



Staff Report

Planning & Development Services

Report To: COW-Operations, Planning and Development Services
Meeting Date: November 28, 2023
Report Number: PDS.23.128
Title: Clear-Cutting at Blue Vista Block 119 in response to Reg and Nancey Adamson
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.23.128, entitled "Clear-cutting at Blue Vista Block 119 in response to Reg and Nancey Adamson";

AND THAT Council direct staff to develop a public engagement strategy for the future programming of Block 119 being a public park in the Blue Vista development area;

AND THAT Council direct staff to include the public lands neighbouring Block 119 within the engagement strategy to determine the vision of the Craigleith Community Park.

B. Overview

This report is in response to the deputation by Reg and Nancey Adamson at the October 30th Council Meeting as well as the correspondence received by Mr. Stephen Granger and Ms. Irene Bond.

C. Background

The development known as Blue Vista is a 180-unit subdivision of single detached and semi-detached dwellings located off Grey Road 21 in Craigleith. Applications to rezone and subdivide the lands that are subject to the development received Council approval in July 2022. Since that time, detailed engineering review has been taking place to ensure adherence with the conditions of the planning approval received and position the project for construction activities.

Generally, prior to the registration of newly created lots and issuance of building permits, a developer will enter into a pre-servicing agreement with the Town. The nature of these agreements can vary and recently, the Town has been moving in the direction of having them staged to specific scopes of work. In the case of Blue Vista, a pre-servicing agreement was executed in March 2023 specific to tree-clearing on the site and then in September 2023 a subsequent pre-servicing agreement was executed inclusive of basic services being road, water, sanitary and storm-water infrastructure.

The advantage to this approach is that it enhances the manageability and oversight of development sites by limiting the span of control that Town staff are responsible for when construction begins. The challenge with this approach is that it risks extending the development timeframe as additional site works require the execution of subsequent agreements. There may also be further complexity to communications on development activities as some scopes of work such as grading occur throughout the duration of the project and cannot simply be completed at one stage.

Importantly, pre-servicing agreements must abide by the conditions of the planning approval. Often, when a conditional planning approval is granted, it will speak to additional studies and plans that while not available at the time of the Council decision becomes necessary during the engineering review and execution of the development agreement. The determination of studies and plans required during the planning review versus the engineering submissions is based upon staff review of local and provincial planning policies alongside comments received by relevant agencies.

Staff understand that the concerns regarding the Blue Vista development are principally focused upon the tree removal that is occurring through the latest pre-servicing agreement tied to the installation of basic services. As such the following themes have been identified based on the correspondence and deputation received:

1. Concern regarding tree removal that occurred on Block 119 and uncertainty around why it was required.
2. Lack of communication on the removal of trees.
3. Need for trees to serve as buffering between properties.
4. Request for consultation regarding the future of the park space.
5. Ensuring clear-cutting on development lands does not occur.

In the following section of this report, staff will offer responses to those concerns expressed and opportunities that could be pursued.

D. Analysis

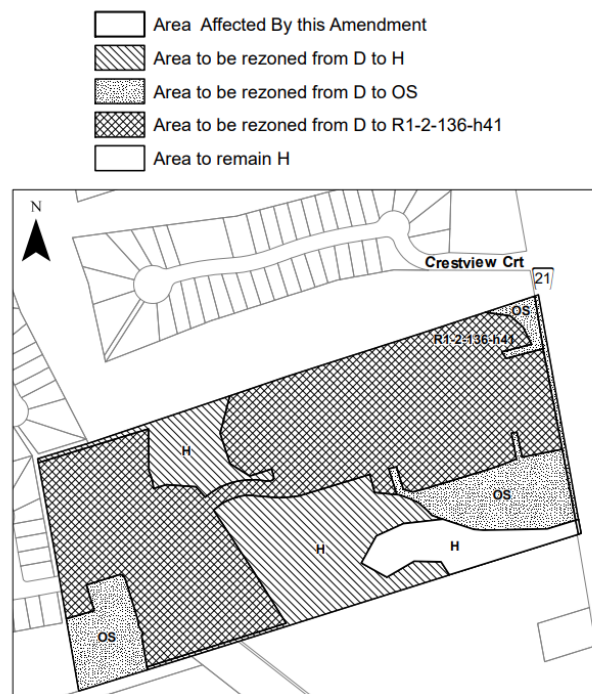
Concern regarding tree removal that occurred on Block 119 and uncertainty as to why it was required.

The draft plan approval of the Blue Vista subdivision occurred in July 2022 and there were fifty conditions applied to the approval that would need to be cleared prior to execution of a development agreement or prior to registration of the plan and issuance of building permits. Condition #34 speaks to the state of the public park requiring:

That the Owner shall remove all identified trees from the Public Parkland Block 119, rough grade such that best efforts are taken to ensure there is no standing water and shall be maintained in general conformance with the approved comprehensive grading plan. The Owner shall further agree in the Subdivision Agreement to topsoil and seed all rough graded areas.

The intent behind condition #34 is to have the public park block cleared, rough graded and then reinstated with natural cover. Doing so prior to the issuance of building permits ensures that tree removal and grading does not occur after new residents have moved in adjacent to the park blocks and the Town is proactive in preparing the area for future amenities.

During the planning review of this development, an Environmental Impact Study (EIS) was submitted that included a review of the woodlands on Block 119. The entire EIS including the methodology, conclusions and recommendations was peer reviewed before acceptance and this is a consistent practice for all developments reviewed by planning staff. The resultant Zoning By-law Amendment and Draft Plan conditions reflect boundaries and constraints of Significant Woodlands identified through the EIS. This is principally illustrated by the zoning map below that accompanied the recommendation report in July 2022. Areas being rezoned from Development (D) to Hazard (H) denote lands to be protected given the natural heritage features present.



The EIS and addendums that occurred following peer review, shaped many aspects of the approved pre-servicing agreement including the Tree Management Plan, Woodland Compensation Plan, Trails Master Plan and more. However, the mapping that is publicly shared is not intended on being interpreted in isolation of other approved plans, conditions of

approval and terms of the development agreement. Staff acknowledge that the Tree Management Plan mapping should have provided more clarity to the removals to occur as part of the pre-servicing for basic services.

Lack of communication on the removal of trees.

The initial development notice for Blue Vista was circulated and hand delivered in March 2023 to properties within 120 metres of the project site which is not a statutory requirement but consistent with the radius of draft plan of subdivision applications circulated under the Planning Act. In July 2023, a subsequent development notice was circulated in a similar manner that referenced the remaining pre-servicing works to be completed mainly being grading and site servicing.

Need for trees to serve as buffering between properties.

Buffers between residential uses and a park were not considered as the park block is intended to serve the greater Craighleith community. The Blue Vista park block is the last remaining piece to be added to the larger park block that also includes lands from Second Nature and Windfall developments. However, through a public engagement exercise, opportunities can be identified for future tree plantings that appropriately buffer neighbouring uses.

Request for consultation regarding the future of the park space.

Staff have prepared a recommendation for Council consideration that would enable the development of a public engagement strategy in the Craighleith area. The focus of this strategy would be to receive input on the vision for not only for the park block within the Blue Vista development area but the publicly dedicated spaces that are interconnected with the block. There may be the potential for park improvements to run concurrently with residential build-out, thus mitigating the risk associated with future construction in which dwellings have already received occupancy and further development activity creating nuisances. At a minimum, staff would be seeking to explore the feasibility of a washroom facility and parking given the lack of both amenities in the area. From a budget perspective, these improvements may be able to be supported through the issuance of Development Charge (DC) credits for Blue Vista lessening any financial impacts on the tax levy. In addition, there may be efficiencies from a project management perspective.

Ensuring clear-cutting on development lands does not occur.

Unfortunately, tree removal is a necessary reality of development but there are measures that the municipality currently has in place to regulate such removal. All development subject to a planning application in the Town must adhere to the Town's Official Plan and there are several policies that either speak directly or indirectly to the protection and preservation of trees. An Environmental Impact Statement (EIS) is the principal means to determining a complete understanding of the environmental profile of a property as well as potential impacts from the proposed use. Section C9 of the Plan offers details on the requirements of this study that must be acceptable to agencies involved in review of file.

More specifically, there is Section D8.2 Tree Canopy which requires reimbursement, in the form of new trees or financial compensation, for all healthy trees proposed to be removed in development applications, based on the findings of a Tree Inventory and Preservation Plan. In the case of Blue Vista, all these policies were considered in review of the application.

Despite existing policy regulating tree removal on development sites, staff understand there is appetite to explore means to further protect and preserve trees. The Natural Heritage Study and Natural Asset Inventory are two projects anticipated to be completed in Spring 2024 with the intent of identifying additional measures that could support tree protection and retention in the Town. Moreover, staff have identified a Parks, Trails and Open Space Master Plan as a medium-term priority that could provide further guidance on the design and function of parks dedicated through the development process. This would inform conditions related to future subdivisions as it relates to their state and Town priorities for those lands that have been assumed but yet to be programmed.

E. 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

There are no environmental impacts associated with this report.

G. Financial Impacts

Staff anticipate that any costs associated with public engagement will be covered through the 2023 Operating Budget. The future park design and construction is anticipated to be funded through the issuance of DC credits. However, a decision on such capital works is not being sought at this time.

H. In Consultation With

Ryan Gibbons, Director of Community Services

Sam Dinsmore, Acting Director of Finance and IT

Tim Hendry, Manager of Communications and Economic Development

Shawn Postma, Manager of Community Planning

Brian Worsley, Manager of Development Engineering

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 Adam Smith, directorplanningdevelopment@thebluemountains.ca

J. Attached

1. Correspondence of Stephen Granger
2. Correspondence of Nancey and Reg Adamson
3. Correspondence of Irene Bond
4. Original Draft Plan Conditions
5. Blue Vista Notice of Decision – July 2022

Respectfully submitted,

Adam Smith
Director of Planning & Development Services

For more information, please contact:
Adam Smith, Director of Planning & Development Services
directorplanningdevelopment@thebluemountains.ca
519-599-3131 extension 246