OMB CASE FILE NOS: PL110625
PL110724
PL110717

ONTARIO MUNICIPAL BOARD

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Township of Collingwood Zoning Bylaw 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lot 89, Plan 529, Lot 21, Concession 1, from DD to R2, OS2 and H to permit the development of nineteen single family detached lots
OMB File No. PL110625.

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lot 89, Plan 529, Lot 21, Concession 1, in the Town of The Blue Mountains.
Approval Authority File No. 42T-2008-10B
OMB File No. PL110724

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of condominium on lands composed of Part Lot 89, Plan 529, Lot 21, Concession 1, in the Town of The Blue Mountains.
Approval Authority File No. 42- CDM-2008-10A
OMB File No. PL110717

MINUTES OF SETTLEMENT

Dated: May ____, 2012

BETWEEN:

The Corporation of the County of Grey
(herein called the "County")

AND

The Corporation of the Town of The Blue Mountains
(herein called the "Town")

AND

960121 Ontario Inc.
(herein called "Havens")

WHEREAS Havens has appealed to the Ontario Municipal Board (the "OMB") its application to amend the Town's Zoning Bylaw and has appealed to the OMB its applications for approval of a plan of subdivision and approval of a plan condominium (the "Appeals");

AND WHEREAS a portion of Haven's land is designated Recreation/Residential RR-50 within the Town's Official Plan which identifies an area that can proceed with development;

AND WHEREAS the Town's Official Plan indicates that 1.24 hectares are designated "Recreational Residential". Schedule B of Exception 50 of the Official Plan permits nineteen (19) units on the subject lands. This development can proceed in compliance with the "Recreational Residential RR-50' designation without an amendment to the Official Plan;

AND WHEREAS the Town's Zoning Bylaw indicates that the subject lands are zoned "Deferred Development (DD)';

AND WHEREAS the Parties hereto have an interest in this matter and wish to set out in Minutes of Settlement the manner in which the Appeals can be resolved and their respective interests satisfied;

NOW THEREFORE in consideration of the sum of Two ($2.00) Dollars paid by each of the parties to the other, the receipt and adequacy of which is hereby acknowledged and the resolution of all matters relating to the Appeals, the Parties covenant and agree as follows:

1. The Parties agree that the recitals herein are true and accurate and form part of these Minutes of Settlement.

2. In these Minutes of Settlement, including the recitals, "Parties" means The County, The Town and Havens.

3. The attached Schedules "A", "B", "C", "D" and "E" form an integral part of these Minutes of Settlement and are binding upon the Parties.

4. The Zoning By-law shall be amended in the form found in Schedule "A" to these Minutes of Settlement.

5. The Draft Plan of Subdivision prepared by D.C. Slade Consultants Inc. dated January 9, 2012 (Drawing 554-05-DP8), the Common Element Condominium Plan prepared by D.C. Slade Consultants Inc. January 9, 2012 (Drawing 554-05-CEC8) and the Conditions for Draft Plan of Condominium and Draft Plan of Subdivision 42-CDM-2008-10A and 42T-2008-10B are found in Schedule "B", "C" and "D" respectively to these Minutes of Settlement. The Draft Plan of Subdivision, the Common Element Condominium Plan and their Conditions are satisfactory to all parties.

6. The Parties agree to jointly recommend to the OMB approval of these Minutes of Settlement, and that the OMB dismiss the Appeals.

7. No Party will seek costs in these proceedings.

8. The Planner for the County has provided a planning opinion (in affidavit form), attached as Schedule "E", to the OMB confirming these Minutes of Settlement are in conformity with the relevant planning documents, consistent with the Provincial Policy Statement and good planning principles. The same will also be provided orally if so requested by the OMB.

9. Subject to compliance with all provisions of these Minutes of Settlement, the Parties request the OMB to approve these Minutes of Settlement, to ~~dismiss~~ GRANT the Appeals and to approve the Zoning By-law Amendment, the Draft Plan of Subdivision, the Common Elements Condominium Plan and the Conditions as set out in Schedules "A", "B", "C" and "D" respectively.

10. Subject to the Board approving the Minutes of Settlement, Havens agrees to withdraw its appeals to the Town's Official Plan Amendment No. 20 and Zoning By-law No. 2010-47 related to the Terrasan lands (OMB File Nos. PL101270 and PL100845).

11. These Minutes of Settlement may be signed in counterparts.

These Minutes of Settlement shall ensure to the benefit of and be binding upon the Parties and their respective successors and assigns.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement by the County, the Town, and Havens by the hands of their respective officers duly authorized in that behalf.

The Corporation of the County of Grey

Per: _____

_____

(I/wel have the authority to bind the Corporation)

The Corporation of the
Town of The Blue Mountains

Per: _____
Ellen Anderson – Mayor

_____
Corrina Giles - Clerk
(I/we have the authority to bind the Corporation)

960121 Ontario Inc.

Per: _____
(I have the authority to bind the Corporation)

SCHEDULE "A"

ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO._____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood
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. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Map 28 to Schedule "A" of the Township of Collingwood Zoning By-law, being By-law 83-40 is hereby amended by rezoning the subject lands from the Deferred Development 'DD' Zone to the Residential 'R1-236-h' Zone, Private Open Space 'OS2-h' Zone and Hazard 'H' Zone for those lands lying and being in the Town of The Blue Mountains (former Township of Collingwood), comprised of Part Lot 89, Plan 529 as indicated on the attached key map Schedule "A-1".

2. Section 32 of the Township of Collingwood Zoning By-law, being By-law 83-40 is hereby amended by adding Exception 236 as follows:

   Exception 236 Map 28 (Part of Lot 89, Plan 529)(OMB File No. PL110625)

   These lands may only be used for *single detached residential dwellings* with the following provisions applying:

   i. Notwithstanding the setback provisions for the Residential 'R1' Zone, the following minimum yard setbacks shall apply to those lands identified under Section 2(i) on the key map Schedule "A-2" attached to and forming part of By-law No. 2012-___:

Front Yard	6.0 metres
Interior Side Yard	1.5 metres on one side, 9.0 metres on other side
Exterior Side Yard	6.0 metres
Rear Yard	2.0 metres

   ii. Notwithstanding the setback provisions for the Residential 'R1' Zone, the following minimum yard setbacks shall apply to those lands identified under Section 2(ii) on the key map Schedule "A-2" attached to and forming part of By-law No. 2012-___:

Front Yard	6.0 metres
Interior Side Yard	1.5 metres
Exterior Side Yard	6.0 metres
Rear Yard	6.0 metres

   iii. Notwithstanding the setback provisions for the Residential 'R1' Zone, the following minimum yard setbacks shall apply to those lands identified under Section 2(iii) on the key map Schedule "A-2" attached to and forming part of By-law No. 2012-___:

Front Yard	6.0 metres
Interior Side Yard	1.5 metres
Rear Yard	4.5 metres

iv. Notwithstanding the Permitted Yard Encroachments of Section 5.23, no yard encroachments shall be permitted.

v. Notwithstanding the Lot Development Requirements of Section 5.8 a common elements condominium road shall be deemed to meet the requirements for frontage and direct access to an improved public street.

3. The removal of the Holding '-h' symbol on all, or a portion of the subject lands in accordance with Section 36 of the *Planning Act* shall be conditional upon the Registration of a Plan of Subdivision, Plan of Condominium and the execution of a Subdivision Agreement.

4. Schedule "A-1" and Schedule "A-2" are hereby 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 _____, 2012.

_____ _____
Ellen Anderson, Mayor Corrina Giles, Clerk

****

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

_____ day of _____, 2012.

DATED at _____

this _____ day of _____, 2012.

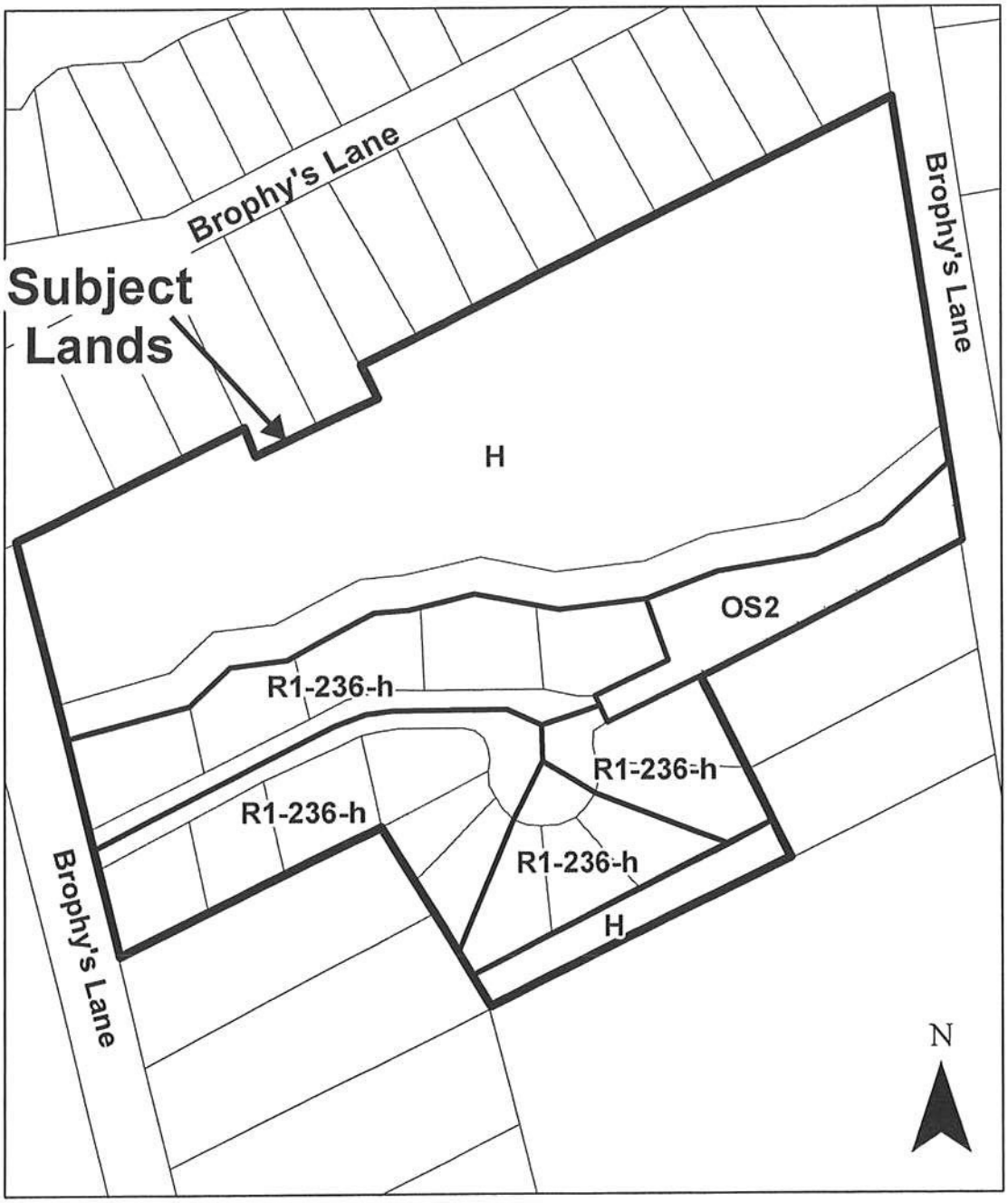
Signed: _____
Corrina Giles, Clerk

Town of The Blue Mountains

Key Map Schedule 'A-1'

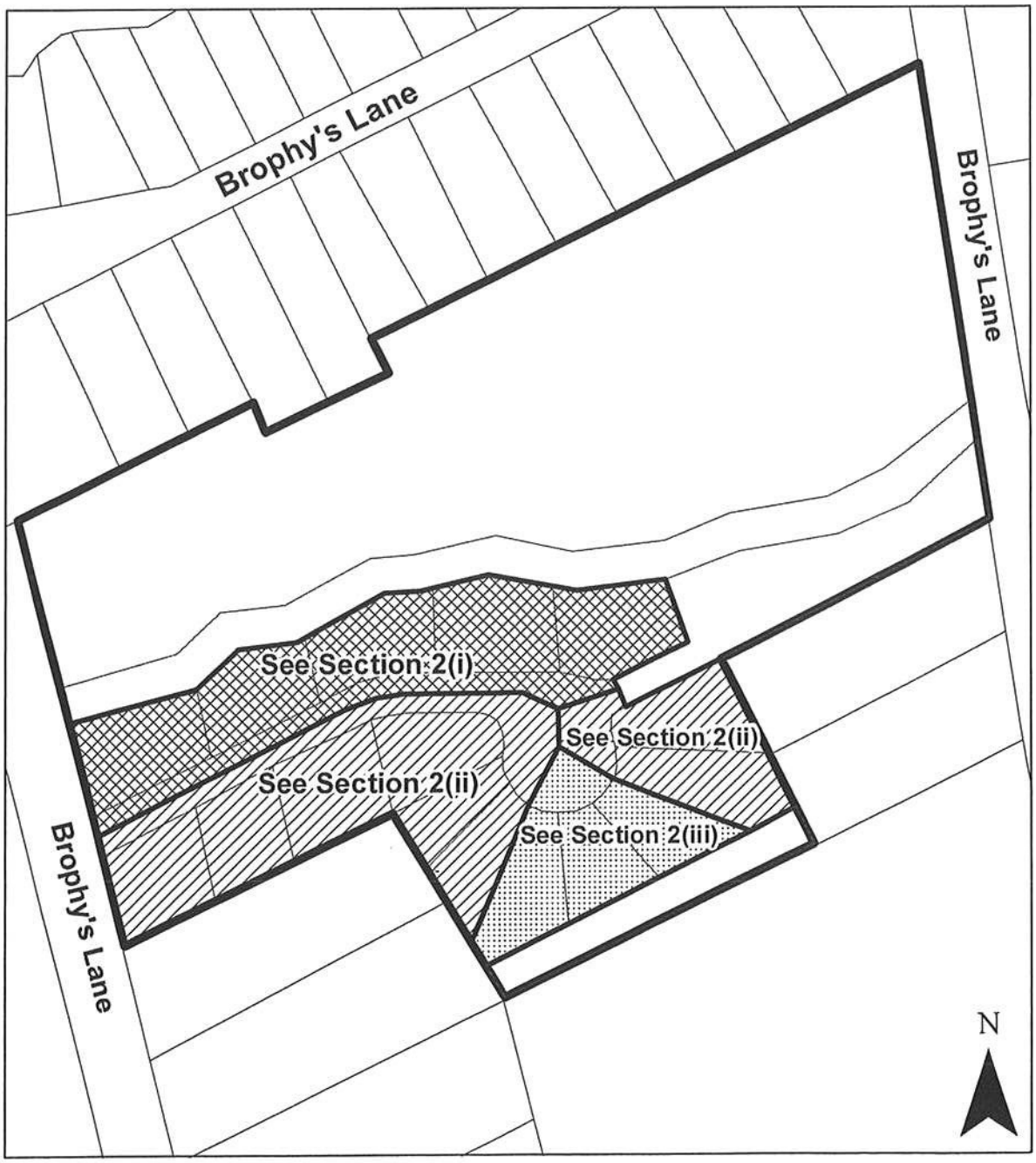
By-law No. _____

	AREA AFFECTED BY THIS BY-LAW
H	AREA TO BE REZONED TO HAZARD 'H'
OS2	AREA TO BE REZONED TO PRIVATE OPEN SPACE 'OS2'
R1-236-h	AREA TO BE REZONED TO RESIDENTIAL 'R1-236-h'



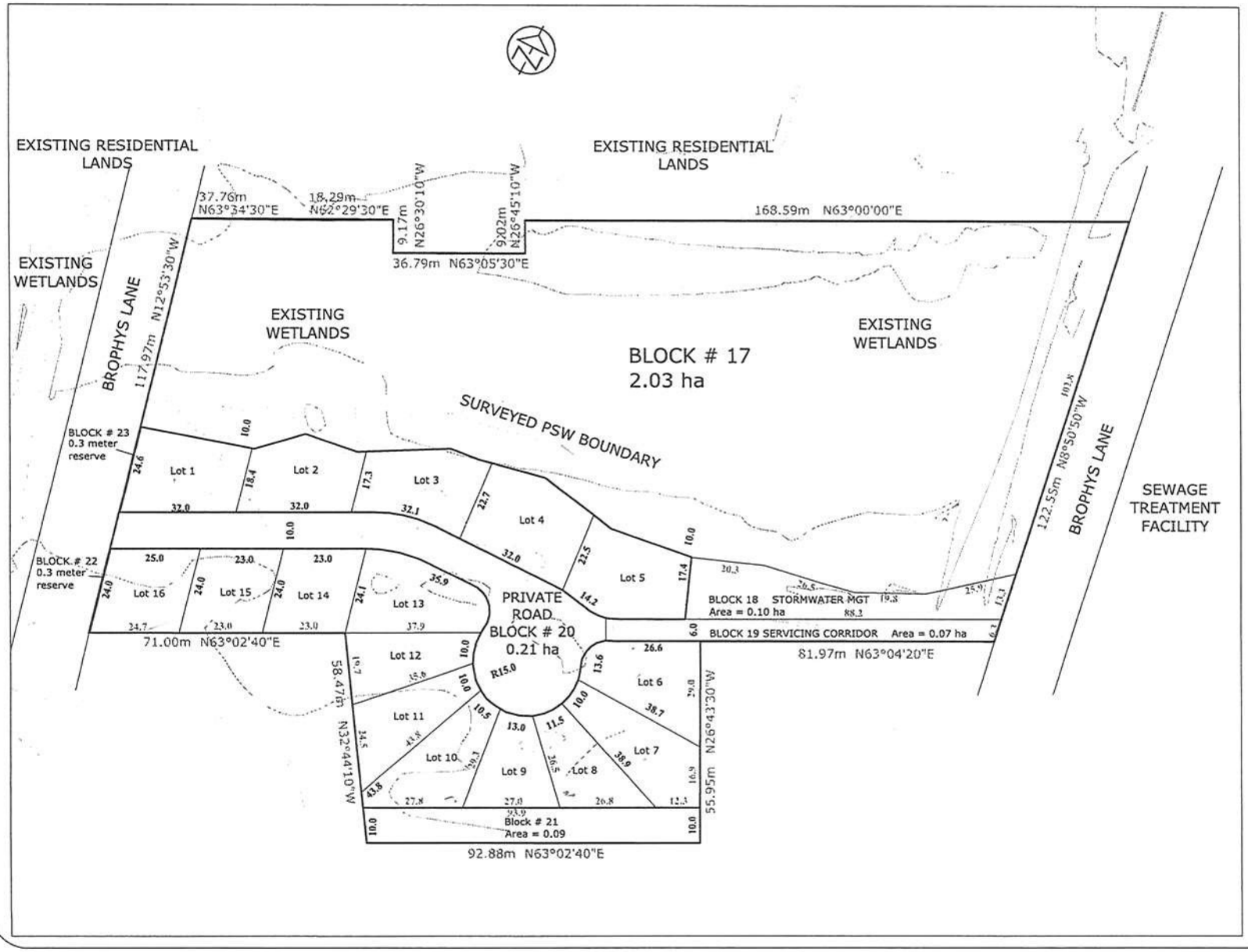
Town of The Blue Mountains
Key Map Schedule 'A-2'
By-law No. _____

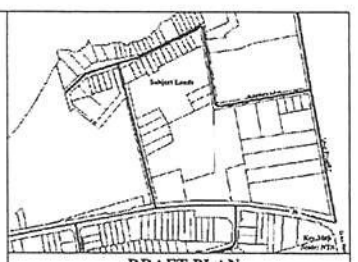
AREA AFFECTED BY THIS BY-LAW
AREA AFFECTED BY SECTION 2(i) TO THIS BY-LAW
AREA AFFECTED BY SECTION 2(ii) TO THIS BY-LAW
AREA AFFECTED BY SECTION 2(iii) TO THIS BY-LAW



SCHEDULE "B"

DRAFT PLAN OF SUBDIVISION





DRAFT PLAN OF SUBDIVISION
PT. LOT 89 R.P. 529
THE TOWN OF THE BLUE MOUNTAINS (former TOWNSHIP OF COLLINGWOOD)
COUNTY OF GREY

OWNER'S CERTIFICATE

NORTH ONTARIO INC. HEREBY AUTHORIZED SUBMISSION OF THE PROPOSED PLAN TO THE COUNTY OF GREY. I HAVE THE AUTHORITY TO BIND THIS CORPORATION.

NOVEMBER, 2006

KEN NAYLOR
NORTH ONTARIO INC.

SURVEYOR'S CERTIFICATE

PREVIOUSLY CERTIFIED BY IVAN SENSENIG, OLS, ON 04, DECEMBER 12, 1996.

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

(a) AS SHOWN ON DRAFT PLAN,
(b) AS SHOWN ON DRAFT PLAN,
(c) AS SHOWN ON DRAFT AND KEY PLANS,
(d) THE LAND IS TO BE USED ACCORDING TO THE SCHEDULE OF LAND USE,
(e) AS SHOWN ON DRAFT PLAN,
(f) AS SHOWN ON DRAFT PLAN,
(g) AS SHOWN ON DRAFT PLAN,
(h) MUNICIPAL WATER SUPPLY,
(i) GRAVEL SANDS,
(j) AS SHOWN ON DRAFT PLAN,
(k) MUNICIPAL SANITARY SEWER,
(l) NONE

SCHEDULE OF LAND USE

	UNITS	AREA
SINGLE-FAMILY RESIDENTIAL (LOTS 1-16)	16	0.97 ha.
SUB TOTAL	16	0.97 ha.
Common Element Condominium		
BLOCK 17 (PSW and 10 meter setbacks)		2.03 ha.
BLOCK 18 (Stormwater Block)		0.10 ha.
BLOCK 19 (Servicing Corridor)		0.07 ha.
BLOCK 20 (Private Road)		0.21 ha.
BLOCK 21 (Buffer - 10 meter setbacks)		0.09 ha.
0.3 Meter Reserve		
BLOCKS 22-23 (0.3 meter Reserves)		0.005 ha.
TOTAL	16	3.48 ha.

LOT	AREA (m2)
LOT 1	667
LOT 2	617
LOT 3	650
LOT 4	778
LOT 5	786
LOT 6	653
LOT 7	655
LOT 8	500
LOT 9	475
LOT 10	629
LOT 11	535
LOT 12	495
LOT 13	706
LOT 14	536
LOT 15	535
LOT 16	535

20 10 0 20m

SCALE = 1:500

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PROJECT: 554-05	DRAWN: AP	DATE: JANUARY 9, 2012

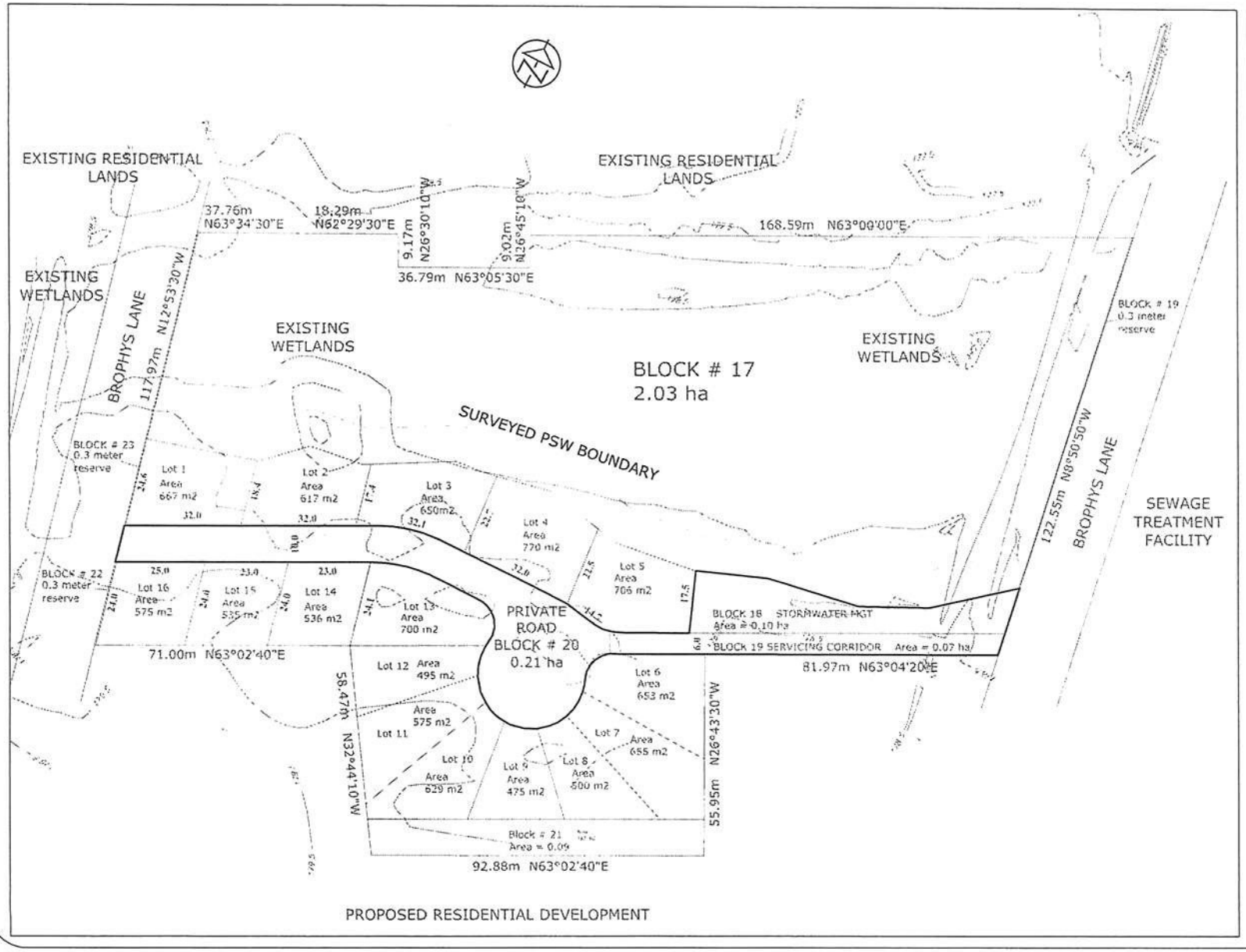
DWG: 554-05-DP8

DCS D.C. Slade Consultants inc.
Planning & Development
240 Huronia Street Collingwood ON Phone 705.444.1108

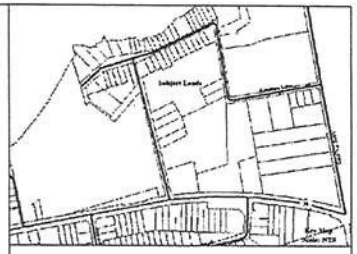
23

SCHEDULE "C"

COMMON ELEMENTS CONDOMINIUM PLAN



PROPOSED RESIDENTIAL DEVELOPMENT



COMMON ELEMENT CONDOMINIUM

PT. LOT 89 R.P. 529

THE TOWN OF THE BLUE MOUNTAINS (former TOWNSHIP OF COLLINGWOOD)

COUNTY OF GREY

OWNER'S CERTIFICATE

I/WE HAVE THE AUTHORITY TO BIND THIS CORPORATION.

NOVEMBER, 2008

KEN HAYDEN
9411111 ONTARIO INC.

SURVEYOR'S CERTIFICATE

PREVIOUSLY CERTIFIED BY IVAN DUNSMORE, OLS, ON DECEMBER 12, 1996

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

(a) AS SHOWN ON DRAFT PLAN,
(b) AS SHOWN ON DRAFT PLAN,
(c) AS SHOWN ON DRAFT AND KEY PLANS,
(d) THE LAND IS TO BE SOLD ACCORDING TO THE SCHEDULE OF LAND USE,
(e) AS SHOWN ON DRAFT PLAN,
(f) AS SHOWN ON DRAFT PLAN,
(g) AS SHOWN ON DRAFT PLANS,
(h) MUNICIPAL WATER SUPPLY,
(i) GRAVEL SANDS,
(j) AS SHOWN ON DRAFT PLAN,
(k) MUNICIPAL SANITARY SEWER,
(l) NONE

SCHEDULE OF LAND USE

	UNITS	AREA
SINGLE-FAMILY RESIDENTIAL (LOTS 1-16)	16	0.97 ha.
SUB TOTAL	16	0.97 ha.
BLOCK 17 (PSW and 10 meter setback)		2.03 ha.
Common Element Condominium		
BLOCK 18 (Stormwater Block)		0.10 ha.
BLOCK 19 (Servicing Corridor)		0.07 ha.
BLOCK 20 (Private Road)		0.21 ha.
SUB TOTAL		0.38 ha.
BLOCK 21 (Buffer - 10 meter setback)		0.09 ha.
0.3 Meter Reserve		
BLOCKS 22-23 (0.3 meter Reserves)		0.005 ha.
TOTAL	16	3.48 ha.

20 10 0 20m

SCALE = 1:500

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PROJECT: 554-05	DRAWN: AP	DATE: JANUARY 8/ 2011

DWG: 554-05-CEC8

DCS D.C. Slade Consultants INC.
Planning & Development

25

SCHEDULE "D"

CONDITIONS

Conditions for Draft Plan of Condominium and Draft Plan of Subdivision 42CDM-2008-10(A) and 42T-2008-10(B)

This approval applies to the Draft Plan of Subdivision prepared by D.C. Slade Consultants Inc., DWG: 554-05-DP8, dated January 9, 2012, and a Draft Plan of Condominium prepared by D.C. Slade Consultants Inc., DWG: 554-05-CEC8, dated January 9, 2012, providing for sixteen (16) Lots, one Block for stormwater management purposes (Block 18), one Block for servicing corridor (Block 19), one Block for private road (Block 20), one Block for PSW setback/buffer (Block 21) and 2 Blocks for 0.3 metre reserves (Blocks 22 and 23) on Part Lot 89, Plan 5129, Lot 21, Concession 1 in the Town of The Blue Mountains. Blocks 18, 19 and 20 are proposed common element condominium blocks which comprise the private road, the servicing corridor and the stormwater management facility.

The draft plan conditions have been listed under the following general headings:

A. General Planning Requirements
B. Servicing, Grading and Road Requirements
C. Landscape, Fencing and Streetscape Requirements
D. Park and Open Space Requirements
E. Miscellaneous Requirements

A. General Planning Requirements

1. A Subdivision Agreement shall be entered into and executed by the owner and the Town of The Blue Mountains (the "Town") to satisfy all financial, legal, and engineering matters, including landscaping and the installation of municipal services, and other requirements of the Town of The Blue Mountains and the County of Grey (the "County"), including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-laws.

2. The owner shall support an appropriate amendment to the Zoning By-law to permit the development of these lands in accordance with the Draft Plan of Subdivision including the use of the holding '-h' provision under the *Planning Act.*

3. Prior to registration of the Plan, the Zoning By-law implementing the subject plan shall be approved under Sections 34 and 36 of the *Planning Act.*

4. If final approval is not given to this plan within three 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 along with the applicable application fee and a resolution from the local municipality must be received.

B. Servicing, Grading and Road Requirements

5. Prior to the initiation of any site grading or servicing and prior to the registration of the Plan, the owner shall submit for the approval of the Town, Grey Sauble Conservation Authority, the County of Grey and the Ministry of Transportation the following:

    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 stormwater management techniques which may be required to control minor or major flows
        iii. How external flows will be accommodated and the design capacity of the receiving system
        iv. Location and description of all outlets and other facilities which may require permits
        v. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction

    The owner, or his consultant, shall contact the Town Engineering and Public Works Department and the Grey Sauble Conservation Authority prior to preparing the above report to clarify the specific requirements of this development.

    Note(s):

    Stormwater overland flow routes shall be kept within roads or approved walkways only.

    The owner is responsible for making the necessary arrangements for the conveyance of stormwater off-site, if applicable, as well as the costs associated therewith.

    b. Overall grading plans for the subject lands.

    c. Overall servicing and road designs.

6. The owner shall agree in the Subdivision Agreement, in wording acceptable to the Town of The Blue Mountains and the Grey Sauble Conservation Authority, the following:

i. To carry out, or cause to be carried out, all the works referred to in condition 5(a) above
ii. To obtain the necessary permits from the Grey Sauble Conservation Authority, including any necessary fees
iii. Prior to the initiation of any grading or construction on the site, to erect any silt fencing as referred to in condition 5(a)(v) above.

7. Prior to the registration of the Plan, the owner shall make arrangements to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the applicant's expense.

8. Prior to the initiation of any site grading or servicing and prior to registration of this plan, the owner shall submit for the approval of the Town and the Grey Sauble Conservation Authority a detailed soils investigation of the site prepared by a geotechnical engineer. A copy of this report shall also be submitted to the Town's Chief Building Official.

9. Prior to the initiation of any site grading or servicing and prior to the registration of the Plan, the owner shall submit to the Town:

   a. A Phase 1 Environmental Site Assessment;

   b. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 Environmental Site Assessment;

   c. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment; and,

   d. A copy of a Record of Site Condition and confirmation of the filing of the Record of Site Condition in the Environmental Site Registry.

10. Prior to the initiation of any site grading or servicing, and prior to the registration of the Plan, the owner shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The owner shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.

11. The stormwater management facility shall be a "naturalized" facility so to provide for an enhanced wildlife function.

12. Prior to the registration of the Plan, the owner shall complete to the satisfaction of the Ministry of Transportation a Traffic Impact Study reviewing the anticipated

impacts on the Brophy's Lane and Highway 26 and Long Point Road and Highway 26 intersections.

13. The owner shall agree in the Subdivision Agreement to provide cash-in-lieu of road upgrades including, but not limited to, road reconstruction, curbs, gutters, sidewalks and streetlights, to Brophy's Lane with such cash-in-lieu being reflective of 50% of the estimated cost of such works with the design on which the basis for the cost of the works being in accordance with the Town's Engineering Standards; and, the extent of the works being from the southerly extent of Part 2, Plan 16R-4066 (known municipally as 121 Brophy's Lane) to the north of the proposed intersection of Brophy's Lane and Block 20.

14. The horizontal and vertical alignments of all roads and underground services including their intersection geometrics shall be designed to the Town of The Blue Mountains Engineering Standards. In this regard, minor revisions to the road pattern and intersection alignments may be required

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.

16. Prior to the approval of the drawings referenced in clause 5, arrangements shall be made to the satisfaction of the Town for a suitable construction traffic route.

C. Landscape, Fencing and Streetscape Requirements

17. Prior to the registration of the Plan, the applicant shall complete a Landscape Analysis, Landscape Plan and Tree Preservation Plan to the satisfaction of the Town, Grey Sauble Conservation Authority and the Niagara Escarpment Commission. The Landscape Plan and Tree Preservation Plan shall be consistent with the Grading and Drainage Plans and include provision for the "naturalization" of the stormwater management facility so to provide an enhanced wildlife function. Further, the owner shall agree in the Subdivision Agreement to save and/or remove any trees and vegetation on the subject lands as required by the Tree Preservation Plan.

    The injury or destruction of trees related to this development, as approved in the Tree Preservation Plan, are exempt from the requirements of the County of Grey's Forest Management By-law as per Section 4(d) of the By-law.

18. The owner shall agree to include in the Subdivision Agreement a statement indicating that Blocks 17 and 21 consist of a provincially significant wetland and/or wetland buffer areas and that no development or site alteration shall occur within the areas so designated from time to time that may adversely impact the provincially significant wetland and/or wetland buffer except for works so authorized by the Town.

19. The owner shall agree within the Subdivision Agreement to provide a 5 metre wide planting enhancement within the 10 metre wetland buffer area so as to provide mitigation measures and to separate and maintain wildlife functions to the satisfaction of the Town and the Grey Sauble Conservation Authority.

20. The owner shall agree within the Subdivision Agreement to provide a 5.0 metre planting enhancement within the easterly 5.0 metres of Draft Lots 6 and 7 to the satisfaction of the Town and the Grey Sauble Conservation Authority.

21. The owner shall agree within the Subdivision Agreement to provide warning clauses within future purchase and sale agreements related to the sensitivity and related preservation of the provincially significant wetland and wetland buffers and to develop, produce and disseminate a Natural Heritage Stewardship Brochure to future lot owners to the satisfaction of the Town and the Grey Sauble Conservation Authority.

D. Park and Open Space Requirements

22. The owner shall agree within the Subdivision Agreement that Draft Block 17 shall be conveyed to the Town at no cost to the Town. In this regard, the applicant shall also agree that Block 17 shall not be credited as parkland for the purpose of determining the parkland requirements for the subject plan.

23. The owner shall agree within the Subdivision Agreement that Draft Block 21 shall be conveyed to the Town at no cost to the Town at a time to be determined by the Town.

24. The owner shall pay cash-in-lieu for parkland as required in accordance with the *Planning Act*.

E. Miscellaneous Requirements

25. The owner shall agree within the Subdivision Agreement to make a financial contribution of $65,000.00 to the Town for cash-in-lieu of Shoreline Dedication in accordance with the increased density requirements of the Official Plan.

26. The owner shall agree within the Subdivision Agreement to make a financial contribution of $26,000.00 to the Town for cash-in-lieu of recreational lands and/or facilities in accordance with the increased density requirements of the Official Plan.

27. The owner shall grant all necessary easements for drainage, utility and servicing purposes, as may be required, to the appropriate agency or public authority

28. The internal private road shall be named to the satisfaction of the Town.

29. The owner shall make satisfactory arrangements with Canada Post and the Town's Engineering and Public Works department, for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The owner shall further provide the following for the Community Mailboxes:

    a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access.

    b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.

30. That prior to any site alteration, a Stage 1 Archaeological Assessment, and any subsequent stage assessments as required, must be completed to the satisfaction of the Town and the County. A letter must be obtained by the Ministry of Culture indicating whether or not they support the recommendations contained in the Assessment report. A copy of the letter from the Ministry of Culture shall be provided by the owner to the Town and the County of Grey upon receipt.

31. That prior to final approval, the County is advised in writing by the Grey Sauble Conservation Authority that conditions 5, 6, 8, 17, and 19-21 have been met.

32. That prior to final approval, the County is advised in writing by the Niagara Escarpment Commission that condition 17 has been met.

33. That prior to final approval, the County is advised in writing by the Ministry of Transportation that conditions 5 and 12 have been met.

34. That prior to final approval the County is advised in writing by the Town that conditions 1-3, 5–10, 16, 17-30 have been met.

35. That the owner shall submit to the County a digitized copy of the Draft Plan in a format acceptable to the County.

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.

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. Development directly adjacent or near a provincial highway system may require permits (access, building and land use, and sign) from the Ministry of Transportation, under The Public Transportation and Highway Improvement Act. Consultation with the Ministry of Transportation, Southwestern Regional Office at 659 Exeter Road, London Ontario N6E 1L3 (519-873-4100) is recommended.

4. Clearances are required from the following:

Town of The Blue Mountains 32 Mill Street Thornbury, ON N0H 2P0	Grey Sauble Conservation Authority RR#4, 237897 Inglis Falls Road Owen Sound, ON N4K 5N6
Niagara Escarpment Commission 99 King Street East Thornbury, ON N0H 2P0	Ministry of Transportation 659 Exeter Road London, ON N6E 1L3

5. 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.

6. It is suggested that the municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act against the land to which it applies, as notice to prospective purchasers.

7. Portions of the Plan may be subject to the Grey Sauble Conservation Authority's 'Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' (Regulation No. 151/06). As such, written

permission may be required from the Authority prior to any site alteration occurring on the subject property.

8. All measurements in subdivision final plans must be presented in metric units.

9. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(21) of the Planning Act RSO 1990, as amended.

SCHEDULE "E"

TOWN OF THE BLUE MOUNTAINS

PLANNING OPINION

AFFIDAVIT

AFFIDAVIT of RANDY SCHERZER, MCIP RPP
Director of Planning
County of Grey

IN THE MATTER OF

ONTARIO MUNICIPAL BOARD

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Township of Collingwood Zoning Bylaw 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lot 89, Plan 529, Lot 21, Concession 1, from DD to R2, OS2 and H to permit the development of nineteen single family detached lots
OMB File No. PL110625.

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lot 89, Plan 529, Lot 21, Concession 1, in the Town of The Blue Mountains.
Approval Authority File No. 42T-2008-10B
OMB File No. PL110724

Ken Havens (960121 Ontario Inc.) has appealed to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of condominium on lands composed of Part Lot 89, Plan 529, Lot 21, Concession 1, in the Town of The Blue Mountains.
Approval Authority File No. 42- CDM-2008-10A
OMB File No. PL110717

OMB CASE File Nos: PL110625
PL110724
PL110717

I, Randy Scherzer, of the Township of Georgian Bluffs, in the County of Grey, make oath and say as follows:

Qualifications

1. I am currently the Director of Planning for the County of Grey and have held this position for the past 2 years. I have been employed by the County of Grey for approximately 10 years.

2. I possess a Bachelor of Environment Studies Degree (Honours Urban and Regional Planning) from the University of Waterloo.

3. I am a qualified land use planner with (9) year of experience. I have been qualified to provide expert opinion evidence with respect to land use planning at the Ontario Municipal Board on a number of occasions in the past.

4. I am a full member of the Canadian Institute of Planners and a Registered Professional Planner within Ontario.

5. A copy of my Curriculum Vitae is attached as Exhibit A to this my affidavit.

Involvement

6. I have been involved with the review of these files since June 2010 when the former Director of Planning for the County retired.

Background

7. The subject lands are described as Part Lot 89, Plan 529, Town of The Blue Mountains (geographic Township of Collingwood). The subject lands are located in the Craigleith area on an irregularly shaped 3.4 hectare parcel north of Highway 26 which gains access via Brophy's Lane.

8. Ken Havens (960121 Ontario Inc.) submitted the plan of subdivision and plan of condominium applications on October 28, 2008. The original applications proposed a 19 lot residential plan of subdivision to be accessed via an internal private road. The current proposed plan of subdivision and plan of condominium applications proposes to create 16 single detached lots (Lots 1 to 16) with common element blocks being the storm water management block (Block 18), the servicing corridor block (Block 19), and the internal private road (Block 20). Proposed Block 17 and Block 21 (Wetland and Wetland Buffer blocks) are to be conveyed to the Town of The Blue Mountains. The proposed plan of subdivision and plan of condominium agreed upon by the parties can be found in Schedules B and C respectively of the Minutes of Settlement.

9. The original zoning by-law amendment submitted to the Town of The Blue Mountains proposed to amend Township of Collingwood Zoning Bylaw 83-40 of the Town of The Blue Mountains to rezone the subject lands from Deferred Development zone (DD) to Residential Second Density zone (R2), Private Open Space zone (OS2) and Hazard zone (H) to permit the development of nineteen single family detached lots. The revised zoning by-law amendment proposes to rezone the subject lands from Deferred Development zone (DD) to the Residential First Density zone with exceptions (R1-236-h), Private Open Space zone (OS2-h), and Hazard zone (H) to permit sixteen single family dwellings. The R1-236-h exception zone provides minimum yard setbacks for specified lots as identified in Key Map Schedule "A-2". The proposed zoning by-law amendment agreed upon by the parties can be found in Schedule A of the Minutes of Settlement.

10. On May 3, 2010, a statutory public meeting was held under the Planning Act for the purposes of considering the proposed plan of subdivision and plan of condominium and the amendment to the Township of Collingwood Zoning By-law.

11. On June 13, 2011, the Applicant appealed the plan of subdivision and plan of condominium Applications submitted to the County, as well as the zoning by-law amendment application submitted to the Town, based on the County and the Town not making a decision on the applications within the prescribed timeframe under the Planning Act.

12. Most of the delay with respect to these applications has been a result of the natural heritage features on the subject lands and identifying the precise location of the Provincially Significant Wetland and determining the required setbacks to the Wetland.

13. With respect to the precise location of the Provincially Significant Wetland, the Ministry of Natural Resources has performed site visits to verify the precise location of the Provincially Significant Wetland on the subject lands. The Ministry of Natural Resources is satisfied with the location of the Wetland on the subject lands which is contained within Block 17.

14. With respect to the setbacks from the Wetland, there have been significant discussions and correspondence between the County/Town environmental peer reviewer and the Applicant's environmental consultant including site visits to the subject lands.

15. Based on the information provided by the Applicant's environmental consultant, the Town/County peer reviewer (Linda Liisa Sober, H.B.Sc., SAAR Environmental Ltd.) is satisfied with the proposed 10 metre setback from the Wetlands to the proposed lot boundaries for both the Wetland located on the north portion of the subject lands, as well as the Wetland directly south of the subject lands.

16. The County Official Plan designates the subject lands as Escarpment Recreation Area and Provincially Significant Wetlands. The Town of The Blue Mountains Official Plan designates the subject lands Recreational Residential Exception#50, Wetland Hazard, and Hazard.

17. The revised Provincially Significant Wetland boundary as approved by the Ministry of Natural Resources has been incorporated into the County's 5 Year Review Official Plan Amendment (Official Plan Amendment No. 80). Official Plan Amendment No. 80 has been approved by the Province and several outstanding appeals were submitted against the Province's decision; however none of the appeals relate to the Provincially Significant Wetlands.

18. The Town of The Blue Mountains will be revising the Wetland Hazard boundary in the Town's Official Plan as part of the Town's 5 year review. This will bring the Town Plan into conformity with the County Official Plan and identify the correct Wetland boundary as approved by the Ministry of Natural Resources. Section 27(4) of the Planning Act indicates that in the event of a conflict between the upper-tier official plan and the lower-tier official plan, the plan of the upper-tier prevails to the extent of the conflict.

19. Previous comments from the Grey Sauble Conservation Authority and the Niagara Escarpment Commission cited concerns with respect to the protection of natural heritage features and natural hazards. On August 5, 2011, a meeting was held in the Town of The Blue Mountains in an attempt to resolve the outstanding concerns identified by the agencies. I was not in attendance for this meeting, but based on minutes taken from the meeting, as well as discussions with Town staff, it is my understanding that the meeting concluded with the parties agreeing to an appropriate direction including revising the proposed plan and identifying suggested conditions of draft approval to address the natural heritage and natural hazard concerns. The Niagara Escarpment Commission was not in attendance for this meeting.

20. To address the outstanding issues, a revised draft plan was circulated by the Applicant which incorporated the agreed upon direction discussed at the August 5, 2011 meeting. The revised plan includes a reduction in the proposed lots from 19 single detached lots to 16 single detached residential lots. The revised plan also eliminates the continuation of the private road to the easterly extent of Brophy's Lane. The proposed setback between the Provincially Significant Wetland and the proposed storm water management area has been increased to 10 metres.

21. The recommended conditions of draft approval also includes conditions of draft approval discussed at the August 5, 2011 meeting, which includes: requiring that the storm water management facility be "naturalized" to provide an enhanced habitat function; requiring the completion of drainage, landscape and tree preservation plans to the satisfaction of the Town, the Niagara Escarpment Commission and the Grey Sauble Conservation Authority; requiring a detailed engineering and drainage report to the satisfaction of the Town and the Grey Sauble Conservation Authority; and requiring that the north-south wildlife corridor connecting the two wetland units be preserved and enhanced with a 5 metre planting enhancement within proposed Lots 6 & 7 to the satisfaction of the Town and the Grey Sauble Conservation Authority.

22. On December 20, 2011, the County Planning Committee supported the revised plan of subdivision/condominium in principle and directed County staff to work with the Town of The Blue Mountains and the Applicant to develop conditions of draft approval in an attempt to resolve the outstanding matters through minutes of settlement.

23. On May 14, 2012, the Town of The Blue Mountains Council supported the revised plan of subdivision, plan of condominium, and zoning by-law amendment in principle and endorsed the minutes of settlement.

Evidence

24. The proposed Plan of Subdivision and Plan of Condominium (Schedule B and C respectively to the Minutes of Settlement) have been agreed upon by all parties to the Minutes of Settlement subject to the draft conditions as outlined in Schedule D to the Minutes of Settlement.

25. The Zoning By-law Amendment (Schedule A to the Minutes of Settlement) has been agreed upon by all parties to the Minutes of Settlement.

26. The Minutes of Settlement have been entered into between the County of Grey, the Town of The Blue Mountains, and the Applicant (Ken Havens).

Summary/Conclusions

27. It is my opinion that the subject Minutes of Settlement, Plan of Subdivision and Plan of Condominium as attached in Appendices B and C, respectively, to the Minutes of Settlement, along with the conditions of draft plan approval (Schedule D to the Minutes of Settlement), have regard to the criteria identified in Section 51(24) of the Planning Act, are consistent with the Provincial Policy Statement and conforms to the purposes and policies of the County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good land use planning.

28. The Zoning By-law Amendment as attached in Appendix A to the Minutes of Settlement is consistent with the Provincial Policy Statement, conforms to the purposes and policies of the County Official Plan and Town of The Blue Mountains Official Plan, and represents good land use planning.

29. Should the Board accept the Minutes of Settlement and approve the Plan of Subdivision and Plan of Condominium, the County requests the Board under Section 51(56.1) of the Planning Act to provide that the final approval of the Plan of Subdivision and Plan of Condominium for the purposes of Section 51(58) of the Act be given to the County.

And I make this affidavit conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Randy Scherzer, MCIP RPP
Director of Planning and Development
County of Grey

SWORN BEFORE ME AT THE CITY OF
OWEN SOUND THIS 16th DAY of MAY, 2012.

A Commissioner for Taking Oaths and Affidavits

SHARON CHRISTENA VOKES, a Commissioner, etc., County of Grey, while Clerk of the Corporation of the County of Grey.