



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole Committee of the Whole
Meeting Date: April 20, 2021
Report Number: PDS.21.048
Title: Recommendation Report – Holding “H” Removal – Lot 2 Scandia Lane
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.21.048, entitled “Recommendation Report – Holding “H” Removal – Lot 2 Scandia Lane”;

AND THAT Council enact a By-law to remove the Holding ‘h37’ symbol from those lands legally described as Lot 2, Plan 807 (Scandia Lane).

B. Overview

The purpose of this report is to recommend that Council authorize the removal of the Holding ‘h37’ symbol from the lands. The property owner has entered into a Municipal Land Use Agreement with the Town and has provided proof of insurance. Initiating the removal of the Holding ‘h37’ will allow for a Building Permit to be issued.

C. Background

The purpose of this report is to make a recommendation to Council on the development status of a vacant lot of record located in Swiss Meadows (see Figure 1 below).

The Owner has made application to remove the Holding ‘h37’ symbol from the subject lands to allow the issuance of a Building Permit to construct a single detached dwelling on the subject property. As a pre-condition to the issuance of a Building Permit for this particular property it is required to remove the Holding ‘h37’ symbol. This report provides an outline how the Holding ‘h37’ removal conditions have been satisfied. The subject property has been identified in Figure 1 below.

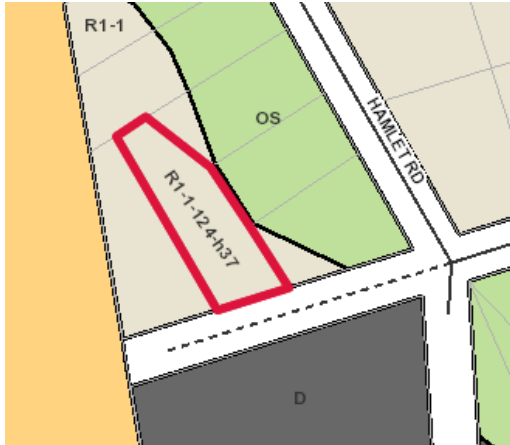
Figure 1: Subject property



D. Analysis

The subject lands are an existing lot of record located within Plan 807 (Swiss Meadows) which was registered in 1964. The subject lands do not have direct frontage onto a municipally owned road that has year-round maintenance and was subject to a re-zoning process in 2020 in order to permit development of a single detached dwelling unit. Amending By-law 2020-41 was enacted by Council in 2020 and established site-specific Exception 124 and applied a Holding 'h37' symbol to the lands as shown in Figure 2 below. Exception 124 recognizes that the lands do not have frontage on year-round maintained municipal road and that municipal services, including municipal water and sanitary services, are not available to the property. The conditions for removal of the Holding 'h37' symbol include that the owner provide proof of home insurance and that the owner enter into a legally binding municipal land use agreement dealing with various site matters which are outlined in detail in the following section of this report.

Figure 2: Zoning of the Subject Lands



Zoning By-law 2018-65

The subject land is currently zoned Residential One Density Exception 124 (R1-1-124). That portion of the subject land that is zoned R1-1-124 is also subject to a Holding 'h37' symbol.

The "Exception 124" component of the R1-1-124 zone classification provides that;

- One (1) single detached dwelling and accessory buildings and structures may be permitted on a lot that abuts or fronts on a public street which is not assumed by by-law by a public authority for maintenance purposes for those lands located and being in the Town of The Blue Mountains, comprised of Lot 2, Plan 807; and
- The subject lot shall be provided an adequate potable water supply at the sole cost of the property Owner, to the satisfaction of the Town of The Blue Mountains.

Presently the Holding 'h37' symbol remains in place on the R1-1-124 zone. In accordance with Amending By-law 2020-41, the Holding 'h37' symbol may be lifted upon the following:

1. The Owner shall provide confirmation that home insurance can be obtained for the proposed dwelling unit; and
2. The Owner shall enter into a legally binding agreement with the Town addressing matters such as, but not limited to:
 - a. That the owner acknowledges that the lot fronts onto a seasonal road that is not maintained year-round by the Town;
 - b. That the owner acknowledges and agrees that the Town does not and is not required to perform winter maintenance or snowplowing of the said road or street and that the owner will be responsible for winter plowing and maintenance of the street;

- c. That the owner acknowledges and agrees that municipal services, including winter road maintenance, are not available to the subject lands and that emergency response may be impacted as access is via a non-maintained seasonal road;
- d. That the owner acknowledges and agrees that the Town will not be providing regular services or other winter maintenance of the road unless it is improved or upgraded to the local municipal standard then in force;
- e. That the owner acknowledges and agrees that municipal waste collection is not available to the subject lands. The owner is required to place garbage bins at the intersection of Hamlet Road and Scandia Lane on collection day in order to receive municipal waste collection;
- f. That the owner acknowledges and agrees that the Town is not liable for any injuries, losses, or damages as a consequence of the owner developing a lot without frontage on an improved public road despite being issued a building permit(s);
- g. That the owner acknowledges and agrees that the lands shall be provided an adequate potable water supply at the sole expense of the owner, to the satisfaction of the Town of The Blue Mountains;
- h. That the owner acknowledges that Short Term Accommodation Uses are not permitted on the subject lands, in accordance with the Town of The Blue Mountains Zoning By-law 2018-65, as amended;
- i. That the agreement shall be registered on the title of the lands at the expense of the owner; and
- j. That this agreement is binding on all successors and assigns.

The Town has received a Certificate of Insurance from the owners of the subject lands confirming that home insurance has been obtained for the subject lands in the mount of \$5,000,000 total liability. The Corporation of the Town of The Blue Mountains is also listed as additional insured with respect to liability. The Certificate of Insurance has been reviewed and deemed acceptable by the Manager of Purchasing & Risk Management.

A Municipal Land Use Agreement dealing with all matters required by Amending By-law 2020-41 has also been entered into by the applicant and the Town and has been registered on-title of the subject lands.

Conclusion

Based on the above information, Planning Staff recommend that it is now appropriate for Council enact and pass a By-law to remove the Holding 'h37' symbol from the subject lands. This in turn will allow for the issuance of the Owner's Building Permit. It is noted that detailed site servicing will be required as part of the Building Permit application, including confirmation of the potable water source for the subject lands. In this regard, the potential for an on-site

well or a private extension of the existing municipal water service located at the intersection of Scandia Lane and Hamlet Road were identified as supportable potable water sources through the re-zoning process.

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.

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

No adverse environmental impacts are anticipated as a result of this application.

G. Financial Impacts

No adverse financial impacts are anticipated as a result of this application.

H. In Consultation With

The following members of Municipal Staff were consulted in the preparation of this report:

- Shawn Carey, Director of Operations, as signee and Town administrator of the Municipal Land Use Agreement
- Serena Wilgress, Manager of Purchasing & Risk Management, in review of the received Certificate of Insurance

The following members of Municipal Staff have reviewed this report:

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

I. 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. Pursuant to Subsection 36(4) of the *Planning Act* a public meeting is not required prior to Council passing a by-law to remove a holding “h” symbol.

It is noted that a Public Meeting was held on September 16, 2019, for the associated site-specific zoning by-law amendment, which was subsequently approved and enacted by Council via Amending By-law 2020-41.

Comments regarding this report should be submitted to Travis Sandberg, Planner I, at planning@thebluemountains.ca.

J. Attached

1. Attachment 1 – Draft Holding “h” Removal By-law
2. Certificate of Insurance
3. Executed Municipal Land Use Agreement

Respectfully submitted,

Travis Sandberg
Planner I

Trevor Houghton, MCIP RPP
Manager of Community Planning

Nathan Westendorp
Director of Planning and Development Services

For more information, please contact:
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Report Approval Details

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|----------------------|---|
| Document Title: | PDS.21.048 Recommendation Report - Holding H Removal - Lot 2 Scandia Lane (2965).docx |
| Attachments: | - Att1.pdf - Att2.pdf - Att3.pdf |
| Final Approval Date: | Apr 6, 2021 |

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

Trevor Houghton - Apr 6, 2021 - 12:01 PM

Nathan Westendorp - Apr 6, 2021 - 1:59 PM

Shawn Everitt - Apr 6, 2021 - 3:36 PM