



Staff Report

Planning & Development Services

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: September 17, 2024
Report Number: PDS.24.087
Title: Deputation of Paul Mondell re: Preliminary Design Concept for Grey Road 19 Housing Development
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.24.087, entitled “Deputation of Paul Mondell re: Preliminary Design Concept for Grey Road 19 Housing Development”;

AND THAT Council direct staff to process the proposed rental housing development at 796058 Grey Road 19 through the Minister’s Zoning Order (MZO) route as described in this report;

AND THAT Council direct staff to work with the proponent to receive a Complete Application in accordance with the requirements set forth in the pre-consultation on this matter;

AND THAT Council direct staff to ensure that prior to consideration of a future resolution regarding a MZO for the subject property appropriate notice and public consultation occurs in accordance with the traditional planning approval process.

B. Overview

The purpose of this report is to update Council on the deputations and recommendations from the Pre-Consultation process on a proposed rental housing development on Grey Road 19 near the Blue Mountain Village Core. Council direction is required to determine if there is general support to consider this proposal through a Ministers Zoning Order (MZO) process. If this route is not desirable, staff will approach the file through the lens of the traditional planning approvals process.

C. Background

A preliminary concept plan and presentation was provided to Council by 2483302 Ontario Inc. that is proposing 1224 residential units and 21,288 square feet retail commercial over two parcels at 796058 Grey Road 19 in the Town of The Blue Mountains. The developments consists of 13 buildings ranging in height from 3 to 5 storeys with access from the future Grey Road 19 / Crosswinds Boulevard roundabout.

Two deputations were made to Council in November 2023 and April 2024 outlining the project goals to provide purpose built rental housing units targeting workforce housing in support of Blue Mountain Village Core area, as well as surrounding communities. The project is seeking expedited approvals through a Ministers Zoning Order (MZO) process. The deputations provided very preliminary concept plan drawings noting that substantial work is underway to review environmental, traffic, engineering, planning, visual impact, archaeological and other matters.

A formal Pre-Consultation Application was completed in July 2024. This was the first opportunity for Town Staff to review the Concept Plan and provide feedback on the proposal and the request for an MZO.

Table 1 below provides a comparison summary between the MZO process and the Traditional Planning Approvals process. In general there are two significant differences of the MZO process over the Traditional Planning Applications process.

1. **Application processing time.** Similar steps are completed between both the MZO and Traditional Planning Applications, however the timelines are significantly compressed to obtain a Council decision faster, and to authorize the province to issue an approval.
2. **Appeal rights are limited.** Once a Council decision is issued and MZO order issued, there are no appeal rights and the project may proceed to Subdivision and/or Site Plan Approval and construction. Appeals can lead to significant project delays and add significant costs to all parties involved. A decision of Council must consider all information and consultation received, and the Minister must also be satisfied that all information and consultation has been adequately addressed.

The remaining requirements between a MZO process and the traditional planning process are similar. The information to be provided in a Complete Application including plans, studies, and reports are the same. Detailed file review, circulation, and consultation must be completed with a recommendation report prepared and a Council decision received.

Table 1:

	Ministers Zoning Order (MZO)	Traditional Planning Approvals
Application Process	The Province of Ontario has developed Guidelines for the consideration of a MZO. These are more flexible than the prescribed requirements for traditional planning approvals. The Town has not developed its own guidelines to further define local application requirements.	Town is required to follow minimum Planning Act requirements and Town Policies in the review of all Planning Applications for an Official Plan Amendment and Zoning By-law Amendment.
Application Requirements	At a minimum, the Town will require the following: <ol style="list-style-type: none"> 1. Application for Pre-Consultation. (Town Department and Agency File Review prior to submitting an application) 2. All Supporting Materials (Drawings, Studies, Plans, Reports) as deemed appropriate by Town Staff and the applicant so that Council may make an informed decision on a request for an MZO order. 3. Fees to be determined by the Director of Planning and Development Services 	At a minimum, the Town requires the following: <ol style="list-style-type: none"> 1. Application for Pre-Consultation. (Town Department and Agency File Review prior to submitting an application) 2. Applications for Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval 3. All Supporting Materials (Drawings, Studies, Plans, Reports) as deemed appropriate by Town Staff and the applicant so that Council may make an informed decision on a request for a MZO order. 4. Fees in accordance with Planning Fees By-law
Notification and Consultation	Notice to be provided as deemed appropriate by Municipality. Minister expects engagement with the Public, Indigenous	Notice is circulated by mail to all landowners within 120 metres of the site, by email to all outside agencies and Indigenous Communities, posted to news sites, creation of a development

	Communities and other interested parties.	sign that is posted on site and all within a minimum of 20 days prior to a public meeting.
Approval Body	An MZO can be supported by Town of The Blue Mountains Council Resolution that is forwarded on to the Minister for final approval. OR an applicant can make direct application to the Minister	Official Plan Amendments are approved by the County of Grey. Zoning By-law Amendments are approved by Town of The Blue Mountains.
Appeals to Ontario Land Tribunal	An MZO cannot be appealed	Official Plan Amendment, Zoning By-law Amendment, decisions can be appealed by certain parties and specified persons.
Estimated Timeframes to receive Zoning Approvals (from time of complete application)	4 to 6 months	12 months – 2 years

D. Analysis

The following sections provide a summary of the pre-consultation application review and Town Staff recommendations.

The Blue Mountains Official Plan

The subject lands are designated Future Secondary Plan (FSP) within the Town of The Blue Mountains Official Plan. The intent of the FSP policies is to retain all FSP lands in their original state until such time as a comprehensive review can be completed for the entire FSP designated area. Only limited small scale development under strict control (such as an individual lot severance) can be considered where it can be demonstrated that a proposal would not create any long term impacts on future development of the area.

Consideration for larger scale development should only occur after further study or comprehensive review is completed. This can be done by way of an Official Plan update (Currently underway with no consideration to allow development in any FSP areas of the Town), or through a Secondary Planning exercise. A Secondary Plan must consider all FSP parcels in the area and must also meet the criteria outlined in Sections E3.1 and E7 of the

Official Plan. Prior to starting a secondary planning exercise, it must be demonstrated that additional lands are needed for development. The Town has confirmed through the Official Plan 5-Year Review process that sufficient lands are already available to accommodate growth out until 2046 (See Official Plan Growth Allocations Paper).

Based on the above, Planning Staff do not support the initiation of an Official Plan Amendment, the initiation of a Secondary Planning exercise, or a site specific change to the Future Secondary Plan land use designation that applies to the subject lands. If Council is supportive of a Minister's Zoning Order, staff will be seeking to ensure that the development contemplates impacts to surrounding FSP lands and demonstrate how future development of these lands may not be negatively impacted.

MZO Approvals

It has been requested that the Town consider a CIHA or MZO application to the Province to expedite approvals and bypass the Official Plan Amendment and Secondary Plan approvals process. Planning Staff note that since the pre-consultation application was filed, the province removed the CIHA tool, and has replaced it with a new/refreshed Ministers Zoning Order (MZO) process. The MZO approval authority remains with the Minister of Municipal Affairs and Housing, and a summary of the MZO process is available online at www.ontario.ca. MZO's provide additional flexibility as they are not required to meet County or Town Official Plan policies, however they must remain consistent with the Provincial Policy Statement and not conflict with the Niagara Escarpment Plan. An MZO is similar to a Zoning By-law Amendment that provides a list of permitted/prohibited uses on land, and also establishes lot development requirements such as building location, setbacks, height, size, etc. Once an MZO is in effect, the project may be subject to additional approvals by the Town or County including applications for Plan of Subdivision, Plan of Condominium and/or Site Plan Approval. MZO's also impact the requirements for Conservation Authority permits and the ability to apply conditions.

In order to consider an MZO there are minimum thresholds that a proposed project must meet. These are identified as:

The minister will consider requests for zoning orders that meet at least one of the following intake thresholds:

- *requests that deliver on a provincial priority that is supported by a minister (for example, long-term care, hospitals, transit-oriented communities, educational facilities, housing priorities, economic development, manufacturing, etc.)*
- *requests that are supported by a single-tier or lower-tier municipality (for example, through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers)*

From <<https://www.ontario.ca/page/zoning-order-framework>>

Although not expressly noted, an application that meets both intake thresholds may be an added benefit to achieving an MZO.

The Province outlines the minimum application requirements to be met. Of particular note, is that a proponent should demonstrate the urgency to achieve an MZO over the traditional planning approvals route. Details on the project feasibility, anticipated timelines, and progress to address servicing needs should also be provided.

The Province has identified that they will provide public notice through Ontario's Environmental Registry. Earlier deputations by the proponent to Town Council in November 2023 and April 2024 heard comments from Council that Public Engagement is a priority and at a minimum a Public Meeting should be held at the Town to share more information about the project and to gain public and council feedback. It is anticipated that a Public Meeting will be one of the minimum requirements in order to consider a council resolution in support of the project to meet one of the minimum intake threshold requirements. Additional public engagement events can also be considered.

Planning Staff offer the following timeline to proceed through a MZO process that includes the minimum required steps as well as optional steps for consideration. It is noted that this timeline is proposed by Staff based on feedback from the previous deputations and does not represent Provincial MZO requirements following the initial report to Council, further direction may be provided on the MZO process.

1. Request Council endorse the initiation of a process to consider the Grey Road 19 Rental Housing Project proceed through the MZO approvals route. It being noted, that this endorsement does not provide Council support for approval at this time, however Council direction is needed at this time on whether to proceed in considering the application through the MZO process versus the traditional planning approvals processes.
2. Proponent to make initial contact with Province to inform that an MZO is being sought.
3. Proponent to provide necessary application forms, fees, and supporting materials to the Town.
4. Town to confirm a complete submission has been made and provide notice of MZO request and Notice of Public Meeting to the public. A prior open house or other public engagement session is encouraged, and can be led by the proponent to share project information and receive additional public comment.
5. Public Meeting held by Town Council to receive feedback on the proposed project.
6. Proponent to consider comments received and confirm if project modifications are necessary or if they wish to proceed under the original submission.
7. Proponent and Town Staff to prepare a Draft Zoning Order.

8. Town Staff to provide a recommendation report back to Council on the Draft Zoning Order and request a decision of Council in support, conditional support, or non-support of the Draft Zoning Order.
9. If supported, Proponent to submit a Zoning Order request to the Province with the Council Resolution.

Complete Application Requirements

It is noted that this project will require substantial review and analysis whether proceeding through the MZO approvals route or traditional approvals route. The studies and documents listed below are required in order to complete a detailed review of the project. These documents will be required to be completed and submitted with application. Once received, the documents are also posted to the Town Website and available for review.

It is noted that the Town has completed a number of engineering studies including water and wastewater master plans that only provide the most basic assumptions for growth within the Future Secondary Plan Areas. Existing area infrastructure is severely limited in terms of accepting new connections from the FSP area. Addendums to the servicing master plans will be required. Further significant study and creative solutions are also needed to demonstrate that the subject property can be adequately planned, serviced, and phased to meet the required needs of the project while also protecting the longer-term growth needs of the entire FSP area.

Master Planning: The Town requires consideration of the greater Future Secondary Plan Area lands as part of each study/plan/report submission. It is noted that with the subject lands located at a key entrance into the Future Secondary Plan Area, that the maximum amount of flexibility shall be retained for future growth beyond the subject lands. All studies/reports/plans should evaluate adjacent lands for potential opportunities or constraints. The items listed as part of preparing a Secondary Plan (Section E3.1 and E7 of the Official Plan) for the entire area must be addressed.

Planning Justification Report: The Planning Justification Report shall provide the background in support of the proposed project and approvals route (traditional planning approvals vs. MZO approvals). Draft OPA and ZBA or Draft MZO documents shall be included in the report. A summary of any other anticipated planning approvals should be identified including subdivision, condominium, and/or site plan approval. A **Coordination Brief** shall be included in the report to demonstrate that all studies/plans/reports support the findings of others and are not in conflict with one another. A **Pre-Consultation Comments Matrix** shall also be included and will comment specifically to the items raised in this memo.

Community Design Report: this report shall address the urban design components of the project. Consideration must be given to the Town Community Design Guidelines and good urban design principles. Viewsheds (opportunities to maintain views of the mountain), Road design, building locations, opportunities for architectural enhancements at strategic locations, the residential/commercial locations, integration of parkland and other open spaces, parking, trails, lighting, etc. shall be laid out for the future residents of this project as well as integration

with future growth in surrounding area. The Community Design Report shall take into consideration the recommendations of the individual studies and make recommendations on the site layout and final site plan drawing to be submitted.

Commercial Lands: further details are required to understand the nature and extent of the proposed commercial uses. A Commercial Market Study is required to demonstrate that the proposed commercial uses are justified, viable, and strategically located on the subject lands. The Study shall also demonstrate that there are no long-term negative impacts to the existing/planned function of the existing retail locations in the Town. Such study shall provide sufficient detail to identify the characteristics and sizes of facilities.

Affordable Housing Report: An Affordable Housing Report shall be provided and review applicable provincial, county and local housing policies. It has been presented that this project will consist of purpose built rental units and will be managed and priced to accommodate local workforce needs. The Affordable Housing Report should identify how many units are expected to be assigned to workforce housing, affordable housing, or open market housing. It has been described that this project is intending to provide an affordable/attainable housing solution for the local communities and the housing report must identify how this will be accomplished. The Report may also identify any grants or funding options being sought. It is noted that the Community Improvement Plan and recent changes to the Development Charges Act provide some financial incentives. The Town has also completed a Housing Needs Assessment that can be reviewed to support how this project may align with the housing gaps and needs for the community.

Functional Servicing Report: a Functional Servicing Report shall demonstrate at a functional level how the following items are addressed:

Traffic: the proposed development is likely to generate a greater traffic volume than Windfall & Second Nature combined, neither the current Roundabout design, Crosswinds intersection or the rest of the surrounding road system were designed with this in mind, Significant Traffic Modelling & Monitoring is required to investigate the traffic implications. County Road 19 borders the site and will require both Town and County involvement in the preparation of Terms of Reference for a Traffic Impact Study.

Roads: The proposed development is located at a key intersection with Grey Road 19 and Crosswinds Boulevard and will represent a major entrance into the Future Secondary Plan Area lands. Consideration for future traffic loads, and the maximum flexibility for future road connection points to adjacent lands will be required. At a minimum a 36 metre wide public road ROW width should be included to one or more future exit points off of the subject lands. The increased ROW width matches the Crosswinds Boulevard ROW and should also include opportunities for active transportation routes, transit laybys, sidewalks, and drainage conveyance. New local roads or individual private driveways/entrances may be located off of the new public road at appropriate locations. A municipal road should also be provided to the northerly lands notched outside of the subject lands. The dedication of municipal roads and

right-of-ways can be completed as part of a future Plan of Subdivision application or other process.

Water Supply: the Town does not have adequate Water Supply at the east end, our current agreement with Collingwood limits us to 1250m³/day, this development will have significant water demands beyond what is available, and also noting that a number of approved developments or active planning files are ahead in the queue for servicing allocation. Significant Water Modelling & Monitoring is required to investigate implications. Solutions or options to the water supply issue should also address longer term growth needs.

Sewage Collection: the sanitary sewer network was not designed for the expected load generated by this development. Significant upgrades to the entire conveyance system all the way to the Waste Water Treatment Plant will be required. Significant Wastewater Modelling & Monitoring is required to investigate implications. Solutions or options to the sanitary sewers system should also address longer term growth needs.

Stormwater Management: no details have been provided on stormwater management techniques. A full stormwater management plan and stormwater management report should be provided independently or as part of the Functional Servicing Report.

Hydrogeological and Geotechnical Reports: shall be completed to understand constraints and other development requirements.

Utilities/Communications: requests that a Composite Utility Plan be prepared for Rogers Communications to understand requirements for services, easements, or relocations. Requirements to be included as Draft Plan Conditions or prior to Site Plan Approval

Parking, Transit, Walkways: The proposed development appears to offer great opportunities for Transit and walkway connections to the village and surrounding area. A direct walkway/cycle link to the Village shall be provided. Consideration for transit options, transit stops, and connections outside of the local area should be given. An analysis of on-site parking should be completed to review Zoning requirements, and recommendations on an appropriate parking standard based on the proposed uses on site.

Archaeological: SON has requested that the proponent coordinate the necessary archaeological studies with the SON office.

County of Grey Planning: Requests further rationale on the use of a MZO over the standard planning process. Requests further rationale on what studies/reports to be completed prior to setting a Draft MZO to ensure project is conceptually feasible. Is there potential for additional housing types beyond apartment units.

County of Grey Transportation: Entrance permit is required, minimum setback requirements from County Road, and 0.3 metre reserves may be required. Follow up is required to understand any Traffic Impact Study requirements.

County of Grey Ecology:

Natural Heritage: The property contains and/or is adjacent to provincially significant wetland, significant woodlands, significant wildlife habitat, potential habitat for threatened and/or endangered species, other wetlands, and fish habitat. It is Grey County staffs understanding that the proposed development will be located within and/or adjacent to the features. As such, it is Grey County Staffs opinion that the potential impact to natural heritage needs to be assessed through a scoped Environmental Impact Assessment (EIS). We recommend the consultant contact this office to determine a Terms of Reference for the study. As discussed at the DRC meeting, please coordinate with the County of Grey prior to finalizing the EIS, as there may also be MECP and DFO reviews/approvals required.

Stormwater Management: It is Grey County Staff's understanding that stormwater management infrastructure is needed for the proposal. As such, a stormwater management report and plan must be prepared which demonstrates an acceptable level of outlet water quality as per the standards within the Stormwater Management Planning and Design Manual (MECP, 2003). A sediment and erosion control plan will be required. We recommend the consultant contact this office to determine a Terms of Reference for the report. The County and Town will be looking for enhanced water quality/quantity controls including thermal protections to the area cold water features. Low Impact Design is encouraged. The Stormwater Management Report or separate study should evaluate the site water balance.

Source Water Protection: It is Grey County Staff's understanding that the property does not contain protection areas that are subject to policies of the Source Water Protection Act. The property does lie within an area designated as having potential influence on highly vulnerable aquifers, as such, low-impact development and infrastructure is recommended.

Niagara Escarpment Commission: The Town will require a Visual Impact Assessment that will also require NEC review and sign-off. Please coordinate with the NEC office to establish the Terms of Reference. The NEC also wish to review the Environmental Impact Study, Tree Inventory and Protection Plan, Landscape Plan, and Grading Plan and may provide further comment.

Grey Sauble Conservation Authority: correspondence has been received that that the subject lands are located outside of the GSCA and that they have no further comment on the file, however they may wish to remain informed on the project status.

Nottawasaga Valley Conservation Authority: comments are expected and have not yet been received.

Bluewater District School Board: the school board is supportive of the housing form, however are concerned about the Boards ability to provide pupil accommodation in the Town of The Blue Mountains. The Board requests that the applicant consider the adequacy of school sites through a pubic service facility needs analysis within the Town. The Board will also provide further comments on potential Draft Plan Conditions further into the Planning Review process.

Based on the above commentary and complete application requirements, Planning Staff are now seeking direction from Council on the proposed MZO approach. For clarity, pursuing this direction does not immediately entail a resolution of support for a MZO to the Minister. Staff will ensure a future application is aligned with the feedback provided through the pre-consultation and consider community input through public consultation.

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

To be assessed through the application review process. Further recommendations and analysis will be provided through a future Staff Report.

G. Financial Impacts

To be assessed through the application review process. Further recommendations and analysis will be provided through a future Staff Report.

H. In Consultation With

Development Review Committee
Adam Smith, Director of Planning and Development Services

I. Public Engagement

The topic of this Staff Report may be the subject of a future Public Meeting and/or a Public Information Centre. Notice for upcoming meetings will be provided in accordance with the Planning Act, Town Notice Policy, and for additional information, please subscribe to the Planning Development Project Page on the town website.

Any comments regarding this report should be submitted to Adam Smith,
directorplanningdevelopment@thebluemountains.ca

J. Attached

1. Nil

Respectfully submitted,

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For more information, please contact:
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Report Approval Details

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Final Approval Date:	Sep 6, 2024

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

Adam Smith - Sep 6, 2024 - 1:20 PM