

PLANNING OPINION

Plan of Subdivision & Zoning By-law Amendment

**Lora Greens
Part Lots 35 & 36, Concession 10
Town of the Blue Mountains**

Prepared by:



Plan Wells Associates

*Planning Consultants
Development Approvals*

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January 2023

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LIST OF SUPPORTING DOCUMENTS

The Town of the Blue Mountains Official Plan policies require that a complete application be submitted for consideration and circulation to commenting agencies. A Pre-consultation meeting was held between 1290337 Ontario Inc. and 10 Keith Avenue Inc., its consultants, the County of Grey and the Town of the Blue Mountains on January 6th, 2022, to discuss the applications and submission requirements. (see *Appendix "A"*).

Table 1 identifies the items required and submitted in support of the proposed development.

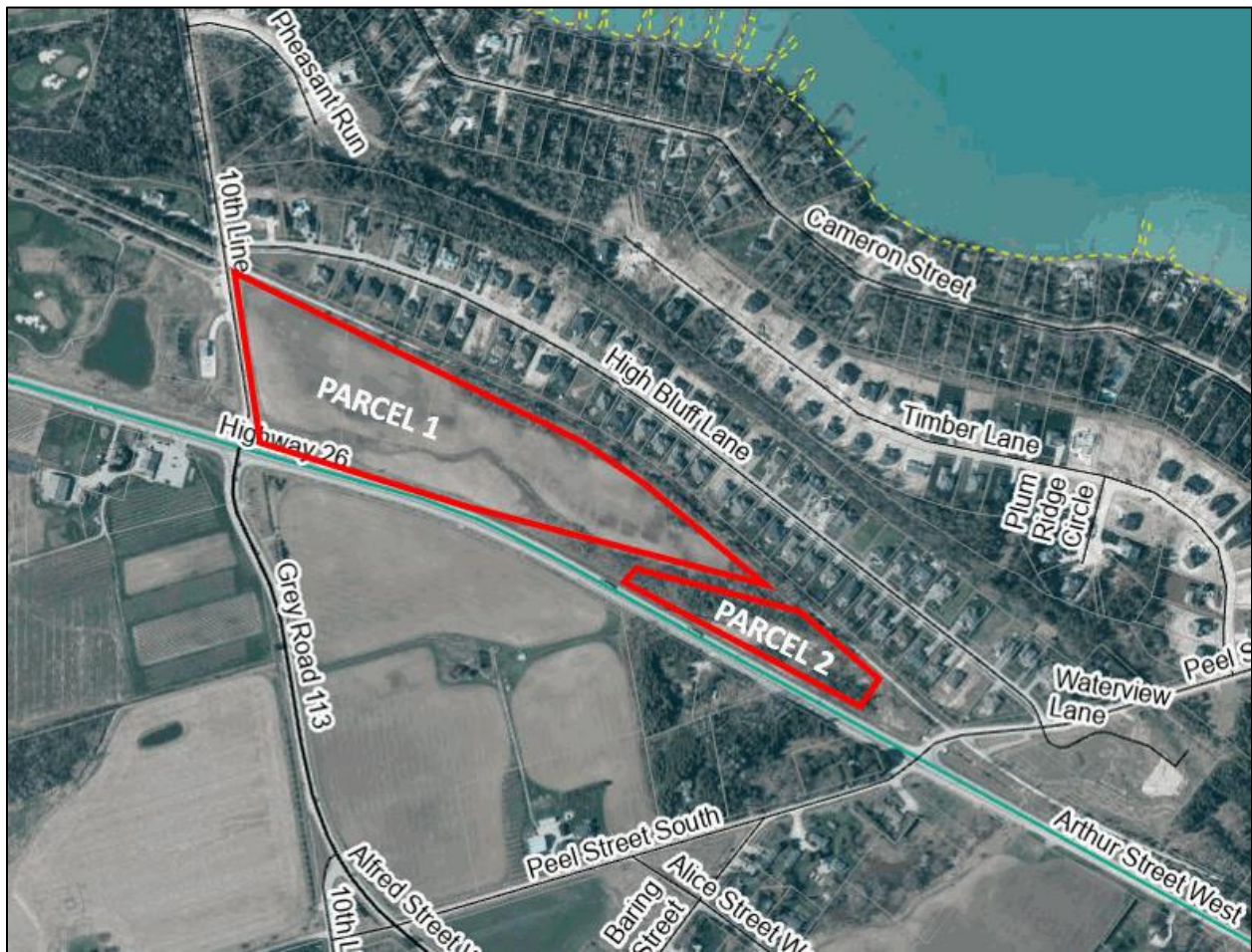
Table 1: List of Submitted Supporting Documents

#	Required Documents	Author	DATE
	Planning		
1.	Planning Opinion	Plan Wells Associates	January 2023
	Environmental		
2.	Noise Assessment Report	Akoustik Engineering Limited	August 2022
3.	Natural Heritage Evaluation	Tarandus Associates Limited	November 2019
4.	Flood Hazard Assessment	Tatham Engineering	June 2022
5.	Fluvial Assessment & Natural Channel Design Drawings	Water's Edge	September 2022
6.	Phase 1 ESA	G2S Environmental Consulting Inc.	July 2020
7.	Phase 2 ESA	G2S Environmental Consulting Inc.	September 2020
8.	Vegetation Preservation Plan	Tatham Engineering	June 2022
	Site Servicing		
9.	Preliminary Stormwater Management Report	Tatham Engineering	September 2022
10.	Functional Servicing Report	Tatham Engineering	November 2022
11.	Hydrogeological Investigation	Cambium Inc.	September 2022
12.	Geotechnical Investigation	Cambium Inc.	September 2022
13.	Site Grading Plan	Tatham Engineering	June 2022
14.	Public Utilities Plan	Tatham Engineering	June 2022
	Transportation		
15.	Traffic Impact Study	Tatham Engineering	August 2022
	Cultural		
16.	Archeological Assessment Stage 1-2	AMICK Consulting Inc.	February 2022

EXECUTIVE SUMMARY

1290337 Ontario Inc. and 10 Keith Avenue Inc. is the registered owner of two parcels of land located in the west end of Thornbury, Town of the Blue Mountains, County of Grey. The property is located on the north-east corner of the 10th Line and Highway 26 intersection. The proposed development is known as the 'Lora Greens' subdivision.

The land holding is comprised of two properties (Parcel 1 & Parcel 2), bisected by an unopened road allowance. Only Parcel 1 is proposed for development.



In 2018, 1290337 Ontario Inc. and 10 Keith Avenue Inc. appealed the Town's Comprehensive Zoning By-law 2018-65, with respect to the proposed Hazard zoning on the lands, which identified an intermittent watercourse. The Parties resolved all issues between them and agreed that the appeal should be allowed by the Tribunal, the re-channelization of the intermittent watercourse can proceed and that the Zoning By-law is to be modified on a site-specific basis. On June 24th, 2021, Minutes of Settlement were executed

between 1290337 Ontario Inc. and 10 Keith Avenue Inc. and the Town of The Blue Mountains, LPAT Case No. PL190003. (see Appendix 'B').

The Town and the GSCA acknowledged and agreed that based on the Natural Heritage Assessment prepared by Tarandus Associates Limited, the property does not contain or is not near any significant natural heritage features. The proposed re-channelization of the intermittent watercourse includes a sufficient buffer to any future development on the balance of the property.

The Town passed site specific By-law 2021-95, thereby implementing the direction of the Tribunal and Minutes of Settlement (see Appendix 'C').

The County of Grey Official Plan designates the subject lands Recreational Resort Area and Hazard. The Recreational Resort Area designation has been placed on lands extending along the Shoreline of Georgian Bay, providing a resort related residential and recreational function. The Recreational Resort Area land use type applies to settlement areas consisting of a defined development area, specific recreational amenities and residential development, serviced with full municipal services (sewer and water).

The Town of the Blue Mountains Official Plan designates the subject lands Residential Recreational Area and Hazard. Lands designated Residential Recreational Area reflect the settlement area designated as Recreational Resort Area in the County Official Plan that extends along the Georgian Bay shoreline providing a seasonal and permanent residential and recreational function.

The objectives of the Residential Recreational Area designation are to:

- Recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses, and;
- Recognize areas where some residential uses are located to support and provide access to resort and recreational amenities.

Pursuant to the Minutes of Settlement, the Town agreed that once the natural hazard on the property has been relocated within the re-channelized floodway, Town Staff will administratively update and revise the Town's Official Plan Schedule, to depict the relocated hazard.

Parcel 1 is an approximate 6.1 ha property, proposed for residential development. Parcel 1 is bounded by the Georgian Trail and existing residential development along High Bluff Lane to the north, Highway 26 to the south, Tenth Line to the east and an unopened road allowance to the west. The Draft Plan of Subdivision, referred to as the Lora Greens development, proposes 38 single detached lots, an internal public road, a floodway channel corridor along Highway 26, a walkway linkage to the Georgian Trail and a stormwater management facility (see Appendix 'D').

Parcel 2 is an approximate 1.0 ha property to be left undeveloped. Parcel 2 is bounded by the Georgian Trail to the north, Highway 26 to the south, an unopened road allowance to the west and a small vacant piece of land to the east.

The Provincial Policy Statement (PPS 2020) states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns that sustain the financial well-being of the Province and municipalities over the long-term, while accommodating a range and mix of residential opportunities. The proposed development provides for residential growth within a Settlement Area, based on an appropriate lot fabric on lands designated for residential use. These lands are located within an existing residentially developed area. The proposed 38 residential lots and dwellings would be of similar character and orientation to surrounding dwellings. In addition, municipal water and wastewater treatment is available.

The proposed development will make efficient use of existing infrastructure while providing increased housing stock, representing a development pattern that is cost effective. An increased population also has the potential of increasing use of existing local facilities and encourages the patronizing of the existing local commercial establishments. The proposed development is appropriate, providing an efficient use of land and infrastructure within the Town. No expansion of municipal services is required.

The applications for a Draft Plan of Subdivision and Zoning By-law Amendment for the subject lands represent good planning.

1.0 INTRODUCTION

1290337 Ontario Inc. and 10 Keith Avenue Inc. has submitted applications for a site-specific Zoning By-law Amendment and Draft Plan of Subdivision, to permit a Residential Plan of Subdivision on a parcel of land located in the Town of the Blue Mountains.

1.1 Purpose

The purpose of this report is to provide information and a planning opinion on the applications made by 1290337 Ontario Inc. and 10 Keith Avenue Inc. (applicant) to develop a residential community on a 6.1 ha (15.0 ac) parcel of land. The property is located on north-east corner of the 10th Line and Highway 26 intersection, at the western ‘gateway’ to the Town of Thornbury. The development proposes 38 single detached lots fronting onto an internal 20 m public road, a 30 m floodway channel corridor along Highway 26, a 6 m walkway linkage to the Georgian Trail and a stormwater facility.

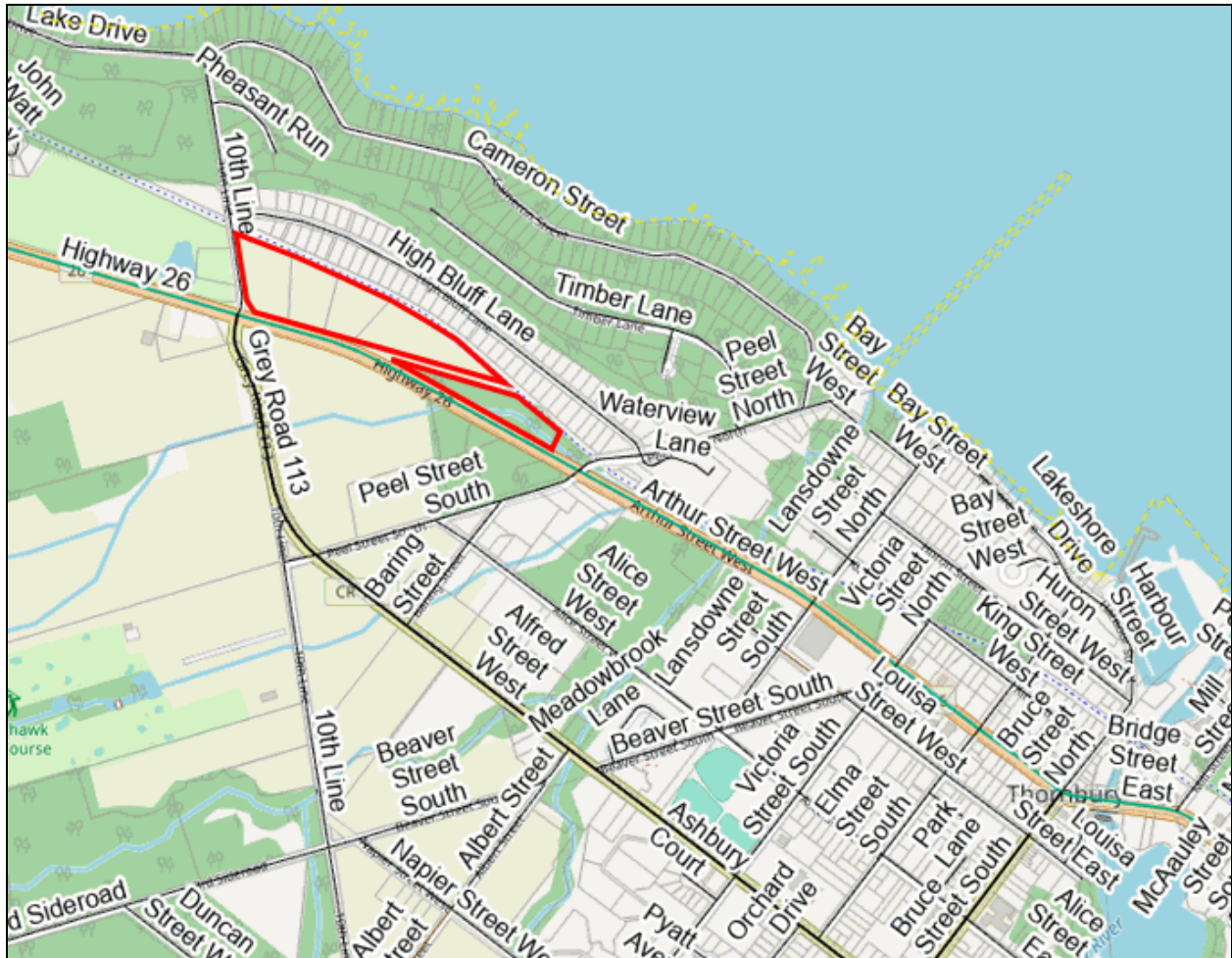
A site-specific Zoning By-law Amendment and Draft Plan of Subdivision applications are required to permit this development.

This report addresses the requirements of the Provincial Policy Statement (2020); County of Grey Official Plan (2018); Town of the Blue Mountains Official Plan (2016); and Town of the Blue Mountains Zoning By-law 2018—65, as well as other applicable policies and guidelines.

This report also summarizes the findings of the technical reports prepared in accordance with the required supporting information identified following the pre-application consultation meeting with the County, Town and other Municipal and regulatory staff, as outlined in the County and Town’s Pre-consultation Comments dated January 6th, 2022 (*see Appendix ‘A’*).

1.2 Location - Community Context

Figure 1: Location-Community Context



The subject lands are in the Town of the Blue Mountains, at the western gateway to the Town of Thornbury. The subject properties have a combined land area of 7.1 ha, bisected by an unopened road allowance. The properties are bounded by the Georgian Trail to the north, Highway 26 to the south, a small vacant parcel to the east and 10th Line to the west. The property fronts onto the 10th Line, which is classified as a local road. Both parcels are vacant.

A copy of the survey can be found in *Appendix 'E'* to this report.

1.3 Surrounding Land Uses

Figure 2: Surrounding Land Uses



The following uses are adjacent to the subject site:

- **North:** Georgian Trail, Residential, Georgian Bay
- **South:** Highway 26, Agricultural
- **East:** Residential
- **West:** Lora Bay Golf Club, Goldsmith Market

1.4 Summary of Required Planning Applications

The following required planning applications have been submitted:

- Draft Plan of Subdivision
- Zoning By-law Amendment to the Town of the Blue Mountains Zoning by-law 2018-65

2.0 PROPOSED DEVELOPMENT

This section describes the proposed development and summarizes the supporting technical studies.

2.1 Description of the Proposed Development

1290337 Ontario Inc. and 10 Keith Avenue Inc. is proposing to develop the site with 38 single detached lots, an internal 20 m public road culminating in a cul-de-sac with a 1.5 m wide sidewalk on the north side of the street, a 6.0 m wide walkway linkage to the Georgian Trail, boulevard trees on each lot, a 30 m wide floodway channel corridor along Highway 26 with naturally vegetated buffers on both sides, and a naturalized stormwater management facility. The lots will have frontages ranging from 21.4 m (70 ft) to 22.3 m (73 ft), and lot areas averaging approximately 850 m² (9,150 ft²).

The development proposes a well-planned and attractive subdivision located in the western gateway into the Town of Thornbury. The proposed land uses, densities and overall development plan are in accordance with and implement the Town of the Blue Mountains Official Plan (*see Appendix 'D'*).

2.1.1 Parkland Dedication Requirement

Section 51.1(1) of the Planning Act requires that parkland dedication for residential development is to be calculated at 5% of residential land included in the Plan of Subdivision. The municipality may instead request a cash in lieu payment, to the value of the land otherwise required to be conveyed.

The development proposes 38 large residential lots. It is not anticipated that the Town would assume a public park in this proposed subdivision and therefore, cash in lieu is proposed to satisfy the parkland dedication requirement.

2.2 Site Studies

The Town of the Blue Mountains requires the following site studies in support of the proposed development

- Noise Assessment
- Natural Heritage Evaluation
- Flood Hazard Assessment
- Fluvial Assessment & Natural Channel Design
- Phase 1 & 2 Environmental Site Assessment

- Vegetation Preservation Plan
- Preliminary Stormwater Management Report
- Functional Servicing Report
- Hydrogeological Assessment
- Geotechnical Investigation
- Site Grading Plan
- Public Utilities Plan
- Traffic Impact Study
- Archaeological Assessment Stage 1-2
- Planning Opinion

Digital copies of the studies and plans listed above, have been submitted along with this Planning Opinion.

2.2.1 Noise Assessment Study

Akoustik Engineering Limited was retained by the proponent to complete a Noise Assessment Study for the proposed Lora Greens residential development. It was determined that the noise sources which could possibly produce an impact on the proposed development is Highway No. 26 to the south of the property, 10th Line to the west of the property and Grey Road 113 to the southwest of the property. There were no other significant sources of noise which could have an impact on the proposed development.

The expected noise impacts were predicted using the Ministry of the Environment, Conservation and Parks (MECP) prediction software and were based on available road traffic volumes, which have been projected 10 years forward. Given that the road traffic occurs during all periods of a 24-hour day, the assessment was carried out for an entire 24-hour period.

As the dimensions and orientation of the future dwellings are unknown, the lots were assumed to be laid out similarly to the adjacent lots on High Bluff Lane. The second story bedroom windows were taken to be in the front and back of the house, facing the sources of noise.

As specified by the MECP Environmental Noise Guideline, the outdoor and indoor sound level limits at a residence for road traffic noise are categorized into three limits, based on the type of space assessed. The Guideline also specifies recommended noise control measures that should be followed, if required.

The Noise Assessment Study predicted noise level impacts for daytime and nighttime periods for representative lots with no control measures would exceed the MECP noise limits for the outdoor living area and all lots at the plane of window for the homes on the south side of Street A, thus requiring the implementation of warning clauses. All homes on the north side of Street A meet the MECP noise limits and do not require the implementation of warning clauses.

The warning clauses to be implemented in all development agreements, offers to purchase, and agreements of purchase or sale or lease of each dwelling unit are found in the Noise Impact Study.

2.2.2 Natural Heritage Evaluation

Tarandus Associates Limited was retained by 1290337 Ontario Inc & JO Keith Avenue Inc. to undertake a Natural-Heritage Evaluation (NHE) of the subject property. The purpose of this initiative was to describe the natural-heritage features and functions of the study area and to satisfy various requirements of the planning and development process.

Existing background natural-heritage information was acquired from a range of sources and mapping obtained for the study area and included 1:50,000 topographic maps and 1:10,000 Ontario Base Maps, as well as colour orthophotos. An initial scope of work for the NHE was prepared by Tarandus and provided to the GSCA for review. After receipt of comments, the scope was adjusted accordingly. Multi-season field studies were initiated by Tarandus in the spring of 2019 and continued through the summer and fall of that year.

The study area is comprised of approximately 5.7 ha and virtually all of the property is in agricultural land use. An intermittent drainage feature flows eastward along the south side of the study area, parallel to Highway 26.

Three breeding amphibian surveys were undertaken between April 21 and June 24, 2019, and two breeding-bird surveys were undertaken at the beginning and end of June. A plant list was compiled over the course of several site visits, and mammalian presence was determined by sight and sign (prints, scat, etc.). The on-site intermittent drainage feature does not constitute direct fish habitat and has no aquatic invertebrates, so no collection of these aquatic biota was undertaken.

The only Species at Risk (SAR) bird species observed during the surveys was Barn Swallows which were occasionally noted foraging over farm fields. This bird is classified as Threatened in Ontario. Barn Swallows are not breeding on or near the subject property and there is no breeding habitat for this bird nearby. There is no amphibian breeding habitat in the study area, but several species of frogs were heard calling from the wetland east of the subject parcel. No floral or fauna species at risk were found in the study area.

The intermittent drainage feature is the only substantive constraint to development on site. It is also, however, a natural-heritage opportunity, in that it can be rehabilitated with the use of natural-channel design principles, so as to provide higher and better-quality ecological functions.

Potential effects of the development include some additional disturbances from light and noise, as well as increased predation of birds and small mammals by pets. These are not considered significant effects.

Mitigation measures are proposed to avoid or minimize the effects potentially resulting from construction activities:

1. Construction methods will incorporate techniques which will achieve relevant provincial and municipal standards to minimize the effects of siltation and erosion.
2. Any fill materials deposited in the development area should conform to the fill-quality standards of the relevant regulatory authorities.
3. Any stockpiled soils and materials used during construction should be located away from the water.

4. Appropriate sediment-control measures should be implemented between any stockpiled fill materials and the water.
5. All fueling and maintenance of construction equipment should be completed away from water to minimize the possibility of water contamination. All on-site fuels, oils and chemicals should also be stored at least 150 meters from any surface waters.
6. Soil-stabilization measures should be implemented to minimize erosion and siltation. The application of plant mulches, chemical stabilization, or matting should be used as appropriate, to reduce the effects of rainfall and runoff.
7. Excess construction materials should not be deposited anywhere where they could be reintroduced into the aquatic environment.
8. Environmental monitoring of construction activities should be undertaken by appropriate qualified personnel.
9. Any required tree removal should be undertaken outside the bird-nesting season which extends from about mid March to mid August.

The proposed development is in compliance with relevant natural-heritage planning principles.

2.2.3 Flood Hazard Assessment

Tatham Engineering Limited was retained by 1290337 Ontario Inc. & 10 Keith Avenue to complete a flood hazard assessment for the property to support the appeal of the Town's Zoning By-law 2018-65. The report defines the natural hazards on the site and explores options to permit development of the subject site.

The property has an overland drainage swale that receives drainage from residential and golf course lands located west of 10th Line. The swale currently traverses through the middle of the property and outlets to a marsh area on the east parcel of the property.

A hydrologic analysis of the drainage area to the system determined that the Regional Storm produces the maximum peak flow. An existing conditions model was developed to determine the existing flood hazard associated with the Regional Storm flow. The existing floodplain was mapped.

The report proposed to realign the drainage swale along the south side of the property. At this location it would safely convey the Regional Storm flow to the east parcel of the property, while maintaining the existing floodplain storage. The realignment and rehabilitation will use natural channel design principles and is consistent with the recommendations of the Natural Heritage Evaluation.

The report recommended that the Hazard (H) Zone be shifted to the proposed 25 m wide realigned channel corridor along the southern boundary to allow for the residential development on the remainder of the property. During the Minutes of Settlement, it was agreed by all parties that the width of the

channel corridor would be increased to a 30 m width. This was implemented through site specific By-law 2021-95.

2.2.4 Fluvial Assessment & Natural Channel Design

Water's Edge was retained to complete a Natural Channel Design (channel realignment) and Fluvial Assessment for the creek located on the subject property, adjacent to Highway 26. The purpose of the realignment is to accommodate for the Lora Greens subdivision development and to incorporate natural channel design principles into the creek.

A site inspection and survey were completed by Water's Edge staff on January 10, 2022. The site inspection was undertaken following a review of available resources to confirm site and general system characteristics.

The existing channel is a drainage ditch which will be replaced with a natural channel design intended to accommodate the same flows as the existing channel. The primary goal is to realign the existing watercourse impacted by the proposed development to a more favourable area using natural channel design principles.

Water's Edge determined that a natural channel design should be implemented for the realignment to provide hydraulic diversity within the channel and to provide instream features to enhance aquatic habitat.

2.2.5 Phase 1 & 2 Environmental Site Assessment

G2S Environmental Consulting Inc. (G2S) was retained by the owners of the subject lands to complete a Phase 1 & 2 Environmental Site Assessment (ESA) for the property.

The purpose of Phase One ESA was to determine the potential for impacts on the site from past or present activities or from surrounding properties. The Phase One ESA was completed in accordance with the general requirements of CSA Standard Z768-01, November 2001, which outlines the protocol for Phase One Environmental Site Assessments.

The Phase One ESA identified one Area of Potential Environmental Concern (APEC) on the property. The potential environmental risks to the property include:

1. The historic presence of an orchard on-Site.

To assess the environmental conditions of the property, a Phase Two ESA (Shallow Soil Investigation) was completed. The objective of the investigation was to determine if there is environmental impact related to the presence of the historic orchard on site.

The scope of work for the soil investigation included the following:

- The advancement of six test pits in the area of the historic orchard to a maximum depth of 0.3 m below ground surface using a hand shovel;
- Submission of representative soil samples to a CALA accredited laboratory for analysis; and
- Preparation of a report detailing the environmental conditions of the soil at the property with site plans and investigation results.

The results of the investigation lead to the following findings:

1. Native material beneath the site generally consists of fine-grained sand.
2. The concentrations of pesticides and metals were below the MECP Table 2 SCS in the analyzed soil samples.

Based on the soil results from the Shallow Soil Investigation, there has been no environmental impact resulting from the historic presence of an orchard on-site. All samples tested meet the MECP Table 2 SCS. No further environmental investigation is required at this time.

2.2.6 Vegetation Preservation Plan

The subject property abuts the Georgian Trail to the north, which exhibits mature tree cover and vegetative growth. The unopened road allowance between Parcel 1 and Parcel 2, and Parcel 2 will remain in their current vegetative state. The re-channelized watercourse will be naturally vegetated on both sides. Boulevard trees will be planted on each lot. A copy of the Vegetation Preservation Plan prepared by Tatham Engineering can be found in *Appendix 'F'*.

2.2.7 Preliminary Stormwater Management Report

Tatham Engineering was retained to prepare a Preliminary Stormwater Management (SWM) Report for the proposed Lora Greens development. The Preliminary SWM Report documents the proposed stormwater management plan, as well as design criteria and proposed siltation and erosion controls.

Post-development peak flows discharging from the site will be controlled to pre-development levels. Surface runoff will be conveyed to the wet pond stormwater management facility via a combination of storm sewers and overland flow routes. The wet pond facility has sufficient storage to reduce post-development peak flows below pre-development levels and will remove approximately 80% of Total Suspended Solids (TSS), before discharging into the Little Beaver Creek.

Best management practices during and after site servicing and building construction will reduce the transportation of sediment from the site, improve the stormwater quality and mitigate any environmental impacts during construction activities.

The Report concluded that that the development can be constructed in accordance with all provincial and municipal guidelines, while minimizing the impact of the development on the local drainage systems.

2.2.8 Functional Servicing

Tatham Engineering completed a Functional Servicing and Stormwater Management Report. The purpose of the report is to demonstrate that the subject lands can be developed in accordance with the Town of the Blue Mountains guidelines from a functional servicing perspective.

The Report concluded that the development has adequate services available to support the proposed Draft Plan of Subdivision:

- An internal sanitary sewer collection system to convey sewage to the existing truck sewer on Peel Street North and ultimately to the Thornbury Sewage Treatment Plant.
- An internal water distribution system to supply the needs of the development, without the need for external improvements, can be achieved.

2.2.9 Hydrogeological Investigation

Cambium Inc. was retained by proponent to complete a Hydrogeological Investigation, including a Water Balance Study to support the proposed development. The report summarizes the results of the hydrogeological assessment, including a characterization of site geology and hydrostratigraphy, groundwater levels, a dewatering estimate, and a Water Balance Study.

The Site is situated within the Little Beaver Creek sub-watershed under the jurisdiction of the GSCA Source Protection Area. No significant wetlands or woodlands are situated on the site. An unnamed tributary of Little Beaver Creek bisects the site flowing east towards Little Beaver Creek, which discharges to the north into Georgian Bay.

The following summarizes the conclusions/recommendations of the Hydrogeological Investigation:

- The surficial geology of the site is characterized by silty sand to sandy silts.
- Relatively shallow water table conditions were observed for the north and southeastern portions of the site
- The highest spring seasonal water level and elevation would be 0.37 mbgs and 197.65 masl, respectively.
- Groundwater flow direction was inferred to be southwards towards the Little Beaver Creek, following the topography.
- the site area is characterized by moderate transmissive sandy loam soils, there is a reasonable potential for groundwater recharge.
- Based on the groundwater monitoring data, a temporary short-term or a permanent long-term groundwater dewatering is likely on majority of the site.
- Implementation of Best Management Practices (BMPs) to avoid overland flow of any contaminants to the natural environment, increasing groundwater infiltration with LID measures, and developing a Spill Management Plan to handle any spills that take place within an EBA.

2.2.10 Geotechnical Investigation

Cambium Inc. (Cambium) was retained to complete a Geotechnical Investigation in support of the proposed residential subdivision development.

The geotechnical investigation was required to confirm the subsurface conditions at the site and to provide geotechnical recommendations for issues relevant to the future subdivision, including road

construction, services, and buildings. The report presents the methodology and findings of the geotechnical investigation and provides recommendations based on the investigation results as described above.

A borehole investigation was conducted on December 3, 2021, to assess the subsurface conditions at the Site. A total of three boreholes, designated as BH101-21 through BH103-21, were advanced throughout the Site. The boreholes were terminated at depths ranging from 6.2 m below ground surface (mbgs) to 6.6 mbgs. BH102-21 was advanced within the proposed stormwater management area, and BH101-21 and BH103-21 were spread out within the planned area for residential development. Monitoring wells were installed in all boreholes to monitor the static groundwater level at the site. The water levels were measured and recorded for each monitoring well during follow-up site visits between December 16, 2021 and August 9, 2022.

Physical laboratory testing was completed on selected soil samples to confirm textural classification and to assess geotechnical parameters.

Based on the resultant borehole information, the report concluded with recommendations for the following:

- Site Preparation
- Frost Penetration
- Excavations and Dewatering
- Foundation Design
- Backfill and Compaction
- Engineered Fill
- Floor Slabs
- Subdrainage
- Lateral Earth Pressure
- Seismic Site Classification
- Buried Utilities
- Pavement Design
- Design Review and Inspections

Details on the above noted recommended aspects of construction are found in in the Geotechnical Investigation Report.

2.2.11 Traffic Impact Study

Tatham Engineering completed a Traffic Impact Study (TIS). The purpose of the Study was to address the transportation impacts associated with the proposed 38-single detached homes proposed on the subject lands.

Upon completion, the development is expected to generate an additional 27 trips during the AM peak hour and 36 trips during the PM peak hour.

The intersection of Highway 26 with Grey Road 113/10th Line was analyzed under existing (2022) and future (2026, 2031 and 2036) horizon periods. The review included an assessment of intersection operations and a review of exclusive turn lane requirements. Based on the assessment of existing, background (without Lora Greens) and total (with Lora Greens) conditions, the following improvements were recommended:

- 2031 Background Conditions - install traffic signals to serve the Grey Road 113/10th Line intersection with Highway 26 (poor operations are projected under 2031 background conditions and thus the signals should be in place prior to 2031)
- 2031 Total Conditions - no further requirements beyond those required under 2026 background conditions
- 2036 Background & Total Conditions - no further requirements

The traffic signals, as recommended, are in response to increased traffic volumes on Highway 26 and are not otherwise precipitated by the Lora Greens development.

The existing left turn lanes on Highway 26 at Grey Road 113/10th Line are of sufficient length to accommodate the projected traffic volumes through to the 2035 horizon year. Given the reduced volumes on 10th Line and to/from the Lora Greens site, no exclusive turn lanes are required to support the development.

The available sight lines along Highway 26 at Grey Road 113/10th Line and along 10th Line at the site access are considered adequate to support the development.

2.2.12 Archaeological Assessment

AMICK Consultants Limited was engaged by the proponent to undertake a Stage 1-2 Archaeological Assessment of lands potentially affected by the proposed undertaking and was granted permission to carry out archaeological fieldwork. The entirety of the study area was subject to property inspection and photographic documentation concurrently with the Stage 2 Property Assessment by high intensity pedestrian survey at an interval of 5 metres between individual transects.

As a result of the Stage 2 Property Assessment of the study area, no archaeological resources were encountered (*see Appendix 'G'*). Consequently, the following recommendations were made:

1. No further archaeological assessment of the study area is warranted;
2. The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;
3. The proposed undertaking is clear of any archaeological concern.

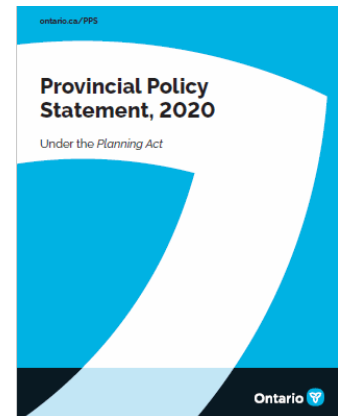
3.0 PLANNING POLICY

The following provides an overview and analysis of all applicable policies at the provincial, county and local levels, including the Provincial Policy Statement, County of Grey Official Plan, Town of the Blue Mountains Official Plan and the Town of the Blue Mountains Zoning By-law.

3.1 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) provides long-term guidelines for the development of livable and healthy communities. The PPS provides direction for establishing strong urban settlement areas through the promotion of a mix of land uses with sufficient densities to allow for an efficient use of infrastructure and services. All planning decisions “shall be consistent with” the policies of the PPS.

According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns and also by accommodating an appropriate range and mix of uses. Further, the PPS directs municipalities to avoid land use patterns which may cause environmental or public health and safety concerns and instead, promotes cost-effective development patterns to minimize land consumption and servicing costs.



The Provincial Policy Statement (PPS) contains policies that fall under three main sections, with the ultimate goal of fostering an effective and efficient land use planning system that contributes to:

- Building Strong Healthy Communities
- The Wise Use and Management of Resources
- Protecting Public Health and Safety

The PPS has been reviewed relative to these applications. The first section of the PPS outlines a vision for growth in that development is situated within established settlement areas and makes use of existing services, where possible. Particular emphasis is placed on the following sections of the PPS:

1.1.1 Healthy, liveable and safe communities are sustained by:

- promoting efficient development and land use patterns

- accommodating an appropriate affordable and market-based range and mix of residential types
- avoiding development and land use patterns which may cause environmental or public health and safety concerns
- avoiding development and land use patterns that would prevent the efficient expansion of settlement areas
- ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs

1.1.3 Settlement Areas

Settlement areas shall be the focus of growth and development. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.4 Housing

To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area.

1.6 Infrastructure

Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.

Comment:

The PPS (2020) states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns that sustain the financial well-being of the Province and municipalities over the long-term, while accommodating a range and mix of residential opportunities. The proposed development provides for residential growth within a Settlement Area, based on an appropriate lot fabric on lands designated for residential use. These lands are located within an existing residentially developed area. The proposed 38 residential lots and dwellings would be of similar character and orientation to surrounding residential development. In addition, municipal water and wastewater treatment is available.

The proposed development would make efficient use of existing infrastructure while providing increased housing stock, representing a development pattern that is cost effective. An increased population also has the potential of increasing use of existing local facilities and encourages the patronizing of the existing local commercial establishments.

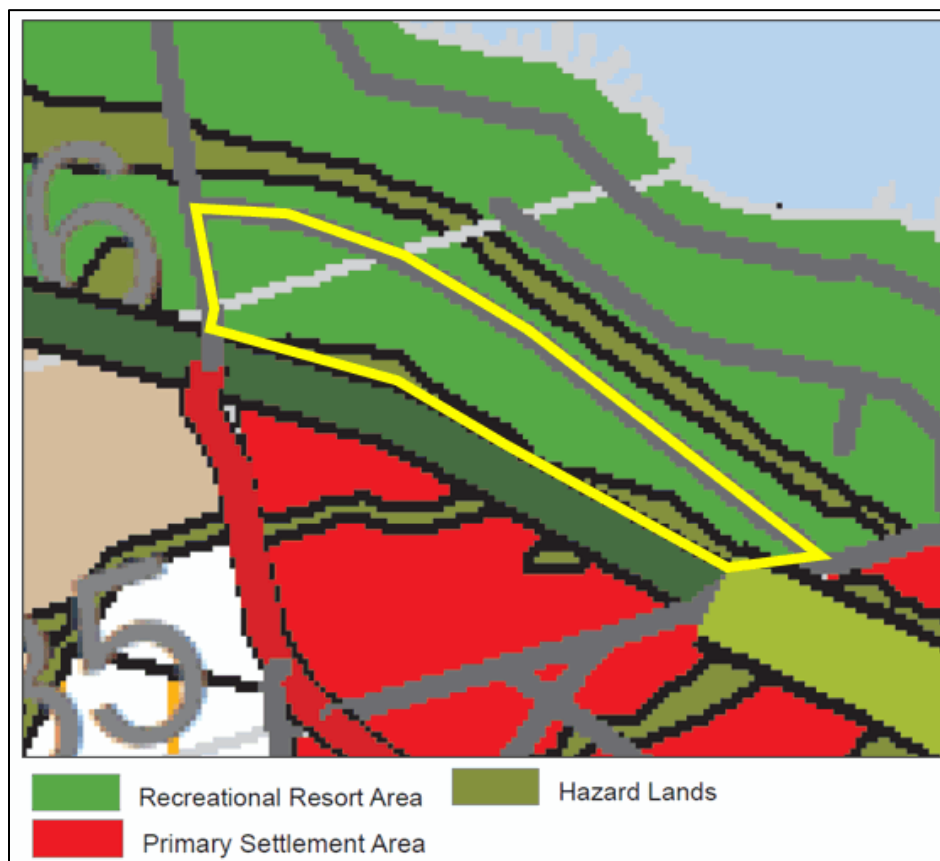
This development proposal is consistent with the intent and policies of the PPS.

3.2 County of Grey Official Plan

Secondary Schedule '2A' to the County of Grey Official Plan includes the subject lands within the Recreational Resort Area and Hazard Lands designations.



Figure 3: Land Use – Map '2A' to County of Grey Official Plan



The Recreational Resort Area land use type applies to defined developed areas which exhibit specific recreational amenities and a mix of seasonal and permanent residential and recreational growth on full municipal services. While these settlement areas are fully serviced, they do not contain the same range of uses as a traditional urban centre or Primary Settlement Area and are instead focused on a recreational component as the basis for development.

Comment:

The proposed development is within a defined developed area, where there exists a mix of seasonal and permanent residents. The development is in close proximity to the Town of Thornbury, shores of Georgian Bay and the ski hills on the escarpment. The proposed development will support and contribute to these recreational amenities and the economy of the Town of the Blue Mountains and County of Grey.

Section 9.13 provides policies for Plans of Subdivision or Condominium.

In any new applications for plan of subdivision or plan of condominium submitted to the County for approval, the proponent will need to consider and be prepared to justify the following:

1) The layout of the proposed plan with regard to matters of:

- a) Access and connections to public transportation (where applicable) and access to existing trails;

Comment:

The Georgian Trail abuts the proposed subdivision to the north. A 6 m wide walkway between Lots 8 and 9 will provide direct access to the Georgian Trail. The Town of Thornbury currently has no public transportation system.

- b) The layout of the subdivision should be designed such that the lots back onto the Provincial Highway or County Road, and front onto a local internal street;

Comment:

All proposed lots will front onto an internal local public road (Street A). The lots on the south side of Street A will back onto the re-channelized floodway.

- c) Improving and promoting walkability/cyclability within the proposed plan through sidewalks, bike lanes, bicycle parking/racks, and/or other active transportation infrastructure with consideration for existing walking and cycling conditions;

Comment:

Improvement and promotion of walkability is achieved within the subdivision through the proposed internal sidewalk on the north side of Street A and a 6.0 m wide walkway providing access to the Georgian Trail. Cyclists can access the Georgian Trail and surrounding road network.

- d) Accessibility needs;

Comment:

To be determined by future lot owners at construction stage.

- e) The street pattern of the proposed plan and how it fits with the surrounding neighbourhood. Plans which utilize a grid pattern, or a modified grid pattern must be considered more favourably than those with curvy street patterns or cul-de-sacs;

Comment:

The development proposes one linear internal public road, which emulates High Bluff Lane to the north. There is no opportunity for a second connection to Peel Street North or Highway 26 and therefore, proposed Street A culminates in a cul-de-sac.

- f) Energy conservation and efficiency design measures such as LEED (Neighbourhood) and Low Impact Development;

Comment:

To be determined by future lot owners at construction stage.

- g) Impact on the natural environment, as defined in Section 6 of this Plan;

Comment:

The EIS concluded that the proposed development can be achieved with no direct impact to significant/sensitive natural heritage features or functions on the site or adjacent lands, provided that the mitigative measures recommended in the report are implemented.

- h) Consideration of the design of street lighting to minimize impact on dark skies;

Comment:

To be determined at detail design stage.

- i) The provision of usable parkland and green space;

Comment:

The development proposes a naturalized stormwater management pond, vegetative buffers on both side of the re-channelized floodway and a walkway to the Georgian Trail, from which future residents will be able to walk or ride bicycles to the waterfront and public beach areas, which are in close proximity to the development. It is not anticipated that the Town would assume a public park in this proposed subdivision and therefore, cash in lieu is proposed to satisfy the parkland dedication requirement.

- j) Public access to waterfront or beach (where applicable)

Comment:

The proposed development will have direct access to the Georgian Trail, which provides an off-road linkage to the waterfront and various beaches in the area.

- k) Snow removal and emergency vehicle access;

Comment:

Snow removal on the proposed internal public road will be the responsibility of the Town.

- l) Compatibility with the Ministry of the Environment, Conservation and Parks' D-Series Guidelines or its successor document(s);

Comment:

Not applicable.

- m) Accessible, age-friendly design features; and

Comment:

To be determined by future individual lot owners.

- n) Healthy environment development provisions outlined in Section 4.3(1).

Comment:

The proposed development promotes a healthy community by:

- Integrating a residential development with direct access to a public trail system
- Providing a 1.5 m wide sidewalk on the north side of the internal street, that is separated from motorized traffic and at level with the walkway to the Georgian Trail
- Including streetscape elements such as boulevard shade trees
- A naturalized Stormwater Management Facility
- A re-channelized watercourse with naturally vegetated buffers on both sides

- 2) A range of housing and employment densities.

Comment:

The development proposes 38 larger single dwelling lots, which are in character with those on High Bluff Lane.

- 3) A mix of housing types including homes for the aged and assisted living facilities.

Comment:

No homes for the aged or an assisted living facility is proposed.

- 4) The provision of affordable housing.

Comment:

The subject property is located at the western 'gateway' to the Town of Thornbury, on the north side of Highway 26. The closest grocery store (Foodland) is approximately .7 km from the eastern edge of the site and the downtown core of Thornbury is approximately 1.5 km. The Town of Thornbury has no public transit. Affordable housing units are not appropriate for this site and are not proposed.

- 5) Consistency with Provincial Policy and Local Official Plan provisions.

Comment:

The proposed development is consistent with the PPS and local Official Plan policies.

- 6) The information requirements listed under Section 9.17 Complete Applications which will be identified through pre-submission consultation with the County or local municipality as applicable.

Comment:

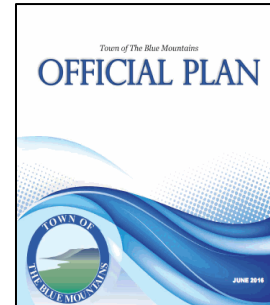
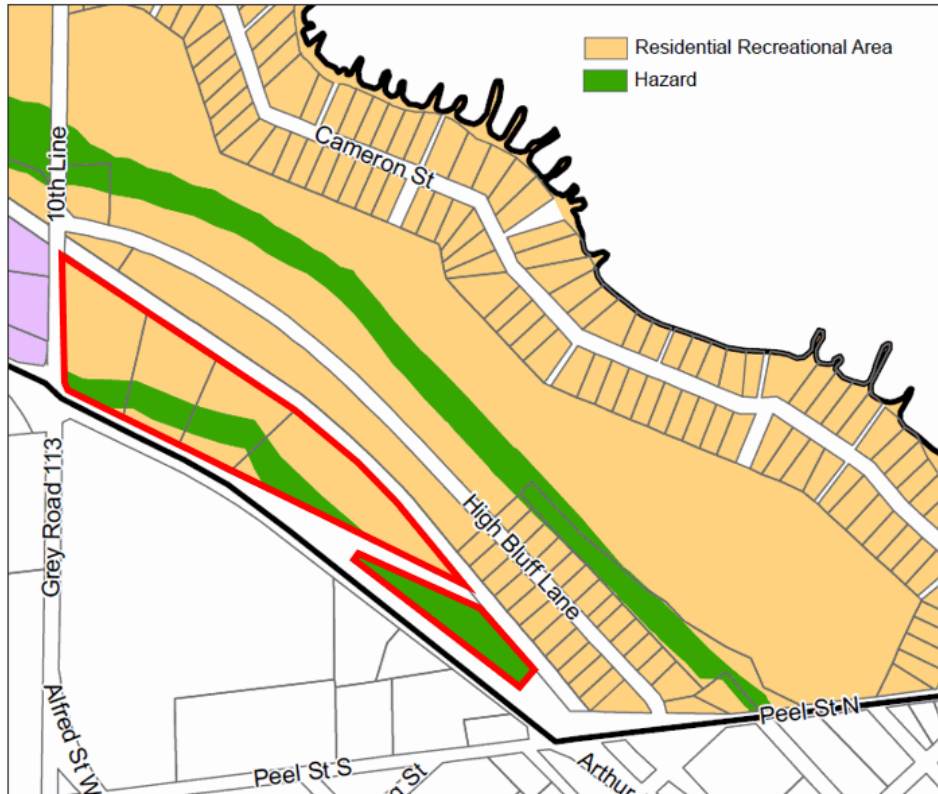
A Pre-consultation meeting was held between 1290337 Ontario Inc. and 10 Keith Avenue Inc., its consultants and the County of Grey and the Town of the Blue Mountains on January 6th, 2022, to discuss the applications and submission requirements.

The proposed development maintains the intent and direction of the County of Grey Official Plan.

3.3 Town of the Blue Mountains Official Plan

Schedule 'A-1' – Land Use Plan to the Town of the Blue Mountains Official Plan designates the property 'Residential Recreational Area' and 'Hazard'.

Figure 4: Schedule 'A-1' – Land Use Plan to Town of the Blue Mountains Official Plan



The lands designated Residential Recreational Area in the Town's Official Plan has been applied to the settlement areas designated as Recreational Resort Area in the County Official Plan that extends along the Georgian Bay shoreline providing a seasonal and permanent residential and recreational function.

The objectives of the Residential Recreational Area are:

- To recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses; and
- To recognize areas where some residential uses are located to support and provide access to resort and recreational amenities.

Single detached dwellings are permitted in the Residential Recreational Area.

Section B3.7.4.1 provides policies for density and open space requirements.

The following table sets out maximum density and minimum open space requirements for lands designated Residential Recreational Area.

	Maximum Density (Units / Gross Hectare)	Minimum Open Space Component
Blue Mountain Village Area	15	40%
All other areas	10	40%

The calculation of the open space component shall be based on the whole of the proponent's holdings included in any draft plan of subdivision. Lands designated Wetland or Hazard Lands may be included within the required open space component, however, such lands are not included for the purpose of calculating maximum permitted development density, unless otherwise specifically provided under this Plan.

Density:

The Town agreed that once the natural hazard on the property has been relocated within the re-channelized floodway, the Town Staff will administratively update and revise the Town's Official Plan Schedule, pursuant to s. E8.2, to depict the relocated hazard. Based on the natural channel design (channel realignment) and fluvial assessment prepared by Water's Edge, the area of the lands that will be re-designated Hazard will be 1 ha.

The parcel intended for development is 6.1 ha in size with 1 ha to be designated Hazard, which equals 5.1 ha to be used for the permitted density calculation. Therefore 5.1 ha X 10 units, equals a maximum density of 51 units. The development proposes 38 units, which complies with the maximum density policy.

Open Space

Forty percent of the 6.1 ha parcel, which equates to 2.44 ha, is the requirement for open space. The proposed development does not meet the open space requirement.

Section B3.7.4.5 (b) provides a policy for Open Space Exemption.

- 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.

Where an exemption under paragraph (b) is requested by the proponent, Council may accept suitable alternative provisions in-lieu of the required open space component or portion thereof, if deemed appropriate. Any exemption for the open space component shall not include an exemption for the provision of open space walkways as deemed appropriate or desirable by Council.

The size and location of the parcel proposed for development is not conducive for a dedicated open space block. The parcel is long and narrow and borders Highway 26. The development proposes 38 larger residential lots which are of similar lot area and lot frontage as those developed on High Bluff Lane. The parcel abuts the Georgian Trail. Future residents will be able to directly access the Trail from the proposed walkway within the subdivision. The Georgian Trail provides an off-road linkage to the waterfront, public open spaces and public parks within the Town.

The applicant is requesting an exemption from the Open Space requirement.

Greenfield Development

The Official Plan defines 'Greenfields' as lands within designated settlement areas, which are designated for growth over the planning horizon, but which have not yet been fully developed.

Section B3.1.5.3 states:

"In considering Planning Act application(s) to permit intensification and Greenfield development, Council shall be satisfied that the proposal:

- a) where appropriate, considers the role of topography and natural vegetation in minimizing the impacts of taller buildings on adjacent land uses;
- b) has demonstrated that the potential shadow impacts associated with taller buildings will be at an acceptable level on adjacent properties; new buildings that are adjacent to low rise areas are designed to respect a 45-degree angular plane measured from the boundary of a lot line which separates the lot from an adjacent lot with a low-rise residential dwelling;
- c) respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- d) building height(s) reflect the pattern of heights of adjacent housing;
- e) is designed in consideration of lot coverages of adjacent housing;
- f) considered the predominant or average front yard setback for adjacent housing to preserve the streetscape edge, and character;
- g) provides for similar side yard setbacks to preserve the spaciousness on the street;
- h) is designed in order that new lots backing onto existing single detached residential lots have rear yards that are comparable in size to these existing residential lots;
- i) provides a built form that reflects the variety of façade details and materials of adjacent housing, such as porches, windows, cornices and other details;
- j) retains and enhances existing trees and vegetation where possible and additional landscaping will be provided to integrate the proposed development with the existing neighbourhood;
- k) will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- l) is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site;
- m) if applicable, creates a street and block pattern, which serves as a seamless extension of the surrounding neighbourhoods by providing an interconnected block structure and the extension of the existing local road network;
- n) will have minimal impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy;
- o) buffers any loading and storage facilities that are provided so as to minimize disruption and to protect

the enjoyment of neighbouring residential properties; for adjacent residential areas; and

- p) if large in scale, will not obstruct views of Georgian Bay along streets that terminate at or close to the water's edge."

Comment

- The proposed Plan of Subdivision will create 38 large residential lots for single dwellings. The residential component will be zoned R1-1, the same as the existing residential developments to the north. Dwelling heights, lot coverages, front yard setbacks & side yard setbacks will be the same as the existing developments to the north.
- The proposed development respects the character of the adjacent residential neighbourhoods.
- No new lots will back onto existing single detached residential lots.
- The subject property abuts the Georgian Trail to the north, which exhibits mature tree cover and vegetative growth. The unopened road allowance between Parcel 1 and Parcel 2, and Parcel 2 will remain in their current vegetative state. The re-channelized watercourse will include a naturally vegetated buffer on both sides. Boulevard trees will be planted for each lot.
- The Traffic Impact Study concluded that there will be no impact from the development of the 38 lots.
- The proposed development will have no negative impacts on adjacent properties in relation to grading, drainage, access and circulation, and privacy.

Section D4.3 provides general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision.

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.

Comment:

- The proposed Plan of Subdivision will develop a vacant parcel of land designated for development, thereby completing the surrounding community. The development is not premature and is in the public interest.
- The proposed development will be serviced by municipal water and sewer. The proposed development abuts the Georgian Trail and is in close proximity to community facilities, retail shopping and other recreational amenities in the surrounding area.

- The proposed density conforms to the Town's Official Plan policies and emulates the density of existing surrounding residential development.
- The proposed subdivision is consistent with other developments in the area; particularly the residential development along High Bluff Lane and will be easily integrated with the surrounding development.
- The proposed development is consistent with the policies of Section D5 of this Plan
- The proposed subdivision conforms with the environmental protection and management policies of the Official Plan, as is evidenced by the results of the Environmental Impact Assessment.
- The proposal conforms to Section 51 (24) of the Planning Act, as amended.

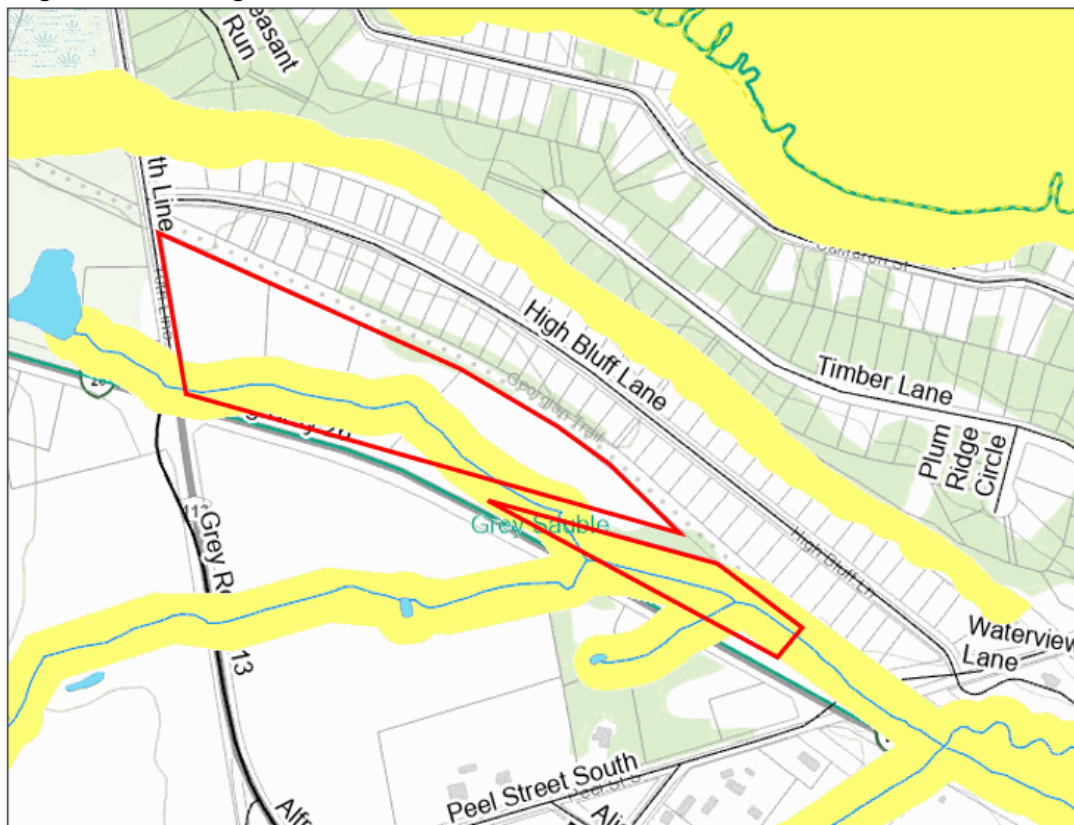
The proposed development conforms to the goals and objectives and is consistent with the policies set out in the Town of the Blue Mountains Official Plan.

3.4 Ontario Regulation 151/06 Under the Conservation Authorities Act

A portion of the subject property is located within the Grey-Sauble Conservation Authority (GSCA) Regulated Area. Ontario Regulation 151/06 is the Generic Regulation of the Conservation Authorities Act, specific to the regulation of development, interference with wetlands and alterations to shorelines and watercourses. Under this regulation, hazardous lands, wetlands, shorelines, areas susceptible to flooding and their associated setbacks (buffers) are included within the Regulated Area.

As noted earlier in this report, 1290337 Ontario Inc. and 10 Keith Avenue Inc. appealed the Town's Comprehensive Zoning By-law 2018-65, with respect to the proposed Hazard zoning on the lands, which identified an intermittent watercourse. The Parties resolved all issues between them and agreed that the appeal should be allowed by the Tribunal, the re-channelization of the intermittent watercourse can proceed and that the Zoning By-law is to be modified on a site-specific basis. On June 24th, 2021, Minutes of Settlement were executed between 1290337 Ontario Inc. and 10 Keith Avenue Inc. and the Town of The Blue Mountains.

Figure 5: GSCA Regulated Area



The Town and the GSCA acknowledged and agreed that based on the Natural Heritage Assessment prepared by Tarandus Associates Limited, the property does not contain or is not near any significant natural heritage features. The proposed re-channelization of the intermittent watercourse includes a sufficient buffer to any future development on the balance of the property.

3.4 Current Zoning

Development Parcel 1 is currently zoned Development (D), Development Holding 40 (D-h40) and Hazard Holding 39 (H-h39) in the Town of the Blue Mountains Zoning By-law 2018-65, as amended by By-law 2021-95.

The holding 'h' symbols shall not be removed from these lands until the site alteration required for the re-channelization of the floodway to convey natural hazard (flooding) events within the Hazard (H) zoned lands has been constructed and that the new hazard limits of the re-channelized work have been accepted by the GSCA.

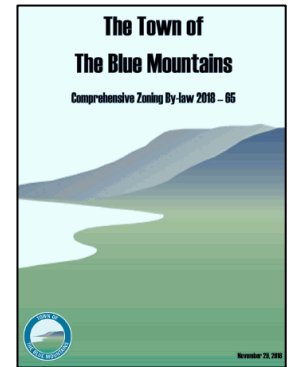
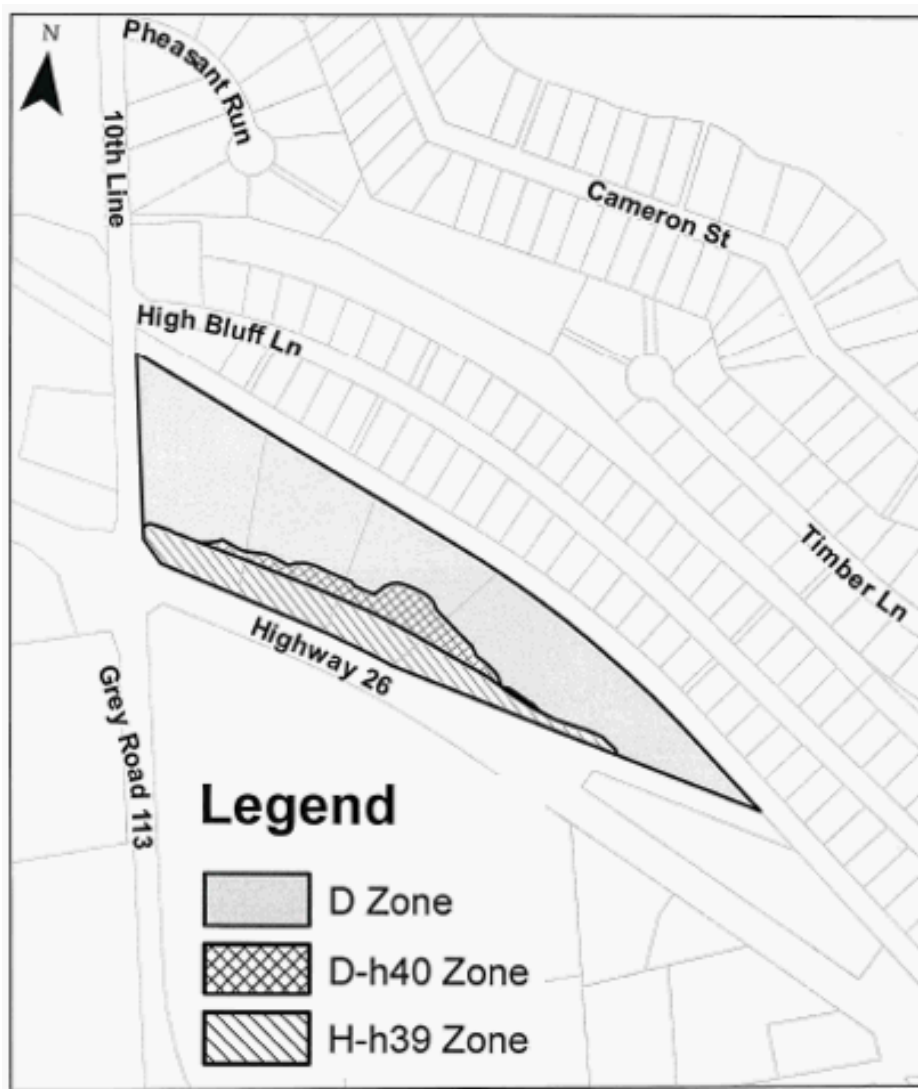


Figure 6: Current Zoning – as Amended by Bylaw 2021-95



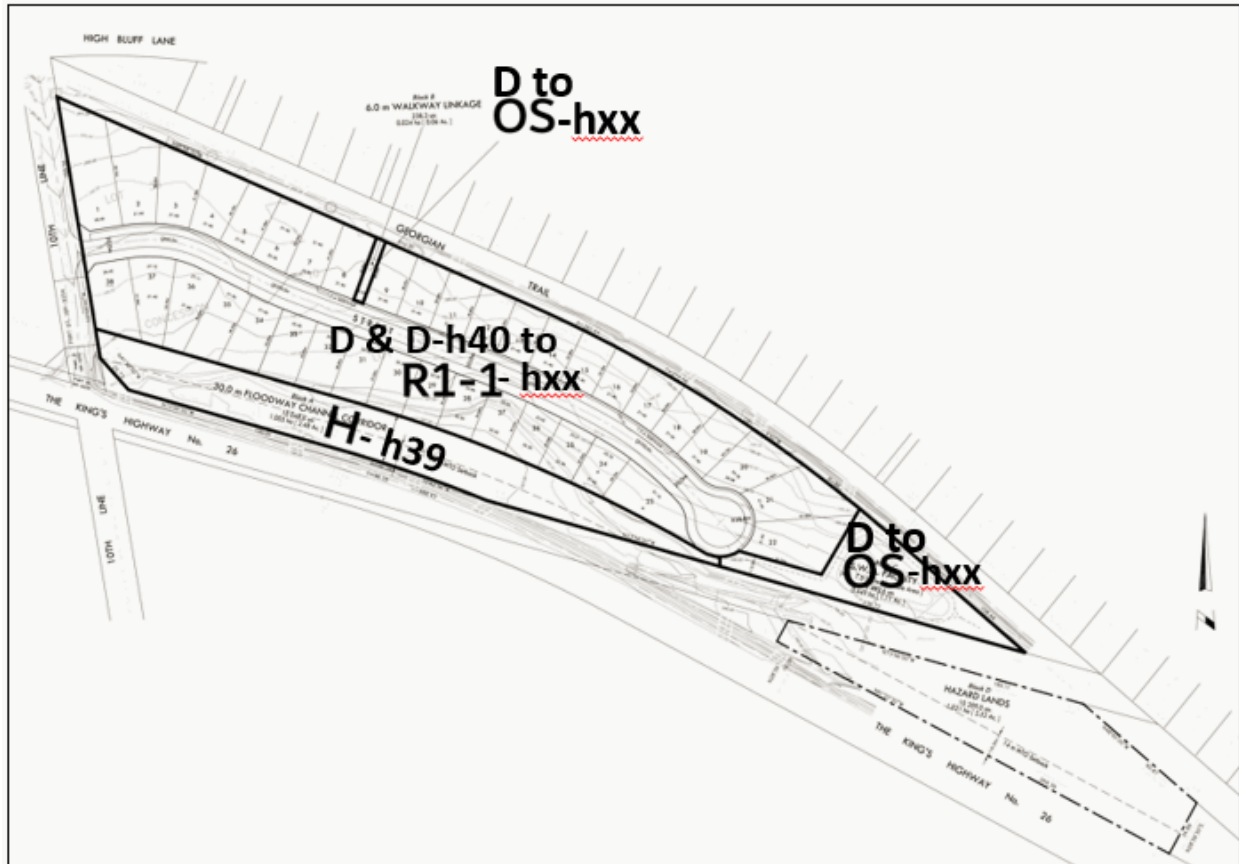
In order to facilitate the proposed Plan of Subdivision, an amendment to the Town of the Blue Mountains Zoning By-law is required.

3.5 Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment will:

Re-zone Parcel 1 from the Development (D) and Development D (D-h40) Zones to the Residential (R1-1-hxx) and Open Space (OS-hxx) Zones. The holding 'h' symbol shall be removed from these lands when the re-channelization has been completed to the satisfaction of the Town.

Figure 7: Proposed Zoning



A copy of the proposed Zoning By-law Amendment is found in *Appendix "H"*.

4.0 PLANNING OPINION

Based on the planning analysis detailed in the previous sections of this report, it is our opinion that the proposed development is consistent with, conforms to and complies with all Provincial, County and Municipal planning documents (as amended).

It is our opinion that the proposed development is appropriate for the site and is adequately justified by policy conformity, market demands and functionality. Furthermore, the development achieves the intent of the Town to develop sites of this nature. The scale of the proposed Plan of Subdivision is compatible with the surrounding developed subdivisions.

The appropriate supporting studies have been completed and have concluded that proposed Draft Plan can be supported and will not adversely affect servicing or existing surrounding land uses.

The Provincial Policy Statement, County of Grey and Town of the Blue Mountains Official Plans promote the efficient use of land and support development of healthy, complete communities. The proposed development conforms to the goals and objectives of these documents.

The proposed development is consistent with the policies set out in both the County and Town Official Plans. It provides for a more efficient use of a vacant parcel of land and infrastructure, proposes a development that is consistent with the form, function and character of the surrounding area and will add to the housing supply in the Town of the Blue Mountains.

We are therefore of the opinion that the Zoning By-law Amendment and Draft Plan of Subdivision applications for the subject lands represent good planning.

Respectfully submitted,

PLAN WELLS ASSOCIATES



Miriam Vasni, MCIP, RPP

APPENDIX 'A'

PRE-APPLICATION CONSULTATION MEETING COMMENTS

JANUARY 6TH, 2022



Planning and Development

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

January 5th, 2022

Natalya Garrod, Planner 1
Town of The Blue Mountains
32 Mill Street, PO Box 310
Thornbury, Ontario N0H 2P0

**RE: Pre consult P3105 Lora Greens
Part Lot 35 & 36, Concession 10
Town of The Blue Mountains
Owner/Applicant: Plan Wells Associates**

Dear Ms. Garrod,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to create a 38 residential lot subdivision. The proposed zoning by-law amendment would rezone the subject property from Development 'D' zone, Holding Symbol 'h40' and Holding Symbol 'H-h39' to Residential One 'R1-1' and Holding Symbol 'H-h39' to permit single detached dwellings. The dwellings are proposed to connect to existing municipal water and wastewater services. The proposal includes the construction of a new road, a stormwater management facility and a walkway linkage to the Georgian Trail. The subject property is currently vacant.

Schedule A of the County OP designates the subject lands as a 'recreation resort area' and 'hazard lands'. As per Section 6.1 of the County Plan, residential development is permitted under the 'recreation resort area' land use designation. As per section 7.2(3) of the County OP, *buildings and structures are generally not permitted in the Hazard Lands land use type*. Comments should be received from the local conservation authority.

Appendix A of Recolour Grey indicates that the subject property is within 'Intake Protection Zone – 2' (IPZ-2). It appears the proposed area is also within an Events Based Area, which is concerned with the storage of fuel. This does not appear to be proposed as part of the subject application; therefore, the IPZ policies shall not constrain the subject application.

The proposed development is in proximity to a County Road. Comments have not yet been received from the County's Transportation Services department related to this application. Upon receipt, staff will forward these to Town staff. Comments should also be received from MTO.

The County is the approval authority for plan of subdivisions in the Town of The Blue Mountains.

The following represents the materials required as part of the Plan of Subdivision application process.

1. Planning Justification Report addressing the *Planning Act*, Provincial Policy Statement, County Official Plan (current and adopted) and the Town of The Blue Mountains Official Plan & Zoning provisions,
2. Storm Water Management Report
3. Functional Servicing Report
4. Hydrogeological Study and Geotechnical Report
5. Archaeological Assessment (at a minimum a Stage 1 needs to be submitted and further stages if recommended by the Stage 1) – for areas that are not being disturbed/developed – archaeological field investigations will not be required (i.e., hazards lands, provincially significant wetlands, etc.).
6. Potential Traffic Impact Study
7. Potential Tree/Vegetation Management Plan – addressing *Planning Act*, Provincial Policy Statement, County Official Plan (current and adopted) and the Town of The Blue Mountains Official Plan & Zoning provisions
8. Draft Plans, and
9. Plan of Subdivision application to the County including all required application fees/deposits
10. And a Zoning By-law Amendment application to the Town (if applicable) including all required application fees/deposits.

You can view the County's technical guides here <https://www.grey.ca/planning-development/planning-application-forms> to get a better sense of what will be required for the above noted technical studies.

Updates have also been made to the County's development charges by-law. Details can be found here: <https://www.grey.ca/news/development-charges-update-%E2%80%93-notice-public-meeting>.

The above information reflects what the County would need to see submitted to constitute a complete application for the proposed revised Plan of Subdivision.

The County reserves the right to ask for more information or clarification later based on further review, agency comments, or public concerns.

Page 3
January 5th, 2021

Currently, County planning staff have no further comments.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephanie Lacey-Avon". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Stephanie Lacey-Avon
Planner
(519) 372-0219 ext. 1296
stephanie.lacey-avon@grey.ca
www.grey.ca



Memo

32 Mill Street, Box 310, Thornbury ON, N0H 2P0
Phone: 519-599-3131

Date: January 6th, 2021
To: Pre-Consultation
From: **Natalya Garrod , Planner I**
Subject: P3105- Part Lots 35 & 36 Concession 10– Pre-Consultation Comments

The comments below are Planning Services comments with respect to the pre-consultation submission for a Zoning By-law Amendment and Draft Plan of Subdivision.

Proposal:

- The proposal is seeking to submit a Draft Plan of Subdivision to create 38 residential lots. The proposed zoning by-law amendment would rezone the subject property from Development 'D' zone, Holding Symbol 'h40' and Holding Symbol 'H-h39' to Residential One 'R1-1' and Holding Symbol 'H-h39' to permit 38 single detached dwellings. The dwellings are proposed to connect to municipal water and wastewater services. The proposal includes the construction of a new road, a stormwater management facility and a walkway linkage to the Georgian Trail. The subject property is currently vacant.

General Comments

- A Zoning By-law Amendment Application will be required.
- A Draft Plan of Subdivision Application will be required.
- As the subject property is located within GSCA regulated lands. Permits may be required for some of the properties prior to the issuance of a building permit. This will need to be confirmed through the GSCA.
- The development is within the MTO control area. Approvals required for each property prior to the issuance of building permits. Recommend MTO issue blanket approval for all lots upon the completion of basic services.
- Note that the subject property appears to be divided into 5 lots. The Plan of Subdivision would need to override this lot fabric upon Plan registration.
- The Holding (-h39) encompasses a total of 30 m to run parallel to Highway 26 to accommodate the re-channelization of the intermittent watercourse on the lot.

County of Grey Official Plan, 2018

Designated: *Residential Recreational Area and Hazard*

- Intensification is encouraged within primary settlement areas.

- All proposed development located adjacent to a Provincial Highway or located within the MTO's permit control area under the Public Transportation and Highway Improvement Act will be subject to MTO approval. MTO policy is to allow only one entrance for each existing lot of record. Development is encouraged to utilize local roads and shared access wherever possible. New, altered, or expanded land uses, parcels, signs, and entrances adjacent to Provincial Highways will be subject to approvals or prohibitions as may be required by MTO. It is noted that proposed access is not directly onto Highway 26 but rather the 10th Line. Regardless comments from the MTO are encouraged prior to any formal submissions.
- For large development proposals that will generate large volumes of traffic that are located within MTO's permit control area, MTO may require an applicant to prepare a Traffic Impact Study in accordance with MTO's 'General Guidelines for the Preparation of Traffic Impact Studies'. In this regard comments from the MTO are encouraged prior to any formal submissions.

Grey Sauble Conservation Authority:

- There is regulated lands on the subject property. Development permit will be required from the GSCA. Comments from the GSCA in this regard is encouraged prior to any formal submissions.
- The subject property is adjacent to an Intake Protection Zone-3 and EBA policy components. Please refer to GSCA for detailed review and applicable policies and ensure that this proposal will be consistent those policies.

Town of The Blue Mountains Official Plan, 2016

Designated: *Residential Recreational Area and Hazard*

Comments:

- Residential Recreational Area permits seasonal and permanent residential uses (single dwellings).
- Maximum density for lands designated Residential Recreational Areas is 10 units per gross hectare. The subject property is 17.2 acres in total. Minus hazard lands, the property is $17.2 - 2.52 \text{ (hazard)} - 2.54 \text{ (flood corridor)} = 12.14 \text{ acres (4.9 ha of developable land)}$. Therefore approximately 49 units are permitted. The proposed 38 units is within the allowable maximum.

Hazard Lands:

- As a result of the OLT decision, a hazard designation continues to apply to portions of the lands.
- Building or structures are not permitted within Hazard land, except for minor expansions to existing buildings, non-habitable buildings, etc.

D1.2 Preferred Means of Servicing in Settlement Areas:

- Prior to the creation of any new lot or zoning by-law amendment in any settlement area, Council shall be satisfied that appropriate municipal services are available to the lands and that there is sufficient capacity to accommodate the use. Any proposal that

would require the extension of water or sewage services shall provide a comprehensive servicing analysis prior to consideration of the proposal.

- The subject property does not currently have frontage on Town water and wastewater services. This land has not been assigned any servicing capacity allocation, and capacity at the Town's existing facilities are reaching limits.

Transportation

- New roads are intended to be designed in a grid-oriented street network to help distribute car and truck traffic evenly and provide access for the future operation of an efficient public transit system and ensure that appropriate right-of-way widths for all existing and proposed roads are provided.
- 10th Line and Peel St North are meant to be Minor Collector Roads with a right of way width of 26 metres with controlled access. A road widening may be required. Subject to confirmation by the Town Roads Department.
- Highway 26: Right of way width up to 50 m. Development adjacent to Hwy 26 will be subject to the minimum safety and geometric requirements of MTO. MTO permits required prior to any construction and grading being undertaken. Adjacent development subject to minimum visual buffering requirements.
- Confirm that the proposed road "Street A" will be public (not private)?
- Sight triangle will be required. Sight triangle along County Road or Provincial Highway requires 12 metres. In accordance with 4.33 of the Zoning By-law 2018-65 no buildings, structure, fence, wall vegetative planning that has height greater than 1 metre is permitted in sight triangle on a corner lot.
- Consider the impacts on traffic as a result of the additional units and local road as outlined in D5.5 Transportation.

Section B3.7.4.1 Density and Open Space Requirements provisions requires:

- Subdivision design shall be required to provide an open space component as a separate block of land. The Town requires a minimum of 40% open space and none have been identified on the concept plan? Lands designated as Hazard may be included within the required open space component. These lands are not included for the purpose of calculating maximum permitted development density.
- The open space shall be made available for use by all lots or unit owners under the Plan of Subdivision.
- The open space lands shall be registered on title as common ownership and an associated or owners or appropriate management body must be established to the satisfaction of Council to ensure ongoing maintenance and care for the property. There are open space exceptions, see Section B3.7.4.5.

Section C5 Stormwater Management

- All proposals for major residential development (five lots or more) shall be supported by a Stormwater Management Report.
- The SWM Report must be in accordance with Town standards as detailed in Section C5.

Section D1.5 Monitoring of Servicing Capacity

- The design capacity of the applicable wastewater treatment plant facilities will be evaluated. Where reservation of design servicing capacity is not available, any

application for development shall be considered to be premature, and development approval shall not be given.

Section D4.3 Subdivision Development Policies.

- Please have regard for the policies within this section of the Town's Official Plan.

Section D6 Parkland and Open Space Dedications

- As a condition of approval of development the Town shall require the dedication of 5% of land for park. Lands within the Hazard Lands designation which have been identified as Hazard lands shall not be considered as part of the required minimum dedication of parkland.
- The Town may accept cash in lieu of land as an alternative for any park dedication required by this Plan subject to comments by the Town's Community Services Dept.

D3.4 Archaeological Resources

- Archaeological Impact Assessments will be required in support of new plans of subdivision or condominium, where the development is being proposed on sites which have not already been significantly disturbed.
- The appropriate Aboriginal Communities shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors.
- The Applicant shall consult with Aboriginal Communities on their Planning Act applications prior to full submissions being filed with the Town.
- The Plan of Subdivision shall be consistent with Section D5 Community Design of the Town's Official Plan.

Zoning Review

Zoned: Development and Hazard

- Zoned Development 'D', 'D-h40', and Hazard 'H-h39'. A 'h4a' provision applies to these lands.
- Holding provision H40 will be required to be removed prior to development. To remove the Holding symbol you must satisfy the conditions for removal: site alteration as required for re-channelization of a floodway to convey natural hazard events within the Hazard zoned lands abutting to the south have been constructed and that the new hazard limits of the re-channelized works have been accepted by the GSCA.
- Development is contingent upon the proposed re-channelized floodway.
- The h4a holding provision lands within Source Water Protection Areas which applies to significant drinking water threats within water intake protection zones. This provisions prohibits land uses that handle and store more than 50,000 litres of fuel.

Water and Wastewater Comments

- These lands do not front on municipal services. Full municipal servicing is required. Capacity of the water plant, wastewater plant, water distribution system and wastewater collection system will need to be confirmed.

Parks Comments

- Community Services would ask that the proposed walkway to the Georgian Trail be fenced on both sides of the property lines to avoid pedestrian traffic walking on homeowners properties.

Canada Post Comments

- Please see attached document.

Building Comments:

- Building permits are required for each building. Permits only available upon the issuance of Basic Services.
- Subdivision plans shall include grading plan for the entire development. Individual lot grading plans shall be approved by the project engineer prior to the issuance of a building permit.
- All lots shall be serviced by municipal sanitary sewer and water. Recommend municipal storm sewer connections for each lot.
- Fire hydrants shall be placed within the new development.
- MTO approval required.
- GSCA permits required.

Requirements for Complete Zoning By-law Amendment Application

Complete application requirements shall include:

- a) Complete and Executed Zoning By-law Amendment Application Form;
- b) Requisite Application Fees including (subject to change):
 - i. For an application that contains more than 10 units and less than or equal to 50 units, Application Fee (Mid-Scale): \$18,432 plus \$5,000 deposit
 - ii. Grey Sauble Conservation Authority Review Fee: Subject to Confirmation from GSCA
- c) A detailed, scaled, Subdivision plan drawing which includes the criteria of Section 51(17) of the Planning Act and the following information:
 - i. North Arrow;
 - ii. Key Map showing the location and extent of the property;
 - iii. Title block showing the name of the firm/person who prepared the plan;
 - iv. The legal property limits and dimensions of the subject property;
 - v. All existing natural features such as trees, water courses, drainage ditches, environmental constraints, etc.;
 - vi. The location and setbacks to proposed buildings/structures and driveways;
 - vii. All measurements shall be provided in metric units;
 - viii. Show proposed service locations.

Requirements for Complete Draft Plan of Subdivision Application

Complete application requirements shall include:

- a) Complete Draft Plan of Subdivision Application Form;
- b) Requisite Application Fee (subject to change):
 - a. For an application that contains more than 10 units and less than or equal to 50 units, Application Fee (Mid-Scale): \$17,081
 - b. Grey Sauble Conservation Authority Fee: Subject to Confirmation from GSCA
 - c. A detailed Site Plan.
 - d. A Site Grading Plan.
 - e. A Public Utilities Plan.
 - f. Tree Preservation Plan.
 - g. Greenfield Development Standards Checklist.
 - h. Topographical Survey.
- c) Supporting Studies/Reports (in addition to any studies/reports identified by other commenting Departments or Agencies):
 - i. A Functional Servicing Report
 - ii. A positive Environmental Impact Study (if required by the GSCA).
 - iii. A Traffic Impact Study.
 - iv. A Geotechnical Study.
 - v. A Planning Justification Report (prepared by a member of OPPI)
 - vi. Stormwater Management Report.
 - vii. Archeological Report.
 - viii. Phase 1 Environment Site Assessment. – subject to peer review at the expense of the Applicant.
 - ix. Noise impact Study (Highway 26) – subject to peer review at the expense of the Applicant.

Please note that the comments contained in this memo reflect the information available at the time of review. Additional comments may be forthcoming at the time that more detailed development proposals become available

APPENDIX 'B'

MINUTES OF SETTLEMENT

Ontario Land Tribunals

Local Planning Appeal Tribunal

655 Bay Street, Suite 1500

Toronto ON M5G 1E5

Telephone: (416) 212-6349

Toll free: 1-866-448-2248

Website: olt.gov.on.ca

Tribunaux de l'aménagement du territoire Ontario

Tribunal d'appel de l'aménagement local

655 rue Bay, bureau 1500

Toronto ON M5G 1E5

Téléphone: (416) 212-6349

Sans Frais: 1-866-448-2248

Site Web : olt.gov.on.ca



CASE NO(S).: PL190003

PROCEEDING COMMENDED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants: 1290337 Ontario Inc. and 10 Keith Avenue Inc.

Subject: By-law No. 2018-65

Municipality: Town of the Blue Mountains

LPAT Case No.: PL190003

LPAT File No.: PL190003

LPAT Case Name: 1290337 Ontario Inc. et al. v. The Blue Mountains (Town)

MINUTES OF SETTLEMENT

WHEREAS 1290337 Ontario Inc. and 10 Keith Avenue Inc. (collectively, “Appellants”) are the owners of vacant parcels of land located at the northeast corner of Highway 26 and 10th Line, legally described as Parts of Lots 35 and 36, Concession 10, in the Town of the Blue Mountains, in the County of Grey (“Properties”);

AND WHEREAS the Town of the Blue Mountains (“Town”) enacted a comprehensive zoning by-law being No. 2018-65 (“Zoning By-law”) which zoned a portion of the Properties as “Hazard”;

AND WHEREAS the Appellants filed a site-specific appeal to the Local Planning Appeal Tribunal (“Tribunal”) pursuant to s. 34(19) of the *Planning Act*;

AND WHEREAS the Parties have resolved all issues between them and have agreed that the within appeal should be allowed by the Tribunal and that the Zoning By-law is to be modified on a site-specific basis with respect to the Properties in accordance with the terms set out below;

NOW THEREFORE in consideration of the entering into these Minutes of Settlement, the mutual promises hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Recitals are true.

2. The Parties will jointly request the Tribunal to allow the appeal and modify the zoning on the Properties by creating a new Hazard (H) zone subject to a holding provision (h39) encompassing a total width of 30m to run parallel to Highway 26 to accommodate the re-channelization of an intermittent watercourse on the Properties in accordance with the attached Schedule A. The holding provision shall only be permitted to be removed once the holding conditions are completed to the satisfaction of the Town.
3. The Parties will jointly request the Tribunal to amend the current Hazard zone on the Properties not being zoned h39 to a Development (D) zone subject to a holding provision (h40), which holding provision shall only be permitted to be removed once the holding conditions are completed to the satisfaction of the Town but the holding provision shall not prevent any authorized site-alteration for the Properties.
4. The Parties acknowledge and agree that a permit may be required from the Grey Sauble Conservation Authority (“GSCA”) in order to effect the re-channelization of the intermittent watercourse, and that a site alteration permit from the Town may also be required.
5. The Town acknowledges and agrees that based on the site-specific Environment Impact Study dated December 5, 2019 by Tatham Engineering Ltd. which has been reviewed and accepted by the Town and the GSCA, the Properties do not contain or are not near any significant natural heritage features, including any provincially significant wetlands or coastal wetlands, significant wildlife or wildlife habitat, or areas of scientific and natural interest (ANSIs), and the re-channelization of the intermittent watercourse which is depicted in Schedule A includes a sufficient buffer to any future development of the balance of the Properties.
6. The Parties acknowledge and agree that the Appellants intend to submit development applications for the Properties in the near future. Any studies which may be required to confirm the re-channelization of the intermittent watercourse may be processed as part of the Appellants’ future development applications. The Town acknowledges and agrees that completion of the re-channelization of the work described in paragraphs 2 and 3 of these Minutes of Settlement is not intended to be a pre-condition to the Town’s processing of any future development applications submitted by the Appellants.
7. The Town agrees that once the natural hazard on the Properties has been relocated within the re-channelized floodway, the Town Staff will administratively update and revise the Town’s Official Plan Schedule, pursuant to s. E8.2, to depict the relocated hazard.
8. The Parties shall bear their own costs of this proceeding.

IN WITNESS WHEREOF the Parties have duly executed these Minutes of Settlement as of the date(s) outlined below.

Signed this 24 day of June, 2021.

1290337 ONTARIO INC. AND 10 KEITH AVENUE INC., by their solicitors,
Thomson, Rogers

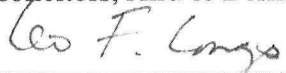


Print Name: Al Burton

I have the authority to bind the corporations.

Signed this 24 day of June, 2021.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS, by
its solicitors, Aird & Berlis LLP



Print Name: LEO F. LONGO

I have the authority to bind the Town.

Schedule A

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – XX

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

And Whereas the Local Planning Appeal Tribunal deems it necessary in the public interest to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P.13, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34, use the holding symbol “H” (or “h”) in conjunction with any use designation, and specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law;

Now Therefore the Local Planning Appeal Tribunal hereby orders:

1. That Schedule A, Map 8 of Zoning By-law 2018-65 is amended by changing the zoning symbol for the lands legally described as Parts of Lots 35 and 36, Concession 10, from the from the Development (D) and Hazard (H) Zones to the Development (D), Development (D-h40) and Hazard (H-h39) Zones, as shown on the attached Schedule ‘A-1’;
2. That Table 10.1 – Site-specific Holding Provisions of Zoning By-law 2018-65 is amended by adding holding number 39 and holding number 40 as follows:

Holding Number	Zone	Conditions for Removal
39	H-h39	<div>These lands are proposed to be a re-channelized floodway of a maximum width of 30m, inclusive of any buffer lands, required to convey natural hazard (flooding) events.</div> <div>The holding ‘-h’ symbol shall not be removed from these lands until such time as the following has been completed to the satisfaction of the Town:</div> <div><div>i. Acceptance of the recommendations of an updated Floodplain Analysis, if required, in consultation with the GSCA including erosion hazard setbacks.</div><div>ii. Acceptance of the recommendations of an updated Environmental Impact Assessment (EIS), if required, in consultation with the GSCA.</div><div>iii. The re-channelized watercourse must be accompanied by a naturally vegetated buffer on both sides of the watercourse and be designed by a geomorphologist in consultation with an engineer.</div><div>iv. The issuance of a permit for the site alteration as required for the re-channelized floodway works and associated buffers and adequate erosion hazard setbacks by the GSCA and the Town, and in consultation with Fisheries and Oceans Canada (DFO) and the Ministry of the Environment, Conservation and Parks (MECP).</div></div>
40	D-h40	<div>These lands are currently subject to natural hazard (flooding) events.</div> <div>The holding ‘-h’ symbol shall not be removed from these lands, and no development shall take place except for site alteration authorized by permit, until such time as the following has been completed to the satisfaction of the Town:</div> <div><div>i. That the site alteration as required for the re-channelization of a floodway to convey natural hazard (flooding) events within the Hazard (H) zoned lands abutting to the south have been constructed and that the new hazard limits of the re-channelized works have been accepted by the GSCA.</div></div>

3. That Schedule ‘A-1’ is declared to form part of this By-law.

Approved by the Local Planning Appeal Tribunal this _____ day of _____ 2021



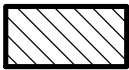
LPAT Order No. _____ Case No. PL19003

Town of The Blue Mountains

Schedule 'A-1'

By-Law No. _____

Legend

-  D Zone
-  D-h40 Zone
-  H-h39 Zone



APPENDIX 'C'

BY-LAW 2021-95

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – 95

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

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

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

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

1. That Schedule A, Map 8 of Zoning By-law 2018-65 is amended by changing the zoning symbol for the lands legally described as Parts of Lots 35 and 36, Concession 10, from the the Development (D) and Hazard (H) Zones to the Development (D), Development (D-h40) and Hazard (H-h39) Zones, as shown on the attached Schedule 'A-1';
2. That Table 10.1 – Site-specific Holding Provisions of Zoning By-law 2018-65 is amended by adding holding number 39 and holding number 40 as follows:

Holding Number	Zone	Conditions for Removal
39	H-h39	<p>These lands are proposed to be a re-channelized floodway of a maximum width of 30m, inclusive of any buffer lands, required to convey natural hazard (flooding) events.</p> <p>The holding 'h' symbol shall not be removed from these lands until such time as the following has been completed to the satisfaction of the Town:</p> <ol style="list-style-type: none">i. Acceptance of the recommendations of an updated Floodplain Analysis, if required, in consultation with the GSCA including erosion hazard setbacks.ii. Acceptance of the recommendations of an updated Environmental Impact Assessment (EIS), if required, in consultation with the GSCA.iii. The re-channelized watercourse must be accompanied by a naturally vegetated buffer on both sides of the watercourse and be designed by a geomorphologist in consultation with an engineer.iv. The issuance of a permit for the site alteration as required for the re-channelized floodway works and associated buffers and adequate erosion hazard setbacks by the GSCA and the Town, and in consultation with Fisheries and Oceans Canada (DFO) and the Ministry of the Environment, Conservation and Parks (MECP).
40	D-h40	<p>These lands are currently subject to natural hazard (flooding) events.</p> <p>The holding 'h' symbol shall not be removed from these lands, and no development shall take place except for site alteration authorized by permit, until such time as the following has been completed to the satisfaction of the Town:</p> <ol style="list-style-type: none">i. That the site alteration as required for the re-channelization of a floodway to convey natural hazard (flooding) events within the Hazard (H) zoned lands abutting to the south have been constructed and that the new hazard limits of the re-channelized works have been accepted by the GSCA.

3. That Schedule 'A-1' is declared to form part of this By-law.




The Town is directed to enact the foregoing amendment in accordance with the Ontario Land Tribunal Order PL190003 dated November 9, 2021.

Town of The Blue Mountains

Schedule 'A-1'

By-Law No. 2021-95

Legend

-  D Zone
-  D-h40 Zone
-  H-h39 Zone



Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 09, 2021

CASE NO(S): PL190003

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1290337 Ontario Inc. & 10 Keith Avenue Inc.
Subject:	By-law No. 2018-65
Municipality:	Town of The Blue Mountains
OMB Case No.:	PL190003
OMB File No.:	PL190003
OMB Case Name:	1290337 Ontario Inc. et. al. v. The Blue Mountains (Town)

Heard: June 28, 2021 by Video Hearing

APPEARANCES:

Parties

Counsel

1290337 Ontario Inc. and
10 Keith Avenue Inc.

Al Burton

Town of The Blue Mountains

Leo Longo

MEMORANDUM OF ORAL DECISION DELIVERED BY CARMINE TUCCI ON JUNE 28, 2021 AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal were the appeals filed by 1290337 Ontario Inc. and 10 Keith Avenue Inc. (the "Appellants") under s. 34(19) of the *Planning Act* in opposition to the Town of The Blue Mountain's ("Town") decision to zone a portion of the Appellants' property, described as Part of Lots 35 and 36, Concession 10, Parts 32-26, RP 16R3168 and Part 1, RP 16R546, as hazard lands. The Appellants dispute the

zoning as hazard lands as inconsistent with the Provincial Policy Statement, 2014 (“PPS”) and as lacking conformity with the Town’s Official Plan (“OP”).

SETTLEMENT HEARING

[2] The Tribunal was advised prior to the scheduled hearing that the parties had resolved their differences and would be seeking an order of the Tribunal on consent.

[3] The parties on consent submitted to the Tribunal the Minutes of Settlement.

[4] The parties further submitted the By-Law Amendment, which will be Attachment 1.

PLANNING OPINION

[5] The only evidence before the Tribunal is the oral testimony of Miriam Vasni.

[6] Ms. Vasni was qualified to provide expert land use planning evidence.

[7] Ms. Vasni provided the Tribunal with an overview of the applications in support of the settlement *viva voce*.

[8] Ms. Vasni informed the Tribunal that the Zoning By-law Amendment:

- are consistent with the PPS, 2020;
- conform with the Growth Plan for the Greater Golden Horseshoe;
- conform with the Town’s Official Plan and the County of Grey Official Plan; and,
- are in keeping with the principles of good land use planning.

DECISION

[9] The Tribunal, having reviewed the amended By-law and having heard the opinion of Ms. Vasni, accepts the uncontroverted expert land use planning evidence provided by the witness. The Tribunal finds that the proposed planning instrument has appropriate regard for the matters of Provincial Interest. The Tribunal also finds that the Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Greater Golden Horseshoe, conforms to both the County of Grey and the Town of The Blue Mountain's Official Plans, and represents good land use planning, in the public interest.

ORDER

[10] **THE TRIBUNAL ORDERS** that the appeal against By-law No. 2018-65 of the Town of The Blue Mountains is allowed in part and the Tribunal directs the municipality to amend By-law No. 2018-65 as set out in Attachment 1 to this Order.

"Carmine Tucci"

CARMINE TUCCI
MEMBER

Ontario Land Tribunal

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

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

ATTACHMENT 1

LPAT Case No. PL190003

Exhibit No. _____

The Corporation of the Town of The Blue Mountains

By-Law Number 2021 – XX

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

And Whereas the Local Planning Appeal Tribunal deems it necessary in the public interest to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P.13, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34, use the holding symbol "H" (or "h") in conjunction with any use designation, and specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law;

Now Therefore the Local Planning Appeal Tribunal hereby orders:

1. That Schedule A, Map 8 of Zoning By-law 2018-65 is amended by changing the zoning symbol for the lands legally described as Parts of Lots 35 and 36, Concession 10, from the from the Development (D) and Hazard (H) Zones to the Development (D), Development (D-h40) and Hazard (H-h39) Zones, as shown on the attached Schedule 'A-1';
2. That Table 10.1 – Site-specific Holding Provisions of Zoning By-law 2018-65 is amended by adding holding number 39 and holding number 40 as follows:

Holding Number	Zone	Conditions for Removal
39	H-h39	<p>These lands are proposed to be a re-channelized floodway of a maximum width of 30m, inclusive of any buffer lands, required to convey natural hazard (flooding) events.</p> <p>The holding 'h' symbol shall not be removed from these lands until such time as the following has been completed to the satisfaction of the Town:</p> <ol style="list-style-type: none"> Acceptance of the recommendations of an updated Floodplain Analysis, if required, in consultation with the GSCA including erosion hazard setbacks. Acceptance of the recommendations of an updated Environmental Impact Assessment (EIS), if required, in consultation with the GSCA. The re-channelized watercourse must be accompanied by a naturally vegetated buffer on both sides of the watercourse and be designed by a geomorphologist in consultation with an engineer. The issuance of a permit for the site alteration as required for the re-channelized floodway works and associated buffers and adequate erosion hazard setbacks by the GSCA and the Town, and in consultation with Fisheries and Oceans Canada (DFO) and the Ministry of the Environment, Conservation and Parks (MECP).
40	D-h40	<p>These lands are currently subject to natural hazard (flooding) events.</p> <p>The holding 'h' symbol shall not be removed from these lands, and no development shall take place except for site alteration authorized by permit, until such time as the following has been completed to the satisfaction of the Town:</p> <ol style="list-style-type: none"> That the site alteration as required for the re-channelization of a floodway to convey natural hazard (flooding) events within the Hazard (H) zoned lands abutting to the south have been constructed and that the new hazard limits of the re-channelized works have been accepted by the GSCA.


3. That Schedule 'A-1' is declared to form part of this By-law.

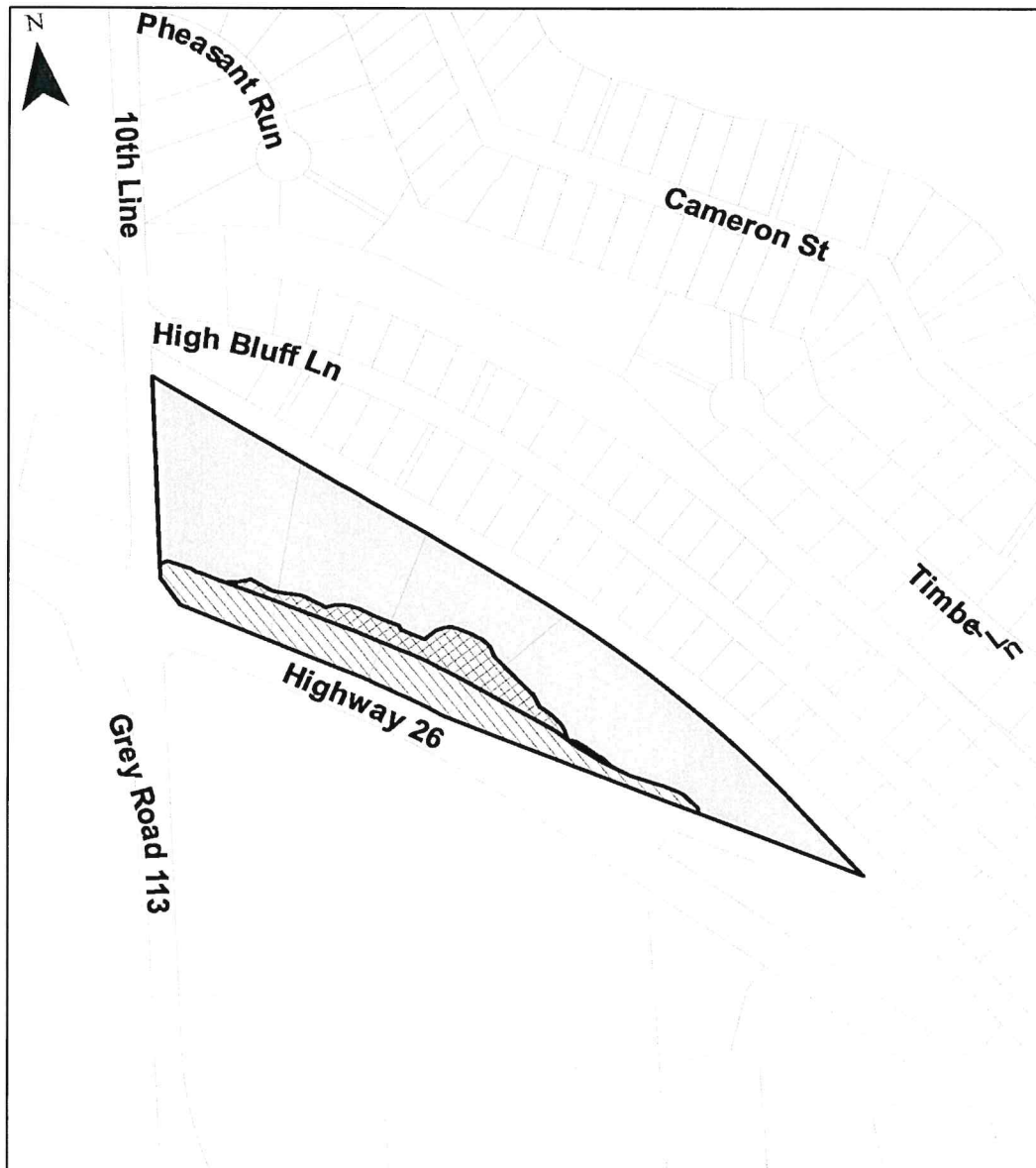
Town of The Blue Mountains

Schedule 'A-1'

By-Law No. _____

Legend

-  D Zone
-  D-h40 Zone
-  H-h39 Zone



LPAT Case No. PL190003

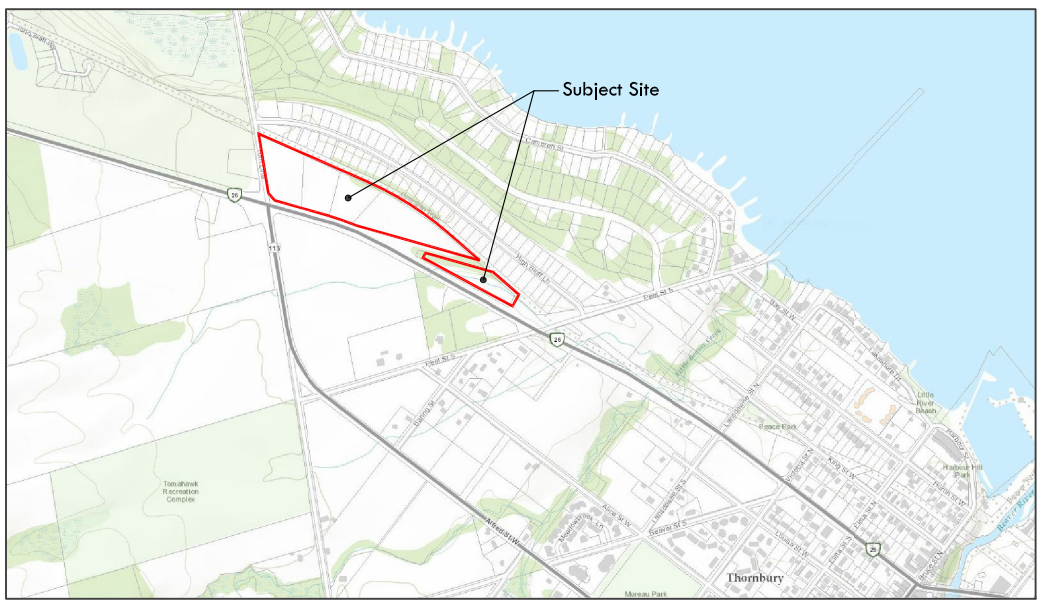
Exhibit No. _____

Approved by the Local Planning Appeal Tribunal this ____ day of _____ 2021

LPAT Order No. _____ Case No. PL19003

APPENDIX 'D'

CONCEPT PLAN & DRAFT PLAN OF SUBDIVISION



Key Plan

1 : 20 000

Schedule of Land Use

PROPOSED LAND USE	Legend	REFERENCE Lots / Blocks / Sheets	YIELD Units/ Blocks	ha	AREA (Ac.)	AREA %	
1) Single Detached Lots 21.4m (70') min.		Lots 1 - 24, 34 - 38	29	2,909	7.19	40.9	
2) Single Detached Lots 22.3m (73') min.		Lots 25 - 33	9	0.736	1.82	10.4	
3) 30.0 m Floodway Channel Corridor		Block A	1	1,005	(2.48)	14.1	
4) 6.0 m Walkway Linkage		Block B	1	0.024	(0.06)	0.3	
5) S.W.M. Facility		Block C	1	0.449	(1.11)	6.3	
6) Hazard Lands		Block D	1	1,021	(2.52)	14.4	
7) 20.0 m Public Road R.O.W.		Sheet A	-	0.963	(2.38)	13.6	
8)							
9)							
TOTALS			38	4	7,107	(17.56)	100

SOURCES

Base information comprised of a
Plan of Survey by Zubec, Emo, Patten & Thomson Limited, Job No. 84-17-5, Dated June 19, 2019, with
Surveyed Topographic Features by Tatham Engineering Limited.

The Contractor shall verify and be responsible for all dimensions.
Do not scale the drawing; any errors or omissions shall be reported to Plan Wells Associates without delay.
The Copyrights to all designs and drawings are the property of Plan Wells Associates.
Reproduction or use for any purpose other than that authorized by Plan Wells Associates is forbidden.

COPYRIGHT RESERVED

DRAFT PLAN of Subdivision

PART OF LOTS 35 and 36
CONCESSION 10

(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS

COUNTY OF GREY

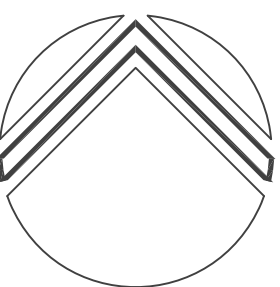
0 50 100m

1 : 1250

seal

prepared for

north



CLIENT

PROJECT
Hwy 26 + 10th Line

DATE
2022-12-16

DESIGN
miCAD

SCALE
1:1250



Planning Consultants
Development Approvals
705-444-5812 planwells.com

DRAWN
mvs

CHECKED
mv

DRAWING

05

Total Saleable Linear Frontage = 893.1 m
Total Centreline Road Length = 451.8 m
Efficiency Ratio [frontage/rd length]: 1.98



denotes a Lot which may require a Custom Designed Dwelling, due to irregular shape or Lot Depth less than 30.6m

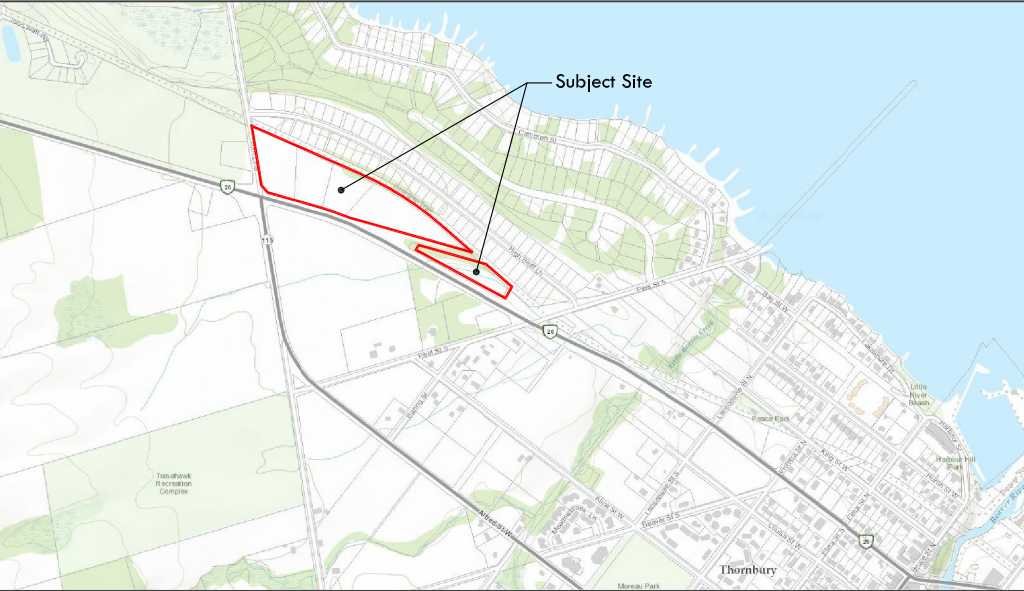
PROPOSED
DRAFT PLAN
OF SUBDIVISION
T-_____



Part of Lots 35 and 36
Concession 10

(FORMERLY TOWNSHIP OF COLLINGWOOD)

Town of The Blue Mountains
County of Grey



KEY PLAN

1 : 20 000

SCHEDULE OF LAND USE

PROPOSED LAND USE	Legend	REFERENCE Lots / Blocks / Sheets	YIELD Units/Blocks	AREA [Ac.]	AREA [Ac.]	%	
1) Single Detached Lots 21.4m (70') min.		Lots 1 - 24, 34 - 35	29	2.909	[7.19]	40.9	
2) Single Detached Lots 22.3m (73') min.		Lots 25 - 33	9	0.736	[1.82]	10.4	
3) 30.0 m Floodway Channel Corridor		Block A	1	1.005	[2.48]	14.1	
4) 6.0 m Walkway Linkage		Block B	1	0.024	[0.06]	0.3	
5) S.W.M. Facility		Block C	1	0.449	[1.11]	6.3	
6) Hazard Lands		Block D	1	1.021	[2.52]	14.4	
7) 20.0 m Public Road R.O.W.		Street A	-	0.963	[2.38]	13.6	
8)							
9)							
TOTALS			38	4	7.107	[17.56]	100

OWNER'S AUTHORIZATION

I/We, being the Registered Owner of the Subject Lands, hereby Authorize
Plan Wells Associates to prepare and submit this Draft Plan of Subdivision for Approval.

Signed _____ Date _____
Name, President
Company

SURVEYOR'S CERTIFICATE

I hereby Certify that the Boundaries of the Subject Lands and their relationship
to the Adjacent Lands are accurately and correctly shown on this Plan.

Signed _____ Date _____
Paul R. Thomsen, O.L.S.
Zubec, Emo, Patten & Thomsen Limited, Ontario Land Surveyors

ADDITIONAL INFORMATION

AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT
CHAPTER P. 13 (R.S.O. 1990)

- (a) Shown on Draft Plan and Surveyor's Certificate
(b) Shown on Draft and Key Plans
(c) Shown on Key Plan
(d) Land to be used in accordance with Land Use Schedule
(e), (f), (g), (h), (i) Shown on Draft Plan
(h) Municipal Water Supply will be provided
(i) Soil is Topsoil, Disturbed Native Soils, Silt & Sandy Silt
(k) Full Municipal Services will be provided

SOURCES

Base Information comprised of a
Plan of Survey by Zubec, Emo, Patten & Thomsen Limited, Job No. 84-17-5, Dated June 19, 2019, with
Surveyed Topographic Features by Tatham Engineering Limited.

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The Contractor shall verify and be responsible for all dimensions.
Do not scale the drawing; any errors or omissions shall be reported to Plan Wells Associates without delay.
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Prepared by:

Planning Consultants
Development Approvals
Plan Wells Associates 705-444-5812 planwells.com

Date: December 16, 2022

Project: Hwy 26 + 10th Line

0 50 100m
1 : 1250

Date	Revision	
Dec 16/22	---	mvs



Total Saleable Linear Frontage = 893.1 m
Total Centreline Road Length = 451.8 m
Efficiency Ratio [frontage/rd length]: 1.98

* denotes a Lot which may require a Custom Designed Dwelling, due to irregular shape or Lot Depth less than 30.6m

APPENDIX 'E'

PLAN OF SURVEY & TOPOGRAPHICAL SURVEY

PLAN OF SURVEY OF
PART OF LOTS 35 AND 36
CONCESSION 10
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY

SCALE 1:1000
0 5 10 20 40 METRES

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

NOTES
BEARINGS HEREON ARE ASTRONOMIC AND ARE REFERRED TO THE BEARING
OF THE NORTHERLY WIDENED LIMIT OF THE KING'S HIGHWAY NO. 26
BEING N73°56'00"W IN ACCORDANCE WITH DEPOSITED PLAN 452 (P-1671-12).

- DENOTES SET
- DENOTES FOUND
- S.S.B. DENOTES STANDARD IRON BAR
- I.B. DENOTES IRON BAR
- S.S.B. DENOTES SHORT STANDARD IRON BAR
- C.C. DENOTES CUT CROSS
- C.C. DENOTES CONCRETE PIN
- P.M. DENOTES PLASTIC BAR
- C.M. DENOTES CONCRETE MONUMENT
- W.T. DENOTES WITNESS
- M.E. DENOTES MEASURE
- P.C. DENOTES POINT OF CURVATURE
- N.S.E.W. DENOTES NORTH, SOUTH, EAST, WEST
- P.P.M. DENOTES PROPORTION
- P.1. REFERS TO DEPOSITED PLAN 452 (P-1671-12)
- P.2. REFERS TO PLAN 16R-9254
- P.3. REFERS TO PLAN 16R-3168

THIS REPORT WAS PREPARED FOR
1290337 ONT. LTD. AND 10 KEITH AVENUE, ONT., INC.
AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY
FOR USE BY OTHER PARTIES

NOTE
NO ADDITIONAL PRINTS OF THIS REPORT CAN BE ISSUED
FROM THIS OFFICE WITHOUT A FIELD EXAMINATION AND
UPDATING OF THE PLAN

SURVEYORS' CERTIFICATE

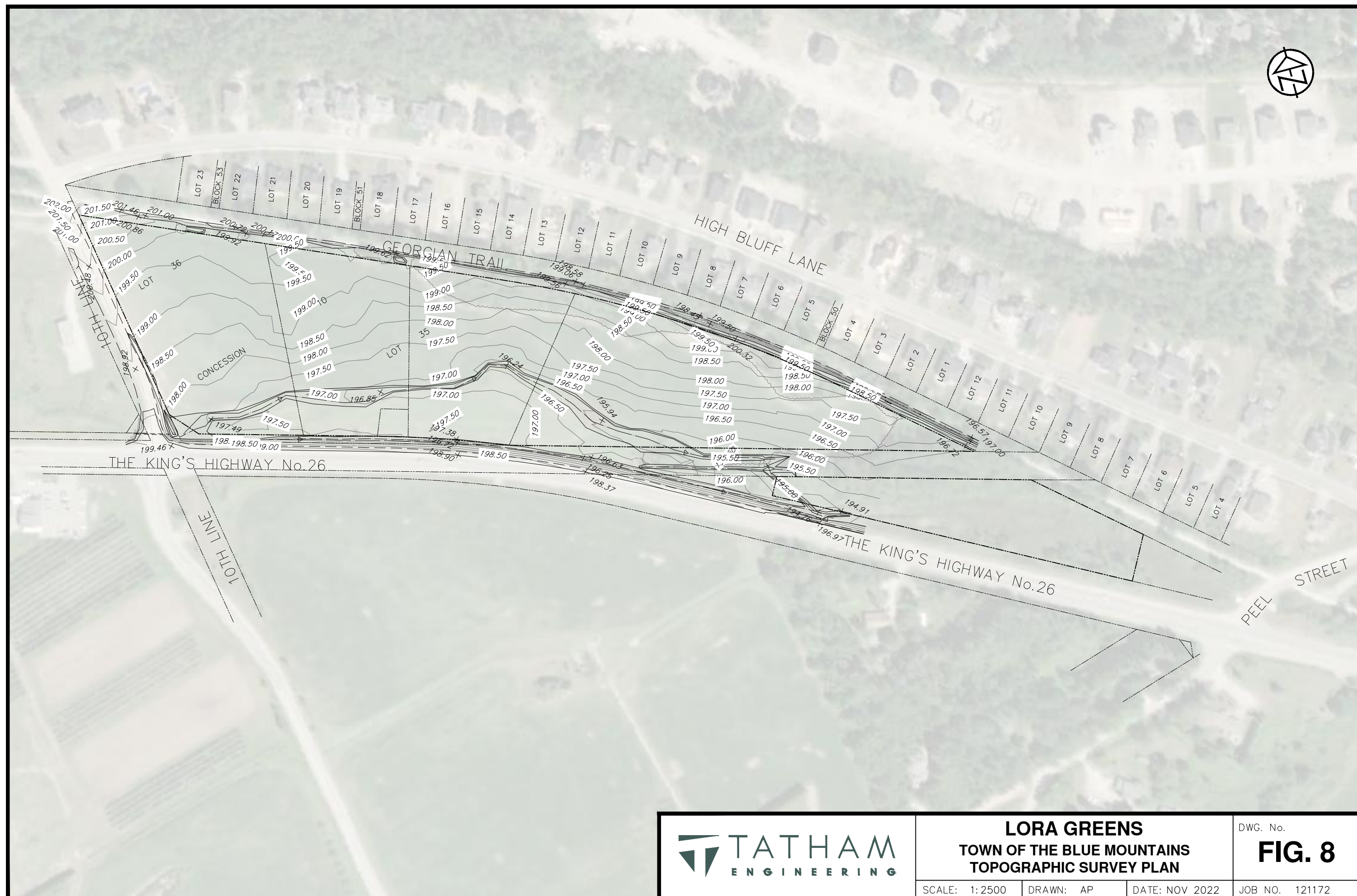
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT AND THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 7 TH DAY OF JUNE 2019.

JUNE 19, 2019
PATTEN & THOMSEN
ONTARIO LAND SURVEYORS
COLLINGWOOD

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN EXAMINATION FORM
2085167

THIS PLAN IS NOT VALID
UNLESS IT IS REGISTERED
ISSUED BY THE SURVEYOR
LIMITED
JUN 08 NO. 84-17-5
SURVEY FOR: 1290337 ONT. LTD. & 10 KEITH AVENUE, ONT., INC.

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ZUBEK, EMU & THOMSEN
PATTEN & THOMSEN
200 MOUNTAIN ROAD
UNIT 4
COLLINGWOOD, ONTARIO L9Y 4V5
PHONE: (705) 445-4910





APPENDIX 'F'

VEGETATION PRESERVATION PLAN



LEGEND

EXISTING VEGETATION PRESERVATION BOUNDARY 

	LORA GREENS			DWG. No.
	TOWN OF THE BLUE MOUNTAINS			FIG. 6
	EXISTING VEGETATION PRESERVATION AREA			
SCALE: 1:2000	DRAWN: KH	DATE: JUN 2022	JOB NO. 121172	

APPENDIX 'G'

MHSTCI ENTRY INTO PUBLIC REGISTER OF ARCHAEOLOGICAL REPORTS

**Ministry of Heritage, Sport, Tourism, and
Culture Industries**

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
5th Floor, 400 University Ave.
Toronto ON M7A 2R9
Tel.: (437) 339-8882
Email: Melissa.Wallace@ontario.ca

**Ministère des Industries du patrimoine, du sport, du
tourisme et de la culture**

Unité des programme d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
5e étage, 400 ave. University
Toronto ON M7A 2R9
Tél. : (437) 339-8882
Email: Melissa.Wallace@ontario.ca



Mar 8, 2022

Marilyn Cornies (P038)
AMICK Consultants Limited
237 Sanders Exeter ON N0M 1S1

**RE: Review and Entry into the Ontario Public Register of Archaeological Reports:
Archaeological Assessment Report Entitled, "ORIGINAL 02 February 2022 Stage 1-
2 Archaeological Assessment of Lora Greens Thornbury, Part of Lots 35 & 36,
Concession 10 (Geographic Township of Collingwood), Parts 32-36, Plan 16 R-
3168, Town of the Blue Mountains, County of Grey (AMICK File #2021-387/MTCS
File #P038-1077-2021)", Dated Feb 2, 2022, Filed with MHSTCI Toronto Office on
Feb 4, 2022, MHSTCI Project Information Form Number P038-1077-2021, MHSTCI
File Number 0016101**

Dear Ms. Cornies:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18.¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 *Standards and Guidelines for Consultant Archaeologists* set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Maps 4-5 of the above titled report and recommends the following:

STAGE 1-2 RECOMMENDATIONS:

As a result of the Stage 2 Property Assessment of the study area, no archaeological resources were encountered. Consequently, the following recommendations are made:

1. No further archaeological assessment of the study area is warranted;
2. The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;
3. The proposed undertaking is clear of any archaeological concern.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Melissa Wallace
Archaeology Review Officer

cc. Archaeology Licensing Officer
Daniel Pasta, 10 Keith Avenue Inc.
N/A N/A, Town of Blue Mountains Planning and Development

¹ *In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.*

APPENDIX 'H'

DRAFT ZONING BY-LAW AMENDMENT

The Corporation of the Town of The Blue Mountains

By-Law Number 2023-X X X

Being a By-law to amend Zoning By-law No. 2018-65, as amended by By-law 2021-95, which may be cited as "The Blue Mountains Zoning By-law";

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65, as amended by By-law 2021-95;

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

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

1. That Schedule 'A-1', By-law 2021-95 is amended by changing the zoning symbols for the lands legally described as Part of Lots 35 and 36, Concession 10, from the Development (D) and Development (D-h40) Zones to the Residential One R1-1-hXX and Open Space (OS-hXX) Zones as shown on the attached Schedule 'A-1';
2. That Table 10.1- Site-specific Holding Provisions of Zoning By-law 2018-65 is amended by adding holding number XX as follows:

Holding Number	Zone	Conditions for Removal
XX	H-hXX	<p>The holding '-h' symbol shall not be removed from these lands, and no development shall take place except for site alteration authorized by permit, until such time as the following has been completed to the satisfaction of the Town:</p> <p>i. That the site alteration as required for the re-channelization of a floodway to convey natural hazard (flooding) events within the Hazard (H) zoned lands abutting to the south have been constructed and that the new hazard limits of the re-channelized works have been accepted by the GSCA.</p>

3. That Schedule 'A-1' is declared to form part of this By-law.

And further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2023

Andrea Matrosovs

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2023- XXX, as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ____ day of _____, 2023.

Dated at the Town of The Blue Mountains, this ____ day of _____, 2023.

Corrina Giles, Clerk

**TOWN OF THE BLUE MOUNTAINS
SCHEDULE 'A-1' TO BY-LAW 2023-XXX**

