

Addendum to Report PDR-PCD-39-15

To: Chair and Members of the Planning and Community Development Committee
From: Randy Scherzer, Director of Planning
Meeting Date: December 10, 2015
Subject: **Lora Bay Phase 3B Resubmission - Plan of Subdivision**
Status: Recommendation adopted by Committee as presented per Resolution PCD12-16; Endorsed by County Council January 5, 2016 per Resolution CC12-16;

Recommendation(s)

WHEREAS the County has received plan of subdivision application 42T-2015-04 for lands described as Part of Lots 38 and 39, Concession 12, Part of Blocks 1, 15, 29 and 30, RP 16M-8, Town of The Blue Mountains;

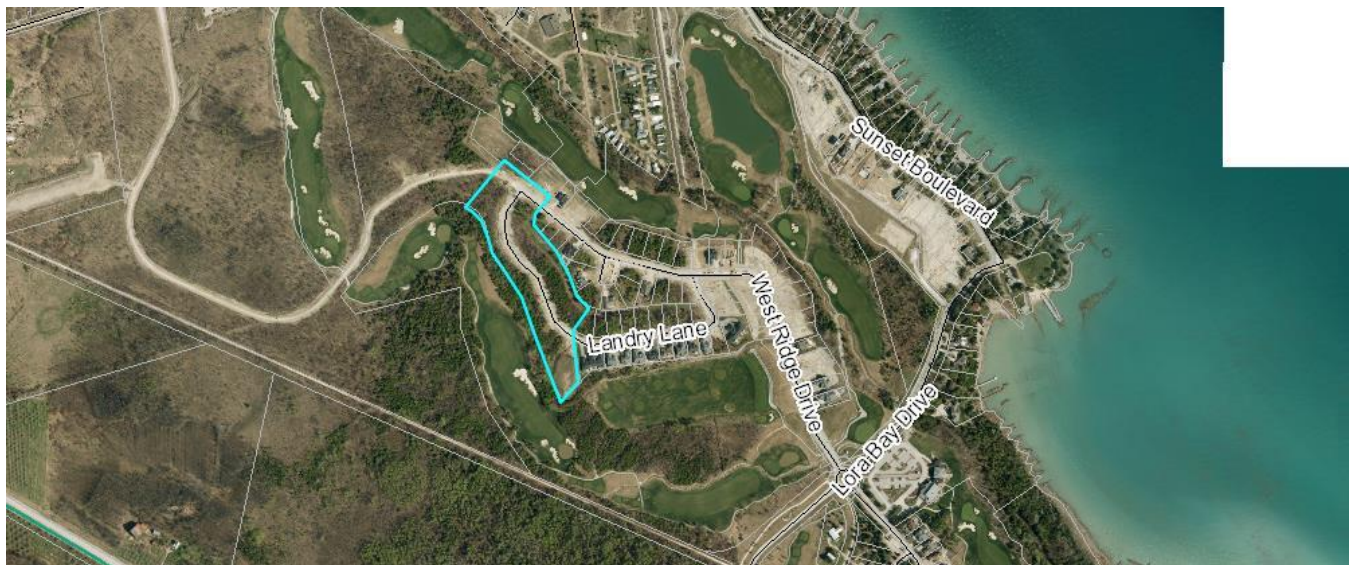
NOW THEREFORE BE IT RESOLVED THAT Addendum to Report PDR-PCD-39-15 be received;

AND THAT in consideration of the draft plan of subdivision and the matters to have regard for under Subsection 51(24) of the Planning Act RSO 1990 as amended, the Grey County Planning and Community Development Committee hereby approves plan of subdivision file 42T-2015-04 to recreate a total of 35 residential units, consisting of 23 single detached residential lots, a multi-residential block containing 12 units, and 1 block for a common elements condominium road to be created through a condominium exemption process, subject to the conditions set out in the Notice of Decision.

Background

The County has received a plan of subdivision application from The Lora Bay Corporation to re-establish a plan of subdivision formerly known as Lora Bay Phase 3B – 42T-2006-14A – Phase 2 which has subsequently lapsed. The resubmitted Plan of Subdivision being Lora Bay Phase 3B – 42T-2015-04 proposes to reinstate what was

previously draft approved which was a total of 35 residential units, consisting of 23 single detached residential lots, 1 multi-residential block containing 12 units, and a common elements condominium road block on approximately 3.92 hectares (9.69 acres) of land, in the Town of The Blue Mountains. The proposed units will gain access off of a condominium road called Landry Lane which connects to West Ridge Drive (See Map 1 below). The condominium road would be created through a condominium exemption process. As shown on Map 1 below, the road for this development has previously been constructed and municipal services are already in place to service the proposed 35 residential units. Surrounding the subject lands is the Lora Bay Golf Course (Raven), as well residential development all of which are part of the Lora Bay development.



Map 1: Lora Bay Phase 3B - Subject Lands

The following background and technical reports were submitted:

1. a Planning Justification Letter,
2. a Stage 1-2 Archaeological Assessment,
3. an Updated Scoped Environmental Impact Statement
4. a Draft Plan of Subdivision, and
5. digital copies of all supporting documents submitted with the previous draft approved subdivision.

Copies of the background reports and plans can be found at the below link:

[Link to Background Materials](#)

A public meeting was held for the plan of subdivision application on October 26, 2015 by the Town of The Blue Mountains. A link to the minutes from that meeting has been provided below (the minutes to this particular public meeting begin on page 12 of the below-linked PDF).

[Lora Bay Public Meeting Minutes](#)

Public and Agency Comments Received

As part of the planning application process, the following members of the public submitted written comments or made verbal submissions at the public meeting;

- Randy Smith
- Donald DeGrandis
- E & H Property Management

A general summary of the comments received is as follows;

- Potential sharing of servicing connections with Condo Corporation 79 and requiring a Shared Facility Agreement if the services were to tie into the existing Condominium Corporation's services.
- Maintaining the drainage swale along the rear yards of Lots 14 to 23 on the draft plan

A common element condominium is proposed on Landry Lane road allowance and will form part of the financing of the private services. Should a shared facility agreement be required, this can be addressed as part of the future condominium exemption process as per proposed Condition 20. With respect to the drainage easement, a 6 metre drainage easement is required along the rear of Lots 14 to 23. Proposed Condition 7 addresses the detailed engineering design required prior to final approval and proposed Condition 21 addresses all necessary drainage easements, amongst other matters.

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

Hydro One

In an email dated October 9, 2015, Hydro One noted that they do not have any objections or concerns at this time.

Historic Saugeen Metis (HSM)

In an email dated October 7, 2015, the HSM have noted that they do not have any objections to the proposed development.

Union Gas Limited

As a condition of final approval Union Gas Limited requests that the owner/developer provide to Union Gas Limited the necessary easements and/or agreements for the provision of gas services to the development. County staff have included a recommended draft plan condition related to the requisite easements in this regard.

Rogers Communications

In discussions with Rogers Communications, they do not have any concerns with the proposed draft plan.

Ministry of Transportation Ontario

In a letter dated October 23, 2015, MTO has no concern with the proposal, but requests that the Applicant contact MTO to address a non-conforming entrance on Highway 26 located on other lands owned by the Applicant, west of the intersection of Highway 26 and Lora Bay Drive. The Applicant notes that the entrance was installed to construct the Highway 26 berm and notes that they will follow up with the MTO regarding this matter.

Grey Sauble Conservation Authority (GSCA)

In email correspondence dated November 23, 2015, the Grey Sauble Conservation Authority provided preliminary comments indicating that they have no objections to the stormwater management issue but recommend that the draft plan conditions requiring GSCA clearance remain. With respect to significant woodlands, GSCA agrees with the recommended approach of ensuring that the mitigation measures identified in the updated EIS be implemented as part of the Landscape Analysis and Landscape Plan (Condition 19). The proposed draft plan conditions regarding stormwater management identify that clearance is required from both the Town and GSCA.

Town of The Blue Mountains

On November 16, 2015, Town of The Blue Mountains Committee of the Whole supported a recommendation for a series of draft approval conditions on the plan of subdivision. These conditions were then endorsed by Town Council on November 30, 2015. These recommendations have been incorporated into the County's recommended draft approval conditions as attached to this report.

Planning Policy Analysis

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

The Planning Act

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

- (a) Appendix B of the County Official Plan identifies Significant Woodlands on the subject lands. Section 2.8.4(1) of the County Plan states that no development or site alteration may occur within Significant Woodlands or within the 50 metre adjacent lands unless it is demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions. An updated EIS was submitted with the subdivision application which notes that the woodland area has been fragmented by the previously approved golf course and existing residential development, all of which were approved prior to the Significant Woodlands policies coming into effect. Additional vegetation will be removed when developing the dwellings on the lands, reducing the function of the woodlands to support the current bird and mammal populations. As such, a number of mitigation measures have been recommended in the updated EIS including the planting of native trees and shrubs with enhanced habitat characteristics as part of the landscaping for the development. Subject to implementing the proposed mitigation measures identified in the EIS, it is not anticipated that any new negative impacts would result from this proposal

beyond what was previously draft approved. Condition 19 addresses the mitigation measures as recommended in the EIS.

- (f) The subject development will be serviced by municipal water and municipal sewer services, and it has been determined that there is sufficient reverse capacity to service this development.
- (h) The subject development is within the 'Recreational Resort Area' designation in the County Official Plan which is a designated settlement area.
- (p) The subject lands are located in a designated settlement area and have been designated for residential growth. In very close proximity to the subject lands is a golf course and the Georgian Trail which would provide recreational opportunities within walking distance.

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

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 proposed development would represent an infill opportunity for residential growth within a settlement area and would re-establish what was previously draft approved and contemplated within the subject lands.

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

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. As noted above these matters have been addressed.

Section 2.6 of the PPS speaks to the protection of cultural and archaeological resources within the Province. A Stage 1-2 Archaeological Assessment was completed on this property, and there were no further archaeological assessments recommended for this site.

It can be concluded that the proposed plan of subdivision application, with the attached conditions of draft approval, is consistent with the PPS.

County of Grey Official Plan

The subject property is designated as 'Recreational Resort Area' in the County Official Plan. Appendix B of the County Plan identifies Significant Woodlands on the subject lands.

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 provided below.

The proposed plan of subdivision application, with the attached conditions of draft approval, conforms to the goals and objectives of the County of Grey Official Plan.

Town staff prepared a report indicating that the proposed subdivision conforms with the policies of the Town of The Blue Mountains Official Plan and also complies with the applicable zoning for the subject lands. County staff concurs with Town staff's conclusions.

Financial / Staffing / Legal / Information Technology

Considerations

At this point there are no financial, staffing, legal or Information Technology considerations beyond those normally encountered in processing a plan of subdivision application. The County has collected the requisite fee for the application.

Should the application be appealed to the Ontario Municipal Board (OMB) additional financial, legal, or staff resources may be required. However it should also be noted that unless the County refuses the application, the County would not by default be a party to an OMB hearing on this matter, as per the County's OMB attendance policy.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan, speaks to the continued management of growth, and the application of sound land use planning principles. Permitting new residential development on lands which are designated for growth could be considered sound land use planning, subject to the conditions of draft approval being addressed.

Attachments

Notice of Decision and Draft Conditions

Respectfully submitted by,

Randy Scherzer, MCIP, RPP
Director of Planning

Applicant: The Lora Bay Corporation

File No.: 42T-2015-04

Municipality: Town of The Blue Mountains

Location: Part of Lots 38 and 39, Concession 12, (Geographic Township of Collingwood), Part of Blocks 1, 15, 29 and 30, RP 16M-8, Town of The Blue Mountains

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.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

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

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

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

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of subdivision to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or group.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

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

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

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

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

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

GETTING ADDITIONAL INFORMATION

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

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ADDRESS FOR NOTICE OF APPEAL

County of Grey

595-9th Avenue East

OWEN SOUND, Ontario N4K 3E3

Attention: Mr. Randy Scherzer, MCIP RPP

Director of Planning & Development

Applicant: The Lora Bay Corporation

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Plan of Subdivision File No. 42T-2015-04 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

No. Conditions

The conditions have been listed under the following general headings:

- **General Planning Requirements**
- **Servicing, Grading and Road Requirements**
- **Landscape, Fencing and Streetscape Requirements**
- **Park and Open Space Requirements**
- **Miscellaneous Requirements**

General Planning Requirements

1. The final plan shall conform to the Draft Plan prepared by Zubek, Emo, Patten & Thomsen Limited, Job No. 2002-03 and dated September 29, 2015.
2. A Supplementary Subdivision Agreement shall be entered into and executed by the applicant, and the Town of The Blue Mountains to satisfy all financial, legal, and engineering matters, including the installation of municipal services, landscaping and other requirements of the Town of The Blue Mountains and the County of Grey including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-law.
3. Prior to registration, the Zoning By-law to permit the development of these lands in accordance with the Draft Plan of Subdivision including the use of the holding 'h' provision under the Planning Act shall be approved under Section 34 and 36 of the Planning Act.
4. The required municipal road extension shall be named "West Ridge Drive".
5. The required common elements condominium road extension shall be named "Landry Lane".
6. 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 by the County of Grey Director of Planning, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

Servicing, Grading and Road Requirements

7. 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 Planning and Development Services Department and the Grey Sauble Conservation Authority 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 required to accommodate the 5 year storm event;
 - iii. The stormwater management techniques required to accommodate the 100 year storm event;
 - iv. How external flows will be accommodated and the design capacity of the receiving system;
 - v. Location and description of all outlets and other facilities which may require permits; and,
 - vi. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction.

It is recommended that the developer or his consultant contact the Town Planning and Development Services Department and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development;

- b. Overall grading plans for the subject lands; and,
- c. The Owner shall agree in the supplementary 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 7(a) above;

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- ii. To obtain the 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 7(a)(vi) above.
8. Prior to the registration of the Plan, arrangements shall be made to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the developers expense.
9. Stormwater overland flow routes shall be kept within roads or approved walkways only.
10. Prior to the initiation of any site grading or servicing and prior to registration of the plan, submit for the approval of the Town Planning and Development Services Department 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.
11. 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.
12. 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.
13. The horizontal and vertical alignments of all roads and underground services including their intersection geometrics shall be designed to the Town of The Blue

Mountains Engineering Standards. In this regard, minor revisions to the road pattern and intersection alignments may be required.

14. Prior to the approval of any engineering drawings, arrangements shall be made to the satisfaction of the Town for a suitable construction traffic route.
15. The street lighting system on all roadways for this subdivision shall be designed and constructed in accordance with the Town of The Blue Mountains Engineering Standards or as otherwise approved by Town.

Landscape, Fencing and Streetscape Requirements

16. 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 Grey Sauble Conservation Authority.
17. The Supplementary Subdivision Agreement shall ensure that the Owner save and/or remove any trees and vegetation on the subject lands as required by the Landscape Analysis / Landscape Plan.

Park and Open Space Requirements

18. That the owner shall satisfy the parkland dedication requirement with the Town in accordance with the provisions of the Planning Act; Minutes of Settlement dated June 9, 2003, as amended on February 16th, 2005; and the Master Development Agreement registered on October 26, 2005.

Miscellaneous Requirements

19. That prior to final approval, the recommendations and mitigation measures as per Section 6 of the Scoped Environmental Impact Study, dated July 22, 2015 by Hensel Design Group Inc, be incorporated in the supplementary Subdivision Agreement through the Landscape Analysis / Landscaping Plan referred to in Conditions 16 and 17 above.
20. That prior to final approval, the applicant shall obtain draft approval of a condominium plan whose proposed common elements include that part of "Landry Lane" (Common Elements Condominium) and that prior to or concurrent with the registration of such condominium plan that all requisite easements over and through the said common elements of the condominium plan shall be granted to the lands subject to this approval as required to provide all roads,

waterlines, storm and sanitary sewers and other applicable matters for the lands subject to this approval. The creation of the common elements condominium through a condominium exemption process may be considered subject to meeting the condominium exemption criteria.

21. The Owner shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.
22. The Owner shall make satisfactory arrangements with Canada Post and the Town's Planning and Development Services Department, for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The applicant shall further provide the following for the Community Mailboxes if required:
 - a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access.
 - b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.
23. Prior to the signing of the final plan by the County of Grey, the Town is to be advised that all Draft Plan conditions have been carried out to the Town's satisfaction.
24. That the owner, submit to the County of Grey and the Town of The Blue Mountains with a computer disk containing a digitised copy of the Final Plan in a format acceptable to the County of Grey and Town of The Blue Mountains.
25. That prior to final approval the County is advised in writing by the Grey Sauble Conservation Authority how Conditions 3, 7 and 16 have been satisfied.
26. That prior to final approval the County is advised in writing by the Town of The Blue Mountains how Conditions 2 to 24 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 are required from the following:

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

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

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and Climate Change under the Ontario Water Resources Act, RSO 1990, as amended.

6. All measurements in subdivision final plans must be presented in metric units.
7. 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.