

Planning Justification and Rationale Report

“Romspen Mortgage Ltd. Partnership”

(2220740 Ontario Inc.)

Proposed Draft Plan of Common Element Condominium

Official Plan and Zoning By-Law Amendments

Town of the Blue Mountains, County of Grey

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URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

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1.0 Introduction

2220740 Ontario Inc. is the current registered owner of the subject site, legally described as Part of Lot 26, Concession 6 (Formerly Township of Collingwood), within the Town of the Blue Mountains, County of Grey. The property, approximately 6.61 hectares (16.33 acres) in size, is located east of Camperdown Road and south of Old Lakeshore Road. The subject property is bounded by vacant land to the east, existing residential to the south, additional lands owned by 2220740 Ontario Inc. to the west, and existing residential north of Old Lakeshore Road.

Glen Schnarr & Associates Inc. was authorized by the owner, to file a Draft Plan of Condominium Application with the Town of the Blue Mountains and with the County of Grey to permit the proposed Draft Plan of Condominium comprised of 30 Lots for Single Detached Dwellings, a Stormwater Management Pond, a 6m Trailway, and Open Space blocks.

An Official Plan Amendment and a Zoning By-Law Amendment application was also filed to the Town of the Blue Mountains to facilitate the proposed development. As will be discussed in more detail below, the purpose of the Official Plan Amendment is to increase the currently permitted maximum unit yield of the subject site from 12 units to 30 units. The intent of the Zoning By-Law Amendment is to lift the Holding Provision from the subject site's zoning and to permit the proposed lots to have access and to front on a Condominium Road rather than a public street.

The purpose of this Planning Justification and Rationale Report is to demonstrate to the County of Grey and the Town of the Blue Mountains that the applications are justified and represent good planning and should therefore be approved. In order to analyze the appropriateness of these applications, this report addresses applicable planning legislation, including the Planning Act, Provincial Policy Statement, Niagara Escarpment Plan, County of Grey Official Plan, as well as the Town of the Blue Mountains Official Plan and Zoning By-Law.

2.0 Background

The subject site was previously part of a County Draft Plan of Subdivision Application (42T-2003-01), which was Draft Approved on February 16, 2006. This currently draft approved Plan of Subdivision consisted of 12 Single Detached Dwellings, a Trailway, and an Open Space Block. The subject Draft Plan of Condominium Application is proposing a new proposal, consisting of 30 Single Detached Dwellings, a Stormwater Management Pond, as well as the previously proposed Trailway and Open Space Block.

As discussed in the March 6, 2009 Pre-Consultation Meeting with the County of Grey (Randy Scherzer) and Glen Schnarr & Associates Inc. (Glen Broll), a Draft Plan of Condominium Application is required to facilitate the new proposal. The existing draft approved Plan of Subdivision, as agreed in the meeting, will remain status quo until the County of Grey draft approves the subject Plan of Condominium, with the purpose of maintaining the status of the currently approved Plan.

3.0 Proposal

The proposal, as mentioned above, consists of 30 Single Detached Residential units with 60' (18.3m) and 70' (21.3m) frontages. These lots will front and access Condominium Roads, which will have two accesses from Old Lakeshore Road. In addition, a Stormwater Management Pond, with an area of 0.19 hectares (0.47 acres), is also proposed to accommodate the proposed development. A 6m Trailway is also proposed for recreational purposes for the potential residents and the surrounding community. Finally, Open Space blocks are also proposed to maintain the natural features present on the site.

As will be discussed in the applicable sections below, an Official Plan Amendment is required to facilitate the proposed density of 30 Units since the currently permitted maximum unit yield for the subject site is 12 Units. In addition, the proposed Zoning By-Law Amendment is intended to remove the "Holding (H) Symbol" from the subject site's zoning and to permit the proposed lots to front and access Condo Roads rather than a public street.

4.0 Land Use Policies

4.1 Planning Act

As outlined in Section 51(24) of the Planning Act, there are various criteria for considering a draft plan of subdivision, with the intent of having regard to the "*health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality*". The following are some of the criteria set out in Section 51(24):

- "(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (h) conservation of natural resources and flood control"*

The proposed Draft Plan of Condominium conforms to the above criteria for various reasons. The matters of provincial interest, as set out in Section 2, include: protection and conservation of natural features, locating development on appropriate sites, and providing a full range of housing. These have been met since the open space block was created with the intention of preserving the existing natural features on the subject site. The site is surrounded by existing residential and vacant land; in addition, the portion of the site proposed to have the residential

dwellings is zoned “Residential Third Density (R3)” and thus the location is appropriate for the proposed residential development.

4.2 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The 2005 PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Decisions affecting planning matters shall be consistent with the 2005 Provincial Policy Statement.

Section 1 of the PPS outlines policies associated with future development and land use patterns. Specifically, the development of strong communities through efficient land use and development patterns is to be promoted. Section 1.1.1 is as follows:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”*

The proposed Draft Plan of Condominium as well as the associated Official Plan and Zoning By-Law Amendments meet the above PPS policies. The subject site is within an area envisioned for residential purposes as illustrated by the current’s site’s designation and zoning as well as the site’s surroundings. In addition, the Preliminary Servicing and Stormwater Management Report (dated February 2009, prepared by C.F. Crozier & Associates Inc.) and the subsequent Addendum Letter (dated April 2010) concluded that the site is within proximity to existing municipal services. Furthermore, the portion of the land that is designated and zoned as “Hazard Lands” has been preserved for open space purposes and thus avoiding potential environmental concerns. Finally, the proposed density increase will work towards efficiently developing the subject lands.

"1.4 Housing

1.4.1 To provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area identified in policy 1.4.3, planning authorities shall:

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- c. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- e. establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."*

The proposed Draft Plan of Condominium and associated Amendments also meet the above PPS policies. Since 30 Single Detached Residential Dwellings are proposed rather than the previously draft approved 12 Units, the new proposal will be contributing to the Town's and the County's residential supply. As mentioned above, the Preliminary Servicing and Stormwater Management Report concluded that the site is within proximity to existing municipal services and therefore the development can be serviced by way of water and wastewater systems.

"1.5 Public Spaces, Parks and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a. planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;*

- b. providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and, where practical, water-based resources”*

As illustrated in the proposed Draft Plan of Condominium, a 6m Trailway is proposed along Old Lakeshore Road. In addition, an Open Space block is provided to preserve the existing natural features on the subject site.

4.3 Niagara Escarpment Plan

The Niagara Escarpment Plan (NEP) emerged from the Niagara Escarpment Planning and Development Act. The NEP was approved by the Lieutenant Governor on June 1, 2005 with the intention of acting as a framework for balancing development, preservation, and recreation. The subject property is designated “Escarpment Recreation Area” in the Niagara Escarpment Plan, as illustrated in “Map 6: County of Grey” of the NEP.

This designation is intended for existing and potential recreational developments associated with the Escarpment; this may also include seasonal and permanent residences. Although residential uses are not specifically listed as permitted uses, reference is made to the requirements of official plans and zoning by-laws. As will be discussed below, the proposed uses are permitted in the site’s Designation and Zoning.

In addition, as noted under the “New Lots” section of the subject designation, “*Residential development should occur on lots or blocks created by registered plans of subdivision or condominium or other similar forms of ownership*”. Consequently, residential developments are permitted through Draft Plans of Condominium and therefore the proposed developments are in conformity with the Niagara Escarpment Plan.

4.4 County of Grey Official Plan

The County of Grey Official Plan was adopted by Grey County Council on May 6, 1997 and subsequently approved by MMA on March 5, 1997; in addition, it received OMB approval on August 16, 1999 and August 30, 2000. The County Official Plan is a broad land use policy document which provides guidance to the area municipalities in the preparation and implementation of their local Official Plans.

The subject site is designated “Escarpment Recreation Area” in the County Official Plan as illustrated in Schedule A: Land Use Designations (Map 2). The following are the policies applicable to this designation:

“2.5.2 Escarpment Recreation Area

- (2) Local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan.*

- (5) *The Escarpment Recreation Area designation, in addition to the designated Settlement Areas, will generally be the focus of growth within the County."*

The County encourages development in the subject area as noted in the abovementioned policy 2.5.2 (5) which states that areas within the "Escarpment Recreation Area" designation will be the focus of growth within the County, along with areas designated "Settlement Areas". In addition, local official plans provide more detailed land use policies; since the subject site is designated for residential uses in the Town Official Plan, a County Official Plan Amendment is not required.

4.5 Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan sets out the policy framework to guide future development in the Town. The subject property is designated "Hazard Lands (H)" and "Estate Residential – Exception 19 (ER-19)", as illustrated in "Schedule A: Land Use Plan – Map 3: Camperdown".

Conservation of the "Hazard Lands (H)" areas is encouraged to enhance the Town's landscape and direct development to appropriate locations. As demonstrated in "Appendix Map A: Hazard Lands, Shoreline Floodplain and Provincially Significant Wetlands", the subject site has "Slope, Floodplain and Shoreline Hazards" on a portion of the site due to the "Lake Nipissing Ridge". It should be noted that these lands have been preserved as open space blocks as illustrated on the proposed Draft Plan of Condominium. Consequently, since no development is proposed within this portion of the site, a local official amendment is not required.

The portion of the site that is proposed to be developed for residential purposes is entirely within the "Estate Residential – Exception 19 (ER-19)" designation. This Exception Designation permits a maximum of 672 residential units within "Service District 2: Camperdown", in addition to Trails, Shorelines, and Parking. The following are the policies applicable to the subject property:

"13.2 Exception Policies

19. Schedule "A" – Map 3 – Lots 25, 26, 27 and 28, Concession 5, 6 and 7

2. Policies

- (i) All residential development shall be subject to the density limitations under Schedule "B" - Unit Yields, which includes applicable bonus densities."*
- (v) All lots shall have frontage and access onto a public road that is adequately constructed and maintained on a year-round basis, except that individual lots may be created with access to a common elements condominium road approved in accordance with the provisions of the Condominium Act.*

- (vi) *Development along the 7th Line and Old Lakeshore Road shall be subject to increase setbacks and buffers with no internal public roads. Multiple residential dwellings shall also be permitted within the Estate Residential designation along the 7th Line.*
- (viii) *Buffer strips within a minimum width of 10 metres adjacent to the road allowance shall be required along Highway 26, County Road 40, 7th Line and Old Lakeshore Road. The buffer strips shall be subject to an approved landscape plan to ensure adequate visual screening. No buildings, structures or lots shall be permitted within the buffer strips."*

As shown on "Schedule B: Maximum Unit Yields (Service District 2 – Camperdown)", the subject property is identified as "B13" and therefore has a maximum unit yield of 12 units. Consequently, an Official Plan Amendment is required to permit the proposed unit yield of 30 Single Detached Dwellings on the subject site.

As the proposed Draft Plan of Condominium illustrates, two condominium roads are proposed to provide access for the proposed lots. In addition, a 6m Trailway Block was incorporated in the plan along Old Lakeshore Road. Finally, since no structures are currently proposed, it is anticipated that future development will conform to the required setbacks and buffers.

4.6 Town of the Blue Mountains Zoning By-Law

Council of the Town of the Blue Mountains passed Zoning By-Law 2006-22, an amendment to Zoning By-Law 83-40, on March 6, 2006 to rezone the subject lands. The purpose of the rezoning was to satisfy a condition of Draft Approval of the Plan of Subdivision (42T-2003-01). The Zoning By-Law Amendment rezoned the subject lands from "Deferred Development (DD)" and "Hazard (H)" to "Residential (R3)", "Hazard (H)", and "Public Open Space (OS1)". In addition, a Holding "h" Symbol was placed on the subject site requiring the registration of a Plan of Subdivision prior to development.

Although the lot layout and number of proposed units were modified from the original draft plan of subdivision application, the uses have remained the same within the same locations. Therefore, an additional zoning by-law amendment is not required to permit the new proposal on the subject lands. However, a Zoning By-Law Amendment is required to lift the "h" Symbol from the subject site to facilitate the proposed development.

In addition, Section 5.8(a) "Requirement of Lot" of the Zoning By-Law states that "*No person shall use any land for any permitted use, nor shall any building or structure be erected, altered, extended or enlarged except upon a lot which fronts upon and has direct access to an improved public street.*" Therefore, a Zoning By-Law Amendment is also required to permit the proposed lots to front and have access to a Condominium Road rather than a public street.

5.0 Summary

The subject lands, legally described as Part of Lot 26, Concession 6, are designated “Escarpmnt Recreational Area” in the Niagara Escarpment Plan and the County of Grey Official Plan. However, the subject site is designated “Estate Residential – Exception 19” in the Town of The Blue Mountains Official Plan. Consequently, the proposed residential uses are currently permitted in the current Official Plan designation. However, an Official Plan Amendment is required to increase the maximum unit yield of the subject site from 12 units to 30 units.

Finally, the subject site is currently zoned “Residential Third Density” with a Holding Provision in the Town of The Blue Mountains Zoning By-Law, as amended. The proposed residential uses are also consistent with the site’s zoning category. However, a Zoning By-Law Amendment is required to lift the Holding Provision from the site and to permit the proposed lots to front and access a Condo Road rather than a public street.

In summary, the proposed Plan of Condominium will utilize existing infrastructure and services while contributing to the housing supply in the community. In addition, it avoids potential environmental concerns by the preservation of natural hazards present on the site. Furthermore, a Trailway is proposed along Old Lakeshore Road which encourage recreational activities for future residents of this Condominium development as well as those in the surrounding neighbourhoods. For all of the above-mentioned reasons, we believe that the subject application represents good planning and should be approved.

Respectfully Submitted,

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Partner

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