



## Council report

<b>Meeting date:</b>	July 6, 2021
<b>Title:</b>	Recommendation for draft plan conditions Subdivision 42T-2020-01 (BROOS)
<b>Prepared by:</b>	Lorelie Spencer, Manager of Planning and Development
<b>Reviewed by:</b>	Laura Johnston, CAO

### Recommendation

That council receive Planner Spencer's report and the recommendations for draft plan approval to be forwarded to the County of Grey.

### Executive summary

The subject lands are legally identified as part of divisions 2 and 3 of lot 24, concession 1 EGR, registered plan 16M-27, block 5 and are approximately 13.78 hectares in size, the geographic Township of Glenelg. The property is located within the defined primary settlement area of the Town of Durham.

An application for a Plan of Subdivision was provided to the county and the municipality known as the Broos subdivision. The application included the request for the creation of up to 205 residential units, consisting of 118 single detached dwellings and up to 5 blocks for up to approximately 87 townhouse dwellings or a minimum of 49 townhouse units in five multi-family blocks. Access to the proposed lots would be via internal streets that would connect to an extension of Jackson Street and via two (2) entrances off Durham Road East. A total of four (4) new streets would be constructed as a result of this development. The subdivision would be serviced on full water and sewer services and one block of the development would be dedicated for drainage for stormwater management.

A virtual public meeting for this file was conducted on December 1, 2020. The meeting was well attended and comments from authorities having jurisdiction and the public were provided at the meeting and during the time period following.

An updated report was provided to council on May 18, 2021, specifically geared to direction regarding the provision of parkland dedication for the proposed development.



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## Background and discussion

The subject lands are designated as a primary settlement area within schedule 'A' of the County of Grey official plan. The lands are designated as 'Residential' under schedule 'A' of the municipal official plan. The lands are currently zoned as FD (Future Development) and a zoning by-law amendment application as previously described has been provided to implement the plan of subdivision within the R2 (Residential 2) and R3 (Residential 3) zones. An OS (Open Space) zone will be placed on the stormwater management block. The amendment, in part, is required to assist conformity to the County of Grey official plan and the density targets identified within the plan. The density target proposed for this subdivision ranges from 19.6 to 24 units per net hectare.

Review of supporting documentation has been conducted internally by municipal staff in addition to a peer review by the municipality's consultant (Tatham Engineering). Based on the information provided during the previous review of parkland dedication, the applicant has adjusted their approach and altered the plan to accommodate a more substantial and traditional parkland dedication. A copy of the revised plan is attached for reference. Based on the revised plan layout, an addendum document was provided to address the changes for each of the supporting application documents. Copies of these documents have been reviewed by staff and concerns have not been identified.

Section 45(1) of the Planning Act, R.S.O., 1990 as amended provides the ability for municipalities to require parkland dedication as a condition of development. For residential development, a minimum of 5% of the overall development is required through the conveyance of land, or the provision of cash-in-lieu or a combination of both.

A new parkland dedication layout, provided by the applicant, has been deemed acceptable from staff at the municipality and the county. It provides a traditional layout and also permits the extension of parkland should the lands to the east be developed in future. A total area of 0.655 hectares is proposed for parkland dedication and the majority of tree retention is proposed for this particular block, referred to as block 125. The current parkland dedication component equates to approximately 4.75% of the overall lot area. Cash-in-lieu would be required to meet the 5% parkland dedication component. The value of cash-in-lieu is determined based on the value of the lands the day prior to the issuance of any building permits on the subject lands.

Draft conditions for consideration have been prepared in consultation with the applicant's agent and planning staff. The conditions are listed below and any associated comments related to the conditions are italicized below, where necessary.



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Draft Plan:

1. That this approval applies to the draft Plan of Subdivision for the lands being part of divisions 2 and 3, concession 1, part of lot 24 east of the Garafraxa Road, geographic township of Glenelg, municipality of West Grey, County of Grey, prepared by Cobide Engineering Inc. (01840-DP-1) dated May 25, 2021 showing the following:
  - a) 118 single detached dwelling units (lots 1-118);
  - b) A maximum of 87 townhouse units, or a minimum of 49 townhouse units in five multi-family blocks (blocks 119-123);
  - c) Four new streets (labelled as streets A-D), in addition to an extension of Jackson Street;
  - d) One block for parkland dedication (block 125); and
  - e) One stormwater management block (block 124).

*Please refer to draft plan attached.*

Subdivision Agreement:

2. The developer shall enter into a subdivision agreement with the municipality agreeing to satisfy all requirements and conditions, financial and otherwise with respect to the provisions of the roads, sidewalks, drainage, installation of services, upgrade of services along Durham Road East, amenities, stormwater management, including the landscaping and fencing of the stormwater management block, and other municipal requirements.
3. The development shall agree in the subdivision agreement that prior to any grading or construction on site, and prior to final approval of the subdivision by the county, the owner shall prepare the following studies / reports, completed to the satisfaction of the Municipality of West Grey:
  - a) Final stormwater management report;
  - b) Lot grading plan;
  - c) Environmental impact study;
  - d) Sediment and erosion control plan;



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- e) Final road design, including active transportation requirements, sidewalks, emergency access and phasing and other design considerations as required; and
- f) Final landscaping plan including required tree planting and tree preservation.

#### Registration of Subdivision Agreement

- 4. The subdivision agreement shall be registered by the municipality against the lands to which it applies as provided under the Planning Act, R.S.O. 1990, as amended, C.P.13 in conjunction with the registration of this plan. A copy of the executed subdivision agreement shall be provided by the municipality to the developer. The registration of the agreement shall be at the sole cost of the developer.
- 5. The developer shall, prior to the final approval, submit detailed plans showing the proposed phasing plan for review and approval by the municipality.

Please refer to the preliminary phasing plan attached for reference.

- 6. The registration of the plan may occur in phases, as approved by the municipality, as laid out in the subdivision agreement. That the development and registration of the phases shall be in accordance with sound engineering principles, including servicing upgrades along Durham Road east, to the satisfaction of the municipality.

#### Water / Wastewater Allocation

- 7. Sanitary sewer and water supply allocations shall be committed by the municipality of West Grey for this development for a total of 205 residential units at the time of draft approval of the plan of subdivision. Through this draft approval the municipality confirms that such allocations are available for such purposes.

#### Road Names / Road Dedication Reserves

- 8. The developer shall agree in the subdivision agreement that all road allowances included on this plan shall be shown and dedicated as public highways. This shall include areas to be set aside for daylighting triangles.
- 9. The developer shall agree that the internal streets dedicated in these conditions shall be named to the satisfaction of the municipality.
- 10. The developer shall agree in the subdivision agreement to construct all roads to municipal standards in effect at the time of construction.



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11. The developer shall agree in the subdivision agreement to construct all temporary cul-de-sacs as required by the municipality and in accordance with municipal standards.
12. That any dead ends and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be dedicated free and clear of encumbrances to the Municipality.

#### Walkways and Pedestrian Paths

13. The developer shall agree in the subdivision agreement that sidewalks are to be developed in accordance with municipal standards at the time of the construction, to the satisfaction of the municipality.

#### Zoning

14. Prior to final approval and registration of any phase of this Plan, the subject lands shall be appropriately zoned by a zoning by-law that has come into effect in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13.
15. The developer shall, prior to final approval, submit a schedule certified by an Ontario land surveyor indicating the areas and frontages of the lots and blocks within the plan, to the satisfaction of the municipality.

#### Display Map

16. The developer shall agree in the subdivision agreement, prior to offering any of the residential lots for purchase, to place a display map on the wall of the sales office in a place visible to the public, which indicates the location and relevant details of all sidewalks, trails, bike lanes, community mail boxes, parks, environmental protections areas, storm water management area, landscaping, street lights, buffer areas, fencing, roads, construction staging and adjacent land uses. All display maps shall be submitted to and approved by the municipality prior to their use.

#### Development Charges

17. The developer shall agree in the subdivision agreement that development charges, processing, and administration fees be paid in accordance with the municipal, county, and school board policies and by-laws.



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18. The subdivision agreement between the developer and the municipality shall include provisions whereby all offers of purchase and sale will include information that satisfies subsection 59(4) of the Development Charges Act, 1997, R.S.O. 1997, c. 27.

#### External Servicing

19. Prior to final approval and registration of the plan, the developer will contribute funds towards the upgrades on Durham Road and construct works required to connect the subdivision to the existing infrastructure.

This should be defined as a monetary figure based on a current cost estimate with the extent of the works defined by motion of council.

#### Easements, Conveyances, and Parkland Dedication

20. The developer shall agree in the subdivision Agreement that such easements and land dedication as may be required for access, gas, utilities, communications, telecommunications, servicing, drainage and construction purposes shall be granted to the appropriate agencies or authorities, to their satisfaction free and clear of all encumbrances.
21. The developer shall agree in the subdivision agreement in words satisfactory to the Municipality, to grant to the communications / telecommunications service providers any easement that may be required for communication / telecommunication services. Easements may be required subject to final servicing decisions.
22. The developer shall agree in the subdivision agreement that prior to commencing any work within the plan, the developer shall confirm that sufficient wire-line communication / telecommunication / fibre optics infrastructure is currently available within the proposed development to provide communication / telecommunication / fibre-optics service to the proposed development.
23. The developer shall agree in the subdivision agreement that they are responsible for the maintenance of roadways and sidewalks until the municipality assumes the roads within the subdivision or 50% of phase 1 has received occupancy permits. The developer shall agree that the same requirement shall apply to each phase of the subdivision.



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24. The developer shall agree in the subdivision agreement that they are solely responsible for the disposal of refuse and collection of recycling within the subdivision until roads are assumed. The removal will be at the sole cost of the developer.
25. That the owner shall convey 5% of the land and/or cash in lieu for parkland dedication purposes to the Municipality for parkland and/or trail purposes to the satisfaction of the municipality.

#### Archaeological Assessment

26. The developer shall agree to the following in the subdivision agreement:
  - a) Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with Sect 48 (1) of the Ontario Heritage Act.
  - b) That anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.

#### Environmental Impact Study

27. That the subdivision agreement contain wording to implement the recommendations of the Environmental Impact Study, including the preservation of the woodlot and associated setback.

#### Agency Requirements

##### Saugeen Valley Conservation Authority

28. That prior to any grading or construction on site, and prior to final approval of the subdivision by the County, the owner shall prepare the following studies I reports, completed to the satisfaction of the Saugeen Valley Conservation Authority, and the municipality of West Grey:



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- a) Final Stormwater Management Report;
- b) Lot Grading Plan;
- c) Environmental Impact Study; and
- d) Sediment and Erosion Control Plan.

29. That the subdivision agreement between the owner and the municipality of West Grey contain provisions with wording acceptable to the Saugeen Valley Conservation relating to the Final Stormwater Report, Lot Grading Plan, Environmental Impact Study, and Sediment and Erosion Control Plan.

#### Canada Post

- 30. The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of community mailboxes and to indicate these locations on appropriate servicing plans, and include them in the Subdivision Agreement.
- 31. The builder/owner/developer will confirm to Canada Post that the final secured permanent locations for the community mailboxes will not be in conflict with any other utility including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
- 32. The owner/developer will install concrete pads at each of the community mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- 33. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary community mailbox location. This location will be in a safe area away from construction activity in order that community mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- 34. The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- 35. The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the



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public which indicates the location of all Canada Post community mailbox site locations, as approved by Canada Post and the municipality of West Grey.

36. The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated community mailbox, and to include the exact locations (list of lots #s) of each of these community mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
37. The owner/developer will be responsible for officially notifying the purchasers of the exact community mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
38. Canada Post further requests the owner/developer be notified of the following:
  - a) The owner/developer of any condominiums will be required to provide signature(s) for a license to occupy land agreement and provide winter snow clearance at the community mailbox locations.
  - b) Enhanced community mailbox sites with roof structures will require additional documentation as per Canada Post policy.
  - c) There will be no more than one mail delivery point to each unique address assigned by the municipality.
  - d) Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

#### Final Draft Plan

The developer shall provide a copy of the proposed final plan to the County of Grey for their review and final approval. A digital copy of this final plan is required to be prepared and submitted in accordance with the County of Grey specifications.

If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51 (32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution from the local municipality must be received by the County of Grey Director of Planning, prior to the lapsing date. If the extension being requested is beyond a year, justification for the extension, a resolution from the location municipality and approval



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from the county will be required. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.

That the owner, submit to the County of Grey with a computer disk containing a digitized copy of the final plan in a format acceptable to the County of Grey.

Planning staff are satisfied that the draft plan conditions proposed are in the best interest of the municipality for this development.

## Legal and legislated requirements

Plans of subdivision are guided by section 51 of the Planning Act, R.S.P.O. 1990, as amended. The Act requires planning decisions to have regard to matters of provincial interest under Section 2. Section 3 of the Act requires that decisions must be consistent with policy statements issued under the Act. Section 51(34) provides direction on required pre-consultation for the proposed application, the provision of the required applications and supporting documents.

In order to assess the merits of the application, planning staff reviewed the relevant policy documents in the Provincial Policy Statement (2020), the County of Grey Official Plan, and the Municipality of West Grey Official Plan.

Planning staff generally have no concerns in regard to the proposed development in terms of consistency and general conformity with the PPS 2020, County Official Plan, and West Grey Official Plan.

## Financial and resource implications

Future assumption and maintenance of roadways with the provision of public services related to garbage / recycling.

## Staffing implications

None

## Consultation

- County of Grey Planning and Development Department
- Saugeen Valley Conservation Authority
- Tatham Engineering peer review comments
- Public comments received (and ongoing)

## Attachments

- Planning Justification Report Addendum (Georgian Planning Solutions)
- Updated draft plan (June 2021)
- Correspondence from Cobide Engineering for updated draft plan
- Phasing plan

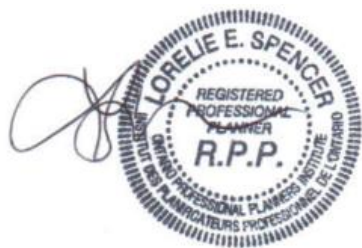
## Next steps

Following the direction of council, a final copy of the draft plan conditions will be provided to county staff.

A zoning by-law will be brought forward at a future meeting for consideration to implement zoning in association with the proposed plan.

The owner / developer will be required to fulfill the conditions of draft plan approval as established by the county within three (3) years from the date of approval or apply for an extension. The final plan approved by the county must be registered within thirty (30) days or the county may withdraw its approval under subsection 51 (32) of the Planning Act RSO 1990, as amended.

Respectfully submitted:



Lorelie Spencer, Ba.U.R.PI, MCIP, RPP  
Manager of Planning and Development