



Staff Report

Legal Services

Report To: Committee of the Whole Meeting
Meeting Date: September 27, 2022
Report Number: FAF.22.156
Title: Aquavil Master Development Agreement
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.22.156, entitled “Aquavil Master Development Agreement”;

AND THAT Council delegate authority to the Mayor and Clerk to execute a Master Development Agreement related to the Aquavil Development.

B. Overview

The Aquavil development was given Draft Plan approval in 2014. Condition 2 of the Draft Plan Conditions requires that the developer enter into a Master Development Agreement (“MDA”) in a form satisfactory to the Town, County of Grey, Grey Sauble Conservation Authority, Ministry of Transportation, and Niagara Escarpment Commission.

This report aims to highlight the intents and purposes of such an MDA, and delegate signing authority to the Mayor and Clerk, subject to internal controls and sign-off from the Senior Management Team and Manager of Development Engineering.

C. Background

Condition 2 of the 2014 Draft Plan conditions requires that an MDA be executed and consider the following matters: *“financial matters; works/infrastructure; provision of recreational space and/or amenities; parkland dedication or cash in-lieu thereof; shoreline dedication or cash in lieu thereof; conveyances and other dedications; master storm water management plan/study; servicing; road design; tree retention and landscaping, including a Master Concept Plan; an Environmental Impact Study addressing endangered species and actual setbacks or buffer areas from the Provincially Significant Wetland; and, a Traffic Impact Study.”*

D. Analysis

The purpose of an MDA is to set broad objectives for the development and establish some parameters, goals, and requirements in a “big-picture” sense. Each individual phase of the development will be subject to individual subdivision/ condominium/ site plan agreements and will address the site-specific requirements, studies, and development detail. At the MDA stage, we want to answer general questions, such as:

- Where will general types of development go – residential, commercial, open space etc.
- What is the general nature and intent of the built form?
- What land will be public and ultimately conveyed to the Town/ what will remain private?
- In general, how will the land be serviced?
- What is the proposed road layout?
- How much (and what) land will be protected?
- How will environmentally sensitive land be protected?

Notwithstanding the above “big picture” objectives of this (and any) MDA, the Town has identified a number of site-specific issues that Staff will incorporate into the agreement:

1. Traffic

The closure of certain roads and intersections (example, Blue Mountain Dr. & Brophy’s Lane at Hwy 26) and the opening of other roads/intersections/roundabouts (example, Street B/Long Point Rd./Hwy 26) will be of utmost importance to the development and phasing of the lands. Such works will require a great deal of detailed design and consultation with external parties such as the Ministry of Transportation, as such, the Town intends to set out in the MDA broad goals for these lands, and timing and phasing objectives for such activities. It is expected that the detailed engineering and design will be approved under the applicable Subdivision/Site Plan/Development Agreement applicable for the portion of the development.

2. Condo Corporation(s) joint ownership of Common Elements

The Town will be looking to set out and understand the legal structure by which the various proposed condominium corporations will jointly own and manage the common elements (roads, beach, etc.).

3. Land Conveyances

Individual conveyances will take place at the Subdivision Agreement stage, but the Town will look to set out what land transfers, conveyances, and road widenings will be coming to the Town.

4. Neighborhood Beach

As previously discussed, and endorsed by Council, the “Neighbourhood Beach” will be owned by the Developer (and eventual condominium corporation(s)). The Developer and Town will set out in the MDA the terms on which certain other neighbourhood residents (outside the development) can access the Aquavil waterfront beach.

5. Servicing Allocation

The Town will require certain terms to ensure that adequate sewer and water capacity (or necessary upgrades) are in place to facilitate the development.

Attached to this report are a number of high-level concept plans which set out the proposed build form and site layout, including illustrating the development areas, wetland areas, tree protection areas, and common areas. Once approved by Town Staff and external agencies, such plans will be incorporated into the MDA, as necessary.

It is expected that this development will proceed in phases, and each phase/sub-phase will be subject to a specific subdivision/site plan/development agreement which will establish the detailed engineering and site design.

E. Strategic Priorities

1. Communication and Engagement

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

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

NIL

G. Financial Impacts

NIL

H. In Consultation With

Shawn Everitt, CAO

Adam Smith, Director of Planning and Development

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Will Thomson, Director Legal Services directorlegal@thebluemountains.ca.

J. Attached

1. Attachment 1 – Draft development plans.

Respectfully submitted,

Will Thomson
Director Legal Services

For more information, please contact:
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Report Approval Details

Document Title:	FAF.22.156 Aquavil Master Development Agreement.docx
Attachments:	- Attachment 1 - Draft development plans.pdf
Final Approval Date:	Sep 19, 2022

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

No Signature found

Adam Smith - Sep 16, 2022 - 1:55 PM

Will Thomson - Sep 16, 2022 - 2:32 PM

No Signature found

Shawn Everitt - Sep 19, 2022 - 8:47 AM