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# WINDFALL PHASE 6

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Planning Justification Report Supplemental  
July 2020



WINDFALL PHASE 6 REDLINE AND ZONING SUPPLEMENTAL  
PLANNING JUSTIFICATION REPORT

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## EXECUTIVE SUMMARY

(This Planning Justification Report is a supplemental submission to the November 2018 PJR filed with the original submissions).

The Windfall community is being developed over a sequence of 6 Phases. Current Draft Plan provisions permit 609 units. Phases 1, 2 and 3 are developed with dwelling units occupied. Phase 4 is under construction and Phase 5 is in the subdivision agreement review process.

In December 2018 Windfall applied to amend the Draft Plan (redline revision) and the implementing zoning By-law to permit an increase in approved units to 680. A Public Meeting was scheduled in February 2019 but was cancelled due to inclement weather. The Public Meeting was rescheduled to April 2019. However, in March 2019 Windfall requested a deferral of the applications in order to review the number and allocation of the increase in the number of units. This was partially due to the nature and extent of comments to the proposal.

Windfall is proposing to amend it's 2018 application.

The 2018 applications sought approval for an increase in the number of units from 609 to 680. The subject proposed revision is seeking approval for 659 units in the Draft Plan. This represents an increase of 50 draft approved units (from 609 to 659 dwelling units), or about 8%. The revised applications would result in Phase 6 having 166 dwelling units comprising 58 single detached and 108 semi-detached types. The net result for the Draft Plan will be an increase in the ratio of semi-detached dwelling types from 42% to 55%.

In addition to application for a redline revision to the approved Draft Plan an application for an amendment to the zoning By-law is required in order to reflect the increase in the number of units from 609 to 659. No other change to applicable zoning By-law regulations is identified as needed.

The Official Plans for the County of Grey and Town of The Blue Mountains designate the subject lands for residential uses. The Town of The Blue Mountains Official Plan permits a range of residential dwelling types that includes single and semi-detached dwelling types to a maximum density of 15 units per ha. At 659 units, the subject proposal will result in a residential density of 13.4 upha, about 1 upha more than the existing approved plan at 12.4upha.

***In reviewing applicable Provincial, County and local planning policy, it is concluded that the subject modified applications remain consistent with Provincial directions and conform to the intent of County and local Official Plan land use policy. The overall appropriateness of the policy review in the original November 2018 Planning Justification Report remains.***

# 1. PURPOSE

The purpose of this supplemental PJR is to update the November 2018 PJR to reflect the modified application for a Redline Revision (redline) approval to the existing Draft Plan and related minor zoning By-law amendment. A Public Meeting regarding these applications was rescheduled for April 8, 2019 after the initial date was cancelled due to inclement weather. However, on March 13, 2019 a request to defer consideration, processing and, review of the applications was filed with the Town and County. This was due to the decision of the Owner to revisit the scale and scope of the initial proposal that would affect, among other matters, phasing, allocation of single and semi-detached dwelling units and, associated minor adjustments to servicing.

# 2. SITE DESCRIPTION

The subject lands are situated in the Blue Mountain Village Area community of the Town of The Blue Mountains. Legally, the subject lands are described as comprising Blocks 40, Registered Plan 16M-42 (see **Figure 1** for location context, refer to Draft Plan for precise boundaries).

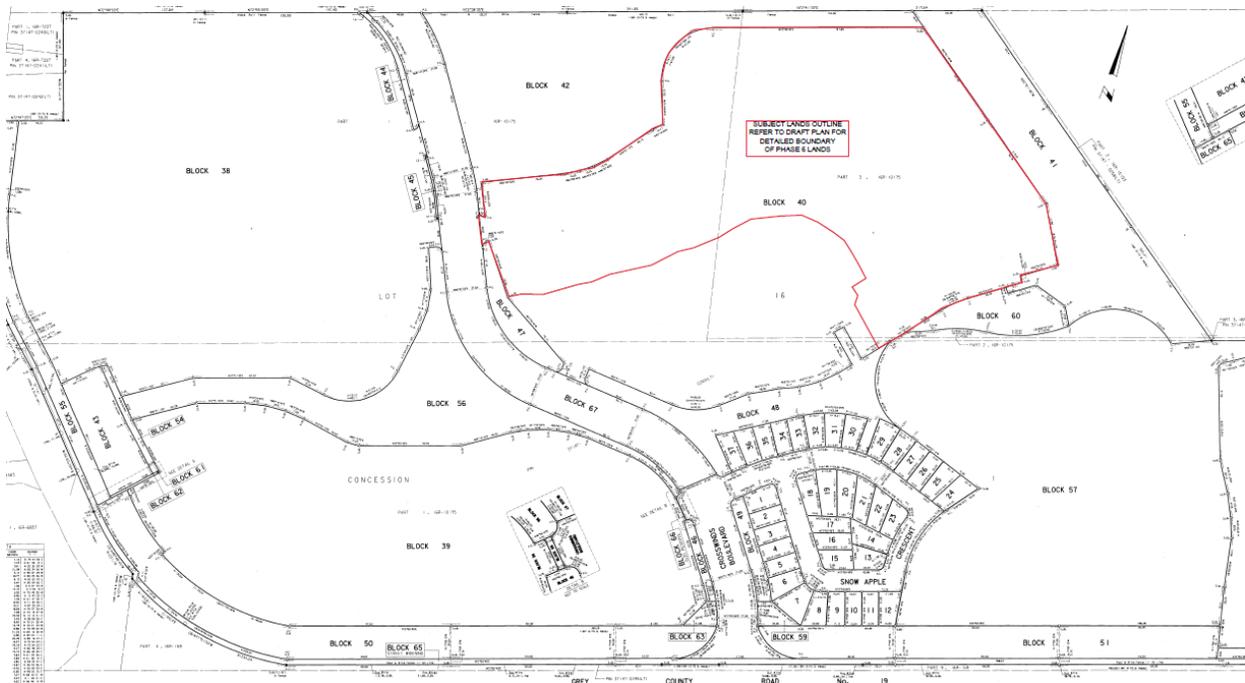


Figure 1: Location and Context

More specifically, the subject lands comprise 113 lots in Phase 6 per the approved Draft Plan of Subdivision 42T-2010-3 (**Figure 2**, over).

### 3. SURROUNDING LAND USES

Surrounding land uses include lands under development according the existing subdivision approvals, the existing Scandinave Spa uses to the east, vacant lands to the north that have Draft Plan and Zoning applications under review and subdivision lands under development to the north-west.

### 4. PROPOSAL

The subject applications (red line revision and associated zoning By-law amendment) propose revisions to the initial applications of December 2018 that sought approvals for an increase in the number of units from 609 to 680 by adjusting unit counts in Phases 4, 5 and 6. Those original applications were deferred at the request of the Owner in March 2019 to allow time to reconsider, among other matters, the number and distribution of additional dwelling units along with associated minor engineering adjustments.

This revised proposal is reducing the initial increase in number of units to 50 from 71 (i.e., increase from 609 to 659 vs 609 to 680) and to affect Phase 6 only.

#### **Existing Draft Plan**

The existing Draft Approved plan allows for a total of 609 dwelling units comprising 351 single detached (58%) and 258 (42%) semi-detached dwelling types over six phases. The net result for the Draft Plan redline will be an increase in the ratio of semi-detached dwelling types from 42% to 55%.

Existing zoning provides for, among other things, a maximum of 609 units. The existing density of the Draft Approved plan is 12.4 units per ha (upha).

The Windfall community is being developed over a sequence of 6 Phases. Current Draft Plan provisions permit 609 units, 351 of which are single detached and 258 are semi-detached dwelling types. Phases 1 and 2 are constructed resulting in 204 dwelling units (comprising 104 single detached and 100 semi-detached dwelling types). Phase 3 is nearing completion 69 dwelling units (29 single detached and 40 semi-detached). Phase 4 is under construction and will result in 42 single detached dwellings and 84 semi-detached dwellings. Phase 5 is currently under subdivision agreement review and will yield 63 single detached and 36 semi-detached dwellings. In total, phase 1 through 5 will result in 241 single detached and 252 semi-detached for 493 dwelling units.

Phase 6 *as currently draft approved* will result in a maximum of 116 units, bringing the total draft plan to the existing approved 609 dwelling units.

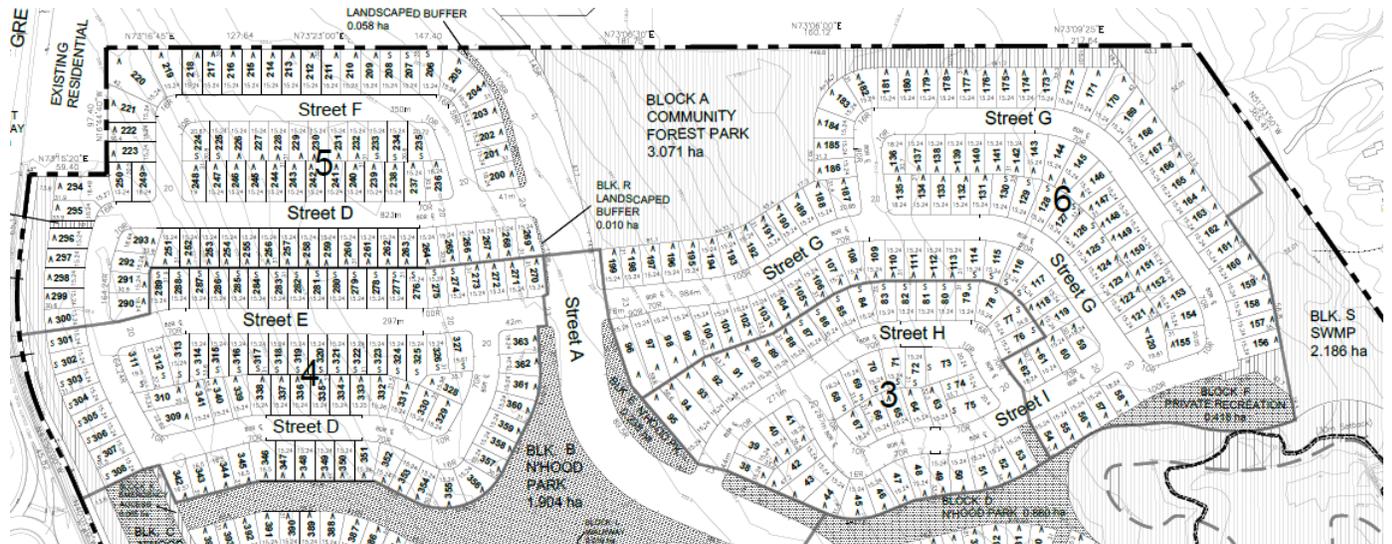


Figure 2: Excerpt of Existing Draft Approved Plan

## Proposal

The subject revised proposal seeks to increase the number of units from 609 to 659. The overall number of “lots” is not increasing, in fact there is a loss of 1 lot in Phase 6 (from 113 lots to 112 lots). This loss is due to the combination of an added walkway block (Blk 180) and a minor increase in the SWMP (Block S). The additional unit yield is realized through increasing the ratio of semi-detached units to single detached units in Phase 6 alone (see Figure 3).

UNIT COUNT		PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	PHASE 6	TOTAL
15.24m Single	A	37	67	32	42	63	58	299
7.62m Semi-detached	S	0	100	34	82	36	108	360
Medium Density		0	0	0	0	0	0	0
<b>TOTAL</b>		<b>37</b>	<b>167</b>	<b>66</b>	<b>124</b>	<b>99</b>	<b>166</b>	<b>659</b>

Figure 3 : Proposed Redlined Dwelling Unit Changes – Phase 6 and Total

For Phase 6, the revised redline proposal would result in 166 dwelling units comprising 58 single detached and 108 semi-detached units (see Figure 4, below). This represents an increase of 50 draft approved units (from 609 to 659 dwelling units), or about 8% to the overall Draft Plan. The increase in yield is realized by adjusting the ratio of single-attached dwelling types to semi-

detached dwelling types. The net result for the Draft Plan will be an increase in the ratio of semi-detached dwelling types from 42% to 55%.

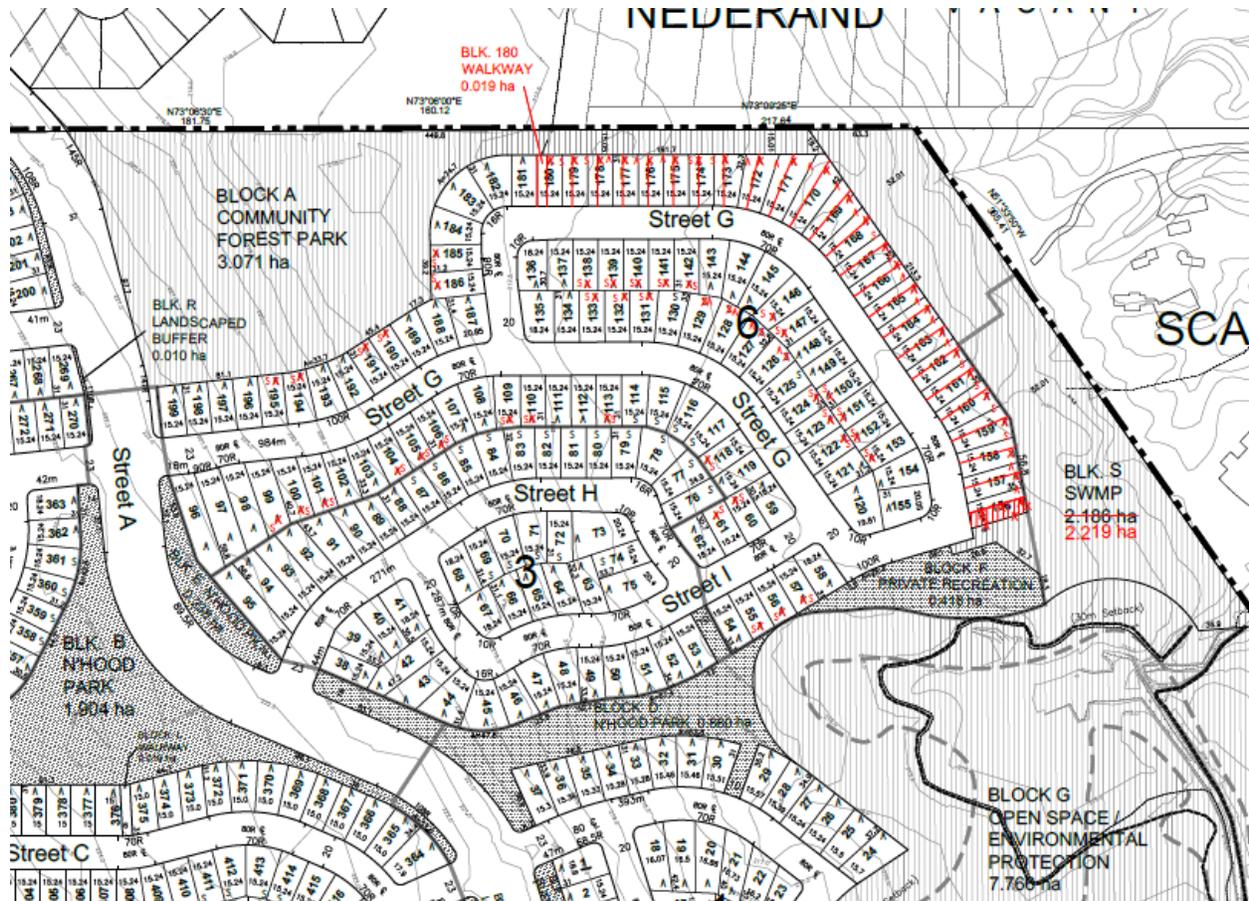


Figure 4 : Excerpt of Redline Revision to Draft Plan Phase 6

### Density

With regards to density, the local Official Plan designates the subject lands as “Residential Recreational Area” in Schedule ‘A-5’. Further to provisions of Section B3.7.4.1 the maximum density permitted is 15 units per Gross Hectare. In this case, the Official Plan defines Gross Hectare as the total area of land in a plan of subdivision minus Hazard Lands, Wetlands and Escarpment.

The approved Draft Plan of Subdivision has a total area of 59.929ha. In subtracting Official Plan defined Hazard lands (identified as Blocks G and J in the Draft Plan) the area of subdivision lands available for density calculation purposes is 49.04ha. The maximum unit yield applicable to the Draft Approved lands as limited by Official Plan policy is calculated as  $49.04\text{ha} \times 15\text{upha} = 735$  units. The difference of 126 units represents the potential additional units considering the maximum density allowance under the Official Plan.

The approved Draft Plan provides for 609 units for a density of 12.4 units per ha.

The impact of the proposal on overall subdivision density is relatively small. The subject applications propose an additional 50 units. The increase in Draft Plan unit yield would then total 659 units. The proposed increase to the Draft Plan unit yield would result in an overall density of 13.4 units per ha ( $659/49.04 = 13.4$ ). This is an increase of 1 unit per ha over the existing density of 12.4 units per ha.

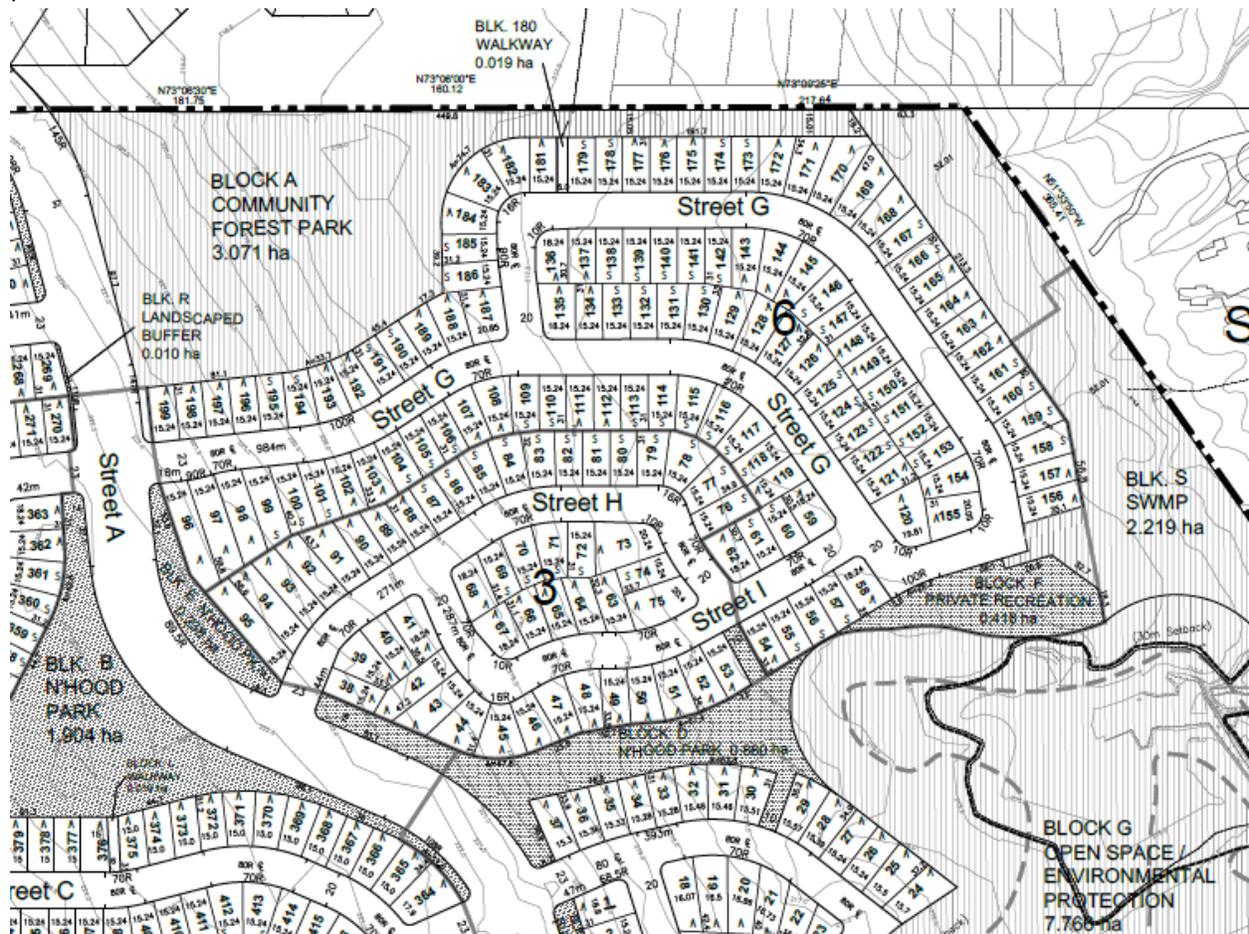


Figure 5: Excerpt of Proposed Draft Plan (blacklined)

### Other

In addition, the proposed redline revision maintains the introduction of a walkway block (Blk 180) connecting the northerly Street G with the open space corridor linking to the community



## 5. BACKGROUND

The Draft Approved plan was approved by the County of Grey on November 15, 2011. Since 2011, there have been three minor redline revisions to the Draft Plan. These have dealt with unit allocations within phases for the most part.

Development of the Windfall community is proceeding in accordance with provisions of the April 16, 2013 Master Development Agreement and the detailed regulations found in the implementing zoning By-law 2011-57, which By-law zones the subject lands Residential “R1-232-h”. We note that provisions of the 2011 zoning By-law are carried through to the recently adopted Town Comprehensive Zoning By-law 2019-65 as R1-3-62.

As noted previously, application for a redline revision to the approved Draft Plan along with an associated zoning By-law amendment was submitted in December 2018. The scheduled February 2019 Public Meeting was cancelled due to weather and rescheduled for April 2019. That meeting was subsequently cancelled as Windfall requested that its applications be deferred pending their further review of the proposed changes.

An extensive “Public Meeting Information” Staff Report was prepared and submitted to the Committee of the Whole on February 25, 2019 (PDS.19.24). That report detailed the nature of the applications along with an extensive background and review of relevant planning policy.

Subsequent review along with consultations with the County and Town resulted in Windfall proposing to reduce its requested unit increase. The County and Town advised of required supplemental or additional materials in support of revised applications. This PJR and the attached documents address those additional requirements.

The Windfall community is being developed over a sequence of 6 Phases. Current Draft Plan provisions permit 609 units, 351 of which are single detached and 258 are semi-detached dwelling types.

Phases 1 and 2 are constructed resulting in 204 dwelling units (comprising 104 single detached and 100 semi-detached dwelling types). Phase 3 is nearing completion 69 dwelling units (29 single detached and 40 semi-detached). Phase 4 is under construction and will result in 42 single detached dwellings and 84 semi-detached dwellings. Phase 5 is currently under subdivision agreement review and will yield 63 single detached and 36 semi-detached dwellings. In total, phase 1 through 5 will result in 241 single detached and 252 semi-detached for 493 dwelling units.

Phase 6 as draft approved will result in a maximum of 116 units, bringing the total draft plan to the existing approved 609 dwelling units.

## 6. PLANNING ACT

Part 1, Section 2 to the Planning Act directs that among other matters, a Council of a Municipality shall have regard to matters of provincial interest. Section 2 identifies 20 such matters 2(a) through ( s).

By virtue of the approved status of the Official Plans of both the County (2019) and the Town (2016) most matters have been addressed in that the subject lands are designated in both Official Plans for development on full municipal services. In other words, the principles of land use development are clearly established and approvals to date (through zoning and site plan approval) detail further matters demonstrating regard for provincial interest executed at a detailed level.

For ease of reference, the following is provided (reference to each subsection per above noted Section 2:

- (a) Addressed through the underlying land use designations in the Official Plans. Also, as identified and addressed through submitted EIS and engineering reports.
- (b) Addressed by virtue of the approved land use designations.
- (c) Addressed through the approved land use designations and submitted reports and studies.
- (d) Addressed through the Archaeological Stage 1 and 2 report as submitted with the original applications resulting in current Official Plan, Zoning and Draft Plan approvals.
- (e) Addressed through utilization of existing municipal infrastructure.
- (f) Per (e) above.
- (g) Per (e) above.
- (h) Per (c) above. (h.1) to be addressed at building permit stage through compliance with the Ontario Building Code among others.
- (i) Per (c) above.
- (j) Provision of relatively small lots (in context of existing and approved developments in the immediate area) including semi-detached dwelling types.
- (k) Not applicable.
- (l) The proposed development is in accordance with approved Official Plan policies, is subject to imposed Development Charges and, will be subject to standard MPAC valuations and property tax requirements.
- (m) Is met through established, coordinated public review, comment processes under provisions of the Act and in accordance with municipal standards including processes and approvals resulting in approvals and development agreements to date.
- (n) Per (m) above.
- (o) Per (c) and (m) above.

- (p) Per (a) above.
- (q) Addressed and assisted through development design that will enable transit route connections and coordinated public walkway and trail connections to the broader community.
- (r) Addressed through development design implementing broader Official Plan policy in addition to design and build standards per (a), (m) and (q) above through zoning and the executed Site Plan Development Agreement with the municipality.
- (s) Per (q) above.

**Section 51 (24)** requires that consideration of a draft plan of subdivision shall have regard for several additional matters. These are addressed as follows:

- (a) See above.
- (b) Addressed by approved Official Plan and municipal servicing schemes.
- (c) Addressed herein.
- (d) Addressed by the approved Official Plan land use designations along with the supporting engineering reports and studies. (d.1) – not applicable.
- (e) Addressed in engineering servicing and traffic reports submitted in support of the subject applications.
- (f) Addressed in the approved detailed development design that accounts for accepted municipal zoning By-law performance regulations for residential lots. Subject lots are consistent with accepted standards and are similar to several approved subdivision phases within the existing approved Draft Plan.
- (g) Addressed in the approved zoning By-law and further refined in the proposed amendment herein.
- (h) Addressed through submitted EIS and engineering studies with appropriate lands set aside for conservation, drainage and flood control measures. Official Plan land use designation and approved zoning in place to protect identified features and lands.
- (i) Addressed in the engineering reports submitted that conclude subject lands can be serviced with existing infrastructure.
- (j) Addressed through response from School Boards.
- (k) Appropriate lands and location accounted for in the approved site plan as a result of design in accordance with engineering and EIS report conclusions.
- (l) Addressed through development design enabling transit connections along with pedestrian connections to adjacent existing and future developments.
- (m) Development of the subject lands (for single detached and semi-detached dwelling units) will be further governed through a Subdivision Agreement. Section 41 does not apply and is not required under the municipal Site Plan Control By-law.

***In summary, the subject application complies with the relevant provisions of the Planning Act referred to above.***

## **7. PLANNING POLICY CONSIDERATIONS**

The Lands are located in Town of The Blue Mountains, Ontario and are therefore subject to several layers of policy direction. The two provincial level policy instruments are the Provincial Policy Statement, 2020 (the “PPS”) and, the Niagara Escarpment Plan, 2017. The two municipal policy instruments are the County of Grey Official Plan (the County Official Plan) and, the Town of Town of The Blue Mountains Official Plan (the Town Official Plan). This Section considers the subject applications in the context of these hierarchical policy instruments.

### **7.1 Provincial Policy Statement**

The 2020 Provincial Policy Statement (PPS) came into effect May 1, 2020 and replaced the previous 2014 PPS. It remains a province wide policy directive on matters of provincial interest in land use planning.

The entire PPS has been reviewed. The following summarizes Part V policies area that are relevant to the subject applications and development.

**Section 1:** As the subject applications would enable development in a primary settlement area on full municipal services and contribute to the available range of dwelling types in the municipality, it is concluded that the applications are consistent with Section 1.1 (efficient and resilient communities).

Extensive study and consultation affecting the subject lands to date, along with the subject applications herein demonstrate consistency with Section 1.2 (coordination).

Likewise, the subject applications are consistent with Sections 1.4, 1.5 and 1.6 due to location, nature and scale of the development (housing, open spaces, infrastructure). Development of the subject lands will result in adding to the mix of available housing, maintain it’s contribution to the municipal parks and open space systems and enable continued efficient servicing due to housing density, type, location and implementation of municipal engineering standards.

**Section 2:** The subject applications are consistent with Sections 2.1 and 2.2 (natural heritage and water) as natural features are respected through existing policy and zoning with relevant lands conveyed to the Town. The subject applications are consistent with Section 2.6 as a Stage 1 and Stage 2 archaeological investigation and study were completed and accepted. This study concluded that the subject lands exhibited no archeological resources or potential areas of interest.

**Section 3:** The subject applications are consistent with Natural Hazards policy in that extensive review and study were undertaken to identify and address natural features to the satisfaction of the appropriate review agencies. The areas of interest are protected through existing local Official Plan policy and zoning By-law regulations as well as lands identified in the approved Draft Plan.

***Overall, given the location of the subject lands, the subject application is consistent with these directions, in particular the notion of efficient use of land, housing types, municipal infrastructure along with the ability to support transit and active transportation initiatives.***

## **7.2 Niagara Escarpment Plan**

The subject lands are within the “Escarpment Recreation Area” designation under the 2017 Niagara Escarpment Plan (NEP).

The NEP was reviewed under the original applications and opinions remain. In particular, several various applications under the Planning Act have been submitted concerning the subject lands have been favorably reviewed by the NEC. These include the original applications for Draft Plan of Subdivision approval, amendments to the local Official Plan and Zoning By-law, minor variances, “h” symbol removals and, Part Lot Control.

***The subject proposals are in conformity with the Escarpment Recreation Area policies by virtue of location and, conformity to the local Official Plan (see below).***

## **7.3 Grey County Official Plan**

Since submission of the initial application in 2018 a new Grey County Official Plan was approved. It remains that the subject application conforms to the previous Official Plan.

The County of Grey Official Plan was approved by the Province on June 6, 2019. This 2019 Official Plan was the result of an extensive Official Plan Review undertaken by the County to update policies and directions.

Under Schedule A, Land Use Designations, Map 2 to the Official Plan (Fig. 9) the subject lands are designated as being within the “Recreational Resort Area”, the same designation on the subject lands as was provided under the previous Official Plan. The subject lands remain in a “Settlement Area” (not a Primary Settlement Area). The overall land use directions and policies remain as well.

As the subject modified application remains a matter of reducing the proposed increase in units (see proposal), it is taken that the applications conform to the intent and direction of the Grey County Official Plan.

In addition, we note that Section 6.1 provides policy affecting the “Escarpment Recreation Area”. These policies mirror the NEP policies and it is concluded in Section 7.2 that the subject application conforms to the NEP.

***It is concluded that the subject applications conform to the intent of the County Official Plan on the basis of location, land use type and, consistency with existing approved sub-phases of the same Draft Plan.***

#### **7.4 Town of The Blue Mountains Official Plan**

The Town of The Blue Mountains Official Plan (the Plan) was approved in June, 2016. Policies were reviewed in the PJR submitted with initial applications in light of the applications to increase the number of units from 609 to 680 (+71). This subject modified application is still seeking approval for an increase in the number of units from 609 to 659 (+50). The policy review and conclusions remain as provided for in the initial PJR of 2018.

Nonetheless, we reiterate and note the following:

Schedule ‘A-4’ to the June 2016 approved Official Plan designates the subject lands “Residential Recreational Area”. Permitted uses includes a range of residential dwelling types including: single detached, semi-detached and, townhouse and low-rise multiple units. As noted below, key policy directions also include a 40% Open Space requirement and a maximum density of 15 units per gross ha.

The subject applications propose an additional 50 units. The increase in Draft Plan unit yield would then total 659 units. The proposed increase to the Draft Plan unit yield would result in an overall density of 13.4 units per ha. This is an increase of 1 unit per ha over the existing density of 12.4 units per ha. This is a relatively small increase and below the 15 upha maximum stipulated in the Official Plan.

***The subject applications maintain the land use, development form and would result in an increase in density within the allowable Official Plan range. The subject applications conform to the intent of the local Official Plan.***

## **8.0 SUPPORTING STUDIES**

As a result of preconsultation processes along with a review Official Plan policy, the following reports and studies were identified by County and Town planning staff as being required as part of the application submission process (all prepared by Tatham Engineering):

- i. Functional Servicing Report**
- ii. Storm Water Management Report**
- iii. Traffic Impact Study**
- iv. SWM O & M Manual**

Overall, the studies and reports are updates to those that were submitted in support of the November 2018 applications.

The Functional Servicing Report addressed water, sanitary, storm and utilities concluding that the development has adequate services available to support the additional 50 dwelling units.

The Storm Water Management Plan will maintain the existing drainage outlet conditions, provide the required Level 1 “Enhanced” water quality control for site effluent at the outlets and provide safe conveyance of the Regulatory Storm event peak flow through the site to downstream.

The Traffic Study concludes that the additional 50 units resulting from the proposal would generate an additional 27 trips during each peak hour and can be easily accommodated on the future road system. The Traffic Study accounts for know planned road improvements and road operations. The internal road system was reviewed in terms of rights of way and lanes are considered appropriate.

The SWMF manual is an operating manual addressing inspections and maintenance of the SWM facilities.

Based on the updated studies and reports, the proposed increase of 50 dwelling units is confirmed as being capable of accommodated within the servicing design and capacity originally engineered with very minor modifications. There are no capacity or operational issues identified in the engineering reports.

## 9.0 SUMMARY/CONCLUSION

The proposed redline revision seeks to increase the number of units from 609 to 659. This represents an increase of 50 draft approved units (from 609 to 659 dwelling units), or about 8%. The revised redline proposal would result in Phase 6 having 166 dwelling units comprising 58 single detached and 108 semi-detached. The net result for the Draft Plan will be an increase in the ratio of semi-detached dwelling types from 42% to 55%.

The overall number of “lots” in the approved Draft Plan is not increasing. The additional unit yield is realized by increasing the ratio of semi-detached units to single detached units. Plan wise, this is possible because the structure of the draft plan at the outset was to provide a lot configuration and size approach that would accommodate either single detached or semi-detached dwelling types.

In addition to application for a redline revision to the approved Draft Plan an application for an amendment to the zoning By-law is required in order to reflect the increase in the number of units from 609 to 680, an 11% increase. No other change to applicable zoning By-law regulations is identified as needed.

The Official Plans for the County of Grey and Town of The Blue Mountains designate the subject lands for residential uses. The Town of The Blue Mountains Official Plan permits a range of residential dwelling types that includes single and semi-detached dwelling types to a maximum density of 15 units per ha. At 59 units, the subject proposal will result in a residential density of 13.4 units per ha therefore under the maximum density stipulated in the Official Plan.

It is submitted that the proposal to increase the number of permitted dwelling units in the Draft Plan from 609 to 659 will result in a Draft Plan that is consistent with Provincial Policy and conforms to both the County and Town Official Plans. The overall nature of the approved Draft Plan is comprised of a mix of single detached and semi-detached dwelling units. The proposed changes are in keeping with the nature and scale of the Draft Plan. The additional yield is capable of being incorporated into the planned and engineered infrastructure of the development lands.

Prepared By:



Travis and Associates  
Colin Travis, MCIP RPP  
July 2020

## APPENDIX 1

### Proposed Zoning By-law

#### The Corporation of the Town of The Blue Mountains

#### By-Law Number 2020 – XX

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

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

And Whereas pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

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

***THAT*** Part 9 to the Zoning By-law of the Town of The Blue Mountains, being By-law 2018-65, as amended, is hereby amended by adding the following to Exception 62:

"XXX

RESIDENTIAL 1 Third Density EXCEPTION 62 R1-3-62

The maximum number of dwelling units shall be 659.

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

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2020 \_\_\_\_\_,

Mayor \_\_\_\_\_

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020-\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the xx day of xxx, 2020.

Dated at the Town of The Blue Mountains, this x day of xx, 2020.

\_\_\_\_\_

Corrina Giles, Clerk

## **APPENDIX 2**

### **PLANS**

- 1. Existing Draft Approved Plan (Revision 3, 2016)**
- 2. Proposed Red-Line to Draft Plan (Revision 4, 2020)**
- 3. Proposed Draft Plan (Revision 4, 2020 – blackline)**