



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** COW-Operations\_Planning\_and\_Development\_Services  
**Meeting Date:** April 30, 2024  
**Report Number:** PDS.24.069  
**Title:** Recommendation Report - P3405 - Zoning By-Law Amendment to add Holding H By-Law to 150-160 King Street  
**Prepared by:** Adam Farr, Senior Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.24.069, entitled “Recommendation Report - P3405 - Zoning By-Law Amendment to add Holding H By-Law to 150-160 King Street;

AND THAT the Zoning By-law Amendment to amend the Town of The Blue Mountains Zoning By-law 2018-65, as amended, as shown on Attachment 1 to Staff report PDS.24.069 for the lands municipally known as 150-160 King Street, be approved.

### B. Overview

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This report recommends approval of a Town initiated Zoning By-law Amendment to add a Holding ‘-h’ symbol and related provisions to the current Commercial One (C1) Zone that applies to the lands located at 150-160 King St. A Holding By-law applies restrictions to the use of a property before final approvals and building permits can be issued.

The property is the subject of Site Plan application P3196 which contemplates development of a 3 storey hotel on 160 King Street and two 3 story buildings comprised of ground floor commercial and rental apartments on the upper floors on 150 King St.

The proposed provisions would require that, before the Holding symbol is removed from the whole or part of the subject lands the following is required to be completed:

- Execution of a Site Plan Agreement
- Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of The Blue Mountains.

## **C. Background**

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A site plan application is in process for proposed development at 150-160 King St. Concurrent with the review of the application, significant servicing constraints have been identified that impact the ability to connect this property to municipal sanitary services. There are also a number of other remaining matters that require resolution and have been detailed in a February 29, 2024 deficiencies letter before approvals can be finalized. These include but are not limited to stormwater management, sidewalk construction obligations, drawing updates, and acceptance of various other requirements.

## **D. Analysis**

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In consideration of Town wastewater system constraints, final Planning approvals that would allow for the issuance of a building permit cannot be issued for proposed development on the subject properties at this time.

As a measure to allow the Town to prepare and enter into a site plan agreement with the Owner which specifies the terms under which final approvals can be gained, a Zoning By-law Amendment to apply a Holding symbol to the subject lands is proposed. The effect would be to re-zone the properties from Commercial One (C1) Zone to Commercial One Hold (C1-H48) Zone.

The proposed provisions would require that, before the Holding symbol is removed from whole or part of the subject lands, the following is required to be completed:

- Execution of a Site Plan Agreement; and
- Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of The Blue Mountains.

The site plan agreement would, among other things, specify those outstanding matters that require resolution to the required Town standard before final approvals can be gained.

The Town's role within the provincial planning framework includes responsibility for integration of various elements of community planning that, among other things, is underpinned by infrastructure servicing. The pace and extent of development in recent years has intensified and surpassed historic and projected growth patterns resulting in various infrastructure servicing (water, wastewater treatment and conveyance) constraints. As a result the Town is dealing with existing and emergent imbalances in demand for services relative to available supply. This impacts the Town's responsibility and ability to deliver development approvals and to deliver a "complete community."

The Town has planned upgrades to the municipal infrastructure and a critical piece to the development of this site is the upgrade of the Mill Street Sewage Pump Station. The design work is underway and current project timelines estimate that construction will be completed by 2027. In the meantime, staff are pursuing initiatives to identify downstream issues affecting capacity at the station.

Additionally, the Town's Official Plan provides both generally and detailed direction requiring that no development approvals be issued without the availability of services. The proposed Holding provision creates an approvals framework for the subject development such that, pending fulfillment of the related provisions, the Owner has greater certainty regarding the approvals status of their proposed development.

A detailed analysis of the relevant sections of the provincial planning framework that support the recommended Zoning By-law Amendment are included in Attachment 2.

## **E. Strategic Priorities**

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This recommendation report includes content that fulfills the following strategic priorities:

### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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There are no direct environmental impacts associated with the preparation of this report. The recommendations include provisions that address the municipality's role in managing and providing for the integration of infrastructure servicing for development.

## **G. Financial Impacts**

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There are no direct financial impacts associated with the preparation of this report. The recommendations provide a basis upon which the Town may advance preparation and execution of a site plan agreement with the Owner to assist them with project financing such that the project can maintain its viability during the timeframe within which services are pending. The proposal constitutes a significant gateway project, including, hotel, commercial

development and rental apartment housing, all of which will contribute to the vitality of the community and fulfillment of community planning goals and objectives.

## **H. In Consultation With**

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This report was prepared in consultation with the Manager of Planning and the Director of Planning and Development Services.

## **I. Public Engagement**

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The topic of this Staff Report is the subject of a Public Meeting scheduled for April 30, 2024. This recommendation report is scheduled to follow the Public Meeting on the same date. Any comments regarding this report should be submitted to Adam Farr, [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

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## **J. Attached**

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1. PDS.24.069 Attachment 1 Draft By-law
2. PDS.24.069 Attachment 2 P3405 Planning Analysis

Respectfully submitted,

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**Report Approval Details**

Document Title:	PDS.24.069 Recommendation Report for Zoning By-Law Amendment to add H to 150-160 King Street.docx
Attachments:	- PDS-24-069-Attachment-1.pdf - Attachment 2 Planning Analysis.docx - PDS-24-069-Attachment-2.pdf
Final Approval Date:	Apr 18, 2024

This report and all of its attachments were approved and signed as outlined below:

**Shawn Postma - Apr 18, 2024 - 3:52 PM**

**Adam Smith - Apr 18, 2024 - 9:39 PM**

## The Corporation of the Town of The Blue Mountains

### By-Law Number 2024 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law"

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Schedule 'A' to The Blue Mountains Zoning By-law 2018-65 is hereby amended by rezoning the lands described as municipally known as 150 & 160 King St. from Commercial One (C1) Zone to the Commercial One – Holding 48 (C1-H48) Zone in accordance with Schedule 'A-1' to this By-law;
2. That Table 10.1 – Site-specific Holding Provisions is amended by adding the following Holding Provision as follows:

Holding Number	Zone	Special Provisions
h48	C1-h48	The Holding (h48) provision applies to the entirety of the lands. The Holding (h48) provision shall not be removed from these lands, and no development shall occur, until the following has been completed to the satisfaction of the Town: <ol style="list-style-type: none"><li>1) Execution of a Site Plan Agreement</li><li>2) Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of The Blue Mountains.</li></ol>

3. That Schedule 'A-1' is declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2024

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Andrea Matrosovs, Mayor

\_\_\_\_\_

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2024-\_\_\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Dated at the Town of The Blue Mountains, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Corrina Giles, Clerk

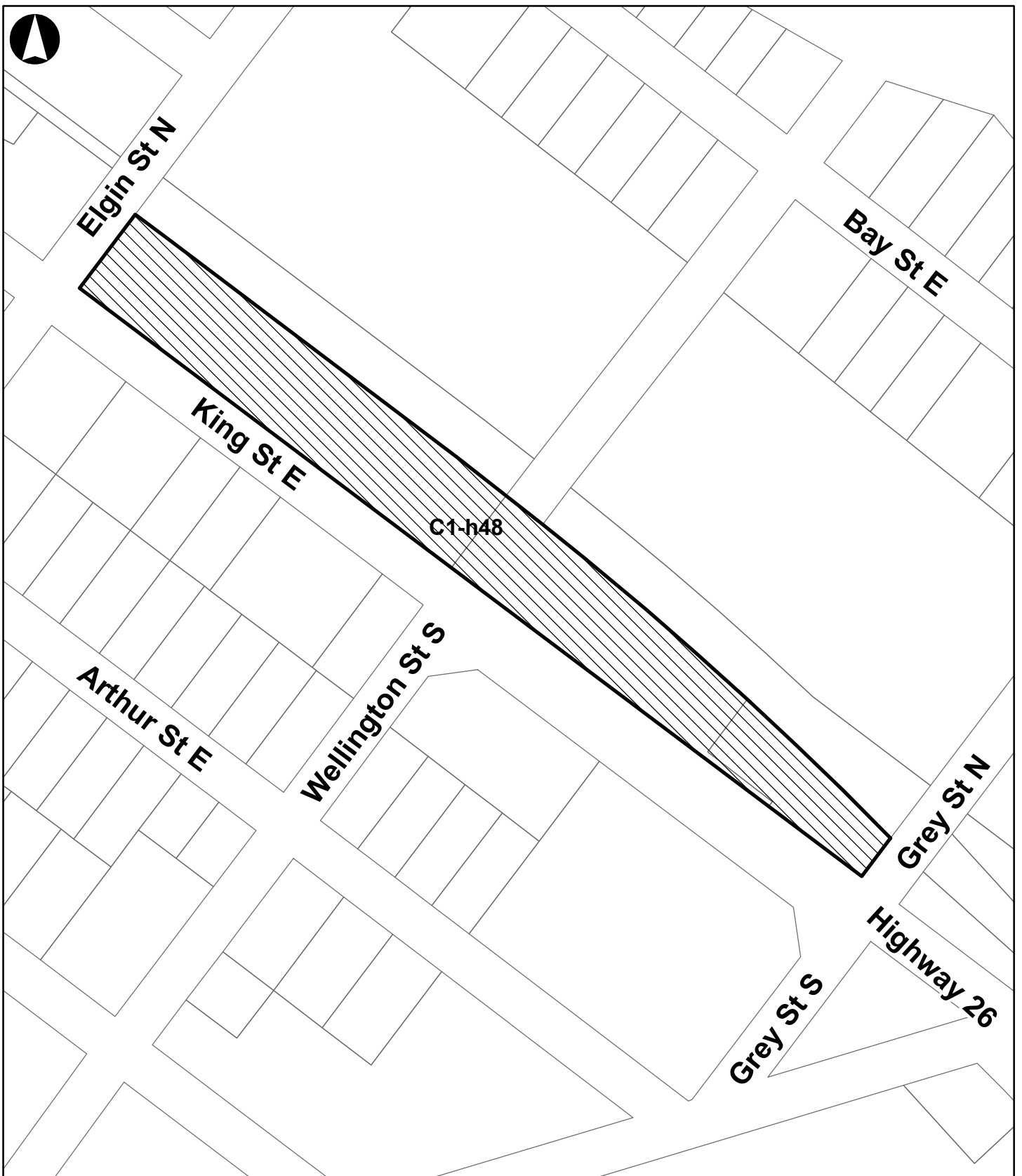
# Town of The Blue Mountains

## Schedule 'A-1'

By-Law No. \_\_\_\_\_

### Legend

-  Subject Lands of this Amendment
-  Area To Be Rezoned From C1 to C1-h48





## Attachment 2 P3405 Planning Analysis – Report PDS.24.069

### Planning Act

The Planning Act in Section 2 sets out matters of provincial interest for which municipalities “shall have regard.” Notably, relative to the proposed re-zoning these include:

- (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;

The current constraints on servicing capacity impact the municipalities other community building responsibilities under Section 2 including but not limited to such matters as adequate provision of community facilities, housing and affordable housing and employment opportunities. The proposed re-zoning assists the Town in effecting a pause in the development approvals process to allow for required measures to be undertaken to further identify related infrastructure constraints and consider those measures required to re-establish a balance between growth demands and required infrastructure servicing.

The proposed Zoning By-law Amendment strikes a balance between advancing development processes to provide greater certainty around outcomes while recognizing infrastructure servicing constraints at this time.

### Provincial Policy Statement

Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Policy Statement. Numerous policy statements speak to the availability and integration of infrastructure relative to current and projected development.

1.1.1 Healthy, liveable and safe communities are sustained by:

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety

#### 1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including: a) managing and/or promoting growth and development that is integrated with infrastructure planning;

1.6 Infrastructure and Public Service Facilities 1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are: a) financially viable over their life cycle, which may be demonstrated through asset management planning; and b) available to meet current and projected needs.

#### 4.0 Implementation and Interpretation

4.7 In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be required for new infrastructure and modifications to existing infrastructure under applicable legislation.

Wherever possible and practical, approvals under the Planning Act and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

The rate of growth has exceeded the projected growth on which the sufficiency of supporting infrastructure was based. As a result the municipality is required to pause development, where required, to provide sufficient time to identify constraints and develop integrated infrastructure solutions that will address current and projected growth demands and enable the municipality to fulfill its community planning function.

The proposed Zoning By-law Amendment strikes a balance between advancing development processes to provide greater certainty around outcomes while recognizing infrastructure servicing constraints at this time.

### **County of Grey Official Plan**

In accordance with 9.2 Following the Plan, local municipalities must conform to the County Plan.

The County Official Plan includes numerous policies referencing the role of local municipalities and the relationships between infrastructure and growth:

#### **1.4.1 (8) Complete Communities**

##### **8) Complete Communities**

It is important to design and build our communities to support people's needs by providing equitable and convenient access to an appropriate range of services, infrastructure and facilities. Complete communities are about providing;

- A mix of employment opportunities,
- Local services,
- A full range of housing,
- Access to public transportation and active transportation opportunities, and
- Community infrastructure such as affordable housing, schools, recreation and open space for our residents.

It is about creating complete communities to support people's daily needs for all age groups. Complete communities encompasses place-making that creates livable communities by providing an identifiable character, a sense of place and a high quality of life.

## **2 MANAGING OUR GROWTH**

The majority of our growth is directed to our *settlement areas* where there are existing services and *infrastructure* (e.g. water and sewer services, schools, hospitals, *recreation* facilities, etc.) to support more growth.

The amount, location, and timing of *development* in some cases will be limited by the availability of services to support that *development* as well as the policies of this Plan.

### **3.4 General Policies Affecting Settlement Area Land Use Types**

7) Local municipal official plans will establish and implement phasing policies to ensure:

The orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs as per Section 8.9.

#### **8.9.1 The following are policies regarding servicing:**

- 1) Full municipal water and sewage services is the preferred method of servicing and will be provided on the basis that:
  - a) The systems can be sustained by the water resources that the services rely on,
  - b) Is feasible, financially viable (both current and long-term) and complies with all regulatory requirements,
  - c) Is within the financial capabilities of the municipality, and
  - d) Meets all regulatory requirements of the appropriate approval authority.

In order to fulfill Goals and Objectives to deliver complete communities and to manage and support related growth , the Town requires a sufficient balance of infrastructure and development and services need to be available to allow development to advance.

The proposed Zoning By-law Amendment strikes a balance between advancing development processes to provide greater certainty around outcomes while recognizing infrastructure servicing constraints at this time.

### **Town of The Blue Mountains Official Plan**

The Town of Blue Mountains Official Plan includes, various applicable policies that support the proposed zoning by-law amendment:

#### A3.3 Growth and Settlement

A3.3.1 Goal To direct most forms of development to areas where full municipal wastewater and water services are available and to support the efficient use of land in these areas.

A3.3.2 Strategic Objectives It is a strategic objective of this Plan to:

6. Ensure that all development is appropriately phased and in conjunction with required infrastructure improvements where appropriate

#### A3.9 INFRASTRUCTURE

A3.9.1 Goal To ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities, roads and municipal facilities meet the needs of present and future residents and businesses.

#### A3.9.2 Strategic Objectives

It is a strategic objective of this Plan to:

2. Ensure that all infrastructure required to serve urban areas is built prior to, or coincident with, development.

#### B3.3 DOWNTOWN AREA

B3.3.4.1 New Development In considering an application for new development, Council shall be satisfied that:

f) the road and/or municipal infrastructure is able to provide water and wastewater service, waste management services and fire protection;

#### D1.2 PREFERRED MEANS OF SERVICING IN SETTLEMENT AREAS

Prior to the creation of any new lot, approval of any new development or redevelopment or zoning by-law amendment in any settlement area, Council shall be satisfied that appropriate municipal services are available to the lands and that there is sufficient capacity to accommodate the use.

#### E1.3 HOLDING PROVISIONS

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Town have been met. The objective of utilizing a Holding Provision is to ensure that:  
b) development does not proceed until services and utilities are available to service the development; and/or,

The proposed Zoning By-law Amendment is supported by the policies of the Official Plan. Infrastructure availability (i.e. water and wastewater treatment and conveyance capacity) is a pre-requisite to development approvals

**Town of The Blue Mountains Zoning By-law**

The Commercial One (C1) zone applicable to this property does not currently carry a Holding designation. The proposed Zoning By-law seeks responds to site conditions and introduces the symbol in conformity with policies and provisions of the Official Plan with respect to servicing availability.