



# Committee Report

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	April 8, 2021
<b>Subject / Report No:</b>	PDR-CW-12-21
<b>Title:</b>	Clarksbury Subdivision Redline Revision
<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>	Endorsed by Committee of the Whole through Resolution CW69-21;

## Recommendation

- 1. That all written and oral submissions received on the proposed redline revisions to plan of subdivision 42T-2017-01 were considered which helped to make an informed recommendation and decision; and**
- 2. That PDR-CW-12-21 be received, and that in consideration of the draft plan of subdivision 42T-2017-01, and the matters to have regard for under Subsection 51(24) of the Planning Act, the County of Grey Committee of the Whole hereby approves the revised plan of subdivision on lands described as Part of Lot 28, Concession 7 (geographic Township of Collingwood) in the Town of The Blue Mountains, subject to the revised conditions set out in the Notice of Decision.**

## Executive Summary

The report considers proposed revisions to Phase 2 of draft plan of subdivision 42T-2017-01 known as Clarksbury. Phase 1 of the Clarksbury Subdivision has been approved and registered. The proposed redline revisions would make some minor modifications to the lot/block lines. There are no changes to the total number of proposed lots and there are no changes to the overall developable area. All written and verbal comments regarding the proposed revisions have been considered and it is recommended that Committee approve the revisions to the draft plan.

## Background and Discussion

The County has received a redline revision application that proposes minor changes to Phase 2 of draft plan of subdivision 42T-2017-01 known as Clarksbury. The subject lands are described

as Part of Lot 28, Concession 7 (geographic Township of Collingwood), Town of The Blue Mountains (see Map 1 – Subject Lands).

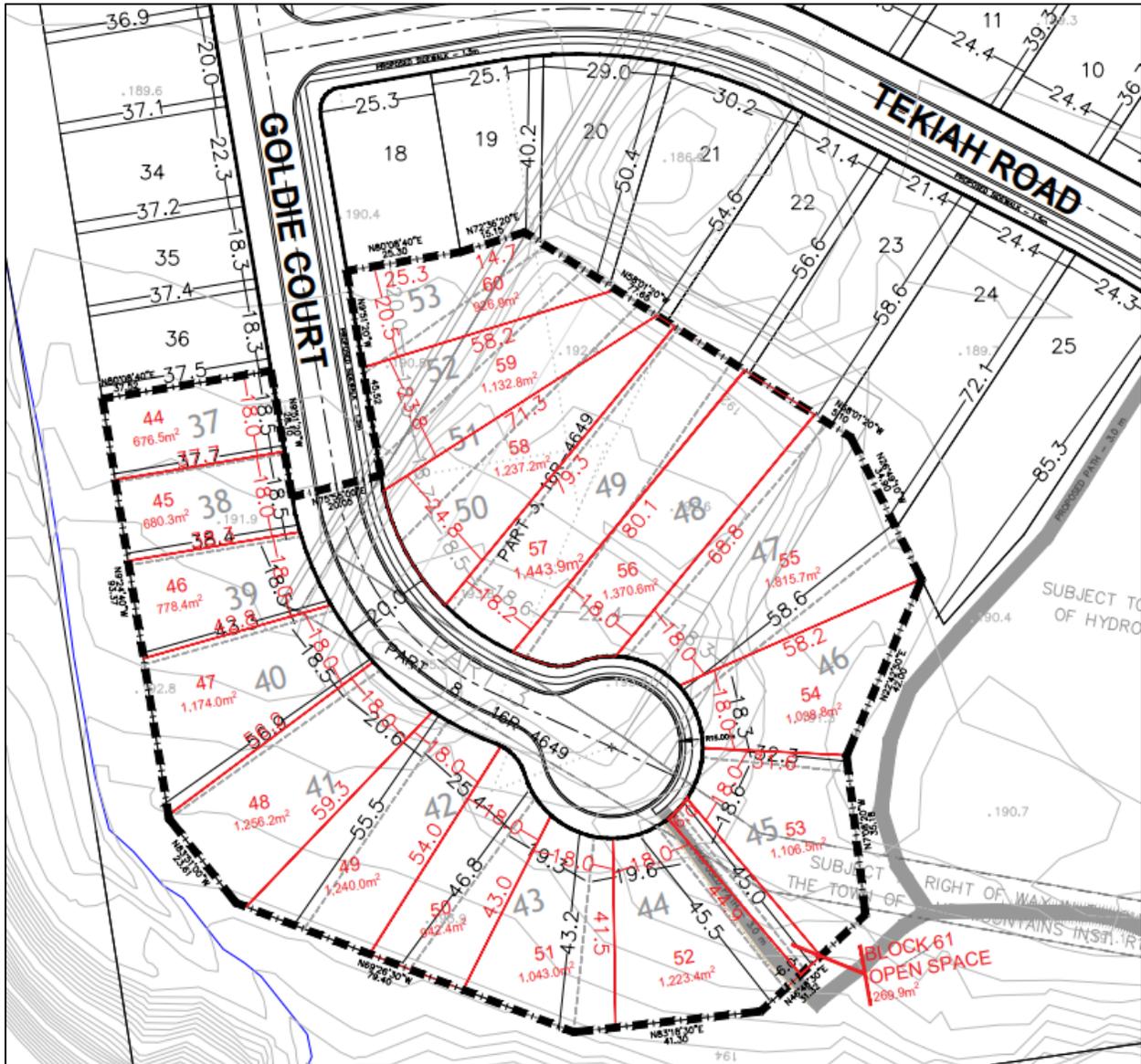
## Map 1 - Subject Lands



The proposed redline revisions would make some minor modifications to the lot lines between Lots 44 and 60 and shifting the open space trail connection block (Block 61) slightly to the east to create residential lots that are more consistent to the built form that is provided in Phase 1. There are no changes to the total number of proposed lots and there are no changes to the overall developable area as currently depicted in the draft approved plan (See Map 2 – Excerpt of Proposed Revised Plan).

The Applicant has submitted a Planning Justification Report and a Revised Draft Plan. Copies of all background reports and plans can be found at [this link](#).

## Map 2 – Excerpt of Proposed Revised Plan



## 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 February 23, 2021, the GSCA indicates that they have no objections to the proposed revisions.

## **Hydro One**

In correspondence dated February 10, 2021, Hydro One has indicated that they have no comments or concerns at this time.

## **Bell Canada**

In correspondence dated February 9, 2021, Bell Canada notes that they have no objections to the application at this time. They advise the Owner to connect with Bell Canada during detailed design to confirm the provision of communication and telecommunication infrastructure required to service the development.

## **Town of The Blue Mountains**

In a letter dated March 8, 2021, Town of The Blue Mountains staff note that they have no objections to the proposed redline revisions. The Owner is advised that the proposed revisions to the current Draft Plan will require a redesign of the preliminary engineering previously accepted by the Town for Phase 2. The Phase 2 technical submission will need to address the redesign. Town staff notes that existing draft plan conditions already capture this requirement.

## **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) 2020, 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. The subject lands are also located within the Niagara Escarpment Plan Area; however, a development permit is not required from the Niagara Escarpment Commission as development control has been lifted within this area.

## **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 proposed revisions are minor in nature and sufficient justification has been provided in support of the proposed revisions. The subject redline revision application, with the attached revised conditions of draft approval, have regard for matters of Provincial Interest under the *Planning Act* including Section 51(24).

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

It can be concluded that the proposed redline revision application, with the attached revised conditions of draft approval, is consistent with the PPS.

## County Official Plan

The proposed plan of subdivision is designated as 'Recreational Resort Area' within the County Official Plan. Subject to the revised conditions of draft approval attached to this report, the application conforms to the goals and objectives of the County of Grey Official Plan.

## Legal and Legislated Requirements

The 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 revisions, beyond those normally encountered in processing the application. The County has collected the requisite fee for this application.

## Relevant Consultation

- Internal: Planning
- External: Town of The Blue Mountains, prescribed agencies, public

## Appendices and Attachments

[PDR-CW-23-18 Clarksbury Subdivision Final Report](#)

*Draft Notice of Decision (revised conditions of draft approval) - attached*

**Applicant: Clarksbury Lands Corporation (c/o Scott Paris)**

**File No.: 42T-2017-01**

**Municipality: Town of The Blue Mountains**

**Location: Part of Lot 28, Concession 7 (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 County to Plan of Subdivision 42T-2017-01 on June 14, 2018. Phase 1 of the development has been final approved. Revised Draft Plan Approval for Phase 2 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 Local Planning Appeals 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 prescribed under the Local Planning Appeals Tribunal Act, and
3. Include the completed appeal form from the LPAT'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 Local Planning Appeal 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 person\* 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 Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

\*Notwithstanding the above, only a 'person' listed in subsection 51(48.3) of the Planning Act may appeal the decision of the County of Grey to the Local Planning Appeal Tribunal (LPAT) as it relates to the proposed plan of subdivision. Below is the prescribed list of 'persons' eligible to appeal a decision of the County of Grey related to the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act. These are recent changes that have been made to the Planning Act by the province. A link to the revised Planning Act can be found here - <https://www.ontario.ca/laws/statute/90p13>. For more information about these recent changes, please visit the LPAT website or contact LPAT - <https://elto.gov.on.ca/tribunals/lpat/about-lpat/>.

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**Municipality: Town of The Blue Mountains**

**Location: Part of Lot 28, Concession 7 (geographic Township of Collingwood)**

**Date of Decision:**

**Date of Notice:**

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The prescribed list of 'persons' eligible to appeal a decision of the County on the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act is as follows:

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
2. Ontario Power Generation Inc.
3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.
8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

#### **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.

#### **RELATED APPLICATIONS**

None

#### **GETTING ADDITIONAL INFORMATION**

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

#### **ADDRESS FOR NOTICE OF APPEAL**

**County of Grey**

**595-9th Avenue East**

**OWEN SOUND, Ontario N4K 3E3**

**Attention: Mr. Randy Scherzer, MCIP RPP**

**Director of Planning & Development**

**Applicant: Clarksbury Lands Corporation (c/o Scott Paris)**

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**Date of Decision:**

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No. Conditions

1. Condition 1 of the draft plan conditions approved on June 14, 2018 is hereby deleted and replaced with the following:

That the final plan for Phase 2 shall conform to the Draft Plan of Subdivision File No. 42T-2017-01 prepared by Innovative Planning Solutions and surveyed by Zubek, Emo, Patten and Thomsen Ltd. dated December 11, 2020 showing a total of 17 single detached lots (Lots 44 to 60) and one open space block (Block 61).

2. Condition 26 of the draft plan conditions approved on June 14, 2018 is hereby deleted and replaced with the following:

The Owner shall dedicate Block 61 of the Draft Plan for Phase 2 to the Town for Open Space/Trail purposes.

3. That all other conditions of draft approval as granted on June 14, 2018 remain in effect.