

STAFF REPORT:

Planning & Building Services Department



REPORT TO: Planning & Building Committee
DATE: September 9, 2009
REPORT NO.: PL.09.99
SUBJECT: Application for Draft Plan Approval –
Subdivision File No. 42T-2008-07
and Zoning By-law Amendment
Bill Bannerman
Part of Lot 161, Plan 529
Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT the Planning & Building Committee receive Staff Report PL.09.99 “Application for Draft Plan Approval – File No. 42T-2008-07, Bill Bannerman, Part of Lot 161, Plan 529, Town of The Blue Mountains”; and

THAT Council support a recommendation to the County of Grey to grant Draft Plan Approval of Subdivision File No. 42T-2008-07, subject to the Draft Plan Conditions attached to this report, and conditional upon the execution of a Pre-development Agreement in accordance with the Exception 50 provisions to the Official Plan.

THAT Council enact a Zoning By-law to rezone the subject lands from the Deferred Development ‘DD’ Zone, Residential ‘R3’ Zone, and Hazard ‘H’ Zone to the Residential ‘R3-h’ Zone, Institutional ‘I-h’ Zone, Public Open Space ‘OS1-h’ Zone and Hazard ‘H’ Zone.

B. Background

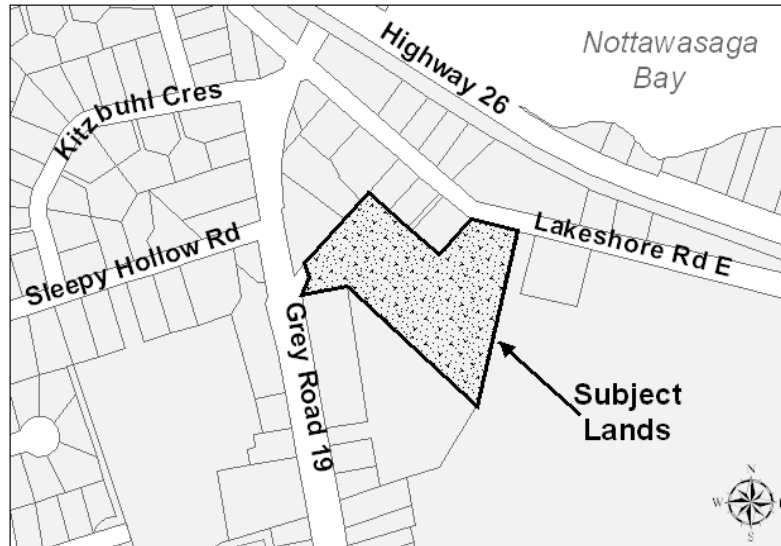
Planning Services received an application for a Plan of Subdivision and a Zoning By-law Amendment on July 7, 2008. The purpose of these applications is to consider a 10 lot plan of subdivision with related trail linkage on the subject lands. The 10 lots are to be serviced by a new public street accessed off of Lakeshore Road East. Submitted in support of the applications were a Servicing and Stormwater Management Report, an Archaeological Assessment and an Butternut Tree Assessment Report.

The subject lands are located southeast of Grey Road 19 and Highway 26 off and are accessed of Lakeshore Road East. The lands are 2.57 ha in area and are legally described as Part of Lot 161, Registered Plan 529. A portion of the lands also fronts onto Grey Road 19. One single detached dwelling is located on the lands with same being located in the north-east corner of the property. The remainder of the property is vacant and mostly wooded including some identified Butternut Trees.

Surrounding land uses include single detached residential uses to the north, west and south. There are also additional future development lands located to the east and south designated for future residential development. The Nipissing Ridge is located to the south of the property and a watercourse is located immediately east of the subject lands.

Municipal water and sewer are available to the property.

Location



Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS identifies that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Focusing growth in settlement areas and using land more efficiently can lead to more lively and vibrant communities. To accomplish this, land shall be efficiently used, with consideration for intensification, redevelopment, mix of uses and densities that ensure appropriate development will take place. The PPS gives priority to compact form, redevelopment, intensification and brownfield development.

The proposed subdivision appears consistent with the Provincial Policy Statement.

County of Grey Official Plan

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan.

The proposed subdivision appears to comply with the County of Grey Official Plan, and would not conflict with the provisions of the Niagara Escarpment Plan.

Town of The Blue Mountains Official Plan

The subject lands are designated Recreational Residential 'RR-50' and Hazard 'H' in the Town of The Blue Mountains Official Plan (S.4.11). The purpose of the Recreational Residential designation is to identify those lands whereon lower density residential uses may occur on full municipal services. Permitted uses include Residential development primarily in single detached form. However other housing types, including duplex or townhouse developments may be permitted. Recreational uses, including parks, trails, community centres and other similar uses may be permitted.

The Recreational Residential policies (S.4.11.3) encourage the use of land for recreational purposes as part of the year-round resort area. Density of development is intended to remain low with the provision of generous open space. 40% of the lands should remain as the recreational open space component, with the remaining 60% of the land comprising the residential segment. Generally, residential density shall not exceed 2.5 units per hectare however, increased densities not exceeding a total of five (5) units per hectare may be permitted provided that additional recreational lands and/or facilities are provided to the satisfaction of Council.

Schedule 'B' to the Official Plan identifies Maximum Unit Yields for specific development properties in the Municipality. The unit yield is calculated based on the maximum permitted density (5 units per hectare) multiplied by the area designated for residential development (2.16 ha). In this case, Schedule 'B' indicates the maximum unit yield as being ten (10) units.

Section 6.5.3 and Exception 50 outline the requirements for Growth and Settlement. With regard to the recreational component, Exception 50 notes that every lot within the development is considered a bonus unit in accordance with the provisions of Section 6.5.3. The policies encourage the provision of additional recreational lands and/or facilities in conjunction with the residential component of the development. Elements such as tennis courts, swimming pools and golf courses can be considered towards fulfilling this requirement. In the absence of a major recreational feature, or for smaller developments the proponent is subject to the cash-in-lieu of shoreline provision and the \$2,000.00 per unit of recreational lands and/or facilities. Shoreline dedication is a key requirement in order to satisfy the increased demand for water access as generated by new development. Shoreline is required to be provided on the basis of 0.6 metres of land for every unit within the development or, in the instance where shoreline dedication cannot be made, Council shall require a cash-in-lieu payment based on the appraised value of the required dedication. With respect to the appraised value of the required dedication, the Town has been utilizing \$5,000 per unit for the past few years and Planning Staff are of the opinion that this value continues to be appropriate.

Exception 50 also applies to the lands with same outlining development requirements prior to approval. Agreements are required to address front end financing for an overall servicing strategy and/or a major recreational amenity to the satisfaction of the Town.

The Nipissing Ridge is considered a high priority for acquisition by the Town as a

condition of development approval, including open space public walkways and linkages with proposed parks.

It would appear that the proposed 10 lot subdivision comprised of single detached dwellings on lots similar in size and shape with the surrounding residential uses complies with the permitted uses in the Official Plan. The provision for a trail linkage, and land dedication to the municipality adjacent to the Craigeith Community Centre enhances the recreational elements provided by the development. With respect to lot density, the proposed 10 lot subdivision is consistent with the provisions of the Official Plan. Block 1 and Block 2 represent 40% of the recreational open space, and the remaining 60% of the lands are proposed to be used for residential development.

With the development of 10 units, additional recreational lands and/or facilities are to be provided. It is noted that the overall size of the subject lands are small and that the required additional lands/facilities are encouraged to be located on larger parcels of land. In lieu of providing the additional lands/facilities, cash-in-lieu has been proposed and would be considered appropriate in this case. \$5,000.00 is to be provided per unit in-lieu of shoreline dedication and \$2,000.00 per unit in-lieu of recreational facilities. The total shoreline and recreational payment is \$63,000.00 $(\$5,000.00 \times 9) + (\$2,000.00 \times 9)$.

Exception 50 also requires front end contributions towards a combined Environmental Assessment including a Water Modeling Study and a Drainage Study. The watercourse impacted by this development, including related structures, was reviewed up to the outlet to the Bay. This additional review will become part of the combined Environmental Assessment, and represents an appropriate proportionate of costs towards the entire study. No further financial contributions will be required to this end.

The final requirement under Exception 50 is that the Developer enter into an agreement with the Town to identify any required works, front end financing and any other provisions required for development. The agreement is required prior to the granting of Draft Plan Approval.

The latest revised plan includes a 6 metre walkway corridor along the base of the Nipissing Ridge. At this time a trail is not required at this location until the adjacent lands are developed with trail connections. Cash-in-lieu of the developer constructing the trail can be collected and used at such time as the trail connection can be made. Trail costs are estimated at \$60.00 per linear metre. The total trail length from County Road 19 to the easterly property line is 244 metres in length, which represents a cash-in-lieu of trail payment of \$14,640.00.

The proposed subdivision appears to comply with the Town of The Blue Mountains Official Plan provided that the comments above are included as Draft Plan Conditions to Draft Plan Approval.

Zoning

The subject lands are zoned Deferred Development 'DD', Residential 'R3' and Hazard 'H' within the Township of Collingwood Zoning By-law 83-40.

The 'DD' lands recognize the vacant portions of the lands that have remained undeveloped. Additional development is not permitted in this zone without a Zoning By-law Amendment. The 'R3' lands recognize the existing single detached dwelling located in the north-east corner of the property and the Hazard 'H' lands recognize the environmental and physical hazards associated with the Nipissing Ridge.

A Zoning By-law Amendment has been submitted as part of the application package.

The proposed amendment would rezone the subject lands to the Residential 'R3' zone in order to permit the proposed residential development, the Institutional 'I' zone for those lands to be added to the Craighleith Community Centre and the Public Open Space 'OS1' zone for the remaining open space and trail lands.

Public Meeting

A public meeting as required under the Planning Act was held on July 6, 2009. Comments were received from an adjacent land owner with concerns regarding stormwater management, lot sizes, traffic, hazard lands and wildlife habitat. Engineering and Planning Staff are satisfied with the preliminary engineering work and overall subdivision layout with it being noted that the relevant comments on lot sizes, traffic and hazard land assessment are contained in this report.

Additional Comments

Comments were received from the County of Grey Transportation and Public Safety Department, Ministry of Transportation, Ministry of Culture, Grey Sauble Conservation Authority and Canada Post.

The County of Grey Transportation and Public Safety Department have stated that they have no objections to the proposal.

The Ministry of Transportation had concerns regarding drainage along the Highway 26 corridor. These concerns have been addressed to their satisfaction, and all their conditions of approval have been cleared.

The Ministry of Culture has reviewed the archaeological assessment report and are satisfied with the recommendations contained in the report. They note no further concerns with this application, but have requested the addition of two conditions should human remains or other cultural heritage values be identified during operations.

The Grey Sauble Conservation Authority has reviewed this proposal including the Butternut Tree Assessment and are satisfied that natural heritage issues have been

addressed. It is also noted that the proposed residential lots are sufficiently setback (30 metres) from the adjacent watercourse. It is further recommended that this setback area be placed into a 'non-building zone' for new development such as a Hazard or Open Space zone in accordance with their mapping. The 'non building zone' shall be incorporated into the Zoning By-law Amendment as a Hazard 'H' zone.

Canada Post has also provided comments to the County indicating that the proposed location for a community mailbox is adjacent to the easterly corner of Block 2.

The Town of The Blue Mountains Development Review Committee has reviewed the proposed development and a number of recommended changes have been incorporated into the latest subdivision design. The original road configuration has been adjusted, the stormwater management pond has been removed, the existing driveway on Lakeshore Road East is proposed to be relocated to the internal street. The Committee has also identified the need for a Traffic Impact Study as it relates to connectivity to Grey Road 19 and Highway 26. Although it has been noted that 10 additional lots would not appear to warrant a study or new road works, it is recognized that the cumulative effect of surrounding new development will eventually warrant one, and that all new development should contribute a proportionate share towards its cost. A valuation of \$10,000 has been approximated with 103 units remaining to be built over three properties. Therefore the proportionate share of costs is estimated at \$97 per lot (\$970 total) until such time as the study is completed. The Committee has no further concerns to proceeding to Draft Plan Approval of this subdivision.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Plan of Subdivision and Zoning By-law Amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan, the County of Grey Official Plan, is consistent with the Provincial Policy Statement and represents good planning. Therefore Planning Staff support Draft Plan Approval of Draft Plan of Subdivision 42T-2008-07 subject to the attached conditions.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Budget Impact

Nil

E. Attached

1. Revised July 14, 2009 – Draft Plan of Subdivision
2. Conditions for Draft Plan of Subdivision 42T-2008-07
3. Draft Zoning By-law Amendment

Respectfully submitted,

Shawn Postma, Planner II
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.248
1-888-258-6867
F: 519-599-3018
spostma@thebluemountains.ca

David Finbow, Director, Planning & Building Services
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.246
1-888-258-6867
F: 519-599-3018
dfinbow@thebluemountains.ca

Conditions for Draft Plan of Subdivision –42T-2008-07

The conditions have been listed under the following general headings:

General Planning Requirements
Servicing, Grading and Road Requirements
Landscape, Fencing and Streetscape Requirements
Park and Open Space Requirements
Miscellaneous Requirements

General Planning Requirements

1. The final plan shall be redlined to conform to the latest revised Draft Plan prepared by D.C. Slade Consultants Inc., revised July 14, 2009
2. A Subdivision Agreement shall be entered into and executed by the applicant, and the Town of The Blue Mountains to satisfy all financial, legal, and engineering matters, including landscaping and the installation of municipal services, and other requirements of the Town of The Blue Mountains and the County of Grey including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-law
3. The applicant shall support an appropriate amendment to the Zoning By-law to permit the development of these lands in accordance with the Draft Plan of Subdivision including the use of the holding ‘-h’ provision under the Planning Act.
4. Prior to registration, the Zoning By-law implementing the subject plan shall be approved under section 34 and 36 of the Planning Act.
5. Prior to registration, the applicant shall remove any existing buildings from the site that are not located on Lot 10.
6. The internal public street shall be named to the satisfaction of Council in accordance with the Town’s Street Naming Policy.
7. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation along with the applicable application fee and a resolution from the local municipality must be received.

Servicing, Grading and Road Requirements

8. Prior to the initiation of any site grading or servicing and prior to the registration of the plan, submit for the approval of the Town Engineer, Grey Sauble Conservation Authority, and the County of Grey, the following:
 - a. A detailed engineering and drainage report which describes the stormwater drainage system for the proposed development on the subject lands. The report should include:
 - i. Plans illustrating how the drainage system will tie into the drainage of surrounding properties
 - ii. The stormwater management techniques which may be required to control minor or major flows
 - iii. How external flows will be accommodated and the design capacity of the receiving system
 - iv. Location and description of all outlets and other facilities which may require permits
 - v. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction

It is recommended that the developer or his consultant contact the Town Engineering and Public Works Department and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development.
 - b. Overall grading plans for the subject lands
 - c. Agree in the subdivision agreement, in wording acceptable to the Town of The Blue Mountains and the Grey Sauble Conservation Authority:
 - i. To carry out, or cause to be carried out, all the works referred to in condition 7(a) above
 - ii. To obtain the necessary permits from the Grey Sauble Conservation Authority
 - iii. Prior to the initiation of any grading or construction on the site, to erect any silt fence as referred to in condition 7(a)(v) above.
9. Prior to the registration of the Plan, arrangements shall be made to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the developers expense.
10. Stormwater overland flow routes shall be kept within roads or approved walkways only.

11. Prior to the initiation of any site grading or servicing and prior to registration of this plan, submit for the approval of the Town Engineer a detailed soils investigation of the site prepared by a qualified geotechnical engineer. A copy of this report shall also be submitted to the Town's Chief Building Official.
12. Prior to the initiation of any site grading or servicing and prior to the registration of this plan, submit to the Town:
 - a. A Phase 1 Environmental Site Assessment
 - b. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 Environmental Site Assessment
 - c. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment, and
 - d. A copy of a Record of Site Condition and confirmation of the filing of the Record of Site Condition in the Environmental Site Registry.
13. Prior to the initiation of any site grading or servicing, the applicant shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The applicant shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations
14. The horizontal and vertical alignments of all roads and underground services including their intersection geometrics shall be designed to the Town of The Blue Mountains Engineering Standards. In this regard, minor revisions to the road pattern and intersection alignments may be required
15. Prior to the approval of any engineering drawings, arrangements shall be made to the satisfaction of the Town for a suitable construction traffic route.
16. The street lighting system on all roadways for this subdivision shall be designed and constructed in accordance with the Town of The Blue Mountains Engineering Standards or as otherwise approved by Town.
17. A financial contribution of \$970.00 shall be paid to the Town as a proportionate cash-in-lieu contribution of a future Traffic Impact Study.

Landscape, Fencing and Streetscape Requirements

18. Prior to the registration of the Plan, the applicant shall complete a Landscape Analysis and Landscape Plan to the satisfaction of the Town.

19. The applicant shall save and/or remove any trees and vegetation on the subject lands as required by the Landscape Analysis and/or Landscape Plan.

Park and Open Space Requirements

20. Block 1 shall be conveyed to the Town for open space and trail purposes at no cost to the Town. In this regard, the applicant shall also agree that Block 1 shall not be credited as parkland for the purpose of determining the parkland requirements for the subject plan.
21. Block 2 shall be conveyed to the Town of Institutional purposes at no cost to the Town. In this regard, the applicant shall also agree that Block 2 shall not be credited as parkland for the purpose of determining the parkland requirements for the subject plan.
22. The applicant shall pay cash-in-lieu for parkland required in accordance with the Planning Act.
23. Blocks 1 and 2 shall be deemed to meet the 40% open space requirement in accordance with the Town of The Blue Mountains Official Plan.
24. A financial contribution of \$45,000.00 shall be paid to the Town for cash-in-lieu of Shoreline Dedication in accordance with the increased density requirements of Section 6.5.3 of the Official Plan.
25. A financial contribution of \$18,000.00 shall be paid to the Town for cash-in-lieu of recreational lands and/or facilities in accordance with the increased density requirements of Section 6.5.3 of the Official Plan.
26. A suitable trail linkage shall be provided to the satisfaction of the Town, or a financial contribution of \$14,640.00 shall be paid to the Town for cash-in-lieu of the trail construction in accordance with the Nipissing Ridge and Parkland requirements of Section 8.18 and Section 6 of the Official Plan.

Miscellaneous Requirements

27. The applicant shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority
28. The applicant shall include a statement indicating that Block 1 will be developed for walkway purposes in all offers of purchase and sale for all lots and blocks within the plan
29. The applicant shall make satisfactory arrangements with Canada Post and the Town's Engineering and Public Works department, for the installation of Canada

Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The applicant shall further provide the following for the Community Mailboxes:

- a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access.
 - b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.
30. Prior to the signing of the final plan by the County of Grey, the Town is to be advised that all Draft Plan conditions have been carried out to the Town's satisfaction.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood
Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Map 24 to Schedule "A" of the Township of Collingwood Zoning By-law, being By-law 83-40 is hereby amended by rezoning the subject lands from the Deferred Development 'DD' Zone and Hazard 'H' Zone to the Residential 'R3-h' Zone, Institutional 'I-h' Zone, Public Open Space 'OS2-h' Zone and Hazard 'H' Zone for those lands lying and being in the Town of The Blue Mountains (former Township of Collingwood), comprised of Lot 168 and Part Lot 161, Plan 529 as indicated on the attached key map Schedule "A-1".
 - a. The removal of the Holding '-h' symbol on all, or a portion of the subject lands in accordance with Section 36 of the Planning Act shall be conditional upon the Registration of a Plan of Subdivision and the execution of a Subdivision Agreement.
2. Schedule "A-1" is hereby declared to form part of this By-law.

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

Enacted and passed this _____ day of _____, 2009.

Ellen Anderson, Mayor

Stephen Keast, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2009.

DATED at _____

this _____ day of _____, 2009.

Signed: _____
Stephen Keast, Clerk

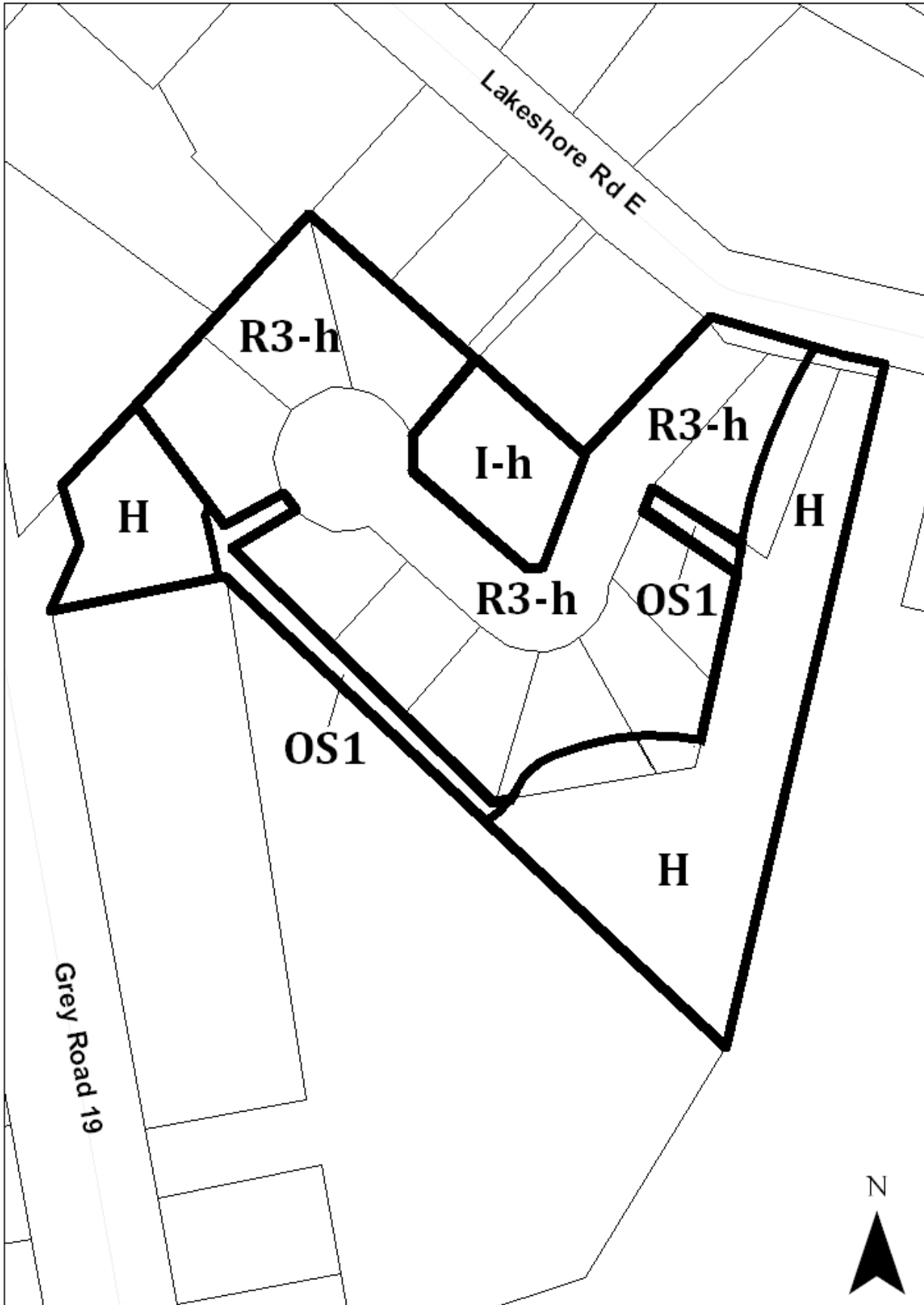
Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. _____



AREA AFFECTED BY THIS AMENDMENT



NOTICE OF THE PASSING OF A ZONING BY-LAW

TOWN OF THE BLUE MOUNTAINS

TAKE NOTICE THAT the Council of the Town of the Blue Mountains passed By-law No. _____ on the _____ day of _____, 2009 under Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board in respect of the by-law by first obtaining a prescribed Appellant Form and filing same with the Clerk of the Town of the Blue Mountains not later than the _____ day of _____, 2009 and completing said Form setting out the objection of the By-law and the reasons in support of the objection, together with the required \$125 fee made payable to the Minister of Finance.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the by-law, describing the lands to which the by-law applies, and a key map showing the location of the lands to which the by-law applies (or, alternatively, an explanation as to why a key map is not provided) are attached. The complete by-law is enclosed for inspection.

DATED at the Town of The Blue Mountains, this _____ day of _____, 2009.

Stephen Keast
Clerk
Town of The Blue Mountains
P.O. Box 310
26 Bridge Street
THORNBURY, Ontario
NOH 2P0 (519) 599-3131

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose of this By-law is to consider a request by the applicant to develop a ten lot Plan of Subdivision for single detached homes on the subject lands, and to consider the proposed Zoning By-law Amendment.

The Zoning By-law Amendment proposes to rezone the subject lands from the Deferred Development 'DD' Zone, Residential 'R3' Zone and Hazard 'H' Zone to the Residential 'R3-h' Zone, Institutional 'I-h' Zone, Public Open Space 'OS1' Zone and Hazard 'H' Zone. The Holding '-h' symbol is also being considered to ensure that development does not proceed until such time as a Plan of Subdivision is registered along with a Subdivision Agreement.

The subject lands of this By-law are owned by Bill Bannerman, and are legally described as Lot 168 and Part Lot 161, Plan 529; Town of The Blue Mountains, as shown on the attached sketch.