

Angie Cathrae
Acting Clerk

The Corporation of the Town of South Bruce Peninsula
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REPORT RE: COMMITTEE OF THE WHOLE, OCTOBER 5, 2010

REPORT NO: ACTCLK 2-2010

SUBJECT: SILVER LAKES ESTATES

RECOMMENDATION: THAT the Silver Lakes Estates Development Agreement not be extended or reinstated as the agreement is not enforceable under the Planning Act;

AND FURTHER THAT in accordance with the opinion of Bruce County Planning, the Developer be directed to re-evaluate their development project including the current zoning, Grey Sauble Conservation Authority, Ministry of Environment and any other ministry or agency requirements and continue discussions with the Town and the Bruce County Planning Department should they wish to proceed toward a Subdivision Agreement or a Site Plan Control Agreement.

BACKGROUND: Report CAO 54-2010 was presented to Committee of the Whole on July 6, 2010. This report outlined the Silver Lakes Estates Development and the fact that the original Development Agreement from 1997 had lapsed and an agent for the Developer was requesting that Council reinstate the agreement. Council resolution R-324-2010 directed that Council wanted to defer their decision until such time as Bruce County Planning had reviewed the original Development Agreement and its amendments.

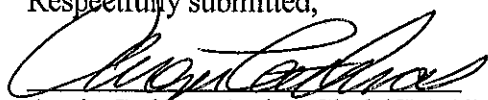
Jakob Van Dorp from Bruce County Planning has reviewed the documents and has presented his report in this regard. Of special interest is the fact that under the Planning Act, there are two types of agreements which are appropriate in this instance: a subdivision agreement or a site plan control agreement. Jakob has indicated that planning, zoning and other requirements could be quite different now then when the original agreement was put in place. In keeping with his recommendations, it would be prudent for the Developer to re-examine their proposed development and ensure that all agencies of interest would be satisfied.

The Developer has a sizeable security deposit on account with the Town. Dependant upon the direction the Developer chooses, the security could be returned to the Developer or kept in whole or in part as security toward the new development.

Attached to this report is the opinion of Bruce County Planning. It would not be the intent of the Town to delay a development project nor to turn away development and improved living within our Town. That being said, it would be in our best interest to follow proper planning, zoning and

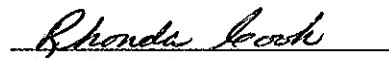
development practices in order to ensure quality of life for those who would choose to live in a development.

Respectfully submitted,


Angie Cathrae, Acting Clerk/CEMC

Date: Sept 24, 2010

Approved by,


Rhonda Cook, CMO
CAO

Date: Sept 27, 2010



COUNTY OF BRUCE

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

☐ Box 848, 30 Park Street, Walkerton, Ontario N0G 2V0 (519) 881-1782 Fax: 881-1619

☒ Box 129, 578 Brown Street, Wiarton, Ontario N0H 2T0 (519) 534-2092 Fax: 534-1174

Chris LaForest, Director

September 23, 2010

Angie Cathrae, Acting Clerk
Town of South Bruce Peninsula
tsbpclerk@bmmts.com

RE: Silver Lake Estates

The Planning Department has received notification from the Town of a request to extend the lapsed development agreement for Silver Lake Estates. The property has been designated and zoned appropriately to support development.

The Town and the Developer entered into a Development Agreement in February of 1998, which established responsibilities with regard to the development and described works, studies and monitoring required as the project advanced through its several phases.

Section 10.5 of the agreement stipulated that

"If construction does not proceed within 3 years from the date of registration, the Municipality has the right to re-evaluate the terms of this agreement based on current standards"

The Planning Department is unfamiliar with the format of this development agreement and its ability to be enforced under the Planning Act. The *Planning Act* stipulates two types of agreements that may be appropriate: A Subdividers Agreement (used in the case of a Plan of Subdivision) and a Site Plan Control Agreement (used in the case of a single lot development). The Department advises that any agreements between the municipality and the developer be in the form of an agreement that is recognized and enforceable under the Planning Act.

Typically a development of up to 480 dwelling units as indicated in this proposal would be handled through a plan of subdivision, with conditions spelled out through a subdivider's agreement; however it appears that proposal is for one lot for the entire development. If leases are proposed to be greater than 20 years in length, Section 50 (3) of the *Planning Act* may require the proposal to be developed according to a plan of subdivision anyway. We advise that the developer evaluate the proposed tenure (leased lot / freehold / condominium) and that the appropriate agreement be used.

The Planning Department recognizes that significant background work required in support of this development has already been completed, and has resulted in zoning being established in support of the development. The zoning does not, however, make the site eligible for development, as the required services are not in place. The zoning requires the installation of either municipal water and sewer or a communal system that has received approval from MOE. Significant work remains to be completed in regard to these services. The nature and extent of municipal services in the Sauble Beach area has not been finalized. If the developers wish to proceed based on full municipal services, it would be prudent to advise the consultants conducting the EA for Sauble Beach servicing to have the proposal evaluated as part of this EA process. If the applicants wish to construct independent services for the project, municipal responsibilities in regard to these services need to be discussed.

It is the opinion of the Department that moving forward with agreements regarding the proposal would be premature pending the results of the EA if there is any consideration of the project being included in the proposed municipal system. If the proposal is for independent communal services, background reports and studies upon which development is to be based should be reviewed or completed to ensure that their recommendations are in line with current development and servicing standards as well as the Provincial Policy Statement. Notwithstanding their zoning, the subject

lands may be within the regulated area of the Grey Sauble Conservation Authority. Regulations have changed since the zoning was established, and the proposal should be discussed with the Conservation Authority to identify potential issues.

The Planning Department does not object to the appropriate development of these lands. To ensure that development is appropriate the Department does not recommend that the town extend or reinstate the current agreement or enter into any further agreements with the developer until an appropriate servicing plan and potential agency issues have been identified / resolved appropriately. Any future agreement with the developer should be in the form of a Site Plan Control Agreement or Subdivider's Agreement that details the servicing arrangement and that is prepared to the satisfaction of the Town. We advise that the Agreement, at such a time as it is appropriate, be prepared by the Town's solicitor with the associated costs charged to the developer. The agreement should incorporate the conditions of the lapsed development agreement where appropriate and any modifications that may be required to meet current standards.

If you have any questions, please do not hesitate to contact the undersigned at 519-534-2092 ext. 101.

Sincerely,
County of Bruce



Jakob Van Dorp, B.Sc., M.Pl.
Planner,
Planning and Economic Development

c.c. Lynda Archibald, Humphries Planning Group Inc.



THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

MOVED BY: Ana Vukovic RESOLUTION NO.R-324-2010

SECONDED BY: Wray Lamont DATE: July 13, 2010

THAT Item Number 1 Appendix #1, Items #1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 16, 17.1, 17.2, 18, 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and Item #2 Appendix #2 inclusive of attached General Business Resolutions – Schedule A be adopted as shown on the said Schedule A as shown on said Schedule A.

6. **CAO #54-2010 RE SILVER LAKE ESTATES SUBDIVISION**

Subsequent to discussion, Committee recommended as follows:

#COW-285-2010

It was **MOVED** by Y. Harron, **SECONDED** by W. Lamont and **CARRIED**

Recommendation: **THAT** Council defer decision at this time regarding extending or upholding the lapsing of the Development Agreement for the Silver Lake Estates Development until such time as the Bruce County Planning Department has reviewed the original development agreement and its amendments and makes recommendations to Council in this regard.

Gwen Gilbert
MAYOR

Division of Recorded Vote

Name	Yes	No	Absent	Pec.Int.
Gilbert				
Hall				
Harron				
Hoath				
Kerr				
King				
Lamont				
Vukovic				
Wunderlich				