



Committee Report

To:	Warden Hicks and Members of Grey County Council
Committee Date:	December 10, 2020
Subject / Report No:	Addendum to PDR-CW-32-20
Title:	Richpark Homes Subdivision Final Report
Prepared by:	Randy Scherzer
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	Town of The Blue Mountains
Status:	Recommendation adopted by Committee as presented per Resolution CW01-21; Endorsed by County Council January 14, 2021 per CC08-21;

Recommendation

1. **That Report Addendum to PDR-CW-32-20 be received; and**
2. **That all written and oral submissions received on plan of subdivision 42T-2020-04 known as Richpark Homes were considered; the effect of which helped to make an informed recommendation and decision; and**
3. **That in consideration of the draft plan of subdivision application 42T-2020-04, for lands described as Lots 47 and 48, Southwest of King Street, and Lots 47 to 49, Northeast of Arthur Street, and Part of Minto Street, Townplot of Thornbury, Town of The Blue Mountains, the Grey County Committee of the Whole approves this plan of subdivision to create a single block subdivision (Block 1), subject to the conditions set out in the Notice of Decision, in order to utilize part lot control provisions under the Planning Act to implement a site plan that has been approved by the Town consisting of two (2) single detached dwellings and twenty-two (22) semi-detached dwellings.**

Executive Summary

The County has received a plan of subdivision application known as the Richpark Homes Subdivision (County file number 42T-2020-04), that proposes to create a single block subdivision in order to utilize part lot control provisions under the Planning Act to implement a site plan that has been approved by the Town of The Blue Mountains. The approved site plan created a total of 2 single detached dwellings and 22 semi-detached dwellings in the settlement area of Thornbury. Access to the subdivision would be from a proposed condominium road that would connect to Peel Street North. A zoning by-law amendment application has also been submitted to the Town of The Blue Mountains. Servicing to the proposed subdivision will be via

municipal water and sewer services. Based on agency review and comments received regarding the proposed plan of subdivision, it is recommended that the proposed plan of subdivision be given draft approval subject to the conditions set out in the attached Notice of Decision.

Background and Discussion

The County has received a plan of subdivision application known as Richpark Homes (County file number 42T-2020-04) that proposes to create a single block subdivision. The single block subdivision is being proposed in order to utilize part lot control provisions under the Planning Act to implement a site plan that has been approved by the Town of The Blue Mountains. The approved site plan approved by the Town included a total of 2 single detached dwellings and 22 semi-detached dwellings. The intent is to create parcels of tied (POTL's) using the part lot control provisions under the Planning Act and then create a common element condominium for the proposed road and open space lands through a future condominium exemption application process.

Access to the subdivision would be from a proposed condominium road that would connect to Peel Street North. Servicing to the proposed subdivision will be via municipal water and sewer services.

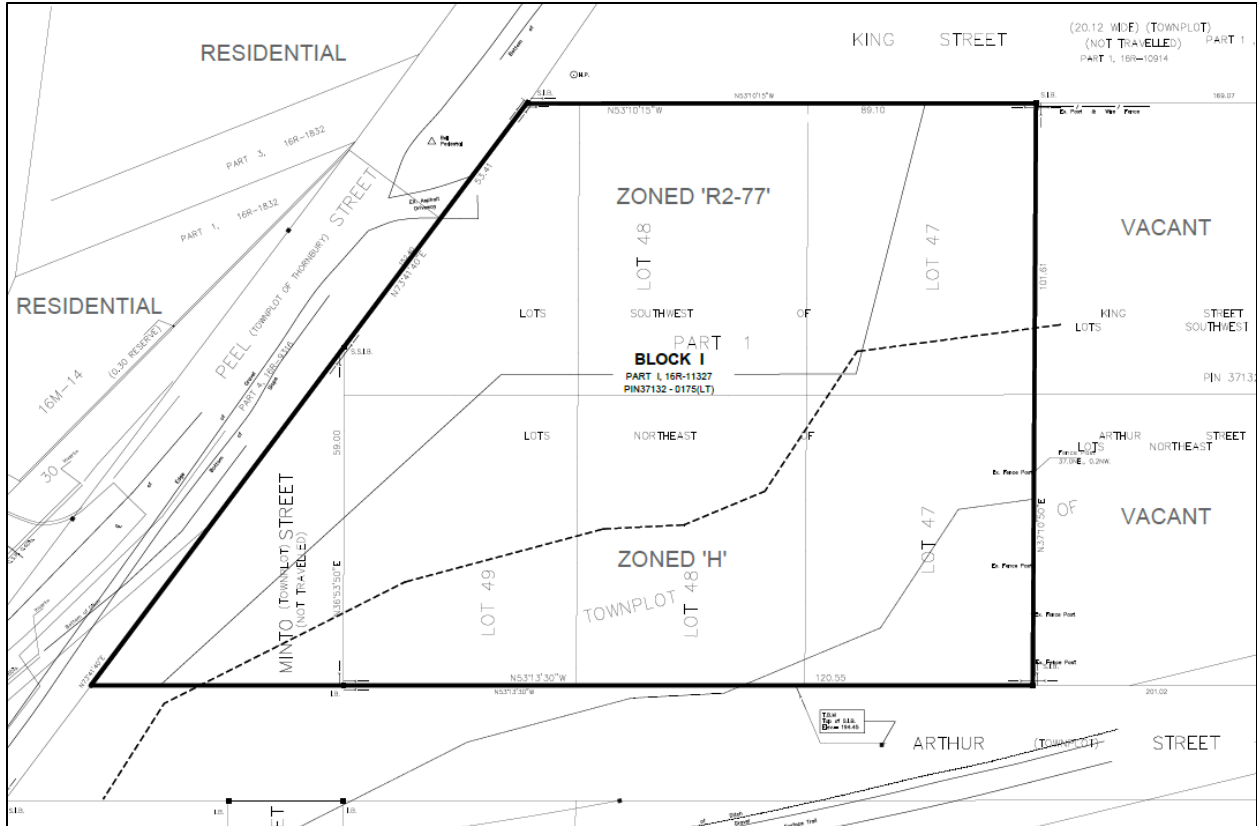
The subject lands are approximately 1.29 hectares in size and are located in the settlement area of Thornbury. This property is located east of Peel Street North and north of Highway 26, on the northwestern edge of Thornbury. The subject property is legally described as Lots 47 and 48, Southwest of King Street, and Lots 47 to 49, Northeast of Arthur Street, and Part of Minto Street, Townplot of Thornbury, Town of The Blue Mountains. The civic address of the subject lands is 188 Peel Street North.

Surrounding this site are a mixture of residential lands, vacant lands, a farm field, recreational amenities, and natural areas. Lands to the north comprise of municipal open space including a neighbourhood tennis court and residential uses. The Georgian Trail and Highway 26 are south of the subject lands. South of Highway 26 in this area consists of a farm field and residential uses. To the west is a residential subdivision known as Trailwood. To the east are vacant lands and hazard lands.

A zoning by-law amendment application has also been submitted to the Town of The Blue Mountains in order to reflect the type of condominium. Current zoning by-law provisions treat building setbacks as if the condominium is one single property notwithstanding that 24 dwelling units are to be built. Therefore, to implement a common elements condominium type development, the existing zoning provisions requires a minor adjustment in the wording to recognize that the proposed common element lands within this zone shall be considered to be one contiguous lot.

Pre-submission consultation between the proponent, the Town of The Blue Mountains, 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 below shows the proposed plan of subdivision, while Map 2 shows the subject lands and surrounding area.



Map 1: Proposed Plan of Subdivision

(Map 1 Courtesy of Travis & Associates.)



Map 2: Location of Subject Lands

Public and Agency Comments Received

The Town of the Blue Mountains held an electronic public meeting on October 7, 2020. There were no public comments raised at the public meeting or in writing.

As a result of the agency comments being addressed as part of the site plan process that has been approved by the Town of The Blue Mountains, the typical comments normally received through a subdivision application were not required. Therefore, the only comments received from an agency was from Hydro One which noted that they have no comments or concerns.

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 Provincial Plans or Municipal Official 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 located outside of the Niagara Escarpment Plan area.

Provincial Policy and Legislation

Both the *Planning Act* and the PPS speak to the efficient use of land within settlement areas. The proposed plan of subdivision is within an existing settlement area and will be serviced via

municipal water and sewer services. The PPS indicates that municipal services are the preferred form of servicing for settlement areas.

The supply of an adequate range and distribution of residential housing types is required in both Provincial documents. In this case, the proposed plan of subdivision is providing single detached and semi-detached dwellings at a density which aligns with the County and Town of The Blue Mountains Official Plans.

The protection of significant environmental features is also required through the legislation and policy. These matters were addressed as part of the site plan process.

Other policies in the PPS speak to connected, walkable communities, with provisions for public parkland and open space. The approved site plan includes provisions for sidewalks and connections to public open space (i.e. Georgian Trail).

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 been analyzed earlier on in this section.

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

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

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

The lands are located within a designated settlement area in both the County and the Town Official Plans. The majority of growth is to be directed to designated settlement areas. Other policies contained in the County and Town Official Plans were addressed as part of the site plan process.

(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;

Based on the background reports and technical studies prepared for the site plan application, the subject lands appear suitable for residential development. It is not known if any of the proposed units will be 'affordable', but it is unlikely given their location and proposed size.

(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 staff and Ministry of Transportation Ontario as part of the site plan process.

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

The proposed dimensions and shapes of the proposed lots 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 which would prevent the proposed development and those would have been discovered as part of the site plan process.

(h) conservation of natural resources and flood control;

GSCA staff were involved in the site plan process and provided comments and recommendations which can be incorporated into the approved site plan/site plan agreement.

(i) the adequacy of utilities and municipal services;

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

(j) the adequacy of school sites;

The two school boards were circulated on this application and did not raise any concerns.

(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 residential lots will gain access via a private condominium road.

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

The lands will connect to the existing road network and services in an efficient manner.

(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.

This plan of subdivision essentially allows the lands to be divided through part lot control based on the site plan that has been approved by the Town.

The proposed plan of subdivision application, with the attached conditions of draft approval, would have regard for matters of Provincial Interest and the criteria of section 51(24) of the *Planning Act* and is consistent with the PPS 2020.

County of Grey Official Plan

The proposed plan of subdivision is on lands designated as 'Primary Settlement Area' and 'Hazard Lands' in the County Official Plan. Development in Primary Settlement Areas shall generally achieve an average development density of 20 units per net hectare or higher. The proposed development would be just under 20 units per net hectare. A portion of the subject lands are designated as Hazard Lands and the policies associated with Hazard Lands were addressed as part of the review and acceptance by GSCA as part of the site plan process.

A previously evaluated abandoned landfill site is located east of the subject lands. Based on a previous D4 evaluation done for this abandoned landfill site, there are no potential risks associated with this landfill site for the subject lands.

Appendix B identifies a stream located on the southern portion of the subject lands. Through the site plan process, the stream was realigned and improved which was approved by the GSCA.

The County Plan also requires the protection of cultural and archaeological resources. A Stage 1 – 2 Archaeological Assessment was conducted for this development and concluded that the property should be considered free of archaeological concern and no further assessment work is recommended. The County received a letter from the Ministry of Tourism, Culture and Sport dated August 15, 2019 noting that the document has been entered into the Ontario Public Register of Archaeological Reports.

The County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in the Move Grey portion of the Plan, are policies which govern roads, transportation, and stormwater management. These matters were dealt with as part of the Town's site plan application process.

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

Town of The Blue Mountains Official Plan

The subject lands are designated as 'Community Living Area' in the Town of The Blue Mountains Official Plan. Similar to the County Official Plan, this property is within a designated settlement area in the Town's Official Plan, which permits the type of residential development being contemplated.

Town Planner, Travis Sandberg, issued a planning report (PDS.20.109) on November 17, 2020 to the Town Committee of the Whole regarding the proposed plan of subdivision and zoning amendment. A copy of the Township staff report can be found at [this link](#). Town Council supported the approval of the subdivision on November 30th, 2020. The Town has only recommended one condition of draft plan approval because all the other development related conditions have been addressed as part of the approved site plan. Overall, the Town planning report concludes that the proposed subdivision and zoning amendment are consistent with the PPS, conforms to the County Official Plan and Town Official Plan and represents good planning. County staff concur with the position of Town staff, and will not offer a duplicative policy review here.

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

1. has regard for matters of Provincial interest under the *Planning Act* including subsection 51(24),
2. is consistent with the Provincial Policy Statement 2020,
3. conforms to the County of Grey Official Plan, and
4. conforms to the Town of The Blue Mountains 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 a subdivision application. The County has collected the requisite fee and peer review deposit for this application.

Relevant Consultation

- Internal: Planning
- External: The Public, Town of The Blue Mountains, Grey Sauble Conservation Authority, and other required agencies under the Planning Act.

Appendices and Attachments

[PDR-CW-32-20 Rickpark Homes Subdivision Information Report](#)

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

Applicant: Richpark Homes (Thornbury) Ltd.

File No.: 42T-2020-04

Municipality: Town of The Blue Mountains

**Location: Lots 47 and 48, Southwest of King Street and Lots 47, 48, and 49 Northeast of Arthur Street
and part of Minto Street, Townplot of Thornbury**

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(37) 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 Local Planning Appeal 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 Local Planning Appeal 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 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/>. 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.

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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

Town of The Blue Mountains Zoning By-law Amendment Application File#P2888

Town of The Blue Mountains Site Plan (Approved September 16, 2019)

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. Please contact the Planning Office at 519-376-2205 or 1-800-567-GREY to schedule an appointment to review the information.

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: Richpark Homes (Thornbury) Ltd.

File No.: 42T-2020-04

Municipality: Town of The Blue Mountains

Location: Lots 47 and 48, Southwest of King Street and Lots 47, 48, and 49 Northeast of Arthur Street and part of Minto Street, Townplot of Thornbury

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Plan of Subdivision File No. 42T-2020-04 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

General Requirements

1. That the final plan shall conform to the Draft Plan of Subdivision File No. 42T-2020-04 as per drawing D-1 prepared by Travis and Associates, and surveyed by Paul Thomsen, dated July 1, 2020 showing one (1) block (Block 1) on Lots 47 and 48 Southwest of King Street, Lots 47 to 49 Northeast of Arthur Street, Part of Minto Street (stopped up and closed by GY161621), Townplot of Thornbury, Town of The Blue Mountains, County of Grey.
2. Prior to final approval and registration of the subdivision, an amending Zoning By-law implementing the subject plan shall be approved and be in force and effect under Section 34 of the *Planning Act*.
3. Prior to the signing of the final plan by the County of Grey, the applicant is to provide to the County written correspondence from the Town of The Blue Mountains indicating that all the Draft Plan Conditions have been carried out to the Town's satisfaction.
4. If final approval is not given to this plan within three (3) 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.
5. That the Owner shall provide the Town of The Blue Mountains and the County of Grey with digital copies of the Final Plan in a format acceptable to the Town and the County.

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

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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
32 Mill Street, PO Box 310
Thornbury, ON N0H 2P0

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 Conservation and Parks 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.