

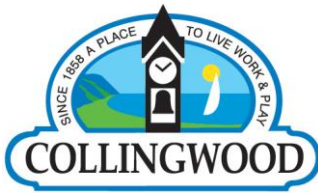
Huntingwood Trails (West Lands) Backgrounder Town of Collingwood Files D14211 and D120111 Without Prejudice

Key Messages

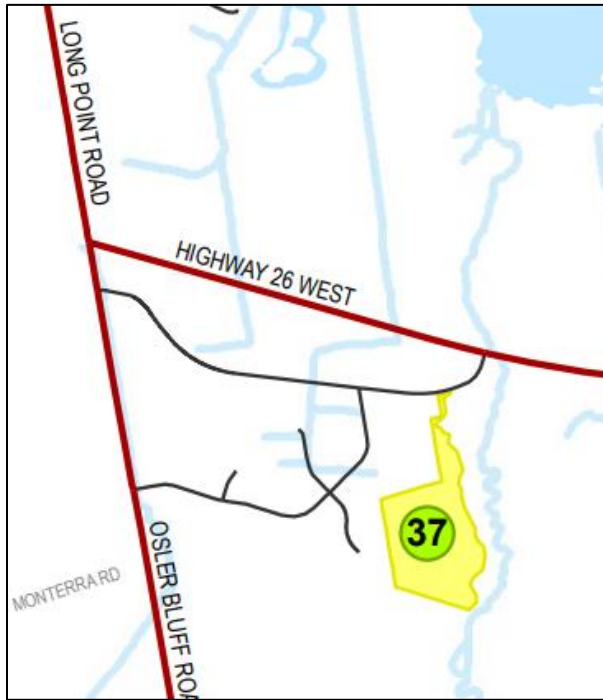
- Residential development is permitted on the part of the Huntingwood Trail (West Lands) that is not constrained by natural heritage features, such as wetlands, woodlands, valley lands and fish habitat.
- Where residential development is permitted, it is restricted to single and semi-detached homes with a capped maximum density
- Development is not permitted on significant environmental features yet can be allowed adjacent to those features if it can be demonstrated that there are no negative impacts
- The applications currently in play are not answering the question of *if* development should be permitted but rather *how* should development occur on the residentially designated lands following good planning principles as set out in legislation, policies, regulations, and guidelines, including confirming the development envelope limits
- The applications were appealed to the Ontario Land Tribunal due to a lack of a decision by the Town, meaning that the Town but did not make a decision within the timeframes set out in legislation
- The decision on the applications now rests with the Tribunal, not Town Council
- Town Council must endorse any settlement, prior to it being brought to the Tribunal
- The Town is not the only organization involved in setting land use policies/regulations or reviewing development applications and other levels of government and the local conservation authority have specific roles and responsibilities
-
- The Town of Collingwood has a [transparent process](#) for dealing with OLT appeals. The process is meant to provide certainty and clarity to Council, developers, staff, and the public on how land use planning appeals are managed by the municipality, setting up defined touchpoints to ensure that Council remains aware of appeals and in the driver's seat respecting how appeals are dealt with, including public engagement.

Location and Subject Lands

The Huntingwood Trail (West Lands) are the 21-hectare portion of the larger 5 Silver Creek Drive property, which lies to the south of Highway 26 West between the Silver Glen Preserve condominium development on the east and the Forest Subdivision to the west (see #37 from the Town of Collingwood [Development Activity Map 2021](#)).



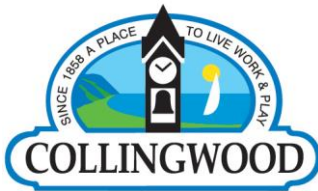
Huntingwood Trails (West Lands) Backgrounder Town of Collingwood Files D14211 and D120111 Without Prejudice



File History and Current Status

The underlying permissions for development on the Huntingwood Trail (West Lands) were established through an Ontario Municipal Board (OMB) [decision in July of 2014](#) (search using Case No. **PL120784** or **Huntingwood Trails**), which approved the official plan designations. An official plan designation sets the framework for permitted uses and other development policies that apply to a property based on the specific context. As a result, the Huntingwood Trail (West Lands) are predominantly designated environmental protection, reflecting Provincially significant wetlands, woodlands, valley lands and fish habitat. Development is not permitted on lands where these features exist in accordance with Provincial requirements. The environmental protection designated lands are to be dedicated to the Town of Collingwood (see hatched areas below from the Town of Collingwood [Official Plan Schedule A2](#)).

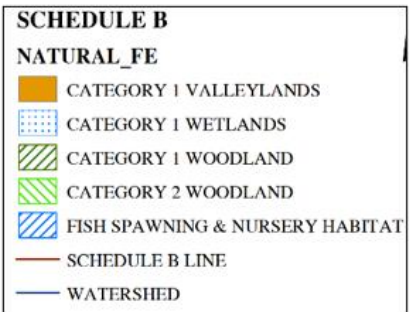
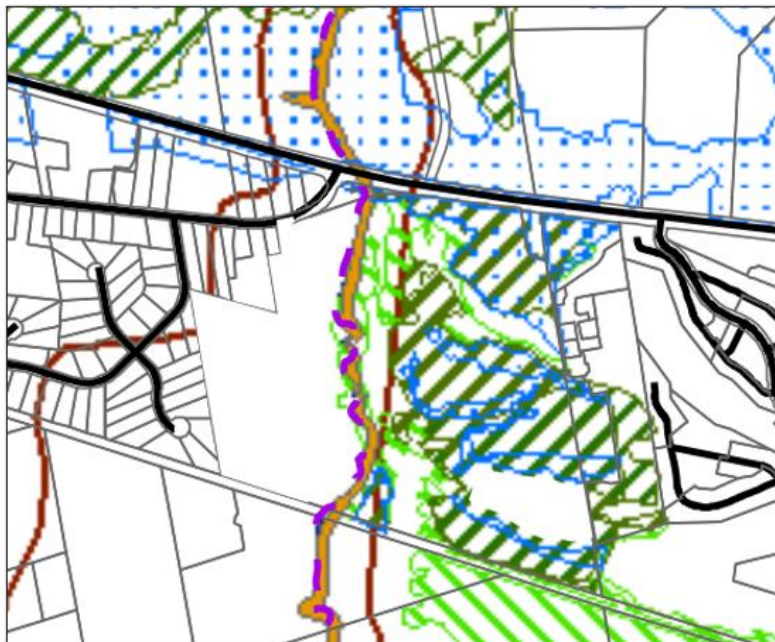
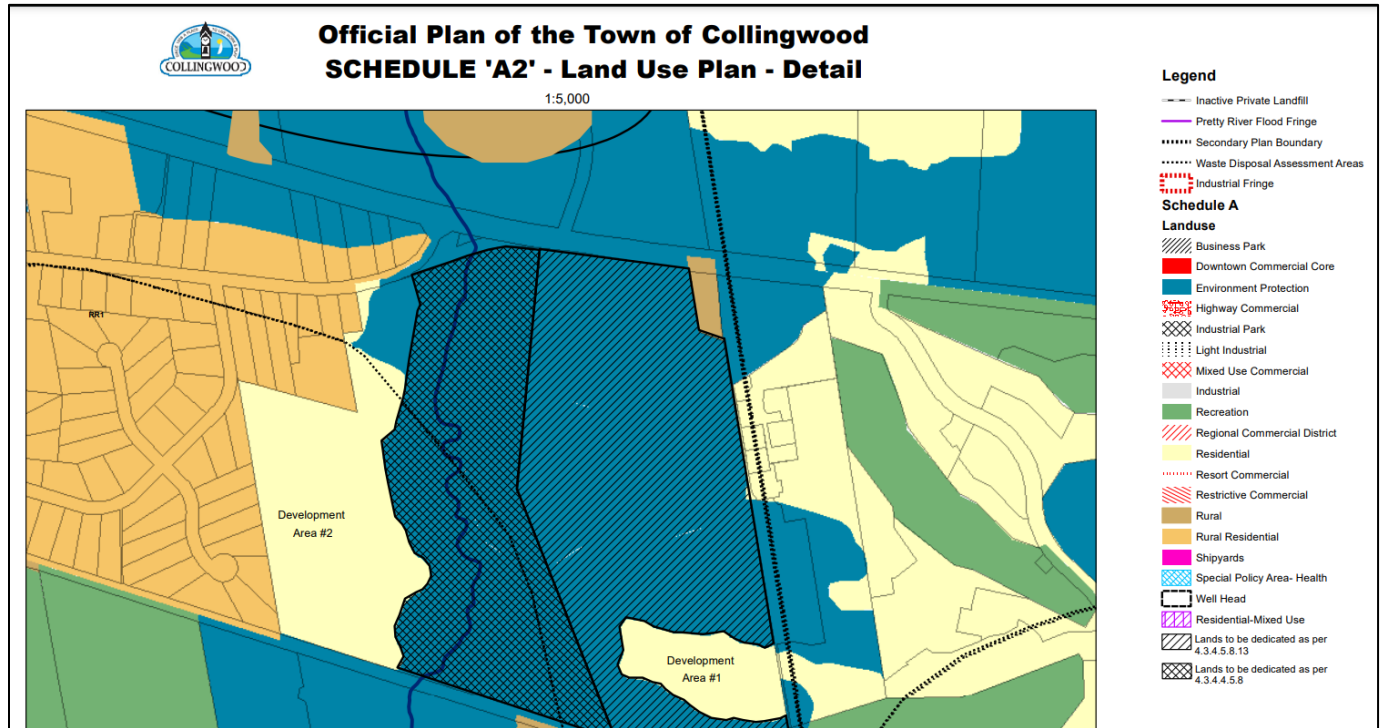
A 9.55-hectare portion of the lands not constrained by natural heritage features is designated for residential development in the Town's Official Plan and subject to site specific policies (see Development Area #2 below from the Town of Collingwood [Official Plan Schedule A2](#) and [Schedule B](#)). The Development Area #2 designation allows single and semi-detached dwellings to a maximum density of 12 units per hectare and requires single detached dwellings to be located adjacent to the Forest Subdivision property line.

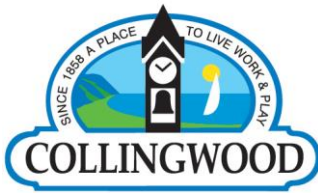


Huntingwood Trails (West Lands) Backgrounder

Town of Collingwood Files D14211 and D120111

Without Prejudice





Huntingwood Trails (West Lands) Backgrounder Town of Collingwood Files D14211 and D120111 Without Prejudice

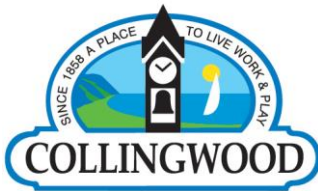
Therefore, residential development is permitted in Area #2. The applications currently in play are not answering the question of if development should be permitted but rather how should development occur on the lands in accordance with good planning principles that are set out in legislation, policies, regulations, and guidelines, including confirming the development envelope limits. As previously noted, development is not permitted on significant environmental features but can be allowed adjacent to those features if it can be demonstrated that there are no negative impacts.

The landowner applied for a draft plan of subdivision, which would divide the lands into residential lots to be sold, roads, a stormwater management block, an environmental protection block (to be dedicated to the Town), and open space areas. The proponent also applied for a site-specific zoning by-law amendment that would refine the type of uses permitted and land use controls on the property. In October 2019, the two applications were appealed to the Ontario Land Tribunal (OLT) for lack of a municipal decision, meaning that the Town did not make a decision within the timeframes set out in legislation.

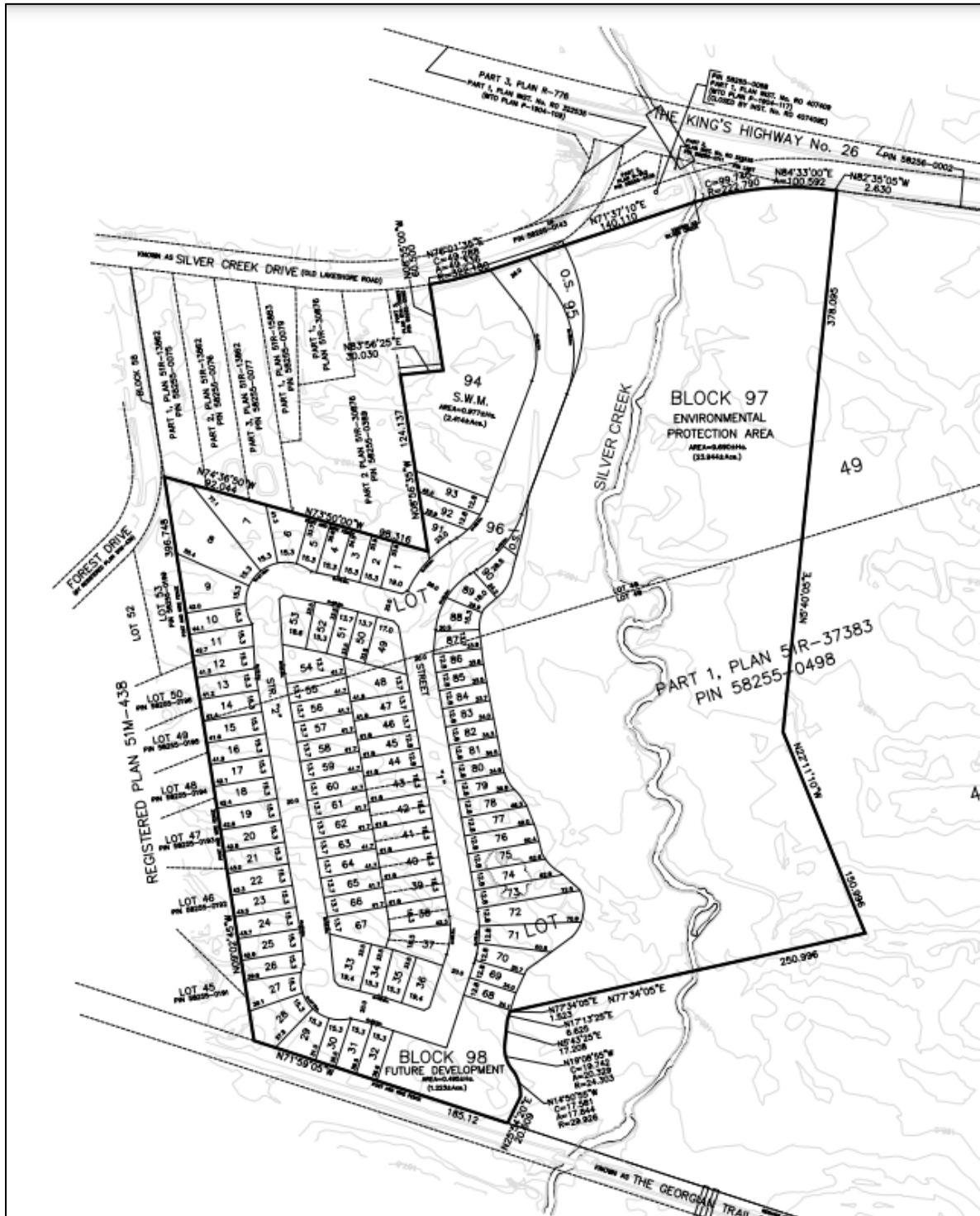
Development Area #1 above is not part of the applications or the appeal.

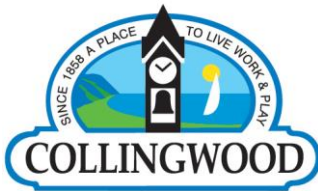
Development Proposal

The Huntingwood Trail (West Lands) [Draft Plan of Subdivision](#) proposes 100 lots, consisting of 86 single detached dwellings and 14 semi-detached dwellings, as well as a stormwater management block, environmental protection block (to be dedicated to the Town), a future development block which could accommodate 7 single detached dwellings and/or a road connection, public roads and several small open space blocks.



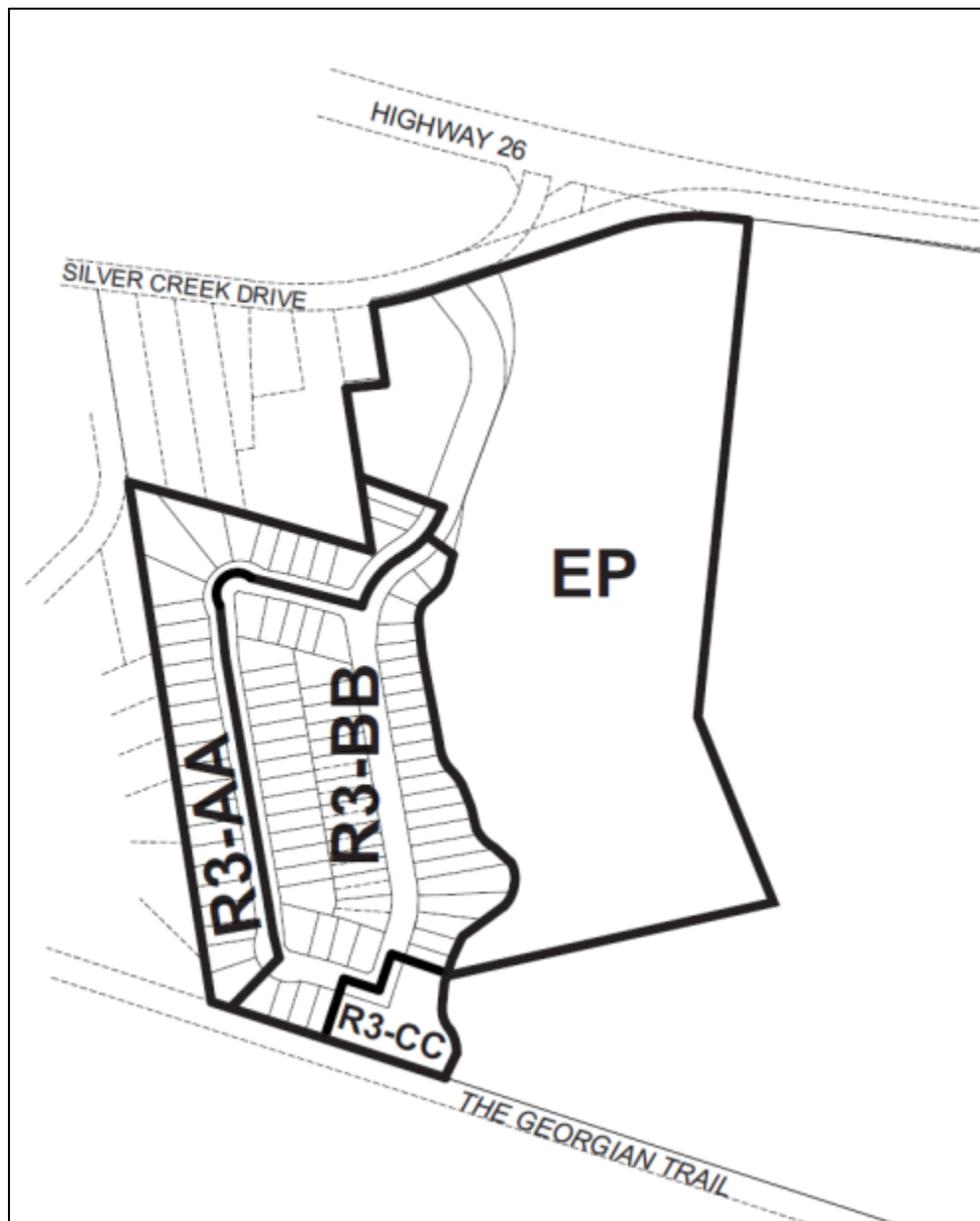
Huntingwood Trails (West Lands) Backgrounder
Town of Collingwood Files D14211 and D120111
Without Prejudice

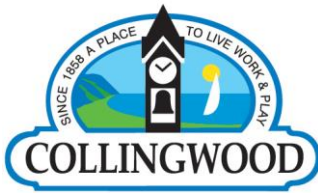




Huntingwood Trails (West Lands) Backgrounder
Town of Collingwood Files D14211 and D120111
Without Prejudice

The proposed [Zoning By-law Amendment](#) would restrict certain areas of the Huntingwood Trail (West Lands) parcel to either single detached dwellings (R3-AA and R3-CC) or a combination of single detached and semi-detached dwellings (R3-BB) and increase the permitted lot coverage. As noted previously, single detached dwellings only are to be located adjacent to the Forest Subdivision property line. The part of the property with significant environmental features is to be zoned Environmental Protection (EP).





Ontario Land Tribunal Process

The Ontario Land Tribunal (OLT) hears and decides appeals and matters primarily related to land use planning, environmental and natural features and heritage protection, land valuation, land compensation, and municipal finance. When an appeal is made to the OLT, the Tribunal becomes the decision-making authority and schedules case conferences and hearing dates. The time/date/length of these events are at the sole discretion of the OLT. A Case Management Conference was held on May 13, 2021, where the appeals and applications were limited to the Huntingwood Trail (West Lands).

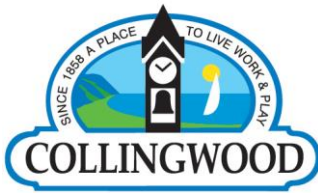
An additional Case Management Conference was held on September 27, 2021 at which time the OLT proceeded to schedule a five week hearing to begin on August 8, 2022. Most recently, a Case Management Conference took place on May 9, 2022 to provide the OLT with a status update on the file.

Parties to the appeal at this time consist of the Appellant (the landowner/developer), the Town of Collingwood, County of Simcoe, and Nottawasaga Valley Conservation Authority (NVCA). The Silver Glen Preserve Condominium had been a Party but withdrew in August 2021 as their concerns had focused on the Huntingwood Trail (East Lands) which are no longer part of the applications or appeals. A group of Forest Subdivision residents who were also a Party withdrew in April 2022.

Appeals to the OLT are typically resolved through a full hearing or a settlement hearing. For more information about the OLT and how it deals with land use planning matters, please visit their [website](#).

The Town of Collingwood has a [transparent process](#) for dealing with OLT appeals. The process is meant to provide certainty and clarity to Council, developers, staff and the public on how land use planning appeals are managed by the municipality, setting up defined touchpoints to ensure that Council remains aware of appeals and in the driver's seat respecting how appeals are dealt with, including public engagement. The concept of settling appeals is included in the report. The term "settlement" has been frequently misinterpreted as "closed door", "streamlined" or "fast tracked", tying the hands of Council to move to a full hearing or to resolve the appeal in another way that may be more advantageous to the municipality, or circumventing the consideration of good planning principles. This is not the case:

- Settlements do not equate to capitulation - they must be defensible as good planning within the applicable policy and regulatory framework and they provide an opportunity to address some, any or all outstanding Town or wider community issues. Particularly in the case of a non-decision appeal, a settlement could represent the same outcome that may have resulted from a Council decision, had the appeal not occurred
- The purpose of settlement negotiations is to narrow or scope the issues through constructive dialogue in order to seek mutually agreeable solutions, minimize the potential cost to taxpayers and to have the most efficient hearing event possible



**Huntingwood Trails (West Lands) Backgrounder
Town of Collingwood Files D14211 and D120111
Without Prejudice**

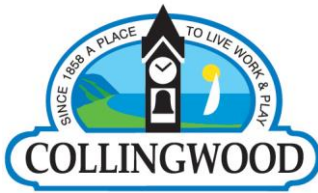
- Council provides staff and the Town Solicitor with explicit direction to enter into settlement negotiations as opposed to moving to a full hearing – the path to resolve an appeal through settlement or full hearing is always a decision of Council
- Even if direction to pursue a settlement is provided, Council at any time can withdraw from negotiations and engage in a full hearing
- Any settlement could not move forward without Council endorsement, therefore Council would always be aware of and agreeable to the content of a proposed settlement prior to it being forwarded to the OLT for consideration
- Council can reject or amend a proposed settlement if it feels that the settlement does not sufficiently address outstanding Town or community concerns
- Though settlement-related discussions are to occur in-camera to allow Council to receive legal advice, settlement hearings through the OLT are open to the public and all Parties and Participants can take a position respecting the proposed settlement
- A Council-endorsed settlement is not a decision – the approval authority is the OLT and any proposed settlement would be evaluated by the OLT and a determination made by the OLT if it represents good planning
- Any party that does not agree with the proposed settlement would continue to have an opportunity to present their arguments to the OLT
- Settlements can result in significant cost savings and reduce uncertainty in hearing outcomes
- The extent of public engagement at any stage of the OLT process over and above the opportunities provided by the OLT (i.e. to become a Party or a Participant) is a decision of Council
- The formal touchpoints of the process are established to ensure that Council remains informed of OLT appeals and is in control of how they are handled by the Town

Once a decision on the applications is made by the OLT (if in the affirmative), the developer will have to satisfy a number of conditions to ensure development occurs on the site in the way that was envisioned and complies with policy and regulatory frameworks. This includes a legally binding agreement that is registered on the title of the land. The Town, especially the Engineering and Public Works Department, is heavily involved in the implementation, including collecting monetary securities and inspecting construction works related to roads and stormwater management, among other matters.

Key Roles and Responsibilities Relating to this File

Ontario Land Tribunal (OLT)

- Decision making authority on the appealed applications, including any proposed settlement



Huntingwood Trails (West Lands) Backgrounder
Town of Collingwood Files D14211 and D120111
Without Prejudice

Province of Ontario

- Sets overarching land use planning policy applicable across Ontario through the [Provincial Policy Statement](#) and [Provincial Plans](#)
- Defines boundaries of Provincially significant environmental features (available through the [County of Simcoe Webmap](#))
- Responsible for Provincial roads
- Responsible for Species at Risk
- Regulates Environmental Compliance Approval for stormwater management, water and wastewater systems

County of Simcoe

- Provides County-wide land use planning policy framework through the [County of Simcoe Official Plan](#)
- Responsible for County roads and waste management

Town of Collingwood

- Local land use planning authority and sets local policies through the [Town of Collingwood Official Plan](#) and regulations such as the [Zoning By-law](#)
- Responsible for local roads (traffic), municipal water and wastewater, and stormwater management, parks, and trails, including consideration of cumulative impacts of development in the general area
- Makes decisions under the Planning Act for applications including Plans of Subdivision, considering impacts including on natural heritage features and functions and neighbouring properties
- Endorses any settlement to OLT matters, if applicable

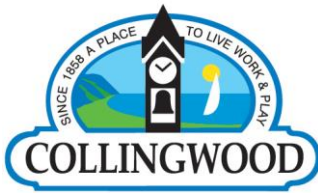
Nottawasaga Valley Conservation Authority (NVCA)

- Strategic watershed and subwatershed planning and policy
- Responsible for regulating activities in natural and hazardous areas, including flood prone areas
- Acts as a third-party reviewer on behalf of the Town for natural heritage matters, including environmental studies and impact assessments

Developer

- Owns the subject lands or works on behalf of the owner
- Prepares the development application, supporting materials and plans
- Responsible for demonstrating how the proposal meets all applicable policy and regulatory tools by engaging professionals in various fields and for implementing (and often financing) any approved plans in accordance with municipal requirements
- Consults with the municipality and the community

Supporting documents addressing the topics included in the responsibilities above were submitted in 2019 and as part of the application and appeal are being reviewed by the appropriate authority for compliance, consistency and conformity with the pertinent policies, guidelines, legislation, and regulations, including consideration of surrounding development proposals, natural heritage and impacts on neighbouring properties.



Huntingwood Trails (West Lands) Backgrounder Town of Collingwood Files D14211 and D120111 Without Prejudice

Additional Information

[Citizen's Guide to Land Use Planning](#)
[Provincial Policy Statement](#)
[A Place to Grow: Growth Plan for the Greater Golden Horseshoe](#)
[County of Simcoe Official Plan](#)
[County of Simcoe Webmap](#)
[Town of Collingwood Official Plan](#)
[Town of Collingwood Zoning By-law](#) and [Maps](#)
[Town of Collingwood Webmap](#)
[Town of Collingwood Development Map](#)
[Town of Collingwood – Huntingwood Trails \(West Land\)](#)
[Town of Collingwood OLT Process Report](#)
[Ontario Land Tribunal Decisions](#)
[Conservation Ontario Website](#)
[NVCA Website](#)