*, and paragraph 1.4.3 of the Provincial Policy Statement. These matters have been addressed as part of the Planning Analysis section of this report. County staff are recommending approval of the plan of subdivision, subject to the conditions of draft approval attached to this report.

## Background and Discussion

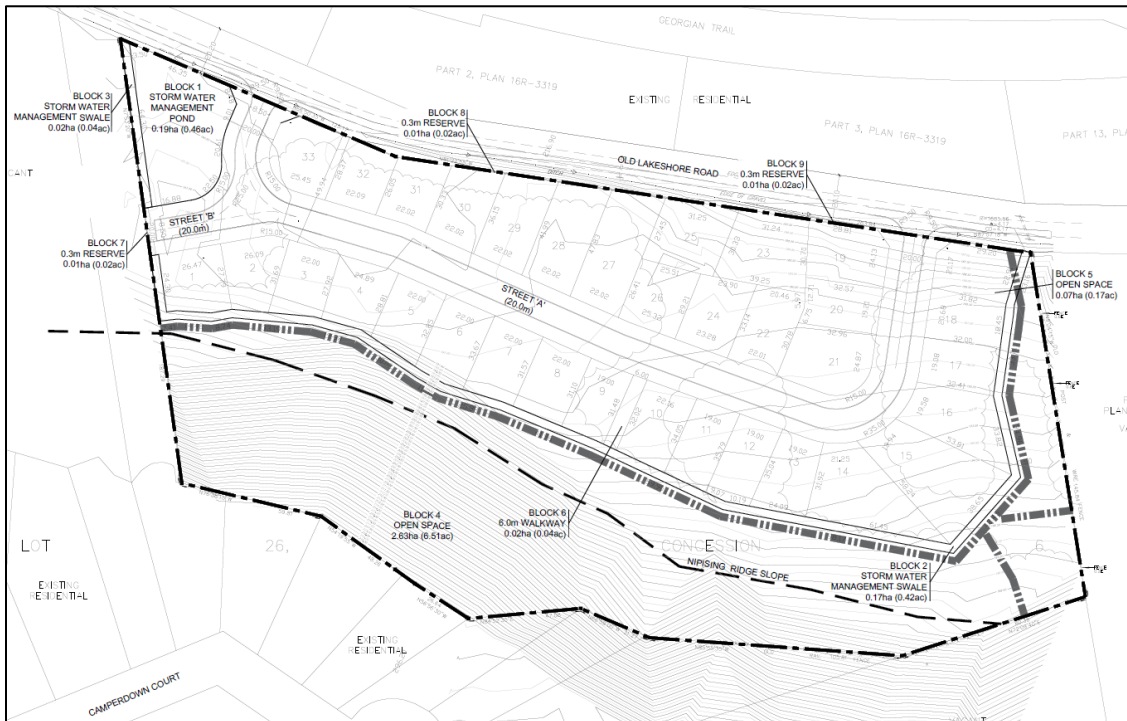
The County received a plan of subdivision application, known as Eden Oak Camperdown (formally known as Romspen) - 42T-2018-06 which initially proposed 34 single detached residential lots being accessed by a common element condominium road. The latest version of the proposed plan includes a total of 33 single detached lots fronting on a 20-metre public road. An open space block has been proposed along the entire south end of the property associated with the Nippissing Ridge of the Niagara Escarpment and a walkway block is proposed off of Street A to connect to the open space lands. Servicing to the proposed subdivision will be via municipal water and sewer services. No further applications are required for the proposed development as the Official Plans and zoning for the subject lands already permit the proposed development.

The proposed subdivision is located on Part of Lot 26, Concession 6, Town of The Blue Mountains, geographic Township of Collingwood. The subject lands are approximately 6.61 hectares in size; however the actual area proposed for development is just over half the size of the subject lands (approximately 3.9 hectares). The subject lands are currently vacant, with a good portion of the property being covered by trees. Map 1 below shows the subject lands and surrounding area, while Map 2 shows the proposed plan of subdivision. Lands to the north include some existing residential lots, the Georgian Trail and Highway 26. Lands directly west and east of the subject lands are currently vacant. Lands to the south include existing single detached residential units.

Pre-submission consultation between the proponent, the Town of The Blue Mountains, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission, and the County identified the submission requirements for the proposed plan of subdivision. Copies of all background reports and plans can be found at [this link](#).



Map 1: Airphoto of Subject Lands



Map 2: Proposed Plan of Subdivision

## Public and Agency Comments Received

A public meeting was held for the proposed application on July 8, 2019. Minutes from that meeting can be found here: [July 8, 2019 - Public Meeting Minutes - Pages 13 to 14](#).

Through written submissions, and oral comments made at the public meeting, comments were received from the following people:

- John and Susan Stacey
- Bruce Robertson
- Andrew Baughn
- Caroline Bacher
- Craig Goodman
- Faisal and Allison Ahamed
- Mark Stein
- Lucille and Urban Joseph
- Henry Haiduk (Camperdown Ridge Homeowners Association)
- Darice Lush
- Mike Wellman
- Becky Channer

A summary of the public comments along with a County staff response is detailed in Table 1 below.

Public Comment	County Staff Response
Concerned the proposal does not respect the official plan policies regarding the lands being in a neighbourhood with a specific and unique land use, concerns about density being too high, concerned about lot shapes/sizes being too small, concerns that the proposed development is not compatible with the area, that the development would change the character of the street, concerned that the proposed trail would go through people's properties.	The proposed development conforms with the policies of the County and Town Official Plans, and the Old Lakeshore Road Neighbourhood Plan. The proposed density is in keeping with the maximum density set out in the Town's Official Plan. The proposed lot sizes/shapes and unit types are permitted based on the current zoning of the subject lands. The lands are designated in a settlement area and are planned for this type of development. Proposed hiking trail is not located on private lots.
Concerned about impacts to the natural environment, concerned with removal of trees and green space, concerned that potential butternut trees were impacted based on initial site investigations/archaeological work being conducted on site, concerned about bird habitat and animals and disruption to quiet nature.	An Environmental Impact Study (EIS) has been completed to the satisfaction of the Grey Sauble Conservation Authority and the Niagara Escarpment Commission, subject to tree retention plans and monitoring plans being implemented during construction. EIS recommendations to be implemented through the draft plan conditions and the Development Agreement. Some initial trees were removed to aid with site investigations and archaeological investigations. County and Town has

	<p>since revised the application process required for site investigations to ensure that any trees removed for site investigations/study analysis is conducted following review/acceptance of initial EIS and that any preliminary tree removal be minimized and that consideration for later stages of archaeological investigations within natural heritage features being required as conditions of draft approval versus being required prior to draft approval. Any further tree removal to be completed in accordance with EIS and future tree protection/retention plan which will be implemented through the Development Agreement. Over 40% of the lands which include the Nippissing Ridge are part of the Open Space blocks and therefore will be protected over the long-term.</p>
<p>Concerned about traffic increases, concerned that the condition of Old Lakeshore Road won't handle increased traffic, concerned about access to Highway 26, that Old Lakeshore Road should be left 'as-is', that new access should be created on Camperdown Road.</p>	<p>Traffic Impact Assessment confirms that the Old Lakeshore Road can accommodate the additional traffic. No improvements or widenings are proposed for Old Lakeshore Road at this time. The Traffic Impact Assessment also confirms that no intersection improvements are required. No comments received from MTO in opposition to, or in favor of, the proposal. Subject lands do not have frontage onto Camperdown Road and therefore access to the subject lands must come from Old Lakeshore Road.</p>
<p>Concerned that the Town's servicing infrastructure cannot absorb proposed development</p>	<p>Town staff have reviewed the Functional Servicing Report as part of the development review process and identified no concerns subject to the recommended conditions of draft approval. Wastewater and water capacity will be allocated prior to final approval in accordance with the draft plan conditions.</p>
<p>Concerns about drainage impacts and erosion caused by the proposed development.</p>	<p>Preliminary Stormwater Management Report has been completed and reviewed by Town and GSCA and both are satisfied the proposed stormwater management facilities will be adequate to manage the increased stormwater from the development which will be further analysed as part of the detailed engineering review prior to final approval. Trees will be retained in the Hazard zone and removal of trees to be completed in accordance with future removal/retention plan as addressed through the draft plan conditions which will also assist with future drainage and erosion control.</p>
<p>Concerned about lighting from proposed development and causing disturbances.</p>	<p>All lighting, including streetlights, are to be dark sky compliant as per Town's standards.</p>

## Table 1: Summary of Public Comments and County Staff Responses

Agency comments were as follows:

- **Historic Saugeen Metis:** In comments dated October 15, 2018, the Historic Saugeen Metis indicate they have no objection or opposition to the proposed development.
- **Hydro One:** In comments dated July 12, 2019, Hydro One noted they have no comments or concerns at this time. Recommended conditions of draft approval address Hydro One interests.
- **Union Gas/Enbridge:** In comments dated June 18, 2019, Union Gas/Enbridge noted they have no objections to the proposed development and requested the developer to provide the necessary agreements/easements for the provision of gas services. The recommended conditions of draft approval address these matters.
- **Canada Post:** In comments dated October 3, 2018, Canada Post recommended conditions of draft approval regarding location and placement of mailboxes. Recommended conditions of draft approval address the comments provided by Canada Post.
- **Niagara Escarpment Commission (NEC):** In the most recent comments from the NEC dated January 26, 2021, NEC recommended the following draft plan conditions which have been incorporated into the recommended conditions of draft approval:
  - Appropriate zoning for Block 4
  - Final grading and drainage plan
  - Erosion and sediment control plan
  - Vegetation protection plan
  - Landscape/restoration plan
- **Grey Sauble Conservation Authority (GSCA):** The GSCA identified some initial concerns with the proposal, including natural heritage matters. Through further review of additional information provided by the Applicant's consultants and based on revisions to the proposed plan, the GSCA in comments dated December 4, 2020, has no objections to the proposed development subject to the hazard lands being zoned and subject to the following conditions which have been incorporated into the recommended conditions of draft approval:
  - Detailed stormwater management plan be prepared
  - Sediment and erosion control plan
  - Vegetation management/tree retention plan, and
  - That the subdivision agreement includes a clause indicating that portions of the lands are subject to O. Reg 151/06 and therefore a permit is required from GSCA prior to site alteration within the affected areas.
- **Town of The Blue Mountains:** Town staff presented a staff report to the Town Committee of the Whole on May 24, 2022, along with recommended conditions of draft plan approval. Town Council supported the approval of the draft plan and the recommended conditions of draft plan approval on June 6, 2022 – [Town Resolution](#). Town Council requested that a condition of draft approval be added regarding the requirement for a condition assessment to be completed by the developer for the hazard lands to assess any potential risks and liabilities prior to the Town acquiring these lands.

This condition has been added to the recommended conditions of draft approval. The Town Council also supported the approval of the subdivision conditional on receiving an explanation from Grey County as to how this application complies with Section 3.5 and 51(24)(a) of the *Planning Act*, and paragraph 1.4.3 of the Provincial Policy Statement. These matters will be addressed as part of the Planning Analysis section of this report.

## *Analysis of Planning Issues*

Planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS) when rendering decisions on planning applications. Within Grey County they must also make decisions that conform to the County of Grey Official Plan, and in this case, which also conform to the Town of The Blue Mountains Official Plan. The subject lands are also located within the Niagara Escarpment Plan Area. It should be noted that the application was submitted and deemed complete prior to the current County Official Plan coming into effect (which took effect June 7<sup>th</sup>, 2019) and therefore the application is not tested against some of the current planning policies.

## 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 consider when carrying out their responsibilities under the Act. The most relevant matters of provincial interest (in italics) to this application are as follows, including staff comments for each subsection below.

*(a) the protection of ecological systems, including natural areas, features and functions,*

An Environmental Impact Study (EIS) was completed for this development, which was reviewed and accepted by the GSCA, NEC, the Town, and the County through the application review process. Draft plan conditions have been included to implement the recommended mitigation measures identified in the EIS and as per the recommended conditions of draft approval from the Town, GSCA and the NEC.

*(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,*

The subject development will be serviced by municipal water and municipal sewer services, which will be allocated prior to final approval as per the conditions of draft approval. Detail engineering drawings will be required with respect to stormwater management to the satisfaction of GSCA and the Town. The proposed municipal road will be designed to Town standards. The provision of communication and other services have been addressed in the recommended conditions of draft approval.

*(h) the orderly development of safe and healthy communities,*

The subject development is within the 'Recreational Resort Area' designation in the County Official Plan which is a designated settlement area and supports development of this nature. Within this land use designation, the County Plan typically defers to the detailed land use policies found within the Town's Official Plan. The Town's Official Plan

also contemplates development of this nature. The Town also recently approved the Old Lakeshore Road Neighbourhood Plan which provides a vision for the future development of this neighbourhood. The Neighbourhood Plan notes that the predominate housing type in this area is expected to be single-detached dwelling units in order to maintain the unique character of this area of the Town. The proposed development is consistent with the direction and vision established by Town Council through the Old Lakeshore Road Neighbourhood Plan.

The proposed plan also includes a 4-metre-wide multi-use recreational trail that surrounds the proposed development and includes connection points to future development lands in the Neighbourhood Plan area.

*(j) the adequate provision of housing, including affordable housing,*

The proposed units will not be affordable, as defined by the Provincial Policy Statement or the County Official Plan. This area of the Town is not ideally suited for affordable housing, given the lack of public service facilities and other complete community attributes nearby as well as the limits on development density that apply to these lands as per the Town's Official Plan. As noted earlier, the Old Lakeshore Road Neighbourhood Plan notes that the predominate housing type in this area is expected to be single-detached dwelling units as it recognizes the unique character and natural features within this area of the Town. Further information regarding policy analysis and the tools available to municipalities regarding the provision of affordable housing can be found in staff report [PDR-CW-22-22](#).

Section 4.2(f) of the current County Plan states:

*"The goal of providing housing opportunities to moderate and lower income households. The County would like to achieve a minimum target of 30% of new housing, or units created by conversion, to be affordable in each local municipality. Local municipalities are encouraged to have regard for the Grey County Housing and Homelessness Plan (2014-2024) when setting targets in their local official plan. Local municipalities will be encouraged to set a minimum target similar to the County for affordable units."*

While the current County Official Plan provides for the above-noted 30% target, the previous County Plan did not have any such affordable housing target. County staff would further note that even the current County Plan target is not applied on a development-by-development basis.

*(p) the appropriate location of growth and development.*

The subject lands are in a designated settlement area and contemplate development of this nature.

Section 3.5 of the *Planning Act* notes that a decision of council in respect of the exercise of any authority that affects a planning matter (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision and (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them as the case may be. In terms of policy statements, the Provincial Policy Statement 2020 is currently in effect and the policy analysis regarding PPS 2020 can be found below. As for provincial plans, the lands are



located within the Niagara Escarpment Plan (NEP) area and the policy analysis regarding the NEP can be found below.

Section 51(24) of the *Planning Act* also provides criteria which must be considered when assessing any new plan of subdivision. These criteria (in italics), along with staff analysis are as follows:

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The matters of provincial interest have generally been analyzed earlier on in this section.

*(b) whether the proposed subdivision is premature or in the public interest;*

Municipal services will be provided to this subdivision. The lands have also been designated for growth in both the County and Town Official Plan. Furthermore, there is a demand for additional residential units in the Town. As such, the proposed plan of subdivision would not appear to be premature and is in the public interest.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposed development conforms to both the Town and County Official Plans. The proposed plan provides a future road connection to lands to the west and future trail connections to the adjacent lands.

*(d) the suitability of the land for the purposes for which it is to be subdivided;  
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

See comments provided above regarding the suitability of the proposed units for affordable housing.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

This item has been reviewed by the proponent, Town and County staff. Staff are satisfied with the proposed street in this subdivision, as well as the future road connection to the west.

*(f) the dimensions and shapes of the proposed lots;*

The lot sizes are an adequate size as per the current zoning and most of the lot shapes are standard.

*(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

County staff are not aware of any restrictions or proposed restrictions on the subject lands that would prevent the proposed development.

*(h) conservation of natural resources and flood control;*

GSCA staff have provided recommended conditions of draft plan approval to address the natural resources and natural hazards on the subject lands. In terms of flood control, a detailed stormwater management plan is required to the satisfaction of the Town and GSCA as per the recommended conditions of draft approval.

*(i) the adequacy of utilities and municipal services;*

The proposed lands can be adequately serviced, and there are draft plan conditions which speak to the allocation of servicing capacity.

*(j) the adequacy of school sites;*

The school boards were circulated on this application and did not raise any concerns. Standard wording has been included in draft plan conditions which is typically recommended by the school board.

*(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

The stormwater management blocks, open space blocks, walkway block and 'one foot' reserves are to be dedicated to the Town. Town Council has asked for a condition assessment to be completed by the developer for the hazard lands associated with the open space blocks to assess any potential risks and liabilities prior to the Town acquiring these lands. Conditions of draft approval have been included to address these dedications including the Town Council's requested condition regarding the conditional assessment of the hazard lands.

*(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

In accordance with the Town Official Plan, the lands are proposed to be developed within the maximum density established, which is also compatible with neighbouring land uses and the Old Lakeshore Road Neighbourhood Plan.

*(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.*

The proposed single-detached lots do not require the utilization of site plan control.

The subject plan of subdivision application, with the attached conditions of draft approval, would have regard for matters of provincial interest under *The Planning Act*.

## Provincial Policy Statement, 2020

A key goal of the Provincial Policy Statement (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 primarily designated for residential growth and are within a serviced designated settlement area.

Section 1.4.3. of the PPS outlines that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the market area by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households, permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, all types of residential intensification, directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available, requiring transit supportive development, and establishing development standards for residential intensification redevelopment and new residential development. See comments provided in the *Planning Act* analysis above regarding housing policies and the suitability of the proposed development for affordable housing.

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 as per the conditions of draft approval.

Section 1.6.6.7 speaks to stormwater management. This matter has been reviewed under the *Planning Act* review.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. This item was addressed under the *Planning Act* review above.

Section 2.6 of the PPS speaks to the protection of cultural and archaeological resources within the Province. A Stage 1-4 Archaeological Assessment was completed on this property. Historical artifacts were recovered on the site as part of the archaeological investigations. The Stage 4 Assessment confirms that the site has now been completely excavated and sufficiently documented. As such, there is no remaining cultural heritage value or interest at this location and no further archaeological assessment of the study area is warranted. Notwithstanding this, conditions of draft approval have been included to ensure appropriate action is taken should any additional resources be uncovered during the development of the lands.

Section 3.1 of the PPS directs development away from areas of natural hazard. GSCA has reviewed the proposed subdivision and is generally satisfied with the proposed development, subject to final engineering and the recommended conditions of draft approval.

The proposed plan of subdivision application, with the attached conditions of draft approval, is consistent with the PPS.

## *Niagara Escarpment Plan 2017*

The subject lands are designated as 'Escarpment Recreation Area' in the Niagara Escarpment Plan. This designation allows for recreational and residential development similar to neighbouring developments in this area. For this portion of the Town development control has been lifted, and the Town's Zoning By-law is in effect. Many policies in the Niagara Escarpment Plan closely mimic the policy foundation provided by the Town and County Official Plans, in

addition to the PPS. The Niagara Escarpment Commission was circulated on this application and the NEC is generally satisfied with the proposed development subject to conditions which have been incorporated into the recommended conditions of draft approval.

## *County of Grey Official Plan 2012*

Many of the 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 repeated here.

The proposed plan of subdivision is located on lands designated as 'Recreational Resort Area' in the County Official Plan. Recreational Resort Areas are identified as locations in which to focus new residential and recreational growth in the County.

Appendix A of the County Official Plan identifies the subject lands with the Special Policy Area which identifies areas of potential karst topography. In areas where full municipal services are provided, the karst policies generally do not apply. The proposed development will be on full municipal services.

Appendix B of the County Plan maps portions of 'Significant Woodlands' on the subject lands. This matter has been addressed through the Environmental Impact Study which concluded that the proposed development can be facilitated without negative impacts on the identified feature or its ecological functions. The EIS concludes that potential natural heritage impacts can be effectively mitigated through the preparation of a Landscaping and Planting Plan, an Erosion and Sediment Control Plan, a Wildlife Impact Mitigation Plan (which will be implemented prior to and during construction), and an Environmental Monitoring Plan to be implemented throughout the duration of construction activities. The EIS was reviewed by the GSCA, NEC, the Town, and the County, and all are generally satisfied with the findings of the EIS subject to the recommended conditions of draft approval.

The County Plan also requires the protection of cultural and archaeological resources. This item was addressed under the *Planning Act* review.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in section 5 of the Plan, are policies which govern roads, transportation, and stormwater management. Conditions of draft approval have been included to address these matters as part of the detailed design stage.

## **Town of The Blue Mountains Official Plan, Old Lakeshore Road Neighbourhood Plan and Town Zoning**

The subject lands are designated as 'Residential Recreation Area (RRA) and Hazard (H) with the Town Official Plan. The lands are also within the Old Lakeshore Road Neighbourhood Plan recently approved by Town Council. Town staff provided a policy analysis of the Town Official Plan and the Old Lakeshore Road Neighbourhood Plan as part of [Town Staff Report PDS.22.056](#). County staff have reviewed the policy analysis provided by Town Staff and concur with the findings that the proposed development conforms to both the Town Official Plan and the Old Lakeshore Road Neighbourhood Plan.

With respect to the Town's zoning of the subject lands, the lands are zoned as Residential One (R1-1) and Hazard (H) per Zoning By-law 2018-65 and are subject to a holding provision. Permitted uses in the R1-1 zone are limited to single detached units and accessory uses, structures, and buildings thereto, including accessory dwelling units.

With the attached recommended draft plan conditions, County staff are of the opinion that the proposed development:

- has regard for matters of Provincial interest under the *Planning Act*,
- is consistent with the Provincial Policy Statement,
- conforms to the Niagara Escarpment Plan,
- conforms to the County Official Plan, and
- conforms to the Town Official Plan.

## Legal and Legislated Requirements

The application was processed in accordance with the *Planning Act*.

## Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed subdivision, beyond those normally encountered in processing such applications.

## Relevant Consultation

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

## Appendices and Attachments

[Town of The Blue Mountains Staff Report – PDS.22.056](#)

[Town of The Blue Mountains Council Motion – June 6, 2022](#)

[July 8, 2019 - Public Meeting Minutes - Pages 13 to 14](#)

[PDR-CW-22-22 Affordable Housing Planning Tools](#)

[PDR-CW-36-18 Camperdown Information Report](#)

Draft Notice of Decision (conditions of draft approval) – attached

Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius

File No.: 42T-2018-06

Municipality: Town of The Blue Mountains

Location: Part of Lot 26, Concession 6, (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 Subdivision**

### **under Subsection 51(16) of the Planning Act**

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 Land Tribunal 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 required by the Tribunal as prescribed under the Ontario Land Tribunal Act, and
- (3) Include the completed appeal forms from the Tribunal's website.

#### **WHO CAN FILE A NOTICE OF APPEAL**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision 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 group on its behalf.

No persons or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions of the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

#### **RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS**

The following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing a notice of appeal with the approval authority: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

#### **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 made a written request to be notified of changes to the conditions.

**Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius**

**File No.: 42T-2018-06**

**Municipality: Town of The Blue Mountains**

**Location: Part of Lot 26, Concession 6, (geographic Township of Collingwood)**

**Date of Decision:**

**Date of Notice:**

**Last Date of Appeal:**

### **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 West**

**OWEN SOUND, Ontario N4K 3E3**

**Attention: Mr. Scott Taylor, MCIP RPP**

**Director of Planning & Development**

Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius

File No.: 42T-2018-06

Municipality: Town of The Blue Mountains

Location: Part of Lot 26, Concession 6, (geographic Township of Collingwood)

Date of Decision:

Date of Notice:

Last Date of Appeal:

Plan of Subdivision File No. 42T-2018-06 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

## DRAFT PLAN

1. The Final Plan shall conform to Draft Plan of Subdivision File No. 42T-2018-06, as per the Draft Plan of Subdivision drawing prepared by Innovative Planning Solutions dated January 11, 2019 (Revision No. 11, January 20, 2022) that provides for single detached lots, open space uses, storm water management facilities, and public streets on the property legally described as Part of Lot 26, Concession 6, (formerly the Township of Collingwood), Town of The Blue Mountains, County of Grey and comprised of the following:
  - a. 33 Single Detached Dwelling lots;
  - b. Public Streets "A" and "B";
  - c. 2 Blocks for Open Space;
  - d. 1 Block for Stormwater Management;
  - e. 2 Blocks for Stormwater Management Swale;
  - f. 1 Block for a Walkway; and
  - g. 3 Blocks for Road Reserves.
2. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted by **July 14, 2025**, 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/letter of support from the local municipality must be submitted to the County of Grey, 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.

## HEADINGS

3. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.
4. That prior to final approval and registration of the Plan, the Owner shall enter into and execute a Subdivision Agreement with the Town of The Blue Mountains, to satisfy these conditions and such Agreement may deal with matters including, but not limited to, financial, legal, and engineering matters, including the installation of services, roads, landscaping, and other requirements of the Town of The Blue Mountains ("the Town"), in consultation with the County of Grey ("the County"), the Grey Sauble Conservation Authority ("the GSCA") and the Niagara Escarpment Commission ("the NEC").
5. The Owner shall not commence any work or site alteration on the subject lands, including filling, grading, removing trees and/or topsoil, installing any works, or constructing any buildings or structures until they have entered into a Subdivision



Agreement with the Town, in a form satisfactory to the Town. The Owner shall submit all supporting materials as required by the Town or any applicable authority prepared by a qualified professional and shall agree to implement the recommendations of the reports, studies and plans in the Subdivision Agreement to the satisfaction of the Town and any other applicable authority.

6. The Owner shall agree in the Subdivision Agreement that all of the works required by the Town, the County, other government authorities and utility providers for the development and servicing of the lands shall be designed and installed in accordance with the Town's Engineering Standards, and Provincial and Federal Guidelines & Standards, that are in effect at the date of execution of the Subdivision Agreement. Where compliance with Town Engineering Standards necessitates off-site works, (i.e. stormwater management system upgrades, localized water storage) the owner shall enter into agreements with the Town to implement the requisite off-site works, to the satisfaction of the Town.
7. The Subdivision Agreement shall be registered by the Town against the lands to which it applies as provided under the *Planning Act*, prior to final approval of the plan of subdivision. A copy of the executed Subdivision Agreement shall be provided to the County of Grey.
8. The Owner shall agree in the Subdivision Agreement that all applicable Development Charges will be submitted in accordance with the Town's Development Charges By-law, the County of Grey Development Charges By-law and any applicable Education Charges By-law, subject to any applicable development charge credits and any other Agreements with the Town and County.
9. The Owner shall agree in the Subdivision Agreement to pay all processing and administration fees in accordance with the policies and by-laws in effect at the time payment is due.

## **ZONING**

10. That prior to final approval by the Approval Authority, the Town of The Blue Mountains shall confirm that appropriate zoning is in effect for this proposed subdivision that conforms to the County of Grey Official Plan and the Town of The Blue Mountains Official Plan.

## **WATER/WASTEWATER CAPACITY**

11. That execution of the Subdivision Agreement, final approval, and registration of all or part of this plan of subdivision may not take place until the Approval Authority has been notified in writing by the Town Director of Operations that:
  - a. Sufficient Water and Wastewater Plant capacity exists to accommodate this development; and,

- b. Sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are constructed and commissioned.
12. That the Subdivision Agreement shall contain wording that details the water and wastewater treatment capacity allocated to the development and timing related to such allocation. The Owner acknowledges that this Draft Plan Approval provides water plant and sanitary sewer plant reservation. Draft Plan Approval does not constitute a commitment by the Town to provide servicing access to the Town's water or waste wastewater treatment plants or allocation of associated built capacity.

### **SERVICING, GRADING AND ROAD REQUIREMENTS**

13. That prior to final approval by the County, a Site Servicing Plan shall be prepared and the development shall be fully serviced with sanitary sewer and water to the satisfaction of the Town of The Blue Mountains.
14. That prior to execution of a Subdivision Agreement, a detailed engineering and drainage report which describes the stormwater drainage system for the proposed development on the subject lands shall be submitted to the satisfaction of the Town. The report shall include:
  - a. Plans illustrating how the drainage system will integrate into the drainage of surrounding properties.
  - b. The hydrogeological conditions found through the hydrogeological study should be accounted for in the design of the stormwater management controls.
  - c. Enhanced treatment is required, and a more detailed analysis should be done to assess, sediment, contaminants, and thermal impacts on adjacent/downstream watercourses.
  - d. The stormwater management techniques which may be required to control minor and major flows.
  - e. How external flows will be accommodated and the design capacity of the receiving system.
  - f. The stormwater management techniques required to accommodate the 5 year storm event.
  - g. The stormwater management techniques required to accommodate the 100 year storm event.
  - h. How external flows will be accommodated and the design capacity of the receiving system.
  - i. Location and description of all outlets and other facilities which may require permits.
  - j. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction. A sediment and erosion control plan with silt fencing be prepared and implemented to the satisfaction of the Grey Sauble Conservation Authority.

- k. Overall grading plans for the subject lands.

It is recommended that the developer and/or consultant contact the Town Development Engineering Division and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development.

15. The Owner shall agree in the Subdivision Agreement, in wording acceptable to the Town of The Blue Mountains:
  - a. To carry out, or cause to be carried out, all the works referred to in condition 14 above.
  - b. To obtain any necessary permits from the Grey Sauble Conservation Authority.
  - c. Prior to the initiation of any site alteration, grading or construction on the site to erect any silt fence as referred to in Condition 14 above.
16. That the Subdivision Agreement shall include a clause requiring that the Owner agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Owner.
17. Stormwater overland flow routes shall be kept within municipal roads or approved walkways only.
18. Prior to the initiation of any site grading or servicing and prior to registration of the plan, the Owner submit for the approval of the Town Development Engineering Division a detailed soils investigation of the site prepared by a qualified Geotechnical Engineer. A copy of this report shall also be submitted to the Town's Chief Building Official. If, in the sole discretion of the Town, certain lots are not recommended for below grade basements, the Subdivision Agreement shall reference said building restrictions including any applicable warning clauses to prospective purchasers.
19. Prior to the initiation of any site grading or servicing and prior to the registration of this plan, submit to the Town:
  - a. A Phase 1 Environmental Site Assessment;
  - b. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 Environmental Site Assessment;
  - c. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment, and
  - d. A copy of a Record of Site Condition and confirmation of the filing of the Record of Site Condition in the Environmental Site Registry.
20. Prior to the initiation of any site grading or servicing, the Owner shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and

regulations.

21. That the Subdivision Agreement contain specific clauses related to the required Ontario Building Code / Engineering Standards, as applicable, of the Town including but not limited to the following:

- a. The appropriate horizontal and vertical alignments of all roads and underground services including their intersection geometrics.
- b. That the public roads and related cross section(s) are designed to the satisfaction of the Town.
- c. That suitable construction traffic routes are identified to the satisfaction of the Town.
- d. The street lighting system on all roadways be designed and constructed to the satisfaction of the Town. The Subdivision Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant.

#### **TREE PRESERVATION AND LANDSCAPING**

22. That prior to final approval, the Owner shall prepare a Landscape Analysis, Vegetation/Tree Preservation/Management Plan and Landscape Plan, a Wildlife Impact Mitigation Plan (which will be implemented prior to and during construction), and an Environmental Monitoring Plan (to be implemented throughout the duration of construction activities) by a qualified consultant in accordance with the recommendations identified in the Environmental Impact Study to the satisfaction of the Town of The Blue Mountains, the Grey Sauble Conservation Authority, the Niagara Escarpment Commission, and in consultation with the Ministry of Environment, Conservation and Parks. The Landscape Plan shall include amongst other matters:

- a. Special provisions to ensure that the existing vegetation on the periphery of the site be maintained and protected during the development process;
- b. Mitigation and compensation for impacts to Butternut trees in conformity with Ontario Regulation 242/08 (Section 23.7) and to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP);
- c. A forest edge management plan to avoid impacts to areas where woodlands or trees are to be maintained;
- d. Building envelopes for each lot;
- e. The Landscape/Tree Preservation Plan will also address the protection and replacement of the Butternut trees to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP);
- f. That said plan be incorporated into the Subdivision Agreement with the Town; and
- g. A wetland restoration plan identifying how the wetland feature on Block 5 will be restored via replanting native wetland trees and shrub species.

#### **PARK, TRAILS AND OPEN SPACE REQUIREMENTS**

Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius

File No.: 42T-2018-06

Municipality: Town of The Blue Mountains

Location: Part of Lot 26, Concession 6, (geographic Township of Collingwood)

Date of Decision:

Date of Notice:

Last Date of Appeal:

23. The Owner shall agree in the Subdivision Agreement to convey free and clear of all encumbrances, and at no cost to the Town, the Blocks 4, 5 and 6. The Owner shall further agree that the conveyances of these Blocks are not to be included as part of the parkland dedication calculation.
24. The Owner shall pay cash-in-lieu for 5% parkland dedication in accordance with the Planning Act.
25. The Owner shall agree in the Subdivision Agreement to design and construct at no cost and to the satisfaction of the Town, trails and associated crossings to be designated and signed accordingly. The trail within such Blocks shall be construction in conjunction with the development of the first phase of the subdivision and shall be completed to a minimum of 3.0 metres in width as per a design approved by the Town of the Blue Mountains Community Services Department. The trail shall be designed to be compatible with existing features and constructed to minimize environmental impacts. Where applicable, the Owner shall prepare a tree study to the satisfaction of the Town, in consultation with the Grey Sauble Conservation Authority, to determine the health of existing trees, the extent of root growth, erosion risks and drip line to establish appropriate setback from mature trees. The final trail route will be determined through preparation of a Trail Plan by the Owner, to the satisfaction of the Town.
26. The Owner shall be required to install a trail and any necessary accesses and/or crossing(s), at their expense, over Block 2 to the satisfaction of the Town.
27. The Owner shall, at their expense, provide a Site Condition Assessment of the Hazard zoned lands proposed to be conveyed to the Town. The Assessment shall identify any potential risks and liabilities associated with the Town's ownership of the Hazard zoned lands, and its conclusions shall inform the Town's decision whether to take ownership of these lands.

## **FENCING**

28. The Owner shall agree in the Subdivision Agreement to design and construct suitable fencing, as may be required by the Town along the lot lines of all residential Lots and/or Blocks abutting walkways, stormwater management blocks, and designated natural environmental and/or open space areas, to the satisfaction of the Town.
29. The Subdivision Agreement shall contain wording to the satisfaction of the Town requiring that any fencing required for public lands shall be erected on Town land and shall be erected prior to any residential occupancy within the plan of subdivision.

## **WARNING CLAUSES**

30. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to a public walkway, advising of the potential for exposure to pedestrian traffic and related noise from time to time, to the satisfaction of the Town.

31. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers advising that buildout of the development may generate construction related noise, vibration, dust and other such nuisances.
32. The Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of Lot 1 that Street "B" may be used for snow storage and/or vehicular turnaround and that this road may or will be extended in the future.
33. The Owner shall agree in the Subdivision Agreement to place the following notification in all offers of purchase and sale for all lots and/or units:
  - a. "Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal."
  - b. "Purchasers and/or tenants are advised that the homeowner's builder is responsible for the timing and coordination of rectifying lot grading matters which occur prior to assumption."
  - c. "Purchasers and/or tenants are advised that prior to the placement of any structures in side and rear yards, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work."
  - d. "Purchasers and/or tenants are advised that private landscaping is not permitted to encroach within the Town's road allowance, public open space or environmental areas. Any unauthorized encroachments are to be removed by the homeowner prior to Assumption."
  - e. "Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of swales and rear lot catchbasins."
  - f. "Purchasers are advised that any unauthorized alteration of the established lot grading and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots."
  - g. "Purchasers and/or tenants are advised that the homeowner's Builder is required to ensure the lot is graded to the approved lot grading plan and to have the lot grading certified prior to the reduction/release of any post lot grading securities. The Builder is to advise the purchaser once the lot has been graded to the approved plan and certification has been provided to the Town. The purchaser and/or tenant will be provided a period of time in which contest any grading issues. Should the purchaser not contest the grading certificate completed by the Builder, the purchaser will then assume full responsibility for the lot grading beyond that point. Purchasers are advised that they are not permitted to modify or alter the grading of their lot without prior written approval from the Town of The Blue Mountains."
  - h. "Purchasers are advised that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a

portable classroom, a “holding”, or in an alternate school within or outside of the community.”

- i. “Purchasers are advised that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school buses will not enter cul-de-sacs and school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce.”

## **ROADS & WALKWAYS**

34. The Owner shall agree in the Subdivision Agreement that all road allowances, daylight triangles and road widenings required and included within this Plan of Subdivision shall be dedicated as public highways on the Plan for final approval and shall be deeded to the Town free and clear of encumbrances, to the satisfaction of the Town.
35. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, and at no cost for the Town, land for the purpose of 0.3 metre reserves, to the satisfaction of the Town.
36. That prior to final approval, the Owner shall agree in the Subdivision Agreement that a municipal numbering system be assigned to the satisfaction of the Town with regard to 911 emergency servicing. The Owner shall also agree in the Subdivision Agreement to display the lot number and corresponding assigned municipal address in a prominent location on each lot.
37. That prior to final approval, Street “A” and Street “B” shall be named to the satisfaction of the Town with regard to 911 emergency servicing and in accordance with the Town of The Blue Mountains Street Naming Policy.
38. That prior to final approval, the Owner shall ensure that all dead ends and open sides of road allowances, and other exterior side yard flankages of Lots and Blocks, within this Plan of Subdivision shall be terminated in 0.3 metre reserves to be conveyed to the Town.
39. The Owner shall agree in the Subdivision Agreement that any road that is not a through street at the completion of the development may be terminated in a design in accordance with Town Engineering Standards, or other manner as determined by the Town.
40. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, save and except such encumbrances as may be permitted by the Town in its sole discretion, and at no cost to the Town, land for the purpose of a pedestrian walkway, to the satisfaction of the Town.

## **UTILITIES & CANADA POST**

41. The Owner shall agree in the Subdivision Agreement to prepare and submit an overall utility coordination plan showing the location of all required utilities, including on-site drainage facilities, streetscaping, and Community Mail Boxes (CMB’s) such location plan shall be prepared to the satisfaction of the applicable authority in accordance with the

requirements of those utility providers (including: natural gas, hydro, and telecommunications service providers) that will conduct works within the plan of subdivision.

42. The Owner shall agree in the Subdivision Agreement to provide such easements as may be required for utility or drainage purposes to the appropriate authority.
43. Prior to final approval, the Owner shall provide written confirmation to the Town that satisfactory arrangements, financial and otherwise, have been made with necessary utility companies for any facilities serving this draft plan of subdivision.
44. The Owner shall agree in the Subdivision Agreement to locate all utilities (telephone lines, local power, other cable services) underground and is encouraged to provide fibre optic cable or enhanced telecommunication technologies.
45. The Owner shall agree in the Subdivision Agreement to provide sites for CMB's to service the Subdivision and that it is the responsibility of the developer/builder to provide the concrete pad for the placement of the CMB's in accordance with the requirements as provided by Canada Post.
46. The Owner covenants and agrees to provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post for the installation of CMB's as required by Canada Post.

#### **NEIGHBOURHOOD INFORMATION MAPPING**

47. That prior to execution of any Subdivision Agreement, the Owner shall submit a Development Communications Plan for review and approval by the Town. The Development Communications Plan shall inform the Town and area residents of Significant Site activities and include:
  - a. Installation of a Project Notification Sign, 1.2 m x 2.4 m minimum, to Town template, at each construction access to the Lands and visually obvious to the public, at least two (2) weeks before the construction start date, and maintained for full duration of construction.
  - b. Notification of the construction project to property owners as deemed appropriate in consultation with Development Engineering via hand/mail delivery.
  - c. Schedules of intended site activities updated routinely (typically, weekly to bi-weekly).
  - d. A minimum of two (2) weeks' notice following Town approval and prior to commencement of significant site activities including such as site alteration works as tree clearing & grubbing, commencement of site servicing/grading, placement of asphalt, concrete curbs and sidewalk, landscaping and off-site works on Town Owned Lands/Roads following receipt of appropriate approvals.



Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius

File No.: 42T-2018-06

Municipality: Town of The Blue Mountains

Location: Part of Lot 26, Concession 6, (geographic Township of Collingwood)

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Furthermore the Owner agrees in the Subdivision Agreement to organize and participate in monthly communication meetings with abutting residents as may be required by the Town. These communication meetings will provide updates related to on-site activities such as construction access, earth movements, foundation works, installation of asphalt and curbing, dust control and house construction.

48. That the Owner shall provide in each of the sales offices a large coloured map, not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of The Blue Mountains Official Plan and a prominent note indicating that further information can be obtained from the Town of The Blue Mountains Planning Services Department.
49. The Developer shall prepare a preliminary Neighbourhood Development Information Map for the subdivision, to the satisfaction of the Town's Director of Planning & Development Services. The Map is to be posted in a prominent location at the entrance to the development, in each sales office from where homes in the subdivision are being sold, and included within the individual purchase and sale agreements. The Map shall include the location and type of parks, open space / valleyland and walkways, a general description of their proposed facilities as well as the following information:
  - a. All approved street names,
  - b. The proposed land uses within the subdivision based on the draft approved plan,
  - c. The immediately surrounding existing and proposed land uses,
  - d. The approved phasing of the development (if applicable) and construction access routes,
  - e. The approximate locations and types of other fencing within the subdivision,
  - f. Where parks and open space, stormwater management facilities and walkway / vista blocks / servicing blocks are located,
  - g. The types and locations of parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,
  - h. The locations of all anticipated CBM's,
  - i. The following standard notes:
    1. "This map, and the following list, is intended to provide potential home

buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town's Planning & Development Services Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday."

2. "Please Note: this map is based on information available on \_\_\_\_\_(month/year) and may be revised without notice to purchasers."
3. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."
4. "There may be catch basins or utilities easements located on some lots in this subdivision."
5. "Environmentally sensitive areas, hazard lands, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the natural environment."
6. "Community mailboxes (CBM's) will be directly beside or in front of some lots."
7. "Purchasers are advised that the final location of walkways in Blocks may change without notice."
8. "Streets may contain on-street parking, and may be available for overnight parking, subject to parking permits."
9. "The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings."
10. "Neighbourhood and/or boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance."
11. "The design of features on public lands may change. Builders' sales

brochures may depict these features, however, the Town has no control over builders' sales brochures.”

12. “Gates are not permitted in fences when lots abut publicly owned lands, including but not limited to open space lands, hazard lands, a trail, valleyland, active park, woodlot or stormwater management pond.”
13. “The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot.”
14. “The Town of The Blue Mountains is responsible for household garbage, recycling and green bin collection after certain levels of occupancy have been achieved within this development or a phase. For further information, please contact the Town at 519-599-3131”
15. “For further general information on proposed and existing land use, please call the Town’s Planning Services Division 519-599-3131.”
16. “For detailed grading and berming information, please call the Town’s Development Engineering Division 519-599-3131”

50. The Owner shall ensure that each builder selling homes within the subdivision provides prospective purchasers as part of any offer of purchase and sale agreement the material referred to in condition 48 above.

## **MISCELLANEOUS**

51. In the event that required subdivision land use and notice signage becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner’s behalf and the Owner shall reimburse the Town for such works.
52. Prior to final approval and registration, the Subdivision Agreement shall include special provisions addressing the following matters in wording acceptable to the Town:
  - a. That the Owner shall agree that all vacant lots shall be rough graded such that best efforts are taken to ensure there is no standing water and maintained in general conformance with the approved comprehensive grading plan. Efforts will be made to maintain the existing tree cover where applicable until such time as building envelopes have been established. The Owner shall further agree in the Subdivision Agreement to topsoil and seed any rough graded area not proceeding to construction in a timely manner, to the satisfaction of the Town.
  - b. That the Owner shall agree to engage a qualified engineer and that the Owner’s Engineer certify that their reports conform with applicable standards to the satisfaction

of the Town of The Blue Mountains and that the Engineer provides certification that the final constructed works conform to the approved design.

- c. That the Owner shall agree to engage a qualified engineer to review and certify that the completed pre-grading works comply with the pre-grading shown on the approved grading and drainage plan.
  - d. the Owner, and/or any future Lot Owner, shall agree to engage a qualified consultant to prepare a Final Lot Grading Certificate prior to Final Inspection, indicating that the grading of the lot has been completed in conformity with the Approved for Construction Master Grading/Drainage Plan, and to submit to the CBO for approval.
  - e. The Owner shall agree that any temporary stormwater management, construction mitigation, sediment and erosion control measures be approved by the Town and in place prior to site alteration with the exception of site alteration to install such measures.
  - f. That the Owner shall agree to obtain any required statutory permits from the County of Grey, Town of The Blue Mountains, the Grey Sauble Conservation Authority, or any other applicable authority, prior to any site alteration.
  - g. That the Owner shall agree that the Town of The Blue Mountains will provide full collection curb side in front of the individual homes and collection will not begin collection until development is 90% occupied or until Town contracted waste collection trucks can safely access the site. It is the Developer's responsibility to request municipal curbside collection from the Town Operations Division. Upon request, the Town will assess the ability to provide curbside waste collection to the development or phase requested, and will provide written confirmation of the Town's ability to commence collection and the date of commencement. Until municipal collection commences it is the responsibility of the Owner/Developer to provide appropriate private collection to occupied units.
  - h. That the Owner agrees to not store construction materials on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.
  - i. The Owner shall agree that should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the *Ontario Heritage Act*.
53. Prior to final approval and registration, the Subdivision Agreement shall include a clause advising that anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the *Funeral, Burial and Cremation Services Act*.

**Owner: Eden Oak (Camperdown) Inc. c/o Romas Kartavicius**

**File No.: 42T-2018-06**

**Municipality: Town of The Blue Mountains**

**Location: Part of Lot 26, Concession 6, (geographic Township of Collingwood)**

**Date of Decision:**

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54. Prior to final approval and registration, the Owner shall agree in the Subdivision Agreement to grant all necessary easements and/or blocks and/or enter into agreement to provide for trail and access over Block 2 drainage Swale.
55. Prior to final approval and registration, the Owner shall agree in the Subdivision Agreement to grant all necessary easements and/or blocks and/or enter into agreement for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.
56. Prior to execution of the Subdivision Agreement, the Owner shall submit to the Town of The Blue Mountains and the County of Grey with a digitized copy of the Final Plan in a format acceptable to the County of Grey.
57. That prior to final approval, a copy of the fully executed Subdivision Agreement between the Owner and the municipality shall be provided to the County of Grey and the Grey Sauble Conservation Authority.
58. That prior to final approval, the Approval Authority is advised in writing by the Grey Sauble Conservation Authority how Conditions 4, 14, 15, 22, 25, 52(f) and 57 have been satisfied.
59. That prior to final approval, the Approval Authority is advised in writing by Canada Post Corporation how Conditions 41, 45, 46, 49(h) and 49(i.6) have been satisfied.
60. That prior to final approval, the Approval Authority is advised in writing by the Niagara Escarpment Commission, how Conditions 4 and 22 have been satisfied.
61. That prior to final approval, the Approval Authority is advised in writing by the Town of The Blue Mountains how Conditions 4 to 57 have been satisfied.

**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 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. Clearances or consultations are required from the following agencies, as well as the appropriate agency or authority providing utilities or services:

Town of The Blue Mountains	Grey Sauble Conservation Authority
PO Box 310, 32 Mill Street	237897 Inglis Falls Road, RR4
Thornbury, ON N0H 2P0	Owen Sound, ON N4K 5N6
Canada Post Corporation	Niagara Escarpment Commission
300 Wellington Street	1450 7 <sup>th</sup> Avenue
London, ON N6B 3P2	Owen Sound, ON N4K 2Z1

- 4. With respect to any draft plan conditions requiring clearance or consultation with conservation authorities, for any conditions relating to natural hazards a clearance letter will be required prior to issuing final approval as this falls under the mandate of the conservation authorities. For any matters that are related to natural heritage, this falls under the mandate of the local municipality and the County. The local municipality and the County rely on the services of conservation authorities for natural heritage review and therefore the local municipality and the County will consult with the conservation authority to determine if they are satisfied that those conditions have been addressed. The conditions will clearly note which conditions require clearance from the conservation authority and which requires clearance from the local

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municipality/County in consultation with the conservation authority. In cases where the local municipality or the County (in consultation with the conservation authority) are not satisfied that conditions related to natural heritage matters have been addressed to their satisfaction then a peer review may be required at the expense of the Owner.

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.

The subdivision 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, Conservation and Parks under the *Ontario Water Resources Act*, RSO 1990, as amended.
7. All measurements in subdivision final plans must be presented in metric units.
8. 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.

END