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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Committee of the Whole
MEETING DATE: June 27, 2016
REPORT NO.: PDS.16.85
SUBJECT: Establishment of a Public Highway known as Delphi Lane; Part Lot 26, Concession 5; Part 2, RP 16R-9453; Town of The Blue Mountains
PREPARED BY: Bryan Pearce, HBA, CPT, MCIP, RPP Planner II

A. Recommendations

THAT Council receive Planning and Development Services Staff Report PDS.16.85, respecting “Establishment of a Public Highway known as Delphi Lane; Part Lot 26, Concession 5; Part 2, RP 16R-9453; Town of The Blue Mountains”;

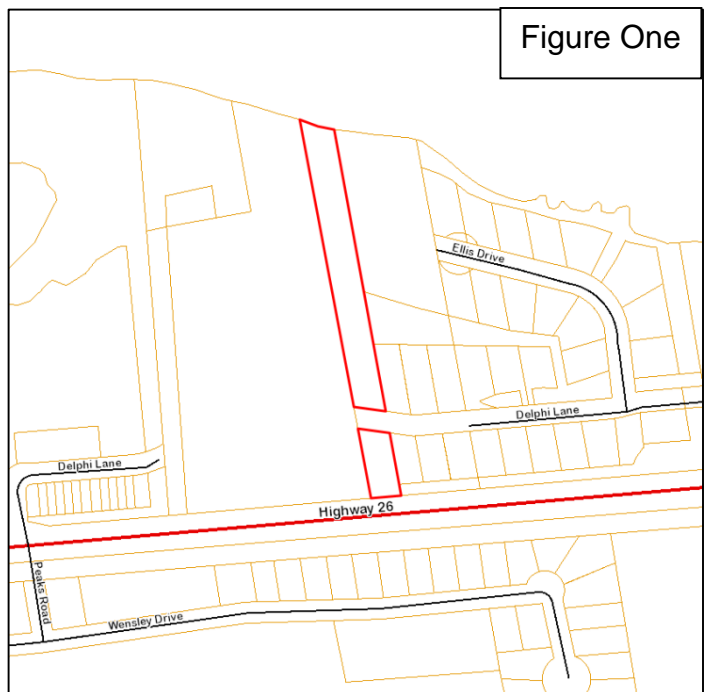
AND THAT Council enact a By-law for the Establishment of a Public Highway known as Delphi Lane, described as Part Lot 26, Concession 5; Part 2, RP 16R-9453; Town of The Blue Mountains.

B. Background

The purpose of this Report is to provide Council with recommendations related to establishing a public highway on the natural extension of Delphi Lane for the two residential lots that front Joseph and Michael Tabone and Mary Lees (Tabone/Lees) lands, as depicted in Figure One to the right.

Planning Staff note that the physical road of Delphi Lane has been constructed west of the extent of Registered Plan of Subdivision 16M-23 (Peaks Bay East Subdivision) and the 6 residential lots (formerly all the Smith lands), as required under the Development Agreement for Peaks Bay East Subdivision.

It is noted that the Town acquired the road allowance with this Development Agreement of the Peaks Bay East, through land transfers that occurred in 2009. This was based on the Memorandum of Understanding that was executed



between Tabone/Lees and the Town on September 28, 2007. This provided Tabone/Lees with a natural lot split, by transferring the road allowance to the Town.

In order to comply with the Zoning By-law requirement for a development to front or abut a public street, Part 2 of Reference Plan 16R-9453 must be established as a public highway, in accordance with Section 31 of the *Municipal Act* through Municipal By-law when not in a plan of subdivision. Through the Highway 26 improvements by Ministry of Transportation, the Tabone/Lee entrance has been removed now that access is off of the internal street of Delphi Lane.

It is noted that the Tabone/Lees lands are zoned Development (D) and therefore would require a zoning by-law amendment on the vacant residential lot prior to development, while the waterfront residential lot containing a dwelling is restricted to the D Zone provisions for development.

It is noted that the Peaks Bay East Developer will remain obligated to maintain this road as part of the requirements under the Development Agreement, until assumption occurs by the Town. The Subdivision Agreement contains provisions that must be achieved, before the Town enacts an Assumption By-law, to assume the works.

A draft of the Establishment of Public Highway By-law is attached to this report as Appendix "A" for Council's information.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning and Development Services Staff Report PDS.16.85 is consistent and supports the following Strategic Plan Goals:

Strategic Plan goal #1: "*Create opportunities for sustainability.*"

D. Environmental Impacts

The proposal does not appear to generate any special or significant environmental impacts.

E. Financial Impact

Nil

F. In Consultation With

John Metras, Town Solicitor

G. Attached

A. Draft By-law for the Establishment of a Public Highway, being Delphi Lane

Respectfully submitted,

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Planner II, Planning and Development Services Department

Michael Benner, MCIP, RPP
Director of Planning and Development Services

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THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

PDS.16.85
APPENDIX A

BY-LAW NO. 2016 -

Being a By-law to establish a public highway known as Delphi Lane

WHEREAS Section 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-law to establish highways;

AND WHEREAS it is deemed appropriate that Part 2 as shown on Reference Plan 16R-9453; being Part Lot 26, Concession 5; be established as a highway;

AND WHEREAS such highway is an extension of Delphi Lane;

NOW THEREFORE Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. The lands described as Part 2 on Reference Plan 16R-9453; being Part Lot 26, Concession 5; are hereby established as a public highway, named Delphi Lane.

Enacted and passed this _____th 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 _____th day of _____, 2016.

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

Signed: _____
Corrina Giles, Clerk