



Staff Report

Planning & Development Services

Report To: Council Meeting
Meeting Date: September 9, 2024
Report Number: PDS.24.123
Title: Draft Plan Approval Extension for 139 Brophy's Lane
Prepared by: Shawn Postma, Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PDS.24.123, entitled "Draft Plan Approval Extension for 139 Brophy's Lane";

AND THAT Council hereby supports a one (1) year extension to Draft Plan of Subdivision and Condominium File No. 42-T-2008-10B and 42-CDM-2008-10A from September 30, 2024 to September 30, 2025.

B. Overview

The purpose of this report is to consider a request for Draft Plan Extension on an approved Draft Plan of Subdivision and Condominium known as 139 Brophy's Lane.

C. Background

Draft Plan Approval was initially provided in 2012 and has received a number of Draft Plan extensions with the current expiry date of September 30, 2024. The property has seen ownership changes over the years, with the current owner actively pursuing the final development of the project.

Engineering approvals are now in place, and the Town and Owner are nearing the completion of a Pre-Servicing Agreement in order to allow the rough grading and installation of basic services including municipal water and sewer and internal roads. The agreement is ready for execution pending the delivery of the agreement obligations and financial securities to the Town.

The Owner has advised that they are close to finalizing the agreement requirements and will be prepared to execute the Pre-Servicing Agreement, the full Subdivision Agreement, and registration of the Plans within 6 months of the lapse date.

It is noted that generally the County of Grey is the approval authority for Draft Plan Extensions, however in this case the approval authority sits with the Ontario Land Tribunal due to a previous appeal process that moved the approval authority to the Tribunal.

D. Analysis

Draft Plan Approval extensions are subject to internal Town Staff review. At the same time, the County of Grey has a similar process that is completed at the County level. In accordance with the Town Delegation By-law, the Director of Planning and Development Services has the authorization to consider Draft Plan Extensions only where the Draft Plan Approval is less than 10 years old. Draft Plan Approvals greater than 10 years must be considered by Council.

Draft Plan Extension requests also allows the Town to revisit the Draft Plan Conditions, and make recommendations to the approval authority for any modifications to the existing Draft Plan and Conditions. Generally changes are recommended where new policy direction has been imposed since the previous approval, or if new legislation requires changes. For this development, a Pre-Servicing Agreement and Subdivision Agreement have already been drafted and supported by both the Owner and the Town. The Agreements include all necessary clauses for the proper development of the project and therefore no modifications to the Draft Plan or Draft Plan Conditions are recommended.

In consideration of a Draft Plan Extension request, Council must be satisfied that the Draft Plan and Conditions remain appropriate for the subject lands. Council has the following options:

1. Deny the Request. The project will have until September 30, 2024 to get to full registration or else the Draft Approvals expire and the lands will revert back to raw development land having to go through the approvals process again from the beginning.
2. Support the Draft Plan Extension Request with Modifications to the Draft Plan and/or Draft Plan Conditions. Conditions may be removed, added or modified, and will then become obligations on the developer to complete prior to registration of the Subdivision.
3. Support the Draft Plan Extension Request. Council can support the extension request to provide additional time to reach full registration.

Planning Staff note that six months may be realistic to reach registration, however to ensure there is sufficient time to complete all the necessary requirements to reach registration, Planning Staff recommend a one year extension which is permitted under the Official Plan and consistent with other Draft Plan Extensions considered by the Town. As noted above, Planning Staff do not have any recommended changes to the Draft Plan or Conditions. With the extent of work already completed, and the continued activity to bring this project to construction, Planning Staff have no concerns with supporting the Draft Plan Extension for the one year in order to achieve full registration. Should the Owner not be able to fulfill the requirements to get to full registration by September 30, 2025 a new request for extension may be considered by Council at that time with a further update from Town Staff regarding the status of the project.

Based on the foregoing, Planning Staff recommends that Council support a one (1) year extension with a new lapse date of September 30, 2025.

E. 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.

F. Environmental Impacts

There are no adverse environmental impacts anticipated as a result of the recommendations contained in this report.

G. Financial Impacts

In the absence of a resolution from Council supporting the extension, the applicant may choose to appeal the file once again to the OLT. In doing so, there will be legal and other third-party costs for the municipality to participate in a hearing and/or settlement negotiations.

H. In Consultation With

Brian Worsley, Manager of Engineering
Adam Smith, Director of Planning and Development Services

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 Shawn Postma, planning@thebluemountains.ca

J. Attached

1. August 28, 2024 Letter Requesting Draft Plan Approval Extension.

Respectfully submitted,

Shawn Postma
Manager of Community Planning

For more information, please contact:
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Report Approval Details

Document Title:	PDS.24.123 Draft Plan Approval Extension for 139 Brophy's Lane.docx
Attachments:	- OLT-23-000297 - Ltr.R.Cheeseman to S.Everett.pdf
Final Approval Date:	Aug 30, 2024

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

Adam Smith - Aug 30, 2024 - 10:58 AM