

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 37-2020**

**Council Meeting Date: December 1, 2020**

**TO:** Mayor Weber and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Draft Approved Plan of Condominium SD-2009-01 Agreement  
View West (Grand Bend) Inc.  
24 Government Road, Grand Bend

### **RECOMMENDATION:**

**THAT** Report PL 37-2020 respecting an Agreement with View West (Grand Bend) Inc. and Draft Approved Plan of Condominium SD-2009-01 be received;

**THAT** the draft Agreement between View West (Grand Bend) Inc. and the Corporation of the Municipality of Lambton Shores respecting "Draft Approved Plan of Condominium File No. SD-2009-01 be approved; and

**THAT** By-Law 72 of 2020 authorizing the execution of an Agreement with View West (Grand Bend) Inc. be approved.

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### **SUMMARY**

This report relates to a draft approved plan of condominium (file SD-2009-01) for View West (Grand Bend) Inc. and a request by the Owner to enter into an agreement with the Municipality for the servicing of the proposed development.

In this respect, the applicant has draft approval for a vacant land plan of condominium that would create a private road between Government Road and Lakeside Circle and 5 vacant land condo units for the construction of single detached dwellings (Attachment 2). A condition of draft approval is that the applicant enter into an agreement with the Municipality for the servicing of the lands.

### **COMMENTS**

The subject lands are designated "Residential" in the Lambton Shores Official Plan, with portions abutting the adjacent Parkhill Creek identified as being within the "General Regulation Area" of the Ausable Bayfield Conservation Authority.

Corresponding Zones in Zoning By-law 1 of 2003, are "Residential-16 (R16) Zone" and "Environmental Protection – Hazard Exception 3 (EP-H3)". Both are unique zones to

this property, approved through the (former) Ontario Municipal Board. The R16 Zone permits single detached dwellings in a vacant land condominium and has site provisions developed specifically to support a compact development. The EP-H3 Zone allows balconies to cantilever over the EP-H3 Zone.

The property has a draft plan of condominium approval in effect, also granted through the OMB. The OMB imposed no lapsing date, so the approval is still valid, despite having been granted 10 years ago. The conditions of approval are provided as Attachment 3.

A draft agreement has been developed in consultation between Municipal Staff, the ABCA, the proponent and his representatives. It is included in the By-laws section of Council's agenda. The proposed agreement addresses Municipal and public interests and implements conditions of draft condominium approval. ABCA staff have indicated they are content with the agreement and the servicing plans as drafted. Staff recommends approval of the agreement as drafted. It generally follows the Municipality's standard development agreement clauses, however Staff wishes to highlight the following provisions and aspects of the development:

- The storm sewer system uses underground infiltration and will be entirely private, owned and maintained by the condo corporation.
- The water distribution system will be transferred to the Municipality at the end of the 2 year maintenance and guarantee period.
- There is an existing sanitary sewer that runs parallel to Government Road on private land by easement. The development would realign this sanitary sewer. The proponent would be responsible for granting a new easement on the subject lands and obtaining a new easement on behalf of the Municipality on the adjacent lands (23 Lakeside Circle). The work would occur within the abutting land's parking lot. The agreement prohibits any work from commencing until the abutting owner's consent is obtained in writing. Houses may not be constructed until the easement is registered on title in favour of the Municipality. The proponent will give a \$50,000 security for securing the easement.
- The municipality will surrender the unused easements once the new services and easements are in place.
- The sanitary sewers within the private roads will be retained and maintained by the condo corporation.
- The proponent will construct a retaining wall along the north property line.
- An area adjacent to the Parkhill Creek has been established as a "no-touch" area and landscaping and site grading in that area has been reviewed by the ABCA with erosion and flood hazards in mind.
- Garbage pick-up will not be provided by the Municipality within the condo plan's private roads.
- The timing of construction will avoid the peak tourist season (May 15 through Sept 5).
- Potential purchasers will be advised that the units do not come with direct access or docking privileges on the adjacent Parkhill Creek.

## **ALTERNATIVES TO CONSIDER**

None at this time.

## **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 37-2020
- Approve the proposed Agreement; and
- Pass By-law 72 of 2020 authorizing the execution of the Agreement.

## **FINANCIAL IMPACT**

The Agreement (section 33) requires the proponent to:

- Provide a security equal to 100% of the estimated value of the works to be constructed.
- Pay an administrative fee equal to 2% of the estimated value of the works.
- Provide a \$5000.00 security for the provision of as-constructed drawings.
- Provide a \$4000.00 deposit for engineer review fees.
- Provide a \$2000.00 deposit for legal fees.
- Pay a \$33,200 cash-in-lieu of park dedication

Section 56 b) requires the proponent to:

- Provide a security of \$50,000 for securing the necessary sanitary sewer easement on behalf of the Municipality over the abutting private lands (23 Lakeside Circle).

## **CONSULTATION**

Art Blumas, Proponent

Elizabeth Cormier, Solicitor for Proponent

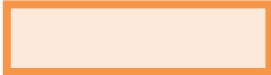
John Spriet, Engineer for Proponent

Geoff Cade, Ausable Bayfield Conservation Authority

Bob Newmaster, owner of 23 Lakeside Circle

Steve McAuley and Nick Verhoeven, Municipality of Lambton Shores, Community Services Department

**Attachment 1 – Subject Lands**



**Subject Lands**



## **Attachment 3 – Conditions of Draft Approval per OMB Order**

### **ATTACHMENT 3**

Conditions of approval for the Draft Plan of Vacant Lot Condominium  
Blucor Group Inc.

1. That the street be named to the satisfaction of the Municipality
2. That the names of the proposed streets be compatible with the County-wide 9-1-1 addressing system.
3. That the Owner enters into a subdivision/condominium agreement with the Municipality of Lambton Shores which shall be registered on the title of the property which shall satisfy all requirements of the Municipality of Lambton Shores, financial, servicing, grading and otherwise which shall include, but not be limited to
  - (a) the Subdivider satisfying the Municipality with respect to the provision of a municipally owned and operated water distribution system including laterals to the lot lines and an on-site fire hydrant which shall be designed and installed in keeping with the Ministry of Environment and Municipal standards;
  - (b) the Subdivider satisfy the Municipality with respect to sanitary services, road construction and utilities installation, which shall be designed and installed in keeping with the Ministry of Environment and Municipal standards;
  - (c) the Subdivider submitting final grading and drainage plans that address grading and drainage for each lot/unit, natural vegetation area and erosion control measures for review and approval of the Municipality and the Ausable Bayfield Conservation Authority;
  - (d) the provision of a retaining wall along the north lot line; and
  - (e) the Subdivider satisfying the Municipality with respect to the re-location of the existing municipal sanitary sewer which is located on an easement across the property.
4. That the Subdivider provides parkland dedication or cash-in-lieu to the satisfaction of the Municipality of Lambton Shores. In the event of a request for an extension of Draft Approval, the Owner also agrees that the date for calculation of cash-in-lieu of parkland may be from the date of the extension of Draft Approval.
5. That such easements and/or conveyances as may be required for servicing, road widening, utility, drainage or other purposes shall be granted to the appropriate authority.
6. That all Municipal taxes and local improvements including interest and penalties thereon that are owing and payable with respect to the lot be paid to date.

7. That the Subdivider satisfy the Municipality and Ausable Bayfield with respect to natural vegetation treatment for the hazard area of the lands.
8. The Subdivider satisfying the Municipality with respect to landscaping.
9. The Subdivider satisfy the Ausable Bayfield Conservation Authority with respect to the regulations which shall be included in the Condominium Declaration respecting the natural hazard area of the proposed lots.