

OLT Case No. OLT-22-002301 (formerly PL190515)

ONTARIO LAND TRIBUNAL
Tribunal ontarien de l'aménagement du territoire

PROCEEDING COMMENCED UNDER subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Huntingwood Trails (Collingwood) Ltd.
Subject:	Application to amend Zoning By-law No. 2010-040 - Refusal or neglect of Town of Collingwood to make a decision
Existing Zoning:	Rural, Environmental Protection
Proposed Zoning:	Residential R2, Residential R3, Environmental Protection, Recreational, Commercial
Purpose:	To permit a 170 unit subdivision development
Property Address/Description:	Part of Lots 47, 48 and 49, Concession 12
Municipality:	Town of Collingwood
Municipal File No.:	D14211
OLT Case No.:	OLT-22-002301
OLT Case Name:	Huntingwood Trails (Collingwood) Ltd v. Collingwood (Twn.)

PROCEEDING COMMENCED UNDER subsection 51(34) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Huntingwood Trails (Collingwood) Ltd.
Subject:	Proposed Plan of Subdivision - Failure of Town of Collingwood to make a decision
Purpose:	To permit a 170 unit subdivision development
Property Address/Description:	Part of Lots 47, 48 and 49, Concession 12
Municipality:	Town of Collingwood
Municipality File No.:	D1201111
OLT Case No.:	OLT-22-002311
OLT Case Name:	Huntingwood Trails (Collingwood) Ltd v. Collingwood (Twn.)

WITNESS STATEMENT OF MARK D. YARRANTON

Prepared For: Huntingwood Trails (Collingwood) Ltd.

Professional Qualifications

1. I am a Registered Professional Planner and full member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.
2. I am President of KLM Planning Partners Inc. ("**KLM**") and have over 34 years of professional planning experience.
3. I have coordinated and worked on numerous planning projects and have extensive experience advising on a range of planning matters for residential, commercial, and industrial land uses, including the preparation and approval of official plan amendments, secondary plans, zoning by-law amendments, block plans and community design plans, draft plans of subdivision and site plans in the Greater Golden Horseshoe, including within the County of Simcoe.
4. The Ontario Municipal Board (the "**Board**" or the "**OMB**"), the Local Planning Appeal Tribunal (the "**LPAT**"), and now continued as the Ontario Land Tribunal (the "**Tribunal**" or the "**OLT**"), have previously qualified me to provide my expert opinion as a land use planner.
5. My *curriculum vitae* is attached as **Exhibit "A"** and my signed Acknowledgement of Expert's Duty is attached as **Exhibit "B"**.

Retainer

6. KLM was retained by Huntingwood Trails (Collingwood) Ltd. (the "**Owner**") in May 2019 to provide planning services with respect to the submission of revised applications for a Zoning By-law Amendment and Draft Plan of Subdivision for lands legally described as Part of Lots 47, 48 and 49, Concession 12 (the "**Subject Lands**") in the Town of Collingwood (the "**Town**"), the County of Simcoe (the "**County**") to implement a 2014 Official Plan Amendment approved by the then OMB. The Subject Lands are approximately 49 hectares in size and are

municipally known as 5 Silver Creek Drive.

7. Prior to KLM being retained, applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (the “**Original 2011 OPA**” and the “**Original 2011 ZBA**” and **Original 2011 DPOS**”) were submitted to the Town by the Owner which applied to the entirety of the Subject Lands. The Owner appealed the Original 2011 OPA to the OMB for the Town’s failure to make a decision within 180 days. The Original OPA was ultimately approved by the Board (the “**2014 OPA**”) (**Exhibit “C”**) via Minutes of Settlement on July 31, 2014 attached herein as **Exhibit “D”** (the “**2014 Minutes of Settlement**”).
8. The 2014 Minutes of Settlement and 2014 OPA contemplated the Owner amending the Original 2011 ZBA and Original 2011 DPOS to implement the 2014 OPA and identified submission requirements to be filed in connection with revised applications. Upon being retained by the Owner, on July 30, 2019 KLM submitted a revision to the Original 2011 ZBA and Original 2011 DPOS (the “**2019 Revised ZBA**” and “**2019 Revised DPOS**”) attached herein as **Exhibit “E”** and **Exhibit “F”** respectively, to the Town based upon requirements as outlined in the 2014 OPA.
9. In carrying out my retainer, I have conducted a review of the applicable policy regime affecting the subject lands, which included the *Planning Act*, R.S.O. 1990 (the “**Act**” or “**Planning Act**”), the Provincial Policy Statement, 2014, the Provincial Policy Statement, 2020 (the “**PPS**”), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the “**Growth Plan**”), the County of Simcoe Official Plan, 2016 (the “**County OP**”), the Town of Collingwood Official Plan, consolidated January 2019 version (the “**Town OP**”), the 2014 OPA and the Town of Collingwood Zoning By-law, 2010-040 (the “**Town Zoning By-law**”).
10. I have conducted a number of site visits of the subject lands and surrounding neighbourhood. I have further had numerous discussions with the various experts retained by the Owner and the material prepared by them, attended numerous meetings with Town staff and external agencies to discuss the processing of the 2019 Revised ZBA and 2019 Revised DPOS, reviewed the various comments on the 2019 Revised ZBA and 2019 Revised DPOS and, as part of discussions with the Town and Nottawasaga Valley Conservation Authority (the “**NVCA**”), participated in the preparation of the instruments now being put forward to the Tribunal.

11. I have reviewed the materials submitted in connection with the Original 2011 OPA, Original 2011 DPOS and the Original 2011 ZBA. I was involved with the coordination of the submission of the material in connection with the 2019 Revised DPOS and the 2019 Revised ZBA.
12. In connection with the Original 2011 OPA, Original 2011 DPOS and the Original 2011 ZBA, the following material were submitted to the Town:
 - Conceptual Plan prepared by D.C. Slade Consultants Inc.;
 - Draft Plan of Subdivision prepared by D.C. Slade Consultants Inc.;
 - Functional Servicing Report prepared by C.F. Crozier & Associates;
 - Traffic Impact Study prepared by C.F. Crozier & Associates;
 - Natural Hazards Report prepared by C.F. Crozier & Associates;
 - D-4 Guideline Report prepared by Terraprobe;
 - Stage 1 and 2 Archaeological Assessment prepared by Amick Consulting;
 - Planning Justification Report prepared by D.C. Slade Consultants Inc.; and,
 - Environmental Impact Study prepared by Hensel Design Group Inc.
13. I have participated in numerous meetings of like experts that ultimately led to a settlement on all issues with the Town and a significant scoping of the outstanding issues with the NVCA.
14. I have reviewed the agreed statement of facts of the engineers related to the natural hazards report and the Witness Statement of Jon Proctor regarding these proceedings.

Background to the Appeals

15. On January 28, 2011, the Owner submitted the Original 2011 OPA and the Original 2011 ZBA and Original 2011 DPOS to the Town.
16. The Original 2011 OPA, Original 2011 ZBA and Original 2011 DPOS proposed to remove the Subject Lands from the Mountain Road West Corridor Secondary Plan Study Area and provide land use designations for development, as well as identify and protect natural features on the site. The proposal provided for the development of the 48.97-hectare parcel into a mixed-use community inclusive of the following land uses:
 - 26.4 ha. of Open Space land to be dedicated to the Town;
 - a 30-metre arterial road;

- a Community Center block and Open Space block (7.69 ha.);
 - a Commercial block (0.27 ha.);
 - 99 single detached residential lots;
 - a number of Multiple Residential blocks facilitating semidetached dwellings, townhouse dwellings and walk up apartments;
 - a municipal trail system; and,
 - a public park system centered around the Silver Creek and Collingwood Shoreline Provincially Significant Wetlands.
17. On June 28, 2012, the Owner appealed the Original 2011 OPA to the Board from the Town's failure to make a decision within 180 days (the "**OP Appeal**"). The Original 2011 ZBA and Original 2011 DPOS remained for review with the Town.
 18. The OP Appeal was resolved through settlement reached between the parties, being the Owner, the County, the Town and the NVCA as set out in the 2014 Minutes of Settlement. The Board issued a decision approving the agreed-upon 2014 OPA on July 31, 2014.
 19. The 2014 Minutes of Settlement contemplated the Owner amending the Original 2011 ZBA and Original 2011 DPOS to implement the 2014 OPA and identified updated studies to be submitted in connection with the amended applications. This was to be completed within five years (the "**Five Year Period**") of the approval of the 2014 OPA, failing which the Town had the right, but not the obligation, to close the files pertaining to the Original 2011 ZBA and Original 2011 DPOS.
 20. On July 30, 2019, the Owner submitted the 2019 Revised ZBA and 2019 Revised DPOS to the Town.
 21. The 2019 Revised DPOS proposed the following land uses for the whole of the Subject Property:
 - i. eighty-eight (88) single detached dwellings;
 - ii. thirty (30) semi-detached dwellings;
 - iii. fifty-two (52) townhouse dwellings
 - iv. a block for a stormwater management facility; and,
 - v. two environmental protection blocks.

22. On September 24, 2019, the Owner appealed the 2019 Revised ZBA and 2019 Revised DPOS to the LPAT now continued as the OLT, from the Town's failure to make a decision within 180 days (the "**Appeals**").
23. On July 21, 2021, the Owner and the Town entered into further Minutes of Settlement (the "**2021 Minutes of Settlement**") which identified that the Owner would withdraw the Appeals as it relates to "Area 2" on the Area Plan shown as **Exhibit "G"** (referred to herein as the "**Area 2 Lands**"), and continue the Appeals as it relates to "Area 1" on the Area Plan only (referred to herein as the "**Area 1 Lands**"). Withdrawal of the Appeals as they relate to the Area 2 Lands was without-prejudice to the Owner's right to file new applications for a zoning by-law amendment and draft plan of subdivision for the Area 2 Lands. As such, the Appeals before the Tribunal only include those lands identified as within the Area 1 Lands.
24. The proposed draft plan of subdivision ("**Final Proposed 2021 DPOS**") (**Exhibit "H"**) proposes the development of a total of one hundred-seven (100) residential units on 20.295 hectares (50.150 acres) of land located south of Highway 26, with direct access, as provided for in the 2014 OPA, from Silver Creek Drive all within the Area 1 Lands. The Final Proposed 2021 DPOS provides for eighty-six (86) single detached units, fourteen (14) semi-detached units, and a future development block. Also included is a block for stormwater management, two open space blocks and an environmental protection block associated with Silver Creek which is to be dedicated to the Town in accordance with the 2014 OPA.
25. The proposed zoning by-law amendment ("**2021 Revised ZBA**") (**Exhibit "I"**) is an application for an amendment to the Town Zoning By-law, to implement and regulate the use of land associated with the Final Proposed 2021 DPOS by rezoning the lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to Residential Third Density Exception AA – R3 - AA, Residential Third Density Exception BB – R3 – BB, Residential Third Density Exception CC – R3 – CC, and Environmental Protection - EP Zones.
26. Through the review and experts' meetings narrowing the issues, the 2021 Revised ZBA has been further revised to address various issues. A copy of the revised proposed zoning by-law amendment ("**Final Revised Proposed 2022 ZBA**") is provided as **Exhibit "J"**.
27. On August 4, 2022, the Owner and the Town entered into further Minutes of Settlement (the "**2022 Minutes of Settlement**") which confirmed that the Town's issues have been

satisfactorily addressed such that the Town would not be calling any evidence at the upcoming hearing. The 2022 Minutes of Settlement also confirmed a proposed approach that would split this matter into two phases:

- Phase 1 of the hearing would take place on the dates currently scheduled for the hearing (commencing on August 31st) and would consider the singular issue as to whether the development limit, as proposed by the Owner is appropriate. That issue remains in dispute as between the NVCA and the Owner. If the Tribunal accepts the proposed development limit, the Town and the Owner would jointly request that the Tribunal issue a final decision approving the Final Revised Proposed 2022 ZBA, the Final Proposed 2021 DPOS and the Proposed Conditions.
- However, if the Tribunal does not accept the proposed development limit, the Town and the Owner would jointly request the issuance of an interim decision with respect to this singular issue and request the scheduling of a second phase of the Hearing.

28. The purpose of this Witness Statement is to provide land use planning evidence with respect to the appeal by the Owner of the Final Proposed 2021 DPOS and Final Revised Proposed 2022 ZBA.

Area Context

29. The Area 1 Lands are irregular in shape and have an area of approximately 20.295 hectares (50.150 acres). The Area 1 Lands are currently vacant, partially covered with vegetation, and are currently used for agricultural purposes in the form of cattle grazing.
30. The Area 1 Lands are located in the northwest area of the Settlement Area of Collingwood.
31. Surrounding land uses associated with the Area 1 Lands include:
- North – Residential uses in the form of single detached dwellings, Silver Creek Drive and Provincial Highway 26. Beyond is the Silver Creek Wetland Complex and the Draft Plan Approved Consolate Subdivision.
 - South – Georgian Trail with vacant Environmental Protection lands beyond.
 - East – Vacant land including a series of environmental features and residential

designated land within the Area 2 Lands. Beyond is the Silver Glen Preserve Condominium townhouse development and the Cranberry/Tanglewood developments inclusive of a variety of residential unit types and a golf course.

- West – Residential land uses in the form of single detached dwellings within an area known as the Forest Subdivision.

32. Silver Creek runs through the Area 1 Lands and continues northward to Georgian Bay.

Planning Background to the Huntingwood Draft Plan of Subdivision and Zoning Amendment Appeals

33. The Final Revised Proposed 2022 ZBA and Final Proposed 2021 DPOS implement the Town OP as amended by the 2014 OPA approved by the OMB in 2014 consistent with Minutes of Settlement reached with the Town, County and NVCA. I have reviewed the Town OP and the 2014 OPA, and will elaborate on the relevant policies through my oral evidence and in my opinions on the issues addressed in this Witness Statement.

34. In connection with the 2019 submission of the 2019 Revised ZBA and 2019 Revised DPOS, the following reports and material were submitted to the Town:

- *Draft Plan of Subdivision*, prepared by KLM Planning Partners Inc. dated July 23, 2019;
- *Draft Zoning By-law Amendment*, prepared by KLM Planning Partners Inc. dated July 23, 2019;
- *Public Consultation Plan*, prepared by KLM Planning Partners Inc. dated July 23, 2019;
- *Functional Servicing & Stormwater Management Report*, by C.F. Crozier & Associates Inc. dated January 2011 and Updated July 2019 (the “**2019 FSR**”);
- *Environmental Impact Study Update*, by C.F. Crozier & Associates Inc. dated July 2019;
- *Natural Hazards Study*, by C.F. Crozier & Associates Inc. dated January 2011 and Updated July 2019 (the “**2019 Flood Study**”); and,
- *Traffic Impact Study*, by C.F. Crozier & Associates Inc. dated June 2009, Updated January 2011 and again Updated July 2019 (the “**2019 TIS**”).

35. These materials were provided in fulfillment of the Owners responsibility pursuant to Section 4.3.4.4.5.8(e) and (h) of the 2014 OPA.

36. The changes made between the 2019 Revised DPOS and the Final Proposed 2021 DPOS, as a result of the 2021 Minutes of Settlement, are detailed below:

- The plan limits were revised to align with the Area 1 Lands;
- The size of the storm water management pond was reduced from 1.00 ha to 0.977 ha;
- The road pattern was revised with the removal of three cul-de-sacs on the west side of the property in favour of a connected north south road identified as Street “2” to provide two routes of access to the majority of the residential units within the plan. This also involved the removal of two servicing easements between the cul-de-sac bulbs;
- The road pattern was also revised to increase the local street right-of-way width for Street “1” from 20 metres to 26 metres from the entrance at Silver Creek Drive, tapering to a 20 metre right-of-way through the intersection of Street “2” internal to the lands;
- A reduction in the number of units from 108 total units, inclusive of 88 single detached dwellings and 20 semi detached dwellings to 100 total units, inclusive of 86 single detached dwellings, 14 semi-detached dwellings and a future development block (the “**Future Development Block**”).

37. More specifically, the Final Proposed 2021 DPOS consists of the following land uses:

Land Use	Blocks	Lots	Units	Area (ha)
Single Detached Dwellings	-	86	86	5.561
Semi Detached Dwellings	-	7	14	0.548
Future Development Block	1	TBD	TBD	0.495
Storm Water Management	1	-	-	0.977
Open Space	2	-	-	0.139
Environmental Protection Area	1	-	-	10.273
Public Right-of-Ways	-	-	-	2.302
Total	5	93	100	20.295

38. The Future Development Block is located at the south east corner of the Area 1 Lands and is not proposed to be further subdivided at this time; notwithstanding that the lands are designated ‘Residential’ and ‘Low Density Residential’ in the Town OP.
39. The Future Development Block may be considered for potential residential use which would also involve a rezoning and further subdivision.

40. I have worked with the Town in the preparation of the conditions of draft approval (the **"Proposed Conditions"**). It is my opinion that they are reasonable and appropriate having consideration to the nature of the Final Proposed 2021 DPOS and requirements of Sub-sections 51(25) of the *Planning Act*. Huntingwood has confirmed to the Town that it intends to seek approval of the Proposed Conditions prepared by the Town in consultation with Huntingwood. The Proposed Conditions are found at **Exhibit "K"** to this Witness Statement.
41. I have prepared a table found at **Exhibit "L" ("NVCA Issues and Policy Response")**. This has been used to document policy responses to the PPS, Growth Plan, County OP, Town OP and the 2014 OPA in the context of the remaining issues and includes the policy text for ease of reference.
42. In summary, the Final Proposed 2021 DPOS, subject to the Proposed Conditions and the Final Revised Proposed 2022 ZBA have regard to section 2 of the Act, meet the requirements of subsections 51(24) and (25) of the Act, are consistent with the PPS, conform to the Growth Plan, the County OP and the Town OP, as amended by the 2014 OPA. The applications are appropriate for the efficient use and development of the Area 1 Lands, represent good land use planning, and their approval would advance both provincial interests and the public interest.

Planning Basis for the Design of the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and Proposed Conditions

Planning Act

43. The Act must be considered in relation to the Final Revised Proposed 2022 ZBA, Final Proposed 2021 DPOS and Proposed Conditions.
44. Of relevance are the provisions at Section 2 of the Act dealing with matters of Provincial Interest, section 34 respecting zoning By-laws and amendments thereto, sub-section 51(24) respecting the criteria when considering a draft plan of subdivision, and sub-section 51(25) with respect to proposed conditions which need to be reasonable having regard for the nature of the development proposed and requirements under the Act.

45. The Minister, the Council of a Municipality, a local board, a planning board, and the Tribunal in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as those matters found in Section 2 (a) to (s).
46. I have reviewed Section 2 of the Act and I am of the opinion that the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and the Proposed Conditions have regard to the matters of provincial interest.
47. Section 34 of the Act provides the details with regard to matters to be regulated through a zoning by-law. The Final Revised Proposed 2022 ZBA is an amendment to the Town Zoning By-law and is in accordance with requirements of section 34.
48. Section 51(24) of the Act requires that when considering a draft plan of subdivision, regard shall be had to the criteria contained therein. I have reviewed the criteria set out in this subsection and I am of the opinion that appropriate regard has been had to matters of health, safety, convenience for persons with disabilities and welfare of the present and future inhabitants of the municipality and the criteria. I will elaborate on how the Final Proposed 2021 DPOS has had regard to the criteria in my opinions related to issues within this Witness Statement below.
49. In my opinion, the Proposed Conditions are appropriate and reasonable and have regard to the nature of the proposed development and requirements of Subsection 51(25) (a) to (e) of the Act.
50. I will elaborate on those conditions in my opinions which relate specifically to the nature of the Final Proposed 2021 DPOS and issues within this Witness Statement.

Provincial Policy Statement (the “PPS”)

51. The Final Revised Proposed 2022 ZBA and Final Proposed 2021 DPOS, subject to the Proposed Conditions must be consistent with the PPS. The PPS is issued under section 3 of the Act, which requires that a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter “shall be consistent with” policies adopted under the Act.

52. I have reviewed the PPS and it is my opinion that the, Final Revised Proposed 2022 ZBA, Final Proposed 2021 DPOS and the Proposed Conditions are consistent with the PPS. My detailed responses to the PPS policies included in the issues lists of the NVCA are provided in **Exhibit “L”** and in my opinions on the issues addressed in this Witness Statement.

A Place to Grow, Growth Plan for the Greater Golden Horseshoe 2019, as amended (the “Growth Plan”)

53. The Final Revised Proposed 2022 ZBA and Final Proposed 2021 DPOS, subject to the Proposed Conditions must conform with the Growth Plan. The Growth Plan is issued under section 4 of the *Places to Grow Act, 2005*, SO 2005, c 13. Section 3 of the Act requires that a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter “shall conform with” provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.
54. The Final Proposed 2021 DPOS subject to the Proposed Conditions and the Final Revised Proposed 2022 ZBA supports the growth management objectives of the Growth Plan by accommodating growth within an existing settlement area boundary and away from hazardous lands. The Final Proposed 2021 DPOS will assist in creating a strong and vibrant community, further contributing to the development of the Town as a complete, mixed-use community with diverse housing options.
55. The Final Proposed 2021 DPOS subject to the Proposed Conditions and the Final Revised Proposed 2022 ZBA contributes to the Province’s vision of a compact, well-planned and designed built environment by providing greater housing choices to meet people’s needs at all stages of life. The design of the Final Proposed 2021 DPOS focuses growth in an existing settlement area protecting agricultural land and significant environmental assets, reducing traffic and automobile dependency by improving access to a greater range of transportation options, including access to active transportation within Collingwood and by supporting the creation of a ‘complete’ community that offers access to housing in proximity to employment, commercial and institutional uses and other public service facilities.
56. I have reviewed the Growth Plan and it is my opinion that the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and the Proposed Conditions conform with the Growth

Plan.

County OP

57. The Final Revised Proposed 2022 ZBA and Final Proposed 2021 DPOS must conform to the County OP. The County OP designates the Area 1 Lands as Settlements.
58. I have reviewed the County OP, and it is my opinion that the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and the Proposed Conditions conform with the County OP. My detailed responses to the County OP policies included in the issues lists of the NVCA are provided in **Exhibit "L"** and in my opinions on the issues addressed in this Witness Statement.

Town OP AND 2014 OPA

59. The Area 1 Lands are designated "Residential" and "Environmental Protection" pursuant to the 2014 OPA as identified on Schedule "A-2" and are further designated "Low Density" on Schedule "C" – Residential Density.
60. I have reviewed the 2014 OPA and the Town OP and it is my opinion that the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and the Proposed Conditions conform with the same.
61. The policy framework of the 2014 OPA has been consolidated into the Town OP. The relevant policy reference from the 2014 OPA, Section 4.3.4.4.5.8, is referenced as Section 4.3.2.5.3.3 in the Town OP.
62. The 2014 OPA provides specific direction with respect to permitted uses, density and access which has been incorporated in the design of the Final Proposed 2021 DPOS and the Final Revised Proposed 2022 ZBA that is intended to implement and regulate the use of land.
63. Section 4.3.4.4.5.8 of the 2014 OPA, as now incorporated as Section 4.3.2.5.3.3 in the Town OP, identifies that the policies and permitted uses within Development Area 2 as follows:
 - a) *The area identified as Development Area #2 (DA #2) on Schedule 'A2' is permitted a maximum density of 12 units per gross hectare. The uses permitted shall be limited to single-detached dwellings, semi-detached dwellings, small-lot single-detached, duplex dwellings, home occupations, residential intensification uses, and those public uses*

- itemized on Figure 3. All residential units that back upon the western boundary of the subject property (adjacent to the Forest Subdivision) shall be single-detached dwellings. Vehicular access may occur from Forest Drive and/or Silver Creek Drive and may be established through lands designated Environmental Protection as permitted by Section 4.1.3.1.*
- b) It will be a condition of draft approval of the development that that the lands identified in cross hatching adjacent to DA #2 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process.*
 - c) The required 5% parkland dedication for the development of DA #2 shall be satisfied by the dedication of lands within the cross hatching area.*
 - d) The lands shown in cross hatching include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.*
 - e) On the basis of the designation and dedication of these lands identified in cross hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, current and future Planning Act applications shall be supported by:

 - i. details demonstrating that the proposed development mitigates any negative impacts on the natural heritage features or their ecological functions through appropriate measures to the satisfaction of the Town and the NVCA;*
 - ii. a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial Policy Statement; and,*
 - iii. details demonstrating that the proposed development satisfies the requirements of the Provincial Policy Statement and the Endangered Species Act with respect to species at risk.**
 - f) The completion of a Secondary Plan and requirements and studies as per the policies of Section 8.10.2 and the Service Area 3 policies of Section 3.6.3 shall not be required prior to development occurring on the lands designated as DA # 2.*
 - g) All current and future applications under the Planning Act on the lands designated as DA # 2 shall be circulated to the MTO for review and comment.*

- h) All current and future applications for zoning, site plan control approval, severances and/or plan of subdivisions/condominiums shall include submission of the following studies in addition to whatever studies are identified as required by Section 8.13, with the exception of natural heritage studies:*
- i. a water and sanitary sewer servicing strategy that examines potential regional opportunities and constraints;*
 - ii. a stormwater management plan that includes a strategy for addressing Silver Creek drainage patterns and spill areas; and*
 - iii. a transportation study (including active transportation and transit) that explores potential linkages with adjacent development. This study shall also be circulated to the MTO for review and comment.*

Permitted Uses and Density

- 64. Uses proposed within the Final Proposed 2021 DPOS include both single detached and semi-detached dwellings as well as Stormwater Management, public Streets and Open Space lands as permitted by the 2014 OPA. It is further noted that only single detached dwellings are proposed adjacent to the Forest Subdivision as required by the 2014 OPA.
- 65. In addition, in accordance with the provisions of 4.3.2.4.8 of the Town OP, buffering has been taken into account when addressing the differing density designations with the adjacent Forest Subdivision to the west through the use of the deepest lots and enhanced rear yard setbacks in the Final Revised Proposed 2022 ZBA.
- 66. Section 4.3.4.4.5.8 a) of the 2014 OPA or Section 4.3.2.5.3.3 a) of the Town OP identifies that the maximum permitted density for Development Area 2 is 12 units per gross hectare.
- 67. The gross developable area of the Area 1 Lands is 8.906 hectares, excluding the Environmental Protection lands, Storm Water Management and Open Space. Applying a density of 12 units/hectare results in a maximum of 107 units within the Area 1 Lands.

Servicing/Infrastructure

68. Notwithstanding that the lands are exempt from the Service Area 3 policies, the intent of the Town OP is that major forms of development are required to be developed on the basis of municipal water, sanitary sewer and storm sewer facilities.
69. The 2019 FSR identifies that the Area 1 Lands are proposed to be connected to municipal water and wastewater systems and municipal storm sewer facilities.
70. From a stormwater perspective, the proposed stormwater servicing includes a requirement for the construction of an onsite storm water management pond. The size and location of the storm water management pond has been established through the 2019 FSR and is incorporated into the Final Proposed 2021 DPOS.
71. From a wastewater perspective, the Area 1 Lands will be entirely serviced by gravity sewers which will outlet to either the existing sanitary pumping station located to the east adjacent to Silver Glen Boulevard or via a new sanitary pumping station within the Consulate subdivision located east of Silver Creek, north of Highway 26. The proposed routing of the internal sanitary sewer will follow the alignment of the internal roadway network per municipal standards. The 2019 FSR identified viable servicing options for the Area 1 Lands. Through the completion of more detailed engineering design, the appropriate route will be determined.
72. From a water perspective, a local watermain will run along the right of ways within the proposed development and potential looping to connect with an external watermain may be required. While the Town has current limitations related to water capacity, an expansion of the water treatment plant is being advanced by the Town that will provide water capacity for the Area 1 Lands.
73. The 2019 FSR concludes that the Final Proposed 2021 DPOS can be adequately serviced from a wastewater, water and stormwater perspective. All services are to be sized to accommodate the needs of the Final Proposed 2021 DPOS.
74. Figure 3 to the Town OP permits Infrastructure (including stormwater management facilities) within both the Residential and Environmental Protection designations.

75. Further, Policy 4.1.3.1 Permitted Uses within the Environmental Protection designation with the Town OP permits, amongst other uses, public roads and only those buildings and structures required for the purposes of flood control which includes stormwater management ponds.

Natural Hazards

76. Through the approval of the 2014 OPA two development areas were established where residential development could occur, and the appropriate limits for development and hazard lands were assessed and determined with the consent of the County, Town and NVCA.
77. This is supported by the 2014 OPA which addressed matters of Natural Hazards and in particular 4.3.4.4.5.8 d. stated:
- d) *The lands shown in cross hatching include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.*
78. In addition, the Final Proposed 2021 DPOS has been coordinated with the 2019 Flood Study which confirms that the proposed development limit respects the flooding and erosion hazards onsite as determined through this analysis and confirms the proposed development application meets the tests of Section 3.1 of the PPS.
79. According to the 2019 Flood Study, the proposed development area within the Final Proposed 2021 DPOS has been set outside the Silver Creek Regional floodplain, save and except a portion of the site access roadway at Silver Creek Drive and stormwater management pond as permitted by the 2014 OPA and the Town OP. The site access roadway to the western development area will be flood proofed and will confine the post development flood inundation limit to the eastern boundary of the right of way. Existing properties to the west of the subject development which are currently in the Regional floodplain will be removed from the floodplain. The 2019 Flood Study confirms that the detailed grading of the development will ensure that lots and roadways adjacent to the floodplain have a minimum of 0.3m flood-proofing above the Regional water surface elevation.
80. As part of the ongoing efforts to resolve issues raised by the NVCA, the 2019 Flood Study

was updated by C.F. Crozier & Associates as requested by the NVCA (the “**2022 Flood Mapping**”). The 2022 Flood Mapping supports the conclusion of the 2019 Flood Study and confirms that all residential development in the Area 1 Lands are located within the development limit.

81. NVCA Natural Hazards Technical Guidelines permit the use of traditional floodplain cut / fill balance techniques to regularize the boundaries of a development to provide a better development layout. I am advised by Mr. Jon Proctor that cut and fill for the Area 1 Lands is feasible.
82. In addition, the Final Proposed 2021 DPOS will be subject to a proposed condition of draft approval requiring a cut and fill analysis to the satisfaction of the NVCA. This is addressed as proposed conditions 17 and 18 to the Proposed Conditions contained in **Exhibit “K”** as discussed below.
83. It is my opinion that the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and the Proposed Conditions conform with the Natural Hazard policies of the Town OP and 2014 OPA. My detailed responses to the Town OP policies included in the issues list of the NVCA are provided in **Exhibit “L”** and in my opinions on the issues addressed in this Witness Statement.

Access

84. Section 4.3.4.4.5.8 a) of the 2014 OPA and incorporated into Section 4.3.2.5.3.3 a) of the Town OP identifies that vehicular access may occur from Forest Drive and/or Silver Creek Drive and may be established through lands designated Environmental Protection as permitted by Section 4.1.3.1 of the Town OP.
85. The 2014 OPA and the Town OP permit access to Silver Creek Drive and the block for stormwater management on lands designated Environmental Protection as identified in the Final Proposed 2021 DPOS.
86. A 26-metre right-of-way for Street “1” from the access at Silver Creek Drive to the intersection of Street “2” is proposed and I am advised by the Owners transportation engineer that it conforms to the National Fire Protection Association (NFPA) requirements for access

87. A 26-metre right-of-way with a centre median to the intersection of Street “2” provides sufficient width for two travel lanes on either side of the median to accommodate emergency access and ensures that each residential unit south of the first internal intersection has two routes of access in the event of an emergency.
88. Access has been designed in accordance with the 2019 TIS and supplemental material provided to the Town to address the approach angle of intersection of Street 1 and Silver Creek Drive, safe sight lines, and functional analysis to ensure that maintenance and emergency vehicles can negotiate the internal streets of the subdivision.

Parkland

89. Section 4.3.4.4.5.8 c) of the 2014 OPA or Section 4.3.2.5.3.3 c) of the Town OP identifies that the required 5% parkland dedication for the Area 1 Lands shall be satisfied by the dedication of lands within the cross-hatching area. As such, no additional parkland is required or provided.
90. I have reviewed the Town OP and the 2014 OPA, and it is my opinion that the Final Revised Proposed 2022 ZBA, Final Proposed 2021 DPOS, and the Proposed Conditions conform with the Town OP and the 2014 OPA. My detailed responses to the Town OP and the 2014 OPA policies included in the issues lists of the NVCA are provided in **Exhibit “L”** and in my opinions on the issues addressed in this Witness Statement.

Town Zoning By-law

91. The Area 1 Lands are currently zoned Residential First Density Exception Twelve – R1-12 Zone, (Holding 1) Rural Exception Three – (H1) RU-3, Rural - RU, and Environmental Protection - EP Zones in accordance with the Town Zoning By-law.
92. An Amendment to the Zoning By-law is required to implement the Final Proposed 2021 DPOS and regulate the associated uses. The effect of the Final Revised Proposed 2022 ZBA will be the development of eighty-six (86) single detached dwellings, fourteen (14) semi-detached dwellings, one (1) future development block, one (1) stormwater management facility, two (2) open space blocks and one (1) environmental protection area block.

93. The Final Revised Proposed 2022 ZBA is intended to implement and regulate the use of land associated with the Final Proposed 2021 DPOS by rezoning the lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to (Holding 20) Residential Second Density Exception 27 – ((H20)R2 – 27), (Holding 20) Residential Second Density Exception 28 – ((H20)R2 – 28), (Holding 20) Residential Second Density Exception 29 – ((H20)R2-29), (Holding 20) Residential Second Density Exception 30 – ((H20)R2-30), (Holding 20) Residential Third Density Exception 62 – ((H20)R3 – 62), (Holding 20) Residential Third Density Exception 63 – ((H20)R3 – 63), Deferred Development DR - DR and Environmental Protection - EP Zones.
94. (Holding 20) Residential Second Density Exception 27 – ((H20)R2 – 27) zone has been proposed to be applied to lands adjacent to the Forest Subdivision (lots 10 to 26) which restricts permitted uses to Single Detached Dwellings with a minimum lot frontage of 15 metres to implement the provisions contained in the 2014 OPA and Town OP. The zone requirements rely on the provisions of Town Zoning By-law except that the minimum rear yard required has been increased from 7.5 metres to 10 metres as a means of addressing an appropriate transition with the existing lots within the Forest Subdivision to the west.
95. (Holding 20) Residential Second Density Exception 28 – ((H20)R2 – 28) zone has been proposed to be applied to lots adjacent to the Forest Subdivision that also have side lot lines which are not parallel and converge at proposed Street “2” (lots 8 and 9). As with lots described in paragraph 94 above, the zone requirements rely on the provisions of Town Zoning By-law except that the minimum rear yard required has been increased from 7.5 metres to 10 metres for reasons discussed in the preceding paragraph. In addition, this zone proposes to reduce the minimum lot frontage from 15 metres to 12.5 metres for the reasons discussed below.
96. The Town Zoning By-law defines Lot Frontage as the horizontal length measured along a front lot line. Lot line, Front is defined as:

“In the case of an interior lot, the lot line dividing the lot from a street or highway.

In the case of a corner lot, the shortest lot line dividing the lot from a street or highway.

In the case of a through lot, the lot line where the main entrance for the lot is located.

In the case of a lot that does not front on a street or highway, the front lot line shall be deemed to be the lot line dividing the lot from the private right-of-way or easement.”

97. Based on the definitions above and the basis upon which the front lot line is defined, to accommodate the lots where the lot lines converge at the street or front lot line, and thus have a defined lot frontage of a minimum of 12.5 metres, a reduced minimum lot frontage is proposed.
98. (Holding 20) Residential Second Density Exception 29 – ((H20)R2-29) zone has been proposed to be applied to the lands with frontage on Street 2 of the Final Proposed 2021 DPOS and south of the northerly property boundary, together with an adjacent irregular shaped lot with frontage on Street 1 (lots 1-5 and 91). This proposed zone also restricts the proposed use to Single Detached Dwellings and the Town Zoning By-law requires a minimum lot frontage of 15 metres within the existing zone category.
99. (Holding 20) Residential Second Density Exception 30 – ((H19)R2-30) zone has been proposed to be applied to the lands with frontage on Street 2 of the Final Proposed 2021 DPOS and south of the northerly property boundary for lots that also have side lot lines that converge at the proposed street (lots 6 and 7). These zone requirements rely on the provisions of the Town Zoning By-law except that permitted uses are restricted to Single Detached Dwellings and the minimum lot frontage has been reduced from 15 metres to accommodate lots with a minimum lot frontage of 12.5 metres, for the same reasons identified in paragraph 97 of this Witness Statement.
100. (Holding 20) Residential Third Density Exception 62 – ((H20)R3 – 62) zone has been proposed to be applied to the lands with frontage on Street 1 adjacent to the proposed Stormwater Management Block (lots 92 and 93). The zone requirements rely on the provisions of the Town Zoning By-law except that the permitted uses are restricted to Single Detached Dwellings.
101. (Holding 20) Residential Third Density Exception 63 – ((H20)R3 – 63) zone has been proposed to be applied to the interior lots and those adjacent to the proposed Environmental Protection Zone – EP Zone associated with Silver Creek (lots 29 - 90, Block 96). The zone requirements rely on the provisions of the Town Zoning By-law except that the permitted uses are restricted to Single Detached Dwellings and Semi Detached Dwellings. In addition,

a provision has been included to provide clarity and certainty with respect to the boundary between the Environmental Protection Zone and the R3 – 63 zone to ensure that the final plan of subdivision that is registered will not have any portion of the lots within the flood plain or in the Environmental Protection – EP zone. This will allow a cut and fill analysis as identified in conditions 17 and 18 of the Proposed Conditions to be completed and accommodate potential red line revisions to the Final Proposed 2021 DPOS that would subsequently be reflected in the lot and block lines on the registered subdivision.

102. The Town passed an interim control by-law (“ICBL”) on April 26, 2021 to limit the use of land as a result of water and wastewater servicing constraints. During the ICBL period the Town undertook a Land Use Planning Study to develop a framework for allocating water and wastewater capacity as part of an overall servicing capacity allocation framework (the “Allocation Framework”) for the Town.
103. Section 8.2.2 of the Town OP contains policies allowing the use of a Holding (H) By-law for the purposes of ensuring that municipal services, including water and sewer services are available to service the proposed development. In response to the ICBL and Land Use Planning Study, a Holding (H) provision is proposed within the Final Revised Proposed 2022 ZBA to all residential zones which restricts the use of the lands until such time as the H provision is lifted once the availability of municipal water and wastewater servicing capacity and allocation is confirmed to the satisfaction of the Town.
104. Deferred Development DR - DR is proposed to be applied to the Future Development Block which will ensure that prior to any development, a further rezoning will be required except with respect to allowing a walkway, which may occur in accordance with the Proposed Conditions to provide access from the Final Proposed 2021 DPOS to the adjacent Georgian Trail.
105. Environmental Protection - EP Zone has been proposed to be applied to the lands associated with Silver Creek which is consistent with the designation in the Town OP and the proposed Stormwater Management Block which is permitted pursuant to Figure 3 of the Town OP. This will ensure that the residential development within the flood plain will be prohibited. The zone requirements rely on the provisions of the Town Zoning By-law which permits Flood Control Works in order to accommodate the proposed Stormwater Management Block. Public roadways within the EP Zone are currently permitted in the Town Zoning By-law which conforms with the Town OP.

106. It is my planning opinion that the Final Revised Proposed 2022 ZBA conforms to the PPS, Growth Plan, County OP, Town OP and the 2014 OPA, represents good planning in the public interest and is appropriate to implement and regulate the use of land associated with the Final Proposed 2021 DPOS.

Section 51(24) of the Act

107. The Act requires that regard be had to the matters as set out in subsection 51(24). Of relevance to the NVCA Issues with respect to Natural Hazards, criteria (a) and (h) are applicable, which I will respond to in turn.
108. Sections (a) and (h) of Section 51(24) require that regard be had to: (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 and (h) the conservation of natural resources and flood control.
109. The Final Proposed 2021 DPOS has regard for all relevant matters of Provincial interest as outlined in Section 2 of the Act, and in particular Sections 2 (h) and (o) which relate to natural hazards and state:
- h) the orderly development of safe and healthy communities;
 - o) the protection of public health and safety;
110. In addition, criteria 51(24) (h) is also relevant which identifies that regard shall be had to conservation of natural resources and flood control.
111. It is my opinion that the Final Proposed 2021 DPOS and the Proposed Conditions conform with and implement the Natural Hazard policies of the Town OP and 2014 OPA and therefore has regard to the above noted matters of Provincial interest.

Section 51(25) of the Act - Proposed Conditions

112. As noted, the Proposed Conditions are included herein as **Exhibit "K"**.

113. The Proposed Conditions include a number of standard conditions and those that deal specifically with the Final Proposed 2021 DPOS.

114. Proposed conditions 7 – 10 provide the following:

7. 106 Single Dwelling Unit Equivalents (SDUs) of municipal water and wastewater capacity are required to support the proposed development to the satisfaction of the Town of Collingwood. The timing of availability of this capacity commitment shall be addressed prior to final approval and registration of all or part of the plan of subdivision through a subdivision, site plan, advanced timing or other agreement, including phasing or staging to facilitate the orderly build-out of the development as required. Such agreement(s) shall also address the expiry and other stipulations of the capacity commitment as required by the Town of Collingwood Water and Wastewater Capacity Allocation Policy dated March 2022 or any update or successor thereto.
8. That the Owner acknowledges and agrees that prior to final approval and registration of all or part of the draft plan of subdivision, the Town of Collingwood shall confirm that sufficient capacity exists in the Water Treatment Plant and Wastewater Treatment Plant to adequately service the development at the time of registration. The Owner further acknowledges and agrees that the determination as to whether there is sufficient capacity shall be made by the Town of Collingwood, in its sole discretion. Building permits will not be issued until the Town is satisfied that adequate water, including for firefighting operations, and wastewater services are available are available to the lands and emergency services are available.
9. The Owner shall acknowledge and agree in the Subdivision Agreement that building permits will not be issued until the Town is satisfied that adequate water, sewers, utilities and roads are available to the lands, except that building permits may be issued for “dry” model homes upon terms and conditions established by the Town.
10. The Owner acknowledges that pre-sales of residential units to end-users will be permitted; however, the Owner shall agree in the Subdivision Agreement to provide for a warning clause drafted to the satisfaction of the Town of Collingwood that will prevent final closing of the residential units until such time as the Town of Collingwood, at its sole discretion, acting reasonably, confirms that sufficient

capacity exists in the Town of Collingwood Water Treatment Plant and Waste Water Treatment Plant to adequately service the development

115. Conditions 7 – 10 are included to ensure that servicing capacity is available prior to final approval and registration of all or part of the Final Proposed 2021 DPOS in accordance with the Allocation Policy.

116. Proposed conditions 17 and 18 provide the following:

17. Prior to final approval, a cut / fill analysis shall be completed to the satisfaction of the Conservation Authority demonstrating that the regularization of the post development floodplain limit maintains floodplain storage volumes within the Huntingwood property and does not cause increases in upstream or downstream floodplain elevations and confirming the limit of the floodplain and safe access during times of flooding. The draft plan of subdivision may be subject to red-line revisions to satisfy the requirements of the cut / fill analysis.

18. In the event that the works completed to fulfill condition 17 above results in a substantial change to the development limits or configuration of the subdivision, as determined by the Town of Collingwood, the plan of subdivision shall be revised, and re-circulated to all of the agencies consulted in the subdivision process and these conditions shall be revised accordingly.

117. As previously noted, the cut and fill analysis will be required to demonstrate that the regularization of the post development floodplain limit does not cause increases in upstream or downstream floodplain elevations and to confirm the limit of the floodplain and safe access during times of flooding. Furthermore, per the condition, if necessary, the draft plan of subdivision may be subject to red-line revisions to satisfy the requirements of this analysis.

118. Condition 26 provides the following:

26. All services and utilities to service the proposed development, with the exception of stormwater management infrastructure, shall be contained within road allowances on the plan.

119. This condition is considered appropriate, however; the 2019 FSR did identify viable servicing options for the Area 1 Lands which may involve utilizing existing infrastructure that involves the extension of services outside of existing or planned municipal road allowances. If it is determined through detailed engineering design that such options are appropriate and in the public interest, it may be necessary to amend this condition which could occur at a later date.
120. Proposed condition 57 provides the following:
57. The owner shall agree in the subdivision Agreement that Block 97 shall be dedicated to the Town of Collingwood per the Official Plan. In addition, the Owner shall agree in the subdivision agreement that as a condition of the development of any portion of Block 98, or that if an application for development has not been submitted for any portion of Block 98 at the time of registration, that the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule 'A2' – Land Use Plan Detail shall be dedicated to the Town of Collingwood. The Owner shall further agree in the Subdivision Agreement that if it is determined through the additional studies required under condition 17 that any portion of Block 98 cannot be developed, then the undevelopable portion of Block 98, and the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule 'A2' – Land Use Plan Detail shall be dedicated to the Town.
121. Proposed condition 57 has been included to ensure the dedication of the lands to the Town in accordance with the Town OP.
122. Block 97 is the proposed Environmental Protection Block on the Final Proposed 2021 DPOS, whereas Block 98 is the Future Development Block.
123. This condition ensures that on registration of the Final Proposed 2021 DPOS that block 97 is conveyed to the Town. In addition, it ensures the conveyance of the balance of the lands shown in cross hatching in the Town OP Schedule 'A2' as a condition of any development of Block 98 or at the registration of Final Proposed 2021 DPOS should an application for the development of Block 98 not be made at that time. In addition, the condition ensures that should the cut and fill analysis required for the development of Block 98 determine that any portion of Block 98 is undevelopable, that the undevelopable portion shall also be conveyed to the Town with the balance of the cross hatched lands.

124. In the interim, there will be no change of use to the cross hatched lands to be conveyed as a condition of the Future Development Block which will retain the Environmental Protection designation under the 2014 OPA and Town OP. This will allow the impact of the future applications for development to be assessed and ensure any required mitigation of environmental impacts can be secured as part of a future development application, while at the same time ensuring that the lands subject to the cross hatching be dedicated to the Town in accordance with OPA requirements. Furthermore, should an application for Block 98 not be made by the date of registration of this draft plan, the Condition requires that the dedication of the balance of the cross hatching not be delayed indefinitely.
125. In my opinion, the Proposed Conditions are reasonable and appropriate having regard for the nature of the Final Proposed 2021 DPOS in accordance with section 51(25) of the Act.

Issues of the NVCA and Opinions

126. The NVCA issues are organized around natural hazard and natural heritage policies from the PPS, County OP, Town OP and 2014 OPA, the details of my opinion for which is provided in **Exhibit "L"** as previously noted.
127. I will be providing opinion evidence on the following issues outlined in the Procedural Order by the NVCA.

NVCA Issues

NVCA Natural Hazard Issues (NVCA Issue 1-3 - Consistency with the PPS (Natural Hazards), NVCA Issue 9-11- County of Simcoe Official Plan Natural Hazards, NVCA Issue 16 - Town of Collingwood Official Plan Natural Hazards and Issue 17 – Site Specific Official Plan Amendment – Natural Hazards)

128. My individual response and opinion with respect to NVCA Issue 1-3 - Consistency with the PPS (Natural Hazards), NVCA Issue 9-11- County of Simcoe Official Plan Natural Hazards, NVCA Issue 16 - Town of Collingwood Official Plan Natural Hazards and Issue 17 – Site Specific Official Plan Amendment – Natural Hazards as related to the specific policies in question are found in **Exhibit "L"** to this witness statement.

129. Based on the response provided in **Exhibit “L”**, in summary, I am of the opinion that NVCA issues have been appropriately addressed in the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and Proposed Conditions, which will ensure that the proposed development will be located outside of natural hazards, will protect future development from flooding and erosion hazards and will ensure that safe access is provided for people and vehicles. As such, in my opinion, the Final Proposed 2021 DPOS, Final Revised Proposed 2022 ZBA and Proposed Conditions are consistent with the PPS and conform to the Growth Plan, County OP, 2014 OPA and Town OP, and represent good planning in the public interest with regard to natural hazards.

NVCA Natural Heritage Issue (NVCA 18 - Site Specific Official Plan Amendment)

130. My response and opinion with respect to the policy related to NVCA Issue 18 is found in **Exhibit “L”** to this witness statement.
131. Based on the response provided in **Exhibit “L”**, in summary, I am of the opinion that this issue has been appropriately addressed in the Proposed Conditions at condition 57.

Planning Opinion on Huntingwood Draft Plan of Subdivision and Zoning By-law Amendments

132. In summary, the Final Proposed 2021 DPOS, subject to the Proposed Conditions and the Final Revised Proposed 2022 ZBA are have regard to section to the Act, meet the requirements of subsections 51(24) and (25) of the Act, are consistent with the PPS, conform to the Growth Plan, the County OP and the Town OP, as amended by the 2014 OPA. The applications are appropriate for the efficient use and development of the Area 1 Lands, represent good land use planning, and their approval would advance both provincial interests and the public interest.
133. I will respond to issues raised in the evidence provided by others, if any, in Reply.

List of Documents which may be Referred to:

134. In support of my evidence in relation to these matter before the Tribunal, I will be relying on:

- 1.1.1 The Planning Act;
- 1.1.2 The Provincial Policy Statement (2020 and 2014);
- 1.1.3 The Growth Plan for the Greater Golden Horseshoe, 2006, as amended (2019);
- 1.1.4 The County of Simcoe Official Plan, 2016;
- 1.1.5 The Town of Collingwood Official Plan, 2019;
- 1.1.6 The Town of Collingwood Zoning By-law, 2010-040;
- 1.1.7 The 2019 FSR;
- 1.1.8 The 2019 Flood Study;
- 1.1.9 The 2019 TIS;
- 1.1.10 The 2014 Minutes of Settlement;
- 1.1.11 Other documents that are part of the public record;
- 1.1.12 Document Book Prepared for Hearing;
- 1.1.13 Visual Evidence Prepared for Hearing;

Dated at the City of Vaughan, August 4, 2022



Mark D. Yarranton, M.C.I.P, R.P.P
KLM Planning Partners Inc.

Address and Contact Information

KLM Planning Partners Inc.
64 Jardin Drive, Unit 1B
Concord, ON
L4K 3P3
(905) 669-4055

Exhibits

**THIS IS EXHIBIT "A" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

Mark D. Yarranton, B.E.S., M.C. I.P., R.P.P.

Curriculum Vitae

Education

1983 – 1988 Bachelor of Environmental Studies
Honors Urban and Regional Planning Co-operative Program
University of Waterloo

Professional Affiliations Canadian Institute of Planners
Ontario Professional Planners Institute

Professional History

2016-Present KLM Planning Partners Inc.
President

1998 - 2016 KLM Planning Partners Inc.
Partner

1995 – 1998 KLM Planning Partners Inc.
Associate Planner

1993 – 1995 KLM Planning Partners Inc.
Senior Planner

1991 – 1993 Weston Consulting Group
Senior Planner

1989 – 1991 Weston Consulting Group
Intermediate Planner

1987 – 1989 Weston Consulting Group
Junior Planner

Planning Experience

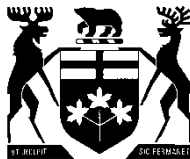
- Land Use Planning and Development Management
- Municipal Land Use Approvals (Official Plan Amendments, Zoning By-Law Amendments, Minister Zoning Order Amendments, Minor Variance, Consents, Plans of Subdivision and Site Plan Applications)
- Preparation of Block Plans and Community Design Plans
- Preparation of Draft Plans of Subdivision
- Preparation of Land Exchange Calculations and related Cost Sharing Agreements
- Landowner Group Management and Representation

- Representation at public hearings, Committee and Municipal Council Meetings, Committee of Adjustment and Land Division
- Preparation of evidence, affidavits and expert testimony at the Ontario Municipal Board and Local Planning Appeals Tribunal
- Preparation of affidavits in support Divisional Court matters
- Supervisor of planning and technical staff

Teaching / Committees

1991	Urban Development Institute Oak Ridges Moraine Sub-Committee
1996	Guest Lecturer – University of Waterloo, Planning
2002	Guest Lecturer – University of Waterloo, Planning

**THIS IS EXHIBIT "B" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**



Ontario
Ontario Land Tribunal
Tribunal de l'aménagement du territoire Ontario

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality

1. My name is Mark Varranton.....(name)
 I live at the City of Toronto.....(municipality)
 in the.....(county or region)
 in the Province of Ontario.....(province)
2. I have been engaged by or on behalf of.....(name of party/parties) to provide evidence in relation to the above-noted Ontario Land Tribunal ('Tribunal') proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date.. Aug 2, 2022

[Signature]
 Signature

**THIS IS EXHIBIT "C" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

ATTACHMENT 1

PART B—THE AMENDMENT

INTRODUCTORY STATEMENT

All of this part of the document entitled "Part B — The Amendment" consisting of the following text constitutes Amendment No. _____ to the Official Plan of the Town of Collingwood.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows;

- Item 1:** **Official Plan Schedule 'A' Land Use** is hereby amended by redesignating the subject lands from the "Rural, Rural Residential and Environmental Protection" designations to the "Residential and Environmental Protection" designations for those lands recognized as Part of Lots 47, 48 and 49, Concession 12 (formerly Township of Nottawasaga), Town of Collingwood, County of Simcoe as indicated on the attached schedule A-1.
- Item 2:** **Official Plan Schedule 'A2' Land Use Detail** attached hereto is hereby inserted as a new schedule to the Town of Collingwood Official Plan.
- Item 3:** **Official Plan Schedule 'B' Environmental Protection** is hereby amended by redesignating a portion of the subject lands from the Category 1 Woodland designation to the Category 2 Woodland designation and designating new Category 1 Woodland and Category 1 Wetlands as indicated on the attached schedule B-1.
- Item 4:** **Official Plan Schedule 'C' Residential Densities** is hereby amended by redesignating the subject lands to the "Low Density Residential" and "Medium Density Residential" designation(s) for those lands recognized as Part of Lots 47, 48 and 49, Concession 12 (formerly Township of Nottawasaga), Town of Collingwood, County of Simcoe as indicated on the attached schedule C-1.
- Item 5:** **Official Plan Schedule 'E' Municipal Service Areas** is hereby amended by redesignating a portion of the subject lands to "Service Area 2" as indicated on the attached schedule E-1.

The following special policies apply to the subject lands as identified on Schedule A1 to this Amendment:

Section 4.3.4.5.8.13 Part Lot 48, Concession 12

Development Area #1:

- a. The area identified as Development Area #1 (DA #1) on Schedule 'A2' is permitted a maximum density of 25 units per gross hectare. The uses permitted shall be limited to semi-detached dwellings, small-lot single detached dwellings, duplex dwellings, triplex dwellings, four-plex dwellings, townhouses, home occupations, residential intensification uses and those public uses itemized on Figure 3. Vehicular access and servicing shall occur from the adjacent residential development to the east.
- b. It will be a condition of draft approval of the development that the lands identified in hatching adjacent to DA #1 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process.
- c. The required 5% parkland dedication for the development of DA #1 shall be satisfied by the dedication of lands within the hatching area.
- d. The lands shown in hatching include a multitude of environmental and open space features, including Provincially Significant Wetlands as well as all appropriate buffers associated with these features.
- e. On the basis of the designation and dedication of these lands identified in hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, current and future *Planning Act* applications shall be supported by:
 - i. details demonstrating that the proposed development mitigates any negative impacts on the natural heritage features or their ecological functions through appropriate measures to the satisfaction of the Town and the NVCA;
 - ii. a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial Policy Statement; and,
 - iii. details demonstrating that the proposed development satisfies the requirements of the Provincial Policy Statement and the *Endangered Species Act* with respect to species at risk.
- f. The completion of a Secondary Plan and secondary plan studies and requirements as per the policies of Section 8.10.2 shall not be required prior to development occurring on the lands designated as DA # 1.
- g. All current and future applications under the *Planning Act* on the lands designated as DA # 1 shall be circulated to the MTO for review and comment.

Section 4.3.4.4.5.8 Part Lots 48 and 49, Concession 12

Development Area #2

- a. The area identified as Development Area #2 (DA #2) on Schedule 'A2' is permitted a maximum density of 12 units per gross hectare. The uses permitted shall be limited to single-detached dwellings, semi-detached dwellings, small-lot single-detached, duplex dwellings, home occupations, residential intensification uses, and those public uses itemized on Figure 3. All residential units that back upon the western and northern boundary of the subject property (adjacent to the Forest Subdivision) shall be single-detached dwellings. Vehicular access may occur from Forest Drive and/or Silver Creek Drive and may be established through lands designated Environmental Protection as permitted by Section 4.1.3.1.
- b. It will be a condition of draft approval of the development that that the lands identified in cross hatching adjacent to DA #2 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process.
- c. The required 5% parkland dedication for the development of DA #2 shall be satisfied by the dedication of lands within the cross hatching area.
- d. The lands shown in cross hatching include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.
- e. On the basis of the designation and dedication of these lands identified in cross hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, current and future *Planning Act* applications shall be supported by:
 - i. details demonstrating that the proposed development mitigates any negative impacts on the natural heritage features or their ecological functions through appropriate measures to the satisfaction of the Town and the NVCA;
 - ii. a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial Policy Statement; and,
 - iii. details demonstrating that the proposed development satisfies the requirements of the Provincial Policy Statement and the *Endangered Species Act* with respect to species at risk.
- f. The completion of a Secondary Plan and requirements and studies as per the policies of Section 8.10.2 and the Service Area 3 policies of Section 3.6.3 shall not be required prior to development occurring on the lands designated as DA # 2.

- g. All current and future applications under the *Planning Act* on the lands designated as DA # 2 shall be circulated to the MTO for review and comment.
- h. All current and future applications for zoning, site plan control approval, severances and/or plan of subdivisions/condominiums shall include submission of the following studies in addition to whatever studies are identified as required by Section 8.13, with the exception of natural heritage studies:
 - i. a water and sanitary sewer servicing strategy that examines potential regional opportunities and constraints;
 - ii. a stormwater management plan that includes a strategy for addressing Silver Creek drainage patterns and spill areas; and
 - iii. a transportation study (including active transportation and transit) that explores potential linkages with adjacent development. This study shall also be circulated to the MTO for review and comment.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning Bylaw Amendment for the subject lands under Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

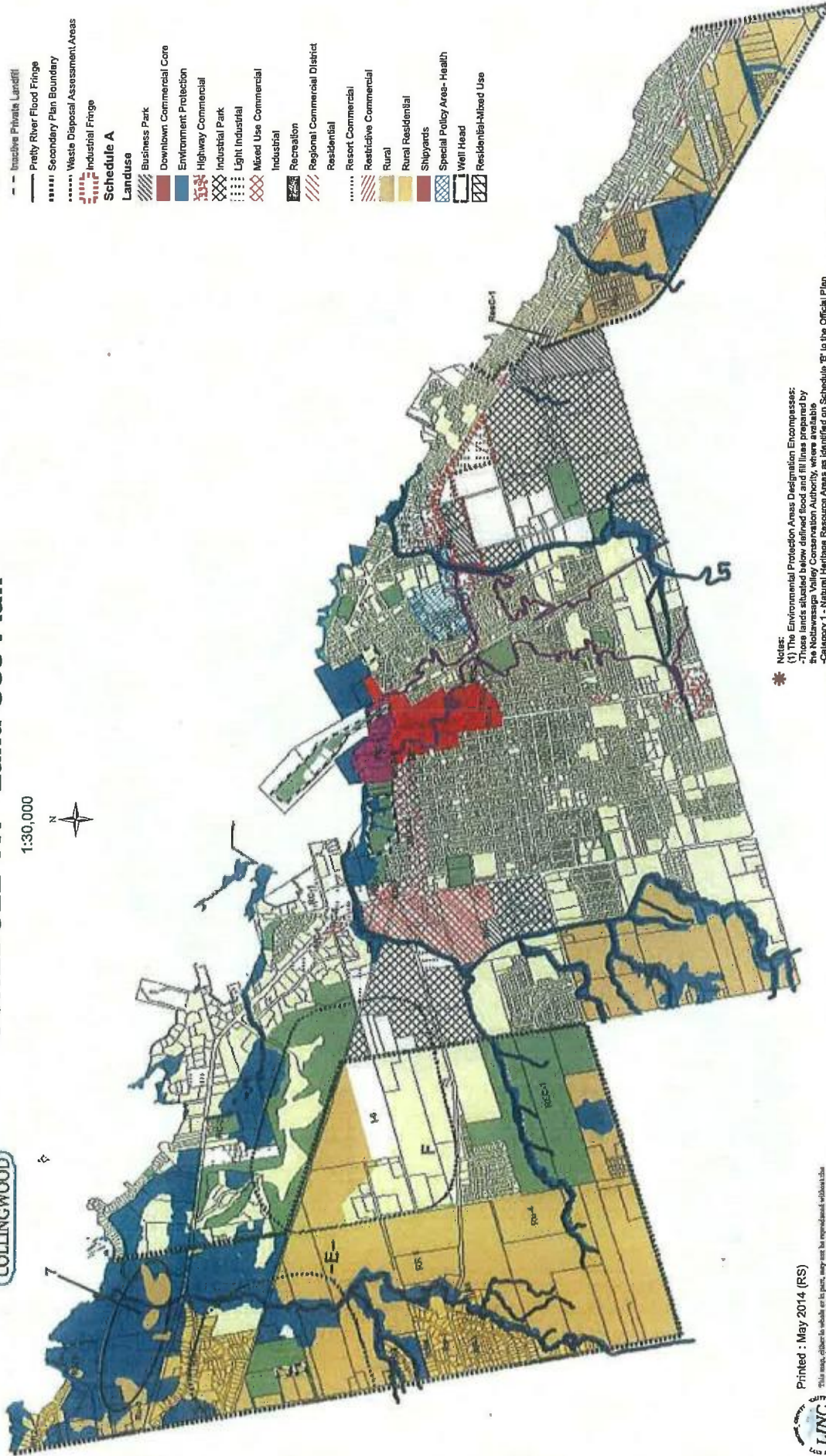


Official Plan of the Town of Collingwood SCHEDULE 'A1'- Land Use Plan

1:30,000



- Legend**
- - - Inactive Private Landfill
 - - - Pretty River Flood Fringe
 - - - Secondary Plan Boundary
 - - - Waste Disposal Assessment Areas
 - - - Industrial Fringe
 - - - Industrial Fringe
 - - - Schedule A
 - - - Landuse
 - - - Business Park
 - - - Downtown Commercial Core
 - - - Environment Protection
 - - - Highway Commercial
 - - - Industrial Park
 - - - Light Industrial
 - - - Mixed Use Commercial
 - - - Industrial
 - - - Recreation
 - - - Regional Commercial District
 - - - Residential
 - - - Resort Commercial
 - - - Restitutive Commercial
 - - - Rural
 - - - Rural Residential
 - - - Shipyards
 - - - Special Policy Area- Health
 - - - Well Head
 - - - Residential-Mixed Use



- Notes:**
- (1) The Environmental Protection Areas Designation Encompasses:
 - Those lands situated below defined flood and fill lines prepared by the Nottawasaga Valley Conservation Authority, where available
 - Category 1 - Natural Heritage Resource Areas as identified on Schedule 'B' to the Official Plan
 - Areas defined using a "Top of Bank" approach along certain water courses where flood and/or fill lines are not available
 - (2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually and are subject to change. The Environmental Protection Areas shown on this map are for informational purposes only. In all cases, the final determination of the Environmental Protection Areas shall be made by the Nottawasaga Valley Conservation Authority and the Town of Collingwood.

Printed : May 2014 (RS)

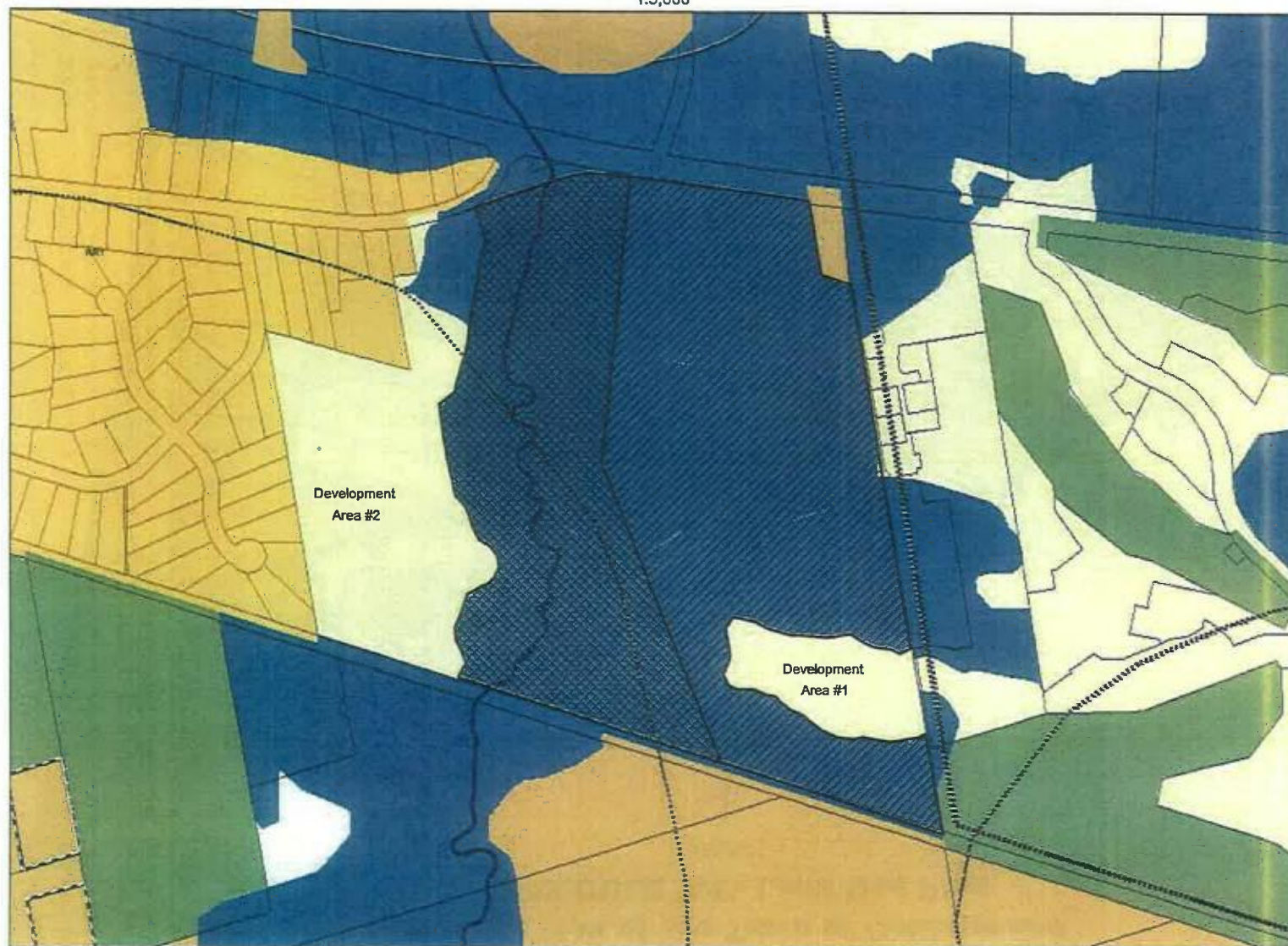


This map, either in whole or in part, may not be reproduced without the written permission of the Town of Collingwood. Copyright © The Corporation of the Town of Collingwood. The Ontario Ministry of Natural Resources and Forestry (OMNR) is the sole owner of the copyright in this map. All rights reserved. This is NOT A PLAN OF SURVEY.



Official Plan of the Town of Collingwood **SCHEDULE 'A2' - Land Use Plan - Detail**

1:5,000



Legend

- Inactive Private Landfill
- Pretty River Flood Fringe
- Secondary Plan Boundary
- Waste Disposal Assessment Areas
- Industrial Fringe

Schedule A

Landuse

- Business Park
- Downtown Commercial Core
- Environment Protection
- Highway Commercial
- Industrial Park
- Light Industrial
- Mixed Use Commercial
- Industrial
- Recreation
- Regional Commercial District
- Residential
- Resort Commercial
- Restrictive Commercial
- Rural
- Rural Residential
- Shipyards
- Special Policy Area- Health
- Well Head
- Residential-Mixed Use
- Lands to be dedicated as per 4.3.4.5.8.13
- Lands to be dedicated as per 4.3.4.4.5.8



Printed : May 2014 (RS)



This map, whether in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood. Copyright The Corporation of the Town of Collingwood. Land Information Network Corporation - 2010 2007 The Ontario Ministry of Natural Resources (Copyright - Queen's Printer 2007). Cartimati Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.



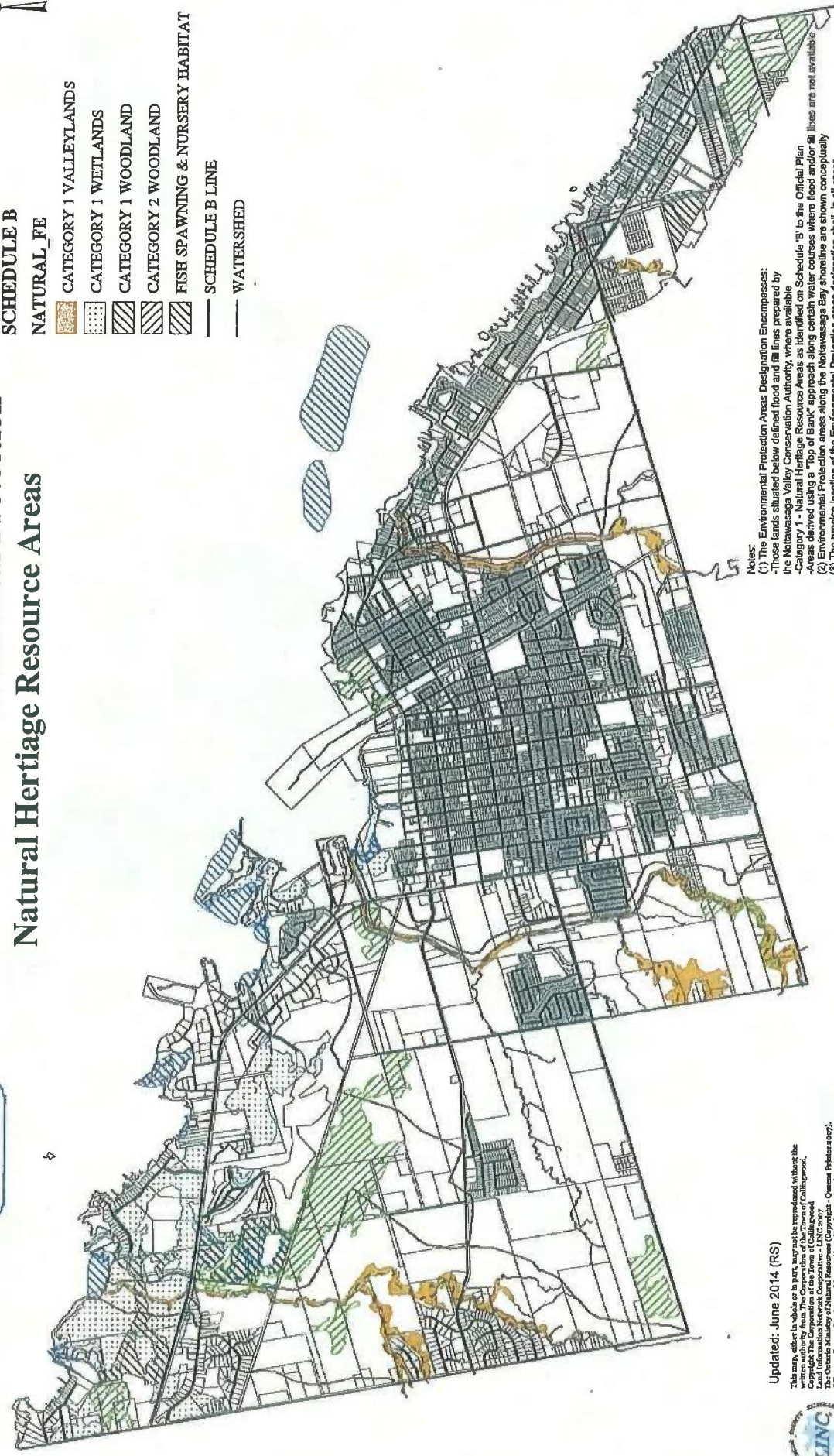
Official Plan of the Town of Collingwood

SCHEDULE 'B1' - Environmental Protection-

Natural Heritage Resource Areas



- Legend**
- - - Fish
 - SCHEDULE B**
 - NATURAL_FE**
 - CATEGORY 1 VALLEYLANDS
 - CATEGORY 1 WETLANDS
 - CATEGORY 1 WOODLAND
 - CATEGORY 2 WOODLAND
 - FISH SPAWNING & NURSERY HABITAT
 - SCHEDULE B LINE
 - WATERSHED



Notes:

- (1) The Environmental Protection Areas Designation Encompasses:
 - Those lands situated below defined flood and lines provided by the Collingwood Valley Conservation Authority, who provide the following:
 - Category 1 - Natural Heritage Resource Areas, as identified on Schedule 'B' to the Official Plan
 - Areas derived using a "Top of Bank" approach along certain water courses where flood and/or lines are not available
- (2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually
- (3) The precise location of the Environmental Protection areas designation shall, in all cases, be determined as development proceeds in consultation with The County of Simcoe (Nottawasaga Valley Conservation Authority) and the Town of Collingwood.

Updated: June 2014 (RS)

This map, either in whole or in part, may not be reproduced without the written permission of the Town of Collingwood. The Town of Collingwood is not responsible for any errors or omissions in this map. The Town of Collingwood is not responsible for any damages or losses resulting from the use of this map. The Town of Collingwood is not responsible for any claims or liabilities arising from the use of this map. The Town of Collingwood is not responsible for any claims or liabilities arising from the use of this map.



Official Plan of the Town of Collingwood SCHEDULE 'C' - Residential Density



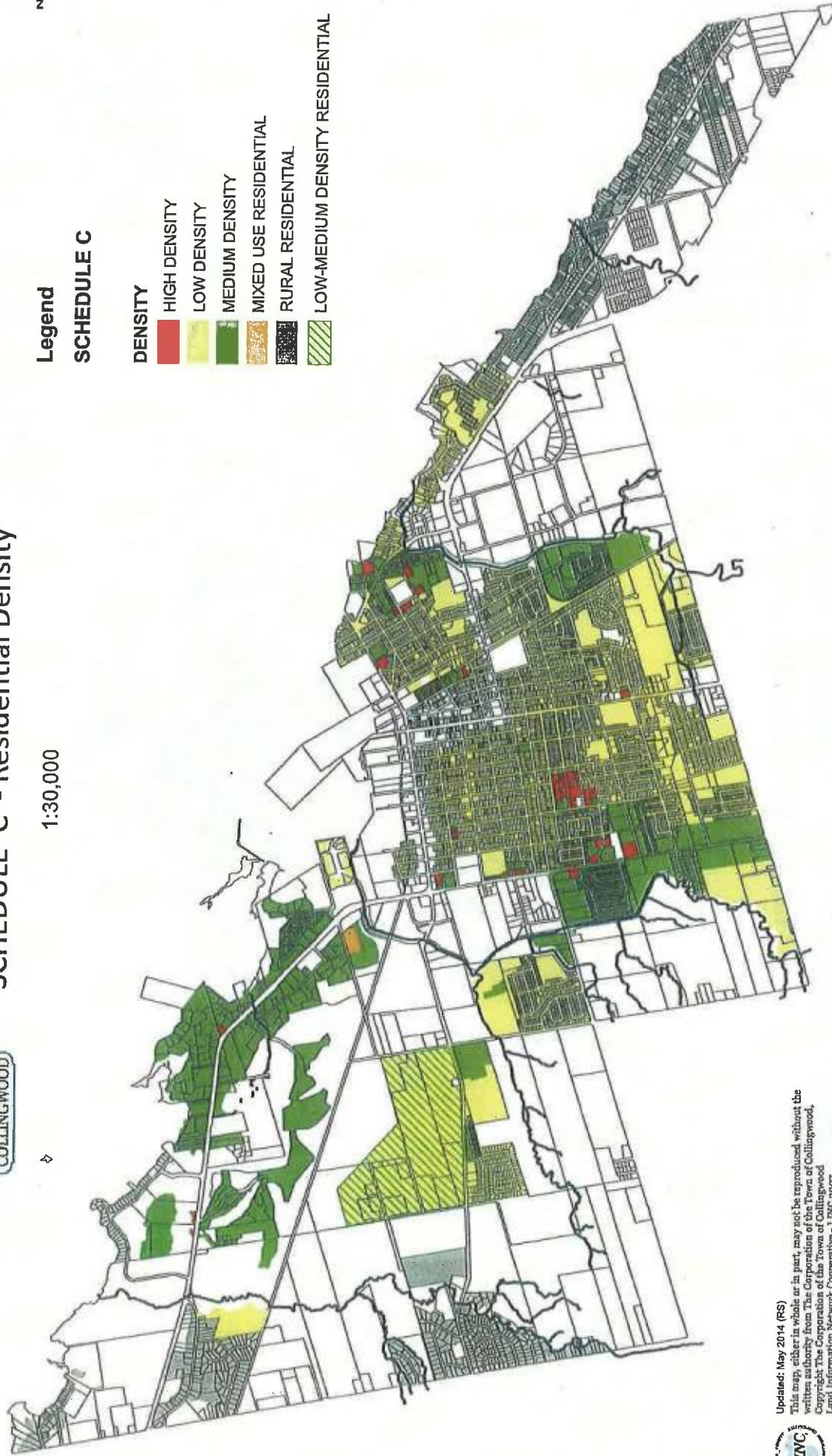
1:30,000

Legend

SCHEDULE C

DENSITY

- HIGH DENSITY
- LOW DENSITY
- MEDIUM DENSITY
- MIXED USE RESIDENTIAL
- RURAL RESIDENTIAL
- LOW-MEDIUM DENSITY RESIDENTIAL



Updated: May 2014 (RS)
This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood.
Copyright The Corporation of the Town of Collingwood
Land Information Network Cooperatives - LINC 2007
The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007).
Members of the Ontario Geospatial Data Exchange.
THIS IS NOT A PLAN OF SURVEY.



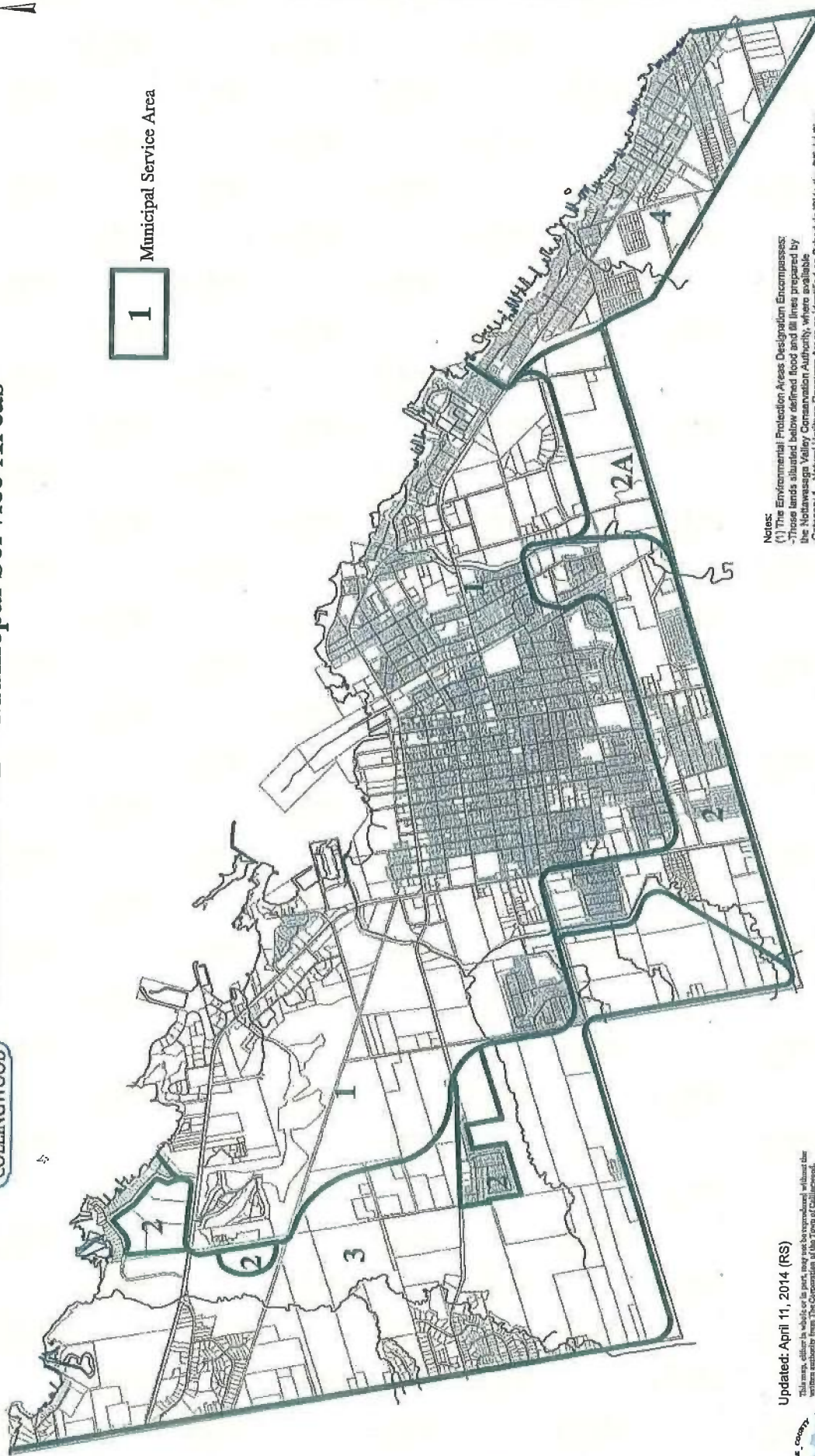


Official Plan of the Town of Collingwood SCHEDULE 'E1' - Municipal Service Areas

46
N

1

Municipal Service Area



Notes:
(1) The Environmental Protection Areas Designation Encompasses:
- Those lands situated below defined flood and fill lines prepared by the Nottawasaga Valley Conservation Authority, where available
- Category 1 - Natural Heritage Resource Areas as identified on Schedule 'g' to the Official Plan
- Areas derived using a "Top of Bank" approach along certain water courses where flood and/or fill lines are not available
(2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually
(3) The precise location of the Environmental Protection areas designation shall, in all cases, be determined as development proceeds in consultation with The County of Simcoe (Nottawasaga Valley Conservation Authority) and the Town of Collingwood.

Updated: April 11, 2014 (RS)

This map, either in whole or in part, may not be reproduced without the written consent of the Town of Collingwood.
Copyright The Corporation of the Town of Collingwood.
Land Information Network Corporation - LINC 2007
© 2007 Land Information Network Corporation. All rights reserved.
Members of the Ontario Geographic Data Bank.
THIS IS NOT A PLAN OF SURVEY.



**THIS IS EXHIBIT "D" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

O.M.B. Case No. PL120784

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

Huntingwood Trails (Collingwood) Ltd. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the Official Plan for the Town of Collingwood to remove lands legally described as Part of Lots 47, 48, and 49, Concession 12, from the Mountain Road West Corridor Secondary Plan Study Area and designate the lands for development

Approval Authority File No. D09111
O.M.B. File No. PL120784

MINUTES OF SETTLEMENT

BETWEEN:

HUNTINGWOOD TRAILS (COLLINGWOOD) LTD.
 ("Huntingwood")

and

THE CORPORATION OF THE TOWN OF COLLINGWOOD
 (the "Town")

and

THE CORPORATION OF THE COUNTY OF SIMCOE
 (the "County")

and

THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY
 (the "NVCA")

WHEREAS Huntingwood is the owner of approximately 49 hectares of land located at Part of Lots 47, 48 and 49, Concession 12 in the Town of Collingwood, County of Simcoe (the "**Subject Lands**");

AND WHEREAS on January 28, 2011, Huntingwood submitted applications for an official plan amendment, a zoning by-law amendment, and a draft plan of subdivision for the Subject Lands;

AND WHEREAS on June 28, 2012, Huntingwood appealed to the Ontario Municipal Board (the “**Board**”) from the Town’s failure to make a decision on its official plan amendment application within 180 days (the “**Appeal**”);

AND WHEREAS the Town, the County and the NVCA are parties to the Appeal, which is scheduled to be heard by the Board over a period of five weeks commencing June 16, 2014;

AND WHEREAS the County of Simcoe adopted a new Official Plan for the County on November 25, 2008 (the “**County OP**”);

AND WHEREAS on December 20, 2012, Huntingwood appealed to the Board from the failure of the Ministry of Municipal Affairs and Housing to approve the County OP within 180 days (O.M.B. Case No. PL091167);

AND WHEREAS Huntingwood, the Town, the County and the NVCA (collectively, the “**Parties**” and individually, a “**Party**”) have engaged in settlement discussions and mediation in an attempt to resolve the issues in the Appeal;

AND WHEREAS as part of the settlement discussions, Huntingwood has produced a revised concept plan for the Subject Lands which reduces the amount of lands to be designated for development and increases the amount of land to be designated for environmental protection and/or recreation and/or open space;

AND WHEREAS the Parties have agreed upon a revised Official Plan Amendment (the “**OPA**”) for the Subject Lands which is attached hereto as Schedule “A”;

AND WHEREAS the Parties enter into these Minutes of Settlement (the “**Minutes**”) to resolve the Appeal in a mutually advantageous manner that recognizes and respects the interests of all Parties;

AND WHEREAS the resolution of the Appeal on the basis of the OPA will ensure the environmental protection of lands associated with the Silver Creek Provincially Significant Wetland Complex, including public ownership in accordance with the requirements of the OPA;

AND WHEREAS the resolution of the Appeal on the basis of the OPA and these Minutes will avoid the costs and risks associated with a five week contested hearing of the Appeal;

AND WHEREAS the resolution of the Appeal on the basis of the OPA and these Minutes will resolve issues associated with the appeals of the County OP;

AND WHEREAS the Parties’ counsel, consultants and/or staff will recommend approval of the OPA and the settlement as set out in these Minutes to their respective clients;

NOW THEREFORE, in consideration of the payment by each Party to the other Party of the sum of two dollars (\$2.00), the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Recitals above are true.
2. The attached Schedule “A” forms part of these Minutes.

The OPA

3. Huntingwood hereby agrees to modify its Appeal to pursue the approval of the OPA, in accordance with these Minutes.

4. The Parties acknowledge and agree that portions of the proposed residential development of the Subject Lands, being the area designated Development Area 1 and that portion of the area designated Development Area 2 which is currently designated “Rural Residential One”, are permitted to be approved in excess of what is needed to accommodate the forecasts in Schedule 7 of the *Growth Plan for the Greater Golden Horseshoe* (“*Growth Plan*”) pursuant to policy 6.3.2.1. The Parties acknowledge and agree that the approval of these portions of the proposed development meets the requirements of policy 6.3.2.1 of the *Growth Plan*.
5. The Parties further acknowledge and agree that the remaining 7.6 hectare portion of the proposed residential development in the area designated Development Area 2 should be approved on the basis that it qualifies for, should and will be allocated an additional population of 300 people pursuant to policy 6.3.2.2 of the *Growth Plan* and policies 3.5.10 and 3.5.11 of the County OP, which were partially approved by the Board on April 15, 2014 in O.M.B. Case No. PL091167 (the “**County Policies**”). The Parties agree that the approval of an additional 300 people for the 7.6 hectare portion of the area designated Development Area 2 meets the requirements and criteria of policy 6.3.2.2 of the *Growth Plan* and the County Policies.
6. The Parties further acknowledge and agree that the OPA represents good planning and is in the public interest.
7. The Parties acknowledge and agree that the OPA attached as Schedule “A” should be approved.

Implementation of Settlement

8. The Parties acknowledge that the County Policies were partially approved by the Board on April 15, 2014 for the allocation of up to 12,000 persons. The Parties acknowledge and agree that the additional population of 300 persons

may now be allocated to the Subject Lands and the approval of the County Policies in full is not required for same.

9. The County recommends the approval of the OPA based on the allocation of an additional 300 people beyond the forecasts in Schedule 7 of the *Growth Plan* to the Subject Lands, pursuant to the County Policies as approved by the Board on April 15, 2014. If the Board approves the OPA as set out in these Minutes upon the joint request of the Parties, the County will update its ledger to indicate the allocation of 300 persons to the Subject Lands in accordance with policy 3.5.11 paragraph C in the County OP.
10. The Town acknowledges and agrees that it supports the allocation of an additional 300 people to the Subject Lands pursuant to the County Policies.
11. The Parties agree that these Minutes and any details of the settlement relating to the County Policies, Huntingwood's appeal of the County OP and the allocation of an additional 300 people to the Subject Lands shall remain confidential until the Settlement Hearing for the Appeal. Notwithstanding the foregoing, the OPA attached as Schedule A and any details of the settlement which are not related to the above-referenced details may be disclosed to the public upon execution of these Minutes by all Parties.

The OPA Appeal

12. Upon execution of these Minutes by all Parties, the Parties will advise the Board that a settlement of the Appeal has been reached amongst the Parties based on the revised OPA. The Parties will request that the Board cancel the scheduled five weeks of hearing time and schedule two or three days for a Settlement Hearing during the existing five weeks of scheduled hearing time.
13. Following the execution of these Minutes and prior to the Settlement Hearing, the Parties agree to advise the Participants to the Appeal that a settlement of

the Appeal has been reached and to provide the Participants with a copy of the OPA attached as Schedule A.

14. At the Settlement Hearing, the Parties will request that the Board approve the OPA attached as Schedule A. The Parties will provide such evidence and make such oral or written submissions as are necessary to support that request.
15. The Parties each agree not to request a costs award from the Board against each other in respect of any aspect of the Appeal.

The County OP Appeal

16. Upon approval of the OPA by the Board, Huntingwood shall withdraw its appeal of the County OP except for the portion of its appeal relating to the transition policies in the County OP (Issue #8 on Huntingwood's Issues List).
17. Huntingwood shall be entitled to pursue its appeal of the transition policies and to provide evidence and make such oral and written submissions as it sees fit. Huntingwood and the County agree to co-operate to attempt to resolve Huntingwood's concerns with respect to the transition policies, if possible.

Other Applications for the Subject Lands

18. The Parties acknowledge and agree that Huntingwood filed applications for a zoning by-law amendment (Town File No. D14111) and draft plan of subdivision (Town File No. D1201111) for the Subject Lands, which were deemed to be complete by the Town on February 28, 2011 (the "Other Applications").
19. Huntingwood acknowledges and agrees that it is required to produce the information required by sections 4.3.4.5.8.13(e) and 4.3.4.4.5.8(e) and (h) of

the OPA to support the Other Applications. Huntingwood further agrees that the Town is not required to process the Other Applications until Huntingwood has submitted this information.

20. Huntingwood and the Town agree that the Town will be entitled to close the Other Applications if the information required by the OPA, as described in section 19 above, is not provided and the applications are not pursued within five (5) years from the date of approval of the OPA, unless otherwise mutually agreed upon by Huntingwood and the Town.
21. If the Other Applications are closed by the Town in accordance with section 20 above, the Town will determine whether there is a fee refund owing and return same, if any.

General

22. The Parties acknowledge and agree that if the Board does not approve the OPA as set out in Schedule A or in such modified form as is satisfactory to the Parties, these Minutes shall be terminated and any obligations or benefits thereof shall no longer apply.
23. The Parties agree that they are contractually bound to the terms of these Minutes, and that the obligations and benefits thereof are immediately enforceable by civil action should a Party be in breach of them.
24. To the extent allowable by law, these Minutes shall be binding and enure to the benefit of the Parties, their successors and assigns.
25. Subject to applicable law, the Parties shall execute diligently and expeditiously such further documents and take such further action as may be reasonably required in order to implement and give full legal force and effect to the terms of these Minutes.

26. The Parties agree to act reasonably and with good faith in respect of all dealings between the Parties pursuant to these Minutes.
27. These Minutes constitute the entire agreement between the Parties with respect to the Appeal and supersede all prior agreements, negotiations and understandings with respect thereto.
28. Any amendment to or waiver of any provision of these Minutes must be in writing and signed by the applicable Parties.
29. If any provision of these Minutes is deemed illegal, invalid or unenforceable, by an arbitrator or any court of competent jurisdiction from which no appeal exists or is taken, that provision will be severed from these Minutes and the remaining provisions will remain in full force and effect.
30. These Minutes may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by e-mail or facsimile transmission.
31. Headings are included for ease of reference only and shall not affect the interpretation or construction of these Minutes.

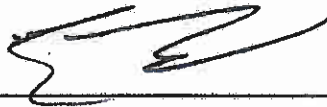
[Balance of this page intentionally left blank]

IN WITNESS WHEREOF, the Parties have executed these Minutes as of the date(s) indicated below:

HUNTINGWOOD TRAILS (COLLINGWOOD) LTD.

Date:

JUNE 3/14


Name: EDMUND L. LEWIS

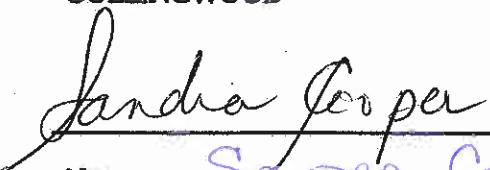
Title: A.S.O.

I have authority to bind the Corporation.

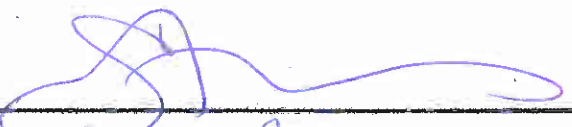
THE CORPORATION OF THE TOWN OF
COLLINGWOOD

Date:

JUNE 4/14


Name: SANDRA COOPER

Title: MAYOR


Name: SARA ALMAS

Title: CLERK

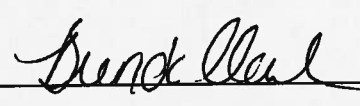
THE CORPORATION OF THE COUNTY OF
SIMCOE

Date: May 28, 2014


Name: Cal Patterson

Title: Warden

AUTHORIZED BY BY-LAW NO. 6372 PASSED
BY THE COUNCIL OF THE CORPORATION OF THE
COUNTY OF SIMCOE ON May 27, 2014


Name: Brenda Clark

Title: Clerk

THE NOTTAWASAGA VALLEY CONSERVATION
AUTHORITY

Date:

Name:

Title:

Name:

Title:

THE CORPORATION OF THE COUNTY OF
SIMCOE

Date:

Name:

Title:

Name:

Title:

THE NOTTAWASAGA VALLEY CONSERVATION
AUTHORITY

Date:

Name:

Title:

Name:

Title:


NINA BIFOLCHI
CHAIR


Wayne R. Wilson
CAO Secretary Treasurer

PART B—THE AMENDMENT

INTRODUCTORY STATEMENT

All of this part of the document entitled "Part B — The Amendment" consisting of the following text constitutes Amendment No. _____ to the Official Plan of the Town of Collingwood.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows;

- Item 1:** **Official Plan Schedule 'A' Land Use** is hereby amended by redesignating the subject lands from the "Rural, Rural Residential and Environmental Protection" designation to the "Residential, Environmental Protection and Recreation" designation(s) for those lands recognized as Part of Lots 47, 48 and 49, Concession 12 (formerly Township of Nottawasaga), Town of Collingwood, County of Simcoe as indicated on the attached schedule A-1.

- Item 2:** **Official Plan Schedule 'A2' Land Use Detail** attached hereto is hereby inserted as a new schedule to the Town of Collingwood Official Plan.

- Item 3:** **Official Plan Schedule 'B' Environmental Protection** is hereby amended by redesignating a portion of the subject lands from the Category 1 Woodland designation to the Category 2 Woodland designation and designating new Category 1 Woodland and Category 1 Wetlands as indicated on the attached schedule B-1.

- Item 4:** **Official Plan Schedule 'C' Residential Densities** is hereby amended by redesignating the subject lands to the "Low Density Residential" and "Medium Density Residential" designation(s) for those lands recognized as Part of Lots 47, 48 and 49, Concession 12 (formerly Township of Nottawasaga), Town of Collingwood, County of Simcoe as indicated on the attached schedule C-1.

- Item 5:** **Official Plan Schedule 'E' Municipal Service Areas** is hereby amended by redesignating a portion of the subject lands to "Service Area 2" as indicated on the attached schedule E-1.

The following special policies apply to the subject lands as identified on Schedule A1 to this Amendment:

Section 4.3.4.5.8.13 Part Lot 48, Concession 12

Development Area #1:

- a. The area identified as Development Area #1 (DA #1) on Schedule A2 is permitted a maximum density of 25 units per gross hectare. The uses permitted shall be limited to semi-detached dwellings, small-lot single detached dwellings, duplex dwellings, triplex dwellings, four-plex dwellings, townhouses, home occupations, residential intensification uses and those public uses itemized on Figure 3. Vehicular access and servicing shall occur from the adjacent residential development to the east.
- b. It will be a condition of draft approval of the development that the lands identified in hatching adjacent to DA #1 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process.
- c. The required 5% parkland dedication for the development of DA #1 shall be satisfied by the dedication of lands within the hatching area.
- d. The lands shown in hatching include a multitude of environmental and open space features, including Provincially Significant Wetlands as well as all appropriate buffers associated with these features.
- e. On the basis of the designation and dedication of these lands identified in hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, current and future *Planning Act* applications shall be supported by:
 - i. details demonstrating that the proposed development mitigates any negative impacts on the natural heritage features or their ecological functions through appropriate measures to the satisfaction of the Town and the NVCA;
 - ii. a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial Policy Statement; and,
 - iii. details demonstrating that the proposed development satisfies the requirements of the Provincial Policy Statement and the *Endangered Species Act* with respect to species at risk.
- f. The completion of a Secondary Plan and secondary plan studies and requirements as per the policies of Section 8.10.2 shall not be required prior to development occurring on the lands designated as DA # 1.
- g. All current and future applications under the *Planning Act* on the lands designated as DA # 1 shall be circulated to the MTO for review and comment.

Section 4.3.4.4.5.8 Part Lots 48 and 49, Concession 12

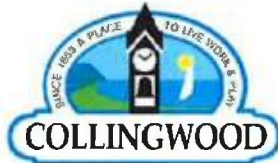
Development Area #2

- a. The area identified as Development Area #2 (DA #2) on Schedule A2 is permitted a maximum density of 12 units per gross hectare. The uses permitted shall be limited to single-detached dwellings, semi-detached dwellings, small-lot single-detached, duplex dwellings, home occupations, residential intensification uses, and those public uses itemized on Figure 3. All residential units that back upon the western boundary of the subject property (adjacent to the Forest Subdivision) shall be single-detached dwellings. Vehicular access may occur from Forest Drive and/or Silver Creek Drive and may be established through lands designated Environmental Protection as permitted by Section 4.1.3.1.
 - b. It will be a condition of draft approval of the development that that the lands identified in cross hatching adjacent to DA #2 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process.
 - c. The required 5% parkland dedication for the development of DA #2 shall be satisfied by the dedication of lands within the cross hatching area.
 - d. The lands shown in cross hatching include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.
 - e. On the basis of the designation and dedication of these lands identified in cross hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, current and future *Planning Act* applications shall be supported by:
 - i. details demonstrating that the proposed development mitigates any negative impacts on the natural heritage features or their ecological functions through appropriate measures to the satisfaction of the Town and the NVCA;
 - ii. a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial Policy Statement; and,
 - iii. details demonstrating that the proposed development satisfies the requirements of the Provincial Policy Statement and the *Endangered Species Act* with respect to species at risk.
 - f. The completion of a Secondary Plan and requirements and studies as per the policies of Section 8.10.2 and the Service Area 3 policies of Section 3.6.3 shall not be required prior to development occurring on the lands designated as DA #2.
-

- g. All current and future applications under the *Planning Act* on the lands designated as DA # 2 shall be circulated to the MTO for review and comment.
- h. All current and future applications for zoning, site plan control approval, severances and/or plan of subdivisions/condominiums shall include submission of the following studies in addition to whatever studies are identified as required by Section 8.13, with the exception of natural heritage studies:
 - i. a water and sanitary sewer servicing strategy that examines potential regional opportunities and constraints;
 - ii. a stormwater management plan that includes a strategy for addressing Silver Creek drainage patterns and spill areas; and
 - iii. a transportation study (including active transportation and transit) that explores potential linkages with adjacent development. This study shall also be circulated to the MTO for review and comment.

IMPLEMENTATION AND INTERPRETATION

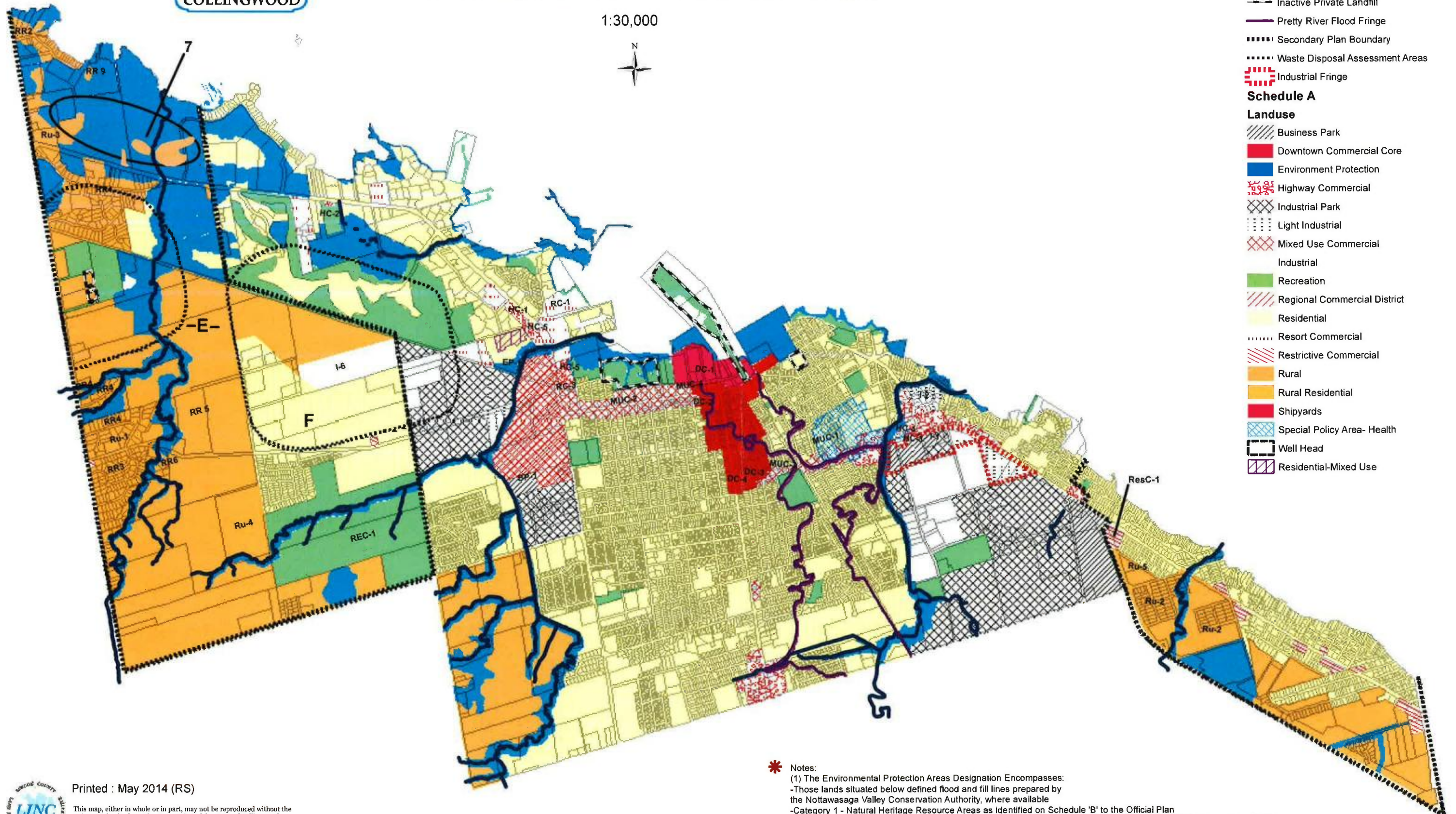
The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning Bylaw Amendment for the subject lands under Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.



Official Plan of the Town of Collingwood

SCHEDULE 'A1'- Land Use Plan

1:30,000



Legend

- Inactive Private Landfill
- Pretty River Flood Fringe
- Secondary Plan Boundary
- Waste Disposal Assessment Areas
- Industrial Fringe

Schedule A

Landuse

- Business Park
- Downtown Commercial Core
- Environment Protection
- Highway Commercial
- Industrial Park
- Light Industrial
- Mixed Use Commercial
- Industrial
- Recreation
- Regional Commercial District
- Residential
- Resort Commercial
- Restrictive Commercial
- Rural
- Rural Residential
- Shipyards
- Special Policy Area- Health
- Well Head
- Residential-Mixed Use

* Notes:

- (1) The Environmental Protection Areas Designation Encompasses:
 - Those lands situated below defined flood and fill lines prepared by the Nottawasaga Valley Conservation Authority, where available
 - Category 1 - Natural Heritage Resource Areas as identified on Schedule 'B' to the Official Plan
 - Areas derived using a "Top of Bank" approach along certain water courses where flood and/or fill lines are not available
- (2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually
- (3) The precise location of the Environmental Protection areas designation shall, in all cases, be determined as development proceeds in consultation with The County of Simcoe (Nottawasaga Valley Conservation Authority) and the Town of Collingwood.



Printed : May 2014 (RS)

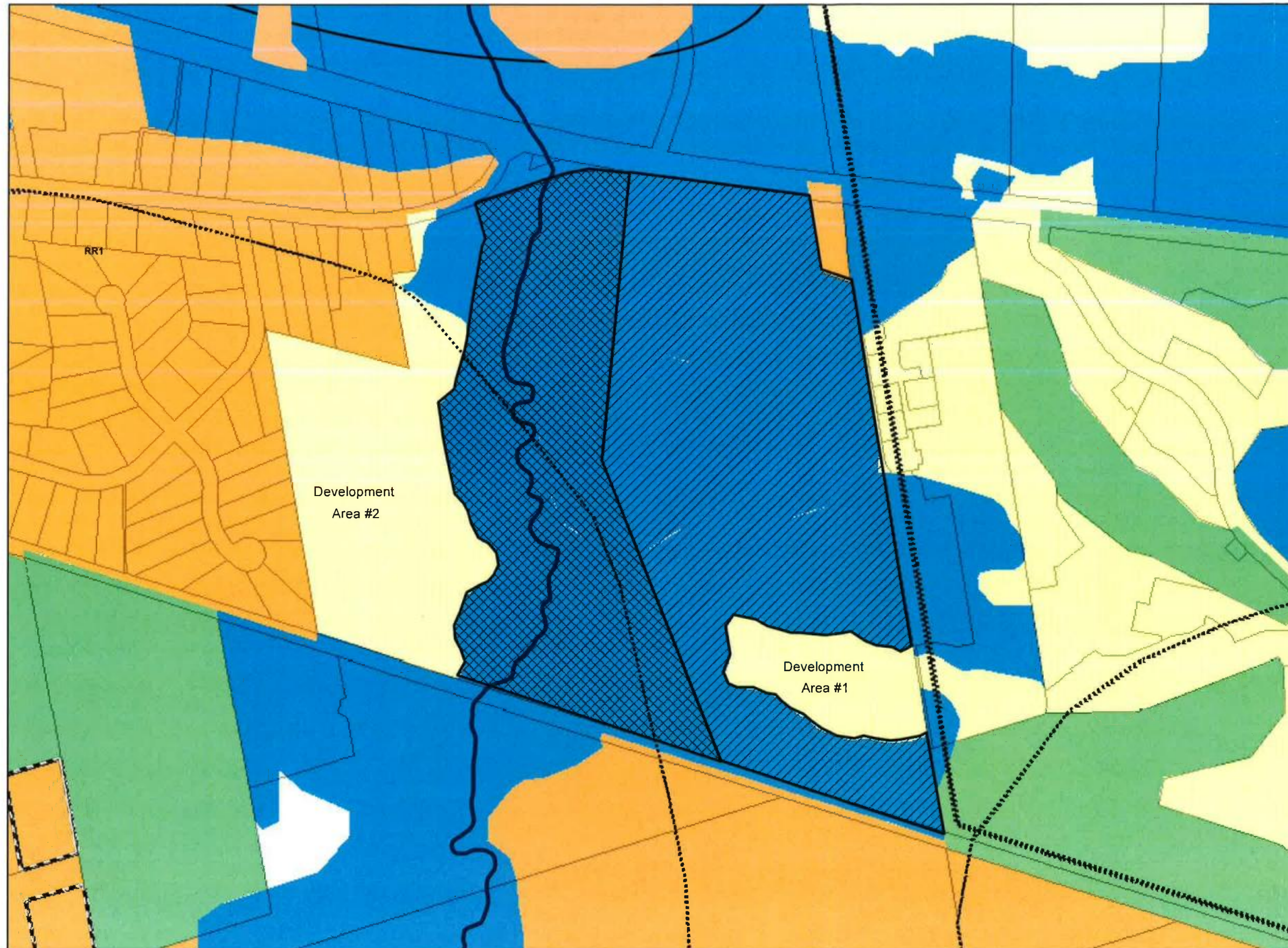
This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood. Copyright The Corporation of the Town of Collingwood Land Information Network Cooperative - LINC 2007 The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007). ©Teranet Enterprises Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.



Official Plan of the Town of Collingwood

SCHEDULE 'A2' - Land Use Plan - Detail

1:5,000



Legend

- Inactive Private Landfill
- Pretty River Flood Fringe
- Secondary Plan Boundary
- Waste Disposal Assessment Areas
- Industrial Fringe

Schedule A

Landuse

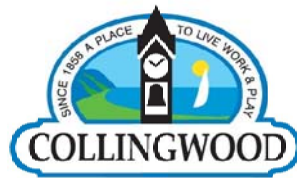
- Business Park
- Downtown Commercial Core
- Environment Protection
- Highway Commercial
- Industrial Park
- Light Industrial
- Mixed Use Commercial
- Industrial
- Recreation
- Regional Commercial District
- Residential
- Resort Commercial
- Restrictive Commercial
- Rural
- Rural Residential
- Shipyards
- Special Policy Area- Health
- Well Head
- Residential-Mixed Use
- Lands to be dedicated as per 4.3.4.5.8.13
- Lands to be dedicated as per 4.3.4.4.5.8



Printed : May 2014 (RS)



This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood, Copyright The Corporation of the Town of Collingwood Land Information Network Cooperative - LINC 2007 The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007). ©Teranet Enterprises Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.



Official Plan of the Town of Collingwood

SCHEDULE 'B1' - Environmental Protection-

Natural Hertiage Resource Areas

Legend

- - - Fish

SCHEDULE B

NATURAL_FE

 CATEGORY 1 VALLEYLANDS

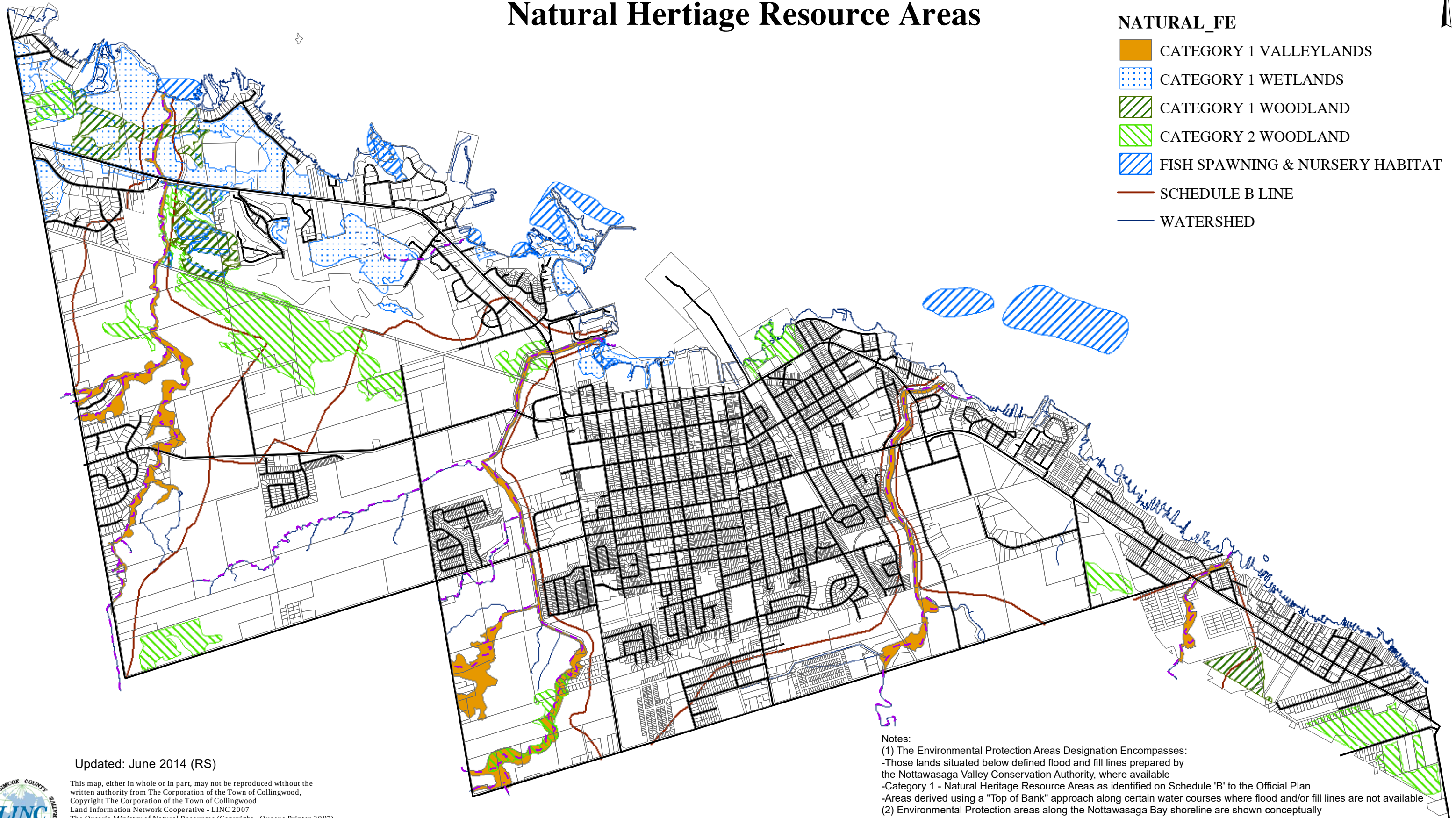
 CATEGORY 1 WETLANDS

 CATEGORY 1 WOODLAND

 CATEGORY 2 WOODLAND

 FISH SPAWNING & NURSERY HABITAT

 SCHEDULE B LINE

 WATERSHED


Notes:

- (1) The Environmental Protection Areas Designation Encompasses:
 - Those lands situated below defined flood and fill lines prepared by the Nottawasaga Valley Conservation Authority, where available
 - Category 1 - Natural Heritage Resource Areas as identified on Schedule 'B' to the Official Plan
 - Areas derived using a "Top of Bank" approach along certain water courses where flood and/or fill lines are not available
- (2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually
- (3) The precise location of the Environmental Protection areas designation shall, in all cases, be determined as development proceeds in consultation with The County of Simcoe (Nottawasaga Valley Conservation Authority) and the Town of Collingwood.

Updated: June 2014 (RS)

This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood, Copyright The Corporation of the Town of Collingwood Land Information Network Cooperative - LINC 2007 The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007). © Teranet Enterprises Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.





Official Plan of the Town of Collingwood

SCHEDULE 'C' - Residential Density

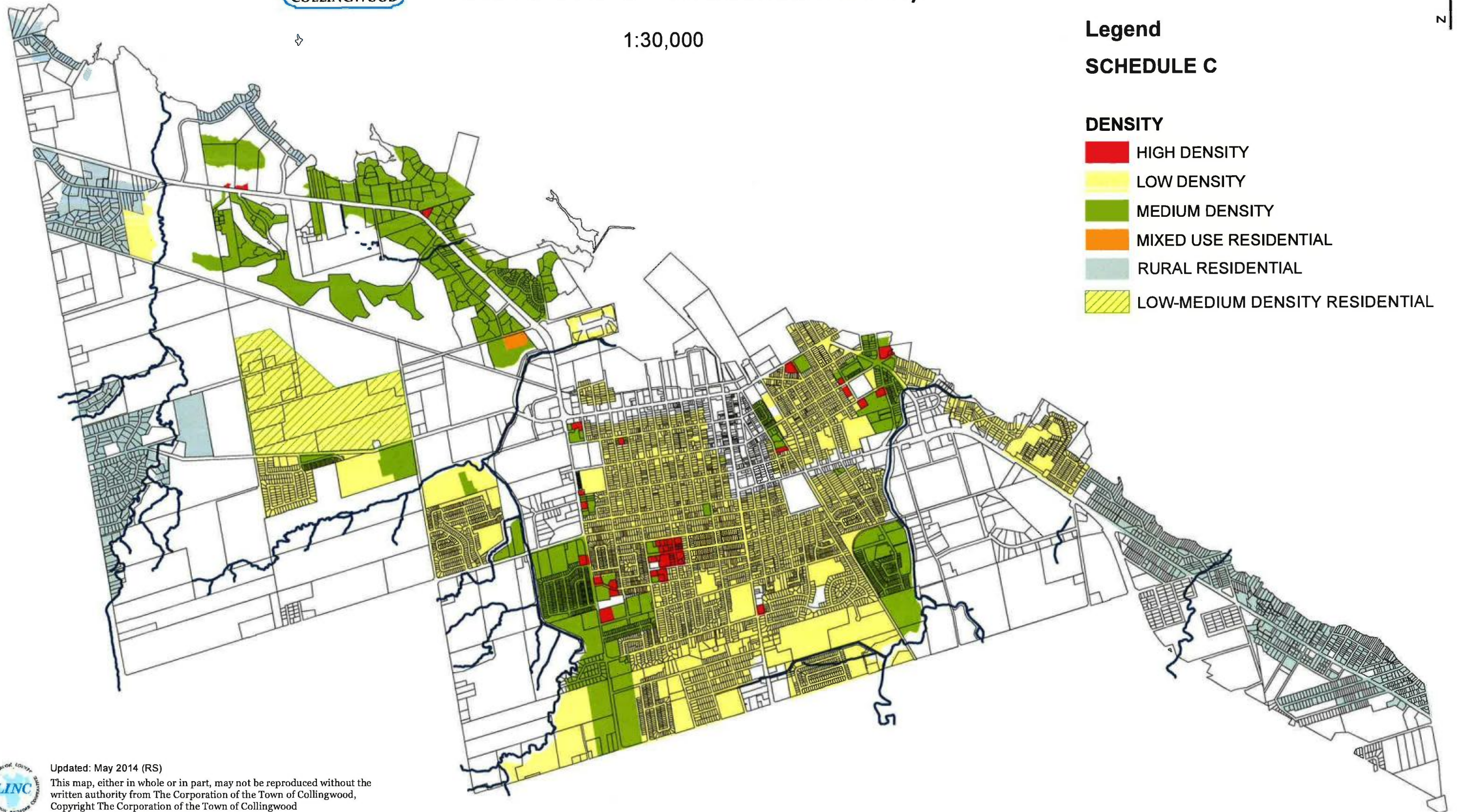
1:30,000

Legend

SCHEDULE C

DENSITY

- HIGH DENSITY
- LOW DENSITY
- MEDIUM DENSITY
- MIXED USE RESIDENTIAL
- RURAL RESIDENTIAL
- LOW-MEDIUM DENSITY RESIDENTIAL



Updated: May 2014 (RS)

This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood, Copyright The Corporation of the Town of Collingwood Land Information Network Cooperative - LINC 2007 The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007). ©Teranet Enterprises Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.

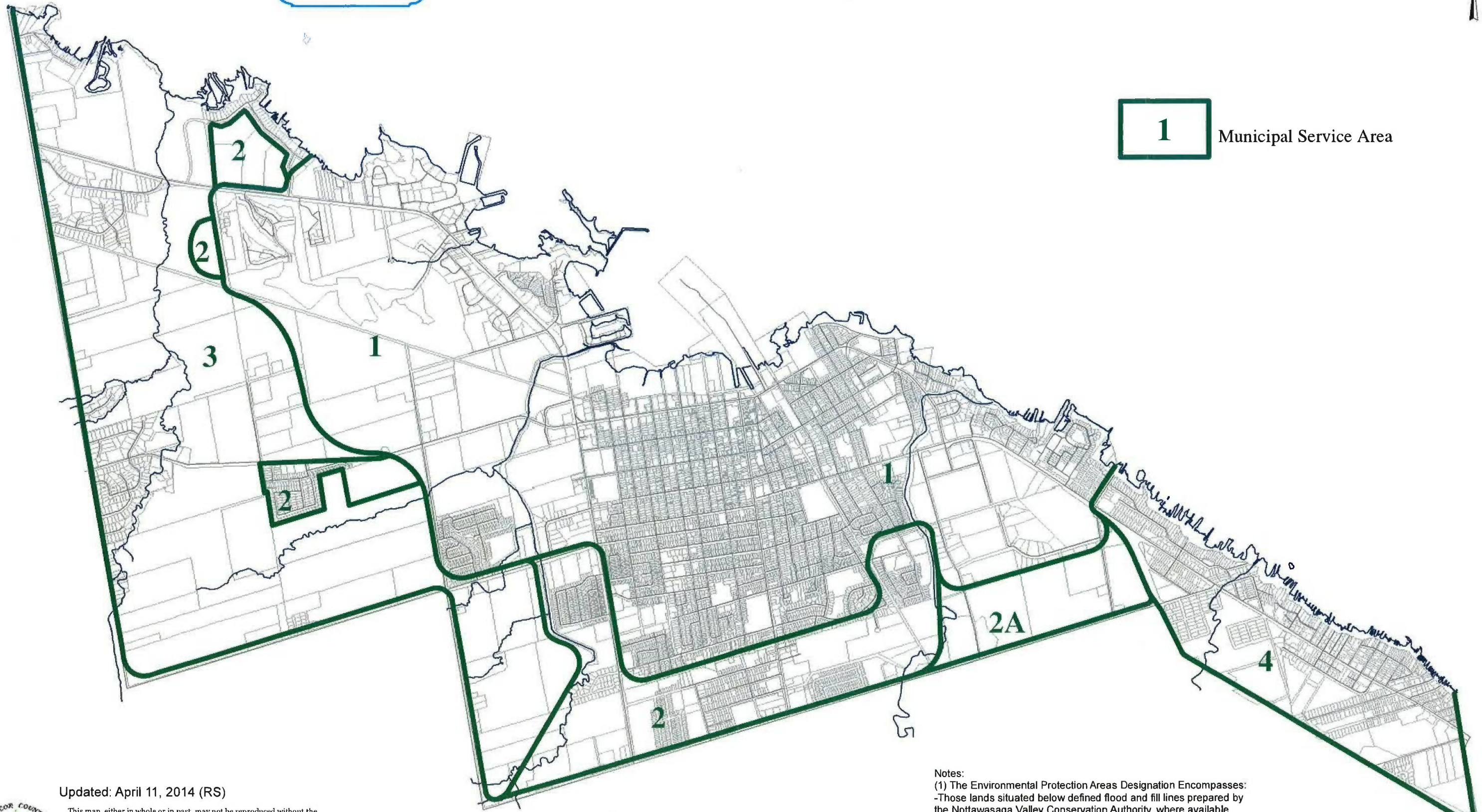


Official Plan of the Town of Collingwood

SCHEDULE 'E1' - Municipal Service Areas



1 Municipal Service Area



Updated: April 11, 2014 (RS)



This map, either in whole or in part, may not be reproduced without the written authority from The Corporation of the Town of Collingwood, Copyright The Corporation of the Town of Collingwood Land Information Network Cooperative - LINC 2007. The Ontario Ministry of Natural Resources (Copyright - Queens Printer 2007). ©Teranet Enterprises Inc. and its suppliers all rights reserved, and Members of the Ontario Geospatial Data Exchange. THIS IS NOT A PLAN OF SURVEY.

Notes:

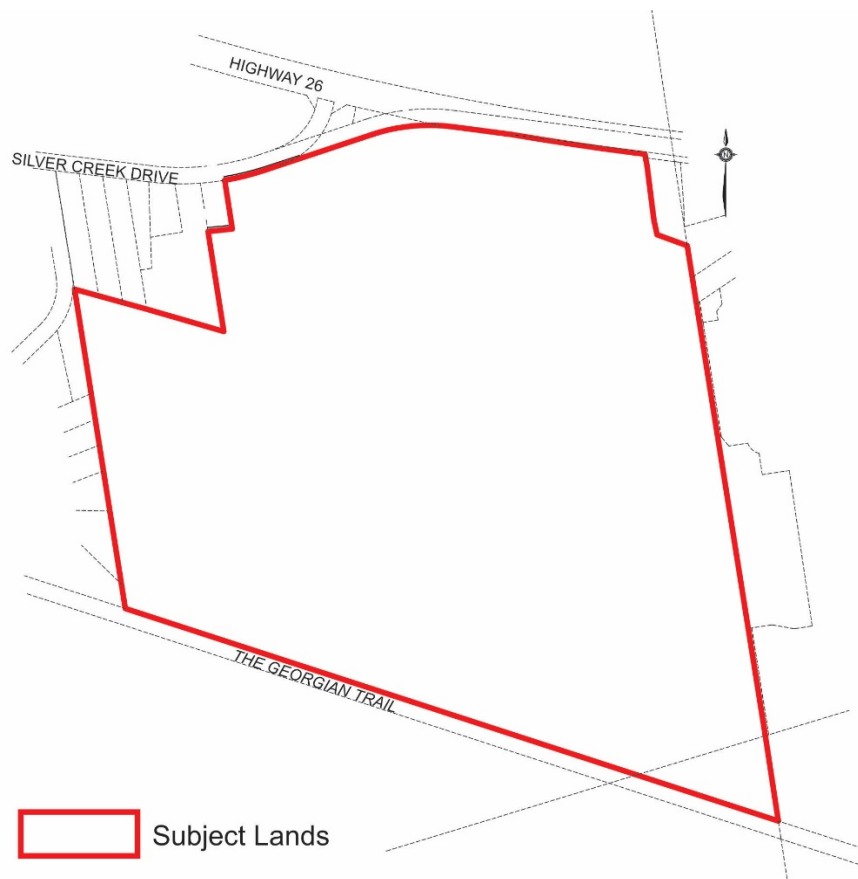
- (1) The Environmental Protection Areas Designation Encompasses:
 - Those lands situated below defined flood and fill lines prepared by the Nottawasaga Valley Conservation Authority, where available
 - Category 1 - Natural Heritage Resource Areas as identified on Schedule 'B' to the Official Plan
 - Areas derived using a "Top of Bank" approach along certain water courses where flood and/or fill lines are not available
- (2) Environmental Protection areas along the Nottawasaga Bay shoreline are shown conceptually
- (3) The precise location of the Environmental Protection areas designation shall, in all cases, be determined as development proceeds in consultation with The County of Simcoe (Nottawasaga Valley Conservation Authority) and the Town of Collingwood.

**THIS IS EXHIBIT "E" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

**EXPLANATORY NOTE
TO THE CORPORATION OF THE TOWN OF COLLINGWOOD
BY-LAW NO. 2019-_____**

By-law No. 2019-_____ is a By-law under the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, for prohibiting the use of land for or except for such purposes as may be set out in the By-law.

The purpose and effect of the proposed Zoning By-law Amendment is to re-zone the subject lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding Zone 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to Residential Third Density Exception AA – R3-AA, Residential Third Density Exception BB – R3-BB, Residential Third Density Exception CC – R3-CC, and Environmental Protection - EP Zones. The effect of the proposed Zoning By-law Amendment is to implement the development of 88 Single Detached Dwellings, 30 Semi-Detached Dwellings, 52 Townhouse Dwellings situated in 13 blocks, a stormwater management facility, and Environmental Protection Areas.



BY-LAW NO. 2019-_____
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD

BEING A BY-LAW UNDER THE PROVISION OF SECTION 34 OF THE
PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, permits a Council to pass a by-law prohibiting the uses of land, buildings or structures within defined area or areas;

AND WHEREAS Collingwood Zoning By-law No. 2010-40 is the governing By-law of the Corporation of the Town of Collingwood and such was finally passed by the Council of the Town of Collingwood on April 12th, 2010;

AND WHEREAS the Council of the Corporation of the Town of Collingwood has deemed it advisable to amend Collingwood Zoning By-law No. 2010-40 and thus implement the Official Plan of the Town of Collingwood;

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding this Amendment was presented at the public meeting held on _____, _____ and that a further public meeting is not considered necessary in order to proceed with this Amendment.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. **THAT** Schedule 'A' – Map 2 of Collingwood Zoning By-law No. 2010-40, as amended, is hereby further amended as it pertains to lands shown more particularly on Schedule 'A', affixed hereto and forming part of this By-law, by re-zoning said lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding Zone 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to the: Residential Third Density Exception AA – R3-AA, Residential Third Density Exception BB – R3-BB, Residential Third Density Exception CC – R3-CC, and Environmental Protection - EP Zones.
2. **THAT** Section 6.5 titled 'Residential Exception Zones' of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception AA – R3-AA Zone in proper sequence, as follows:

“Residential Third Density Exception AA – R3-AA

Uses shall be limited to Semi-Detached Dwellings and Townhouse Dwellings.

The following zone exceptions shall apply:

Maximum Lot Coverage (other than a bungalow): 50%
 An end unit of a townhouse shall have a minimum interior side yard of 1.2 m.
 For a street townhouse the minimum lot area shall be 170 m² and the minimum lot frontage shall be 6.1 m.

3. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception BB – R3-BB Zone in proper sequence, as follows:

“Residential Third Density Exception BB – R3-BB

Uses shall be limited to Single Detached Dwellings.

The following zone exceptions shall apply:

Maximum Lot Coverage (bungalow and other than a bungalow): 50%

4. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception CC – R3-CC Zone in proper sequence, as follows:

“Residential Third Density Exception CC – R3-CC

Uses shall be limited to Single Detached Dwellings and Semi-Detached Dwellings.

The following zone exceptions shall apply:

Maximum Lot Coverage (bungalow and other than a bungalow): 50%

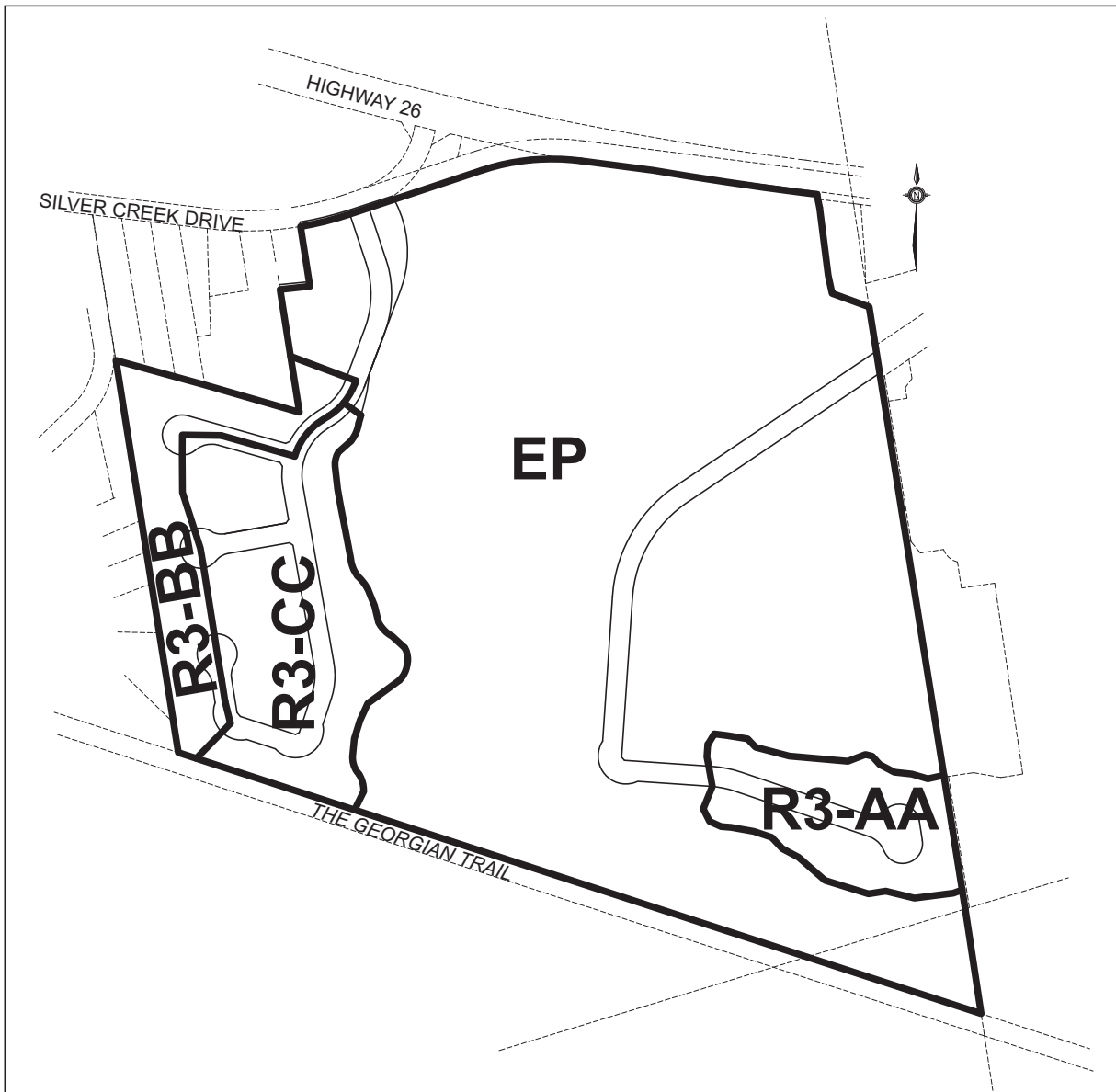
5. **THAT** Zoning By-law 2010-40 is hereby amended to give effect to the foregoing, but Collingwood Zoning By-law No. 2010-40 shall in all other respects remain of full force and effect.
6. **THAT** this By-law shall come into full force and effect on the date it is passed by the Council of the Corporation of the Town of Collingwood, subject to notice hereof being circulated in accordance with the provisions of the *Planning Act* and Ontario Regulation 545/06 and if required as a result of such circulation, obtaining the approval from the Local Planning Appeal Tribunal.

ENACTED AND PASSED this ____ day of _____, 2019

Mayor

Clerk

This is Schedule 'A' to By-law No. 20__ - __ enacted and passed the ____ day of _____, 20__.



MAYOR

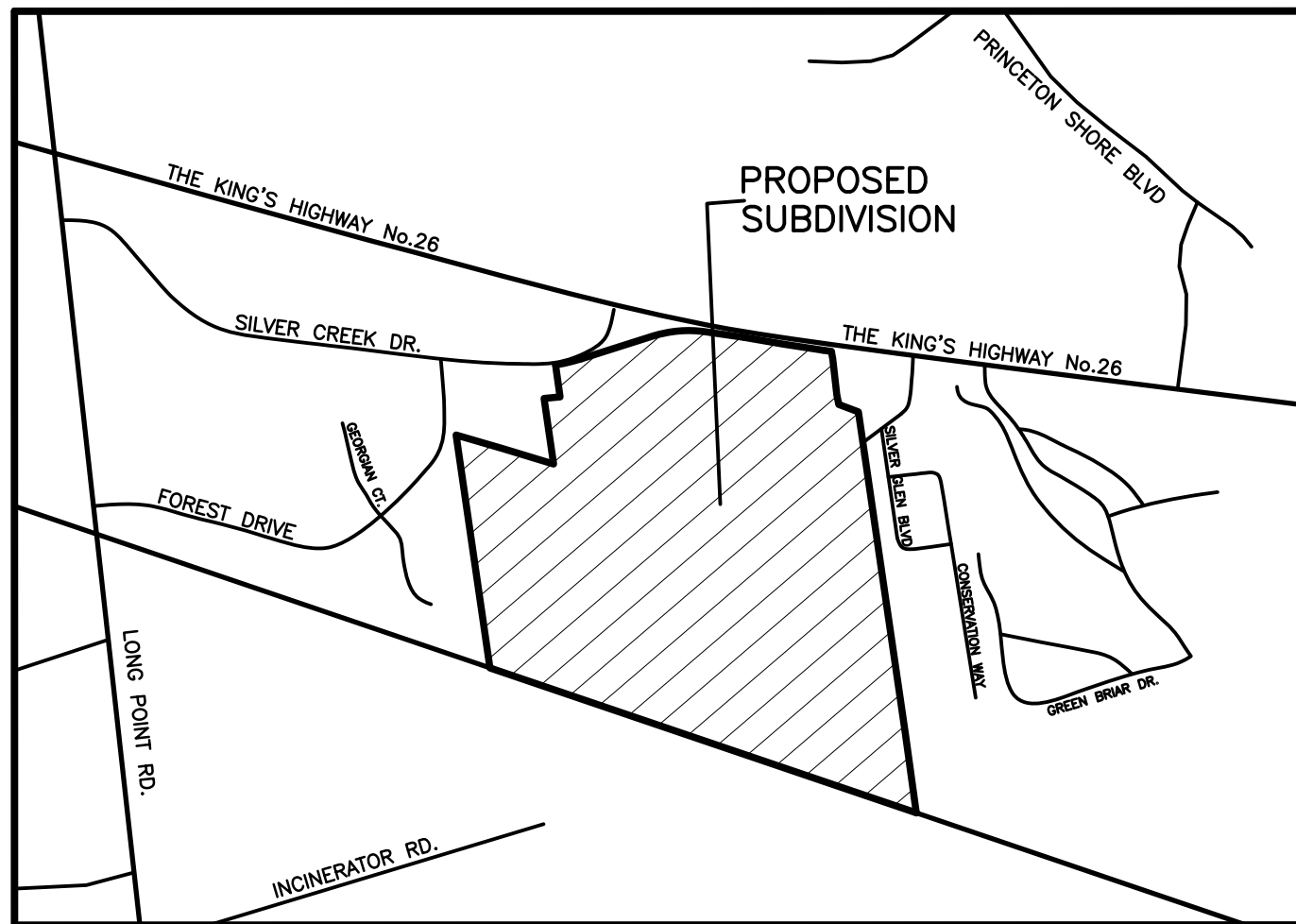
CLERK

**THIS IS EXHIBIT "F" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

DRAFT PLAN OF SUBDIVISION
PART OF LOTS 47, 48 AND 49, CONCESSION 12
TOWN OF COLLINGWOOD
(GEOGRAPHIC TOWNSHIP OF NOTTAWASAGA)
COUNTY OF SIMCOE

SCALE 1:1500

DRAFT PLAN T-



KEY PLAN

N.T.S.

SECTION 51, PLANNING ACT,
ADDITIONAL INFORMATION

- A. AS SHOWN ON DRAFT PLAN
B. AS SHOWN ON DRAFT PLAN
C. AS SHOWN ON DRAFT PLAN
D. SEE SCHEDULE OF LAND USE
E. AS SHOWN ON DRAFT PLAN
F. AS SHOWN ON DRAFT PLAN
G. AS SHOWN ON DRAFT PLAN
H. MUNICIPAL PIPED WATER AVAILABLE AT TIME OF DEVELOPMENT
I. CLAY-LOAM
J. AS SHOWN ON DRAFT PLAN
K. SANITARY AND STORM SEWERS, GARBAGE COLLECTION, FIRE PROTECTION
L. AS SHOWN ON DRAFT PLAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE
SUBDIVIDED AS SHOWN ON THIS PLAN, AND THEIR RELATIONSHIP TO
THE ADJACENT LAND ARE ACCURATELY AND CORRECTLY SHOWN.

DATE July 25, 2019

DAN DZALDOV
SCHAEFFER DZALDOV BENNETT LTD.
PROFESSOR LAND SURVEYOR
CONCAT, ONTARIO L1M 3P3
TEL: 905-882-0300

OWNER'S CERTIFICATE

I AUTHORIZE KLM PLANNING PARTNERS INC. TO PREPARE AND SUBMIT
THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF COLLINGWOOD
FOR APPROVAL.

OWNER

HUNTINGWOOD TRAILS (COLLINGWOOD) LTD.

152 DALEMOUNT AVENUE
TORONTO
ONTARIO
M6B 3C9

EDWARD WEISZ
A.S.O.

SCHEDULE OF LAND USE

TOTAL AREA OF LAND TO BE SUBDIVIDED = 48.962±Ha. (120.988±Acs.)

DETACHED DWELLINGS		BLOCKS	LOTS	UNITS	±Ha.	±Ac.
LOTS 1, 9-14, 20, 21, 23, 29-37, 51-54, 58-67, 70-72 and 95 MIN. LOT FRONTAGE=13.7m. MIN LOT AREA=438.4sq.m.			37	37	3.044	7.522
LOTS 3-8, 15, 50, 55-57, 68, 69 and 73-94 MIN. LOT FRONTAGE=12.8m. MIN LOT AREA=401.9sq.m.			35	35	2.052	5.071
LOTS 2, 16-19, 22, 24-28, 48, 49 and 98-99 MIN. LOT FRONTAGE=12.2m. MIN LOT AREA=402.6sq.m.			16	16	0.861	2.127
SEMI-DETACHED DWELLINGS LOTS 38-47 and 105-109 MIN. LOT FRONTAGE=16.8m. MIN LOT AREA=562.8sq.m.			15	30	1.160	2.866
STREET TOWNHOUSES BLOCKS 99-104 and 110-116 MIN. FRONTAGE 8.0m. MIN. FRONTAGE 8.1m.		13		52	1.624	4.013
SUBTOTAL		13	103	170	8.741	21.599
BLOCK 117 - STORM WATER MANAGEMENT			1		1.000	2.471
BLOCKS 118 & 119 - OPEN SPACE			2		0.233	0.576
BLOCKS 120 & 121 - ENVIRONMENTAL PROTECTION AREA			2		34.975	86.425
BLOCK 122 - WALKWAY			1		0.027	0.067
STREETS 20.0m. WIDE. TOTAL LENGTH= 1982.6m. AREA= 3.986Ha.					3.986	9.850
TOTAL		19	103	170	48.962	120.988

NOTE — ELEVATIONS RELATED TO
CANADIAN GEODETIC DATUM

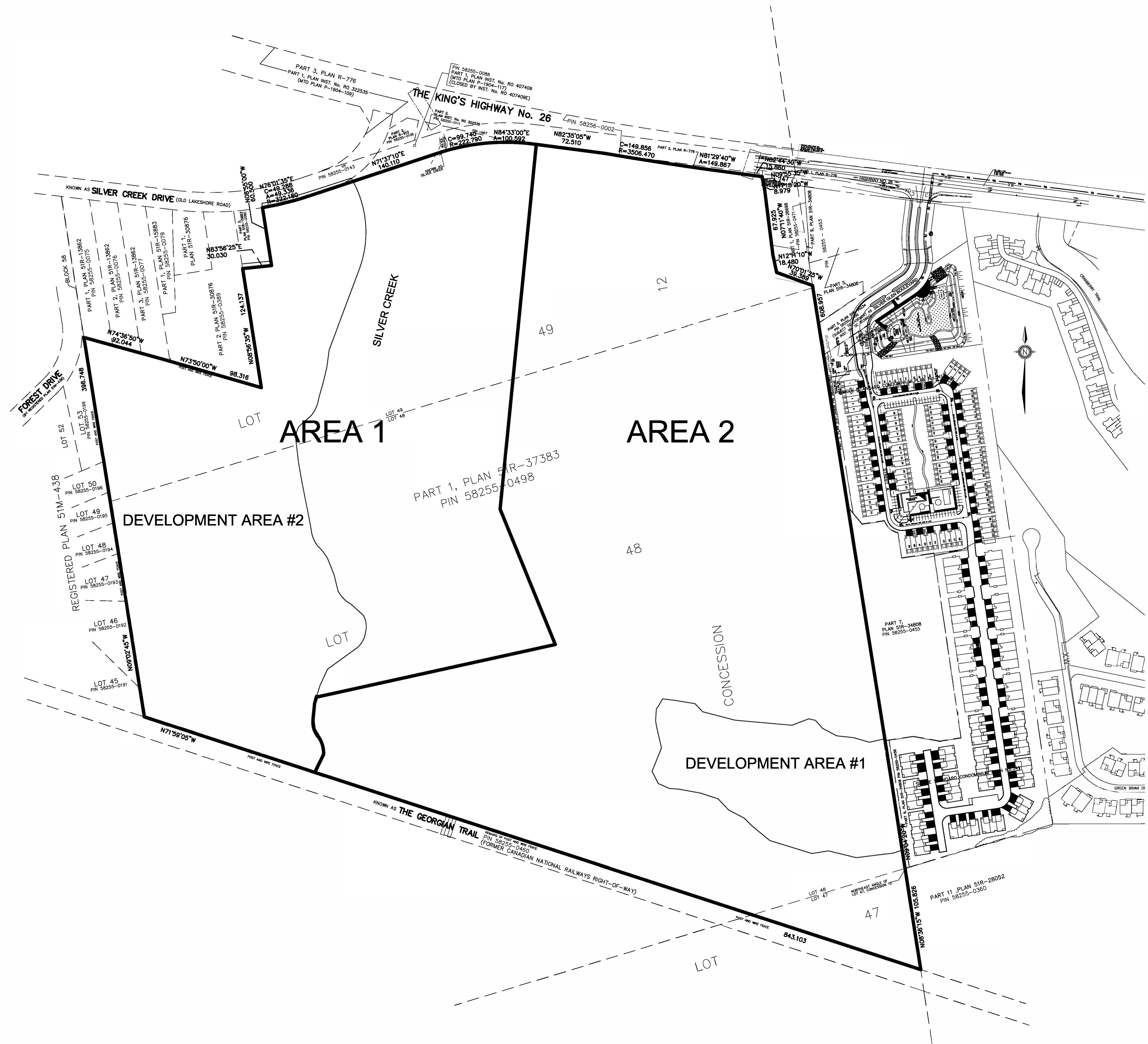
PROJECT No. P-3083
SCALE 1:1500 JULY 23, 2019
(3083DES4) X-REF: (3083MAS2 & 3083TOP01)
DWG. No. - 19:1
64 JARDIN DRIVE - UNIT 1B, CONCORD ONTARIO L4K 3P3
TEL: (905) 669-4055 FAX: (905) 669-0097 design@klmplanning.com
Planning • Design • Development

**THIS IS EXHIBIT "G" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

LOCATION PLAN OF THE APPEALS AND APPLICATIONS

NOTE:

- IN AREA 1, THE ORIGINAL APPLICATIONS THAT HAVE BEEN APPEALED TO OLT ("THE APPEALS") APPLY.
- IN AREA 2, THE PROPOSED OPA APPLIES ONLY TO DEVELOPMENT AREA #1, AND THE PROPOSED ZBA AND DPS APPLY TO ALL OF AREA 2

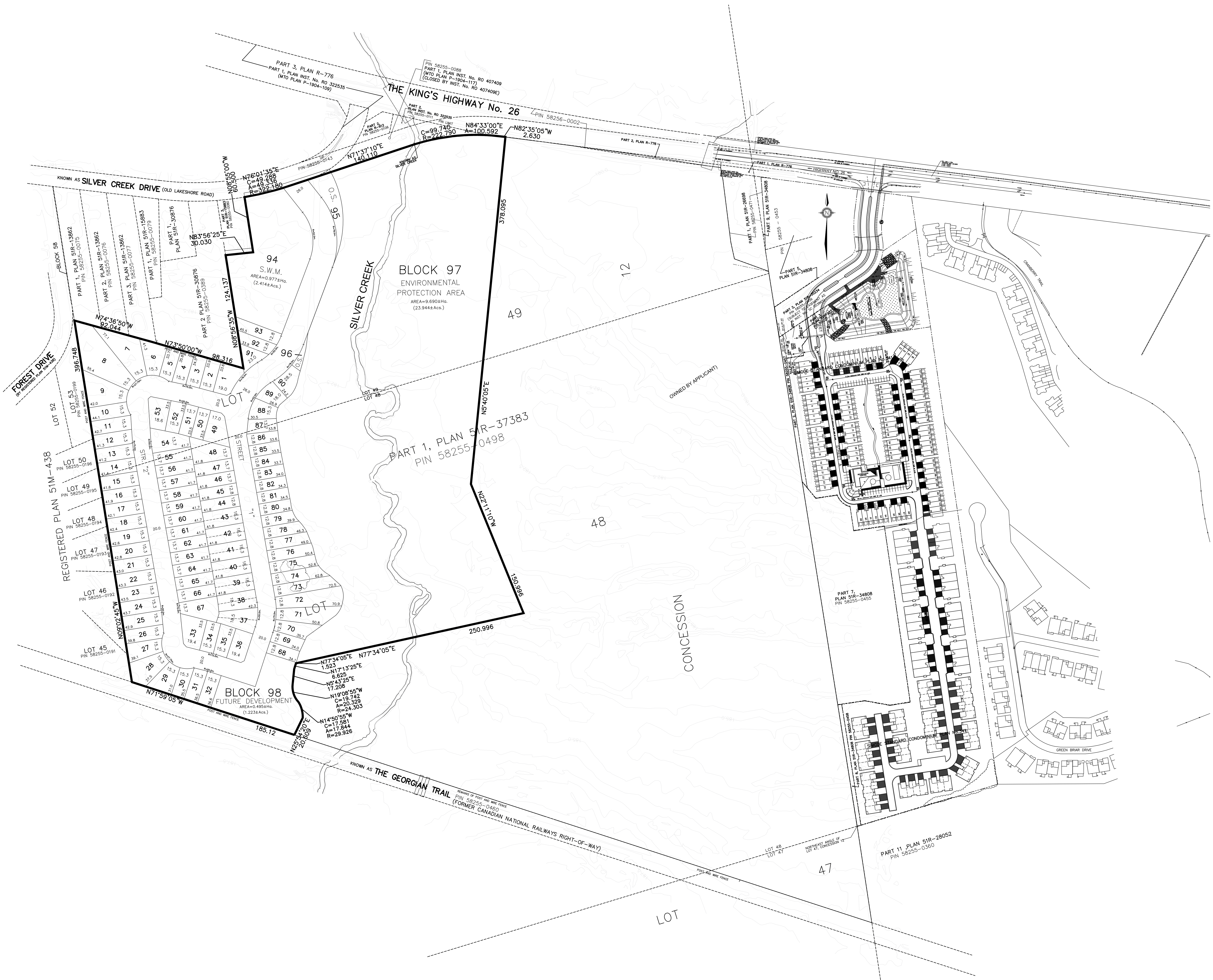


PROJECT No. P-3083
SCALE 1:1500 APRIL 13, 2021
(3083-Location Plan of the Appeals and Applications)
X-REF: (3083mas2)
DWG. No. - 21:1
64 JARDIN DRIVE - UNIT 18, CONCORD, ONTARIO L4K 3P3
TEL: (905) 669-4055 FAX: (905) 669-0097 design@kimplanning.com
Planning • Design • Development

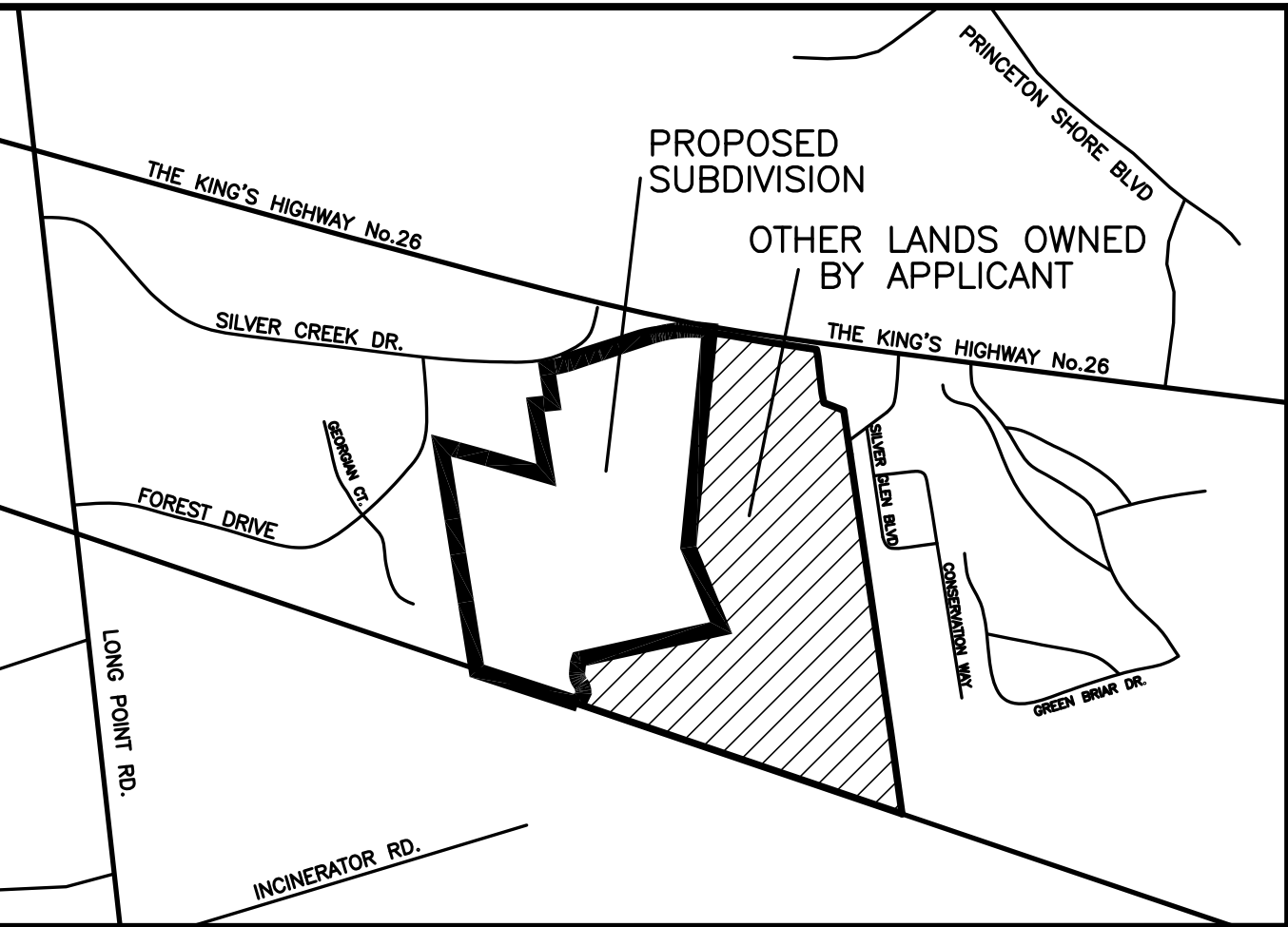
**THIS IS EXHIBIT "H" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

DRAFT PLAN OF SUBDIVISION
PART OF LOTS 48 AND 49, CONCESSION 12
TOWN OF COLLINGWOOD
(GEOGRAPHIC TOWNSHIP OF NOTTAWASAGA)
COUNTY OF SIMCOE

SCALE 1:1500



DRAFT PLAN T-



KEY PLAN

SCALE: 1:15 000

SECTION 51, PLANNING ACT,
ADDITIONAL INFORMATION

- A. AS SHOWN ON DRAFT PLAN
B. AS SHOWN ON DRAFT PLAN
C. AS SHOWN ON DRAFT PLAN
D. SEE SCHEDULE OF LAND USE
E. AS SHOWN ON DRAFT PLAN
F. AS SHOWN ON DRAFT PLAN
F.1 NOT APPLICABLE
G. AS SHOWN ON DRAFT PLAN
H. MUNICIPAL PIPED WATER AVAILABLE AT TIME OF DEVELOPMENT
I. CLAY-LOAM
J. AS SHOWN ON DRAFT PLAN
K. SANITARY AND STORM SEWERS, GARBAGE COLLECTION, FIRE PROTECTION
L. AS SHOWN ON DRAFT PLAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE
SUBDIVIDED AS SHOWN ON THIS PLAN, AND THEIR RELATIONSHIP TO
THE ADJACENT LAND ARE ACCURATELY AND CORRECTLY SHOWN.

Original Signed By Surveyor

DATE -----, 2019

DAN DZALDOV
SCHNEIDER DZALDOV SCHNEIDER LTD.
ONOND LAND SURVEYORS
100 WILSON AVENUE, 1ST FLOOR
CONCORD, ONTARIO L4K 3P3
TEL: (905) 961-6100 FAX: (905) 961-6101

OWNER'S CERTIFICATE

I AUTHORIZE KLM PLANNING PARTNERS INC. TO PREPARE AND SUBMIT
THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF COLLINGWOOD
FOR APPROVAL.

OWNER

HUNTINGWOOD TRAILS (COLLINGWOOD) LTD.

Original Signed By Owner

152 DALEMOUNT AVENUE
TORONTO
ONTARIO
M6B 3C9

EDWARD WEISZ
A.S.O.

SCHEDULE OF LAND USE

TOTAL AREA OF LAND TO BE SUBDIVIDED = 20.299±Ha. (50.159±Acs.)

DETACHED DWELLINGS		BLOCKS	LOTS	UNITS	±Ha.	±Acs.
LOTS 1-36, 52-53, and 88-91 MIN. LOT FRONTAGE=15.3m. MIN. LOT AREA=512.6sq.m.			42	42	2.877	7.108
LOTS 46-51, 54-67, and 87 MIN. LOT FRONTAGE=13.7m. MIN. LOT AREA=458.9sq.m.			21	21	1.270	3.138
LOTS 44-45, 51-52, 68-86, and 92-93 MIN. LOT FRONTAGE=12.8m. MIN. LOT AREA=406.7sq.m.			23	23	1.362	3.366
SEMI-DETACHED DWELLINGS						
LOTS 37-43 MIN. LOT FRONTAGE=18.3m. MIN. LOT AREA=785.9sq.m.			7	14	0.548	1.354
SUBTOTAL			93	100	6.057	14.967
BLOCK 94	- STORM WATER MANAGEMENT	1			0.977	2.414
BLOCKS 95-96	- OPEN SPACE	2			0.139	0.343
BLOCK 97	- ENVIRONMENTAL PROTECTION AREA	1			10.278	25.399
BLOCK 98	- FUTURE DEVELOPMENT	1		TBD	0.495	1.223
STREETS					2.353	5.814
26.0m. WIDE TOTAL LENGTH= 282.2m. AREA= 0.733Ha.						
20.0m. WIDE TOTAL LENGTH= 810.2m. AREA= 1.620Ha.						
TOTAL LENGTH= 1092.4m. AREA= 2.353Ha.						
TOTAL		5	93	100	20.299	50.159

DENSITY

DEVELOPMENT	AREA (±Ha)	UNITS	PROPOSED DENSITY (u/ha)
RESIDENTIAL AREA AND STREETS	8.410	100	11.89
FUTURE DEVELOPMENT	0.495	7 (MAX)	14.14
TOTAL	8.905	107	12

MAXIMUM NUMBER OF UNITS PERMITTED=12 UNITS PER GROSS Ha. OR 107 UNITS

NOTE - ELEVATIONS RELATED TO CANADIAN GEODETIC DATUM



PROJECT No. P-3083

SCALE 1:1500 JUNE 14, 2021

(3083(W)DES1) X-REF: (3083MAS3 & 3083TOP01)

DWG. No. - 21:1

PLANNING PARTNERS INC. 64 JARDIN DRIVE - UNIT 1B, CONCORD ONTARIO L4K 3P3
TEL: (905) 669-4055 FAX: (905) 669-0097 design@klmplanning.com

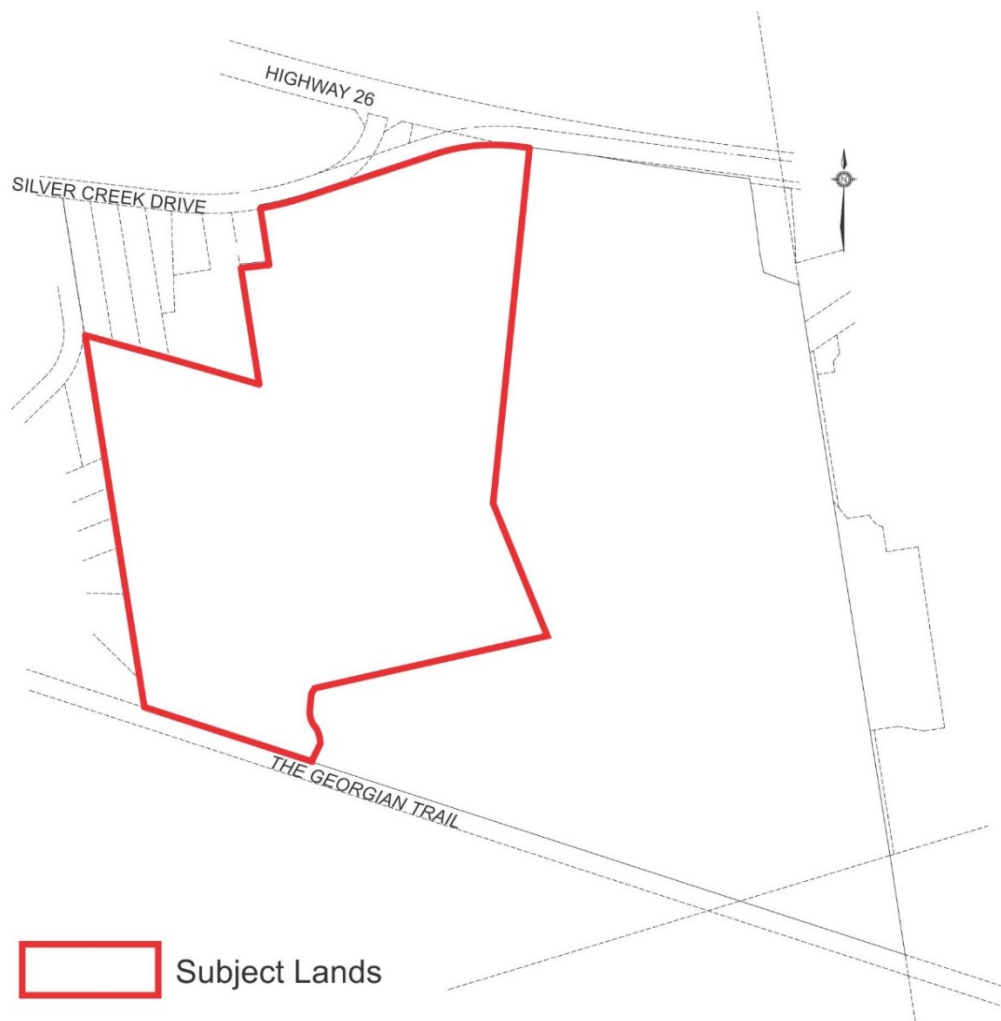
Planning • Design • Development

**THIS IS EXHIBIT "I" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

**EXPLANATORY NOTE
TO THE CORPORATION OF THE TOWN OF COLLINGWOOD
BY-LAW NO. 2021-____**

By-law No. 2021-____ is a By-law under the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, for prohibiting the use of land for or except for such purposes as may be set out in the By-law.

The purpose and effect of the proposed Zoning By-law Amendment is to re-zone the subject lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding Zone 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to Residential Third Density Exception AA – R3-AA, Residential Third Density Exception BB – R3-BB, Residential Third Density Exception CC – R3-CC and Environmental Protection - EP Zones. The effect of the proposed Zoning By-law Amendment is to implement the development of eighty-six (86) single detached dwellings (inclusive of one future development block accommodating a maximum of seven (7) single detached dwellings), fourteen (14) semi-detached dwellings, one (1) stormwater management facility, two (2) open space blocks and one (1) environmental protection area block.



BY-LAW NO. 2021-_____
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD

BEING A BY-LAW UNDER THE PROVISION OF SECTION 34 OF THE
PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, permits a Council to pass a by-law prohibiting the uses of land, buildings or structures within a defined area or areas;

AND WHEREAS Collingwood Zoning By-law No. 2010-40 is the governing By-law of the Corporation of the Town of Collingwood and such was finally passed by the Council of the Town of Collingwood on April 12, 2010;

AND WHEREAS the Ontario Land Tribunal has deemed it advisable to amend Collingwood Zoning By-law No. 2010-40 and thus implement the Official Plan of the Town of Collingwood, more specifically the Official Plan as amended by OMB Decision dated July 31, 2014 for file PL120784;

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ENACTS AS FOLLOWS:

1. **THAT** Schedule 'A' – Map 2 of Collingwood Zoning By-law No. 2010-40, as amended, is hereby further amended as it pertains to lands shown more particularly on Schedule 'A', affixed hereto and forming part of this By-law, by re-zoning said lands from Residential First Density Exception Twelve – R1-12 Zone, (Holding Zone 1) Rural Exception Three – (H1)RU-3, Rural - RU, and Environmental Protection - EP Zones to the: Residential Third Density Exception AA – R3-AA, Residential Third Density Exception BB – R3-BB, Residential Third Density Exception CC – R3-CC and Environmental Protection - EP Zones.
2. **THAT** Section 6.5 titled 'Residential Exception Zones' of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception AA – R3-AA Zone in proper sequence, as follows:

“Residential Third Density Exception AA – R3- AA

Uses shall be limited to Single Detached Dwellings.

The following zone exceptions shall apply:

Maximum Lot Coverage (bungalow and other than a bungalow): 50%”

3. **THAT** Section 6.5 titled 'Residential Exception Zones' of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception BB – R3- BB Zone in proper sequence, as follows:

"Residential Third Density Exception BB – R3- BB

Uses shall be limited to Single Detached Dwellings and Semi-Detached Dwellings.

The following zone exceptions shall apply:

Maximum Lot Coverage (bungalow and other than a bungalow): 50%"

4. **THAT** Section 6.5 titled 'Residential Exception Zones' of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception CC – R3- C Zone in proper sequence, as follows:

"Residential Third Density Exception CC – R3- CC

Uses shall be limited to Single Detached Dwellings.

A maximum of 7 single detached dwellings shall be permitted.

The following zone exceptions shall apply:

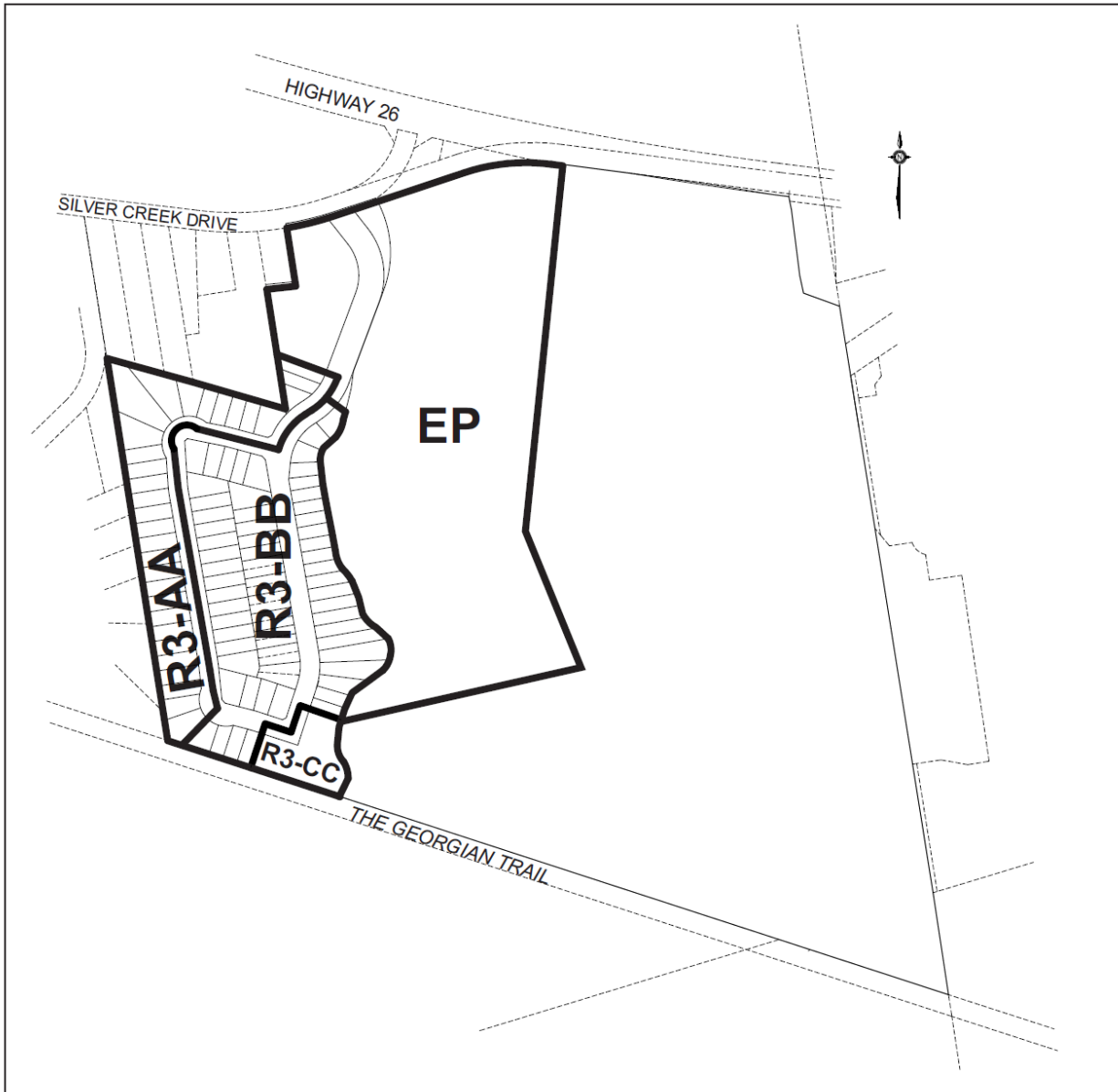
Maximum Lot Coverage (bungalow and other than a bungalow): 50%"

5. **THAT** Zoning By-law 2010-40 is hereby amended to give effect to the foregoing, but Collingwood Zoning By-law No. 2010-40 shall in all other respects remain of full force and effect.

6. **THAT** this By-law shall come into full force and effect on the date it is approved by the Ontario Land Tribunal.

ENACTED AND PASSED this ____ day of _____, 2021.

This is Schedule 'A' to By-law No. 20__-__ enacted and passed the __ day of ____, 20__.



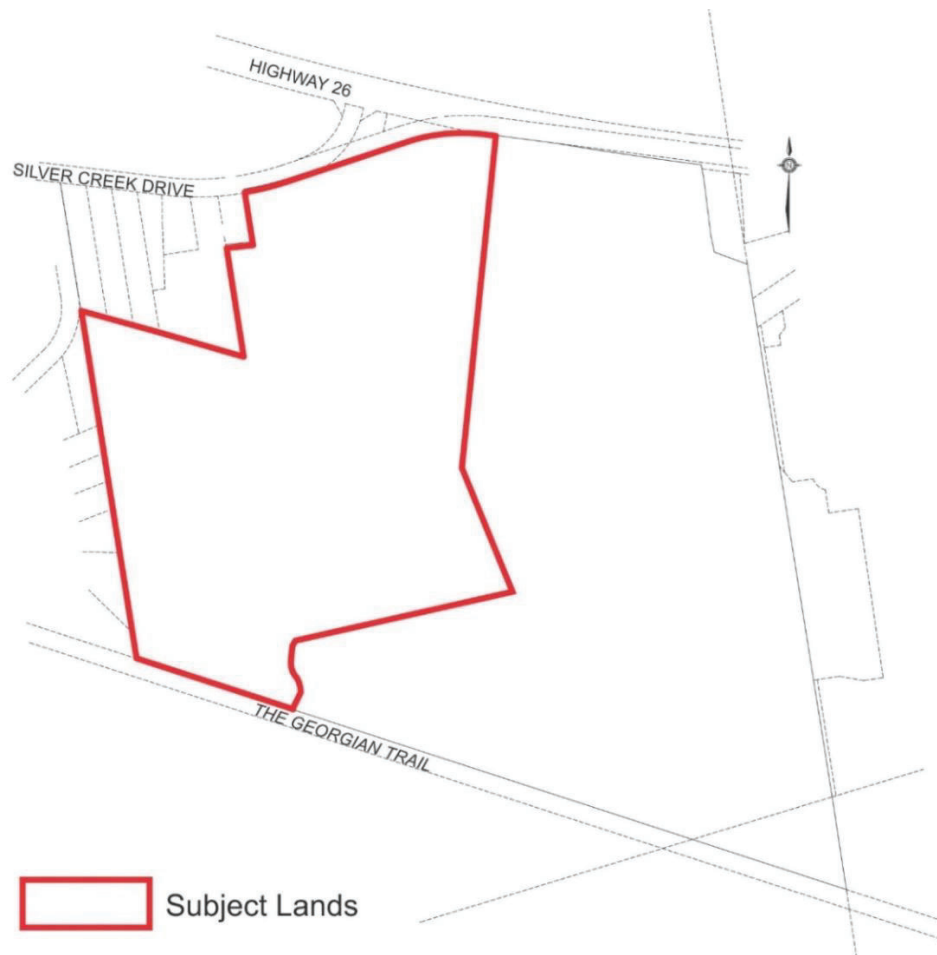
**THIS IS EXHIBIT "J" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

DRAFT July 28, 2022
EXPLANATORY NOTE
TO THE CORPORATION OF THE TOWN OF COLLINGWOOD
BY-LAW NO. 2022-_____

By-law No. 2022-_____ is a By-law under the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended, for prohibiting the use of land for or except for such purposes as may be set out in the By-law.

The purpose and effect of the proposed Zoning By-law Amendment is to re-zone the subject lands from Residential First Density Exception Twelve (R1-12), (Holding 1) Rural Exception Three ((H1)RU-3), Rural - RU and Environmental Protection - EP Zones to the: (Holding 20) Residential Second Density Exception 27 ((H20) R2 – 27), (Holding 20) Residential Second Density Exception 28 ((H 20)R2 – 28), (Holding 20) Residential Second Density Exception 29 ((H20)R2-29), (Holding 20)Residential Second Density Exception 30 ((H20)R2-30), (Holding 20) Residential Third Density Exception 62 ((H20)R3 – 62)), (Holding 20)Residential Third Density Exception 63 ((H20) R3 – 63)), and Deferred Development (DR) and Environmental Protection (EP) Zones.

The effect of the proposed Zoning By-law Amendment is to implement the development of eighty-six (86) single detached dwellings, fourteen (14) semi-detached dwellings, one (1) deferred development block, one (1) stormwater management facility, two (2) open space blocks and one (1) environmental protection area block.



BY-LAW NO. 2022-_____
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD

BEING A BY-LAW UNDER THE PROVISION OF SECTION 34 OF THE
PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits a Council to pass a by-law prohibiting the uses of land, buildings or structures within a defined area or areas;

AND WHEREAS Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the use of the holding symbol “H” in conjunction with any use designation, 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;

AND WHEREAS Collingwood Zoning By-law No. 2010-40 is the governing By-law of the Corporation of the Town of Collingwood and such was finally passed by the Council of the Town of Collingwood on April 12, 2010;

AND WHEREAS the Ontario Land Tribunal has deemed it advisable to amend Collingwood Zoning By-law No. 2010-40 and thus implement the Official Plan of the Town of Collingwood, more specifically the Official Plan as amended by OMB Decision dated July 31, 2014 for file PL120784;

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A’ – Map 2 of Collingwood Zoning By-law No. 2010-40, as amended, is hereby further amended as it pertains to lands shown more particularly on Schedule ‘A’, affixed hereto and forming part of this By-law, by re-zoning said lands from Residential First Density Exception Twelve (R1-12), (Holding 1) Rural Exception Three ((H1)RU-3), Rural - RU and Environmental Protection - EP Zones to the: (Holding 20) Residential Second Density Exception 27 ((H20) R2 – 27), (Holding 20) Residential Second Density Exception 28 ((H20)R2 – 28), (Holding 20) Residential Second Density Exception 29 ((H20)R2-29), (Holding 20)Residential Second Density Exception 30 ((H20)R2-30), (Holding 20) Residential Third Density Exception 62 ((H20)R3 – 62)), (Holding 20)Residential Third Density Exception 63 ((H20) R3 – 63)), and Deferred Development (DR) and Environmental Protection (EP) Zones.
2. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Second Density Exceptions (R2-27) Zone as follows:

“Residential Second Density Exception 27 (R2- 27)

Uses shall be limited to Single Detached Dwellings.

The following zone exceptions shall apply:

Minimum Rear Yard: 10 metres”

3. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Second Density Exception 28 (R2-28) Zone, as follows:

“Residential Second Density Exception 28 (R2- 28)

Uses shall be limited to Single Detached Dwellings.

The following zone exceptions shall apply:

Minimum Rear Yard: 10 metres
Minimum Lot Frontage: 12.5 metres”

4. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Second Density Exception 29 (R2- 29) Zone, as follows:

“Residential Second Density Exception 29 (R2 -29)

- i) Uses shall be limited to Single Detached Dwellings.”

5. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Second Density Exception 30 (R2 – 30) Zone in proper sequence, as follows:

“Residential Second Density Exception 30 (R2 – 30)

Uses shall be limited to Single Detached Dwellings.

The following zone exception shall apply:

Minimum Lot Frontage: 12.5 metres”

6. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception 62 (R3 -62) Zone, as follows:

“Residential Third Density Exception 62 (R3- 62)

- i) Uses shall be limited to Single Detached Dwellings.

7. **THAT** Section 6.5 titled ‘Residential Exception Zones’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the zone classification Residential Third Density Exception 63 (R3-63) Zone in proper sequence, as follows:

“Residential Third Density Exception 63 (R3- 63)

- i) Uses shall be limited to Single Detached Dwellings and Semi-Detached Dwellings.
 ii) The boundary between the Environmental Protection (EP) zone and the R3-63 Zone shall be deemed to follow the applicable lot and block lines on the registered plan of subdivision.

8. **THAT** Table 2.5.5.1 titled ‘Holding Zone Conditions’ of Collingwood Zoning By-law No. 2010-40, as amended, is hereby amended in part by adding the following after H19:

H20	I. Confirmation of municipal water and wastewater servicing capacity and allocation to the satisfaction of the Town. II. The adoption of an authorization by-law for the subdivision agreement.
-----	---

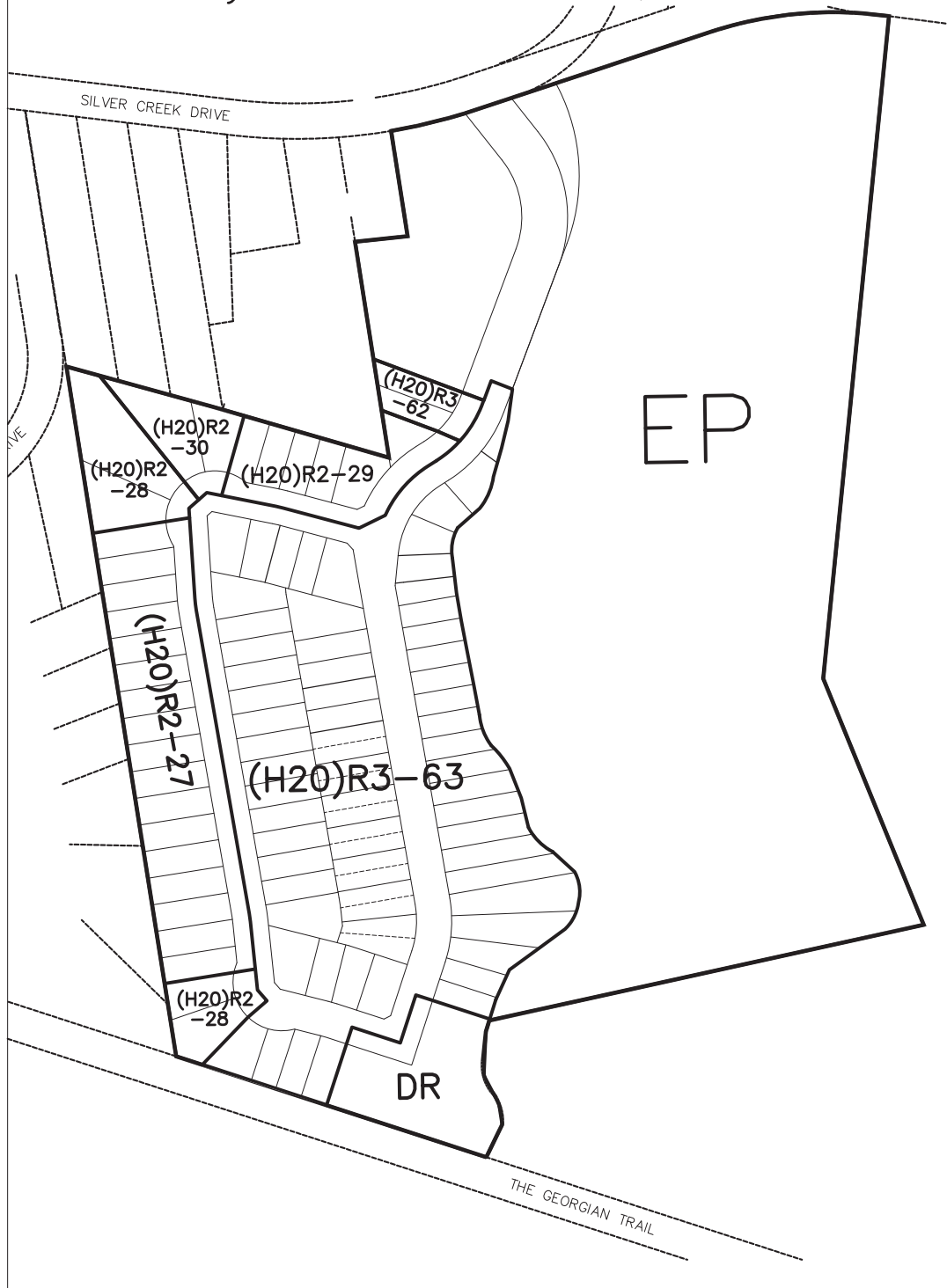
9. **THAT** Notwithstanding the provisions of Section 2.7.2, the following shall apply with respect to the lands Zoned DR on Schedule ‘A’ to By-law No. 2022-____:

In addition to the uses permitted in section 2.7.2, the lands zoned DR on schedule ‘A’ to By-law No. 2022-____are limited to a public walkway and to those uses that lawfully existed at the date of this Zoning By-law coming into force, or as the case may be, those lawfully existing prior to the deferred development zone coming into force and effect.

10. **THAT** Zoning By-law 2010-40 is hereby amended to give effect to the foregoing, but Collingwood Zoning By-law No. 2010-40 shall in all other respects remain of full force and effect.
11. **THAT** this By-law shall come into full force and effect on the date it is approved by the Ontario Land Tribunal.

ENACTED AND PASSED this ____ day of _____, 2022.

This is Schedule 'A' to
By-law No. 2022-_____
enacted and passed the ____
day of _____, 2022.



**THIS IS EXHIBIT "K" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

DRAFT PLAN CONDITIONS

Huntingwood Trails (Collingwood) Ltd.
Part of Lots 47, 48 and 49, Concession 12 Town of Collingwood
Municipality File No.: D1201111
OLT File No.: PL190516

No.	Conditions
------------	-------------------

1. That this approval applies to the Draft Plan of Subdivision located on Part of Lots 48 and 49, Concession 12 former Township of Nottawasaga, now Town of Collingwood, County of Simcoe prepared by KLM Planning Partners Inc, dated June 14th, 2021 and showing a total of:
 - a. 86 single detached residential lots (Lots 1-36 and 44-93);
 - b. 14 semi-detached residential lots (Lots 37-43);
 - c. 1 lot for future development (Lot 98) for a maximum of 7 units;
 - d. 1 Block for environmental protection purposes (Block 97);
 - e. 1 Block for Storm Water Management (Block 94); and
 - f. 2 Open Space Blocks (Blocks 95 and 96), as well as
 - g. Public Road Allowances as shown on the Plan.

2. That the Owner shall agree in writing to satisfy all the requirements, financial and otherwise of the Town of Collingwood prior to final approval.

3. That prior to final approval and registration, the appropriate zoning shall be in effect for the proposed subdivision.

4. That the Owner shall enter into a Subdivision Agreement for servicing, development and other necessary matters, satisfactory to the Town of Collingwood or any other appropriate authority before any development, tree removal or site alteration within the plan unless the requirements of condition 21, 42 and 43 are satisfied with respect to tree removal and site alteration and a pre-servicing agreement and/or site alteration agreement for grading is entered into for servicing in advance of registration.. This Subdivision agreement may deal with matters including, but not limited to, the following:
 - a. Engineering and conservation works which include municipal services;
 - b. Professional services including preparation of reports, plans, inspections, certifications and approvals;
 - c. Hydro;
 - d. Storm sewers, stormwater management;
 - e. Road widenings and reconstruction;
 - f. Monitoring wells;
 - g. Securities or letters of credit, cash contributions, levies (development charges);
 - h. Emergency services;
 - i. Land dedications and easements, road reserves;
 - j. Noise abatement;
 - k. Fencing, berming, buffer blocks and planting;

- l. Grading and sodding, signed entry features, parkland and tree preservation; and
 - m. Warning clauses, hoarding.
5. The Owner shall agree in the Subdivision Agreement that the Subdivision Agreement shall be registered against the lands to which it applies as provided for in the Planning Act, R.S.O. 1990.

Development Phasing

6. Final approval for registration may be issued in phases to the satisfaction of the Town of Collingwood, provided that:
- a. phasing is proposed in an orderly progression, in consideration of such matters as the provision of roads, infrastructure, utilities and other essential services; and
 - b. All agencies required to provide clearances for registration agree to registration by phases and provide clearances for each phase.

Servicing Allocation

7. 106 Single Dwelling Unit Equivalents (SDUs) of municipal water and wastewater capacity are required to support the proposed development to the satisfaction of the Town of Collingwood. The timing of availability of this capacity commitment shall be addressed prior to final approval and registration of all or part of the plan of subdivision through a subdivision, site plan, advanced timing or other agreement, including phasing or staging to facilitate the orderly build-out of the development as required. Such agreement(s) shall also address the expiry and other stipulations of the capacity commitment as required by the Town of Collingwood Water and Wastewater Capacity Allocation Policy dated March 2022 or any update or successor thereto.
8. That the Owner acknowledges and agrees that prior to final approval and registration of all or part of the draft plan of subdivision, the Town of Collingwood shall confirm that sufficient capacity exists in the Water Treatment Plant and Wastewater Treatment Plant to adequately service the development at the time of registration. The Owner further acknowledges and agrees that the determination as to whether there is sufficient capacity shall be made by the Town of Collingwood, in its sole discretion. Building permits will not be issued until the Town is satisfied that adequate water, including for firefighting operations, and wastewater services are available to the lands and emergency services are available.
9. The Owner shall acknowledge and agree in the Subdivision Agreement that building permits will not be issued until the Town is satisfied that adequate water, sewers, utilities and roads are available to the lands, except that building permits may be issued for “dry” model homes upon terms and conditions established by the Town.
10. The Owner acknowledges that pre-sales of residential units to end-users will be permitted; however, the Owner shall agree in the Subdivision Agreement to provide for a warning clause drafted to the satisfaction of the Town of Collingwood that will prevent final closing of the residential units until such time as the Town of Collingwood, at its sole discretion, acting reasonably, confirms that sufficient capacity exists in the Town of Collingwood Water Treatment Plant and Waste Water Treatment Plant to adequately service the

development.

Roadways, Sidewalks and Trails

11. The Owner agrees in the Subdivision Agreement to display the lot number and corresponding municipal address in a prominent location on each lot in accordance with the Town's 911 protocols.
12. The design of the intersection of the internal street (Street 1) and Silver Creek Drive shall meet the requirements of the Town as required in accordance with Town of Collingwood Geometric Design Standards for Roads #100 – June 03 and Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads (GDGCR). Street 1 shall be designed to maximize options for emergency access to the intersection with Street 2 to the satisfaction of the Town of Collingwood in consultation with EMS providers.
13. That all roads within the proposed development will be constructed to Town of Collingwood Standards including curb & gutter, hot asphalt, granular, traffic calming, storm sewers, sanitary sewer, watermain, subdrains, sidewalks, streetlights, traffic signs, driveway approaches, sodded boulevards, boulevard trees and landscaping.
14. That sidewalks shall be designed and located to the satisfaction of the Town in consultation with the School Boards.
15. That the Owner shall agree in the Subdivision Agreement to provide public walkways, sidewalks, and trails to the satisfaction of the Town of Collingwood.
16. That the Owner shall agree in the Subdivision Agreement to provide fencing to the satisfaction of the Town of Collingwood where required including, but not limited to a solid 1.8 m wood fence at the rear lot line of lots fronting onto Forest Drive and Craigleith Court abutting the subject lands and a chain link fence interfacing between rear lot lines and Town owned lands such as park lands, open space, walkways and storm water ponds.

Conservation Authority, Hazard Lands, and Stormwater Management Conditions

17. Prior to final approval, a cut / fill analysis shall be completed to the satisfaction of the Conservation Authority demonstrating that the regularization of the post development floodplain limit maintains floodplain storage volumes within the Huntingwood property and does not cause increases in upstream or downstream floodplain elevations and confirming the limit of the floodplain and safe access during times of flooding. The draft plan of subdivision may be subject to red-line revisions to satisfy the requirements of the cut / fill analysis.
18. In the event that the works completed to fulfill condition 17 above results in a substantial change to the development limits or configuration of the subdivision, as determined by the Town of Collingwood, the plan of subdivision shall be revised, and re-circulated to all of the agencies consulted in the subdivision process and these conditions shall be revised accordingly.
19. That the Owner shall accommodate all existing drainage within and external to the subject plan according to the Town of Collingwood's Stormwater Management Policies and to the

satisfaction of the Engineering Services Department and the Nottawasaga Valley Conservation Authority.

20. That prior to any site alteration within the plan, the following shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority, and the Town of Collingwood:
 - a. A detailed Stormwater Management Report;
 - b. An Erosion Control Plan;
 - c. A detailed Grading Plan;
 - d. A detailed design for the municipal water and wastewater servicing including any necessary easements; and
 - e. A detailed Enhancement and Landscaping Plan for the stormwater management pond, drainage corridor and open space blocks.
21. That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to carry out or cause to be carried out the recommendations and measures contained within the plans and reports set out above.
22. That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to ensure that all stormwater management facilities and sediment and/or erosion control measures will be in place prior to the creation of impervious areas such as roads and buildings being undertaken.
23. That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the Conservation Authority.
24. That the Owner shall agree in the Subdivision Agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, that the necessary drainage easements be established and granted to the Town of Collingwood.
25. That prior to any site alteration or development at this location, required permits, under Ontario Regulation 172/06 and the *Conservation Authorities Act*, will be obtained from the Nottawasaga Valley Conservation Authority and any necessary authorization from the Department of Fisheries and Oceans for any harmful alteration, disruption or destruction of fish habitat.

Services and Utilities

26. All services and utilities to service the proposed development, with the exception of stormwater management infrastructure, shall be contained within road allowances on the plan.
27. That the Owner shall agree in the Subdivision Agreement to provide storm sewers suitably

designed and of sufficient depth to provide for the proper drainage of the lands within and external to the subdivision and to discharge to drainage outlets as directed by and to the satisfaction of the Town of Collingwood.

28. That the Owner shall agree to update, to the Town's satisfaction, the Functional Servicing Report for the development of the subject lands in accordance with the Town's revised water and sanitary flow standards for new development.
29. That the Owner shall agree in the Subdivision Agreement to provide sanitary sewers suitably designed to provide for the proper collection from the lands within and external to the subdivision as directed by and to the satisfaction of the Town of Collingwood.
30. That the Owner shall agree in the Subdivision Agreement that the Owner will be required to complete to Town specifications, at the Owner's expense, the following external works:
 - a. Provide watermain looping to the satisfaction of the Town of Collingwood, to a minimum of two (2) existing locations, subject to servicing alternatives and water modelling completed by the Town's water modelling consultant.
 - b. Provide sanitary sewer (oversized for Forest Drive, Silver Creek Drive, and additional lands to the west) to the Silver Glen Pump Station or an alternate sewage pumping station to the satisfaction of the Town. The design will be accompanied by a design report indicating the opportunities and constraints associated with the alternatives of Highway 26 servicing.
 - c. If the Silver Glen Pump station is utilized to service the development, design and construction to upgrade the Silver Glen Pump Station to meet Town requirements for a permanent pump station, to the satisfaction of the Town, acting reasonably.
 - d. In the event that servicing is directed to an alternate pumping station, the Owner shall contribute the proportional costs associated with the design and construction of the alternate pumping station **through** an agreement or other appropriate mechanism.
31. If the Silver Glen Pump station is utilized to service the development, the Owner shall agree in the Subdivision Agreement, to the satisfaction of the Town of Collingwood, to address proportional cost sharing via an agreement or other appropriate mechanism, as determined by the Town, with respect to the following works that were front-ended by the adjoining Silver Glen Preserve development:
 - a. The existing Silver Glen Pump Station and forcemain works (the "Oversized Works").

The Owner agrees that the Town will not be a party involved in the negotiations of **any** proportional cost sharing arrangement/agreement and will hold the Town harmless in any legal matters that arise in the relation to the cost sharing arrangements/agreements.

32. The Owner further agrees that the final design of the water system may be subject to review by the Town through the use of water modeling techniques to ensure sufficient flows, at the discretion of the Town, and the Town may require amendments to the design as a result of such modeling.
33. Prior to final approval, four copies of a detailed report(s), prepared by a professional engineer, addressing stormwater management, construction mitigation, and municipal

water and sewer services shall be submitted to the Town of Collingwood. These reports are outlined below:

- a. Stormwater Management Report
- b. Pump Station Upgrade Improvements
- c. Servicing Implementation Report
 - Identifying oversizing of sanitary sewers for future external lands to the west, watermain looping
- d. Traffic Impact Brief
 - Intersection operations and approach angle with Silver Creek Drive and Street 1, site distance requirements, vehicle queuing, and headlights on neighbouring properties
- e. Noise Impact Study
 - Any recommended mitigation on noise associated with traffic on Highway 26

Implementation of the recommendations of these reports will be incorporated as part of detailed design of the subdivision. In addition, one (1) of the following documents shall also be provided to the satisfaction of the Town of Collingwood for any applicable infrastructure works, including but not limited to municipal services and stormwater management:

- i. An Environmental Compliance Approval (ECA) for the project(s) shall be obtained from the Provincial Ministry with jurisdiction, or
 - ii. A written opinion, stamped and signed by a Professional Engineer, that confirms that the project(s) meet the specific exemptions outlined in the applicable legislation/regulations.
34. That the Owner shall agree in the Subdivision Agreement to provide electrical servicing suitably designed and of sufficient capacity to provide for the proper servicing of the lands within and external to the subdivision as directed by and to the satisfaction of EPCOR Inc.
 35. That the Owner shall agree in the Subdivision Agreement that prior to final approval, arrangements will be made to the satisfaction of the Town of Collingwood for the relocation of any utilities required by the development of the subject lands to be undertaken at the expense of the Owner.
 36. That the Owner will agree in the Subdivision Agreement that prior to final approval, the Owner is to submit a Streetscape and Stormwater Management Landscape Plan to the satisfaction of the Town of Collingwood. The Streetscape/Landscape Plan shall conform to the Town of Collingwood's Subdivision Guidelines and Development Standards and also shall address such matters as the location of driveways. Groundwater monitoring shall be completed for a minimum two wet seasons and underside of basement slabs shall be a minimum of 0.5m above high groundwater levels.
 37. That the Owner shall agree in the Subdivision Agreement to provide to the Town of Collingwood, a soils report recommending the material necessary for road construction to meet Town standards. This report shall also address any potential groundwater issues as they related to the proposed development of homes, roads and stormwater management facilities.
 38. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the

satisfaction of all effected authorities and the Town of Collingwood.

39. That the Owner shall provide Canada Post with two copies of the above-ground utility coordination plans. Furthermore, that the Owner shall agree in the Subdivision Agreement to the following:
 - a. Work with Canada Post and the Town of Collingwood to determine and provide temporary suitable location prior to occupancy for the placement of the Centralized Mail Facility/Community Mailbox,
 - b. Work with Canada Post and the Town of Collingwood to determine the location of the Centralized Mail Facility/Community Mailboxes and to ensure that they are properly identified on all appropriate maps and plans; and,
 - c. Provide an appropriately sized sidewalk section (concrete pad) where applicable, to Canada Post's and the Town of Collingwood's specifications, any required walkways across the boulevard, and any required curb cuts for wheelchair access for the placement of the permanent Community Mailbox locations and include said requirements on the appropriate plans/maps.

40. That the Owner shall insert the following conditions in the Subdivision Agreement to the satisfaction of Enbridge Gas Distribution:
 - a. Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities;
 - b. The Owner shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines; and,
 - c. The Owner shall provide current Town approved road cross-sections showing all utilities in the configuration proposed for all of the street widths within the development, and the gas locations must be a minimum of 0.6 metres from the street line.

41. The Owner is hereby advised that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available for the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Owner shall be required to demonstrate to the municipality that sufficient alternate communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management service (i.e., 911 Emergency Services).

Construction and Communication Management Plan

42. That the Owner agrees to have prepared and to implement a construction management plan to the satisfaction of the Town of Collingwood prior to any site works or site alteration and shall provide updates for the entire construction process through to issuance of the completion certificate. This Plan shall be the Owner's responsibility to implement at their cost and shall include the following at a minimum:

- a. Central coordinating contact and tracking for all community complaints and respective responses;
 - b. Trades communication and enforcement plan;
 - c. Project phasing, staging, periods of activity and operating hours including peak times and types of activity;
 - d. Parking for trades and deliveries;
 - e. Traffic protection plan for vehicular and pedestrian traffic in accordance with OTM Book 7;
 - f. Material delivery loading areas, coordination and enforcement;
 - g. Office space (construction trailer);
 - h. Working hours;
 - i. Debris (garbage);
 - j. Noise and dust control;
 - k. Importation and exportation of fill or surplus material;
 - l. Site access and egress;
 - m. Communications plan for providing notification to and addressing concerns of:
 - i. Immediately adjacent residents;
 - ii. Adjacent residents;
 - iii. the broader community who may have questions about the development; and,
 - iv. Purchasers/New homeowners;
 - n. Impact mitigation plan for residents affected by off-site servicing; and,
 - o. A contingency plan that addresses any additional impacts to private or municipal property not foreseen in the construction management plan including notification, compensation, and conflict resolution provisions as may be appropriate.
43. That if in the opinion of the Town of Collingwood, the Owner fails to implement the Construction Management Plan and/or fails to update the Construction Management Plan to address concerns raised by the Town, the Town reserves the right to draw upon securities held as part of the subdivision or any agreement to implement the provisions of the Construction Management Plan and/or rectify the concerns for lands owned and not owned by the Municipality. Any amounts drawn from project securities for such implementation shall be replaced within 30 days. The Town shall seek full cost recovery plus appropriate administration fees and disbursements for all efforts as a result of the Owner's failure to perform.

Tree Removal and Site Alteration

44. That prior to any tree removal or site alteration in advance of completion of the Subdivision Agreement, the Owner shall submit an Application to Destroy Trees to the satisfaction of the Town of Collingwood and all site works shall be in strict accordance with the approved Permit.
45. That prior to any tree removal or site alteration, the Owner shall be required to submit a Tree Preservation Plan to the satisfaction of the Town of Collingwood. The Tree Preservation Plan shall be consistent with any and all applicable recommendations of the reports required to be prepared under condition 4.

46. That the Owner agrees to provide, prior any presales of residential units, Urban Design and Architectural Control Guidelines prepared by a qualified Architect, and Landscape Architect as required, for peer review at the applicant's expense. The Urban Design and Architectural Control Guidelines shall be in conformity with the Town of Collingwood Urban Design Manual and any other applicable documents or direction, shall contain graphics and visualizations to assist in application and shall identify an acceptable Control Architect review process, at the owner's expense, all to the satisfaction of the Town of Collingwood.
47. That the Owner agrees to incorporate and operationalize the Urban Design and Architectural Control Guidelines through implementation process requirements to the satisfaction of the Town of Collingwood.
48. The Owner acknowledges and agrees that the process requirements associated with implementation of the Urban Design and Architectural Control Guidelines shall be to the satisfaction of Town of Collingwood and may be provided through satisfaction of the above noted condition, through provisions to be included in the Subdivision Agreement and/or through an alternate arrangement.

Matters to be addressed through implementation process requirements may include, but are not limited to, the following:

- a. selection and hiring of a Control Architect, at the Owner's expense, for review and approval purposes;
- b. timing, submission and evaluation requirements for Control Architect clearance;
- c. conflict resolution mechanisms in the event of disputes around Control Architect clearance; and,
- d. submission of securities needed to address implementation issues, including but not limited to the above.

County of Simcoe Conditions

49. That prior to final approval, the Owner shall submit an updated D-4 Study report prepared by a qualified professional in accordance with Ministry of Environment, Conservation and Parks Guideline D-4 to the satisfaction of the County of Simcoe. If a satisfactory updated D-4 Study is submitted to the County and this draft plan of subdivision or any phase thereof within the D-4 assessment area [those Lots and Blocks within 500 metres of the Waste Disposal Site ("the D-4 Assessment Area Lots and Blocks")] is not finally approved within three (3) years of the registration date of the original D-4 Development Agreement by the County, the recommendations of the updated D-4 Study shall be reconfirmed in writing by a qualified professional to the satisfaction of the County.
50. The Owner shall agree in the Subdivision Agreement in wording satisfactory to the County, to place an Inhibiting Order with a "No Dealings Restriction" on all D-4 Assessment Area Lots and Blocks associated with the County's nearby closed waste management site. The No Dealings Restriction is to remain in place until such time as

the County of Simcoe has confirmed in writing to the Town of Collingwood that a D-4 Development Agreement between the Owner and the County of Simcoe has been entered into and, if in the opinion of the County is required, has been registered on title to the D-4 Assessment Area Lots and Blocks. Once such agreement is entered into, and, if required, registered, the Inhibiting Order shall be released. The D-4

Development Agreement shall contain wording acceptable to the County to ensure that any recommendations made in the D-4 Study by the Owner's consultant, and further by the County's peer review consultant, be implemented. All costs associated with the preparation, execution and registration of the Inhibiting Order and the D-4 Development Agreement shall be borne by the Owner.

51. That the Owner shall agree in the Subdivision Agreement to include an appropriately worded warning clause in Agreements of Purchase and Sale for all D-4 Assessment Area Lots and Blocks, advising those prospective purchasers of the location of the closed waste management site and that there is a D-4 Development Agreement between the Owner and the County of Simcoe setting out requirements for development mitigation measures, if any are required in accordance with updated D-4 Study recommendations, to address the potential for nuisance or adverse effects from the County's nearby closed waste management site off Osler Bluff Road.

Requirement for Warning Clauses

52. That the Owner shall agree in the Subdivision Agreement to provide for any warning clauses deemed necessary by the Town of Collingwood or partner agencies to provide notice of various issues identified by the Town of Collingwood or partner agencies, or that may arise from subsequent review and approvals, in all Offers of Purchase and Sale, lease/rental agreements and/or condominium declarations and similar documents, to the satisfaction of the Town of Collingwood.
53. That the Owner shall agree in the Subdivision Agreement, with wording to the satisfaction of the Simcoe Muskoka Catholic District School Board, to include in all offers of purchase and sale a clause advising prospective purchasers that pupils from this development attending educational facilities operated by the Simcoe Muskoka Catholic District School Board may be transported to / accommodated in temporary facilities out of the neighbourhood school's area.
54. That the Owner shall agree in the Subdivision Agreement, with wording to the satisfaction of the Simcoe County District School Board, to include in all offers of purchase and sale a statement that advises the prospective purchaser that the public schools on designated sites in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside the area.
55. That the Owner shall agree in the Subdivision Agreement, with wording to the satisfaction of the Simcoe County District School Board, to include in all offers of purchase and sale a statement that advises the prospective purchaser that school buses will not enter cul de sacs and that pick-up points will not be located within the subdivision until major construction activity has been completed.

Dedication and Fees

56. That the Owner shall agree that the road allowances shown as Streets "1 and 2" on the draft plan shall be constructed and dedicated as public highways and named to the satisfaction of the Town of Collingwood. The design of the roadways shall meet the requirements of the Town as required.
57. The owner shall agree in the subdivision Agreement that Block 97 shall be dedicated to the Town of Collingwood per the Official Plan. In addition, the Owner shall agree in the subdivision agreement that as a condition of the development of any portion of Block 98, or that if an application for development has not been submitted for any portion of Block 98 at the time of registration, that the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule 'A2' – Land Use Plan Detail shall be dedicated to the Town of Collingwood. The Owner shall further agree in the Subdivision Agreement that if it is determined through the additional studies required under condition 17 that any portion of Block 98 cannot be developed, then the undevelopable portion of Block 98, and the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule 'A2' – Land Use Plan Detail shall be dedicated to the Town.
58. The Owner shall dedicate a 5.0m block through lot 98 or at another location suitable to the Town to provide a trail connection to the Georgian Trail.
59. That the Owner shall agree in the Subdivision Agreement that development charges, processing and administrative fees be paid prior to building permit issuance in accordance with the current policies and by-laws of the Town of Collingwood, County of Simcoe and School Boards.
60. That the Owner shall agree in the Subdivision Agreement that all dedications of land the Town of Collingwood requires shall be at no cost to the municipality.
61. That the Owner shall agree in the Subdivision Agreement, that such easements and land dedications as may be required for access, drainage, servicing, stormwater management, utilities and construction purposes shall be designed to the satisfaction of, and granted to the appropriate agencies or authorities, free and clear of all encumbrances, save and except for any permitted encumbrances, to the satisfaction of the Town of Collingwood and all appropriate agencies or authorities.
62. That the Owner shall agree in the Subdivision Agreement to grant any easements that may be required for communication / telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing communication / telecommunication facilities or easements, the Owner/Developer shall be responsible for the relocation of such communication / telecommunication facilities or easements.
63. That the timing of land dedications and easements shall be at the Town of Collingwood's and/or the applicable agency's discretion and satisfaction and the Town may require the Owner to make such easements and land dedication as part of the Town's inhibiting order arising from final registration.

Documentation

64. Prior to final approval the Owner shall provide the Town with an updated Traffic Brief to address existing conditions at the time of completion of the Subdivision Agreement and provide recommendations regarding any further measures that may be required to address traffic issues at that time.
65. Prior to final approval the Town shall receive written confirmation from the appropriate Provincial agency that the Archeological Assessment prepared by Amick Consultants Inc has been filed with the Ministry.
66. That prior to final approval, a copy of the proposed final plan is to be forwarded to the Town of Collingwood as the Approval Authority for review and approval.
67. That prior to Council enacting and passing a by-law to authorize the Subdivision Agreement the Town of Collingwood, as the Approval Authority, will be advised by the Owner in writing and with supporting documentation how all of the above conditions have been satisfied or will be satisfied.
68. Subject to the conditions set forth above, this Draft Plan is approved under Section 51 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, this ____ day of _____, 2022. The approval of this Draft Plan is for a period of three (3) years and will lapse on the day of _____, 2025
69. If final approval is not given to this plan within the draft approval time period above, the draft approval will lapse under subsection 51(32) of the *Planning Act*. Draft approval may be extended pursuant to subsection 51(33) of the *Planning Act* and in accordance with Town of Collingwood policies subject to subsection 51(33.1), (33.2), (33.3), but no extension can be granted once the draft approval has lapsed, unless the Town exercises its authority under subsection 51(33.1). If the applicant wishes to request an extension to draft approval, a written explanation, together with the completed application form and fee and all necessary updated supporting studies or other necessary documentation as identified by and to the satisfaction of the Town of Collingwood, must be received by the Town of Collingwood, acting reasonably, at least three (3) months prior to the lapsing date.

Clearances for Registration

70. That prior to signing of the final plan, the Town shall provide written confirmation that conditions 1 to 16, 18 to 20, 26 to 33, 35 to 38, 41 to 48, 52, and 56 to 69 have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
71. That prior to signing of the final plan, the Nottawasaga Valley Conservation Authority shall provide written confirmation that conditions 17, 19, and 20 to 25 have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
72. That prior to signing of the final plan, EPCOR Inc. shall provide written confirmation that condition 34 has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

73. That prior to signing of the final plan, Canada Post shall provide written confirmation that condition 39 has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
74. That prior to signing of the final plan, Enbridge Gas Distribution shall provide written confirmation that condition 40 has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
75. That prior to signing of the final plan, the County of Simcoe shall provide written confirmation that conditions 49 to 51 have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
76. That prior to signing of the final plan, the Simcoe Muskoka Catholic District School Board Town shall provide written confirmation that condition 53 has been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.
77. That prior to signing of the final plan, the Simcoe County District School Board shall provide written confirmation that conditions 54 and 55 have been carried out to their satisfaction with a brief but complete statement indicating how each condition has been satisfied.

Notes to Draft Approval

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies referenced in these conditions to the Town, quoting file number.
2. It is suggested that the Owner be aware of Section 144 of the Land Titles Act and subsection 78(10) of the Registry Act. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2).
3. Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless the title of the Owner of the land has been certified under the Certification of Title Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).
4. The Town of Collingwood requires all engineering drawings to be submitted in AutoCAD 14 format as well as hardcopies.
5. All measurements in subdivision final plans must be presented in metric units.
6. All lands to be conveyed must be free and clear of all encumbrances save for any permitted encumbrances including any permitted easements.
7. The Owner will be required to contact Bell Canada's Engineering Department regarding the details for servicing within the subdivision as well as the necessary Letters of Understanding.
8. The Nottawasaga Valley Conservation Authority will require a copy of the executed Subdivision Agreement once it is available.
9. The Owner shall agree, prior to final approval, to pay all development fees to the Conservation Authority as required in accordance with the Nottawasaga Valley Conservation Authority's fees policy, under the *Conservation Authorities Act*.
10. If agency draft plan conditions concern conditions within the Subdivision Agreement, a copy of the Agreement should be sent to them to expedite the clearance of the final plan.
11. No further parkland levy either by way of land or cash-in-lieu is payable in connection with this development in light of the conveyance requirements contained within the Official Plan of the Town of Collingwood.

12. The approval of this draft plan is for a period of three (3) years and will lapse on _____.
13. If final approval is not given to this plan within the draft approval time period above the draft approval will lapse under subsection 51(32) of the Planning Act. Draft approval may be extended pursuant to subsection 51(33) of the Planning Act but no extension can be granted once the draft approval has lapsed.
14. If the applicant wishes to request an extension to draft approval a written explanation, together with the completed application form and fee, must be received by the Town sixty (60) days prior to the lapsing date.
15. The Final Plan approved by the Town must be registered within 30 days or the Town may withdraw its approval under subsection 51(32) of the Planning Act, R.S.O. 1990, as amended.

Subject to the conditions set forth above, this Draft Plan is approved under Section 51(31) of the Planning Act, R.S.O 1990, Chapter 13, as amended, this ____ day of _____, 2022.

MAYOR

CLERK

**THIS IS EXHIBIT "L" REFERRED TO IN THE WITNESS STATEMENT
OF MARK D. YARRANTON**

Exhibit “L” – NVCA Issues and Policy Response

Issue ID	Issue	Corresponding Sections and Policies	Response
NOTTAWASAGA VALLEY CONSERVATION AUTHORITY			
Provincial Policy Statement, 2020			
Natural Hazards			
1	Have the applications demonstrated consistency with Section 3.1.1 b) of the PPS, by demonstrating that the proposed development has been directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards?	3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards, erosion hazards, and/or dynamic beach hazards; PPS Definition: Development means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process;	Through the approval of the 2014 OPA two development areas were established where residential development could occur, and the appropriate limits were assessed for development, designated for residential purposes and hazard lands included as part of the land designated as Environmental Protection, with the consent of the County, Town and NVCA. This is supported by the 2014 OPA which addressed matters of Natural Hazards and in particular 4.3.4.4.5.8 d. stated: d) <i>The lands shown in cross hatching include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.</i> The Final Proposed 2021 DPOS has been co-ordinated with the 2019 Flood Study which confirms that the proposed development respects the flooding and erosion hazards on site as determined through this analysis and confirms the proposed development application meets the tests of Section 3.1 of the Provincial Policy Statement. According to the 2019 Flood Study, as confirmed by Mr. Jon Proctor, Huntingwood’s natural hazard consultant, the proposed development area within the Final Proposed 2021 DPOS has been set outside the Silver Creek Regional floodplain, save and except a portion of the site access roadway and SWM Facility adjacent Silver Creek Drive which are located within the pre-development Regional Floodplain. The site access roadway to the western development area will be flood proofed and will confine the post development flood inundation limit to the eastern boundary of the right of way. Existing properties to the west of the subject development which are currently in the Regional floodplain will be removed from the floodplain. The 2019 Flood Study confirms that the detailed grading of the development will ensure that lots and roadways adjacent to the floodplain have a minimum of 0.3m flood-proofing above the Regional water surface elevation. The 2022 Flood Mapping undertaken by Mr. Jon Proctor, Huntingwood’s natural hazard consultant, supports the conclusion of the 2019 Flood Study.

Issue ID	Issue	Corresponding Sections and Policies	Response
			NVCA Natural Hazards Technical Guidelines permit the use of traditional floodplain cut / fill balance techniques to regularize the boundaries of a development to provide a better development layout. I am advised by Mr. Jon Proctor that cut and fill for the Area 1 Lands is feasible. In addition, the Final Proposed 2021 DPOS will be subject to a proposed condition of draft approval requiring a cut and fill analysis to the satisfaction of the NVCA. This is addressed as proposed conditions 17 and 18 to the Proposed Conditions contained in Exhibit “K”.
2	Have the applications demonstrated consistency with Section 3.1.2 c) of the PPS, by demonstrating that the proposed development is outside of an area that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard?	3.1.2 Development and site alteration shall not be permitted within: c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard;	As confirmed by Mr. Proctor, the 2019 Flood Study confirms that the proposed development associated with the Final Proposed 2021 DPOS is outside of the Silver Creek Regional floodplain and erosion hazard limit which in this case is defined as the Meander Belt Limit on Figure 4 to the 2019 Flood Study. The 2022 Flood Mapping supports the conclusion of the 2019 Flood Study. As discussed in the response to NVCA Issue 1 above and as confirmed by Mr. Proctor, the site access roadway to the western development area will be flood proofed and will confine the post development flood inundation limit to the eastern boundary of the right of way thus ensuring that the road has safe access appropriate for the nature of the development and the flood and erosion hazard.
3	Have the applications demonstrated consistency with Section 3.1.2 d) of the PPS by demonstrating that the development is outside of a floodway regardless of whether the area of inundation contains high points of land not subject to flooding?	3.1.2 Development and site alteration shall not be permitted within: d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.	In accordance with the opinion rendered by Mr. Proctor, the proposed development is not located within a floodway as defined in the PPS and in accordance with the analysis undertaken in the 2019 Flood Study and the 2022 Flood Mapping.
Natural Heritage			
Simcoe County Official Plan			
Natural Hazards			
9	Have the applications demonstrated conformity with Section 4.5.9 b) of the County of Simcoe Official Plan (SCOP) by demonstrating that development has generally been directed to areas outside of: hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards?	4.5.9 Development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and	This is addressed in the response to NVCA Issue 1 above.
10	Have the applications demonstrated conformity with Section 4.5.10 b) of the SCOP by demonstrating that	4.5.10 Development and site alteration shall not be permitted within: b) areas that would be rendered inaccessible to people and vehicles during	This is addressed in the response to NVCA Issue 2 above.

Issue ID	Issue	Corresponding Sections and Policies	Response
	the proposed development is outside of an area that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard?	times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and	
11	Have the applications demonstrated conformity with Section 4.5.10 c) of the SCOP by demonstrating that the development is outside of a floodway regardless of whether the area of inundation contains high points of land not subject to flooding?	4.5.10 Development and site alteration shall not be permitted within: c) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.	This is addressed in the response to NVCA Issue 3 above.
Town of Collingwood Official Plan			
Natural Hazards			
16	Have the applications demonstrated conformity with Section 4.1.3.10.2.1 of the Town of Collingwood Official Plan entitled “Prohibited Uses” which outlines that habitable buildings and structures shall not be permitted within the defined floodplains of Silver Creek, Black Ash Creek and the Batteaux River?	4.1.3.10.2.1 Prohibited Uses Habitable buildings and structures shall not be permitted within the defined floodplains of Silver Creek, Black Ash Creek and the Batteaux River.	In accordance with Mr. Proctor’s opinion, the analysis contained in the 2019 Flood Study, as confirmed in the 2022 Flood Mapping, coupled with the Proposed Condition referred to in NVCA Issue 1 and 2 will ensure that all residential lots will be outside of the flood plain of Silver Creek. In addition, the Final Revised Proposed 2022 ZBA proposes to zone the flood plain of Silver Creek EP – Environmental Protection which does not permit habitable buildings or structures. The 2014 OPA through policy 4.3.2.5.3 3. d) recognizes that the lands in cross hatching on Schedule ‘A2’ include a multitude of environmental and open space features including the floodplain of the Silver Creek and all appropriate buffers to those features.
Site Specific Official Plan Amendment			
Natural Hazards			
17	Have the applications demonstrated conformity with Section 4.3.4.4.5.8 Part Lots 48 and 49, Concession 12 Development Area #2 of the Official Plan Amendment which outlines the following:		
e)	On the basis of the designation and dedication of these lands identified in hatching, it is confirmed that no further natural heritage studies or buffers are required. Despite this policy, in addition to whatever studies are identified as required by Section 8.13, [are		The NVCA has maintained one issue related to Natural Heritage being issue 18 which is addressed below.

Issue ID	Issue	Corresponding Sections and Policies	Response
	the] current and future Planning Act applications supported by:		
ii.	a natural hazard assessment prepared to the satisfaction of the Town and the NVCA demonstrating that all proposed development will be located in accordance with Section 3.1 of the Provincial policy Statement?	PPS Section 3.1 Natural Hazards 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and c) hazardous sites. 3.1.2 Development and site alteration shall not be permitted within: a) the dynamic beach hazard; b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. 3.1.3 Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. 3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems: a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or	The NVCA and Town have confirmed that they are not raising issues with respect to natural heritage features or buffers and I understand the issue to be addressed deals with conformity with section 4.3.4.4.5.8 e) ii) and the response provided to NVCA Issue 1, 2 and 3 above address the relevant provisions within section 3.1 of the PPS.

Issue ID	Issue	Corresponding Sections and Policies	Response
		b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. 3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is: a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools; b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances. 3.1.6 Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry. 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved: a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards; b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; c) new hazards are not created and existing hazards are not aggravated; and d) no adverse environmental impacts will result. 3.1.8 Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.	
Natural Heritage			

Issue ID	Issue	Corresponding Sections and Policies	Response
18	Have the applications demonstrated conformity with Section 4.3.4.5.8 Part Lot 48 and 2, Concession 12 Development Area #2 of the site specific Official Plan Amendment which outlines the following:		
b)	It will be a condition of draft approval of the development that the lands identified in cross hatching adjacent to DA#2 shall be dedicated to the Town of Collingwood upon registration of the development as per the subdivision/condominium and/or consent process?		The intent of the policy is to ensure that the lands in cross hatching adjacent to Development Area #2 will be conveyed into the ownership of the Town as a condition of developing Development Area #2, and that such condition be incorporated in draft plan conditions for the Area 1 Lands in accordance with the provisions of the 2014 OPA. Proposed Condition 57 states: The owner shall agree in the subdivision Agreement that Block 97 shall be dedicated to the Town of Collingwood per the Official Plan. In addition, the Owner shall agree in the subdivision agreement that as a condition of the development of any portion of Block 98, or that if an application for development has not been submitted for any portion of Block 98 at the time of registration, that the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule ‘A2’ – Land Use Plan Detail shall be dedicated to the Town of Collingwood. The Owner shall further agree in the Subdivision Agreement that if it is determined through the additional studies required under condition 17 that any portion of Block 98 cannot be developed, then the undevelopable portion of Block 98, and the balance of the lands shown in cross hatching in the Official Plan of the Town of Collingwood Schedule ‘A2’ – Land Use Plan Detail shall be dedicated to the Town. Block 97 is the proposed Environmental Protection Block on the Final Proposed 2021 DPOS, whereas Block 98 is the Future Development Block. This condition ensures that on registration of the Final Proposed 2021 DPOS that block 97 is conveyed to the Town. In addition, it ensures the conveyance of the balance of the lands shown in cross hatching in the Town OP Schedule ‘A2’ as a condition of any development of Block 98 or at the registration of Final Proposed 2021 DPOS should an application for the development of Block 98 not be made at that time. In addition, the condition ensures that should the cut and fill analysis required for the development of Block 98 determine that any portion of Block 98 is undevelopable, that the undevelopable portion shall also be conveyed to the Town with the balance of the cross hatched lands. In the interim, there will be no change of use to the cross hatched lands to be conveyed as a condition of the Future Development Block which will retain the Environmental Protection designation under the 2014 OPA and Town OP. This will allow the impact of the future applications for development to be assessed and ensure any required mitigation of environmental impacts can be secured as part of a future development application, while at the same time ensuring that the lands subject to the cross hatching be dedicated to the Town in accordance with OPA requirements. Furthermore, should an application for Block 98 not

Issue ID	Issue	Corresponding Sections and Policies	Response
			be made by the date of registration of this draft plan, the Condition requires that the dedication of the balance of the cross hatching not be delayed indefinitely. In the interim, there will be no change of use to the cross hatched lands to be conveyed as a condition of the Future Development Block which will retain the Environmental Protection designation under the 2014 OPA and Town OP. It is my opinion that condition 57 conforms with Section 4.3.4.5.8 of the Town OP.