



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: March 19, 2024
Report Number: PDS.24.046
Title: Recommendation Report - P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium 516681 7th Line (Dunnccap) County File 42CDM-2023-05
Prepared by: Adam Farr, Senior Planner

A. Recommendations

THAT Council receive Staff Report PDS.2024.046, entitled “Recommendation Report - P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium 516681 7th Line (Dunnccap) County File 42CDM-2023-05” and dated March 19 2024.

AND THAT Council support a recommendation to Grey County to grant Draft Plan Approval for a Vacant Land Condominium for the lands at 516681 7th Line, County File 42CDM-2023-05 subject to the Draft Plan Conditions described in Attachment 1.

B. Overview

This application for approval of conditions for a Draft Plan of Vacant Land Condominium (Town file 3358 and County file 42-CDM-2023-005) proposes:

- 22 residential lots;
- A private road;
- Open Space lands; and
- dedication of a 7th Line road widening to the Town.

An application was filed for a Zoning By-law Amendment for the same lands and was approved at the March 11, 2024 Council meeting by way of report PDS.24.029. That Zoning By-law is subject to various site-specific exceptions addressing required details of the land use and related provisions along with holding provisions that must be met before the zoning comes fully into effect.

Proposed draft plan of vacant land condominium conditions of approval are set out in Attachment 1. The conditions include those that are required to be fulfilled through:

- completion and approval of various studies, reports and drawings to the satisfaction of the Town and other agencies;
- entering into an agreement or agreements to secure various legal, financial and other matters as required;
- fulfillment of required financial and other obligations, conveyance of lands to the Town as required etc.
- creation of lots, blocks, parts, easements and conveyance of to the Town of associated lands

Generally, this culminates in, among other things, the registration of the draft plan of vacant land condominium, and the legal creation of the different lots, blocks, parts, and easements, after which building permits can be issued in accordance with the zoning and approved plan and construction of new homes can commence.

Outstanding issues associated with this file require clearance, confirmation and approval through preparation of additional studies and resolution of outstanding matters addressed in the proposed draft plan of vacant land condominium conditions. Holding By-law provisions are also in place to address outstanding issues and requirement fulfillment before the Zoning can come into effect.

C. Background

The subject lands are located at 516681 7th Line adjacent to the Georgian Bay Club which includes a condominium residential development and a golf course. The lands are currently occupied by a residential dwelling and accessory structures, are otherwise forested and designated significant woodlands.

Surrounding lands are as follows:

To the North: condominium development of semi-detached residential dwellings on lands designated Residential/Recreational Area and zoned Residential Two Exception (R2-107).

To the East: golf course on lands designated Recreational Commercial Area in the Town's Official Plan and zoned Recreation Two (REC 2).

To the South: golf course on lands designated Recreational Commercial Area in the Town's Official Plan and zoned Recreation Two (REC 2).

To the West: forested lands and single detached residential and accessory buildings on forested lands designated Rural in the Town's Official Plan and zoned Rural (RU).

A pre-consultation meeting was held on April 7, 2022. The materials submitted with the applications include:

- Planning Justification Report
- Proposed Draft Plan of Vacant Land Condominium

- Environmental Impact Study
- Traffic Impact Study
- Scoped Golf Spray Analysis
- Landscape Analysis
- Stage 1 and 2 Archaeological
- Preliminary Functional Servicing Report
- Geotechnical Report
- Letters acknowledging the proposal from adjacent condominium corporation
- Confirmation of First Nation consultation

Applications for both a Zoning By-law Amendment and Draft Plan of Vacant Land Condominium were deemed complete on December 21, 2023. The applications were circulated for Department and agency review and a public meeting was held on January 29 2024.

The 90-day decision making time frame for the Zoning By-law Amendment, after which financial penalties are imposed and appeal rights to the Ontario Land Tribunal are triggered, was set to expire on Friday March 21, 2024. The Zoning By-law was approved on March 11, 2024, within the 90 day timeline, and the Zoning By-law Amendment is subject to a 20 day appeal period that expires on March 31, 2024. The accompanying report PDS24.029 provides a Planning Analysis demonstrating how the associated By-law meets the Ontario planning framework.

The Draft Plan of Vacant Land Condominium application is subject to a 120 day decision making period after which, if a decision is not made in that time, an appeal may be filed by the applicant to the Ontario Land Tribunal and that date falls on April 20, 2024.

The Zoning By-law sought redesignation from the previous Development (D) Zone to Residential One – One (R1-1) and Open Space. That By-law was approved with site specific use and provision exceptions and applied a range of Holding provisions. The related Draft Plan of Vacant Land Condominium proposed:

- 22 residential lots;
- A private road;
- Open Space lands; and dedication of a 7th Line road widening to the Town.



The proposal contemplates large lot single detached custom homes subject to architectural control.

Lot size	from 1272m2 to 2652m2
Frontage	from 18.68m to 27.75m
Depth	from 42.42m to 85.9m

A range of issues were identified in the review process that resulted in Holding provisions being applied to the By-law that are required to be addressed and/or fulfilled before the zoning comes fully into effect. The Holding provisions generally address the following requirements:

- to demonstrate access to a public road and address integration of the subject development with surrounding lands where there are legal dependencies through access and service easements and access provisions to walkways and recreational facilities;
- that water and wastewater treatment and conveyance system capacity be available and allocation be provided;
- to demonstrate the viability of the proposed stormwater management solution including conveyance, storage capacity, tenure/ownership issues etc.;
- completion of an addendum Environmental Impact Study, tree inventory and protection plan and landscape plan;
- confirmation that the proposal in its entirety does not conflict with the Niagara Escarpment Plan; and
- to enter into a condominium agreement and register the draft plan of condominium including all the related requirements i.e. securities, land transfers, cash payments as required etc.

The content of the Hold is reflective of the potential impact of the related issues on the approved Zoning. Where the Holding provisions cannot otherwise be satisfied, the owner may

need to revise their application to address matters such as lot and zoning boundaries and the extent and design of the development/developable area.

Draft Plan conditions have been crafted to address implementation of the Zoning and also to establish technical application requirements for demonstrating the development can be designed and constructed in accordance with the development concept.

D. Analysis

A detailed planning analysis of the site specific zoning by-law associated with this development proposal is included as part of February 27, 2024 report PDS.24.029 File P3359 Zoning Bylaw Amendment 516681 7th Line which was approved at the March 11 2024 Council meeting. The draft plan conditions are intended to implement the related Zoning approval and are required to meet the requirements of the Provincial planning framework and meet the requirements of the Niagara Escarpment Plan. A more complete planning analysis referencing how conditions fulfill the Provincial planning framework is provided in Attachment 2. These include the:

- Niagara Escarpment Plan,
- Planning Act,
- Provincial Policy Statement,
- County of Grey Official Plan,
- Town of The Blue Mountains Official Plan, and
- Town of The Blue Mountains Zoning By-law

In addition, this property includes elements that fall within the commenting authority of the Grey Sauble Conservation Authority.

The following section provides a summary of key conditions, their purpose and intent.

Development approvals status:

As noted above the Holding provisions reference issues that require additional resolution in order to support the draft plan development concept. The draft plan conditions include:

- Reference back to those Holding provisions and confirm that the Owner is aware that inability to fulfill those requirements and/or draft plan conditions may trigger a requirement to revise either or both the Zoning and the Draft Plan.
- A clause requiring that confirmation be gained that the development concept and associated zoning does not conflict with the Niagara Escarpment Plan
- A clause requiring that the Owner agree to enter a no pre-sales agreement pending resolution of related issues dealing with outstanding questions regarding Niagara Escarpment Plan conformity, and the completion and coordination of the recommendations of the Environmental Impact Study, Tree Inventory and Protection Plan, the Landscape Analysis and the Landscape Plan that, in part, implements the related direction. The no pre-sales agreement condition is required so that, where project lotting and the extent of development may be significantly impacted, these matters are resolved before buyers are engaged in proposed development that could be subject to significant changes.

Niagara Escarpment Planning and Development Act

The Niagara Escarpment Commission (NEC) has advised that, in accordance with the Niagara Escarpment Planning and Development Act (NEPA), all development and by-laws within the Niagara Escarpment Plan (NEP) area shall not conflict with the NEP. This requires that related draft plan conditions be appropriately designed so that, in the event the draft plan and the By-law cannot meet the requirements of the NEC, the project is revised through project design revisions and changes to either or both of the Zoning By-law and Draft Plan Conditions.

Related draft plan conditions include requirements as follows:

- No pre-sales agreement conditions as noted above,
- Acknowledgement of the content of the Holding provisions and the requirement that they be satisfied or that the project design require revisions including through revisions to the Zoning By-law or Draft Plan Conditions as may be required to advance the project.

Environmental Impact Study (EIS), Tree Inventory and Protection Plan (TIPP), Landscape Analysis, Landscape Plan

Related draft plan conditions include requirements to:

- Enter into a no pre-sales agreement and agree not to offer units for sale until such time as the lotting relative to resolution of any outstanding environmental issues has been confirmed.
- Resolve outstanding questions regarding the environmental study that were raised in the review process;
- Coordinate the implementation of the approved recommendations of the EIS, TIPP, Landscape Analysis and Landscape Plan;
- Complete the Tree Inventory and Protection Plan

Water and Wastewater Treatment and Conveyance Capacity

Related draft plan conditions include requirements to:

- Assess servicing capacity and gain confirmation of availability and allocation from the Town.

Stormwater Management

Related draft plan conditions include requirements to:

- Confirm conveyance, stormwater management pond capacity and secure tenure as appropriate.

Easements

Related draft plan conditions include requirements to:

- Finalize easements to address dependencies and integration of the proposed development concept into the surrounding area.

General Provisions

Related draft plan conditions include requirements to:

- Complete studies as required;
- Pay for the costs of peer review of specific studies as required;
- Address various administrative and technical matters including but not limited to related matters such as:

- Site construction and logistics
- Warning clauses for buyers and owners regarding information of interest to them
- Conveyance of lands to the Town where required;
- Completion of all required technical studies

Response to Public meeting comments

At the public meeting one comment was received from a member of the public who expressed concern about the cumulative loss of treed areas and woodlands in the Town. The proposed draft plan conditions address the related issues through the requirement for confirmation of the approvals status of the Environmental Impact Study and provisions for addressing implementation of related recommendations.

E. Strategic Priorities

All of the following goals and objectives are directly or indirectly addressed through the recommendations of this report.

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

The recommendations contained in this report address environmental policies and issues identified within the Planning framework. While there are some remaining questions regarding the scope of environmental issues on this property the structured framework of this approval allows for the proposed development concept to advance subject to further review, fulfillment of the provisions of the Holding By-law and final approval and clearance of the recommended draft plan conditions.

G. Financial Impacts

Decisions of Council on planning applications may be subject to an appeal to the Ontario Land Tribunal (OLT). Depending on the scope of the appeal and Town involvement in the appeal process, additional financial obligations may be required.

H. In Consultation With

This report was completed in consultation with the Director of Planning and Development Services and was the subject of circulation and review by commenting agencies and Departments and the applicant.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on January 29, 2024. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

Any comments regarding this report should be submitted to Adam Farr, Senior Planner planning@thebluemountains.ca.

J. Attached

1. Attachment 1 Proposed Draft Plan Conditions
2. Attachment 2 Planning Analysis

Respectfully submitted,

Adam Farr, Senior Planner

For more information, please contact:

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Report Approval Details

Document Title:	PDS.24.046 P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium - County file 42CDM-2023-05.docx
Attachments:	- PDS-24-046-Attachment-1.pdf - PDS-24-046-Attachment-2.pdf
Final Approval Date:	Mar 7, 2024

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

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 7, 2024 - 10:54 PM

Adam Smith - Mar 7, 2024 - 10:54 PM