

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 3, 2023

CASE NO.: OLT-23-000196
(Legacy Case No.
PL160268)

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

Applicant and Appellant: Eden Oak (Trailshead) Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Reference Number: P1908
Property Address: Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc
Municipality/UT: The Blue Mountains/Grey
OLT Case No.: OLT-23-000196
Legacy Case No.: PL160268
OLT Lead Case No.: OLT-23-000196
Legacy Lead Case No.: PL160268
OLT Case Name: Eden Oak (Trailshead) Inc. v. The 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: Eden Oak (Trailshead) Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Reference Number: P2278
Property Address: Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc
Municipality/UT: The Blue Mountains/Grey
OLT Case No.: OLT-23-000197
Legacy Case No.: PL160269
OLT Lead Case No.: OLT-23-000196
Legacy Lead Case No.: PL160268

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

Applicant and Appellant: Eden Oak (Trailshead) Inc.

Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Reference Number:	42T-2012-01
Property Address:	Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc
Municipality/UT:	The Blue Mountains/Grey
OLT Case No.:	OLT-23-000198
Legacy Case No.:	PL160270
OLT Lead Case No.:	OLT-23-000196
Legacy Lead Case No.:	PL160268

BEFORE:

S. BRAUN)	Thursday, the 3 rd
MEMBER)	
)	day of August, 2023

THESE MATTERS having come before the Ontario Municipal Board (the “Board”) for a public hearing on April 3, 2017 and the Board, in its Decision issued on September 6, 2017 (the “Decision”) having allowed, in part, the appeals of the proposed Official Plan Amendment, Zoning By-law Amendment, and Conditions of Draft Plan Approval and Plan of Subdivision;

AND THE BOARD having withheld its Final Order until it receives notice from the Town of The Blue Mountains that an appropriate section 37 agreement has been executed;

AND THE TRIBUNAL issued a further Order dated May 12, 2021, which identified that the draft plan of subdivision and conditions are approved and that the appeals of the refusal or neglect of the Town of The Blue Mountains to make a decision regarding the site-specific Official Plan Amendment and the site-specific Zoning By-law Amendment continue to be approved in principle;

AND THE TRIBUNAL having been advised by Eden Oak (Trailhead) Inc. that the parties have reached a settlement and a series of minor revisions to the site-specific

Zoning By-law Amendment, Draft Plan of Subdivision and Conditions have been agreed to with the Town of The Blue Mountains and the County of Grey;

AND THE TRIBUNAL having received the Affidavit of Kory Chisholm, MCIP, RPP, whom the Tribunal accepts as an expert qualified to give opinion evidence in the field of land use planning, on behalf of Eden Oak (Trailhead) Inc.;

AND THE TRIBUNAL having received final versions of the settled Official Plan Amendment, Zoning By-law Amendment and a redlined Draft Plan of Subdivision and conditions (the “Final Documents”);

AND THE TRIBUNAL having considered the tendered evidence and written submissions of the parties filed with the Tribunal;

AND THE TRIBUNAL having been satisfied that the Final Documents constitute good planning and have had appropriate regard to matters of Provincial interest, are consistent with the 2020 Provincial Policy Statement and conform to the Grey County Official Plan and The Blue Mountains Official Plan;

THE TRIBUNAL ORDERS that the Official Plan Amendment, set out in Attachment “1”, the Zoning By-law Amendment, set out in Attachment “2”, the redlined Plan of Subdivision, set out in Attachment “3”, and the draft plan of subdivision conditions, set out in Attachment “4” are approved;

AND THE TRIBUNAL FURTHER ORDERS that, pursuant to subsection 51(56.1) and 51(56.2) of the *Planning Act*, the final approval of the plan of subdivision for the purposes of subsection 51(58) is to be given by the County of Grey, being the approval authority in which the subject property is situated.

THE TRIBUNAL may be spoken to in the event that the Parties have any difficulty in implementing this Decision and Order.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Schedule "A"

AMENDMENT NO. 32 TO THE OFFICIAL PLAN OF THE TOWN OF THE BLUE MOUNTAINS

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text and maps constitutes Amendment No. 32 to the Official Plan for the Town of The Blue Mountains.

PART C - THE APPENDICES which does not constitute part of this Amendment. These Appendices contain the planning report, agency comments and public involvement associated with this Amendment.

PART A - THE PREAMBLE

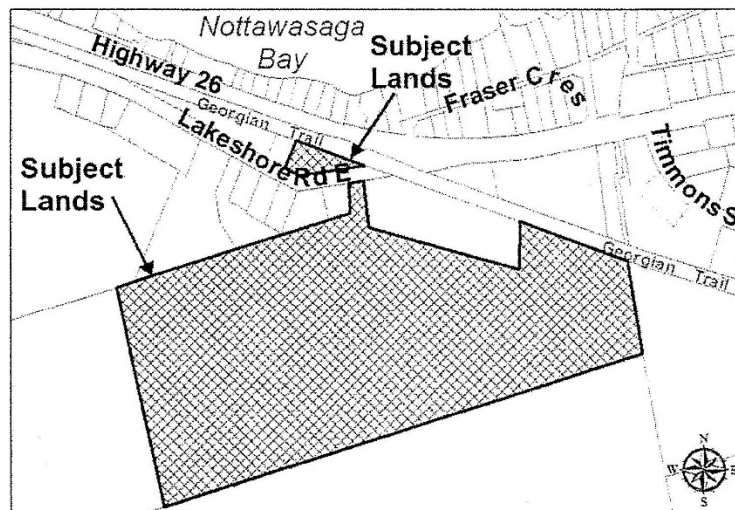
PURPOSE

The purpose of this Amendment is to enable a 194 residential unit semi-detached, townhouse and villa development known as Eden Oak (Trailhead) on the subject lands. An amendment is required to re-designate a portion of the subject lands from Residential Infilling to Recreational Residential and to establish a new maximum unit yield of 194 units on the lands.

LOCATION

The lands subject to this By-law are located on Part Lots 20 and 21, Concession 2 Town of The Blue Mountains and legally described as Plan 529 Part Lot 158 and Part Lot 173 shown as RP 16R-4636 Part 1 (Parcel 1) and Plan 529 Part Lot 174 shown as RP 16R-8571 Part 2 (Parcel 2) in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey.

Subject Lands



BASIS

The development proposal for this land is to create a 194 unit residential development consisting of semi-detached dwellings, townhouses and villas on a public road system. The majority of the subject lands are designated Recreational Residential which permits semi-detached dwellings, townhouses and villas; however, this proposal exceeds the

maximum permitted density of 77 units as identified under Schedule 'B' to the Official Plan.

The proposed Official Plan Amendment would increase the maximum allowable density from 5 units per hectare to 12.3 units per hectare. 155 of the 194 units are considered Bonus Units and subject to the Bonusing provisions of Section 6.5.3 of the Official Plan requiring contributions to additional recreational lands and/or facilities, shorefront dedication or an alternative bonus provision to the satisfaction of Council.

PART B - THE AMENDMENT

All of this part of the document entitled "Part B - The Amendment" consisting of the following text constitutes Amendment No. 32 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

Item 1: **Schedule "A" Map 4 – Land Use Plan** is hereby amended by re-designating a portion of the subject lands from the Residential Infilling 'RI' designation to the Recreational Residential 'RR' designation as set out in Schedule A-32.

Item 2: **Schedule "B" – Maximum Unit Yields**

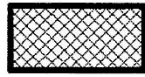
(a) Schedule "B" – Maximum Unit Yields is hereby amended by as follows:

- i. Service District 1 – Craigleith, Schedule "B" – Maximum Unit Yield Table is hereby amended by inserting thereto the following:

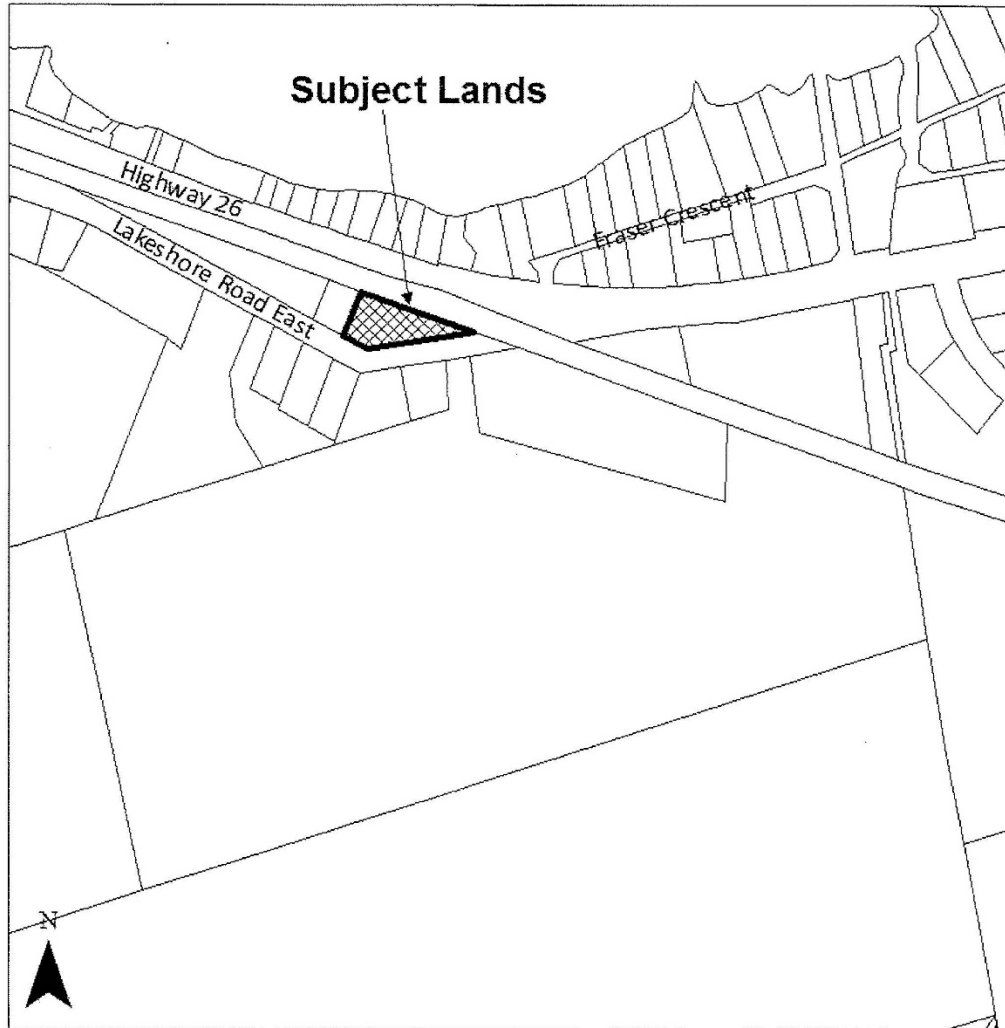
Property	Official Plan Designation	Area Designated (ha)	Maximum Unit Yield
A18a	RR	1.02	
A18b	RR	14.47	
A18c	RR	0.24	194

Schedule "B" – Map – is hereby amended by adding Property A18c on the subject lands and as shown on Schedule "B-32".

SCHEDULE 'A-32'
TOWN OF THE BLUE MOUNTAINS
OFFICIAL PLAN AMENDMENT No. 32

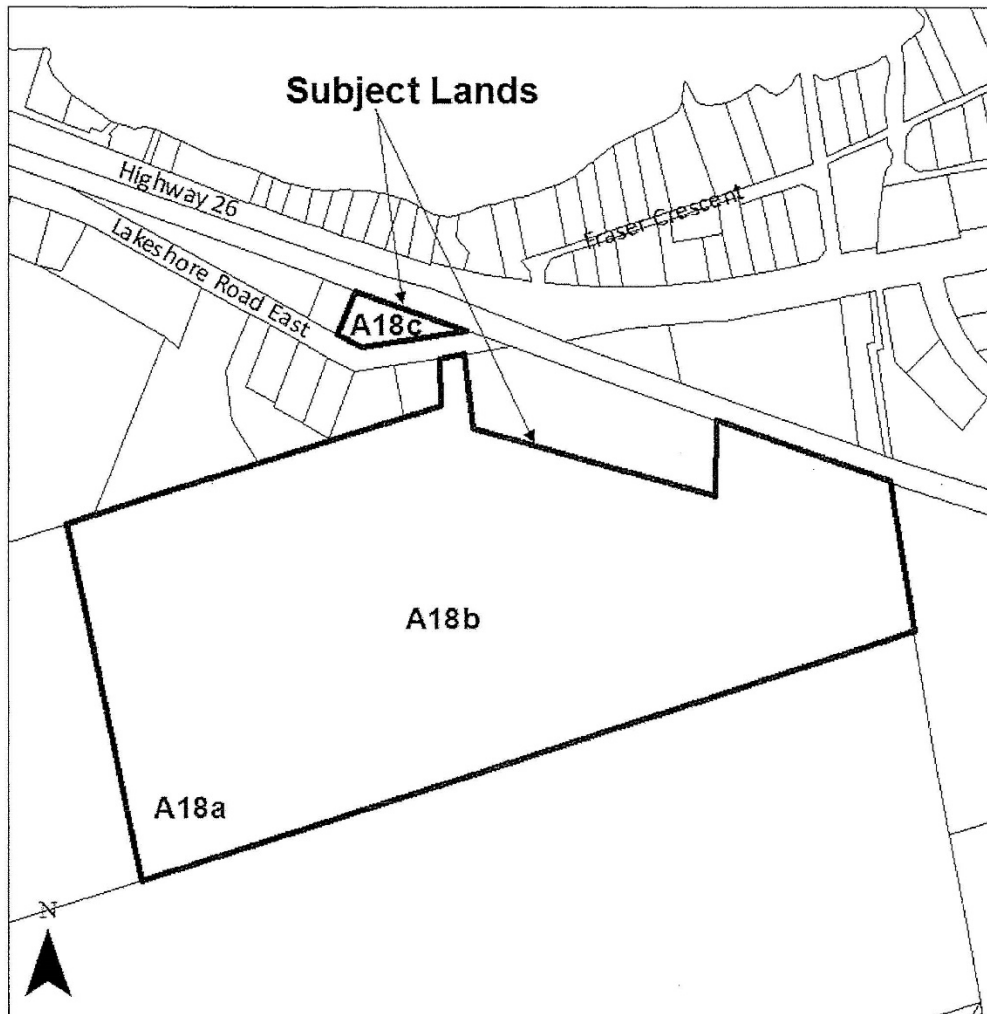


AREA RE-DESIGNATED TO RECREATIONAL RESIDENTIAL 'RR'



SCHEDULE 'B-32'
TOWN OF THE BLUE MOUNTAINS
OFFICIAL PLAN AMENDMENT No. 32

 AREA AFFECTED BY THIS AMENDMENT



IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan. The Amendment will be implemented through an amendment to the Zoning By-law and conditions of subdivision and/or condominium approval.

PART C - THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

1. Town of The Blue Mountains Planning Staff Report PL.17.06

ATTACHMENT 2

WITHOUT PREJUDICE

The Corporation of the Town of the Blue Mountains

By-law Number 20~~2320~~ – XXXX

Being a By-law to amend Zoning By-law 2018-65 which may be cited as the “The Town of The Blue Mountains Zoning By-law”.

WHEREAS the ~~Ontario Land~~Local Planning Appeal Tribunal deems it necessary in the public interest to pass a by-law to amend By-law 2018-65;

AND WHEREAS pursuant to the provisions of the Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by the Local Planning Appeal Tribunal;

The subject lands are currently zoned Residential Two ‘R2-103-h27’, Residential Two ‘R2-104-h27’, Open Space ‘OS’, and Open Space ‘OS-105’ in the Town of the Blue Mountains Zoning By-law 2018-65 as amended. Portions of the subject lands are being rezoned to reflect revisions to the blocks on the Draft Plan of Subdivision. Revisions to the Draft Plan of Subdivision include removing the open space block associated with an overland drainage channel that is no longer required; amalgamating maintenance swale blocks with proposed residential blocks; expanding the open space block into the residential blocks along the west side of the subject lands in order to accommodate the required buffer from the watercourse and provide additional public open space; and including additional open space on two portions of the lands formerly identified as a right-of-way. Additional required building setbacks from some of the features located on the Site are being added to Exception Zones ~~R2-103-h27 and R2-104-h27~~ in order to satisfy Draft Plan Conditions ~~78~~. i., ii. and iii.

Now Therefore the ~~Ontario Land~~Local Planning Appeal Tribunal hereby enacts as follows:

1. Map 17 to Schedule ‘A’ of the Town of the Blue Mountains Zoning By-law, is hereby further amended by rezoning a portion of the subject lands associated with a former overland drainage channel to the Residential Two ‘R2-103-h27’ Zone, a portion of the western lands to the Open Space ‘OS’ Zone, Block 1 to the Residential Two ‘R2-103-h27’ Zone, and two portions of the formerly identified right-of-way to the Open Space ‘OS’ Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Plan 529 Part Lot 158 and Part Lot 173 shown as RP 16R-4636 Part 1 and Plan 529 Part Lot 174 show as RP 16R-8571 Part 2, as indicated on the attached Schedule ~~‘XX’~~.
2. The following provisions shall be added to the Special Provisions for the R2-103-h27 Zone and R2-104-h27 listed under Section 9.1 of The Town of The Blue Mountains Zoning By-law:
 - i. A 30.0 metre building setback from the Coldwater Stream shall be provided;
 - ii. A 25.0 metre building setback from healthy and retained butternut trees shall be provided; and,
 - iii. A 10.0 metre building setback from the base of the Nipissing Ridge shall be provided.

3. The imposition of the Holding (h27) prefix shall be lifted upon the following conditions being met:

- i. Execution of a Subdivision Agreement;
- ii. Registration of a Plan of Subdivision;
- iii. Execution of a Section 37 Agreement;
- iv. Execution of a Site Plan Agreement [with respect to the proposed](#)
Condominium Block 10; and
- v. Substantial completion of the External SWM Works.

3.4. Schedule 'XX' is hereby declared to form part of this By-law.

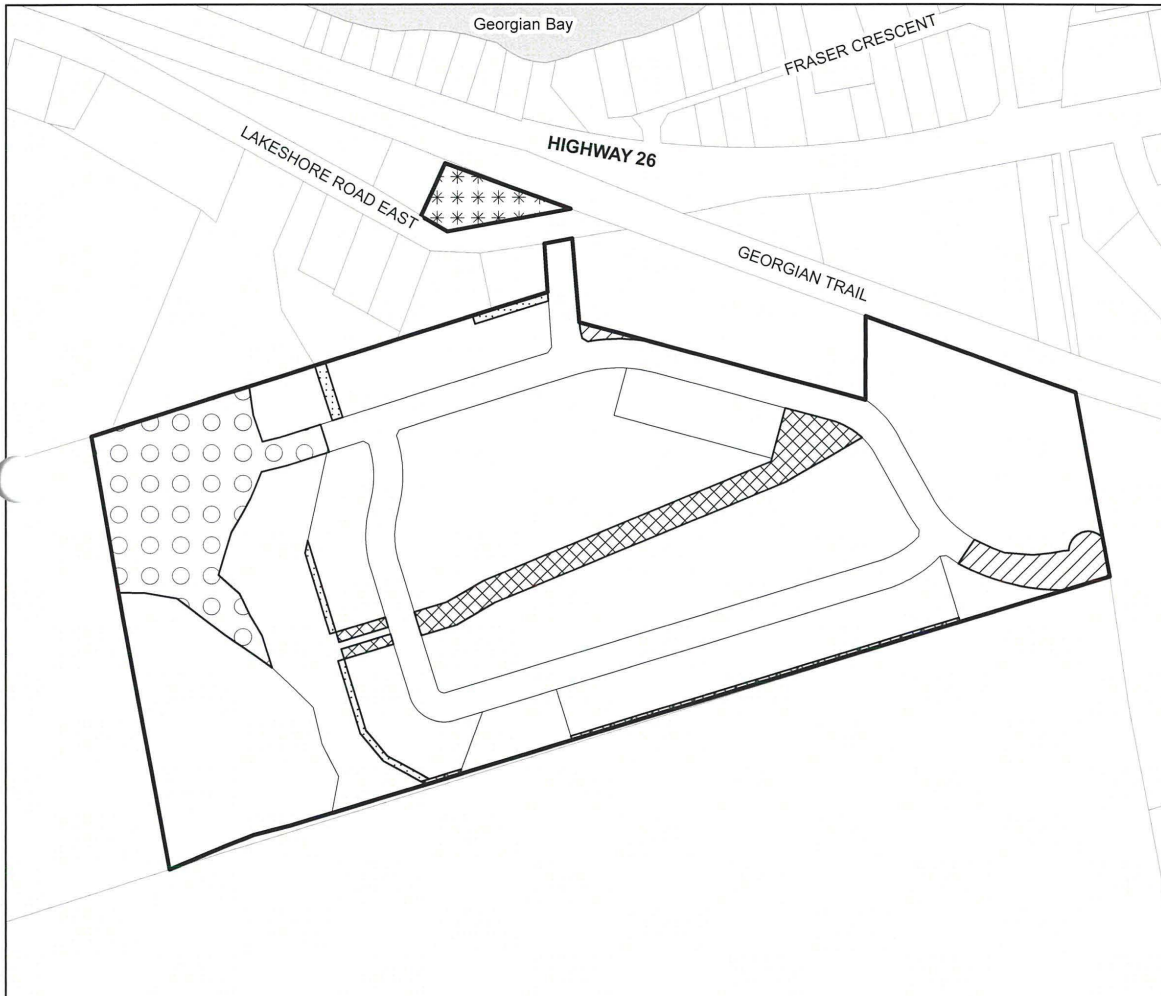
APPROVED BY THE ONTARIO LAND LOCAL PLANNING APPEAL TRIBUNAL.
ORDER: _____



Schedule 'A' to Zoning By-law _____

Without Prejudice

Part Lots 158, 173 and 174
Registered Plan 529
(Geographic Township of Collingwood)
Town of the Blue Mountains
County of Grey



Land to be zoned Open Space (OS)



Land to be rezoned from Open Space (OS) to Residential Two Exception (R2-103-h27)



Land to be rezoned from Residential Two Exception (R2-103-h27) to Open Space (OS)



Land to be rezoned from Residential Two Exception (R2-104-h27) to Residential Two Exception (R2-103-h27)



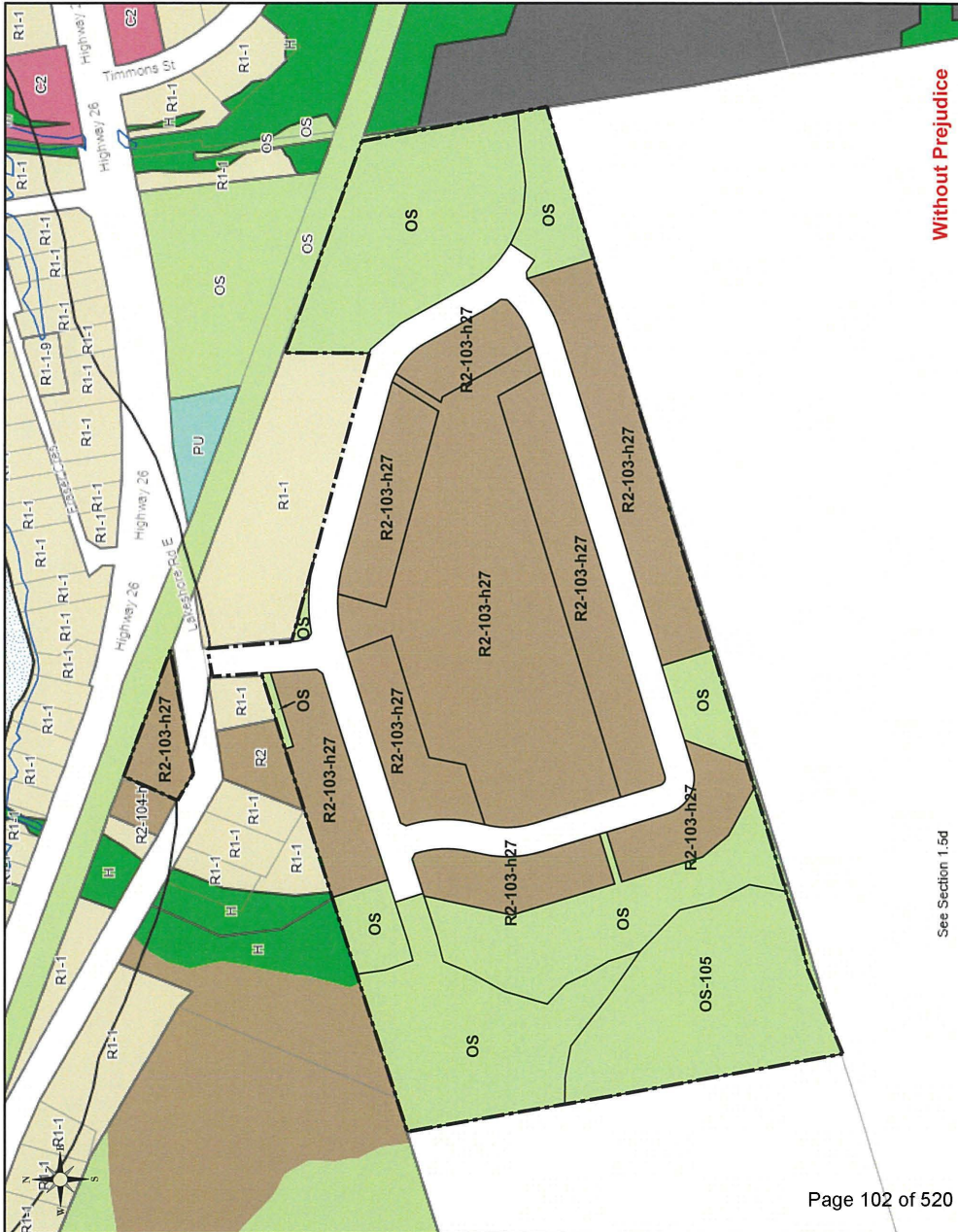
Land to be rezoned from Open Space Exception (OS-105) to Open Space (OS)

This is Schedule 'A' to Zoning By-law _____
Passed this ____ day of _____, 2023

Mayor

Clerk

Page 101 of 520



Result of Proposed Zoning By-law Amendment Once Approved

Trailshead Subdivision
Part Lots 188, 173 and 174
Registered Plan S29
Town of The Blue Mountains
County of Grey

Legend

- Property Boundary
- Residential One (R1-1)
- Residential Two (R2)
- General Commercial (C2)
- Development (D)
- Public Utilities (PU)
- Open Space (OS)
- Wetland (WL)
- Hazard (H)

Without Prejudice

See Section 1.5d

Page 102 of 520

October 2022

Source
The Town of The Blue Mountains Zoning By-law #2018-65 Web Map

Scale
0 10 20 Meters 1:2000

MHC ARCHITECTURE
PLANNING
URBAN DESIGN
& LANDSCAPE
1000 SHEPPARD AVENUE EAST
SUITE 1000
SCARBOROUGH, ONTARIO M1S 1T5
TEL: (416) 291-1111
WWW.MHCARCH.COM

C

ATTACHMENT 4

OLT Case No. PL160268

No. Condition

DRAFT PLAN

1. That this approval applies to the draft Plan of Subdivision File No. 42T-2012-01, as per drawing 573-06-DP23 prepared by MHBC Planning dated September 3, 2020 with latest revisions dated October 25, 2022 showing ten (10) Residential Blocks (Blocks 1-10), nine (9) Open Space Blocks (Blocks 11-19), and Streets A, B and C, to provide for a maximum of 194 residential units, on Part Lots 158,173, and 174 Registered Plan 529, (geographic Township of Collingwood) in the Town of The Blue Mountains, County of Grey.
2. That a suitable Subdivision Agreement be entered into between the Owner and the Town of The Blue Mountains. The agreement shall contain all matters set out as Conditions of Approval as deemed necessary in this Decision and any other matters as deemed appropriate by the Town of The Blue Mountains, including financial, legal, and engineering matters, including the installation of municipal services, landscaping and other requirements of the Town of The Blue Mountains, Grey Sauble Conservation Authority, Niagara Escarpment Commission and the County of Grey including the payment of all financial obligations.
3. That the Subdivision Agreement contain appropriate conditions regarding the requirements of the Ministry of Transportation as per their letter dated August 14, 2012 including provision of the construction of left hand turn lane on Highway 26 at a time prior to the issuance of the forty-first building permit for a residential dwelling unit and a detailed storm water management report. The conditions in the Subdivision Agreement will include that confirmation be provided from the Ministry of Transportation that they are in receipt of a contract package for intersection improvements, a copy of the final Environmental Screening report for the intersection improvements and a cost estimate for the intersection improvements. The Subdivision Agreement shall include details of phasing and the posting of securities for the works to be undertaken to the satisfaction of the County, the Town and the Ministry of Transportation.
4. That the Subdivision Agreement contain provisions for phasing of the development such that:
 - A maximum of 40 units is permitted with no left-hand turn lane constructed on Highway 26 as per MTO requirements noted in Condition 3 above.

- A maximum of 100 units is permitted with only a single municipal road access provided,
- The provision of a secondary means of access shall permit the construction of a maximum of 600 units,

The Subdivision Agreement shall also contain wording that these unit maximums may be modified as provided for in the Town of The Blue Mountains Engineering Standards as reasonably determined by the Town of The Blue Mountains Development Engineering Division.

5. That the Subdivision Agreement contain a provision for the Owner to contribute to the Town's costs for completing the Environmental Assessment on Highway 26 adjacent to the lands on a pro rata basis.
6. That the Subdivision Agreement shall contain provisions related to the owner providing cash-in- lieu of parkland and recreation facilities in accordance with the Planning Act.
7. 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 and that addresses, *inter alia*, the following:
 - i. A 25 metre building setback from the healthy butternut trees on the property;
 - ii. A 30 metre building setback from the cold water stream;
 - iii. A 10 metre building setback from the base of the Nipissing Ridge
 - iv. Any hazardous areas identified by the Grey Sauble Conservation Authority;
 - v. Restrictions on the size and height of buildings on Block 1;
 - vi. Increased height permission up to 3 storeys and 11.1 metres for the Villa Units. In the case of a pitched roof on a Villa Unit building, the maximum permitted height of 11.1 metres shall be measured at the midpoint of the pitched roof but in no circumstance shall the peak of the pitched roof be higher than 13.6m;
 - vii. The imposition of a Holding (-h) prefix to be lifted upon identified conditions being met:

- Execution of a subdivision agreement
 - Registration of a Plan of Subdivision
 - Execution of a Section 37 Agreement
 - Execution of a Site Plan Agreement with respect to the proposed Condominium Block 10
 - Substantial completion of External SWM Works
- viii. Provisions for bonusing for higher density through the provision of additional recreational lands and/or facilities and shorefront dedication; cash- in-lieu; or alternative bonus provision to the satisfaction of Council for 155 units.
8. That prior to final approval by the County, confirmation is received that any existing buildings or structures on the site have been removed to the satisfaction of the Town of The Blue Mountains.
9. That the Subdivision Agreement include a requirement that prior to any site grading or servicing, that the Developer shall provide a report identifying all existing water wells and private sewage disposal systems on the subject property. The Developer shall verify to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.
10. That all easements for drainage, servicing or utility purposes shall be dedicated to the appropriate authority.
11. That the Subdivision Agreement include a clause requiring that the Developer agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Developer.
12. That the phasing details to be confirmed in the Subdivision Agreement shall include the requirement that Street A and the portion of Street B adjacent to the Chaseco Holdings Inc. lands be constructed and the associated municipal water and wastewater services be installed in the first phase of development prior to the occupancy of any residential unit on the lands, in accordance with the Easement and Shared Services Agreement dated June 29, 2005 and registered against title to the Eden Oak (Trailhead) Inc. lands as Instrument #508167 and assigned to and assumed by Eden Oak (Trailhead) Inc. as described in Instrument #526216.

13. That the public streets shall be named to the satisfaction of the Town of The Blue Mountains.

14. That Blocks 14 and 17 be deeded to the Town of The Blue Mountains for environmental protection purposes.

15. That Block 11 be deeded to the Town of The Blue Mountains for stormwater management and open space purposes.

16. That Blocks 13, 18 and 19 be deeded to the Town of The Blue Mountains for open space purposes.

That Block 12 be deeded to the Town of The Blue Mountains for future road purposes and open space purposes.

That Block 16 be deeded to the Town of The Blue Mountains for open space purposes (public park)

That Block 16 contain a 6.0 metre wide emergency transportation corridor.

17. That Block 15 be deeded to the Town of The Blue Mountains as an open space/archaeological protection area at no cost to the Town. The subdivision agreement will provide that this Block is intended to be left undeveloped.

18. That prior to final approval by the County, the developer has prepared a detailed engineering and drainage report by a qualified consultant which describes the stormwater drainage system for the proposed development on the subject lands to the satisfaction of the Town of The Blue Mountains, Ministry of Transportation and the Grey Sauble Conservation Authority, and that said report be incorporated into the Subdivision Agreement with the Town. The report shall 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 and 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 onsite and/or in downstream areas during and after construction;
 - vi. The technique to be utilized to ensure that all stormwater overland flow routes shall be restricted within roads or approved outlets only, and;
 - vii. That Block 11 be designed to incorporate a public trail.
19. That prior to final approval by the County, the Developer has prepared a detailed soils investigation by a qualified geotechnical engineer to be submitted to the Town of The Blue Mountains.
20. That prior to final approval by the County the Developer shall submit to the Town the following;
- i. A Phase 1 Environmental Site Assessment as per MECP guidelines;
 - ii. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 ESA as per MECP guidelines;
 - iii. 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, Conservation and Parks;
 - iv. A copy of a Record of Site Condition and confirmation of the filing of the record of Site Condition in the Environmental Site Registry.
21. That the Subdivision Agreement contain specific clauses related to the required Engineering Standards of the Town including but not limited to the following:
- i. The appropriate horizontal and vertical alignments of all roads and underground services including their intersection geometries;
 - ii. That suitable construction traffic routes are identified to the satisfaction of the Town;
 - iii. The street lighting system on all roadways be designed and constructed to the satisfaction of the Town.
22. That the Subdivision Agreement include a requirement that arrangements be made with Canada Post and the Town's Engineering and Public Works 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.

23. That should Community Mailboxes be required, that the Subdivision Agreement contain further clauses requiring that the Developer 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.
24. That prior to final approval, the developer prepare a Landscape Analysis, Trees Preservation and Landscape Plan by qualified consultant to the satisfaction of the County, the Town of The Blue Mountains, the Grey Sauble Conservation Authority and the Niagara Escarpment Commission. The Landscape Plan shall include amongst other matters special provisions with regard to the reforestation of the open space blocks and stream corridor at the rear of Blocks 11, 14, and 17 within the property, to ensure that the existing vegetation on the periphery of the site be maintained and protected during the development process and that said plan be incorporated into the Subdivision Agreement with the Town. The Landscape/Tree Preservation Plan will also need to address the protection of the Red Mulberry Tree identified within Block 1 to the satisfaction of the Ministry of the Environment Conservation and Parks (MECP) by identifying specific measures to protect the tree, including ensuring that the tree is not harmed or harassed during the construction phase and that its habitat is protected with appropriate buffers. Alternatively, a hybridity test could be conducted to the satisfaction of MECP to determine if the tree is a true Red Mulberry.
25. That a road widening over Block 1 be dedicated to the Town to accommodate a minimum 80 metre centreline horizontal right of way radius on Lakeshore Road East.
26. That prior to any site alterations or construction, the box culvert under watercourse 7 is removed / replaced to the satisfaction of the Town/County and Grey Sauble Conservation Authority (GSCA). Any in-water works associated with the removal/replacement of the box culvert may require consultation with the Department of Fisheries and Oceans (DFO) and/or the Ministry of Natural Resources and Forestry (MNRF). The developer will provide confirmation to the Town, the County and GSCA that consultation has occurred with DFO and MNRF prior to any site alteration or construction.
27. That Block 16 is zoned Open Space.

28. That prior to final approval, a copy of the fully executed Subdivision Agreement between the developer and the municipality shall be provided to the County of Grey.
29. That prior to final approval being given, that the County is advised in writing by the Grey Sauble Conservation Authority, how Conditions 7, 18, 24, 26 and 27 have been satisfied in accordance with any matters as mandated through the Conservation Authorities Act.
30. That prior to final approval being given, that the County is advised in writing by the Niagara Escarpment Commission, how Condition 24 have been satisfied.
31. That prior to final approval being given, that the County is advised in writing by the Ministry of Transportation, how Conditions 3, 4 and 18 have been satisfied.
32. That prior to final approval being given, that the County is advised in writing by the Ministry of the Environment Conservation and Parks how Condition 24 has been satisfied as it relates to the potential Red Mulberry tree.
33. That prior to final approval being given, that the County is advised in writing by the Town of The Blue Mountains how Conditions 2 to 28 and Conditions 37 to 47 have been satisfied.
34. If final approval is not given to the revised draft plan within three years of the revised draft approval date, and no extensions have been granted by **<INSERT DATE>**, 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 local municipality and the County must be submitted to the Ontario Land Tribunal, prior to the lapsing date. Please note that an updated review of the revised Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.
35. That the owner, submit to the County of Grey with a computer disk containing a digitized copy of the Final Plan in a format acceptable to the County of Grey.
36. This plan may be registered in phases.
37. That the Subdivision Agreement include wording that the Owner acknowledges that the construction of the External Regional SWM Works must be substantially complete, prior to issuance of building permits beyond Phase 1A (location and unit count as identified on the Trailhead Subdivision Phasing Plan, Revision No. 3, dated October 22, 2022).

38. That execution of the Subdivision Agreement, final approval, and registration of all or part of this plan of subdivision may not take place until the Approval Authority has been notified in writing by the Town Director of Operations that:
- i. Sufficient Water and Wastewater Plant capacity exists to accommodate this development; and,
 - ii. Sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are constructed and commissioned.
39. That the Subdivision Agreement shall contain wording that details the water and wastewater treatment capacity allocated to the development and timing related to such allocation. The Owner acknowledges that this Draft Plan Approval provides water plant and sanitary sewer plant reservation. Draft Plan Approval does not constitute a commitment by the Town to provide servicing access to the Town's water or waste wastewater treatment plants or allocation of associated built capacity.
40. The Owner shall not commence any work or site alteration on the subject lands, including filling, grading, removing trees and/or topsoil; installing any works, or constructing any buildings or structures until they have entered into a Subdivision Agreement or Pre-Servicing Agreement with the Town, in a form satisfactory to the Town. The Owner shall submit all supporting materials as required by the Town or any applicable authority prepared by a qualified professional and shall agree to implement the recommendations of the reports, studies and plans in the Subdivision Agreement to the satisfaction of the Town and any other applicable authority.

Warning Clauses

41. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to a public walkway, advising of the potential for exposure to pedestrian traffic and related noise from time to time, to the satisfaction of the Town.
42. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers advising that buildout of the development may generate construction related noise, vibration, dust and other such nuisances.
43. The Owner shall agree in the Subdivision Agreement to place the following notification in all offers of purchase and sale for all lots and/or units:

- a. "Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal."
- b. "Purchasers and/or tenants are advised that the homeowner's builder is responsible for the timing and coordination of rectifying lot grading matters which occur prior to assumption."
- c. "Purchasers and/or tenants are advised that prior to the placement of any structures in side and rear yards, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work."
- d. "Purchasers and/or tenants are advised that private landscaping is not permitted to encroach within the Town's road allowance, public open space or environmental areas. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption."
- e. "Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of swales and rear lot catch basins."
- f. "Purchasers are advised that any unauthorized alteration of the established lot grading and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots."
- g. "Purchasers and/or tenants are advised that the homeowner's Builder is required to ensure the lot is graded to the approved lot grading plan and to have the lot grading certified prior to the reduction/release of any post lot grading securities. The Builder is to advise the purchaser once the lot has been graded to the approved plan and certification has been provided to the Town. The purchaser and/or tenant will be provided a period of time in which contest any grading issues. Should the purchaser not contest the grading certificate completed by the Builder, the purchaser will then assume full responsibility for the lot grading beyond that point. Purchasers are advised that they are not permitted to modify or alter the grading of their lot without prior written approval from the Town of The Blue Mountains."
- h. "Purchasers are advised that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding", or in an alternate school within or outside of the community."
- i. Purchasers are advised that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be

amended from time to time, school buses will not enter cul-de-sacs and school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce."

Neighbourhood Information Mapping

44. That prior to execution of any Subdivision Agreement, the Owner shall submit a Development Communications Plan for review and approval by the Town. The Development Communications Plan shall inform the Town and area residents of Significant Site activities and include:
- a. Installation of a Project Notification Sign, 1.2 m x 2.4 m minimum, to Town template, at each construction access to the Lands and visually obvious to the public, at least two (2) weeks before the construction start date, and maintained for full duration of construction.
 - b. Notification of the construction project to property owners as deemed appropriate in consultation with Development Engineering via hand/mail delivery.
 - c. Schedules of intended site activities updated routinely (typically, weekly to bi-weekly).
 - d. A minimum of two (2) weeks' notice following Town approval and prior to commencement of significant site activities including such as site alteration works as tree clearing & grubbing, commencement of site servicing/grading, placement of asphalt, concrete curbs and sidewalk, landscaping and off-site works on Town Owned Lands/Roads following receipt of appropriate approvals.

Furthermore the Owner agrees in the Subdivision Agreement to organize and participate in monthly communication meetings with abutting residents as may be required by the Town. These communication meetings will provide updates related to on-site activities such as construction access, earth movements, foundation works, installation of asphalt and curbing, dust control and house construction.

45. That the Owner shall provide in each of the sales offices a large coloured map, not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of The Blue Mountains Official Plan and a prominent note indicating that further information can be obtained from the Town of The Blue Mountains Planning Services Department.

46. The Developer shall prepare a preliminary Neighbourhood Development Information Map for the subdivision, to the satisfaction of the Town's Director of Planning & Development Services. The Map is to be posted in a prominent location at the entrance to the development, in each sales office from where homes in the subdivision are being sold, and included within the individual purchase and sale agreements. The Map shall include the location and type of parks, open space/ valleyland and walkways, a general description of their proposed facilities as well as the following information:
- e. All approved street names,
 - f. The proposed land uses within the subdivision based on the draft approved plan,
 - g. The immediately surrounding existing and proposed land uses,
 - h. The approved phasing of the development (if applicable) and construction access routes,
 - i. The approximate locations and types of other fencing within the subdivision,
 - j. Where parks and open space, stormwater management facilities and walkway/vista blocks/ servicing blocks are located,
 - k. The types and locations of parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance,
 - l. The locations of all anticipated CBM's,
 - m. The following standard notes:
 - i. "This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town's Planning & Development Services Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday."
 - ii. "Please Note: this map is based on information available on (month/year) and may be revised without notice to purchasers."
 - iii. "Some streets in this subdivision will be extended in the future and temporary access roads may be closed."
 - iv. "There may be catch basins or utilities easements located on some lots in this subdivision."
 - v. "Environmentally sensitive areas, hazard lands, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks

are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the natural environment."

- vi. "Community mailboxes (CBM's) will be directly beside or in front of some lots."
- vii. "Purchasers are advised that the final location of walkways in Blocks may change without notice."
- viii. "Streets may contain on-street parking, and may be available for overnight parking, subject to parking permits."
- ix. "The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings."
- x. "Neighbourhood and/or boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance."
- xi. "The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures."
- xii. "Gates are not permitted in fences when lots abut publicly owned lands, including but not limited to open space lands, hazard lands, a trail, valleyland, active park, woodlot or stormwater management pond."
- xiii. "The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot."
- xiv. "The Town of The Blue Mountains is responsible for household garbage, recycling and green bin collection after certain levels of occupancy have been achieved within this development or a phase. For further information, please contact the Town at 519-599-3131."
- xv. "For further general information on proposed and existing land use, please call the Town's Planning Services Division 519-599-3131."
- xvi. "For detailed grading and berming information, please call the Town's Development Engineering Division 519-599-3131"

47. The developer shall ensure that each builder selling homes within the subdivision provides prospective purchasers as part of any offer of purchase and sale agreement the material referred to in the previous Draft Plan condition.

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. Clearances are required from the following:

Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, ON, N0H 2P0

Grey Sauble Conservation Authority
237897 Inglis Falls Road, Rural Route #4
Owen Sound, ON, N4K 5N6

Niagara Escarpment Commission
1450 7th Avenue East
Owen Sound, ON, N4K 2Z1

Ministry of Transportation
659 Exeter Road
London, ON N6E 1 L3

Ministry of Environment, Conservation and Parks
733 Exeter Road
London, ON N6E 1 L3

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. 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 and Climate Change Resources under the Ontario Water Resources Act, RSO 1990, as amended.
6. All measurements in subdivision final plans must be presented in metric units.
7. The final plan approved by the County 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.