



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole Meeting
Meeting Date: October 19, 2021
Report Number: PDS.21.126
Title: Recommendation Report – Zoning By-Law Amendment – 150 Delphi Lane
Prepared by: Natalya Garrod, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.21.126, entitled “Recommendation Report – Zoning By-Law Amendment – 150 Delphi Lane”;

AND THAT Council enact a Zoning By-Law to rezone those lands legally described as Concession 5 Part Lot 26 and Reference Plan 16R-9448, being Part 12 from the Development ‘D’ zone to the Residential ‘R1-1’ zone and the Open Space ‘OS’ zone.

B. Overview

This report provides recommendation to Council regarding a proposed Zoning By-Law Amendment related to 150 Delphi Lane to permit the construction of a single detached dwelling and to provide the Town with parkland to be used for a future public trail.

C. Background

The Town received an application for Zoning By-Law Amendment seeking to:

1. Rezone the subject lands from the Development ‘D’ zone to the Residential ‘R1-1’ zone in order to permit the construction of a single detached dwelling and associated accessory uses, buildings and structures.
2. To rezone the 10-metre-wide portion of the south of the subject lands from Development ‘D’ to Open Space ‘OS’ for the purpose of a future public trail.

The purpose of the application is to consider a proposal to rezone the lands to permit a single detached dwelling unit. The Owner has agreed to donate and to convey a 10 metre wide block of land from the subject lands to the Town along the southern border of the property to be added to the existing public trail blocks on along the southern border of the subject lands.

Location and Description

The subject lands are legally described as Concession 5 Part Lot 26 and Reference Plan 16R-9448, being Part 12 and are municipally addressed as 150 Delphi Lane. The lands are 1796 m² in area, currently vacant, and are located along the south side Delphi Lane found within the Reference Plan 16R-9448. A key map and aerial photo of the subject lands is provided below in Figure 1: Key Map and Figure 2: Aerial Photo. The subject property is a remnant parcel that was not originally contemplated as part of the surrounding Plans of Subdivision that were developed in the mid 2000's and therefore has retained its original lot configuration, Official Plan designation, and zoning. The subject property is accessed via Delphi Lane, a new municipally owned and maintained street constructed approximately 10-15 years ago. The surrounding uses include residential single detached dwellings, Delphi Point Park, the Georgian Trail and Highway 26.

Figure 1: Key Map

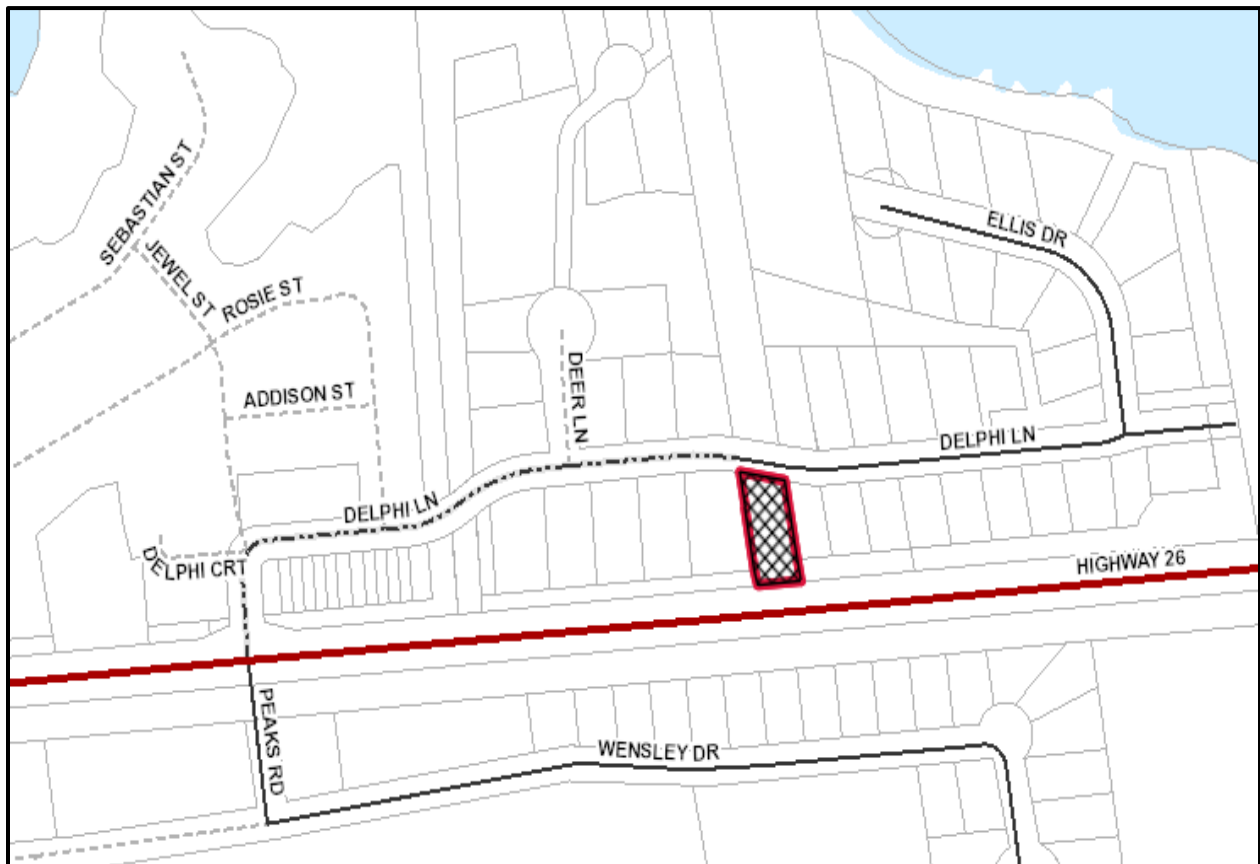


Figure 2: Aerial Photo



Public Meeting

The statutory public meeting was held virtually on September 20, 2021, using Microsoft Teams.

Some agency comments and one area resident provided comments with respect to this application. Comments have been summarized in a Table 1: Public Meeting Comments below:

Table 1: Public Meeting Comments

Author	Comment
Beausoleil First Nation	<ol style="list-style-type: none">1. No concerns or comments regarding this application.2. Should there be any potential archaeological or environmental concerns in the future they wish to be informed. <p>Staff Response:</p> <p><i>Should any environmental or archeological concerns arise, the Beausoleil First Nation will be informed as requested.</i></p>
County of Grey	<ol style="list-style-type: none">1. Recommended reviewing the trail connection maintained under public ownership. <p>No concerns.</p> <p>Staff Response:</p>

	<i>The Parks and Trails Department have reviewed the trail connection and plan to use the proposed Open Space for a future public trail.</i>
Area Resident (Ron Duke)	<ol style="list-style-type: none">1. Concern regarding the use of the future public trail directing people to Delphi Point Park which receives heavy public traffic.2. Recommended utilizing the Villages of Peaks Bay beach to accommodate for additional public traffic.3. Concerns over differences of proposed zoning and existing zoning on adjacent properties.4. Concerns over building standards and existing subdivision covenants on surrounding properties. <p>Staff Response:</p> <ol style="list-style-type: none">1. <i>Noted.</i>2. <i>The donation of this land is the completion of a planned for public trail.</i>3. <i>The R1 and Open Space zone is consistent with other zones in the abutting area.</i>4. <i>The building will have to conform with applicable standards of the Zoning By-Law and the Ontario Building Code.</i>

No member of the public or external agency provided verbal comments at the public meeting.

D. Analysis

This section provides the staff analysis based on the relevant legislation and policies, as well as the identified issues. Summaries of policies and issues are provided in the following sections.

Planning Act

The *Planning Act* gives municipal Councils the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the *Planning Act*. The *Planning Act* also requires that in making planning decisions Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the *Planning Act*.

As per Section 2, the province has listed a number of matters that are of provincial interest. Planning staff have reviewed Section 2 and determined that the proposed zoning By-Law Amendment application has regard for these matters.

Planning staff have no concerns, with regard to matters of Provincial Interest.

As per Section 3, the Planning Act requires that decisions of Council must be consistent with Provincial Policy Statements and shall not conflict with Provincial Plans. The Provincial Policy Statement (PPS 2020) and Niagara Escarpment Plan (NEP) are in effect and apply to the subject lands.

Provincial Policy Statement 2020

The Provincial Policy Statement 2020, (PPS 2020), provides specific policy direction on matters of Provincial Interest related to land use planning and development. It aims to provide for appropriate development while protecting resources of Provincial Interest, public health and safety, and the quality of the natural and built environment. Decisions on Planning matters made by a municipal Council (or any other planning authority) must be consistent with the Provincial Policy Statement.

Section 1.0 Building Strong and Healthy Communities

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. In this regard, settlement areas shall be the focus of growth and development.

Full municipal services are provided to the property and the proposed use does not require any expansion to current sewer or water services. Matters relating to public space, recreation, parks, and trails, will be addressed through the donation of a 10-metre-wide block from the south portion of the lands that are to be conveyed to the Town to establish a future public trail. This donation of land will complete the last remaining parcel of land that has to date been missing in order to complete an open space corridor trail link.

Planning Staff have no concerns with respect to Section 1.0 of the PPS.

Section 2.0 Wise Use and Management of Resources

Section 2.0 of the PPS promotes long-term prosperity, environmental health, and social well-being of the province through the conservation of biodiversity, protection of the Great Lakes, and the protecting of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources.

The subject lands do not appear to contain natural heritage features. Planning Staff have no concerns with respect to Section 2.0 of the PPS.

Section 3.0 Protecting Public Health and Safety

Within Section 3.1 (Natural Hazards) policies regarding hazardous lands, and hazardous sites requires that development be generally directed to areas outside of these hazardous areas.

The subject property is not located within any identified natural or human-made hazard lands.

Planning Staff are satisfied that the proposed Zoning By-Law Amendment is consistent with Provincial Policy Statement

Niagara Escarpment Plan

The Niagara Escarpment Plan applies to the subject property and has designated the subject lands as designated Escarpment Recreational Area. The Niagara Escarpment Plan provides land use policies to guide development while ensuring the preservation and enhancement of the Niagara Escarpment. This designation applies to areas of existing or potential recreational development associated with the Escarpment slope. Permitted uses in the *Escarpment Recreation Area* designation includes both seasonal and permanent residential uses, including single detached dwellings per Part 1.8.3 of the Plan. Part 1.8.1 of the Plan outlines the objectives of the *Escarpment recreation Area* designation. The objectives relevant to this proposal include:

- To provide areas where new recreation and associated development can be concentrated around established, identified or approved downhill ski centres.
- To provide areas where new recreation and associated development can be concentrated around established, identified or approved lakeshore residential areas in Grey and Bruce Counties.
- To recognize the importance of the four-season recreation resort areas in the Town of The Blue Mountains to the tourism sector of Ontario's economy.

General growth and development in the *Escarpment Recreation Area* is further guided by the policies of Part 1.8.5.10 of the Plan. These policies aim to protect the natural heritage and ecological features of the Escarpment, protect prime agricultural areas, conserve cultural heritage features, and encourage sustainability. Planning Staff are satisfied that the proposal complies and does not conflict with Part 1.8.5.10 of the Plan.

Part 1.8.5.13 of the Plan identifies Municipal sewer and water services as the preferred means of servicing and, in the Town of The Blue Mountains, will be required in the Service Districts of Craighleith, Camperdown, Castle Glen, and Swiss Meadows, in accordance with the municipal Official Plan. The subject lands are provided municipal water services and a sanitary sewer service that is under care and control of the Town. Planning Staff are satisfied that the proposal complies with the servicing criteria of the Niagara Escarpment Plan.

Planning staff are satisfied that the pertinent policies of the Niagara Escarpment Plan are satisfied that the proposed is consistent and does not conflict with the policies of the Plan as an appropriate level of servicing will be provided and no adverse impact on natural heritage features are anticipated.

Grey County Official Plan 2018

The County of Grey Official Plan designates the property Recreational Resort Area. This land use type applies to settlement areas which have developed as a result of site-specific amendment to the County of Grey Official Plan consisting of a defined development area, specific

recreational amenities, residential development and serviced with full municipal services. The proposed zoning by-law amendment will permit a single detached dwelling, which conforms with the permitted uses encouraged within this land use designation.

Part 4 of the County of Grey Official Plan speaks to Residential Intensification, which encourages intensification through redevelopment of sites that previously had development and underutilized lands. The subject land is an existing lot of record and a remnant parcel from a larger property that once provided an entrance to a former farmhouse that was located further north of Delphi Lane. The lands remain vacant as the existing zoning (Development) does not permit a single dwelling by right. This Zoning By-law Amendment will encourage one form of residential intensification as the proposed R1-1 zone will permit the construction of a single detached dwelling.

Planning Staff have no concerns with respect to the County of Grey Official Plan.

Town of The Blue Mountains Official Plan 2016

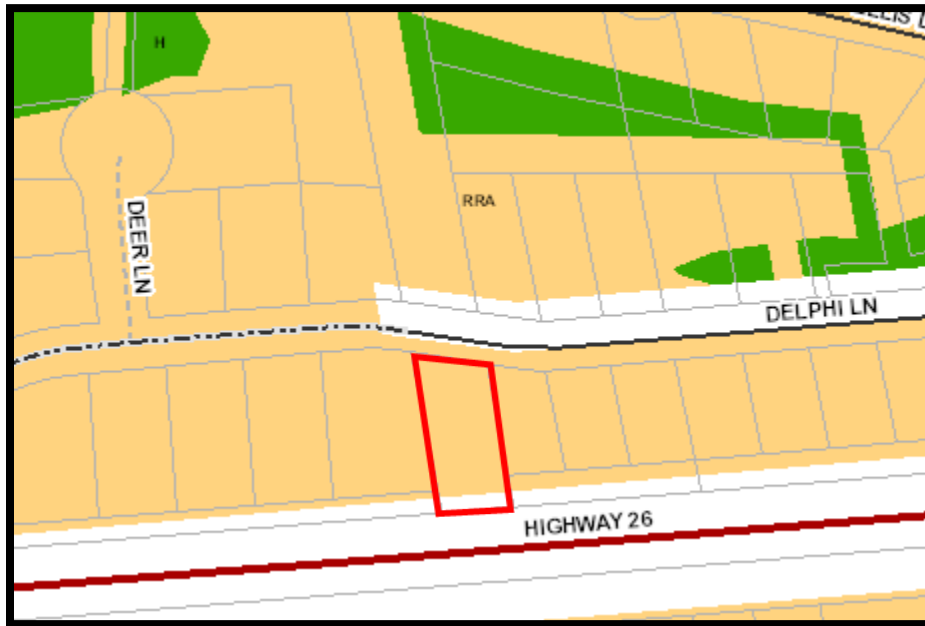
Section A3 outlines the Goal and Strategic Objectives of the Town. The Growth and Settlement goal directs development to areas where full municipal wastewater and water services are available to support the efficient use of land in these areas. The subject lands front an opened and maintained public road with water and wastewater services. The Town's Water and Wastewater Department has indicated that the applicant should confirm whether laterals have been provided to the property line and recommends that they establish a plan to connect the subject property to municipal services.

A strategic objective of the Growth and Settlement goal is to encourage infill, intensification and redevelopment in appropriate locations and with appropriate built form and design. Intensification means the development of a property at a higher density than currently exists through the development of vacant lots within previously development areas. The proposed zoning amendment will re-zone the vacant lands to permit a single detached dwelling. The subject lands are located in an existing residential neighborhood. The proposal satisfies the strategic objective of the Growth and Settlement goal.

The subject lands are designated Residential Recreational Area (RRA) in the Town of The Blue Mountains Official Plan as shown in Figure 3: Official Plan Map.

Section B3.7.1 speaks to the intent of the RRA designation. The RRA designation is intended to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses, and to recognize areas where some residential uses are located to support and provide access to resort and recreational amenities. Permitted uses include Single detached dwellings, accessory buildings, uses and structures. The proposed use is permitted in the RRA designation.

Figure 3: Official Plan Map



Section C1 outlines the Town's policies with respect to Water, Environment, and Hazard Policies. The overall objective of this section is to ensure development does not adversely impact natural heritage features, to enhance and preserve these features for the future. Based on a review of the relevant mapping, the subject lands do not appear to contain sensitive natural heritage features. Planning staff do not anticipate any adverse impact on natural heritage features.

Planning Staff have no concerns with respect to the Town of The Blue Mountains Official Plan.

Town of The Blue Mountains Zoning By-Law 2018-65

The Town's Zoning By-Law 2018-65 places the lands in the Development (D) zone as shown in Figure 4: Zoning Map. The proposal is to rezone the majority of the lands to Residential 'R1-1' zone, while a 10-metre-wide block being the south portion of the lands would be donated to the Town and rezoned to Open Space (OS) to complete the public trail block running alongside Highway 26. The proposed rezoning would be consistent with the surrounding residential properties that are also zoned R1-1, and the OS zone would be consistent with the other existing trail blocks, as shown in Figure 4: Zoning Map.

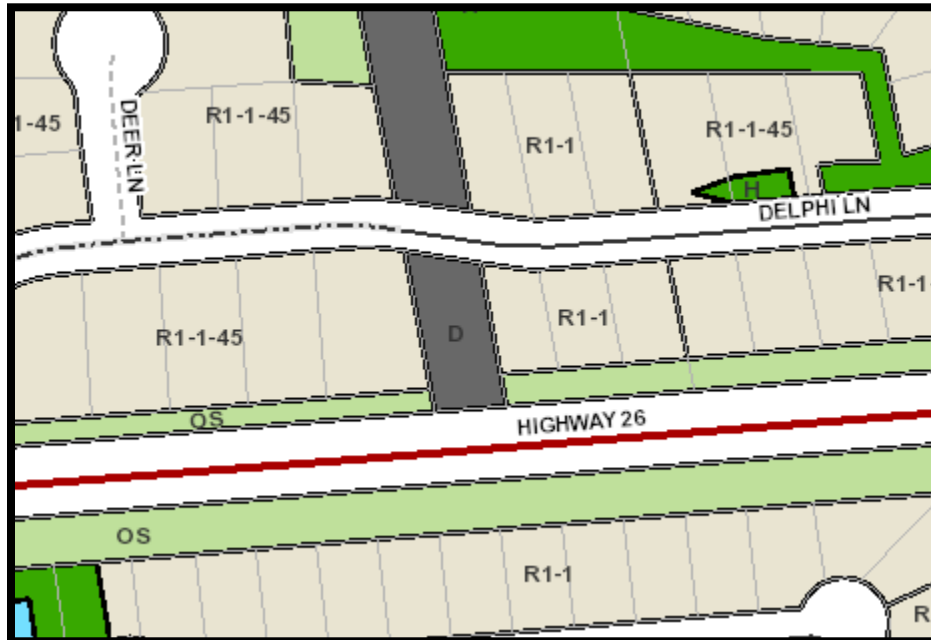
Based on the requirements of the 'R1-1' zone, Planning Staff are satisfied that a single detached dwelling can be built to conform with the zone standards.

The 10 metre wide block along the southern boundary of 150 Delphi Lane is described as Part 1, 16R-9453 and will be rezoned to the Open Space (OS) zone.

Planning Staff have no concerns with respect to the Town of The Blue Mountains Zoning By-Law 2018-65.

Planning staff have provided a draft Zoning By-law Amendment in this staff report (see Attachment #1).

Figure 4: Existing Zoning Map



Conclusions

Planning Staff are satisfied that this application is supported by Planning policy. The application is consistent with the Provincial Policy Statement, Planning Act, Niagara Escarpment Plan, and conforms with both the Grey County Official Plan, The Town of The Blue Mountains Official Plan and Zoning By-Law 2018-65. Planning staff are able to recommend approval of this application and a draft Zoning By-Law Amendment is attached to this report for consideration.

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 known adverse impacts on natural heritage features are anticipated.

G. Financial Impacts

Decisions of Council may be subject to an appeal to the Ontario Land Tribunal (OLT). Depending on the scope of the appeal and Town involvement in the appeal process, additional financial obligations may be required.

H. In Consultation With

Trevor Houghton, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report was the subject of a Public Meeting in accordance with the following schedule:

- August 9, 2021 Public Meeting Notice posted
- August 26, 2021 Public Meeting advertised in the Collingwood Connection;
- September 20, 2021 Public Meeting
- October 19, 2021 Committee of the Whole – This Follow-up report to the Public Meeting, attaching comments received in response to the Public Meeting; and staff recommendation on the proposed application
- November 1, 2021 Council – recommendation from Committee of the Whole considered by Council, and related By-law, if any

Any comments regarding this report should be submitted to Natalya Garrod,
planning@thebluemountains.ca

J. Attached

1. Draft Zoning By-Law

Respectfully submitted,

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For more information, please contact:

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Report Approval Details

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Attachments:	- By-law-2021- -Zoning-By-law-Amendment-150 Delphi Lane.pdf
Final Approval Date:	Oct 8, 2021

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

Trevor Houghton - Oct 8, 2021 - 9:25 AM

No Signature - Task assigned to Nathan Westendorp was completed by assistant Sherry Steadman

Nathan Westendorp - Oct 8, 2021 - 10:34 AM