

**STAFF REPORT:**

**Planning & Building Services Department**



**REPORT TO:** Mayor and Members of Council  
**DATE:** June 28, 2010  
**REPORT NO.:** PL.10.69  
**SUBJECT:** OMB Appeal Update

**Application for Draft Plan Approval –  
Plan of Subdivision and  
Common Elements Condominium  
Grey County File No. 42T-2006-04  
and Zoning By-law Amendment  
Blue Mountain Villas / Matesa  
Town Plot Lots 37, 38, 39 and  
Part Lot 36 King Street E/S  
Town of The Blue Mountains**

**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Council receive Staff Report PL.10.62 “OMB Appeal Update for Draft Plan Approval – Plan of Subdivision and Common Elements Condominium Grey County File No. 42T-2006-04, Blue Mountain Villas, Town Plot Lots 37, 38, 39 and Part Lot 36 King Street E/S, Town of The Blue Mountains”;**

**B. Background**

The purpose of this report is to update the Planning and Building Committee with respect to the status of the Blue Mountain Villas/Matesa development file.

Planning Staff Report PL.10.38 was submitted to the Planning and Building Committee on May 3, 2010. This report provided an overview along with recommendations for Draft Plan Approval subject to conditions on the proposed 17 unit townhouse development located on the north-east corner of King Street and Lansdowne St. As the public had not been provided with an opportunity to speak to this application since the Public Meeting of 2006, or had had an opportunity for an update on revisions to the application since its re-activation, the Committee tabled the related Staff Report and directed Town Staff to proceed with a further (non-statutory) Public Meeting.

Planning Staff notified all landowners within 120 metres of the subject property, and advertised in the local newspaper having general circulation in the area of this further Public Meeting. The Public Meeting was held on June 7, 2010, at which time a number of comments were provided by the public.

Following the Public Meeting both the County of Grey and the Town of The Blue Mountains received notice of appeal to the Ontario Municipal Board from the proponent’s Planning Consultant. The appeals are based on no decision by County Council and Town Council within the required 120 day timeframe required under the

Planning Act. The Town is awaiting direction from the Ontario Municipal Board (OMB) as to how the appeals are to be addressed with it being noted that the proponent has requested mediation.

Given that this matter has been appealed to the OMB, it will be up to the OMB to determine the Parties to the appeal. Town staff will ensure that the OMB is aware that there are members of the public who have expressed an interest in these applications and will provide a copy of this Report to those that have spoke to this matter where possible.

Residents who are interested in being apprised of participating in the hearing are encouraged to contact the Town or OMB to ensure that they receive all notifications.

### **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**

Notice of Appeal

Respectfully submitted,

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June 15, 2010

Mr. Patrick Hennessy, Board Secretary,  
Ontario Municipal Board,  
655 Bay Street, Suite 1500,  
Toronto, Ontario  
M5G 1E5

**COPY**  
**RECEIVED**  
JUN 18 2010

Dear Sir,

Re : Application for Zoning By Law Amendment  
Lots 37,38,39 and Part of Lot 36 northeast of King Street  
and Part of Lots 36,37,38 and 39 southwest of Huron  
Street, Townplot of Thornbury, Town of Blue Mountains,  
County of Grey,  
Blue Mountain Villas

We are the planning consultants for Matesa Enterprises Inc. and submit this letter as a notice of appeal with respect to the above noted application in accordance with Section 34 (11) of the Planning Act.

Our client is the owner of the above noted property in the Town of Blue Mountains. An application for a Zoning Bylaw amendment was submitted to the Town in October, 2005. The Town has failed to make a decision on this application within 180 days.

Concurrently our client submitted an application to the County of Grey for a Draft Plan of Subdivision and Common Elements Condominium. This application has not been dealt with by the County within 180 days. A concurrent appeal to the Ontario Municipal Board under Section 51 (34) of the Planning Act has been submitted to the County of Grey.

Our client respectfully requests that their appeal of the Zoning Bylaw Amendment be heard concurrently with the Subdivision and Common Element Condominium appeal.

We have enclosed herewith a cheque in the amount of \$ 125.00 as the filing fee for the appeal, and the following materials in support of this appeal:

- OMB Appellant Form (01 pre Bill 51)
- Town of Blue Mountains Zoning Bylaw Amendment application with cover letter and copy of check for application fee
- Draft Zoning bylaw submitted with application
- Town of Blue Mountains report prepared by Planning and Building Services Department
- Notices of Public Meetings held in July 2006 and June 2010
- Sworn Affidavit of Shelley Wells

Also enclosed are copies of supporting materials filed in support of this application for zoning bylaw amendment and a concurrent application for draft Plan of Subdivision and Common Elements Condominium filed with the County of Grey in June 2005;

- County of Grey Subdivision/Condominium application form and cover letter
- Draft Plan of Subdivision and Common Elements Condominium prepared by Patten and Thomsen
- Fisheries Impact Assessment Report prepared by Azimuth Environmental Consulting Inc.
- Preliminary Servicing and Stormwater Management Report prepared by CF Crozier & Associates Inc.
- Guideline D-4 Study and Methane Monitoring Report prepared by Henderson Paddon & Associates
- Opinion Letter Regarding Thermal Classification of Water course prepared by Azimuth Environmental Consulting Inc.
- Fisheries Compensation Plan prepared by Azimuth Environmental Consulting Inc.
- Traffic Opinion letter prepared by C.F. Crozier & Associates
- Arsenic Assessment prepared by Terraprobe Limited

- Site Plan and Streetscape prepared by Ian S Malcolm Architects
- Authorization for Works or undertakings affecting Fish Habitat issued by Fisheries and Oceans Canada
- Town of Blue Mountains report prepared by Planning and Building Services Department

The grounds for appealing this matter include:

- The lands are already designated in the Official Plan for residential development
- The project is in keeping with the Official Plan policies, is compatible and is in accordance with sound planning principles
- The project is timely and is not premature. Any outstanding details are properly the subject of conditions of approval; and
- All relevant supporting studies have been submitted.

We respectfully request mediation. In our experience the Ontario Municipal Board mediation process clarifies issues and often facilitates a consensus resolution.

Yours truly,  
Plan Wells Associates



Shelley Wells MES, MCIP, RPP

Copy to; Matesa Enterprises Inc.  
Mr. Stephen Christie LLB  
Mr. Randy Scherzer, Director of Planning, County of Grey  
Ms. Corrina Giles, Town Clerk., Town of Blue Mountains  
Mr. David Finbow, Director of Planning, Town of Blue Mountains