

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** October 13, 2020

**CASE NO(S):**

PL180356

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	MacPherson Builders (Blue Mountains) Limited
Subject:	Request to amend the Official Plan - Failure of the Town of The Blue Mountains to adopt the requested amendment
Existing Designation:	Institutional "I" and Recreational Residential Exception (RR-50)
Proposed Designation:	Recreational Residential Exception (RR-xx) and Public Open Space "P"
Purpose:	To permit the development of 277 freehold residential lots consisting of 85 single detached units, 60 semi-detached units and 132 townhouse units
Property Address/Description:	Various Lands In The Town Of The Blue Mountains
Municipality:	Town of The Blue Mountains
Approval Authority File No.:	#P2067
OMB Case No.:	PL180356
OMB File No.:	PL180356
OMB Case Name:	MacPherson Builders Limited v. Blue Mountains (Town)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	MacPherson Builders (Blue Mountains) Limited
Subject:	Application to amend Zoning By-law No.83-40 - Neglect of the Town of the Blue Mountains to make a decision
Existing Zoning:	Deferred Development "DD and Hazard "H"

Proposed Zoning: (R2-XX), (R3-XX), (R4-XX), (R6-XX), (OS1), (OS2), (PREC), (H)

Purpose: To permit the development of 277 freehold residential lots consisting of 85 single detached units, 60 semi-detached units and 132 townhouse units

Property Address/Description: Various Lands In The Town Of The Blue Mountains

Municipality: Town of The Blue Mountains

Municipality File No.: #P2636

OMB Case No.: PL180356

OMB File No.: PL180393

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: MacPherson Builders (Blue Mountains) Limited

Subject: Proposed Plan of Subdivision - Failure of the Town of the Blue Mountains to make a decision

Purpose: To permit the development of 277 freehold residential lots consisting of 85 single detached units, 60 semi-detached units and 132 townhouse units

Property Address/Description: Various Lands In The Town Of The Blue Mountains

Municipality: Town of The Blue Mountains

Municipality File No.: 42T-2015-03

OMB Case No.: PL180356

OMB File No.: PL180357

**Heard:** September 3, 2020 by video hearing

**APPEARANCES:**

**Parties**

MacPherson Builders (Blue Mountains) Limited

Corporation of the Town of Blue Mountains

Eden Oak (Trailshead) Inc.

**Counsel**

Quinto M. Annibale  
Brendan P. Ruddick

Leo Longo

Gerard C. Borean

**MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM MIDDLETON ON  
SEPTEMBER 3, 2020 AND ORDER OF THE TRIBUNAL**

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[1] The Tribunal was informed that the MacPherson Builders (Blue Mountains) Limited (“Applicant”) and the Corporation of the Town of Blue Mountain (“Town”) have reached a settlement, which is also approved by the County of Grey (“County”). The Applicant filed a Settlement Request Form and requested the Tribunal to convene to review the terms of resolution. The Applicant has also successfully settled with all other parties to this matter who have since withdrawn from these appeals. Those parties include Moira McIntyre and Pamela Spence who reached a settlement on the basis of an agreement by the Applicant to reduce the depths of lots 199 to 210 inclusive to provide for a greater setback from the Nipissing Ridge. In addition, a comprehensive settlement was reached with the neighbouring landowner to the northeast of the Subject Lands, Eden Oak (Trailshead) Inc. (“Eden Oaks”), on the basis of an agreement with respect to cost sharing for stormwater management infrastructure and oversizing of services related to the future development lands on the Subject Property adjacent to the Eden Oak lands.

[2] This settlement hearing was conducted by video hearing (“VH”) on Thursday, September 3, 2020. The following materials were received by the Tribunal in connection with the VH:

- (i) The Settlement Request Form filed by the Applicant, together with the Applicant’s Notice of Motion dated July 15, 2020;
- (ii) Affidavit of Glenn Wellings for the Applicant, sworn July 13, 2020, together with seven exhibits marked Exhibits A to F inclusive;
- (iii) Affidavit of Mr. Wellings, sworn August 25, 2020, together with six exhibits marked Exhibits A to E inclusive;
- (iv) Affidavit of Denise Whaley for the Town, sworn July 21, 2020, together

with three exhibits marked Exhibits A to C inclusive;

- (v) Affidavit of Scott Taylor for the County, sworn July 17, 2020, together with seven exhibits marked Exhibits A to F inclusive; and
- (vi) Settlement Hearing Draft Order.

[3] The background of this matter is as follows:

- (i) In 2015, the Proponent collectively submitted three development applications (the “Applications”) to the Town and to the County;
- (ii) The Applications are with respect to the lands legally described as Lots 2, 3, 4, 5, 6 and 7, Registered Plan 555, Part Lot 159, Plan 529 and Part of Lot 20 Concession 2; Part of Helen Street ROW, R.P. 555; Town of The Blue Mountains, County of Grey (the “Subject Lands”). The purpose of the Applications was to rezone, redesignate, and obtain the approval for a draft Plan of Subdivision (“Subdivision Plan”) to permit the development of 277-freehold residential lots on the Subject Lands (the “Original Proposal”);
- (iii) On March 28, 2018, the Applicant appealed the non-decision of the Town and the County to the Tribunal. These appeals currently involve a revised proposal to develop the Subject Lands to reflect the removal of certain Town-owned lands from the draft Plan (the “Revised Proposal”). The Revised Proposal reduced the total number of 277-freehold residential lots to 215-freehold residential lots units.

[4] Pursuant to their settlement agreement, and with the input and assistance of various commenting authorities and other interested persons, the Applicant, the Town, and the County have agreed, on certain detailed conditions, to repeal the Township of Collingwood Zoning By-law No. 83-40, as it applies to the Subject Lands; to amend

Zoning By-law No. 2018-65; and to approve the draft Subdivision Plan.

[5] The Applicant, the Town, and the County agree that: (a) The Revised Proposal has regard to the matters noted under section 2 of the *Planning Act* R.S.O. 1990, c. P13 (“Act”); (b) The Revised Proposal is consistent with the Provincial Policy Statement, 2020 (“PPS”); and, (c) The Revised Proposal conforms to the 2017 Niagara Escarpment Plan (“NEP”), the former County Official Plan (2012) and the new County Official Plan (2019), as well as the former Town Official Plan (2004) and the new Town Official Plan (2016).

[6] In support of the Parties’ agreement, the Tribunal heard the unchallenged evidence of Mr. Wellings, who was qualified as an expert for the Applicant to provide opinion evidence on land use planning matters. Mr. Wellings opinion was that the draft Plan has regard to the criteria under s. 51(24) of the Act, is not premature, and that its approval would be in the public interest.

[7] Mr. Wellings testified that the Revised Proposal is also consistent with the PPS given that detailed natural heritage reviews have been undertaken and that an environmental impact study has been prepared which collectively found that there are no provincially significant wetlands, areas of natural or scientific interest, significant natural heritage features, or significant wildlife habitat, or habitat of endangered species and threatened species on the Subject Lands. The Revised Proposal will also improve the quality and quantity of water on the Subject Lands and lead to the creation of a regional approach to stormwater management.

[8] In terms of the NEP, Mr. Wellings opined that the Revised Proposal conforms to the Escarpment Recreation Area designation and the Development Criteria found in Part II of NEP. He noted that the Subject Lands can support the Applicant’s proposal without rendering a negative impact upon escarpment environmental features such as contours, water quality, natural vegetation, soil, wildlife, population, visual attractiveness, and cultural heritage features.

[9] In Mr. Wellings view, the Revised Proposal also conforms to the Recreational Resort Area designation and policies of both the former and current County Official Plans, which applies to defined areas of the draft Subdivision Plan, where the creation of specific recreational amenities has been planned for, and where dwelling units are on full municipal services.

[10] As described by Mr. Wellings in his testimony, the Revised Proposal further adheres to the policies and designations of the current Town Official Plan (2016), along with the policies of the former Town Official Plan (2004). The Applicant commissioned an extensive review of natural heritage features, endangered and threatened species, and fish habitat. Mr. Wellings further pointed out that additional issues pertaining to traffic, urban design, visual impact, slope stability, archeology, built and cultural heritage, hazard lands, servicing, grading and drainage have been addressed to the satisfaction of both the Town and the County in various technical reports.

[11] Mr. Wellings noted that the Original Proposal contemplated an official plan amendment which would have increased the permitted density of the Subject Lands under the 2004 Town Official Plan. However, with the removal of the Town-owned lands from the draft Subdivision Plan the Applicant has thereby reduced the total number of residential units from 277-freehold residential lots to 215 such units. Thus, all Parties agree that an official plan amendment is no longer required to approve the development for the Revised Proposal pursuant to the 2016 Town Official Plan.

[12] Mr. Wellings noted in his evidence that Participant statements had been received from John Cameron and Lucy Richmond which were Exhibits "C" and "D" respectively to his affidavit sworn August 25, 2020.

[13] Mr. Cameron had concerns regarding the potential changes in water flow and flooding in the stream adjacent to his property. In response, Mr. Wellings testified that the proposed development will actually result in improvements to the current conditions because it includes a new proposed watercourse corridor to allow for the safe conveyance and containment of hazards across the site which would also incorporate

design elements to ensure long term geomorphic and environmental enhancements.

[14] In her Participant submission, Ms. Richmond referred to the need for a collaborative and comprehensive review of the infrastructure and stormwater management for the Home Farm development, and the consistency with the PPS. However, as noted above in paragraph 5, the Town, the County and the Applicant reached a consensus that there is no such inconsistency. Mr. Wellings further noted that the servicing design for the development had been previously studied and includes the provision for full municipal water and sanitary sewer services for the site. He pointed out that both trunk watermain and sanitary sewer lines currently exist on Grey Road 19 fronting the site of the Subject Lands where connections are straightforward and feasible. Mr. Wellings further testified that this existing trunk system was planned to accommodate future growth of the area and that a further collaborative study of infrastructure is therefore unwarranted.

[15] The Tribunal accepts the evidence of Mr. Wellings in response to the concerns raised in the Participants' submissions described in paragraphs [13] and [14] above, and further notes that all of his conclusions are supported by Mr. Taylor for the County and/or Ms. Whaley for the Town in their respective reports outlined in paragraph [2] above.

[16] In conclusion, taking into account the evidence tendered to the Tribunal, and the expert opinion evidence of Mr. Wellings provided in his expert reports and at the VH, and upon considering the comprehensive settlement reached by the Applicant, the Town and the County, the Tribunal is satisfied that the proposed settlement on the agreed conditions is fair and reasonable and has appropriate regard for the matters of provincial interest set out in s. 2 of the Act and also satisfies the criteria for approval of the draft Subdivision Plan pursuant to s. 51 (24) of the Act.

[17] The Tribunal therefore Orders that:

1. Zoning By-law No. 2018-65 is hereby amended in accordance with Schedule

- “A-1” attached hereto;
2. Schedule “A” Map 1 of Zoning By-law No. 2018-65 is amended by including the subject lands known as Lots 2, 3, 4, 5, 6 and 7, Registered Plan 555, Part Lot 159, Plan 529 and Part of Lot 20 Concession 2; Part of Helen Street ROW, R.P. 555; Town of The Blue Mountains, County of Grey, and zoning these lands in the manner shown on the attached Schedule “A-2”;
  3. The draft Plan of Subdivision File No. 42T-2015-03 be approved in the form as attached as Schedule “B-1” subject to the conditions of approval attached to this Order as Schedule “B-2” (“Conditions”); and
  4. The Town of The Blue Mountains is hereby authorized to approve the clearance of the Conditions and to grant final approval of this draft Plan of Subdivision in accordance with subsection 51(56.1) and 51(58) of the Act.

[18] It is so Ordered.

*“William Middleton”*

WILLIAM MIDDLETON  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**  
A constituent tribunal of Ontario Land Tribunals  
Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

MacPherson Builders (Blue Mountains) Limited (Home Farm)  
Tax Roll # 424200000334300 and 424200000334100

## **The Corporation of the Town of The Blue Mountains**

### **By-Law Number 2020 –**

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains 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. 2018-65;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That all provisions of Township of Collingwood By-law No. 83-40 as they apply to the subject lands shown within Schedule "A-1" attached are hereby repealed.
2. That Section 1.5 d) of Zoning By-law No. 2018-65 is hereby deleted.
3. That Schedule "A" Map 1 is amended by including the subject lands known as Part Lot 20, Concession 2, Part Lot 159, Plan 529 and Lots 2, 3, 4, 5, 6 and 7 and Part of Helen Street, Registered Plan 555, Town of The Blue Mountains, and zoning these lands to Residential One (R1-1-125) Zone, Residential One (R1-3-126) Zone, Residential Two (R2-127) Zone, Residential Two (R2-128) Zone, Open Space (OS) Zone, Open Space (OS-129) Zone, Open Space (OS-105) Hazard (H) Zone, Development (D) Zone and Public Utilities (PU) Zone in the manner shown on the attached Schedule "A-1".
4. That Part 9.1 Exceptions is amended through the addition of the following new Exceptions:

Exception Number	Zone	Special Provisions
125	R1-1-125	<p>Yard Encroachments and Lot Coverage:</p> <ul style="list-style-type: none"><li>a) One and two storey covered or uncovered porches and decks with or without foundations and/or cold cellars permitted maximum encroachments:<ul style="list-style-type: none"><li>i) Into a required front yard 1.8 metres</li><li>ii) Into a required rear yard 2.4 metres</li></ul></li><li>b) Structures noted in a) shall be excluded from the calculation of lot coverage.</li></ul> <p>Short Term Accommodation Uses:</p> <ul style="list-style-type: none"><li>a) Not Permitted</li></ul> <p>Model Homes:</p> <ul style="list-style-type: none"><li>a) Maximum of 3 dwellings may be constructed as Model Homes.</li></ul>
126	R1-3-126	<p>Yard Encroachments and Lot Coverage:</p> <ul style="list-style-type: none"><li>a) One and two storey covered or uncovered porches and decks with or without foundations and/or cold cellars permitted maximum encroachments:<ul style="list-style-type: none"><li>i) Into a required front yard 1.8 metres</li><li>ii) Into a required rear yard 2.4 metres</li></ul></li></ul>

		<p>b) Structures noted in a) shall be excluded from the calculation of lot coverage.</p> <p>Short Term Accommodation Uses:</p> <p>a) Not Permitted</p> <p>Maximum Building Height:</p> <p>a) 9.5 metres</p>
127	R2-127	<p>Yard Encroachments and Lot Coverage:</p> <p>a) One and two storey covered or uncovered porches and decks with or without foundations and/or cold cellars permitted maximum encroachments:</p> <p>i) Into a required front yard 1.8 metres</p> <p>ii) Into a required rear yard 2.4 metres</p> <p>b) Structures noted in a) shall be excluded from the calculation of lot coverage.</p> <p>Special Lot Provisions:</p> <p>a) Minimum Rear Yard 6.0 metres</p> <p>Short Term Accommodation Uses:</p> <p>a) Not Permitted</p> <p>Model Homes:</p> <p>a) One block of a maximum of 5 dwellings may be constructed as Model Homes.</p>
128	R2-128	<p>Yard Encroachments and Lot Coverage:</p> <p>a) One and two storey covered or uncovered porches and decks with or without foundations and/or cold cellars permitted maximum encroachments:</p> <p>i) Into a required front yard 1.8 metres</p> <p>ii) Into a required rear yard 2.4 metres</p> <p>b) Structures noted in a) shall be excluded from the calculation of lot coverage.</p> <p>Special Lot Provisions:</p> <p>a) Minimum Front Yard 4.5 metres</p> <p>b) Minimum Exterior Side Yard</p> <p>i) 3.75 metres to a dwelling</p> <p>ii) 6.0 metres to a garage</p> <p>c) Minimum Rear Yard 6.0 metres to a rear lane</p> <p>Short Term Accommodation Uses:</p> <p>a) Not Permitted</p> <p>Model Homes:</p> <p>a) One block of a maximum of 6 dwellings may be constructed as Model Homes.</p>
129	OS-129	<p>Additional Permitted Uses:</p> <p>a) Parking, up to a maximum of 50 spaces within the entire OS-129 area.</p>

5. That Schedule "A-1" is 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 \_\_, 2020.

\_\_\_\_\_

Alar Soever, Mayor

\_\_\_\_\_

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020-\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the \_\_ day of \_\_\_\_\_, 2020.

Dated at the Town of The Blue Mountains, this \_\_\_\_ day of \_\_\_\_\_, 2020.

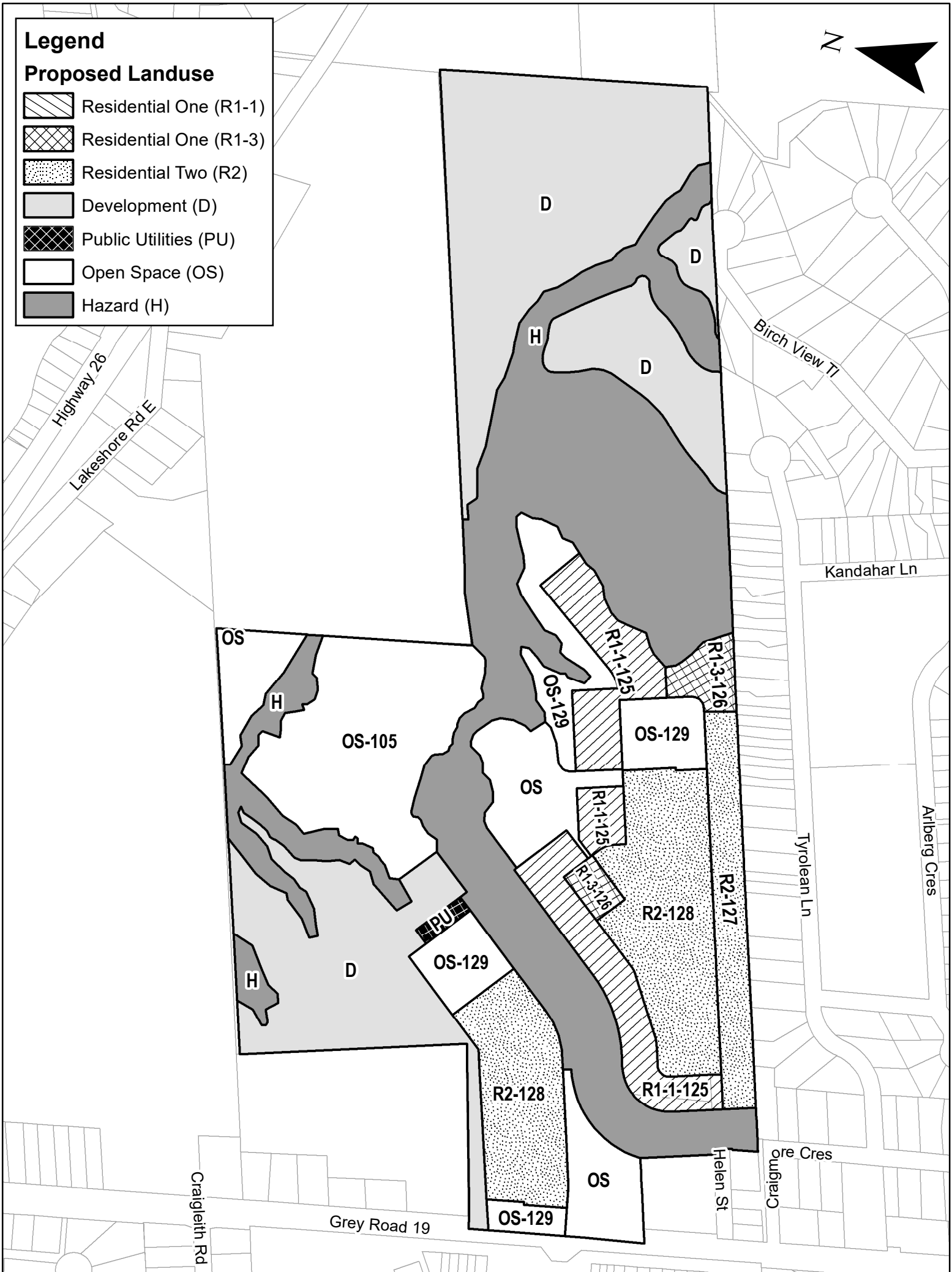
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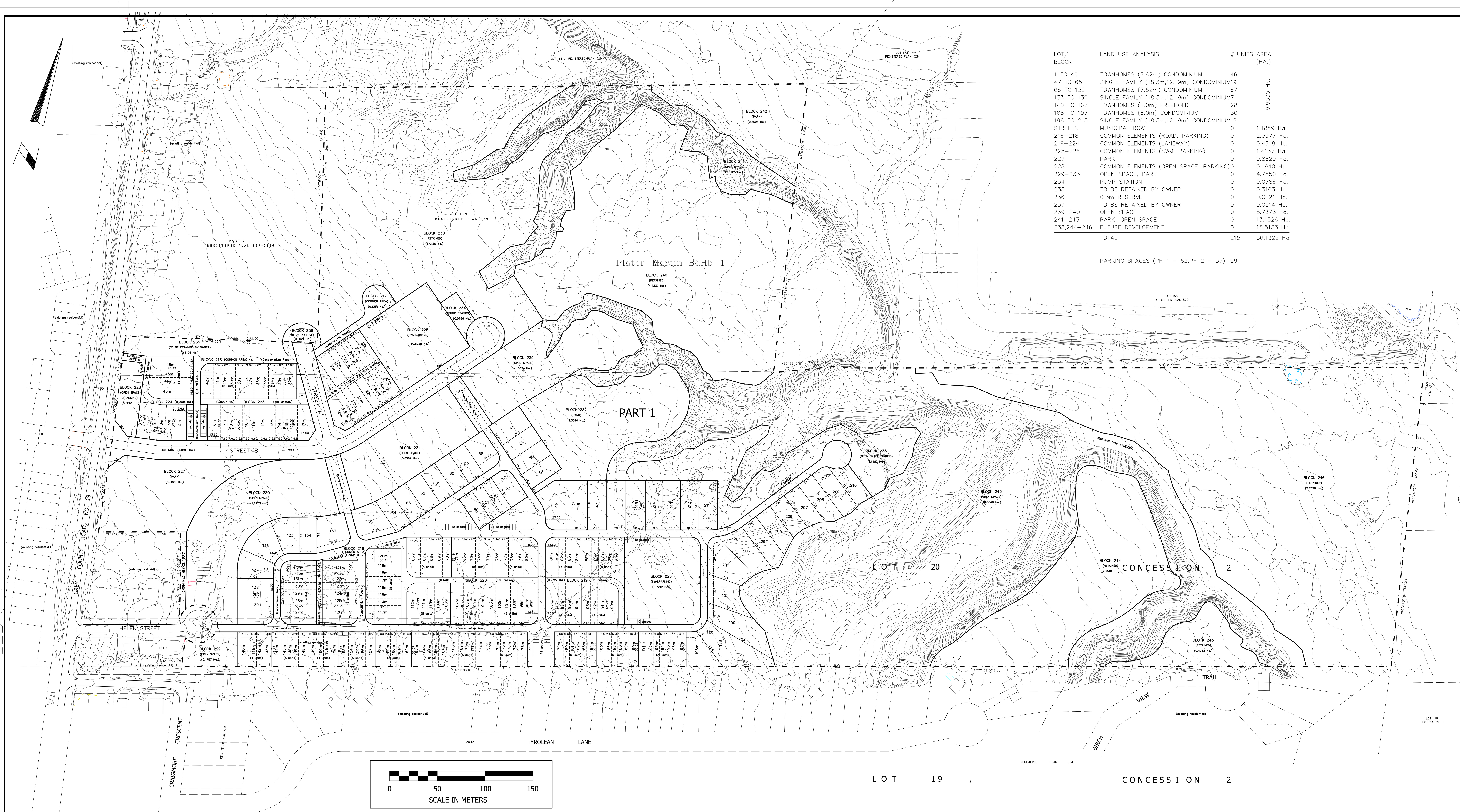
Corrina Giles, Clerk

# Town of The Blue Mountains

## Schedule 'A-1'

By-Law No. \_\_\_\_\_

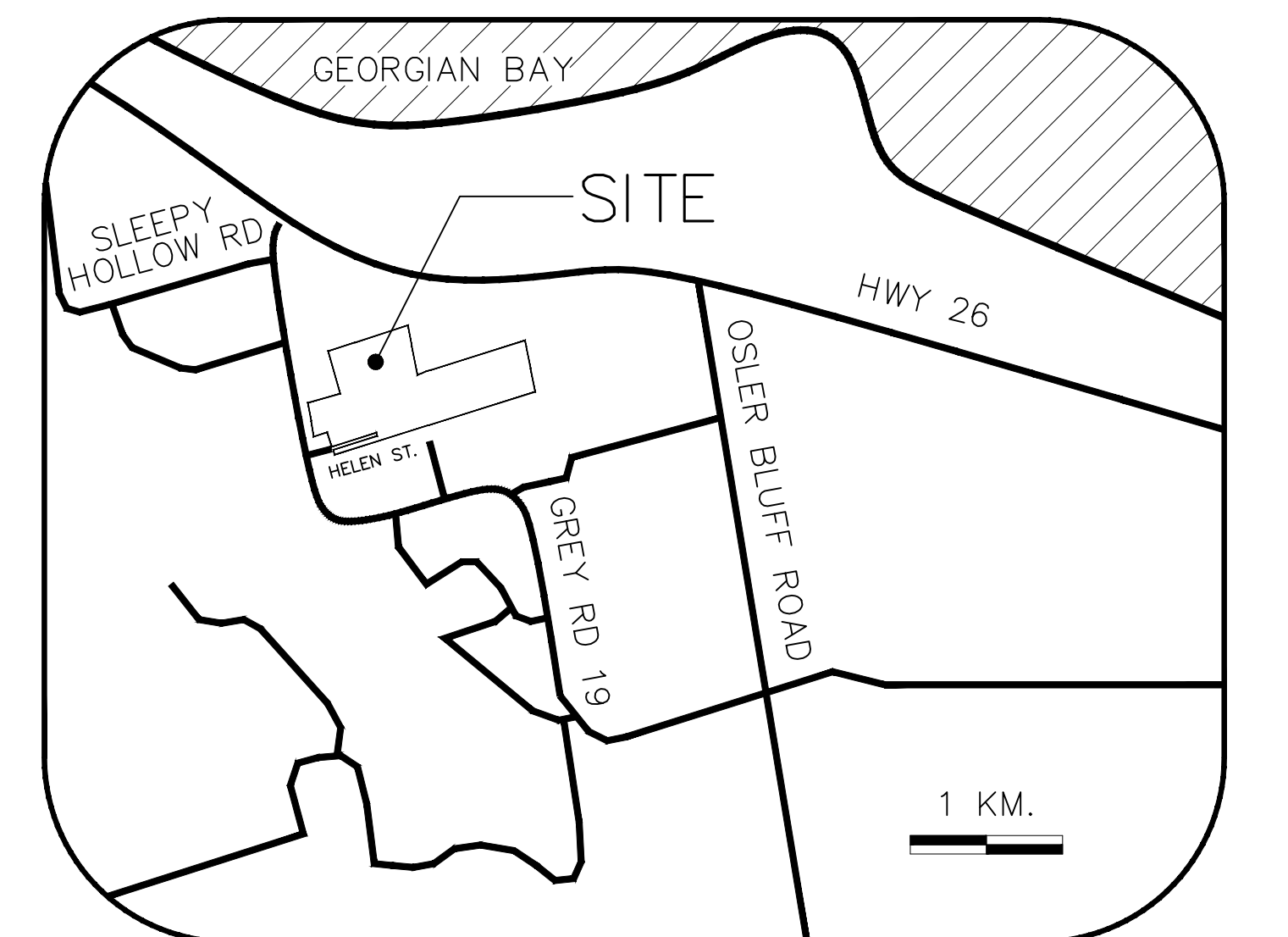




LOT/ BLOCK	LAND USE ANALYSIS	# UNITS	AREA (HA.)
1 TO 46	TOWNHOMES (7.62m) CONDOMINIUM	46	
47 TO 65	SINGLE FAMILY (18.3m,12.19m) CONDOMINIUM	19	
66 TO 132	TOWNHOMES (7.62m) CONDOMINIUM	67	9.9536
133 TO 139	SINGLE FAMILY (18.3m,12.19m) CONDOMINIUM	7	
140 TO 167	TOWNHOMES (6.0m) FREEHOLD	28	
168 TO 197	TOWNHOMES (6.0m) CONDOMINIUM	30	
198 TO 215	SINGLE FAMILY (18.3m,12.19m) CONDOMINIUM	18	
STREETS	MUNICIPAL ROW	0	1.1889 Ha.
216-218	COMMON ELEMENTS (ROAD, PARKING)	0	2.3977 Ha.
219-224	COMMON ELEMENTS (LANEWAY)	0	0.4718 Ha.
225-226	COMMON ELEMENTS (SWM, PARKING)	0	1.4137 Ha.
227	PARK	0	0.8520 Ha.
228	COMMON ELEMENTS (OPEN SPACE, PARKING)	0	0.1940 Ha.
229-233	OPEN SPACE, PARK	0	4.7850 Ha.
234	PUMP STATION	0	0.0786 Ha.
235	TO BE RETAINED BY OWNER	0	0.3103 Ha.
236	0.3m RESERVE	0	0.0021 Ha.
237	TO BE RETAINED BY OWNER	0	0.0514 Ha.
239-240	OPEN SPACE	0	5.7373 Ha.
241-243	PARK, OPEN SPACE	0	13.1526 Ha.
238,244-246	FUTURE DEVELOPMENT	0	15.5133 Ha.
TOTAL		215	56.1322 Ha.

PARKING SPACES (PH 1 - 62, PH 2 - 37) 99

**DRAFT PLAN**  
OF PROPOSED SUBDIVISION  
LOTS 2, 3, 4, 5, 6 AND 7,  
REGISTERED PLAN 555 AND  
PART OF LOT 20  
CONCESSION 2  
PART OF HELEN STREET ROW  
R.P. 555  
TOWN OF THE BLUE MOUNTAINS  
COUNTY OF GREY



KEY PLAN

**OWNER'S AUTHORIZATION**  
I hereby authorize Higgins Engineering Limited, Consulting Engineers and Planners, to prepare and submit this proposed plan of subdivision.

MACPHERSON BUILDERS (BLUE MOUNTAINS) LIMITED DATE  
RUSSELL HIGGINS (AUTHORIZED SIGNING OFFICER)

**SURVEYOR'S CERTIFICATE**  
I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.

ZUBEK, EMO PATTEN & THOMSEN LTD. DATE

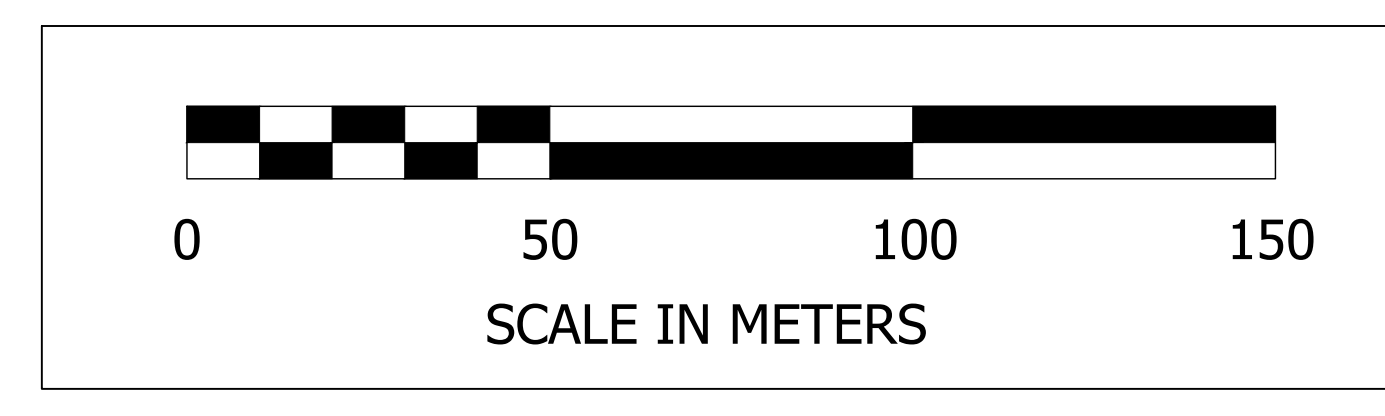
**ADDITIONAL INFORMATION**  
Required under Section 50(2) of the Planning Act  
(a) as shown (g) as shown (i) municipal / private water  
(b) as shown (h) as shown (j) till over bedrock  
(c) as shown on key plan (k) residential / open space  
(d) residential / open space (l) as shown (m) municipal / private sewers  
(e) as shown (n) as shown (o) as shown  
(f) as shown (p) as shown

**HIGGINS ENGINEERING LIMITED**  
CONSULTING ENGINEERS AND PLANNERS  
416 MOORE AVENUE, SUITE 306, TORONTO, (416) 443-8001

**TOWN OF THE BLUE MOUNTAINS**  
PLANNING DEPARTMENT

PLAN OF PROPOSED SUBDIVISION  
PART LOT 20, CONCESSION 2,  
TOWN OF THE BLUE MOUNTAINS  
COUNTY OF GREY

SCALE 1:1000 DRAWING No. 1410-210-S  
DATE JUNE 11, 2020



**Draft Plan Conditions Revision Date July 9, 2020**

Plan of Subdivision File No. 42T-2015-03 is hereby granted draft approval. The conditions of final approval for registration of this draft plan of subdivision are as follows:

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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. That this approval applies to the draft Plan of Subdivision File No. 42T-2015-03, as per drawing 1410-210-S prepared by Higgins Engineering Limited dated April 3, 2020 and revised June 11, 2020 to provide for a maximum of 215 residential units, private open space uses, storm water management facilities, public streets and private streets on the property legally described as Lots 2, 3, 4, 5, 6 and 7, Registered Plan 555, Part Lot 159, Plan 529 and Part of Lot 20 Concession 2; Part of Helen Street ROW, R.P. 555; Town of The Blue Mountains, County of Grey. In addition to the foregoing, it is acknowledged that the Draft Plan of Subdivision referenced above may be revised prior to Final Approval to show the proposed townhome lots/buildings within Blocks on the Final Plan. These Blocks would be further subdivided through Part Lot Control Exemption By-law(s), or otherwise, as applicable.
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 the installation of municipal services, landscaping 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. That prior to final approval by the County, that appropriate zoning is in effect for this proposed subdivision that conforms to the County of Grey Official Plan and the Town of The Blue Mountains Official Plan. The zoning shall address the development lands, as well as those lands not being developed at this time, in addition to the Town's open space provisions, protection of the Nipissing Ridge, and the Plater Martin lands.

4. All new roads shall be named to the satisfaction of the Town of The Blue Mountains in accordance with the Town's Street Naming Policy.
5. That the Subdivision Agreement between the Owner and the Town of The Blue Mountains be registered against the lands to which it applies, and that a copy of the registered Subdivision Agreement be filed with the County of Grey.
6. If final approval is not given to this plan within five 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 together with the applicable application fee and a resolution/letter of support from the Town of The Blue Mountains must be submitted to the County of Grey, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

## Servicing, Grading and Road Requirements

7. That prior to final approval by the County, a Site Servicing Plan is prepared, and the development is fully serviced with stormwater management, sanitary sewer and water to the satisfaction of the Town of The Blue Mountains.
8. Prior to the initiation of any site grading or servicing and prior to the registration of the plan, the Owner shall submit a Regional Stormwater Management Report by a qualified consultant which describes the stormwater drainage system for the proposed development on the subject and adjacent lands to the satisfaction of the Town of The Blue Mountains, the Grey Sauble Conservation Authority, and Grey County Transportation Services. This report be incorporated into the Subdivision Agreement with the Town, and the Report shall include:
  - 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 coordination of stormwater management recommendations on the subject lands and adjacent lands;
    - iii) The technique to be utilized to ensure that all stormwater overland flow routes shall be restricted within roads or approved outlets only;
    - iv) The stormwater management techniques required to accommodate the 2 through 100, and Regional storm events;
    - v) How external flows will be accommodated and the design capacity of the receiving system;

- vi) Location and description of all outlets and other facilities which may require permits; and
- vii) 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 Development Engineering Department, Grey Sauble Conservation Authority, and County Transportation Services prior to preparing the above report to clarify the specific requirements of this development.

- b. Overall grading plans for the subject lands.
  - c. The Owner shall agree in the subdivision agreement, in wording acceptable to the Town of The Blue Mountains:
    - i) To carry out, or cause to be carried out, all the works referred to in condition 8(a) above;
    - ii) To obtain any necessary permits from the Grey Sauble Conservation Authority (see Note #5); and
    - iii) Prior to the initiation of any grading or construction on the site, to erect any silt fence as referred to in condition 8(a)(vii) above.
9. That a detailed Stormwater Management Plan be prepared and implemented through the Subdivision Agreement, including the detail design of flood conveyance facilities including channel works, detention pond and floodplain/spill area grade alterations for the development, be prepared by a qualified consultant and approved by Grey Sauble Conservation Authority. This plan shall also detail the retention of wetland habitat on the property to ensure no negative impacts to the natural features and their ecological functions and no net loss in identified wetland habitat to the satisfaction of the Grey Sauble Conservation Authority, County Transportation Services, Niagara Escarpment Commission, and the Town of The Blue Mountains.
10. That any works identified within the final stormwater management plan and the applicable provisions of the Craigeith Camperdown Subwatershed Study be included in the subdivision agreement to the satisfaction of the Grey Sauble Conservation Authority and the Town of The Blue Mountains.
11. Prior to the registration of the Plan, arrangements shall be made to the satisfaction of the Town of The Blue Mountains for any relocation of utilities required by the development of the subject lands, to be undertaken at the developers' expense.
12. Prior to the initiation of any site grading or servicing and prior to registration of the plan, submit for the approval of the Town of The Blue Mountains Development Engineering Department 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.

13. That the Subdivision Agreement contain specific clauses related to the required Ontario Building Code / Engineering Standards, as applicable, of the Town of The Blue Mountains and the County of Grey including but not limited to the following:
  - i. That the roadway widths and the horizontal and vertical alignments of all public roads and underground services including their intersection geometrics shall be designed to the Town of The Blue Mountains Engineering Standards. Private roads shall be designed to Ontario Building Code standards. Where Ontario Building Code standards do not address engineering design elements, or where public Infrastructure will be located in an easement in a private road, then Town of The Blue Mountains Engineering Standards shall apply.
  - ii. That any intersections with Grey Road 19 follow County Transportation Services standards, and are granted any applicable permits.
  - iii. That suitable construction traffic routes are identified to the satisfaction of the Town of The Blue Mountains and County of Grey Transportation Services.
  - iv. That an exemption be received from County of Grey's Director of Transportation Services to exempt the new intersection at Street B and Birches Boulevard from the County's standard intersection separation distance requirements.
  - v. That appropriate signage and/or barricades be placed at the emergency access to ensure that it is used for emergencies only, and that it does not become a permanent intersection or pedestrian crossing at Grey Road 19.
  - vi. That a Turn Pathway Analysis be submitted to ensure adequate movement and turning of vehicles within roads and lanes.
  
14. That an appropriate easement be dedicated to the Town of The Blue Mountains and Public to provide for Public Access over the Condominium Roads.
  
15. 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. The Subdivision Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant and this requirement shall also be incorporated in the required Site Plan Agreement.
  
16. That a composite utility plan be provide to the Town of The Blue Mountains approved by all appropriate utilities, including a standard cross-section of appropriate width or including easements to the satisfaction of Town.

17. The Owner shall dedicate “Street A” and “Street B” of the Draft Plan to the Town of The Blue Mountains as public roads.
18. That prior to final approval and registration, the Owner shall transfer a portion of Helen Street to the Town of The Blue Mountains free and clear of all encumbrances. The Helen Street transfer shall include from the westerly boundary at Grey Road 19 extending easterly to Block 229 at a municipal road turning circle.
19. That the Subdivision Agreement will contain provisions dealing with the design and construction of any portion of a temporary municipal road turning circle that may be required to be constructed on Town of The Blue Mountains owned lands adjacent to Street A.

## Landscape, Fencing and Streetscape Requirements

20. That prior to initiation of any site alteration, the Owner prepares a Landscape Analysis, Vegetation/Tree Preservation/Management Plan, Restoration Plan and Landscape Plan by a qualified consultant to the satisfaction of the Town of The Blue Mountains, the Grey Sauble Conservation Authority, and the Niagara Escarpment Commission. The plans shall be incorporated into the Subdivision Agreement with the Town. The Landscape Plan, Vegetation/Tree Preservation/Management Plan and Restoration Plan shall include amongst other matters:
  - i) special provisions to ensure that the existing vegetation on the periphery of the site be maintained and protected during the development process;
  - ii) Mitigation and compensation for impacts to Butternut trees shall be in conformity with Ontario Regulation 242/08 (Section 23.7) and to the satisfaction of Ministry of the Environment Conservation and Parks;
  - iii) A forest edge management plan to avoid impacts to areas where woodlands or trees are to be maintained; and
  - iv) As per the Environmental Impact Study, a restoration plan that addresses the loss of wetland habitat, the creation of new wetland and appropriate buffers and the loss of habitat for Eastern Wood Peewee and Area Sensitive Forest Breeding Birds on the subject lands.
21. That the Subdivision Agreement include provisions for the installation of a privacy board-fence along the southern property boundary between Lots 140 and 198 to the satisfaction of the Town of The Blue Mountains.

## Parks, Trails and Open Space Requirements

22. That the Owner shall dedicate Blocks 227, 232 and 242 to the Town of The Blue Mountains for Parkland purposes.
23. The Parkland dedications shall satisfy Parkland requirements under this and future phases of the development lands.
24. That the Subdivision Agreement include the requirement for a Trail Plan to submitted to the satisfaction of the Town of The Blue Mountains.
25. That the Owner design and install all trails and walkways to the satisfaction of the Town. However, all trails and walkways to be located on slopes or in the valley (below top of slope of the Nipissing Ridge) shall be maintained in their natural condition and form, with as little disturbance to the grades, contours and natural environment as possible.
26. That the Owner dedicate appropriate easements to the Town to provide for public trail access provided for in the approved Trail Plan.
27. Protection of the Nipissing Ridge shall be reflected in appropriate zoning, to the satisfaction of the Town.
28. The Owner shall dedicate the Nipissing Ridge, identified as Blocks 241 and 243 of the Draft Plan, to the Town of The Blue Mountains for Open Space purposes.
29. The dedication of the Open Space Blocks, along with the other identified open space areas on the Draft Plan, satisfies the 40% open space requirement for this and all future phases of the development lands.
30. Protection of the Significant Archaeological Site (Plater-Martin BdHb-1), identified as Block 240 of the Draft Plan, shall be reflected in the appropriate restrictive zoning to the satisfaction of the Town.

## Miscellaneous Requirements

31. That the Subdivision Agreement include the requirement of a Site Plan Agreement, where necessary, prior to building permits being issued.
32. The Owner shall grant all necessary easements and/or blocks and/or enter into agreement for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority.

33. The Subdivision Agreement include a requirement that arrangements be made with Canada Post and the Town of The Blue Mountains Operations Department for the provision of suitable mail delivery methods which may include the installation of Canada Post Community Mailboxes and that the locations be included on the appropriate servicing plans.
34. That should Community Mailboxes be required, that the Subdivision Agreement contain further clauses requiring that the Owner install an appropriately sized sidewalk section (concrete pad) per Canada Post specifications, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access and the provision of a temporary Community Mailbox location until curbs, sidewalks and final grading have been completed.
35. That the Owner prepare a Communication Plan to the satisfaction of the Town of The Blue Mountains prior to execution of the Subdivision Agreement.
36. That a restrictive covenant be placed on the lots within the draft plan of subdivision advising all future owners that Short Term Accommodation uses are prohibited within the subdivision.
37. That prior to final approval, a copy of the fully executed Subdivision Agreement between the Owner and the Town of The Blue Mountains shall be provided to the County of Grey, the Niagara Escarpment Commission, and the Grey Sauble Conservation Authority.
38. The Owner shall dedicate a 0.3 metre reserve to the County of Grey along Grey Road 19 on Blocks 227, 228 and 235.
39. That prior to Final Approval and registration, the Owner shall consult with the Saugeen Ojibway Nation (as the identified Indigenous lead Nation) regarding the long term protection of Block 240 (Plater-Martin BdHb-1). The implementation of such consultation shall be in a manner to the satisfaction of the County of Grey and the Town of The Blue Mountains.
40. That prior to any site alteration, Final Approval and registration, the Owner shall agree to the following in the Subdivision Agreement or any applicable Pre-Servicing Agreement:
  - i) The Owner shall facilitate monitoring by experienced Saugeen Ojibway Nation representatives when the topsoil/ploughzone is removed from residential, recreation centre, and stormwater management pond areas.

- ii) The Owner shall develop a monitoring plan to the satisfaction of the Saugeen Ojibway Nation to ensure exposed subsoil surface is examined for features and/or characteristics that may be consistent with cultural or archaeological resources.
- iii) The Archaeological Monitoring Plan shall be included as a schedule to the Subdivision Agreement.

41. Prior to the signing of the final plan by the County of Grey, the Town of The Blue Mountains is to be advised that all Draft Plan conditions have been carried out to the Town's satisfaction.

42. That consistent with the County of Grey's current provisions for processing and approving plans of subdivision the Owner's surveyor shall agree to provide to the County a digitized disk of this final plan to be registered in a computerized format which is compatible with AutoCAD ".dwg" file.

43. That the Owner's surveyor provide to the County of Grey a copy of the deposited Reference Plan which had been submitted to the Land Registry/Land Titles Office for Grey for "First Registration Under the Land Titles Act, R.S.O. 1990, c.L.5".

44. That prior to final approval being given, the County is advised in writing by the Town of The Blue Mountains, how Conditions 2 to 41 have been satisfied.

45. That prior to final approval being given, the County is advised in writing by the Grey Sauble Conservation Authority how Conditions 8, 9, 10, 20, and 37 have been satisfied.

46. That prior to final approval being given, the County is advised in writing by the County Transportation Services Department how Conditions 8, 9, 13, 37 and 38. have been satisfied.

47. That prior to final approval being given, the County is advised in writing by Canada Post how Conditions 33 and 34 have been satisfied.

48. That prior to final approval being given, the County is advised in writing by the Niagara Escarpment Commission how Conditions 9, 20 and 37 have been satisfied.

49. That the Owner have prepared by an Ontario Land Surveyor a final plan in accordance with the Surveys Act, and with the Registry Act or the Land Titles Act, as the case may be and have provided that plan to the County of Grey prior

to the lapsing date the mylars and white prints necessary for final approval and registration.

50. That the Owner remit to the County the applicable final approval fee when the final plan is being presented to the County for the County's consideration for final approval.

## NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number 42T-2015-03.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
3. Clearances are required from the following:
  - Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
  - Grey Sauble Conservation Authority, 237897 Inglis Falls Road, RR#4, Owen Sound, ON, N4K 5N6
  - Grey County Transportation Services, 595 9<sup>th</sup> Avenue East, Owen Sound, ON, N4K 3E3
  - Canada Post, 955 Highbury Avenue, London, ON, N5Y 1A3
  - Niagara Escarpment Commission, 1450 7<sup>th</sup> Avenue East, Owen Sound, ON N4K 2Z1
4. We suggest you make yourself aware of the following subsections of the Land Titles Act:
  - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
  - b) subsection 144(2) allows certain exceptions.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

5. A portion of the subject lands are affected by Ontario Regulation 151/06: Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulation. As such, permits are required from the Grey Sauble Conservation Authority prior to site alterations and/or construction within the affected areas.
6. Inauguration or extension of a piped water supply, a sewage system, or a storm drainage system is subject to the approval of the Ministry of the Environment Conservation and Parks under the Ontario Water Resources Act, RSO 1990, as amended.
7. All measurements in subdivision final plans must be presented in metric units.
8. That the applicant contacts Canada Post at the address below to determine any arrangements required by Canada Post for the provision of mail service to the proposed residential lots:  
Delivery Planning Officer, Canada Post Corporation, 955 Highbury Ave, London, Ontario, N5Y 1A3
9. The final plan approved by the County of Grey must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.