



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: March 19, 2024
Report Number: PDS.24.046
Title: Recommendation Report - P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium 516681 7th Line (Dunnccap) County File 42CDM-2023-05
Prepared by: Adam Farr, Senior Planner

A. Recommendations

THAT Council receive Staff Report PDS.2024.046, entitled “Recommendation Report - P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium 516681 7th Line (Dunnccap) County File 42CDM-2023-05” and dated March 19 2024.

AND THAT Council support a recommendation to Grey County to grant Draft Plan Approval for a Vacant Land Condominium for the lands at 516681 7th Line, County File 42CDM-2023-05 subject to the Draft Plan Conditions described in Attachment 1.

B. Overview

This application for approval of conditions for a Draft Plan of Vacant Land Condominium (Town file 3358 and County file 42-CDM-2023-005) proposes:

- 22 residential lots;
- A private road;
- Open Space lands; and
- dedication of a 7th Line road widening to the Town.

An application was filed for a Zoning By-law Amendment for the same lands and was approved at the March 11, 2024 Council meeting by way of report PDS.24.029. That Zoning By-law is subject to various site-specific exceptions addressing required details of the land use and related provisions along with holding provisions that must be met before the zoning comes fully into effect.

Proposed draft plan of vacant land condominium conditions of approval are set out in Attachment 1. The conditions include those that are required to be fulfilled through:

- completion and approval of various studies, reports and drawings to the satisfaction of the Town and other agencies;
- entering into an agreement or agreements to secure various legal, financial and other matters as required;
- fulfillment of required financial and other obligations, conveyance of lands to the Town as required etc.
- creation of lots, blocks, parts, easements and conveyance of to the Town of associated lands

Generally, this culminates in, among other things, the registration of the draft plan of vacant land condominium, and the legal creation of the different lots, blocks, parts, and easements, after which building permits can be issued in accordance with the zoning and approved plan and construction of new homes can commence.

Outstanding issues associated with this file require clearance, confirmation and approval through preparation of additional studies and resolution of outstanding matters addressed in the proposed draft plan of vacant land condominium conditions. Holding By-law provisions are also in place to address outstanding issues and requirement fulfillment before the Zoning can come into effect.

C. Background

The subject lands are located at 516681 7th Line adjacent to the Georgian Bay Club which includes a condominium residential development and a golf course. The lands are currently occupied by a residential dwelling and accessory structures, are otherwise forested and designated significant woodlands.

Surrounding lands are as follows:

To the North: condominium development of semi-detached residential dwellings on lands designated Residential/Recreational Area and zoned Residential Two Exception (R2-107).

To the East: golf course on lands designated Recreational Commercial Area in the Town's Official Plan and zoned Recreation Two (REC 2).

To the South: golf course on lands designated Recreational Commercial Area in the Town's Official Plan and zoned Recreation Two (REC 2).

To the West: forested lands and single detached residential and accessory buildings on forested lands designated Rural in the Town's Official Plan and zoned Rural (RU).

A pre-consultation meeting was held on April 7, 2022. The materials submitted with the applications include:

- Planning Justification Report
- Proposed Draft Plan of Vacant Land Condominium

- Environmental Impact Study
- Traffic Impact Study
- Scoped Golf Spray Analysis
- Landscape Analysis
- Stage 1 and 2 Archaeological
- Preliminary Functional Servicing Report
- Geotechnical Report
- Letters acknowledging the proposal from adjacent condominium corporation
- Confirmation of First Nation consultation

Applications for both a Zoning By-law Amendment and Draft Plan of Vacant Land Condominium were deemed complete on December 21, 2023. The applications were circulated for Department and agency review and a public meeting was held on January 29 2024.

The 90-day decision making time frame for the Zoning By-law Amendment, after which financial penalties are imposed and appeal rights to the Ontario Land Tribunal are triggered, was set to expire on Friday March 21, 2024. The Zoning By-law was approved on March 11, 2024, within the 90 day timeline, and the Zoning By-law Amendment is subject to a 20 day appeal period that expires on March 31, 2024. The accompanying report PDS24.029 provides a Planning Analysis demonstrating how the associated By-law meets the Ontario planning framework.

The Draft Plan of Vacant Land Condominium application is subject to a 120 day decision making period after which, if a decision is not made in that time, an appeal may be filed by the applicant to the Ontario Land Tribunal and that date falls on April 20, 2024.

The Zoning By-law sought redesignation from the previous Development (D) Zone to Residential One – One (R1-1) and Open Space. That By-law was approved with site specific use and provision exceptions and applied a range of Holding provisions. The related Draft Plan of Vacant Land Condominium proposed:

- 22 residential lots;
- A private road;
- Open Space lands; and dedication of a 7th Line road widening to the Town.



The proposal contemplates large lot single detached custom homes subject to architectural control.

Lot size	from 1272m2 to 2652m2
Frontage	from 18.68m to 27.75m
Depth	from 42.42m to 85.9m

A range of issues were identified in the review process that resulted in Holding provisions being applied to the By-law that are required to be addressed and/or fulfilled before the zoning comes fully into effect. The Holding provisions generally address the following requirements:

- to demonstrate access to a public road and address integration of the subject development with surrounding lands where there are legal dependencies through access and service easements and access provisions to walkways and recreational facilities;
- that water and wastewater treatment and conveyance system capacity be available and allocation be provided;
- to demonstrate the viability of the proposed stormwater management solution including conveyance, storage capacity, tenure/ownership issues etc.;
- completion of an addendum Environmental Impact Study, tree inventory and protection plan and landscape plan;
- confirmation that the proposal in its entirety does not conflict with the Niagara Escarpment Plan; and
- to enter into a condominium agreement and register the draft plan of condominium including all the related requirements i.e. securities, land transfers, cash payments as required etc.

The content of the Hold is reflective of the potential impact of the related issues on the approved Zoning. Where the Holding provisions cannot otherwise be satisfied, the owner may

need to revise their application to address matters such as lot and zoning boundaries and the extent and design of the development/developable area.

Draft Plan conditions have been crafted to address implementation of the Zoning and also to establish technical application requirements for demonstrating the development can be designed and constructed in accordance with the development concept.

D. Analysis

A detailed planning analysis of the site specific zoning by-law associated with this development proposal is included as part of February 27, 2024 report PDS.24.029 File P3359 Zoning Bylaw Amendment 516681 7th Line which was approved at the March 11 2024 Council meeting. The draft plan conditions are intended to implement the related Zoning approval and are required to meet the requirements of the Provincial planning framework and meet the requirements of the Niagara Escarpment Plan. A more complete planning analysis referencing how conditions fulfill the Provincial planning framework is provided in Attachment 2. These include the:

- Niagara Escarpment Plan,
- Planning Act,
- Provincial Policy Statement,
- County of Grey Official Plan,
- Town of The Blue Mountains Official Plan, and
- Town of The Blue Mountains Zoning By-law

In addition, this property includes elements that fall within the commenting authority of the Grey Sauble Conservation Authority.

The following section provides a summary of key conditions, their purpose and intent.

Development approvals status:

As noted above the Holding provisions reference issues that require additional resolution in order to support the draft plan development concept. The draft plan conditions include:

- Reference back to those Holding provisions and confirm that the Owner is aware that inability to fulfill those requirements and/or draft plan conditions may trigger a requirement to revise either or both the Zoning and the Draft Plan.
- A clause requiring that confirmation be gained that the development concept and associated zoning does not conflict with the Niagara Escarpment Plan
- A clause requiring that the Owner agree to enter a no pre-sales agreement pending resolution of related issues dealing with outstanding questions regarding Niagara Escarpment Plan conformity, and the completion and coordination of the recommendations of the Environmental Impact Study, Tree Inventory and Protection Plan, the Landscape Analysis and the Landscape Plan that, in part, implements the related direction. The no pre-sales agreement condition is required so that, where project lotting and the extent of development may be significantly impacted, these matters are resolved before buyers are engaged in proposed development that could be subject to significant changes.

Niagara Escarpment Planning and Development Act

The Niagara Escarpment Commission (NEC) has advised that, in accordance with the Niagara Escarpment Planning and Development Act (NEPA), all development and by-laws within the Niagara Escarpment Plan (NEP) area shall not conflict with the NEP. This requires that related draft plan conditions be appropriately designed so that, in the event the draft plan and the By-law cannot meet the requirements of the NEC, the project is revised through project design revisions and changes to either or both of the Zoning By-law and Draft Plan Conditions.

Related draft plan conditions include requirements as follows:

- No pre-sales agreement conditions as noted above,
- Acknowledgement of the content of the Holding provisions and the requirement that they be satisfied or that the project design require revisions including through revisions to the Zoning By-law or Draft Plan Conditions as may be required to advance the project.

Environmental Impact Study (EIS), Tree Inventory and Protection Plan (TIPP), Landscape Analysis, Landscape Plan

Related draft plan conditions include requirements to:

- Enter into a no pre-sales agreement and agree not to offer units for sale until such time as the lotting relative to resolution of any outstanding environmental issues has been confirmed.
- Resolve outstanding questions regarding the environmental study that were raised in the review process;
- Coordinate the implementation of the approved recommendations of the EIS, TIPP, Landscape Analysis and Landscape Plan;
- Complete the Tree Inventory and Protection Plan

Water and Wastewater Treatment and Conveyance Capacity

Related draft plan conditions include requirements to:

- Assess servicing capacity and gain confirmation of availability and allocation from the Town.

Stormwater Management

Related draft plan conditions include requirements to:

- Confirm conveyance, stormwater management pond capacity and secure tenure as appropriate.

Easements

Related draft plan conditions include requirements to:

- Finalize easements to address dependencies and integration of the proposed development concept into the surrounding area.

General Provisions

Related draft plan conditions include requirements to:

- Complete studies as required;
- Pay for the costs of peer review of specific studies as required;
- Address various administrative and technical matters including but not limited to related matters such as:

- Site construction and logistics
- Warning clauses for buyers and owners regarding information of interest to them
- Conveyance of lands to the Town where required;
- Completion of all required technical studies

Response to Public meeting comments

At the public meeting one comment was received from a member of the public who expressed concern about the cumulative loss of treed areas and woodlands in the Town. The proposed draft plan conditions address the related issues through the requirement for confirmation of the approvals status of the Environmental Impact Study and provisions for addressing implementation of related recommendations.

E. Strategic Priorities

All of the following goals and objectives are directly or indirectly addressed through the recommendations of this report.

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

The recommendations contained in this report address environmental policies and issues identified within the Planning framework. While there are some remaining questions regarding the scope of environmental issues on this property the structured framework of this approval allows for the proposed development concept to advance subject to further review, fulfillment of the provisions of the Holding By-law and final approval and clearance of the recommended draft plan conditions.

G. Financial Impacts

Decisions of Council on planning applications may be subject to an appeal to the Ontario Land Tribunal (OLT). Depending on the scope of the appeal and Town involvement in the appeal process, additional financial obligations may be required.

H. In Consultation With

This report was completed in consultation with the Director of Planning and Development Services and was the subject of circulation and review by commenting agencies and Departments and the applicant.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on January 29, 2024. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

Any comments regarding this report should be submitted to Adam Farr, Senior Planner planning@thebluemountains.ca.

J. Attached

1. Attachment 1 Proposed Draft Plan Conditions
2. Attachment 2 Planning Analysis

Respectfully submitted,

Adam Farr, Senior Planner

For more information, please contact:

Adam Farr, Senior Planner
planning@thebluemountains.ca
519-599-3131 extension 283

Report Approval Details

Document Title:	PDS.24.046 P3358 Conditions of Approval for Draft Plan of Vacant Land Condominium - County file 42CDM-2023-05.docx
Attachments:	- PDS-24-046-Attachment-1.pdf - PDS-24-046-Attachment-2.pdf
Final Approval Date:	Mar 7, 2024

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Shawn Postma was completed by delegate Adam Smith

Shawn Postma - Mar 7, 2024 - 10:54 PM

Adam Smith - Mar 7, 2024 - 10:54 PM

CONDITIONS OF APPROVAL DRAFT PLAN OF VACANT LAND CONDOMINIUM
CON 7 PART LOT 26 RP 16R3261 PART 1

This draft plan approval shall lapse on April 2, 2027. If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution/letter of support from the local municipality must be submitted to the County of Grey, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

	General Requirements	
1.	Area of Approval That this approval applies to the proposed Plan of Vacant Land Condominium located on the subject property legally described as Concession 7, Part Lot 26 Registered Plan 16R3261 Part 1, Town of the Blue Mountains, County of Grey, dated August 1, 2023 prepared by Paul R. Thomsen of Zubek, Emo, Patten and Thomsen Ltd but currently unsigned and not certified by either the surveyor or owner showing the following: <ul style="list-style-type: none">• 22 single detached condominium lots (3.71 HA),• 2 Blocks<ul style="list-style-type: none">○ Open Space (0.51 HA),○ Internal street consisting of Private Road (0.6 HA).• 3.0 m road widening	
2.	Required dating, sign off and certification of the plan of condominium That the Owner agrees that prior to the commencement of review of any submission after draft plan approval they will date and sign the draft plan of vacant land condominium and have the draft plan signed, dated and certified by a licensed surveyor.	

3.	<p>Requirement to Enter into Condominium Agreement</p> <p>That the Owner agrees, prior to final approval, to enter into and execute a Vacant Land Condominium Agreement in accordance with these Draft Plan Conditions, to be registered on title, to satisfy all requirements, financial, servicing and otherwise, of the Town of The Blue Mountains including, but not limited to, landscaping and the installation of municipal services, and other requirements of the Town of The Blue Mountains ("the Town") and the County of Grey ("the County"), as well as any statutory requirements of other government authorities, including the payment of all applicable Town and County development charges in accordance with the applicable Development Charges By-law.</p>	
4.	<p>Headings</p> <p>That the Owner agrees that the headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.</p>	
5.	<p>Agreement and Approval Requirements</p> <p>That the Owner shall enter into development and other necessary agreements or obtain necessary approvals, satisfactory to the Town or any other appropriate authority before any development or site alteration within the plan including but not limited to filling, grading, removing trees and/or topsoil, installing any works, or constructing any buildings or structures. These Agreements may deal with matters including but not limited to the following:</p> <ul style="list-style-type: none"> i. Engineering works which include but are not limited to: <ul style="list-style-type: none"> a) Municipal water, sanitary sewer services; b) Professional services including preparation of reports, plans, inspections, certifications and approval; c) Drainage, stormwater management; d) Storm sewers and infiltration galleries; e) Road and intersection construction; f) Securities, cash contributions, development charges; 	

	<ul style="list-style-type: none"> vii. Emergency services; viii. Land dedications and easements, reserves; ix. Hydro, Street Lighting, Natural Gas and Telecommunication Utilities; x. Architectural Control; xi. Grading and sodding; xii. Fencing & Landscaping; xiii. Trails/walkways; xiv. Fire Break Plan, if required; xv. Construction Implementation and/or Mitigation Measures; xvi. Warning clauses, signed entry features and safety hoarding; xvii. Public notification, signage and minimum notice periods. xviii. Tree retention, protection, compensation, enhancement plantings, <p>the details of which may indicated in correspondence from appropriate commenting agencies and/or departments.</p>	
6.	<p>Requirement to Complete Reports Studies etc. That the Owner agrees that where a condition of approval requires the preparation of a report, study, or plan, the Owner shall:</p> <ul style="list-style-type: none"> a) Carry out, or cause to be carried out, the study, report or plan, at the Owner's expense, prior to the registration of the Plan, except in those circumstances that may be specifically authorized by the approving agency(s). b) Carry out, or cause to be carried out, the recommendation(s) or work(s) prescribed in the approved study, report, or plan, prior to the registration of the plan, except in those circumstances that may be specifically authorized by the approving agency(s). 	
7.	<p>Peer Reviews for Studies Post Draft Plan Approval That the Owner agrees that the Town reserves the right to have any of the detailed reports and drawings peer reviewed by an appropriate third party professional at the Owner's expense, subsequent to draft approval. This may include, but not be limited to:</p>	

	environmental impact study, urban design, architectural design, stormwater management, functional servicing report, comprehensive servicing analysis, tree inventory and protection plan, landscape plan and other studies as may be necessary. The Owner shall make payment for all peer review costs incurred by the Town prior to the execution of the Condominium Agreement.	
8.	<p>Standard of Works and Requirement to Enter Agreements as Required by Town and County</p> <p>The Owner shall agree in the Condominium Agreement that all of the works required by the Town, the County, other government authorities and utility providers for the development and servicing of the lands shall be designed and installed in accordance with the Town's Engineering Standards, and Provincial & Federal Guidelines & Standards, that are in effect at the date of execution of the Condominium Agreement to the satisfaction of the Town. Where compliance with Town Engineering Standards necessitates offsite works, (i.e. water distribution, sanitary sewer, or stormwater management system upgrades) the owner shall enter into agreements with the Town and/or the County to implement or enter into costs sharing agreements for the requisite offsite works, to the satisfaction of the Town.</p>	
9.	<p>Zoning in Effect</p> <p>That prior to final approval by the County, appropriate zoning is in effect for this proposed condominium that conforms to the County of Grey Official Plan and the Town of The Blue Mountains Official Plan.</p>	
10.	<p>Holding Provisions and Changes to Zoning By-law and Draft Plan Conditions</p> <p>The Owner acknowledges and agrees that:</p> <ul style="list-style-type: none"> • this Draft Approval applies to all lands described under Section 1 to these conditions; and • Holding provisions of the Zone shall be fulfilled in their entirety before final approval and the owner agrees not to request the removal of the Holding provision until such time that: <ul style="list-style-type: none"> a) Execution of a Vacant Land Condominium Agreement. 	

	<ul style="list-style-type: none">b) Registration of a Plan of Vacant Land Condominium.c) Registration of a Condominium declaration demonstrating unit owner access to/over walkways and recreational facilities including but not limited to Condominium Corporation GSCC 105 and the Georgian Bay Club to the satisfaction of the Town of The Blue Mountains.d) Registration of easements to the satisfaction of the Town of the Blue Mountains, the County of Grey and Grey Sauble Conservation Authority over Condominium Corporation GSCC 105, Georgian Bay Golf Club lands and any other lands as required to: • establish access to a public street, • allow use of services and or easements over services, • secure conveyance to and use of stormwater facilities; and, • provide for any other easements as may be required.e) Confirmation and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of The Blue Mountains and the County of Grey.f) Demonstration that the receiving stormwater pond has sufficient capacity to receive flows from the subject lands, the outfall is appropriately designed, conveyance and storage is secured and all tenured appropriately to the satisfaction of the Town of The Blue Mountains, County of Grey, and Grey Sauble Conservation Authority.g) Submission of an addendum Environmental Impact Study and Tree Inventory and Protection Plan including compensation as required and landscaping plan and coordinated implementation plan to the satisfaction of the Town of The Blue Mountains, County of Grey and Niagara Escarpment Commission.	
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	<p>h) Prior to fulfillment of any of the Holding provisions confirmation is required from the Niagara Escarpment Commission that the subject zoning, any draft plan of subdivision/condominium and any development on these lands does not conflict with the Niagara Escarpment Plan;</p> <p>and that, in the event any of the Holding provisions cannot be met without requiring changes to the Zoning By-law and/or Draft Plan of Vacant Land Condominium and Conditions of Approval, the Owner agrees to file the necessary Planning Act applications subject to municipal and agency requirements at their expense and gain required approvals.</p>	
11.	<p>Niagara Escarpment Plan</p> <p>The Owner acknowledges and agrees that, prior to the fulfillment of any conditions, confirmation be provided from the Niagara Escarpment Commission that the subject zoning, any draft plan of subdivision/condominium and any development on these lands does not conflict with the Niagara Escarpment Plan to the satisfaction of the Town and County.</p>	
12.	<p>No Pre-sales Agreement</p> <p>The Owner acknowledges and agrees that they shall enter into a no pre-sales agreement which prevents pre-sales and not to offer lots/units for pre-sale pending submission and approval of a Tree Inventory and Protection Plan, Environmental Impact Study, landscape plan, and Stormwater Management Plan and confirmation that the subject zoning, any draft plan of subdivision/condominium and any development on these lands does not conflict with the Niagara Escarpment Plan to the satisfaction of the Niagara Escarpment Commission, County and Town.</p>	
	Servicing Grading and Road Requirements	
13.	<p>Comprehensive Servicing Analysis/Availability and Allocation of Services</p> <p>That the Owner agrees that prior to entering into a pre-servicing and/or condominium agreement a Comprehensive Servicing Analysis and Site Servicing Plan will be prepared and submitted to show how the</p>	

	Development intends to be fully serviced with municipal sewer and water from the Town's system to the satisfaction of the Town and subject to peer review as may be required at the applicant's expense.	
14.	<p>County Requirement re: availability and allocation of services</p> <p>That prior to final approval and registration of the Plan, the Town shall provide confirmation to the County that there is sufficient water and sanitary capacity available and allocated to service the entire plan of condominium, based on actual usage, as determined by the Town's monitoring of water flows and sanitary sewer flows to the satisfaction of the Town.</p>	
15.	<p>Save Harmless Provisions re: servicing</p> <p>The Owner shall agree in the Condominium Agreement that the Owner shall save harmless the Town and County from any claim or action as a result of water or sanitary sewer service not being available when anticipated.</p>	
16.	<p>Confirmation and Allocation of Water & Wastewater Treatment Plant and Conveyance Capacity</p> <p>The Owner acknowledges and agrees that this Draft Plan Approval does not constitute a commitment by the Town to provide servicing access to the Town's water or wastewater treatment plants or allocation of associated built capacity. Prior to execution of a Pre-Servicing Agreement and/or Condominium Agreement with the Town, sufficient water and sanitary sewer capacity shall be confirmed as available and allocated by the Town under prescribed terms and conditions and on a time limited basis as prescribed by and to the satisfaction of the Town and as agreed to in the Pre-servicing and/or Condominium Agreement.</p>	
17.	<p>Lot Frontage Area and Site Specific Info</p> <p>That the Owner agrees, prior to final approval, to provide lot frontage, area, and site specific information as necessary to ensure that all lots and blocks conform to the Zoning By-law.</p>	

18.	Street Naming That the Owner agrees that all streets included in the plan of condominium shall be addressed and named to the satisfaction of the Town of The Blue Mountains with naming priority based on the approved Council list and shall be constructed to the Town or approved standards at the time of registration.	
19.	Condominium Agreement – Installations and Connections to Water/Wastewater Infrastructure That the Owner shall agree in the Condominium Agreement to provide for all necessary installations and connections to any existing municipal storm drainage, sanitary sewer collection and water servicing systems to service the proposed development, to the satisfaction of the Town.	
20.	Requirement re: Stormwater Management That the Owner agrees that prior to final approval: <ul style="list-style-type: none"> • a final detailed Stormwater Management Report and • a detailed Grading Plan that addresses site conditions within the wetland areas shall be prepared by the Owner to the satisfaction of the Grey Sauble Conservation Authority and the Town.	
21.	Detailed Engineering and Drainage Report re: Stormwater Management That prior to execution of a Pre-Servicing Agreement or Condominium Agreement, a detailed engineering and drainage report will be provided which describes the stormwater drainage system for the proposed development on the subject lands to the satisfaction of the Town. The Plan shall demonstrate how the drainage system will tie into the drainage of surrounding properties and how external drainage and site drainage is appropriately conveyed.	
22.	Ontario Building Code and Engineering Standards That the Condominium Agreement shall contain specific clauses related to the required Ontario Building Code / Engineering Standards, as applicable, of the Town and County of Grey including but not limited to the following:	

	<p>i. The appropriate horizontal and vertical alignments of all roads, including their intersection geometrics, and underground services;</p> <p>ii. That suitable construction traffic routes are identified to the satisfaction of the Town and County of Grey; and,</p> <p>iii. The street lighting system on roadways be designed and constructed to the satisfaction of the Town. The Condominium Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant.</p>	
23.	<p>Road Widening</p> <p>That the Condominium Agreement between the Owner and the Town provide for the dedication of a 3 metre 7th Line road widening (Block) to be conveyed to the Town without monetary consideration and free and clear of all encumbrances and that these lands be conveyed at the Town's option, and the Town may require the Owner to make such dedication as part of the Town's inhibiting order arising from final registration. The dedication and the timing of same is to be to the satisfaction of the Town.</p>	
24.	<p>Public Land Conveyance</p> <p>That the Owner agrees to grant all easements or blocks as required, free and clear of any encumbrances, to the Town or other appropriate authority.</p>	
25.	<p>Easements</p> <p>The Owner acknowledges and agrees that confirmation of easements over adjacent condominium corporation GSCC 105 and the Georgian Bay Club are required as appropriate for all required infrastructure dependencies including but not limited to access to a public street, access over walkways and to facilities unless otherwise secured, conveyance of stormwater to storm pond and from stormwater pond to discharge, stormwater pond use, use, water and wastewater services their use and maintenance and shall be in place prior to entering a pre-servicing or condominium agreement to the satisfaction of the Town.</p>	

26.	<p>Temporary Works</p> <p>That the Owner agrees to construct all works, which must be considered temporary to facilitate the development of the subject property. These works may include, but are not limited to; emergency access, temporary cul-de-sacs, erosion protection, tree protection and stormwater facilities.</p>	
27.	<p>Retaining Walls</p> <p>That the Owner agrees that, unless otherwise shown on the approved engineering drawings, all retaining walls shall be constructed entirely on private property. The Owner further agrees to notify any purchaser and to register on title warning clauses advising purchaser that they are responsible for the cost and maintenance of the retaining walls and that they will require permits from both the Town any works related to the retaining walls.</p>	
28.	<p>Temporary Construction Access</p> <p>That the Owner agrees and acknowledges that a suitable temporary construction access road be provided to direct development construction activity away from Club Drive and that all required approvals be applied for from the Town and gained. This temporary access is subject to required permit approval and is to be constructed to the satisfaction of the Town. The Condominium Agreement will provide for the timing of the closure and decommissioning of this temporary road access.</p>	
29.	<p>Construction Fence and Tree Protection</p> <p>That the Owner agrees to install the temporary construction fence (along the perimeter of the development) and the required tree protection prior to commencing any on-site works. The details and the location of the temporary construction fencing and tree protection fencing shall be clearly shown on the approved Erosion and Sediment Protection drawing submitted to the Town as part of the engineering submission. It is the Town expectation that all temporary construction fencing and tree protection will be inspected and document by the Owner's Engineer on a weekly basis and that all deficiencies noted are repaired within a minimum 2 calendar days of the date of inspection and that such performance measures</p>	

	are available for review within 24 hours on request by the Town.	
30.	Functional Servicing Report That the Owner agrees to complete the functional servicing report in accordance with approved terms of reference to the satisfaction of the Town.	
31.	Traffic Study That the Owner agrees to complete the Traffic Impact Study in accordance with approved terms of reference to the satisfaction of the Town.	
32.	Sediment, Erosion and Mud Tracking That the Owner agrees to have prepared by their Engineer and have implemented by their contractor an Erosion and Sediment Control Plan. This plan will address items such as, but not limited to, mud tracking prevention, temporary storm water management (Quantity and Quality), sediment control, erosion prevention, regular inspection and documentation by the Engineer, immediate repairs to deficiencies, tree preservation, temporary perimeter construction fencing and shall address all phases and stages of construction. It is the Town's expectation that the engineer shall, at a minimum, provide weekly inspection of the implemented design and, as required, recommend modification to the plan to suit the site condition and time of year. The monitoring by the Owner's Engineer shall continue through the home building stage of construction and shall only terminate once the site has been stabilized to the Towns satisfaction. All deficiencies noted during any inspection shall be recorded and rectified within two calendar days and be available and provided to the Town on request within 24 hours. That the Owner further agrees to stabilize all disturbed soil within 30 days of being disturbed, control all noxious weeds and maintain ground cover, to the satisfaction of Town. Through the condominium agreement and/or site alteration permit the Owner shall provide sufficient	

	<p>securities to the satisfaction of the Town to ensure the maintenance of this plan including the required regular inspection by the Engineer.</p>	
33.	<p>Topsoil That the engineer shall submit a plan calculating the total amount of topsoil required for site restoration including all road, allowance, open space, storm water management blocks and lots plus 10% and shall identify stockpile location within the site complete with appropriate erosion and sediment control to satisfaction of the Town. It is the Towns expectation that all surplus debris and topsoil shall be removed from the site prior to the commencement of home construction.</p>	
34.	<p>0.3 m Reserves That the Owner agrees to provide 0.3 m reserves, as required where applicable by the Town.</p>	
35.	<p>Timing of Completion of Works That the Owner agrees that time is of the essence in the completion of site works as set out in the construction schedule and that failing completion of on or off site works in a timely manner as determined by the Town, securities may be drawn by the Town to complete or secure those works including but not limited to providing contractor payment from the project securities and that any amounts drawn from project securities for such implementation are to be replaced within 30 days.</p>	
36.	<p>Construction of Grading Drainage and Servicing That the Owner agrees to have, prepared and submitted, designed and constructed all grading, drainage and servicing to the satisfaction of Town.</p>	
37.	<p>Construction of Rough Grading That the Owner agrees to construct all rough grading and associated works, as deemed necessary by the Town and/or as indicated on the engineering drawings, prior to the issuance of any Building Permits.</p>	
38.	<p>Grading Plans That the Owner agrees that grading plans be prepared and submitted, as part of the detailed</p>	

	engineering submission, to the satisfaction of the Town.	
	Utilities	
39.	Composite Utility Plan The Owner, in consultation with the applicable utilities and Communications Service Providers and the Town, shall prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the condominium, as well as the timing and phasing of the installation .	
40.	Relocation of Utilities That the Condominium Agreement include a clause requiring that the Owner agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Owner.	
41.	Easements re: Utilities and Canada Post That the Owner shall grant all necessary easements and/or blocks and/or enter into agreement for drainage, utility and servicing purposes, including CRTC-licensed telephone and broadcasting distribution, as may be required, to the appropriate agency or public authority.	
	Vegetation, Fencing and Streetscape Requirements	
42.	Environmental Impact Study Addendum That the Owner agrees to submit responses to outstanding questions identified in the circulation process with regard to the Environmental Impact Study (Cambium) and gain final approval of the Environmental Impact Study also as required in concert with the requirement to demonstrate that the subject draft plan of condominium is not in conflict with the Niagara Escarpment Plan to the satisfaction of the Town, Niagara Escarpment Commission and the County.	
43.	Tree preservation, retention and protection plan That the Owner agrees to complete a tree preservation/retention/protection plan by a qualified professional, Environmental Consultant, Landscape Architect or Arborist which identifies existing trees and	

	<p>other vegetation and means of protection, restoration and enhancement, through appropriate plantings or other measures including edge management, to the satisfaction of Town and County. Recommendations from this report shall be implemented in the design and construction phases of the development. The Terms of Reference for this report must be approved by the Town and County prior to the report being prepared. The report must be submitted and approved prior to finalization of the Engineering Drawings. The report shall be approved prior to any on-site works being undertaken in accordance with an approved terms of reference to the satisfaction of the County, the Niagara Escarpment Commission and the Town.</p>	
44.	<p>Tree Compensation That the Owner agrees that any tree that cannot be retained through the tree preservation/retention/protection plan be compensated for through a tree replanting plan to the satisfaction of the County and Municipality and that all trees not retained by the tree retention plan must be replanted at a 2:1 compensation ratio to the satisfaction of the Town and the County. General landscape plantings for streetscape will not be considered compensation.</p>	
45.	<p>Edge Management Plan The owner agrees to have prepared by a qualified ecologist and submitted to the Town for approval, prior to any on-site works being undertaken, an Edge Management Plan as noted in condition 43 above in coordination with the Environmental Impact Study, Tree Inventory and Protection Plan, Landscape Analysis and Landscape Plan, which shall address the development limit of the subject area, mitigative works and to identify and specify approaches for restoration/enhancement of open lands, retained woodlands/treed areas, the Open Space block and adjacent lands. The Edge Management Plan shall also address removal of hazard trees within these areas and identify opportunities for enhancement plantings to be coordinated with the landscape plan for implementation in the design and construction phases of development. The Edge Management Plan shall be approved to the</p>	

	satisfaction of the Town, County and Niagara Escarpment Commission.	
46.	Snow Storage That the Owner agrees to provide designated snow storage locations and create associated provisions for same as common elements of the condominium plan and/or address related matters as required to the satisfaction of the Town.	
47.	Landscape Plan That the Owner agrees to provide a landscape plan to the satisfaction of the Town, County and Niagara Escarpment Commission prior to final approval.	
48.	Coordination of Landscape Analysis, Landscape Plan, Environmental Impact Study, and Tree Inventory and Protection Plan and Landscape Plan That the Owner agrees that the preparation of Landscape Analysis, Landscape Plan, Environmental Impact Study, and Tree Inventory and Protection Plan and Landscape Plan submissions and their implementation will be coordinated and that a document be prepared summarizing the interrelationship of these documents, their purpose and effect and implementation within the subject lands to the satisfaction of the Town, County, and Niagara Escarpment Commission.	
49.	Restrictive Covenant re: Landscape Strip, Tree retention and Enhancement plantings That prior to final approval, the Owner agrees to register a restrictive covenant on title on all lots including landscape strip enhancement plantings and tree retention for the purposes of ensuring that existing and/or enhancement vegetation is retained to the satisfaction of the Town.	
50.	Urban Design Guidelines That the Owner agrees to provide Urban Design Guidelines prepared by a qualified Architect/Landscape Architect prior to registration and to the satisfaction of Town.	

51.	Native Plant Species That the Owner agrees to provide for Saugeen Ojibway Nation the native plant species list to be used for revegetation and habitat enhancement, for review and modification if necessary to the satisfaction of the Saugeen Ojibway Nation.	
	Park and Open Space Requirements	
52.	Cash In Lieu That the Owner agrees to provide cash-in-lieu of parkland at a rate of five per cent of the total development area pursuant to the requirements of the Planning Act based on appraisal of the subject lands to the satisfaction of the Town.	
53.	7th Line Trail That the Owner shall provide a cash contribution to the costs of trail construction of the 7th Line trail to the satisfaction of the Town.	
54.	Walkway and Facility Access That the Owner shall provide confirmation by way of the draft condominium plan, declaration and any required easements that unit owners of the subject condominium lots are required to be members of the Golf Course and also that they have access to walkways and facilities throughout the adjacent condominium and golf course lands.	
55.	Open Space Buffer That the Owner agrees the Open Space lands on the subject lands shall be held in the Open Space Zone and that building shall not be permitted in this designation, trees shall be retained and enhanced in accordance with associated approved recommendations of the Tree Inventory and Protection Plan, Landscape Plan, Landscape Analysis and any addenda to the Environmental Impact Study and that the lands do not constitute an exemption for the purposes of calculating cash in lieu.	
	Miscellaneous	
56.	Architectural Control Guidelines: That the Owner agrees, to provide Architectural Control Guidelines prepared by a qualified Architect.	

57.	<p>Development Communications Plan That prior to execution of any Condominium 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:</p> <ul style="list-style-type: none"> i. 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. ii. Notification of the construction project to property owners as deemed appropriate in consultation with Development Engineering via hand/mail delivery. iii. Schedules of intended site activities updated routinely. (typically, weekly to bi-weekly). iv. A minimum of two (2) weeks' notice following Town approval and prior to commencement of: <ul style="list-style-type: none"> a. 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, and landscaping, and/or b. Off-site works on Town Owned Lands/Roads following receipt of a Municipal Land Use Permit (MLUP). 	
58.	<p>Archaeology That prior to final approval and registration, the Owner shall obtain a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries, that the Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.</p>	

59.	<p>Warning Clauses: That the Owner agrees to include in the Condominium Agreement Notice and Warning Clauses to be added to all pre-sales contracts and purchase and sale agreements as follows and advise in pre-sales packages and marketing information:</p> <p>Golf Course Owners and prospective purchasers shall be advised that they have purchased a development in proximity to a Golf Course and may be subject to related impacts of golf course operations.</p> <p>Acceptance of Infrastructure Owners and prospective purchasers shall be advised that surface and subsurface infrastructure i.e roads, sidewalks, streetlights, stormwater and drainage infrastructure including but not limited to pipes, ponds, conveyance, water and wastewater infrastructure is owned as a common element of the condominium and the maintenance and management of this and any other privately owned infrastructure is the responsibility solely of the subject condominium corporation and/or by agreement with the any other condominium corporation or entity with shared ownership responsibility.</p> <p>Model homes Owners and prospective purchasers shall be advised that model homes may be permitted on the subject lands and that the location and term of operation during which model homes are in operation may be prolonged and that during the term of operation they operate, in part, as sales centres during which higher volumes of traffic and other similar operating characteristics can be expected.</p> <p>Active Construction Owners and prospective purchasers shall be advised that the construction activity within the subject lands may be ongoing until all lots have been developed and that the duration of construction is unknown and any construction is subject to the Development Communications Plan agreed to by the Developer.</p>	
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	<p>On-lot Landscape Strips/Buffers/Retained Trees Owners and prospective purchasers shall be advised that on-lot retained, replanted and enhancement vegetation as set out in the Landscaping Plan is the subject of an agreement with the Town and therefore protected under the terms of the Tree Protection By-law, portions of the vegetative buffer are designated as a landscape strip under the Zoning By-law in which no development is permitted and trees are to be retained, and that a restrictive covenant is applied to these lands addressing tree retention.</p> <p>Open Space Block Owners and prospective purchasers of lands adjacent to designated Open Space Block shall be provided with information regarding the function of this block as both a required buffer to the golf course and an ecological buffer to Butternuts along with information on the endangered status of this species.</p> <p>Water and Wastewater Treatment and Conveyance System Capacity Owners and prospective purchasers shall be advised that, until confirmed, servicing the subject lands is dependent upon confirmation of availability and allocation of water and wastewater system capacity.</p> <p>Impervious Development Area Owners and prospective purchasers shall be advised of potential maximum on-lot developable impervious surface area limits of 370 m² unless otherwise revised through required approvals.</p>	
60.	<p>Sales Office Posted Information That the Owner shall agree in the Condominium Agreement, prior to offering any of the residential lots for purchase, to place a 'Display Map' on the wall of the sales office in a place visible to the public, which indicates the approved location of all sidewalks, walkways, trails, community mailboxes, parks, schools, open space areas, environmental protection areas/tree preservation areas, watercourses, and surrounding land uses. The Owner shall also agree to keep Accepted for Construction drawings in the sales</p>	

	office which show easements, hydrants, utilities, lighting, lot grading, landscaping, and noise attenuation measures, as applicable.	
61.	Department of Fisheries and Oceans That the Owner agrees that if planned works may cause any of the prohibited effects under the Fisheries Act or Species at Risk Act, a Request for Review form is completed for the works and submitted to Fisheries Protection@dfo-mpo.gc.ca clearance gained as required and provided to the Town.	
62.	Bell Canada The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.	
63.	Bell Canada The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.	
64.	Enbridge Gas The Owner shall provide to Enbridge Gas (operating as Union Gas) the necessary easements and/or agreements required by Union for the provision of gas services in a form satisfactory to Enbridge Gas.	
65.	Canada Post Mail Delivery Methods That the Condominium Agreement include a requirement that arrangements be made with Canada Post and the Town's Development Engineering Department for the provision of suitable mail delivery methods which may include the installation of Canada Post Community Mailbox and that the location be included on the appropriate servicing plans.	

66.	Canada Post Community Mailbox That should a Community Mailbox be required, that the Condominium 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, and that as per Delivery Planning Standards Manual for Builders and Developers (August 2023) be consulted for additional specifications.	
67.	Fulfillment of Conditions That prior to final approval, the County is advised in writing by the Town how Conditions 3, 8, 9 , 11, 12, 14, 15, 22, 42, 43, 44, 45, 48 have been satisfied.	
68.	Fulfillment of Conditions That prior to final approval, the County is advised in writing by the County Ecologist(s) how Conditions 11, 12, 42, 43, 44, 45, 48 have been satisfied.	
69.	Fulfillment of Conditions That prior to final approval, the County in writing by the Niagara Escarpment Commission how Conditions 10, 11, 12, 42, 43, 45, 47, 48 have been satisfied.	
70.	Fulfillment of Conditions That prior to final approval, the County is advised in writing by the Grey Sauble Conservation Authority how Conditions 10 and 20 have been satisfied.	
71.	Fulfillment of Conditions That prior to final approval, the County is advised in writing by Enbridge Gas how Condition 64 has been satisfied.	
72.	Fulfillment of Conditions That prior to final approval, the County is advised in writing by Bell Canada how Conditions 62 and 63 have been satisfied.	
73.	Fulfillment of Conditions	

	That prior to final approval, the County is advised in writing by Canada Post how Conditions 65 and 66 have been satisfied.	
74.	Fulfillment of Conditions That prior to final approval the County is advised in writing by Saugeen Ojibway Nation how Condition 51 has been satisfied.	
75.	Digitized Copy of Final Plan of Condominium That the Owner, submit to the Town and the County a digitized copy of the Final Plan in a format acceptable to the Town and the County.	
76.	Copy of Executed Condominium Agreement for County That prior to final approval, a copy of the fully executed Condominium Agreement between the Owner and the municipality shall be provided to the County.	
77.	Clearance of Conditions That the Owner acknowledges and agrees that it is the Owner's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded to the appropriate clearance agencies and also to record this information in a conditions clearance matrix to the satisfaction of the Town demonstrating required clearances of these conditions prior to requesting final approval.	

NOTES TO DRAFT APPROVAL – these do not form part of the draft plan conditions		
1.	Applicant's responsibility to fulfill conditions 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 and also to record this information in a matrix format to the Town and County Grey, quoting the respective file numbers.	
2.	Clearances and consultation contact info. Clearances or consultations are required from the following agencies, as well as the appropriate agency	

	<p>or authority providing utilities or services and as otherwise referenced in the conditions:</p> <p>Town of The Blue Mountains PO Box 310, 32 Mill Street Thornbury, ON N0H 2P0 planning@thebluемountains.ca</p> <p>County of Grey planning@grey.ca</p> <p>Niagara Escarpment Commission 1450 7th Avenue East Owen Sound, ON N4K 2Z1</p> <p>Grey Sauble Conservation Authority 237897 Inglis Falls Road Owen Sound, ON N4K 5N6</p> <p>Saugeen Ojibway Nation 10129 Hwy 6, Georgian Bluffs, ON N0H 2T0 environmentoffice@saugeenojibwaynation.ca</p> <p>Enbridge Gas 50 Keil Drive North, Chatham, ON N7M 5M1 ONTLands@enbridge.com</p> <p>Bell Canada planninganddevelopment@bell.ca</p> <p>Canada Post</p>	
3.	<p>Land Titles Act</p> <p>We suggest you make yourself aware of the following subsections of the Land Titles Act:</p> <p>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</p> <p>b) subsection 144(2) allows certain exceptions.</p> <p>The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.</p>	
4.	<p>MECP Approval Requirement</p> <p>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</p>	

	Conservation and Parks under the Ontario Water Resources Act, RSO 1990, as amended.	
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5.	Measurements in Metric All measurements in subdivision final plans must be presented in metric units. 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.	
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Attachment 2 P3359 Planning Analysis – Report PDS.24.046

Niagara Escarpment Planning and Development Act

The subject lands fall within the boundaries of the Niagara Escarpment Plan (NEP) and development approvals therein are required not to be in conflict with the NEP.

The purpose of the Niagara Escarpment Planning and Development Act (NEPDA) is: “to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment.”

The NEPDA forms the legal basis for the Niagara Escarpment Plan (NEP) and Niagara Escarpment Commission operations. It includes:

- procedures for NEP reviews
- hearings
- amendments
- appeals
- regulations for setting out the planning area and establishing Development Permit requirements and exemptions.

The NEPDA also sets out the relationship of the NEP with municipal planning direction and land use policies of other public bodies. As noted below the NEC has identified concerns with the proposal relative to NEP requirements.

Niagara Escarpment Plan

The Niagara Escarpment Plan (NEP) includes policies under Part 2 Development Criteria 2.6 and 2.7 regarding hydrologic and natural heritage features. Niagara Escarpment Commission staff have advised that the policies have

“not been addressed in the proposed development to satisfy the purpose and objective of the Niagara Escarpment Plan.”

Based on Niagara Escarpment Commission comments, further review is required to confirm that the proposal does not conflict with the NEP. Additionally, the NEC has noted a number of concerns with the conclusions of the Environmental Impact Study and is seeking additional information.

A combination of site-specific zoning provisions and Holding provisions have been included in the approved By-law that require environmental issues be addressed and that the applicant demonstrate that there is no conflict between this development concept and the NEP. This is an overarching issue that requires resolution in order to advance the project as proposed.

Proposed draft plan conditions reference the thresholds set out in the Holding By-law and additional conditions, separate from reference to the Zoning By-law, require that studies, reports and drawings as applicable are required to demonstrate fulfillment of related conditions.

Planning Act

The proposal generally has regard for matters of Provincial interest under Section 2; however, with regard to *a) the protection of ecological systems, including natural areas, features and functions*, based on County of Grey and the Niagara Escarpment Commission comments, further review is required to confirm conclusions of the Environmental Impact Study (EIS) and establish that the proposal has appropriate regard for the applicable section.

Regarding:

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

A combination of site-specific zoning provisions and Holding provisions have been included in the approved By-law that, as approved, address related matters including those set out above and others within the matters of Provincial interest.

Proposed draft plan conditions regarding matters under 2a) reference the requirement not to conflict with the NEP, address outstanding questions regarding the EIS, deliver a Tree Inventory and Protection Plan (TIPP), coordinate related studies and deliver a landscape plan that addresses approved direction in those studies.

Conditions regarding storm water management require that issues be resolved through submission of related materials confirming stormwater management capacity, conveyance and tenure to meet municipal standards and agency requirements.

Provincial Policy Statement

The Provincial Policy Statement (PPS) includes direction as follows:

“In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.”

There are outstanding project matters under 1.6.6 Sewage, Water and Stormwater 2.1 Natural Heritage.

A combination of site-specific zoning provisions and Holding provisions have been included in the proposed By-law that, as approved, address related matters including those set out above and others within the PPS.

Proposed draft plan conditions implement and support the zoning by requiring:

- submission of a stormwater management plan and confirmation of conveyance and storm capacity
- submission of materials demonstrating sufficient water and wastewater system capacity is available for the subject lands and confirmation from the Town that both servicing capacity is available and has been allocated to the subject development;
- submission of various reports, studies and drawings demonstrating that the environmental matters have been properly addressed and that coordination of recommendations is implemented in the related approvals and submission materials.

County of Grey Official Plan

The County Plan includes policies under Section 7 regarding the Natural Environment for which the County has advised:

"The property contains and/or is adjacent to significant woodlands, significant wildlife habitat, potential habitat for threatened and/or endangered species, and fish habitat. It is Grey County staffs understanding that the proposed development will be located within and/or adjacent to the features. Staff have reviewed the EIS provided by Cambium and find the report generally acceptable provided the significant woodland proposed for removal be retained or compensated for through a tree retention/protection plan, and a tree replanting plan (if necessary). Applied through a holding provision, or otherwise, we recommend the following:

- 1) A tree preservation/retention/protection plan be submitted to the satisfaction of the County and Municipality.*
- 2) Any tree that cannot be retained through the tree preservation/retention/protection plan be compensated for through a tree replanting plan to the satisfaction of the County and Municipality. All trees not retained by the tree retention plan must be replanted at a 2:1 compensation ratio."*

The County advised that, at the time of providing comments, the further review of the applicability and conformity with the Niagara Escarpment Plan had not concluded and advised that:

"...additional correspondence and information was received regarding the natural heritage matters and SWM for the proposed development. The County's planning ecologist has not had the opportunity to review these documents, and additional information received. Further comments will be shared in the forthcoming weeks."

A combination of site-specific zoning exceptions and Holding provisions have been included in the proposed By-law to address these matters.

Proposed draft plan conditions are designed to collect required outstanding information requested by the County (the Town's ecological peer reviewer) that would demonstrate the proposed development concept can be successfully advanced and set the terms under which this can occur or alternately to identify potential constraints. Outstanding questions around the natural features require further resolution through demonstration that there is no conflict with the Niagara Escarpment Plan. The result of that review may influence the scope of site constraints and therefore the quality of the County review. The related conditions provide the basis for confirmation of the development concept within the scope of the approved Zoning.

Town of The Blue Mountains Official Plan

The Town of Blue Mountains Official Plan includes, various policies that have not yet been met and for which site specific zoning and Holding provisions have been recommended.

Provisions of the Niagara Escarpment Plan apply to all development within the plan area and all new development must be consistent with the NEP. The NEC has advised of concerns regarding conflicts with the NEP and also concerns regarding details of the Environmental Impact Study.

B2.11 Niagara Escarpment Plan

The area covered by the Niagara Escarpment Plan in the Town is shown on the Schedules to this Plan. The Niagara Escarpment Plan must be referred to for land use designations and policies within this area. Within this area, all development must be consistent with the Niagara Escarpment Plan.

B6 Niagara Escarpment Plan Area

In the event of a conflict between the policies of the Town's Official Plan and the policies of the Niagara Escarpment Plan, those of the Niagara Escarpment Plan will prevail, unless the policies of the Town's Official Plan are more restrictive, then the more restrictive policies will prevail.

The applicant submitted a landscape analysis; however the study was not integrated with tree inventory and protection plan and landscape plans. Also, the NEC and County have advised of some outstanding questions regarding the Environmental Impact Study relative to possible features on the property. The requirement for a tree inventory and protection plan, landscape analysis and landscape plan is intended to coordinate the findings of each to support the appropriate mitigation measures and, where natural

features are identified the requirements in combination with the recommendation of an approved Environmental Impact Study may result in revision to zoning boundaries and revisions to draft plan details. The landscape analysis does not provide planting details but makes various recommendations. In order to meet policy requirements of the Residential Recreational Policy section of the Official Plan a visual buffer is required on the development lands and additional plantings and/or tree retention may be required as a result of the conclusion of the required studies. The proposed site specific zoning by-law includes minimum landscape requirements which are intended to be supplemented and expanded by an approved landscape plan.

B3.7.4.3 Landscape Analysis

Development proposals for a Plan of Subdivision, Plan of Condominium or other large development projects which are subject to site plan approval, shall be accompanied by a landscape analysis, prepared by a qualified professional, to address:

- a) the suitability of the site for development;*
- b) the visual and physical complexities of the site, including areas of natural vegetation;*
- c) the measures proposed to ensure that the visual quality of the area is preserved and enhanced; and,*
- d) the proposed mitigation measures to avoid any adverse visual impacts, in a manner, which is consistent with the intent of this Plan to protect the open landscape character.*

The applicant is seeking an exemption from open space requirements under the Residential Recreation Area designation which requires that Council be satisfied with respect to open space, walkway and recreational facilities access and that the open space resort character and image of the area will be maintained. Easements and/or demonstrated access over/to walkways and the related facilities is required. The proposed Holding provisions include requirements requiring fulfillment of these policies.

B3.7.4.4 Open Space - Other Policies

The open space component should serve a functional role in the design of subdivisions. In addition to trails and walkways, the provision of on-site recreational facilities shall be encouraged within the open space component.

The blocks of land created for the recreational open space component must be made available for use by all lot or unit owners under the plan of subdivision. For this purpose, the lands shall be registered on title as common ownership, and an association of owners or other appropriate management body must be established, to the satisfaction of Council, to ensure the ongoing maintenance and care for the property. Other open space blocks may be dedicated to maintaining the natural features of the area and should not be generally accessible.

At Council's sole discretion, the lands may be conveyed to an appropriate public body for management purposes.

Where lands comprising the required open space component are to be utilized for recreational facilities, it is intended that the common element of the open space component and/or recreational facilities shall not be held in separate or individual private ownership. An exception to this general rule may be made where major recreational facilities, such as ski hills or a golf course, are to be provided and common ownership is not realistic for management purposes, however, under this exception lot and unit owners within the development must still be assured access to the facilities. Particular regard is to be given to the provision of open space walkway access.

Council may establish standards for the common ownership and/or assured access by lot and unit owners to the open space component, as well as any additional recreational lands and/or facilities as provided under this Plan.

B3.7.4.5 Open Space - Exception

a) The open space component, or part thereof, may not be required in the case of new residential development associated with established ski clubs and golf courses, provided that Council is satisfied that an adequate recreational lands and facilities base exists to serve the development, and that the open space resort character and image of the area will be maintained.

b) Council may also exempt a developer from the required open space component, or part thereof, where the parcel being developed, because of its size, character, or other circumstances, does not lend itself well to such use, or where such open space may provide for better recreational opportunity at an alternative location.

c) Additional open space shall not be required where Council is satisfied that previous open space dedications have already been made through earlier phases of development.

Proposed development includes proposed conveyance of stormwater to an offsite pond on the adjacent golf course. Stormwater management and drainage is a factor in the consideration of golf course development. The proposed development contemplates discharge into this pond. Additional details are required to demonstrate that stormwater pond and conveyance design, capacity, function and tenure are addressed. See also section C and C5 of the Official Plan. The site specific by-law exceptions and Holding provisions include requirements regarding these policies.

3.7.4.6 Golf Courses

Required reports, studies and plans, as determined by the Town, shall be prepared by qualified consultants and submitted by the proponent addressing the following:

iv) Stormwater management and drainage

The Town Official Plan includes provisions regarding Natural Heritage features and allows for their development and site alteration in significant woodlands, which this site has been designated, where it can be demonstrated to the Town and other regulatory agencies/authorities that there will be no negative impacts on the natural features or their ecological functions. The NEC and County have both provided comment on the natural heritage features and the NEC has indicated that the applicant has not yet successfully demonstrated that the relevant sections of the NEC have been addressed. A related Holding provision that must be met prior to the Zoning coming into effect requires that the NEC confirm no conflicts with the NEP exist.

B5.2 Natural Heritage Features

All natural heritage features are considered to be important to the Town. While the location and significance of these features has yet to be determined in some cases, all of these features need to be considered when applications for development and site alteration are being evaluated. It is recognized that additional natural heritage features will be identified by the Town, County, applicable Conservation Authority or the Ministry of Natural Resources.

B5.2.1 Development and Site Alteration

b) Development and site alteration shall not be permitted in:

i) significant woodlands;

ii) significant valleylands;

iii) significant wildlife habitat; and,

iv) significant areas of natural and scientific interest

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The Town Official Plan objectives include various directions to study natural heritage features, preserve trees and wooded areas, facilitate planting of trees through the development approvals process and to encourage protection of water quality and quantity through stormwater management. These sections provide a further reasoning for the related proposed Holding and site specific zoning provisions.

C Water, Environmental and Hazard Policies

It is the objectives (sic) of this Plan to:

k) encourage the further study of natural heritage features and related ecological functions to provide information that may assist in determining appropriate measures to protect them;

- m) preserve trees and wooded areas and facilitate the planting of trees, to the extent practicable, including through the development process;
- o) identify the tools that are required to evaluate an application for development in or adjacent to natural heritage features and related ecological functions that are considered to be an integral component of the natural heritage system of the Town;
- p) encourage the protection of water quality and quantity through stormwater management and sourcewater protection; and,

C5 Stormwater Management

All proposals for major commercial, industrial, institutional and residential development (five lots or more) shall be supported by a Stormwater Management (SWM) Report. The content and scope of the SWM Report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of the Town, applicable Conservation Authorities, County of Grey and appropriate agencies, and be prepared in accordance with the more restrictive of Stormwater Management Practices Planning and Design Manual (2003) or its successor and/or the Town's Engineering Standards and shall:

- a) provide recommendations on a stormwater quantity system, which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year flood and the regional storm flood;
- b) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) document the means by which stormwater volume control will be provided;
- e) provide a design that considers recreational amenity opportunities; and,
- f) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.

Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the Town may be required as a condition of approval, to provide for their continued maintenance.

The Official Plan sets out requirements for an Environmental Impact Study of reference upon which to base both the guidance and approval threshold around development matters. The County and NEC have both commented on the Environmental Impact Study, NEC has provided comments as noted above, a Tree Inventory and Protection Plan including compensation and landscape plan are all matters addressed in related Holding provisions.

C9 Requirements for an Environmental Impact Study

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

C9.1 Purpose of and EIS

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s); and,*
- b) make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Town.*

Any EIS required by this Plan must describe the site's natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed development. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.

Prior to approval of associated proposed development, Council and appropriate agencies must be

C9.2 Contents of an EIS

The EIS should include a description of:

- a) the proposed undertaking;*
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;*
- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the Wetlands and Hazard Lands designations, and Special Constraints Areas;*
- d) the direct and indirect effects to the ecosystem that might be caused by the undertaking;*
- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;*
- f) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;*

g) how the proposed use affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
h) a Management Plan identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the Management Plan. The Management Plan shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

Town staging and monitoring policies provide recognition of the status of water/wastewater system allocation and servicing capacity and provide direction to apply related Holding provisions.

D1.4 Staging Categories

Development approvals under this staging plan shall be dependent upon the monitoring of available design capacity, and the expansion of required municipal service infrastructure to keep pace with development needs. The staging priorities identified under Section D1.4.1 are to be implemented under staging categories which are intended to provide an order ranking for the commitment of available plant capacity on the basis of the development approval status.

Stage 2: Designated lands with development approvals and zoned under the holding zone category. The reservation of design capacity is committed. Advancement to Stage 1 is subject to the allocation of existing plant capacity under a development agreement and rezoning for removal of the holding symbol.

D1.5 Monitoring of Servicing Capacity

The monitoring of servicing capacity is intended to identify the availability of required municipal water and sewage services for existing and future development. Development approvals shall be restricted on the basis of design capacity limitations. The design capacity of the applicable water and sewage treatment plant facilities shall be reserved for all units within any site plan, plan of subdivision and plan of condominium development approvals, including all residential and non-residential development. Where such reservation of design servicing capacity is not available, any application for development shall be considered to be premature, and development approvals shall not be given.

The Plan also includes several provisions regarding the use of Holding provisions to address related matters and the requirement to enter into agreements.

D1.6 Holding and Deferred Development Zones

Holding and deferred development zones shall be established under the implementing Zoning By-law to recognize the commitment of design capacity, with particular regard for the development phasing and servicing limitations identified under this Plan. Appropriate zones shall also recognize the municipal staging priorities and categories, as further provided under this Plan. Advancement to Stage 1 and the allocation of existing plant capacity under development agreement shall be a condition of any rezoning.

All lots or blocks within a plan of subdivision or condominium shall generally be placed in a Holding (H) zone under the implementing Zoning By-law until such time as all necessary approvals for development have been obtained, existing plant capacity allocation is available, and all other matters required by the Town have been satisfied.

D4.3 Subdivision Development Policies

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;*
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;*
- c) the density of the development is appropriate for the area; d) the subdivision, when developed, will be easily integrated with other development in the area;*
- e) all development by plan of subdivision shall be consistent with Section D5 of this Plan;*
- f) the subdivision conforms with the environmental protection and management policies of this Plan; and,*
- g) the proposal conforms to Section 51 (24) of the Planning Act, as amended.*

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Town will be required.

The Plan includes provisions requiring that urban and architectural design be considered and addressed in development approvals. These matters will be addressed in the draft plan conditions and require related studies be completed. A more comprehensive review of policies intended to be addressed through draft plan conditions will be provided in the forthcoming related report.

D5.2 Design Policies

All relevant municipal development controls will be considered in order to achieve a consistently high standard of site, building and landscape design. The community design policies of this Plan are to be implemented by:

- b) ensuring that the design guidelines contained in the Blue Mountains Community Design Guidelines are consulted as a guidance tool;*

- c) ensuring that the Town's engineering standards are regularly refined to reflect the objectives and policies of this Plan and any Council-adopted Community Design Guidelines;*
 - f) utilizing architectural control in new development areas, where appropriate, to detail proposed building designs and materials, and in order to avoid repetitive building forms along residential subdivision streets.*
- All development applications shall be evaluated to determine the extent to which the application respects the Community Design policies of this Plan and the relevant Council adopted Community Design Guidelines.*

The Plan includes policy direction with regard to implementation of a tree protection and preservation plan including compensation plantings. Related requirements have been set out in the Holding provisions.

D8.2 Tree Canopy

Supporting the protection and enhancement of tree canopies can contribute to improvements to air and water quality, reductions in greenhouse gases, the support of biodiversity, and enhancement of natural features and systems. It is a policy of the Town to:

- a) encourage the planting of native or non-native non-invasive tree species and vegetation that are resilient to climate change and provide high levels of carbon sequestration, particularly through new development and on municipally-owned land;*
- b) implement measures to protect, enhance, and expand the tree canopy, including but not limited to:*
 - i) requiring tree planting in areas of extensive surface parking; and,*
 - ii) promoting development that maximizes areas for tree planting.*
- d) require reimbursement, in the form of new trees or financial compensation, for all healthy trees proposed to be removed in development applications, based on the findings of a Tree Inventory and Preservation Plan; and,*
- e) encourage tree planting by local residents and organizations, and educate residents about the benefits of planting trees on their property and the environmental impact of removing trees.*

The Plan includes specific policy content setting out the matters that can be addressed with the Holding provision. The proposed content of the Holding provisions is permissible within the scope of Official Plan policies.

E1.3 Holding Provisions

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Town have been met. The objective of utilizing a Holding Provision is to ensure that:

- a) the appropriate phasing of development or redevelopment occurs;*
- b) development does not proceed until services and utilities are available to service the development; and/or,*

c) agreements respecting the proposed land use or development are entered into.

The Plan requires that all development and works be in accordance with Town Engineering standards which have been updated to 2023 and are in effect for this development. Required compliance with Town Engineering standards will be set out in the draft plan conditions.

E1.7 Town Engineering Standards

All development and works shall be in accordance with the Town of The Blue Mountains Engineering Standards, as amended from time to time.

A combination of site-specific zoning provisions and Holding provisions have been approved in the draft By-law that address the matters above.

Proposed Draft Plan Conditions support implementation of the zoning and support demonstration of conformity with the Official Plan including:

- references to engineering standards and associated requirements throughout;
- environmental policies of the plan are addressed through collection, coordination and implementation of the related studies;
- urban design and architectural guidelines and controls are addressed through collection of the require reports;
- servicing matters including water and wastewater treatment plant and conveyance capacity are addressed in advance of entering any agreement;
- stormwater management is addressed to the Town and agency satisfaction;
- dependencies on adjacent and surrounding properties are addressed through the appropriate mechanisms to ensure legal integration of these lands and works within the necessary approval framework;
- recognition of the regulatory effect of the Niagara Escarpment Plan on these lands; and
- other conditions are provided as appropriate.

Town of The Blue Mountains Zoning By-law

The Town of The Blue Mountains Zoning By-law Section 4.14 Frontage on a Public Street requires that:

Unless otherwise specified by this By-law, no person can erect any building or structure, and no person can use any building or structure or lot, unless:

c) The lot fronts on a private street within a Plan of Condominium that either provides direct access to a public street or which connects with other private streets within a Plan of Condominium or other Plans of Condominium to access a public street

The Zoning for this property cannot come into effect until such time as access to a public street has been demonstrated.

The Town of The Blue Mountains Zoning By-law includes sections intended to accommodate:

- exceptions (Part 9) that apply to site-specific zoning direction;
- holding provisions (Part 10) that set out related matters that are to be fulfilled prior to zoning coming into effect.

The approved By-law recognizes that the dependency on adjacent and surrounding lands needs to be addressed through the required mechanisms. The By-law has also incorporated provisions to ensure that threshold issues that could impact the design of the development are incorporated into the appropriate Holding designation or are provided for within site specific exceptions.

Proposed Draft Plan Conditions have been incorporated to ensure that the draft plan is in compliance with the approved Zoning By-law and that the required Holding thresholds are addressed. The Niagara Escarpment Commission has advised that the municipality should not be providing approval for Zoning By-laws and development that is in conflict with the Niagara Escarpment Plan. In response, a holding provision addressing that issue has been included, complementary conditions regarding the overarching effect of the NEP threshold are referenced, and conditions regarding environmental management have also been included as noted above.

Ontario Regulation 151/06

Grey Sauble Conservation Authority has reviewed the subject application in accordance with their mandate and policies for Natural Hazards and relative to policies for the implementation of Ontario Regulation 151/06 and advises:

“Stormwater Management

GSCA has an interest in the proposed stormwater management as it related to down gradient natural hazards and features and areas regulated by Ontario Regulation 151/06 beyond the property limits. Quantity and controls are proposed via the SWM 2 wetland facility at the 14th hole of the golf course within Watershed 33. With this method of proposed stormwater management, the report has identified that each property can be developed up to a maximum of 340 square metres. The Town is to ensure this maximum is not exceeded, otherwise there will be an increase in downstream flow volumes beyond what the SWM 2 facility design.”

A combination of site-specific zoning provisions and Holding provisions have been proposed in the proposed By-law.

An impervious surface limit was included in the site specific exceptions to address preliminary assessment of stormwater management capacity.

A draft plan condition was provided requiring that a stormwater plan be provided to the satisfaction of the Grey Sauble Conservation Authority.

Draft Plan Conditions have been crafted to support implementation of the proposed development concept. Where the conditions cannot be met or trigger required revisions the Owner is required to file the necessary applications and required approvals. The overall framework provides a pathway to approval. Some issues central to the fulfillment of the development concept remain outstanding pending the fulfillment of the draft plan conditions.