

Addendum to Report PDR-PCD-35-13

To: Chair Wright and Members of the Planning and Community Development Committee
From: Sarah Morrison, Intermediate Planner
Meeting Date: January 21, 2014
Subject: **42-CDM-2013-05 Skyline Developments/Rolling Green Court**
Status: Recommendation adopted by Committee as presented per Resolution PCD21-14 January 21, 2014; Endorsed by County Council February 4, 2014 per Resolution CC23-14;

Recommendation(s)

WHEREAS draft plan approval was granted for Plan of Condominium File 42-CDM-2003-05 by the County of Grey on January 25, 2004;

AND WHEREAS Plan of Condominium File 42-CDM-2013-05 is a reapplication of Plan of Condominium 42-CDM-2003-05;

NOW THEREFORE BE IT RESOLVED THAT Addendum to Report PDR-PCD-35-13 be received;

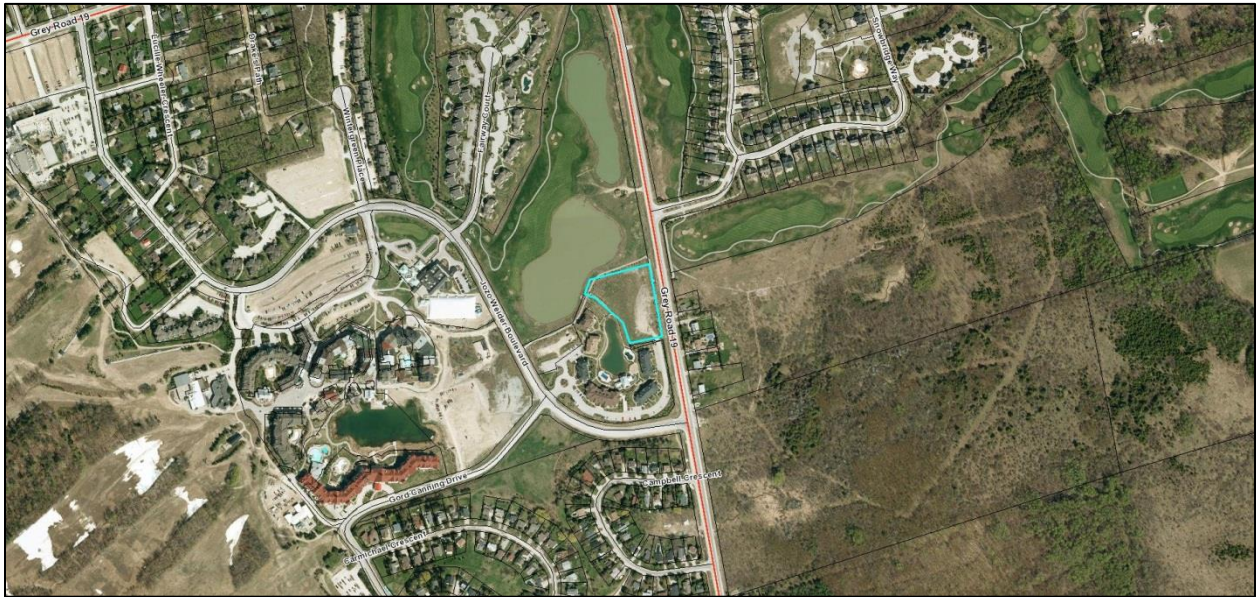
AND THAT in consideration of the draft plan of condominium and the matters to have regard for under Subsection 51(24) of the Planning Act RSO 1990 as amended, the Grey County Planning and Community Development Committee hereby gives draft approval to Plan of Condominium File 42-CDM-2013-05 subject to the conditions set out in the Notice of Decision.

Background

Plan of Subdivision File 42-CDM-2013-05 (Rolling Green Court Condominium) was draft approved on January 25, 2004. The subject lands are described as Part of Lots 9 and 11, Block 17 and Rolling Green Court, Registered Plan 1065, in the Town of The Blue Mountains (See Map 1 below). There were two phases to the plan. The first phase has 56 units that were registered as Grey Standard Condominium Plan No. 59 on May 20,

2004. The draft approval for Phase 2 lapsed. The application is to reinstate the draft plan approval for the 9 vacant land condominium residential units.

MAP 1: Skyline Condominium Subject Lands



On December 2, 2013 a report was presented to Town of the Blue Mountains Planning & Building Committee recommending that Council support the recommended conditions of Draft Plan found within an Appendix to the report and that they be forwarded to the County for consideration. Council endorsed the recommendation on December 16, 2013. The conditions of draft approval recommended by the Town have been incorporated into the attached Notice of Decision.

A public meeting was held on November 13, 2013. The Blue Mountain Village Association (BMVA) was in attendance and also submitted written comments requesting architectural design controls for the proposed development. This is not something that is typically contemplated as part of draft conditions. At the public meeting Town staff encouraged BMVA to contact the applicant with regard to design controls. Written comments were also received from Blue Mountain Resorts Limited, they had no objections provided they would be able to comment during the removal of the Holding 'h' symbol.

As part of the process various agencies were circulated for comment. There were no concerns identified by the agencies that were circulated. Suggested conditions from the agencies have been included in the recommended conditions of draft approval.

The proposed plan of condominium with the recommended conditions of draft approval has regard for matters of Provincial interest, has regard for the requirements identified

in Section 51 (24) of the Planning Act, is consistent with the Provincial Policy Statement and conforms to the County Official Plan and the Town of The Blue Mountains Official Plan.

Financial / Staffing / Legal / Information Technology

Considerations

At this point there are no financial, staffing, legal or IT considerations. The County has collected a fee for the extension of draft approval.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Draft approving a development that has previously lapsed would be considered sound land use planning, given the specific circumstances.

Respectfully submitted by,

Sarah Morrison
Intermediate Planner

Director Sign Off: *Randy Scherzer*

NOTICE OF DECISION

On Application for Approval of Draft Plan of Condominium 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.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

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

WHO CAN FILE A NOTICE OF APPEAL

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

No person or public body shall be added as a party to the hearing of an appeal regarding any changed conditions imposed by the approval authority, unless the person or public body, before the approval authority has made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions.

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,

Applicant: Skyline Blue Mountain Developments Inc.

File No.: 42-CDM-2013-05

Municipality: Town of The Blue Mountains

Location: Part of Lots 9 and 11, Block 17 and Rolling Green Court, Registered Plan 1065 (Geographic Township of Collingwood), Town of The Blue Mountains, County of Grey

Date of Decision: January 21, 2014

Date of Notice: January 22, 2014

Last Date of Appeal: February 11, 2014

- (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.

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

Plan of Condominium File No. 42-CDM-2013-05 is granted draft approval on January 21, 2014. The County's conditions of approval for this draft Plan of Condominium are as follows:

No. Conditions

General Planning Requirements

1. The final plan shall conform to the Draft Plan of Vacant Land Condominium prepared by Zubek, Emo, Patten & Thomson Limited, Ontario Land Surveyors, Surveyor's Certificate dated September 5, 2013; and, Owner's Certificate dated September 6, 2013, showing a total of nine residential units within a Vacant Land Condominium and a common element road within Part of Lots 9 and 11, Block 17 and Rolling Green Court, Registered Plan 1065 (geographic Township of Collingwood), Town of The Blue Mountains, County of Grey.
2. An Agreement shall be entered into and executed by the Owner, and the Corporation of the Town of The Blue Mountains (the "Town") to satisfy all financial, legal, engineering, access, parking, garbage disposal and other requirements, including landscaping/buffering and the installation of municipal services, of the Town and the County of Grey, including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-laws.
3. Prior to registration, the Zoning By-law implementing the subject plan shall be approved under Section 34 and 36 of the Planning Act.

Servicing, Grading and Road Requirements

4. Prior to the initiation of any site grading or servicing and prior to the registration of the plan, the Owner shall submit for the approval of the Town, Grey Sauble Conservation Authority and the County of Grey, the following:
 - a. A detailed engineering and drainage report which describes the stormwater drainage system for the proposed development on the subject lands. The report should include:
 - i. Plans illustrating how the drainage system will tie into the drainage of surrounding properties
 - ii. The stormwater management techniques which may be required to control minor or major flows
 - iii. How external flows will be accommodated and the design capacity of the receiving system

- iv. Location and description of all outlets and other facilities which may require permits
- v. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction
- vi. Overall grading plans for the subject lands
- vii. Stormwater overland flow routes shall be kept within roads or approved walkways only.

It is recommended that the developer or his consultant contact the Town's Engineering & Public Works Department and the Grey Sauble Conservation Authority prior to preparing the above report and drawings to clarify the specific requirements for this development.

- b. Agree in the subdivision agreement, in wording acceptable to the Town of The Blue Mountains and the Grey Sauble Conservation Authority:
 - i. To carry out, or cause to be carried out, all the works referred to in condition 4(a);
 - ii. To obtain all necessary permits from the Grey Sauble Conservation Authority; and,
 - iii. Prior to the initiation of any grading or construction on the site, to erect any silt fence as referred to in condition 4(a)(v) above.
 - c. A detailed Servicing Plan providing for municipal sewers and water to the satisfaction of the Town.
5. Prior to the initiation of any site grading or servicing and prior to registration of this plan, the Owner shall submit for the approval of the Town 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.
6. Prior to the initiation of any site grading or servicing and prior to the registration of this plan, the Owner shall 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.
7. 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
8. Prior to the registration of the Plan, the Owner shall make arrangements to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the Owner's expense.

Landscaping, Trees, Fencing and Streetscape Requirements

9. Prior to the registration of the Plan, the Owner shall complete a Landscape Analysis and Landscape Plan to the satisfaction of the Town and the Niagara Escarpment Commission.

Park and Open Space Requirements

10. The Owner shall pay cash-in-lieu for parkland required in accordance with Section 51.1 of the Planning Act.

Utilities and Canada Post

11. The Owner shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.
12. The Owner shall make satisfactory arrangements with Canada Post and the Town's Engineering and Public Works department, for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans.

Administration

13. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation along with the applicable application fee and a resolution from the local municipality must be received.

14. The Owner shall provide the Town of The Blue Mountains with digital copies of the Final Plan in a format acceptable to the Town of The Blue Mountains.
15. The prior to final approval the County is advised in writing from the Grey Sauble Conservation Authority how Condition 4 has been satisfied.
16. That prior to final approval the County is advised in writing from the Niagara Escarpment Commission how Condition 9 has been satisfied.
17. That prior to final approval the County is advised in writing from Canada Post how Condition 12 has been satisfied.
18. That prior to final approval the County is advised in writing from the Town of The Blue Mountains how Conditions 2 to 12 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 42-CDM-2013-05.
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 are required from the following:

Town of the Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury, Ontario, N0H 2P0

Grey Sauble Conservation Authority
237897 Inglis Falls Road, RR#4
Owen Sound, Ontario, N4K 5N6

Applicant: Skyline Blue Mountain Developments Inc.

File No.: 42-CDM-2013-05

Municipality: Town of The Blue Mountains

Location: Part of Lots 9 and 11, Block 17 and Rolling Green Court, Registered Plan 1065 (Geographic Township of Collingwood), Town of The Blue Mountains, County of Grey

Date of Decision: January 21, 2014

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Canada Post Corporation
Delivery Planning Officer
955 Highbury Avenue
London Ontario, N5Y 1A3

Niagara Escarpment Commission
99 King Street East, P.O. Box 308
Thornbury, Ontario N0H 2P0

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

5. It is suggested that the municipality register the condominium agreement as provided by subsection 51(26) of the Planning Act against the land to which it applies, as notice to prospective purchasers.
6. 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. As such, written permission may be required from the Authority prior to any development occurring on the subject property.
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(59) of the Planning Act RSO 1990, as amended.