



# Town of The Blue Mountains

26 Bridge Street East, Box 310  
THORNBURY, ON N0H 2P0  
[www.thebluemountains.ca](http://www.thebluemountains.ca)

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September 13, 2010

**RE: Adult Lifestyle Village – Telfer Homes Inc. Proposal  
S/E Corner of Napier and Victoria Streets – Thornbury  
The Blue Mountains**

The purpose of this communication is to clarify a number of matters that arose at the Public Meeting held on Wednesday September 8, 2010 at the L.E. Shore Memorial Library respecting the proposal filed by Telfer Homes Inc.

## Planning Process

The planning process in Ontario is regulated by the *Planning Act* and its related Regulations. In this instance, the proponent, Telfer Homes Inc., filed three applications with the Town's Planning Services Division. An application to rezone the subject lands, an application for consent and an application for Site Plan Approval have been submitted.

The rezoning application was necessary as the land is currently zoned "D" for Development which does not permit the proposed development as well as to consider changes to some of the zoning by-law provisions/regulations. With regard to zoning by-laws, they control or regulate the use of land and it states exactly:

- how land may be used;
- where buildings and other structures can be located;
- the types of buildings that are permitted and how they may be used; and,
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

An application for an Official Plan Amendment was not filed by the proponent as the proponent determined that the proposal complied with the provisions of the Town's Official Plan.

With respect to the rezoning application and its related conformity with the Official Plan, it is important to note that Town Planning Staff have not made any recommendations to Town Council on the application, have not determined if the application is in conformity with the provisions of the Town's Official Plan and, that Town Council has not made a decision with respect to the application.

As to the consent application, same was filed as the *Planning Act* does not allow an interest in land in excess of twenty-one years be given without authorization from the approval authority (the Town). In this instance, the proponent desires to enter into land leases with future tenants for a period in excess of twenty-one years.

In support of a planning application, a proponent is required to submit supporting documentation including, but not limited to, the following:

- Planning Justification Report (Opinion/commentary on PPS, Town and County Official Plan Conformity, planning merits, etc.);
- Environmental Report;
- Archeological Assessment;
- Functional Servicing Report (Sanitary Servicing, Water Supply, Stormwater Management, etc.); and,
- Concept plans, design sketches and renderings.

With respect to this application, the above reports were submitted however, further studies and/or reports may be requested as the Town processes the application.

As part of the planning process, Town Planning Staff review applications to determine if the application is consistent with the Provincial Policy Statement 2005 (PPS), in conformity with the County and Town Official Plans and other relevant legislation and represents good planning. Comments flowing from this review are relayed to the proponent. Frequently, a proponent will revise an application to address these comments prior to a Public Meeting and, in many instances, revise an application post a Public Meeting in light of comments received.

For more information on the planning process in the Province of Ontario, please visit the Ministry of Municipal Affairs and Housing website at [www.mah.gov.on.ca](http://www.mah.gov.on.ca).

### **Purpose of the Public Meeting**

It is noted that In accordance with the provisions of the *Planning Act*, every application deemed complete must proceed to a Public Meeting. As noted on the Hearing Notice that was circulated and posted in the newspapers, the purpose of the Public Meeting was to receive comments from the public related to the proposal. At the time of the Public Meeting, no recommendations had been formulated by Town Planning Staff for Town Councils' action nor had any decisions been made by Town Council.

Also noted on the Hearing Notice was the opportunity for interested stakeholders to review the documents submitted in support of the application and information compiled by the Town and to ask questions of Town Planning Staff in advance of the Public Meeting.

A number of concerns were brought forward by those that attended the public meeting and these concerns will be considered by Town Planning Staff in the development of a recommendation for Town Council's consideration and by Town Council.

### **Environmental Concerns**

At the Public Meeting questions/concerns came forward with respect to the removal of impacted soils from the site. As noted at the Public Meeting, Town Staff were made aware that the proponent had intended on proceeding with testing of soils and the potential removal of impacted soils from the site a number of years ago. Town staff became aware by way of an inquiry from the proponent as to the process and/or approvals required from the Town. In response to this inquiry, Town Staff advised that there were no municipal prohibitions related to exploratory work on site or executing work in order to comply with the *Environmental Protection Act* and its related Regulations (the enforcement of this Act and related Regulations is within the purview of the Ministry of the Environment). It is important to note that the Town was aware that the proponent was exploring the testing of soils and the potential

removal of impacted soils from the site but had no control or authority over whether this work would be done, when it would be done or the way in which it would be done.

With respect to the Town's role as it relates to the Environmental Report, the Town must be satisfied that the lands are appropriate for residential use prior to permitting same. In this regard, the Town does not "approve" Environmental Reports but will rely on advice of the Ministry of the Environment with respect to the adequacy of the various investigations completed and the Record of Site Condition.

### **Requested Reduction in Development Charges and/or other Fees/Charges**

The proponent made reference at the Public Meeting to a desire for reduced Development Charges and/or other fees/charges related to the subject proposal. This request is just that at this time, a request made by the proponent. Town Staff have not had detailed discussions or made any recommendations to Town Council on this request however, Town Staff note that Town Council's direction to Town Staff over the years has been very clear, "development must pay for development".

### **Town Council's Consideration of the Applications**

As noted previously, Town Planning Staff have not yet made any recommendations to Town Council on the applications nor has Town Council made a decision with respect to the applications. The purpose of the Public Meeting was to receive comments from the public and agencies on the applications. At this time, Town Staff have not made a determination as to when we will report back to Council or a committee thereof on the applications.

When Town Council does consider the applications, it will take into consideration comments made by the public and agencies and will evaluate the applications against criteria such as:

- Provincial Policy Statement 2005
- conformity with the County and Town Official Plans
- compatibility with adjacent uses of land
- suitability of the land for the proposed purpose
- proposed regulations (setbacks) and the appropriateness of same (including the size and shape of the lot(s) and/or parcels being created)
- adequacy of vehicular access, water supply, sewage disposal
- storm water management

Note: The Provincial Policy Statement contains overall policy directions on matters of provincial interest related to land use planning and development.

### **Information Requests**

The Town's website has been updated to include the various documents referenced in this letter. Please go to [www.thebluemountains.ca](http://www.thebluemountains.ca) and under the heading of "One Click Away", click on "Special Projects" and you will find "Adult Lifestyle Village Development".

If you have any questions related to this project, please contact Shawn Postma, Planner, The Blue Mountains at 519.599.3131, extension 248 or, [spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca).