



Staff Recommendation Report

To: Mayor and Council

From: Nick Ainley, Community Planner

Date: July 24, 2023

Subject: PB-061-2023 – Draft Plan of Subdivision Extension – The Estates of Clearview (Nottawasaga Station)

Recommendation

Be It Resolved that Council of the Township of Clearview hereby:

- 1) Receives report PB-061-2023 (Draft Plan of Subdivision Extension) dated July 24, 2023; and,
- 2) Approves the extension of the Estates of Clearview Draft Plan of Subdivision being file 2004-011-SD, municipally known as 6934 & 7044 Highway 26, Stayner and legally described as Part of Lot 25, Concession 1, formerly Nottawasaga, now in the Township of Clearview, for an additional five (5) year period, with the new lapse date being August 2028; and,
- 3) Approves amendment to the existing draft plan conditions as outlined in Schedule 'E' of Staff Report PB-061-2023 and that notice be given in accordance with the Planning Act.

Background

The Estates of Clearview subdivision lands are located within the north-east portion of the Stayner Settlement Area and are municipally known as 6934 & 7044 Highway 26. The lands encompass a total area of approximately 74.6 hectares and maintains frontage onto Mowat Street North, Highway 26 and County Road 7.

Draft plan approval for this subdivision was originally granted on August 16, 2010, for a five (5) year term through a decision of the Ontario Municipal Board (now known as the Ontario Land Tribunal). The existing draft plan of subdivision consists of a total of 994 residential units, a commercial block, parkland, stormwater management blocks, roads, and pedestrian paths/trails. The proposed 994 residential units is a mix of residential unit types, including: 612 single detached homes, 62 semi-detached homes, 12 street townhouse homes, and 308 medium density residential (apartments). The subdivision is to be developed on full municipal water and sewage services. Draft plan approval requires a number of conditions to be met prior to the Township giving final approval to permit the development to commence. The development will proceed in phases.

Since the original draft plan approval was granted in August 2010, the Owner has received two (2) draft plan approval extensions. The first draft plan approval extension was approved by the Township of Clearview Council on April 24, 2015, for an additional three (3) year term and was again extended on July 26, 2018, for an additional five (5) year term. The lapse date for the current draft plan approval is slated for August 16, 2023.

With draft plan approval set to lapse on August 16, 2023, the Owner submitted a formal letter on April 24, 2023, requesting extension of the current draft plan approval for an additional five (5) year term (refer to Appendix 'D').

The requested draft plan extension and the existing draft plan conditions have been circulated to relevant staff and agencies for comment. This circulation ensures that the draft plan conditions remain relevant and that no new conditions are warranted if extension is granted. Comment has been provided to the Township on the draft plan conditions and is discussed below.

Comments and Analysis

The extensions of draft plan approval of subdivisions within both the Planning Act and the Township of Clearview Official Plan is a consideration that an approval authority, such as a municipal Council can grant. In the past, it was the general practice of the municipality to recommend draft plan approval for a 3-year term and for an extension to be granted for an additional 18-month term. This was the typical practice of the municipality when the development of a subdivision was expected to proceed without constraints such as limited availability of municipal servicing and/or the need for external infrastructure upgrades by others.

Although the Owner is now limited by the servicing capacity issue impacting the Stayner Settlement Ares, since draft plan approval was granted in 2010, the Owner (The Estates of Clearview) and Builder (MacPherson Stayner Limited) has successfully received final approval and proceeded with the development of the first two (2) phases of the overall draft plan of subdivision. The first and second phases of the subdivision are comprised of a total 192 single-detached dwelling units, stormwater management facility blocks, a long-term care facility block as well as commercial block for future commercial and retail development. The Owner and Builder has also made their intention clear that they intended to continue with phased development of the subject lands on an on-going basis and subject to the availability of municipal servicing.

Ministry of Transportation Comment

As part of the current draft plan approved extension request, the Ministry of Transportation (MTO) provided updated comments requesting that a new draft plan condition be added which will require the Owner to submit a copy of the stormwater management plan & report to the Ministry prior to final approval. It is understood that a

similar condition was previously requested by the MTO as part of their initial comments associated within the original the draft plan approval application dating back to 2006. However, it appears that the specific condition was not included in final draft plan conditions that were approved through the decision of the OMB in 2010. Municipal staff generally do not have a concern with including the request as a new draft plan condition as the MTO have previously and will continue to be included in the formal circulation of all future engineering submissions for future phases.

The MTO also requested that existing draft plan conditions O1. & O5. be removed from 'Schedule 'O' - Other Ministries and Agencies' of the draft plan conditions and be relocated to the 'Notes to Draft Plan Approval' schedule of the approved draft plan conditions. The MTO has made the request, as these items primarily address permitting and setback requirements and as they technically cannot be addressed by the Developer and cleared prior to plan registration, they should not be included as a condition, but rather a note.

Simcoe County District School Board Comment

The Simcoe County District School Board (SCDSB) have also provided updated comments and are requesting an elementary school site be provided in the Estates of Clearview Subdivision lands. Based upon the School Board's on-going analysis of infrastructure, planned new residential dwelling units as well as development phasing, they have identified the need for a total of two (2) new elementary school sites within the Stayner Settlement Area, with one preferred site being located within the Estates of Clearview draft plan approved subdivision.

The SCDSB had previously made a similar request for the inclusion of a new elementary school site within the Estates of Clearview subdivision as part of the previous draft plan approval extension request in 2018. At the time municipal staff had recommended the inclusion of a new draft plan condition as part of the extension request that stipulated the requirement for a school site to be accommodated within a future phase of the Estates of Clearview draft plan approved subdivision. However, the recommended condition was removed by Council of the time, at the request of the applicant.

Since that time the Owner, Builder, and the School Board have had on-going discussions and correspondence on this matter, however, it has not been finalized. Municipal staff also continue to recognize the merit and the provincial interest associated with the adequate provision and distribution of educational facilities within the municipality. It is recommended that draft plan conditions be amended to include the requirement for integration of a school block within the subdivision.

Recommended Amendments to Draft Plan Conditions

Municipal staff have reviewed the Draft Plan Approval conditions and are of the opinion that all conditions are still applicable and appropriate. However, given the updated comments received from the MTO & SCDSB, staff are recommending two (2) additional conditions be added as follows:

1. "O5. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a stormwater management plan and report indicating the intended treatment of the calculated runoff".
2. "M2. The Owner agrees to coordinate directly with the Simcoe County District School Board to identify an approximate 2.4 ha (6 acres) block for a future elementary school within in the draft plan.

All efforts shall be made to share the school block between the draft plan and the residential development located directly to the north, known municipally as Clearview Park (1192 County Road 7) in a manner that maximizes efficiency of land use by reducing single-loaded frontages and minimizing the loss of residential development lots/blocks within both draft plans. Identification of the school block shall maintain a grid road network; it shall not create cul-de-sacs; and shall not impede required servicing redundancy/looping.

Discussions respecting the identification of the school block shall be substantially concluded prior to registration of Phase 3 of the subdivision. However, the school block shall be located to the east of Grand Trunk Road. Grand Trunk Road shall be a frontage for the school block for the purposes of expediting site servicing and establishing minimum access/frontage requirements.

Timing of construction for infrastructure servicing the school block relative to the phase in which the block is located shall be included in the subdivision agreement to the satisfaction of the school board and the Township. The developer and school board shall enter into an option agreement outlining how the value of the school block site and timing of purchase will be determined.

The preferred school block shall be integrated into the draft plan of subdivision(s) to the satisfaction of the Township, which may require a redline revision of the existing draft approval."

3. Additionally, municipal staff are also accepting of the MTO additional request to relocated existing draft plan conditions O1. & O5 and are recommending

that they be removed from Schedule 'O' and be relocated to the 'Notes to Draft Plan Approval' schedule of the approved draft plan condition.

The draft plan approved plan of subdivision continues to represent good planning, providing a mix of commercial and residential unit types and is a continuation of the proposed residential development in this area.

Planning staff are recommending Council approve of the extension of draft plan of subdivision for an additional five (5) years with a new lapsing date of August 2028 and that the conditions of approval be amended as indicated in Schedule 'E' of this report.

Clearview's Strategic Plan

The above initiative supports the following strategic pillars:

- Economic Activity
- Quality of Life

Financial Implications

The proposal to extend a Draft Plan Approval has no financial impact on the municipality.

The final approval of this development is subject to a subdivision agreement. The agreement will establish fees and securities which will ensure that the proponent is fully responsible for all local improvement costs as well as the installation of site works which are a matter of public interest (e.g. municipal sewer and water services, road infrastructure, stormwater management, trails, landscaping).

The development is subject to Development Charges in accordance with the Township's current Development Charges By-law. This allows for recovery of most development related costs which are not considered local improvements.

Report Appendices

Appendix A – Ortho Map

Appendix B – Official Plan and Zoning Map

Appendix C – Draft Plan of Subdivision

Appendix D – Letter from Requesting Extension of Draft Plan of Subdivision

Appendix E – Proposed Notice for Change in Draft Plan Condition

Approvals

Submitted by: Nick Ainley, Community Planner

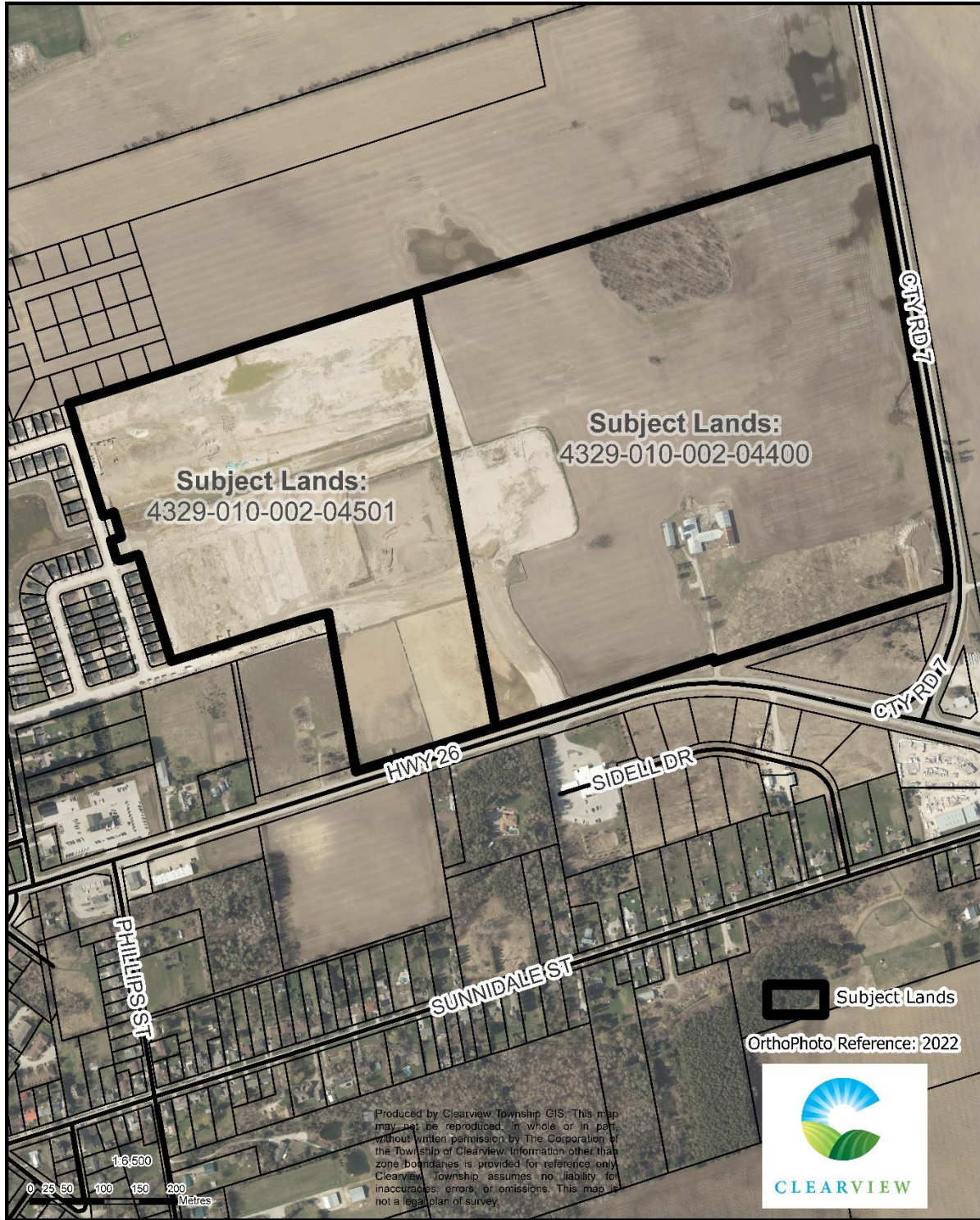
Reviewed by: Amy Cann, Director of Planning & Building

**Financial Implications
Reviewed by:** Kelly McDonald, Treasurer

Approved by: John Ferguson, CAO

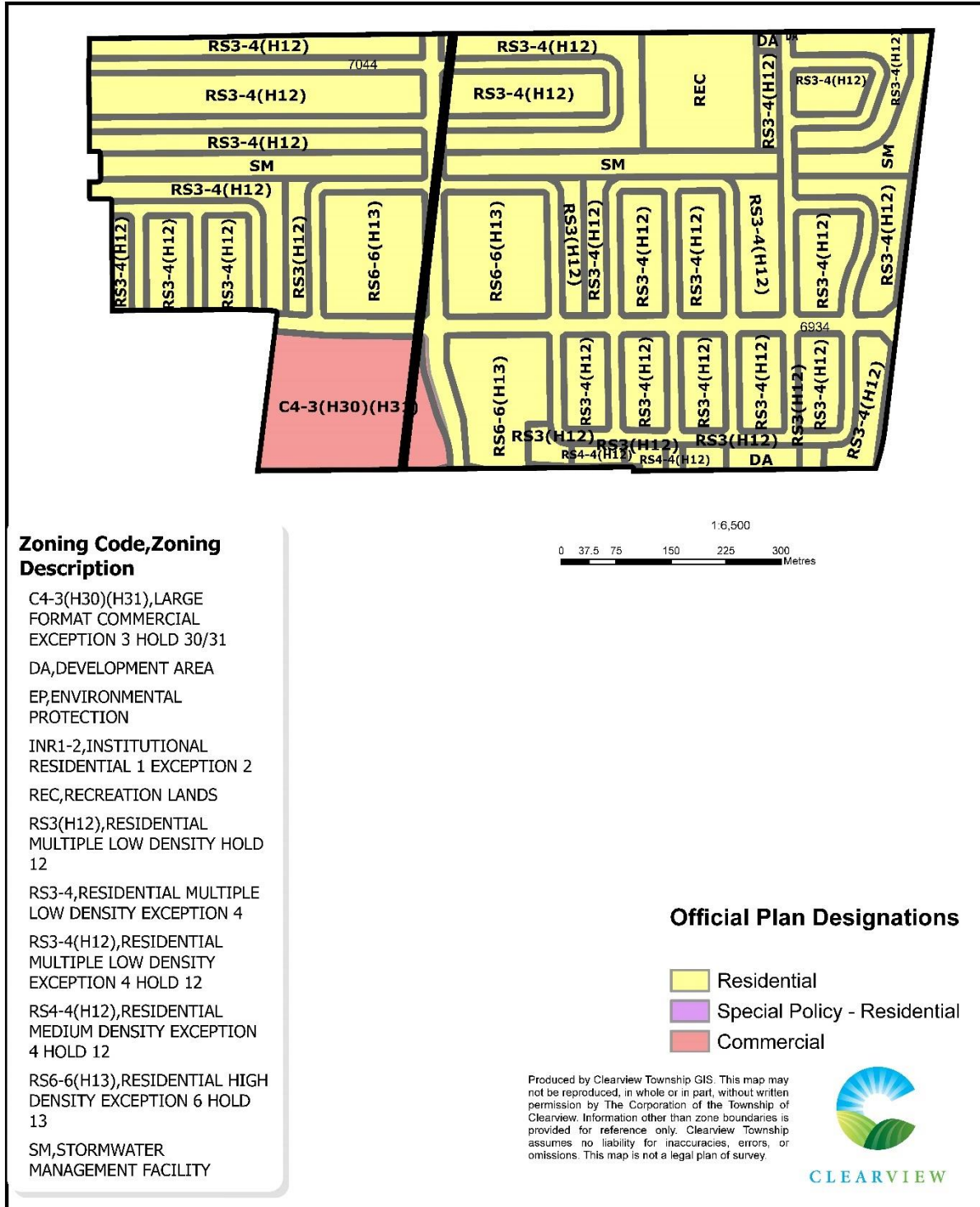
Appendix A – Ortho Map

Schedule 'A": OrthoPhoto



Appendix B – Official Plan and Zoning Map

Schedule 'B": Planning Policy



- Zoning Code, Zoning Description**
- C4-3(H30)(H31), LARGE FORMAT COMMERCIAL EXCEPTION 3 HOLD 30/31
 - DA, DEVELOPMENT AREA
 - EP, ENVIRONMENTAL PROTECTION
 - INR1-2, INSTITUTIONAL RESIDENTIAL 1 EXCEPTION 2
 - REC, RECREATION LANDS
 - RS3(H12), RESIDENTIAL MULTIPLE LOW DENSITY HOLD 12
 - RS3-4, RESIDENTIAL MULTIPLE LOW DENSITY EXCEPTION 4
 - RS3-4(H12), RESIDENTIAL MULTIPLE LOW DENSITY EXCEPTION 4 HOLD 12
 - RS4-4(H12), RESIDENTIAL MEDIUM DENSITY EXCEPTION 4 HOLD 12
 - RS6-6(H13), RESIDENTIAL HIGH DENSITY EXCEPTION 6 HOLD 13
 - SM, STORMWATER MANAGEMENT FACILITY

Official Plan Designations

- Residential
- Special Policy - Residential
- Commercial

Produced by Clearview Township GIS. This map may not be reproduced, in whole or in part, without written permission by The Corporation of the Township of Clearview. Information other than zone boundaries is provided for reference only. Clearview Township assumes no liability for inaccuracies, errors, or omissions. This map is not a legal plan of survey.



Appendix D – Letter Requesting Extension of Draft Plan of Subdivision



April 24th, 2023

Mr. Nick Ainley
Community Planner
Clearview Township
217 Gideon Street,
Stayner, ON L0M 1S0

Dear Nick,

Re: Request for Extension of Draft Approval
The Estates of Clearview Inc. Subdivision
Municipal File #. SD-2004-011

Further to recent emails and discussions, please accept this letter as our formal request to extend the draft plan approval for an additional five (5) years. A cheque for \$2000 accompanies this memo as the standard fee for draft plan approval extension.

While we have made significant progress moving forward with the subdivision the large magnitude of the project will not allow us to complete all tasks in the time period remaining prior to the draft plan expiring. Our Phase 2 has been fully serviced and house construction is imminent pending registration which we can expect any day now. Registration of the future phases will continue to move forward as we continue our collaborative works with all involved.

We look forward to a positive endorsement of our 5 year extension request and thank you in advance for your help and assistance.

Regards,
The Estates of Clearview Inc.

Sean Ford,
Partner

Appendix E - Proposed Notice for Change in Draft Plan Condition

NOTICE OF DECISION
On Application for Approval of Extension of Draft Plan of Subdivision
Subsection 51(45) of the Planning Act

In consideration of all written and oral submissions made relating to the subject application, the Council of the Corporation of the Township of Clearview has given Draft Plan Approval to the following Plan of Subdivision:

Applicant:	Mainline Planning Services Inc. c/o Mr. Joseph P. Plutino, P.O. Box 319, Klienberg, Ontario, L0J 1C0
Owner:	The Estates of Clearview Inc., 16 Melanie Drive, Suite 101, Brampton, Ontario L6T 4K9
File Number:	2004-011-SD
Legal Description of Subject Lands:	Part of Lot 25, Concession 1 and Park Lots 1 to 4 inclusive, north of First Range, Park Lots 1 to 3 inclusive, north of Second Range, Part of Park Lots 3 and 4, South of First Range, Plan 197, First Range, Second Range and Unnamed Road by Plan 197, Geographic Township of Nottawasaga, now in Township of Clearview, County of Simcoe
Related Files:	OP-2004-009 and ZB-2004-037
Date of Decision:	July 24, 2023
Date of Notice:	July , 2023
Last date for Filing an Appeal:	August , 2023

Council's Approval is subject to the conditions attached to this notice.

If you have specific accessibility needs and would like another format or other accommodations the Township of Clearview will work to meet your needs. Please contact Human Resources at 705-428-6230 ext. 255.

Appeal Period Timeframe & Required Contents	<p>Notice to appeal the decision to the Ontario Land Tribunal must be filed no later than 20 days from the date of this notice as shown above as the last date of appeal above.</p> <p>A notice of appeal must:</p> <ul style="list-style-type: none">i) be filed with the clerk of the Township,ii) set out the reasons for the appeal, andiii) be accompanied by the fee required by the Ontario Land Tribunal. <p>For more information on making an appeal, please visit: https://olt.gov.on.ca/</p>
Right to Appeal Conditions	<p>Any of the following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Ontario Land Tribunal by filing a notice of appeal with the Township:</p> <ul style="list-style-type: none">i) the applicant,ii) any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority,iii) the Minister,iv) if the subject land is not located in a municipality or planning area, any public body.

Who Can File An Appeal	<p>Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.</p> <p>No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.</p>
How to Receive Notice of Changed Conditions	<p>The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.</p> <ul style="list-style-type: none">i) You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.ii) No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.
Getting Additional Information	<p>Additional information about the application is available for public inspection during regular office hours at the Township of Clearview or by visiting www.clearviewplanning.ca.</p>
Mailing Address for Filing a Notice of Appeal	<p>Township of Clearview, Box 200, 217 Gideon Street, Stayner, ON, L0M 1S0 Attention: Clerk Tel: 705-428-6230 Fax: 705-428-0288</p>

Description of Draft Plan to Which Approval Has Been Granted:

Plan Title:	Grand Clearview Estates Plan of Subdivision
Plan/Drawing Number:	SP1 revision 10
Plan Date:	07-10
Plan Prepared By:	Mainline Planning Services Inc.
Engineer:	The Municipal Infrastructure Group, David Ashfield PEng
Planner:	Mainline Planning Services Inc., Joseph Plutino, MCIP, RPP
Surveyor:	Stel and Geyer Land Surveyors, Rodney H. Geyer OLS
Purpose and Plan Number of Lots:	Lots 1-612 single detached residential, Blocks 1-31 semi-detached residential, Blocks 32-35 street townhouses, Blocks 36-38 medium density residential, Block 39 mixed commercial and residential. Total dwelling units 994.
Density of Residential Lots/Blocks:	Plan density not including future development mixed use commercial and residential is 12 units/ha for single density, 15 units/ha for semi-detached density, and 45 units/ha for medium townhouse/apt. density.
Purpose and Plan Number of Blocks:	Blocks 1-31 semi-detached residential, Blocks 32-35 street townhouses, Blocks 36-38 medium density residential, Block 39 mixed commercial and residential, Blocks 40-41 residential retained by owner, Blocks 42 and 47 pedestrian path, Block 48 parkland, Block 49-54 SWM pond, Block 55 to 57 road widening, Block 58-65 reserves, Block 66 and 67 road dedication, Block 39-40 to be retained by owner for future development as shown on plan and further described in revisions as part of this decision.
Roads:	Streets A to U
Other:	Parkland, Stormwater management, road dedications, 0.3m reserves, future roads and lands to be retained as shown

Note: A reduced copy of the approved Draft Plan is attached to this notice. A larger copy of the approved Draft Plan is available for viewing at the municipal offices.

The Draft Plan submitted for review and approval has not been changed, the conditions remain the same except for the revisions shown below.

Revisions to Draft Plan Conditions to Which Approval Has Been Granted are as follows:

EXISTING CONDITIONS TO BE REMOVED

1. Draft Plan Condition O1.

- “All above and below ground structures, including land uses integral to site operations (e.g. underground servicing, storm ponds, drive-thrus, fire routes, etc.) must be setback a minimum of 14 m from the Highway 26 ROW limits, unless otherwise approved by the municipality and the Ministry of Transportation”.

2. Draft Plan Condition O5.

- “MTO Building and Land Use permits are required prior to site grading/servicing/construction of the subdivision, and for all lots within 45m of the MTO property limits and within a 395m radius of the centrepont of the intersections of Highway 26/Mowat St., Highway 26/Street K, and Highway 26/County Road 7. Entrance, Encroachment, and sign permits will also be required”.

NEW CONDITIONS TO BE ADDED

1. Draft Plan Condition M2.

- “The Owner agrees to coordinate directly with the Simcoe County District School Board to identify an approximate 2.4 ha (6 acres) block for a future elementary school within in the draft plan.

All efforts shall be made to share the school block between the draft plan and the residential development located directly to the north, known municipally as Clearview Park (1192 County Road 7) in a manner that maximizes efficiency of land use by reducing single-loaded frontages and minimizing the loss of residential development lots/blocks within both draft plans. Identification of the school block shall maintain a grid road network; it shall not create cul-de-sacs; and shall not impede required servicing redundancy/looping.

Discussions respecting the identification of the school block shall be substantially concluded prior to registration of Phase 3 of the subdivision. However, the school block shall be located to the east of Grand Trunk Road. Grand Trunk Road shall be a frontage for the school block for the purposes of expediting site servicing and establishing minimum access/frontage requirements.

Timing of construction for infrastructure servicing the school block relative to the phase in which the block is located shall be included in the subdivision agreement to the satisfaction of the school board and the Township. The developer and school board shall enter into an option agreement outlining how the value of the school block site and timing of purchase will be determined.

The preferred school block shall be integrated into the draft plan of subdivision(s) to the satisfaction of the Township, which may require a redline revision of the existing draft approval”.

2. Draft Plan Condition O6.

- “That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a stormwater management plan and report indicating the intended treatment of the calculated runoff”.

REVISIONS TO EXISTING CONDITIONS (*Note – The ‘Existing’ condition is to be deleted and replaced with the ‘new’ condition)

1. Draft Plan Condition A1.

- **Existing:** That this draft approval shall lapse if Final Approval is not given to this Plan within FIVE (5) years of the draft approval date, and no extensions have been granted. This approval may be extended pursuant to subsection 51(33) of the Planning Act, but no extensions can be granted once the approval has lapsed. The new lapse date will be August 16, 2023.
- **New:** That this draft approval shall lapse if Final Approval is not given to this Plan within FIVE (5) years of the draft approval date, and no extensions have been granted. This approval may be extended pursuant to subsection 51(33) of the Planning Act, but no extensions can be granted once the approval has lapsed. The new lapse date will be August , 2028.

2. Draft Plan Condition S3.

- **Existing:** Please be advised that the approval of this draft plan will lapse Five (5) years after the date the plan is draft approved. This approval may be extended pursuant to subsection 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed. The new lapse date will be August 16, 2023.

If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval will lapse under Section 51(32) of the Planning Act, R.S.O. 1990. If the owner wishes to request an extension to draft approval, a written requested and explanation must be received by the Clerk of the Corporation of the Township of Clearview ninety (90) days prior to the lapsing date. A processing fee, in effect at the time of the request, will apply.

- **New:** Please be advised that the approval of this draft plan will lapse FIVE (5) years after the date the plan is draft approved. This approval may be extended pursuant to subsection 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed. The new lapse date will be August , 2028.

If final approval is not given to this plan within FIVE years of the draft approval date, and no extensions have been granted, draft approval will lapse under Section 51(32) of the Planning Act, R.S.O. 1990. If the owner wishes to request an extension to draft approval, a written requested and explanation must be received by the Clerk of the Corporation of the Township of Clearview ninety (90) days prior to the lapsing date. A processing fee, in effect at the time of the request, will apply.

3. Draft Plan Condition S1.

- **Existing:** Prior to the final approval being given by the Township of Clearview the municipality must receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction.

Clearance are required from the following:

- Nottawasaga Valley Conservation Authority (conditions A4, C5, D2, H9, H10 and L1);
- Simcoe Muskoka Catholic District School Board (condition N1);
- Simcoe County District School Board (conditions M1);
- Telecommunications Service Provider (conditions F1 and F2);
- Gas Utility Provider (conditions F1, F3, F4 and F5);
- Hydro Service Provider (conditions F1 and F6);
- Canada Post (condition F7);
- County of Simcoe (conditions C7 and K1 to K8 inclusive);

- Ministry of Culture (conditions J1); and,
- Ministry of Transportation(conditions C8 and O1 to O5 inclusive).
- **New:** Prior to the final approval being given by the Township of Clearview the municipality must receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction.

Clearance are required from the following:

- Nottawasaga Valley Conservation Authority (conditions A4, C5, D2, H9, H10 and L1);
- Simcoe Muskoka Catholic District School Board (condition N1);
- Simcoe County District School Board (conditions M1 and M2);
- Telecommunications Service Provider (conditions F1 and F2);
- Gas Utility Provider (conditions F1, F3, F4 and F5);
- Hydro Service Provider (conditions F1 and F6);
- Canada Post (condition F7);
- County of Simcoe (conditions C7 and K1 to K8 inclusive);
- Ministry of Culture (conditions J1); and,
- Ministry of Transportation(conditions C8 and O2 to O4 and O6 inclusive).

NEW DRAFT APPROVAL NOTES TO BE ADDED

1. Notes to Draft Approval No. 7

- “All above and below ground structures, including land uses integral to site operations (e.g. underground servicing, storm ponds, drive-thrus, fire routes, etc.) must be setback a minimum of 14 m from the Highway 26 ROW limits, unless otherwise approved by the municipality and the Ministry of Transportation”.

2. Notes to Draft Approval No. 8

- “MTO Building and Land Use permits are required prior to site grading/servicing/construction of the subdivision, and for all lots within 45m of the MTO property limits and within a 395m radius of the centrepont of the intersections of Highway 26/Mowat St., Highway 26/Street K, and Highway 26/County Road 7. Entrance, Encroachment, and sign permits will also be required”.

Note: These revisions and any associated conditions or requirements form part of the approval of the Draft Plan.

Subject to the conditions and notes set forth in the following, this Draft Plan is approved under Section 51 of the *Planning Act*, R.S.O. 1990, Chapter 13, as amended.

Title	Date	Signature
Mayor		
Clerk		
Director of Planning & Building Services		