



Committee Report

To:	Warden Milne and Members of Grey County Council
Committee Date:	January 26, 2023
Subject / Report No:	Aquavil Draft Plan Extension / PDR-CW-06-23
Title:	Aquavil Draft Plan of Subdivision Extension Request 42T-2012-03
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Town of The Blue Mountains
Status:	Recommendation adopted by Committee as presented per Resolution CW26-23; Endorsed by County Council February 9, 2023, per Resolution CC18-23.

Recommendation

1. That report PDR-CW-06-23 be received; and
2. That in consideration of the request to extend draft plan approval for plan of subdivision application 42T-2012-03 for a period of two years, with revised draft plan conditions as requested by the Town of The Blue Mountains, and the matters to have regard for under Subsection 51(24) of the Planning Act, the Grey County Committee of the Whole hereby approves the revised plan of subdivision on lands described as Lots 59, 110, 111 and 112, Part of Lots 86, 87, 88, 89, 113, and 114 and Part of Block D, Registered Plan 529, geographic Township of Collingwood, now in the Town of The Blue Mountains.

Executive Summary

The County has received a request from the proponents of the Aquavil subdivision in the Town of The Blue Mountains to extend their draft plan of subdivision approval for a period of two years. Normally the extension of draft plan approval is a delegated staff responsibility at the County, where there is written support from the host municipality. Town of The Blue Mountains is generally supportive of the draft plan extension, subject to minor changes to the existing draft plan conditions. The proposed changes to the draft plan conditions include:

- updates to the water, wastewater, and pre-servicing conditions,
- additional warning clauses to be added to the subdivision agreement, and
- the requirement for a development communications plan.

Based on the proposed revised draft plan conditions, approval is needed from the Grey County Committee of the Whole. The developer has concurred with the Town's proposed changes, and County staff are recommending approval of the draft plan extension, with the revised draft plan conditions. There are no changes proposed to the draft plan of subdivision.

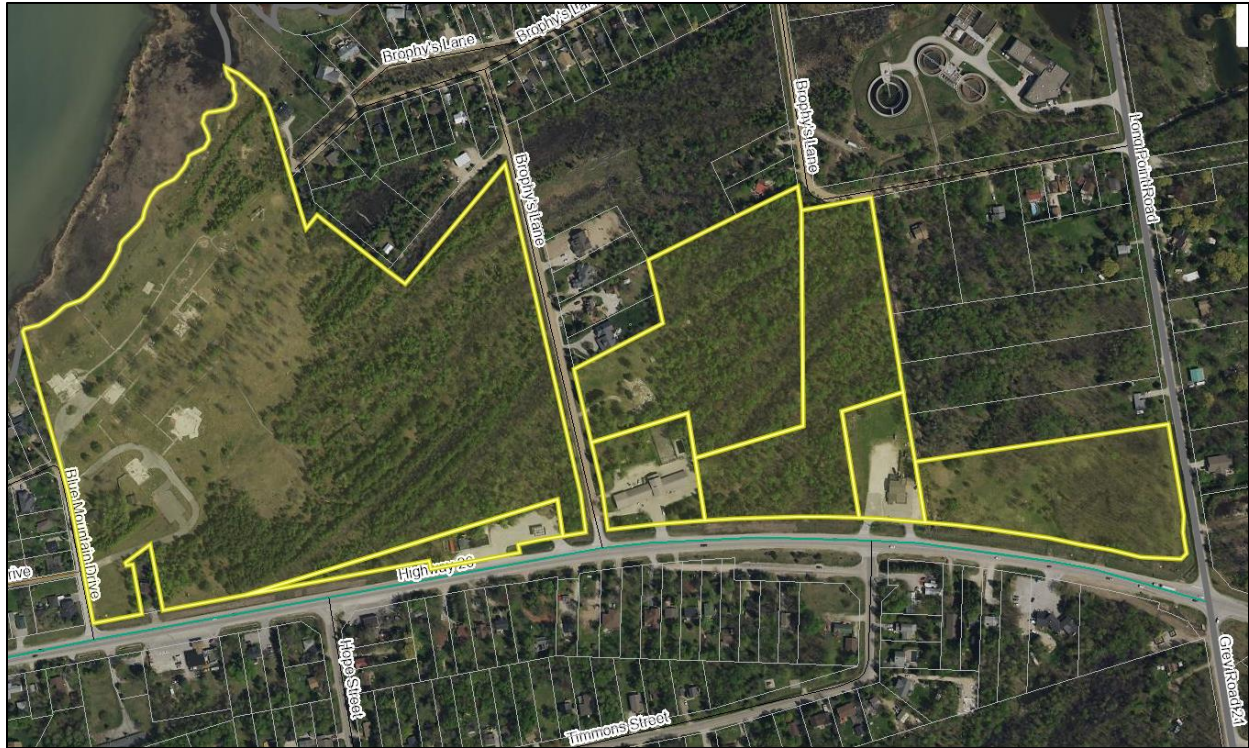
Background and Discussion

Plan of subdivision file 42T-2012-03 known as Aquavil (formerly known as Craiglieth Village/Terrasan) originally received draft approval on May 20, 2014. The draft approved plan was appealed by a neighbouring landowner in 2014 but the appellant later withdrew the appeal and therefore the Ontario Municipal Board (now called the Ontario Land Tribunal) passed a decision confirming the plan had been draft approved. The Aquavil draft plan has been extended a number of times since the original approval with support from the Town of The Blue Mountains and the County.

The County received a two-year draft plan extension request in November 2022. Based on correspondence dated December 9, 2022, the Town of The Blue Mountains is supportive of this draft plan extension, subject to some modifications to the current draft plan conditions to bring them up to modern standards. On December 20, 2022, County staff granted a temporary emergency draft plan extension to allow for this report to be brought forward for consideration. The developer has raised no issue with the Town's recommended draft plan condition changes. As part of the proposed changes there are no changes to the draft plan itself.

Normally a draft plan extension, where supported by the host municipality, is a staff delegated approval at the County. However, in this case because the Town has requested changes to the draft plan conditions, it requires the approval of the County Committee of the Whole.

This plan of subdivision is located on lands legally described as Lots 59, 110, 111 and 112, Part of Lots 86, 87, 88, 89, 113 and 114, Part of Block D (Closed by By-law), Registered Plan 529, Town of The Blue Mountains. The subject lands are located on the north side of Highway 26 between Blue Mountain Drive and Long Point Road. Map 1 below shows the subject lands.



Map 1: Location of Aquavil Development

The current draft approved plan is a block plan that identifies various blocks that will require future development applications in order to develop within each block. A total of 25 blocks exist in the current draft approved plan, which consists of blocks for single dwellings (3 blocks), townhouses (5 blocks), mix-use residential/commercial (2 blocks), institutional (2 blocks), open space/park (10 blocks), and stormwater management (1 block). The site is divided into an east and a west neighbourhood with the dividing line occurring at Brophy's Lane. In addition to the current draft approved plan of subdivision, previous planning approvals for the subject lands include a Town official plan amendment and zoning by-law amendment. The current approvals enable development of up to 340 dwelling units and 9,100 square metres of commercial uses between the east and west neighbourhoods.

Summary of Proposed Changes to Aquavil

There are no changes proposed to the draft plan of subdivision. The proposed changes to the draft plan conditions can be summarized as follows:

- updates to the water, wastewater, and pre-servicing conditions,
- additional warning clauses to be added to the subdivision agreement, and
- the requirement for a development communications plan.

The revised conditions align with modern draft plan conditions applied to newer developments.

Planning Analysis

County staff would generally concur with the Town staff recommendations and are supportive of the changes. A fulsome planning analysis has not been undertaken, based on there being no proposed changes to the subdivision.

Legal and Legislated Requirements

The consideration of this draft plan extension 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 draft plan extension, beyond those normally encountered in processing such applications. The County has collected the requisite fee for this application.

Relevant Consultation

Internal: Planning

External: Town of The Blue Mountains and the proponent.

Appendices and Attachments

[Existing Aquavil Draft Plan Conditions](#)

Recommended Revisions to the Conditions of Draft Plan Approval (subject to change)
(attached)

Recommended Revisions to the Conditions of Draft Plan Approval

That Plan of Subdivision File No. 42T-2012-03 has been granted draft approval. The previous conditions of draft approval that were approved on May 20, 2014, are hereby revised as follows.

That existing draft plan condition 48 is hereby deleted and replaced by the following:

48. That prior to final approval, the County is advised in writing by the Town of The Blue Mountains how conditions 2 to 59 have been satisfied.

That the following new draft plan of subdivision conditions are added after the existing condition no. 49:

Water / Wastewater Capacity

50. 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.

51. 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.

Pre-servicing Works

52. 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 or Pre-Servicing 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.

Warning Clauses

53. 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.

54. 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.
55. 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 unauthorised 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 catch basins."
 - 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."

Neighbourhood Information Mapping

56. 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.

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.

57. 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.
58. 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:
 - i. "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."
 - ii. "Please Note: this map is based on information available on (month/year) and may be revised without notice to purchasers."
 - iii. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."
 - iv. "There may be catch basins or utilities easements located on some lots in this subdivision."
 - v. "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."
 - vi. "Community mailboxes {CBM's) will be directly beside or in front of some lots."
 - vii. "Purchasers are advised that the final location of walkways in Blocks may change without notice."
 - viii. "Streets may contain on-street parking, and may be available for overnight parking, subject to parking permits."
 - ix. "The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings."
 - x. "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."
 - xi. "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."

- xii. "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."
- xiii. "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."
- xiv. "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."
- xv. "For further general information on proposed and existing land use, please call the Town's Planning Services Division 519-599-3131."
- xvi. "For detailed grading and berming information, please call the Town's Development Engineering Division 519-599-3131"

59. The developer 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 the previous Draft Plan condition.

That all other conditions of draft approval as granted on May 20, 2014 remain in effect.