

**STAFF REPORT: Planning**



**REPORT TO: Mayor & Members of Council**  
**MEETING DATE: July 23, 2007**  
**REPORT NO.: PL.07.96**  
**SUBJECT: Tabera Ltd. - Minutes of Settlement with NEC Part Lot 25, Concession 4 Town of The Blue Mountains**  
**PREPARED BY: Robert Armstrong Manager of Development Planning**

#### **A. Recommendations**

**THAT Council does receive Staff Report #PL.07.96, “Tabera Ltd. – Minutes of Settlement with NEC” Part Lot 25, Concession 4, Town of The Blue Mountains”; and**

**THAT Council supports and hereby authorizes Town Solicitor Al Burton of Thomson Rogers to execute the Minutes of Settlement between Tabera Limited, the Niagara Escarpment Commission, the County of Grey and the Town as it relates to the resolution of the Special Policy Area 4 designation on Part Lot 25, Concession 4 within the Town of The Blue Mountains Official Plan only.**

#### **B. Background**

During the approval process of Official Plan Amendment No. 4 to the Town of The Blue Mountains Official Plan, there was an area within the Tabera lands that was in dispute as to whether the lands were located on the Prominent Escarpment Slope or not and there affecting the developer’s ability to develop their lands. It was recognized that this dispute was before the Ontario Municipal Board and, as such, a policy was included in Official Plan Amendment No. 4 that stated that “Special Policy Area 4 on Schedule A, identifies an area that is the subject of proceedings before the Ontario Municipal Board. The outcome of any mediation, adjudication or legal processes will define the precise boundary of the Escarpment E designation, the Service Area and the Recreational Residential RR-50 designation without further amendment to this Plan.”

It has been the Town position that we would rely on the position of the Niagara Escarpment Commission in determining the limits of development as it is their

plan which establishes the applicable criteria for determining the toe of the Prominent Escarpment Slope. It would now appear that the Developer and the NEC have resolved the toe of the Prominent Escarpment Slope, together with certain criteria that must be contained with the future Planning approval.

The parties to the Minutes of Settlement have agreed that further work is required prior to the finalization of the Draft Plan conditions and Zoning By-law Amendment. This work includes an updated Preliminary Servicing Report, a traffic impact study and agreement on the Growth and Settlement requirements contained with Exception 50 of the Official Plan.

There is some interest from the residents on Hidden Lake Road related to various matters of the development. With regard to the limits of the development, we believe that two of the residents are participants and will be appearing at the OMB on the 25<sup>th</sup> of July to speak to the issue. A larger number of residents are also concerned with the increased traffic on Hidden Lake Road, as well as the future servicing costs. The Town has advised a residents group that the Hearing at the end of the month will not deal with this issue and that there will be future meetings to consider this issue once further information is available.

The Minutes of Settlement are being recommended by our solicitor for presentation at the July 25<sup>th</sup> Ontario Municipal Board hearing.

### **C. Strategic Plan**

### **D. Budget Impact**

Nil

### **E. Attachment**

1. Minutes of Settlement

Respectfully submitted,

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Robert Armstrong MCIP, RPP  
Manager of Development Planning