



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: November 3, 2020
Report Number: PDS.20.98
Subject: Windfall Phase 4B Part Lot Control By-law
Prepared by: Shawn Postma

A. Recommendations

THAT Council receive Staff Report PDS.20.98, entitled “Windfall Phase 4B Part Lot Control By-law”;

AND THAT Council enact a By-law so as to remove lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 and 40 on Registered Plan 16M-XX from Part-Lot Control for a temporary period of two (2) years.

B. Overview

This report provides a recommendation and summary of an application for Part Lot Control By-law in order to create the final lots for the semi-detached units within Windfall Phase 4b subdivision.

C. Executive Summary

Application File # P2904

Application Received Date: May 26, 2020

Official Plan Designation: Recreation Residential Area ‘RRA’

Zoning Bylaw Designation: Residential ‘R1-3-62-h’

Location: Windfall Phase 4b Subdivision (Part Block 40, 16M-42)

D. Background

Planning Services has received an application to remove Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 and 40 Registered Plan 16M-XX from Part Lot Control. Section 50(5) of the Planning Act provides that part of a lot within a registered plan of subdivision

cannot be further subdivided or transferred without the approval of the Municipality. Part lot control has the effect of preventing the further division of land in a registered plan of subdivision without municipal approval. Section 50(7) of the Planning Act authorizes municipalities to enact a By-law in order to remove lands within a registered plan of subdivision from part lot control.

Exemption from part lot control is commonly used for semi-detached and townhouse developments, as individual semi-detached or townhouse lots are not normally indicated on a registered plan of subdivision. Windfall Phase 4b includes permission for single detached and semi-detached units up to a maximum permitted density. The final location of the single and semi-detached units were not known at the time of Draft Approval and are determined as each phase proceeds forward in accordance with agreements and zoning.

A Subdivision Agreement and Plan of Subdivision dated July 2020 has been prepared and delivered to the Land Registry Office in September 2020. The Town is still awaiting confirmation of final registration and subdivision Plan number. Town Staff acknowledge that the registration requirements are complete and that there are no further obligations on the Town, County or Developer to finalize the registration process. Town Staff will advise Council prior to the By-law being enacted that the registration process is complete.

E. Analysis

The subject lands are zoned Residential 'R1-3-62-h' under the Blue Mountains Zoning By-law 2018-65. An application to remove the Holding '-h' symbol is being considered concurrent with this application for a part lot control By-law. Permitted uses include single detached and semi-detached dwellings, as well as accessory uses, buildings and structures. Exception 62 establishes minimum lot development requirements for all Windfall development lands.

The proposed part lot control By-law is intended to implement the approved use of the lands for semi-detached dwellings. The build out of Phase 4b is recognized under the Registered Plan of Subdivision and Registered Subdivision Agreement.

Planning Staff have no objections to the proposed part lot control By-law subject to an expiry date of two (2) years from the date of registration. This timeframe is consistent with normal town practice and previous phases within this development. The two (2) year timeframe appears sufficient to finalize the lot creation and have the new lots registered with the registry office.

If passed by Town Council, this By-law will be forwarded to the County of Grey for final approval. As the approval authority for plans of subdivision and condominium, the County is also responsible for final approval of part lot control applications and associated By-laws.

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.

G. Environmental Impacts

There do not appear to be any adverse environmental impacts as a result of the recommendations of this report.

H. Financial Impact

There do not appear to be any financial adverse impacts based on the recommendations contained in this report. Enactment of this Part Lot Control By-law would allow for the creation of the final semi detached lots. Each lot will generate additional Town funds through the collection of Building Permit fees, Development Charges and new Assessment.

I. In consultation with

Trevor Houghton, Manager of Community Planning
Nathan Westendorp, Director of Planning and Development Services

J. Public Engagement

The development implemented by the proposed By-law was subject to previous public consultation and engagement through the zoning by-law amendment and plan of subdivision review processes. 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 by the Planning Act. Comments regarding this report should be submitted to Shawn Postma, Senior Policy Planner at planning@thebluemountains.ca.

K. Attached

1. Draft Part Lot Control By-law
2. Registered Plan 16M-XX
3. R-Plan for Semi-Detached Lots within Windfall Phase 4B

Respectfully submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner

Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma
planning@thebluemountains.ca
519-599-3131 extension 248

The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to remove Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 and 40 Registered Plan 16M-XX from part-lot control for a temporary period of two (2) years.

Whereas pursuant to Subsection 50 (7) of the *Planning Act* the council of a local municipality may by by-law provide that part-lot control does not apply to lands within a registered plan of subdivision or parts of them as are designated in the by-law;

And Whereas Windfall Limited Partnership has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 and 40 Registered Plan 16M-XX, from part-lot control for a temporary period of time so as to register conveyable real estate entities therewith;

And Whereas the request meets the criteria of the Council of The Corporation of The Town of The Blue Mountains for the consideration of the enactment of a part-lot control by-law;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Subsection 50 (5) of the Planning Act does not apply to Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 and 40 Registered Plan 16M-XX;
2. Pursuant to Subsection 50 (7.3) of the Planning Act, this By-law shall expire two (2) years from the date of enactment unless it shall have prior to that date been repealed or extended by the Council of the Corporation of The Town of The Blue Mountains.
3. This By-law shall not become effective until a certified copy or duplicate of the By-law has been registered in the proper Land Registry Office.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 16th day of November, 2020.

Alar Soever, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 16th day of November, 2020.

Dated at the Town of The Blue Mountains, this 16th day of November, 2019.

Corrina Giles, Clerk

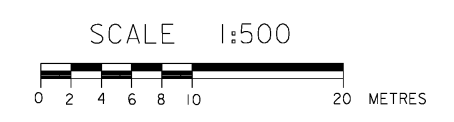
PLAN 16M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF GREY (NO. 16) AT _____ O'CLOCK ON THE _____ DAY OF _____ 2020 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 37 147-09 15(LT), 37 147-09 16(LT) AND 37 147-09 17(LT) AND THE REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. _____

REPRESENTATIVE FOR LAND REGISTRAR

NOTE: THIS PLAN COMPRISES PART OF PIN 37 147-09 15(LT) AND ALL OF PIN 37 147-09 16(LT) AND PIN 37 147-9 17(LT)

**PLAN OF SUBDIVISION OF
PART OF BLOCK 38
REGISTERED PLAN 16M-42
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY**



NOTES:
DISTANCES AND COORDINATES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
BEARINGS HEREON ARE UTM GRID, ZONE 17, NAD 83 (CSRS) 1997 AND ARE REFERRED TO THE BEARING OF THE NORTH EASTERLY LIMIT OF BLOCK 55 BEING N40°29'05"W IN ACCORDANCE WITH REGISTERED PLAN 16M-42.
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996 1:1.

- ⊕ DENOTES SET
- ⊙ DENOTES FOUND
- ⊕ S.B. DENOTES STANDARD IRON BAR
- ⊕ I.B. DENOTES IRON BAR
- ⊕ S.S.B. DENOTES SHORT STANDARD IRON BAR
- ⊕ C.C. DENOTES CUT CROSS
- ⊕ C.P. DENOTES CONCRETE PIN
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- ⊕ W.B. DENOTES WITNESS
- meas. DENOTES MEASURE
- P.C. DENOTES POINT OF CURVATURE
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- R.P. DENOTES REGISTERED PLAN
- N, S, E, W DENOTES NORTH, SOUTH, EAST, WEST
- P.I. REFERS TO REGISTERED PLAN 16M-71
UNLESS OTHERWISE INDICATED ALL SET BARS ARE I.B.
UNLESS OTHERWISE INDICATED ALL SET BARS MARKED P.C. OR P.R.C. ARE S.B.
UNLESS OTHERWISE NOTED ALL FOUND BARS ARE MARKED ZUMO

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 8TH DAY OF MAY 2020

JULY 16, 2020 _____ O.L.S.
PAUL R. THOMSEN
ONTARIO LAND SURVEYOR
COLLINGWOOD

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:
1. LOTS 1 TO 40 (BOTH INCLUSIVE), HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.
DATED THIS _____ DAY OF JULY 2020

DAVID BUNSTON (PRESIDENT)
I HAVE THE AUTHORITY TO BIND THE CORPORATION
I AM A GENERAL PARTNER

THE REGISTRATION OF THIS PLAN IS FOR A PARTNERSHIP PURPOSE WITHIN THE MEANING OF THE LIMITED PARTNERSHIP ACT.
THE FIRM NAME OF THE LIMITED PARTNERSHIP IS:
WINDFALL LIMITED PARTNERSHIP

THIS FINAL PLAN OF SUBDIVISION IS APPROVED BY THE COUNTY OF GREY UNDER SECTION 5 (15B) OF THE PLANNING ACT, CHAPTER P13, R.S.O. 1990 AS AMENDED.

THIS _____ DAY OF _____ 2020.

_____ RANDY SCHERZER
DIRECTOR OF PLANNING

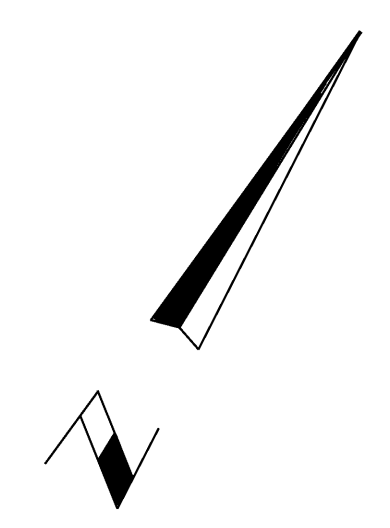
OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS) (1997) COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O. REG. 216/10.		
POINT ID	NORTHING	EASTING
A	4927343.04	555540.40
B	4927238.96	555629.30
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

**ZUBEK, EMO
PATTEN
&
THOMSEN
LIMITED**
ONTARIO LAND SURVEYORS
200 MOUNTAIN ROAD
UNIT 4
COLLINGWOOD, ONTARIO L9Y 4V5
PHONE: (705) 445-49 10
JOB No. 86-25-12 SURVEY FOR: WINDFALL GP INC.
DGN FILE: C:\GDN\ 2020\DC\ g-gate-ph45.DGN



LOT NO.	RADIUS (METRES)	ARC (METRES)	CHORD (METRES)	BEARING
4	70.00	14.06	14.04	N 67 06 20 E
5	70.00	3.46	3.46	N 59 56 16 E
11	90.00	11.43	11.42	N 69 13 28 E
12	90.00	11.10	11.09	N 62 05 13 E
20	184.27	4.11	4.11	N 43 40 56 W
21	215.24	9.58	9.58	N 39 15 21 W
21	184.27	14.68	14.67	N 40 45 32 W
22	215.24	17.13	17.12	N 35 39 55 W
22	184.27	14.65	14.64	N 36 11 51 W
23	215.24	17.12	17.11	N 31 06 35 W
23	184.27	14.65	14.64	N 31 38 35 W
24	215.24	17.10	17.10	N 26 33 15 W
24	184.27	14.65	14.64	N 27 05 14 W
35	90.00	9.78	9.78	N 61 38 09 E
36	90.00	12.75	12.74	N 68 48 17 E

CURVE DATA					
PART NO.	ARC (METRES)	CHORD (METRES)	CHORD BEARING	BEARING	
5	70.00	3.56	3.56	N 71° 24' 18" E	
6	70.00	10.50	10.50	N 65° 38' 53" E	
7	70.00	3.46	3.46	N 59° 56' 16" E	
11	90.00	4.27	4.27	N 71° 30' 11" E	
12	90.00	7.16	7.16	N 61° 51' 56" E	
13	90.00	7.16	7.16	N 63° 18' 26" E	
14	90.00	3.94	3.94	N 59° 46' 25" E	
22	184.27	4.1	4.1	N 43° 40' 56" W	
23	184.27	7.34	7.34	N 41° 53' 56" W	
24	215.24	1.07	1.07	N 40° 21' 18" W	
24	184.27	7.34	7.34	N 39° 07' 07" W	
24	215.24	8.51	8.51	N 39° 04' 47" W	



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE _____

PAUL R. THOMSEN

PLAN 16R-

RECEIVED AND DEPOSITED

DATE _____

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF GREY (No. 16)

SCHEDULE			
PART	LOT	PLAN	PIN
1			
2	Pt. 2		
3	Pt. 3		
4			
5	Pt. 4		Part 37 (47-0917(LT))
6			
7	Pt. 5		
8			
9	Pt. 6		
10			
11	Pt. 11		
12			
13	Pt. 12		Part 37 (47-0916(LT))
14			
15	Pt. 13		
16			
17	Pt. 14		
18			
19	Pt. 19		
20			
21	Pt. 20	16M-??	Part 37 (47-0915(LT))
22			
23	Pt. 21		
24			
25	Pt. 28		
26			
27	Pt. 29		
28			
29	Pt. 30		Part 37 (47-0916(LT))
30			
31	Pt. 31		
32			
33	Pt. 32		
34			
35	Pt. 37		
36			
37	Pt. 38		
38			
39	Pt. 39		Part 37 (47-0915(LT))
40			
41	Pt. 40		
42			

NOTES: PARTS 1 TO 10 ON THIS PLAN COMPRISES PART OF PIN 37 (47-0917(LT)) PARTS 11 TO 18 AND 25 TO 34 ON THIS PLAN COMPRISES PART OF PIN 37 (47-0916(LT)) PARTS 19 TO 24 AND 35 TO 42 ON THIS PLAN COMPRISES PART OF PIN 37 (47-0915(LT))

PLAN OF SURVEY OF LOTS 2, 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 28, 29, 30, 31, 32, 37, 38, 39 AND 40 REGISTERED PLAN 16M-?? (FORMERLY TOWNSHIP OF COLLINGWOOD) TOWN OF THE BLUE MOUNTAINS COUNTY OF GREY

SCALE 1:300



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- REFERS TO REGISTERED PLAN 16M-??
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- UNLESS OTHERWISE NOTED ALL P.C. AND P.R.C. ARE P.B.

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PHONE: (705) 445-4910

ONTARIO LAND SURVEYORS

JOB No. 86-25-12 SURVEY FOR: WINDFALL GP. INC.