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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Committee of the Whole
MEETING DATE: April 25, 2016
REPORT NO.: PDS.16.51
SUBJECT: Lora Bay Subdivision Part Lot Control Exemption, Lots 116, 117, 118 and Block 8 Registered Plans 16M-2 and 16M-8
PREPARED BY: Michael Benner, MCIP RPP
 Director, Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.16.51, "Lora Bay Subdivision Part Lot Control Exemption, Lots 116, 117, 118 and Block 8, Registered Plans 16M-2 and 16M-8"; and

THAT Council enact a By-law, substantially in the form as attached as Attachment "2" to report PDS.16.51, so as to remove Lots 116, 117, 118 and Block 8, Registered Plans 16M-2 and 16M-8 from Part-Lot Control for a temporary period of time.

B. Background

Georgian Planning Solutions, on behalf of Ward and Carol Bond, Jack Odnokon, Darryl Budd and the Lora Bay Corporation, have applied for an exemption to Part Lot Control for lots 116, 117, 118 and Block 8 in the Lora Bay Plan of Subdivision, Registered Plans 16M-2 and 16M-8, to allow the addition of lands from Block 8 to lots 116, 117 and 118 that are currently being used for landscaping associated with the said lots..

What is Part Lot Control?

Section 50 (28) of the Planning Act provides that part of a lot on a registered plan of subdivision cannot be transferred without the approval of the municipality. Part-lot Control has the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision, without further approvals. The part-lot control provisions of the Planning Act do, however, allow a municipality to pass by-laws to suspend or lift part-lot control from all or any part of a registered plan of subdivision on a temporary basis.

Exemption from part-lot control is appropriate when a number of land transactions are involved that further subdivide a lot that had previously been created by way of a plan of subdivision or other adjustments within a plan of subdivision that will not affect the nature or character of the subdivision.

This exemption process is facilitated through a municipal Bylaw that exempts Part Lot Control on the subject lands for a temporary period of time to allow for the preparation and registration of new reference plans. It should also be noted that the Part Lot Control process is not subject to Public Meeting requirements and does not have a formal appeal procedure.

Grey County is the approval Authority for Part Lot Control applications made within the Town of The Blue Mountains and that authority has been delegated to the County's Director of Planning. The County will require 3 certified copies of the Part Lot Control by-law adopted by Town Council and three copies of the deposited reference plan as identified in the part lot control by-law for the County's approval. They also require approval fees of \$275.00 plus \$109.50 per parcel created to be paid by the applicant.

In this instance, Part Lot Control is the preferred mechanism over the consent to sever process as the lot additions are associated with a block and lots within the same plan of condominium and the adjustments recognize the "as built" condition of the existing landscape features. Block 8 is part of the "common elements" of the condominium and the adjustments will remove the landscape features associated with the dwellings from the common element. No new parcels are being created through this process.

The Subject Lands

Lots 116, 117 and 118 back onto Block 8 being an open space block associated with the Lora Bay golf course. Landscaped areas associated with these lots have been created as a buffer to the golf course operation and some minor additional landscaping associated with lot 118 has also been located on Block 8 as indicated in figure 1.

Three draft reference plans have been prepared for Lots 116, 117, and 118 respectively that indicate how existing landscape areas, presently located on Block 8 but associated with the said lots, will be added to these lots. The proposed lot line will follow the "as built" extent of the landscape areas. These plans have been included as Attachment "1" to this report.



Draft Bylaw

A draft bylaw exempting Lots 116, 117, 118, and Block 8 Registered Plans 16M-2 and 16M-8, from Part Lot Control has been prepared and is included as Attachment "2" to this report. This bylaw is set to expire upon the sooner of thirty (30) days of its registration of the reference plan (the bylaw forms part of that registration) or six months from the date of enactment of the bylaw.

C. The Blue Mountains' Strategic Plan

This proposal supports Goal #3 - Support healthy lifestyles by increasing the range of housing choices and promoting housing affordability.

D. Environmental Impacts

Nil

E. Financial Impact

The Town is in receipt of Planning Application fees of \$535.00 for each application totalling \$1605.00

F. In Consultation With

Town Solicitor and Grey County Planning staff.

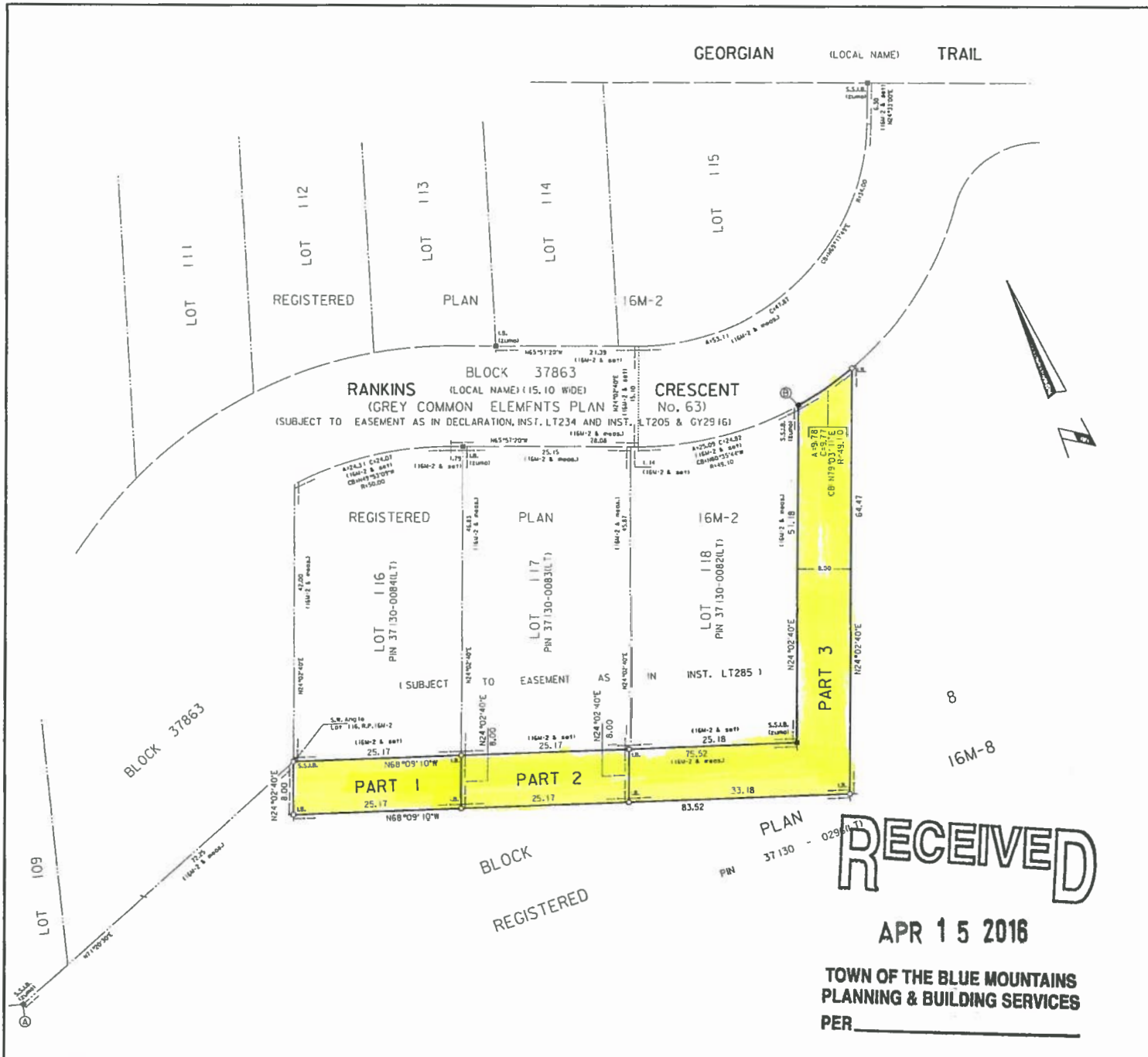
G. Attached

1. Draft Reference Plans.
2. Draft Bylaw.

Respectfully submitted,

Michael Benner, Director of Planning
and Development Services

For more information, please contact:
Michael Benner, MCIP RPP
Director of Planning and Development Services
mbenner@thebluemountains.ca
519 599 3131 ext. 246



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

PLAN 16R-10705

RECEIVED AND DEPOSITED

MARCH 15, 2016 DATE March 16, 2016

DATE 15/03/2016

G. NOVAK
G. NOVAK
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF GREY (NO. 16)

PART	LOT	PLAN	PIN
1			
2	Pt. BLOCK 8	16M-8	Pin 37130-0296(LT)
3			

NOTE: PART 1, 2 AND 3 ON THIS PLAN COMPRISES PART OF PIN 37130-0296(LT)

**PLAN OF SURVEY OF
PART OF BLOCK 8
REGISTERED PLAN 16M-8
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY**

SCALE 1:400

NOTES:

DISTANCES AND COORDINATES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD 83 (CSRS) (1997).

FOR BEARING COMPARISONS, A ROTATION OF 0°18' 0" COUNTER-CLOCKWISE WAS APPLIED TO THE BEARINGS ON PLAN 16M-8 TO CONVERT TO UTM BEARINGS.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999587.

- ⊙ DENOTES SET
- ⊙ DENOTES FOUND
- ⊙ S.I.B. DENOTES STANDARD IRON BAR
- ⊙ I.B. DENOTES IRON BAR
- ⊙ S.S.I.B. DENOTES SHORT STANDARD IRON BAR
- ⊙ C.C. DENOTES CUT CROSS
- ⊙ C.P. DENOTES CONCRETE PILE
- WIT DENOTES WITNESS
- MEAS. DENOTES MEASURE
- R.P. DENOTES REGISTERED PLAN
- N, S, E, W. DENOTES NORTH, SOUTH, EAST, WEST

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 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.
- THE SURVEY WAS COMPLETED ON THE 18TH DAY OF FEBRUARY 2016.

MARCH 7, 2016

Paul R. Thomsen O.L.S.
PAUL R. THOMSEN
ONTARIO LAND SURVEYOR
COLLINGWOOD

RECEIVED

APR 15 2016

TOWN OF THE BLUE MOUNTAINS
PLANNING & BUILDING SERVICES
PER _____

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS) (1997)

COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10.

POINT ID	NORTHING	EASTING
A	4935826.68	540801.89
B	4935869.33	540960.99

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) 445-4910
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JOB No. 2005-10-48 SURVEY FOR: BOND, ODNOKON, BLUDD

DDA FILE: C:\DDA\ 2016-DEC-2005-10-48.DDA

**THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS**

BY-LAW NO. 2016 - _____

Being a By-law to remove Lots 116, 117 and 118, Registered Plan 16M-2, and Block 8, Registered Plan 16M-8, from Part-Lot Control for a temporary period of time.

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 GP Inc. has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Lots 116, 117 and 118, Registered Plan 16M-2, and Block 8, Registered Plan 16M-8, 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, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Subsection 50 (5) of the *Planning Act* does not apply to Lots 116, 117 and 118, Registered Plan 16M-2, and Block 8, Registered Plan 16M-8.
2. Pursuant to Subsection 50 (7.3) of the *Planning Act*, this By-law shall expire upon the sooner of thirty (30) days of its registration or six months from the date of enactment, whichever is the sooner, 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 _____ day of _____, 2016.

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2016-_____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2016.

DATED at The Blue Mountains this _____ day of _____, 2016.

Signed: _____
Corrina Giles, Clerk