



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of Adjustment
Meeting Date: August 21, 2024
Report Number: PDS.24.102
Subject: Recommendation Report – Consent Application B09-2024 – Alice Street (Elmes)
Prepared by: Carter Triana, Intermediate Planner
Shawn Postma, Manager of Community Planning

A. Recommendations

THAT the Director of Planning and Development Services has deemed Consent Application B09-2024 a Contested Application and advances the Application to the Committee of Adjustment for a decision.

AND THAT the Committee of Adjustment receives Staff Report PDS.24.102, entitled “Recommendation Report – Consent Application B09-2024 – Alice Street (Elmes);”

AND THAT the Committee of Adjustment GRANT provisional consent for application B09-2024, subject to the following conditions:

1. That the Applicant meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued.
2. That the Applicant provide payment of cash-in-lieu of parkland dedication for the severed lot, or 5% of its appraised value, to the satisfaction of the Town of The Blue Mountains.
3. That the Applicant provide payment of applicable Development Charges for the severed lot, as required by the Town.
4. That the depth of the severed lot is confirmed to be located entirely within the R1-1 zone or that the depth of the severed lot be modified to ensure that it is located entirely within the R1-1 zone.
5. That the Applicant retain an engineer to provide an engineered Lot Development Plan to demonstrate that the existing Town water and sewer services can be extended to service the severed lot. The Lot Development Plan shall be submitted to the Town prior to final approval and registration of the Lot. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works. All costs associated with the installation of required services shall be the responsibility of the Applicant.
6. That the Applicant retain an engineer to provide detailed design drawings for the provision of appropriate access to the site, to the satisfaction of the Town. Any design shall provide for a

formalized pedestrian trail connection from Alice Street East to the Beaver River Trail. Any design shall also locate the entrance to the site from Alice Street East as far to the west as possible. A Municipal Land Use Agreement, or other Agreement as deemed appropriate by the Town, shall be entered into to facilitate all approved works. All costs associated with the installation of required works shall be the responsibility of the Applicant.

7. That the Applicant submit a Tree Inventory/Retention Plan and Planting Plan prepared by a qualified Registered Professional Forester or Registered Landscape Architect, informed by the requirements outlined in Conditions 5 and 6, to the satisfaction of the Town. Any trees over 10 centimetres in diameter at breast height shall be replaced at a 2:1 compensation ratio.
8. That the Applicant provide Phase 1 and Phase 2 Environmental Assessments, and that any recommendations from the Assessments be implemented, to the satisfaction of the Town.
9. That the Owner provides a description of the land and deposited reference plan, which can be registered in the Land Registry Office.
10. That all above conditions be fulfilled within two years of the Notice of Decision so that the Certificate of Consent pursuant to Section 53(42) of the Planning Act, can be issued by the Town.

B. Overview

The purpose of this report is to provide a summary of the subject application and the review undertaken by Planning Staff. Planning Staff recommend that provisional consent be granted, subject to the conditions outlined in Attachment 1.

C. Executive Summary

Application File #: B09-2024 (P3423)

Application Received Date: May 23, 2024

Application Deemed Complete Date: May 23, 2024

Official Plan Designation: Community Living Area

Zoning Bylaw Category: Residential One 'R1-1' and Development 'D'

STA Permissions: N

The Town received a re-submission of an application for consent to sever one new building lot from the subject lands. The application has the effect of creating a new residential lot with a frontage of approximately 19 metres on Alice Street East and an area of approximately 1,726.5 square metres. The retained parcel would have a frontage of approximately 50.5 metres on Louisa Street East and an area of approximately 7,672.7 square metres.

The previous application (B08-2022) was granted provisional consent by the Committee of Adjustment on May 18, 2022, and the decision was not subject to any appeals. The applicant was unable to fulfill all conditions imposed through the provisional consent within two years of the notice of the decision being issued, or by May 20, 2024, as outlined in the conditions. As such,

the decision has expired, and the applicant is required to submit a new consent application to permit the proposed severance.

As the policy framework applicable to the subject lands has not changed since the previous decision was issued, Planning Staff are of the opinion that the analysis provided in the previous recommendation report, PDS.22.0269, remains relevant and recommend granting provisional consent, subject to the conditions outlined in Attachment 1 to this report. A video recording of the discussion that occurred during the Committee of Adjustment meeting on May 18, 2022 can also be viewed using [this link](#), with discussion of the file beginning around the 1:16:05 mark.

It is noted that a number of comments were received from area residents in opposition to the proposed severance during the circulation of applications B08-2022 and B09-2024, with the primary concerns being:

- Loss of trees
- Impacts on the Beaver River Trail
- Extension of Alice Street East

Full comments from the previous circulation of application B08-2022 and from the circulation of the subject application (B09-2024) are included as Attachment 3.

D. Background

Please review PDS.22.069 for additional information.

E. Analysis

Brief commentary is provided below on several items, but PDS.22.069 can be reviewed for additional analysis.

The connectivity of the Beaver River Trail will not be impacted by this proposal. The trail is an established active transportation route and identified in the Town's Transportation Master Plan. As a condition of approval, a formalized connection from Alice Street East to the Beaver River Trail will be required. It is noted that the vegetation along the Beaver River Trail is not designated as a natural heritage feature under the current Town or County Official Plan policies and as such, an Environmental Impact Study is not required for the subject application.

Planning Staff recognize the importance of trees and their contributions to the environment, human health and community character. It is difficult to see trees being cut down, especially when they have been a part of the landscape for so long. As part of the planning review, we look at options to maintain existing trees where possible and identify where trees need to be removed and replaced through the Tree Inventory/Retention Plan and Planting Plan. We recognize that some trees do need to be removed as a necessary step for our community's growth and development. Staff balance the need to accommodate new growth while also maximizing the future development potential of urban land so that we can accommodate more growth on less land leading in less sprawl and more efficient growth. Staff also seek out

opportunities to enhance new or existing tree canopies with new plantings to ensure our environment remains green and vibrant over time. This process allows us to create spaces that can accommodate our growing needs while still honouring our commitment to the various plans and studies we have completed to protect and enhance the overall urban tree canopy.

As the proposed application was previously granted provisional consent, subject to certain conditions, the Applicant began working towards satisfying those conditions, including completing a Phase 1 Environmental Site Assessment. The result of the Phase 1 Assessment recommended the completion of a Phase 2 Environmental Site Assessment, and this requirement has been incorporated into the revised conditions.

It is noted that Alice Street East will need to be extended in order to provide access to the proposed lot. The road will need to be extended at least 5 metres beyond the proposed driveway entrance to the site. As such, an additional requirement has been added to the conditions to require that the entrance to the severed lot is located as far to the west of the lot as possible to limit potential impacts on existing vegetation and the Beaver River Trail.

The previous decision included a condition for the Applicant to prepare a Tree Inventory/Retention Plan to identify trees that could be retained, and which would need to be removed to facilitate the works required to complete the severance. This condition did not address compensation for the removal of trees within the municipal right of way. As such, additional language has been incorporated into this condition to require the preparation of a Planting Plan, with trees greater than 10 centimeters in diameter at breast height required to be replaced at a 2:1 ratio.

F. Strategic Priorities

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.

G. Environmental Impacts

The extension of Alice Street East will require the removal of trees and vegetation. Recommended conditions seek to mitigate the impacts of this removal by requiring compensation planting for certain trees identified through a Tree Inventory/Preservation Plan, in accordance with Section D. 8.2 of the Town's Official Plan.

H. Financial Impact

No adverse impacts to the Town are anticipated as a result of the recommendations contained within this report.

I. In consultation with

Relevant Town Departments, Agencies, and the general public.

J. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Notice was circulated in accordance with the Planning Act for public comment. Comments regarding this report should be submitted to the Planning Department, planning@thebluemountains.ca

K. Attached

1. Draft Decision
2. PDS.22.069
3. Public Comments

Respectfully submitted,

Carter Triana
Intermediate Planner

Shawn Postma, MCIP RPP
Manager of Community Planning

For more information, please contact:
Carter Triana
planning@thebluemountains.ca
519-599-3131 extension 262