



Staff Report

Planning and Development Services – Planning Division

Report To: Special Committee of the Whole
Meeting Date: July 7, 2020
Report Number: PDS.20.59
Subject: Application for Holding ‘-h’ Removal Windfall Mountain House Phase 3
Prepared by: Shawn Postma, BES, MCIP, RPP, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.20.59, entitled “Application for Holding ‘-h’ Removal Windfall Mountain House Phase 3”;

AND THAT Council enact a Zoning By-law to remove the Holding ‘-h29’ symbol for Part of Block 58 Registered Plan 16M-42 also known as Windfall Mountain House Phase 3.

B. Overview

The purpose of this report is to review the Holding “-h” requirements for the Windfall Mountain House site and provides a recommendation to remove the Holding “-h” symbol to permit Phase 3 of the development in accordance with Accepted for Construction drawings and Site Plan Agreement.

C. Background

Planning and Development Services has received an application for Holding ‘-h’ Removal from Windfall Mountain House for Phase 3 (final phase) of the development. Phase 1 is now registered as Grey Condominium Corporation GCC 112 and Phase 2 is nearing construction completion and is anticipated to be registered this Fall.

An Official Plan Amendment, Zoning By-law Amendment and Site Plan Agreement were approved by the Ontario Municipal Board (OMB) in 2016 with details being finalized over the next couple of years resulting in a Final Order issued by the Local Planning Appeal Tribunal (LPAT) in June 2018. The approved Zoning By-law includes a Holding ‘-h’ symbol on the lands save and except for the Phase 1 lands which had received Site Plan Approval and a Site Plan Agreement through the earlier OMB process.

Site Location (Shown in Red)



Windfall Mountain House Phasing

Phase 1 –

Four apartment blocks and 70 units, land dedications (road widenings), cash contribution to attainable housing, provision of attainable housing units, provision of cash-in-lieu of shoreline, and securities collected on future public works.

Phase 2 –

Four apartment blocks and 59 units, provision of on-site recreational facility, provision of cash-in-lieu of shoreline, and updated provision on securities.

Phase 3 –

Four apartment blocks and 85 units, County Agreement including land dedications for Grey Road 19 / Grey Road 21 improvements and entrance improvements (left hand turn lane) from Grey Road 21. The final construction of a public trail adjacent to Grey Road 19 and Grey Road 21, and final landscaping.

For Phase 3, Windfall Mountain House has now received 'Accepted for Construction' approval on the detail engineering design, with an executed Site Plan Approval and Site Plan Agreement expected prior to the Council enactment of this Holding 'h' By-law.

The purpose of this report is to evaluate the requirements of the Holding 'h' symbol for the purposes of constructing the final phase of the Windfall Mountain House project.

D. Analysis

The subject lands are designated Resort Recreational Area (RRA) within the Town of The Blue Mountains Official Plan. The lands were included as part of the overall Windfall Community including 609 single detached and semi detached units west of the subject lands. The Windfall Mountain House lands were also subject to an Ontario Municipal Board (OMB) appeal resulting in a specific Official Plan, Zoning By-law, Bonusing Agreement and approvals to proceed with Phase 1 of the project.

The Official Plan Amendment established a maximum unit yield of 230 units in twelve apartment buildings. Height was limited to 2-storeys along Grey Road 19 and Grey Road 21 with 3-storey and 4-storey buildings stepping further internal to the site. Short Term Accommodation uses are prohibited.

Zoning was enacted by the Ontario Municipal Board in June 2018 setting out specific development criteria including density limits, minimum yard (setback) requirements, maximum height (and locations), parking, entrance, emergency access provisions and the prohibition of Short Term Accommodation Uses. The Zoning provisions have now been translated into the current Town of The Blue Mountains Zoning By-law 2018-65.

All 230 units are also considered “Bonus Units” as defined under the 2007 Town of The Blue Mountains Official Plan and are subject to providing additional community benefit in the form of cash-in-lieu of Shoreline Dedication, and provision of additional recreational lands or facilities. The OMB process put a requirement for a “Bonusing Agreement” between Windfall and the Town. Financial contribution amounts for shoreline, recreational facilities, attainable housing as well as the provision of attainable housing units were identified and included in the Phase 1 and subsequent Site Plan Agreements.

The lands are zoned Residential R3-109-h29 in The Blue Mountains Zoning By-law 2018-65. The Residential R3 Zone permits apartment units, and exception 109 provides site specific lot development requirements to ensure the lands are developed in accordance with the approved plans. The Holding ‘-h29’ requires the execution of a Site Plan Agreement and execution of a Bonusing Agreement. It is noted that the Holding symbol has been previously removed incrementally as each phase comes forward.

The lands are developed under one Site Plan Agreement that is modified as needed with each new phase. The required “Bonusing Agreement” is built into the Site Plan Agreement under Phase 1. The Bonusing obligations were fulfilled by Windfall in Phase 1. Bonusing for cash-in-lieu of shoreline acquisition is required for every unit in the project and is captured in the site plan agreement for each new phase.

It is noted that Phase 3 includes land dedications from Windfall to the County of Grey to accommodate the preferred location of the future Grey Road 19/21 roundabout. Although not specifically considered through this Staff Report, additional lands are required by the County of Grey from the Town of The Blue Mountains to implement the final design of the roundabout. The Town Lands were previously received from Windfall for a public walkway along Grey Road

19 and 21. Staff have ensured that a pedestrian connection will remain in place with the final design of the Grey Road 19/21 round-a-bout. This matter will be brought forward through a future report for Council's consideration. It is also noted that additional lands may (or may not) be required by Hydro One for the relocation of the Hydro Corridor at the intersection. Hydro One has not completed their final design and has indicated that it will not be available until winter/spring 2021. To ensure the Mountain House project can continue, Windfall has provided an Easement to the County of Grey for hydro purposes as identified on a Reference Plan. The actual land requirements (if any) will be confirmed at time of final design by Hydro One.

To accommodate the required land dedications from Windfall to the County of Grey, an adjustment to the Phasing Plan is required as part of Phase 3 to recognize these land dedications. This adjustment is necessary to ease and facilitate the registration process for Phase 2 and to consolidate the pending land transfers from Windfall to the County.

A Master Site Plan and Bonusing Agreement was completed as part of Phase 1 and outlines the requirements for each phase and that detailed engineering design is to occur prior to the approval of each phase. Financial obligations in accordance with the OMB Board Order from June 2018 are also included and are required with each phase of development.

Planning Staff are satisfied that the proposed Windfall Mountain House Phase 3 Site Plan and associated works conforms to the Town of The Blue Mountains Official Plan, The Blue Mountains 2018-65 Zoning By-law and meets all obligations under the Master Site Plan and Bonusing Agreement. These obligations have been carried forward into a Phase 3 Site Plan Agreement that has been executed.

Site Plan Approval for Phase 3 of Windfall Mountain House is being considered under Planning Staff Report PDS.20.58 with the Director of Planning and Development Services having authorization to grant Site Plan Approval on behalf of Council. It is noted that the Site Plan Approval is issued at the same time that the Site Plan Agreement is executed to ensure development proceeds in accordance with the approved plans and drawings. At this time a Draft Site Plan Agreement has been completed and is awaiting execution. Site Plan Approval will occur concurrent with the agreement and it is anticipated that these will be completed prior to Council enacting the Holding '-h' removal By-law. If Site Plan Approval and the Site Plan Agreement are not finalized prior to the Council meeting, Planning Staff recommend that that Council defer enactment of the Holding '-h' removal By-law.

Holding '-h' symbols can only be removed by Council by way of By-law. A Draft Holding '-h' Removal By-law is attached to this report .

Provided that the Town has received an executed Site Plan Agreement and Site Plan Approval has been issued, Planning Staff are satisfied that the requirements of the Holding '-h' symbol will be fulfilled and that it is appropriate to remove the Holding '-h' symbol..

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #3 Manage Growth and Promote Smart Growth

F. Environmental Impacts

Environmental Impacts have been reviewed by Town Staff and Conservation Authority Staff and are mitigated in the accepted for construction design and Conservation Authority Permit requirements.

G. Financial Impact

Shoreline dedication funds will be received for the future acquisition of public shoreline. Other financial obligations were provided in earlier phases of development and are further described in the Site Plan Agreement. The Town will also collect engineering review costs (Works Fee) at time of agreement and Development Charges at time of Building Permit.

H. In consultation with

Trevor Houghton, Manager of Community Planning

Nathan Westendorp, Director of Planning and Development Services

I. Public Engagement

The topic of this Staff Report has been the subject of a series of Public Meetings, and Ontario Municipal Board Hearings beginning in 2011 and concluding in 2016. Windfall Mountain House Phase 3 is developing in accordance with the approved plans considered through those processes. Public notice has been circulated to the Owner and to residents within 120 metres of the subject lands that the Holding 'h' symbol is proposed to be removed.

J. Attached

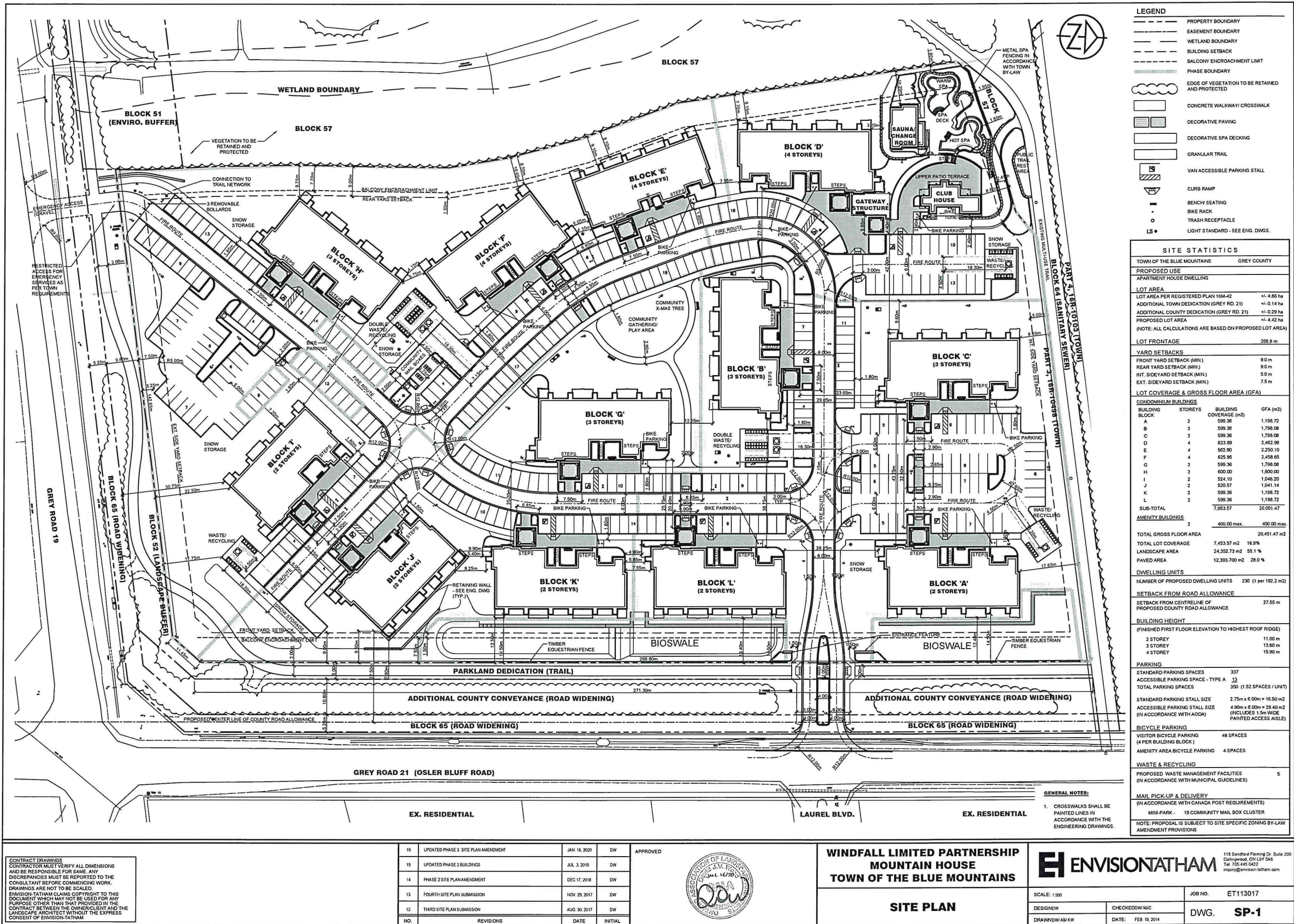
1. Site Plan
2. Holding 'h' Removal By-law

Respectfully submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner

Nathan Westendorp, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma, Senior Policy Planner
planning@thebluemountains.ca
519-599-3131 extension 248



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 Town of 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 and 36 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.

The Zoning By-law of the Town of the Blue Mountains being By-law No. 2018-65, is hereby amended by removing the Holding ‘-h29’ symbol from the lands lying and being in The Town of The Blue Mountains comprised of Part Block 58, Plan 16M-42, Town of the Blue Mountains, as indicated on the attached key map Schedule 'A-1'.
2.

Schedule “A-1" is hereby declared to form part of this By-law.

Enacted and passed this 13th day of July, 2020.

Alar Soever, Mayor



Corrina Giles, Clerk

Town of The Blue Mountains

Schedule 'A-1'

By-Law No. _____

Legend

-  Subject Lands of this Amendment
-  Area to be rezoned from R3-109-h29 to R3-109

