

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



**ISSUE DATE:** January 26, 2023

**CASE NO(S):**

OLT-22-002390  
(Formerly PL200170)

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

Applicant and Appellant:  
Subject:

Earls Road Developments Limited  
Proposed Plan of Subdivision -Failure of the  
District Municipality of Muskoka to make a  
decision

Purpose:

To permit the development of a plan of subdivision  
consisting of 287 single detached residential lots  
and nine (9) multiple residential blocks, each to  
contain a maximum number of 72 units, for a total  
of 935 residential units

Property Address/Description:

174 Earls Road/ Part of Lot 17, Concession 3,  
being Part 1 on Plan 35R-6151, Geographic  
Township of Chaffey, Town of Huntsville, District  
Municipality of Muskoka

Municipality:  
Municipality File No.:  
OLT Case No:  
Legacy Case No:  
OLT Lead Case No:  
Legacy Lead Case No:  
OLT Case Name:

Town of Huntsville  
S2019-8  
OLT-22-002390  
PL200170  
OLT-22-002390  
PL200170  
Earls Road Developments Limited v. Muskoka  
(District Municipality)

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

Applicant and Appellant:  
Subject:

Earls Road Developments Limited  
Application to amend Zoning By-law No. 2008-  
66P -Neglect of the Town of Huntsville to make  
a decision

Existing Zoning: "Rural One", "Residential Four (R4)" and "Residential Four –Holding (R4-H)"

Proposed Zoning: To be determined

Purpose: To permit the development of a plan of subdivision consisting of 287 single detached residential lots and nine (9) multiple residential blocks, each to contain a maximum number of 72 units, for a total of 935 residential units

Property Address/Description: 174 Earls Road/ Part of Lot 17, Concession 3, being Part 1 on Plan 35R-6151, Geographic Township of Chaffey, Town of Huntsville, District Municipality of Muskoka

Municipality: Town of Huntsville

Municipality File No.: Z/11/2020/THE

OLT Case No: OLT-22-002391

Legacy Case No: PL210218

OLT Lead Case No: OLT-22-002390

Legacy Lead Case No: PL200170

**Heard:** August 24, 2022 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

Earls Road Developments Limited	E. Blanchard L. Robinson
Town of Huntsville	J. Ewart
District Municipality of Muskoka	J. Ewart

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE ON AUGUST 24, 2022 AND ORDER OF THE TRIBUNAL**

---

[1] The matter before the Tribunal is a settlement hearing for the appeals of a Draft Plan of Subdivision under s. 51(34) of the *Planning Act*, in the District Municipality of Muskoka ("District"), and an application to amend a Zoning By-law ("ZBLA") under s. 34(11) of the *Planning Act*, in the Town of Huntsville ("Town") submitted by Earls Road

Development Limited (“ERDL”) for the property municipally known as 174 Earls Road (“Subject Property”).

## **EXHIBITS**

[2] The Affidavit of Jamie Robinson in support of the settlement was marked as Exhibit 1.

## **PLANNING EVIDENCE**

[3] Jamie Robinson was qualified, without objections, to provide expert opinion and land use planning evidence to the Tribunal.

[4] Mr. Robinson described the Subject Property comprising of 99 acres of vacant lands, that are located with a 317-metre frontage onto the municipally maintained Earls Road. The adjacent properties to the Subject Property consist of a mixture of rural, institutional, and residential properties, including a residential subdivision that is currently under construction.

[5] Mr. Robinson informed the Tribunal that the proposed settlement has been revised to address many of the District and Town concerns. The revised proposal would permit a total of 782 residential dwelling units. These dwelling units would comprise of 276 single detached lots, two townhouse blocks, five multiple storey residential buildings, and one 5-storey mixed-use building.

[6] The Subject Property is designated as part of the “Huntsville Urban Centre” in the District of Muskoka Official Plan (“MOP”) and designated “Residential” in the Town of Huntsville Official Plan (“HOP”). Mr. Robinson stated that both the MOP and the HOP anticipate and direct residential intensification and development within these designated areas.

[7] The Tribunal was informed by Mr. Robinson that ERDL had commissioned a number of studies or technical reports to address the concerns of the original application by the District and the Town. This included:

- a. a revised Traffic Impact Study and second submission comments by JD Northcote Engineering Inc. dated July 15, 2022;
- b. the Second Addendum to the Environmental Impact Study by Michalski Nielsen Associates Limited dated July 15, 2022;
- c. a revised Functional Servicing Report by Tulloch Engineering dated July 15, 2022; and,
- d. A Visual Impact Study by Henry Kortekaas and Associates Inc. dated August 11, 2022.

[8] Mr. Robinson explained that these studies had been used to develop the agreed upon Conditions of Draft Plan approval, and ZBLA.

[9] Throughout the subdivision, the Tribunal was informed by Mr. Robinson, that the proposed development contains a road design that provides traffic calming measures in a manner that promotes a safe and efficient road network pattern for vehicle traffic movement and pedestrians. Rear laneways have been added to the townhouse development design to minimize the number of driveways with direct driveway access to collector roads and will help provide adequate on-street parking.

[10] In addition, the proposed development promotes healthy and active communities by ensuring that active transportation routes like trails, sidewalks and multi-use pathways are designed throughout the development. The publicly accessible park retained wetland features and stormwater management block will all have trails

connecting to each other and around their perimeters. The proposed development would also connect these features to the greater Huntsville active trail network as encouraged by both the MOP and HOP.

[11] Mr. Robinson testified the proposed development is consistent with the Provincial Policy Statement (“PPS”) and conforms to the MOPs and HOPs natural heritage policies. In June 2019, an Environmental Impact Study (the “EIS”) was conducted with further addendums in July 2020. While the Subject Property does contain some wetlands and woodland, the EIS identified no significant natural heritage features. Mr. Robinson explained that the proposed developed intends to protect these wetlands with a 15 metre (“m”) buffer. As part of the conditions, an ecologist is required to certify that proposed development on the lands zoned Conservation Exception, will not impact how the wetland and woodland currently function.

[12] The proposed development provides a wide range in variety of housing options, styles, and lot dimensions. The proposed subdivision will be designed to provide road connection to the adjacent Woodstream Development. As such, it is the expert opinion of Mr. Robinson, that the draft plan of subdivision for the proposed development gives regard to the provincial interests outlined in s. 2 and meets the criteria s. 51(24) of the *Planning Act*. He further gave the opinion that the draft plan of subdivisions conforms to the directives found in the MOP, 2006 HOP, and 2019 HOP.

## **FINDINGS OF THE TRIBUNAL**

[13] In determining this matter, the Tribunal accepts and adopts the uncontested land use planning evidence and expert opinions provided Mr. Robinson. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land, accommodates a range of appropriate mixed uses, intensifies uses within the settlement area, and contributes to the range of housing options, that is supported by existing municipal infrastructure.

[14] The Tribunal is satisfied that the ZBLA adequately contemplates how the proposed development will establish throughout the site-specific by-law, areas that will be used as open spaces, park areas, connect with the Huntsville active trail network, while protecting wetlands and zoned woodlands.

[15] In consideration of a draft plan of subdivision, the Tribunal must have regard to s. 51(24) of the *Planning Act*. The Tribunal finds that the proposal is consistent with the policy direction established by the PPS, and as maintained by the 2006 & 2019 HOP and the MOP. The Tribunal is further satisfied that the proposal has due regard for matters of Provincial interest, is consistent with the principles of good land use planning and is in the greater public interest. More significantly, the proposal furthers the goals and objectives of the Provincial planning regime to increase density opportunities within a settlement area.

## **ORDER**

[16] **THE TRIBUNAL ORDERS** that the appeal is allowed, and the Town of Huntsville's Zoning By-law No. 2008-66P, as amended, is approved in accordance with Schedule 1 attached hereto, and the Town of Huntsville is hereby directed to amend Zoning By-law No. 2008-66P accordingly.

[17] **THAT** the proposed Draft Plan of Subdivision, on behalf of Earls Road Developments Limited is approved in accordance with Schedule 2 hereto, and subject to the Conditions of Draft Plan of Subdivision Approval attached as Schedule 3 hereto.

[18] **THAT** pursuant to section 51(56.1) of the *Planning Act*, the final approval of the proposed Plan of Subdivision for the purposes of section 51(58) is to be given by the District Municipality of Muskoka.

[19] Each party shall bear its own costs of the appeal.

[20] Pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*, this Order shall be, and was, effective as of the date of the hearing of this Appeal, and the delivery of the Oral Decision and Order of the Tribunal, on **August 24, 2022**.

[21] The Tribunal may be spoken to in the event that any issues should arise in connection with the implementation of this Order.

*"Steven Cooke"*

STEVEN COOKE  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## SCHEDULE 1



CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2022-xx - OLT

(Earls Road Development)

Being a by-law to amend Zoning By-law 2008-66P  
as amended, of the Corporation of the Town of Huntsville

Zoning By-law 2008-66P is amended as follows:

- Map Nos "E-8", "F-8", and "F-8-2" of Zoning By-law 2008-66P, as amended, is hereby further amended by rezoning Part of Lot 17, Concession 3 in the former Township of Chaffey, now in the Town of Huntsville, from a **Rural One (RU1) Zone** and a **Residential Four (R4) Zone** to the following zones:

Residential One Holding (**R1-H**) Zone with exception '**AA**',  
 Residential Two Holding (**R2-H**) Zone with exception '**BB**',  
 Residential Two Holding (**R2-H**) Zone with exception '**CC**',  
 Residential Two Holding (**R2-H**) Zone with exception '**DD**',  
 Residential Three Holding (**R3-H**) Zone with exception '**EE**',  
 Residential Four Holding (**R4-H**) Zone with exception '**FF**',  
 Residential Four Holding (**R4-H**) Zone with exception '**GG**'  
**Residential Four Holding (R4-H) Zone with exception 'HH'**  
 Conservation (**C**) Zone with exception '**II**', and  
 Open Space Two (**OS2**) Zone

As shown on Schedule "I" attached hereto.

- Section 6 – "Special Exceptions", as amended, is hereby further amended by adding the following:

**Exception No. 'AA'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, single detached
Minimum Lot Frontage:	15.0 m
Minimum Lot Area:	450 m <sup>2</sup>
Maximum Lot Coverage:	50% excluding decks
Minimum Front Yard:	4.5 m, and 6.0 m to the garage

By-law 2022-xx – Earls Road Development – 174 Earls Road  
Page 2

Minimum Interior Side Yard:	1.2 m
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	10.0 m

**Exception No. 'BB'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, single detached
Minimum Lot Frontage:	13.5 m
Minimum Lot Area:	400 m <sup>2</sup>
Maximum Lot Coverage:	50% excluding decks
Minimum Front Yard:	4.5 m, and 6.0 m to the garage
Minimum Interior Side Yard:	1.2 m
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	10.0 m

**Exception No. 'CC'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, single detached
Minimum Lot Frontage:	12.2 m
Minimum Lot Area:	360 m <sup>2</sup>
Maximum Lot Coverage:	50% excluding decks
Minimum Front Yard:	4.5 m, and 6.0 m to the garage
Minimum Interior Side Yard:	1.2 m
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	10.0 m

**Exception No. 'DD'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, single detached
Minimum Lot Frontage:	10.5 m
Minimum Lot Area:	300 m <sup>2</sup>
Maximum Lot Coverage:	50% excluding decks
Minimum Front Yard:	4.5 m, and 6.0 m to the garage
Minimum Interior Side Yard:	1.2 m
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	10.0 m

**Exception No. 'EE'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, townhouse
Minimum Lot Frontage:	6.0 m per unit plus 3.0 m for exterior lots
Minimum Lot Area:	150 m <sup>2</sup> per unit
Maximum Lot Coverage:	60%
Minimum Front Yard:	4.5 metres where driveways are located in the front yard, otherwise, 0.0m
Minimum Interior Side Yard:	1.2 m, provided that an interior side yard shall not be required where dwelling units share a common wall
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	6.0 m
For a detached garage accessory to a laneway based dwelling unit, the minimum rear yard shall be 0.6 metres	
Maximum Height of Principal Building:	11.0 m
For the purposes of the R3H-EE Zone, a private street or private lane shall be deemed to be a public street.	

**Exception No. 'FF'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, apartment
Minimum Lot Frontage:	Nil
Minimum Lot Area:	Nil
Maximum Lot Coverage:	40%
Minimum Front Yard:	7.0 m
Minimum Interior Side Yard:	5.0 m
Minimum Exterior Side Yard:	5.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	16.5 m

**Exception No. 'GG'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

Permitted Uses (principal use):	Dwelling, apartment, Dwelling, townhouse
---------------------------------	--

The following provisions apply to dwelling, apartment:

Minimum Lot Frontage:	Nil
Minimum Lot Area:	Nil
Maximum Lot Coverage:	40%
Minimum Front Yard:	7.0 m
Minimum Interior Side Yard:	5.0 m
Minimum Exterior Side Yard:	5.0 m
Minimum Rear Yard:	7.0 m
Maximum Height of Principal Building:	16.5 m

By-law 2022-xx – Earls Road Development – 174 Earls Road  
Page 4

The following provisions apply to dwelling, townhouse:

Minimum Lot Frontage:	6.0 m per unit plus 3.0 m for exterior lots
Minimum Lot Area:	150 m <sup>2</sup> per unit
Maximum Lot Coverage:	60%
Minimum Front Yard:	4.5 metres where driveways are located in the front yard, otherwise, 0.0m
Minimum Interior Side Yard:	1.2 m, provided that an interior side yard shall not be required where dwelling units share a common wall
Minimum Exterior Side Yard:	3.0 m
Minimum Rear Yard:	6.0 m
	For a detached garage accessory to a laneway based dwelling unit, the minimum rear yard shall be 0.6 metres
Maximum Height of Principal Building:	11.0 m
	For the purposes of the R3H-GG Zone, a private street or private lane shall be deemed to be a public street.

**Exception No. 'HH'**

Permitted Uses (principal use, on 2<sup>nd</sup> floor and above):

Permitted Uses (principal use, on 1<sup>st</sup> floor):

Dwelling, apartment  
Food Store  
Day nursery  
Service Establishment  
Health Services  
Variety and Convenience Store  
Laundromat/Dry Cleaner  
Financial Establishment  
Office  
Personal Service Establishment  
Restaurant  
Retail Store  
Post Office  
Veterinary Clinic

Minimum Lot Frontage	12 m
Maximum Lot Coverage	40%
Maximum Net Residential Density	1 unit/167 sq. m of lot area
Minimum Front Yard	7.0 m
Minimum Interior Side Yard	5.0 m
Minimum Exterior Side Yard	7.0 m
Minimum Rear Yard	6.0 m or 50% of the height of the building, whichever is greater
Maximum Height of Principal Building	16.5 m

**Exception No 'II'**

Notwithstanding any provisions of Zoning By-law 2008-66P as amended to the contrary, the following shall apply:

By-law 2022-xx – Earls Road Development – 174 Earls Road  
Page 5

Permitted Uses (principal use)

Passive parkland or outdoor recreation, except no building or structures other than educational/interpretive facilities or viewing platform are permitted in the zone;

3. Section 7 – “Holding Provisions” is hereby further amended by the following:

4442 020 014 02300

R1-H-AA, R2-H-BB, R2-H-CC, R2-H-DD, R3-H-EE, R4-H-FF, R4-H-GG, R4-H-HH

Part Lot 17, Con 3, Chaffey, Huntsville

Map Nos. “E-8”, “F-8” and “F-8-2”

The Holding (H) provision may be removed and development may proceed for each phase of development upon Council being satisfied that:

- the provision of adequate infrastructure including water, sewer, stormwater systems, roads and transportation infrastructure is constructed or secured, and that the necessary subdivision agreement is executed; and
- adequate sewer capacity is available for each phase of development.

4. Section 2 Definitions is hereby amended by adding the following new definitions:

**Dwelling, Townhouse** means a building with three or more attached dwelling units, divided vertically above grade by a party wall at least 5.0 m in length and at least 2.0 metres in height, and has a yard abutting at least two exterior walls of each dwelling unit.

5. Schedule “I” attached hereto, is hereby made part of this by-law.

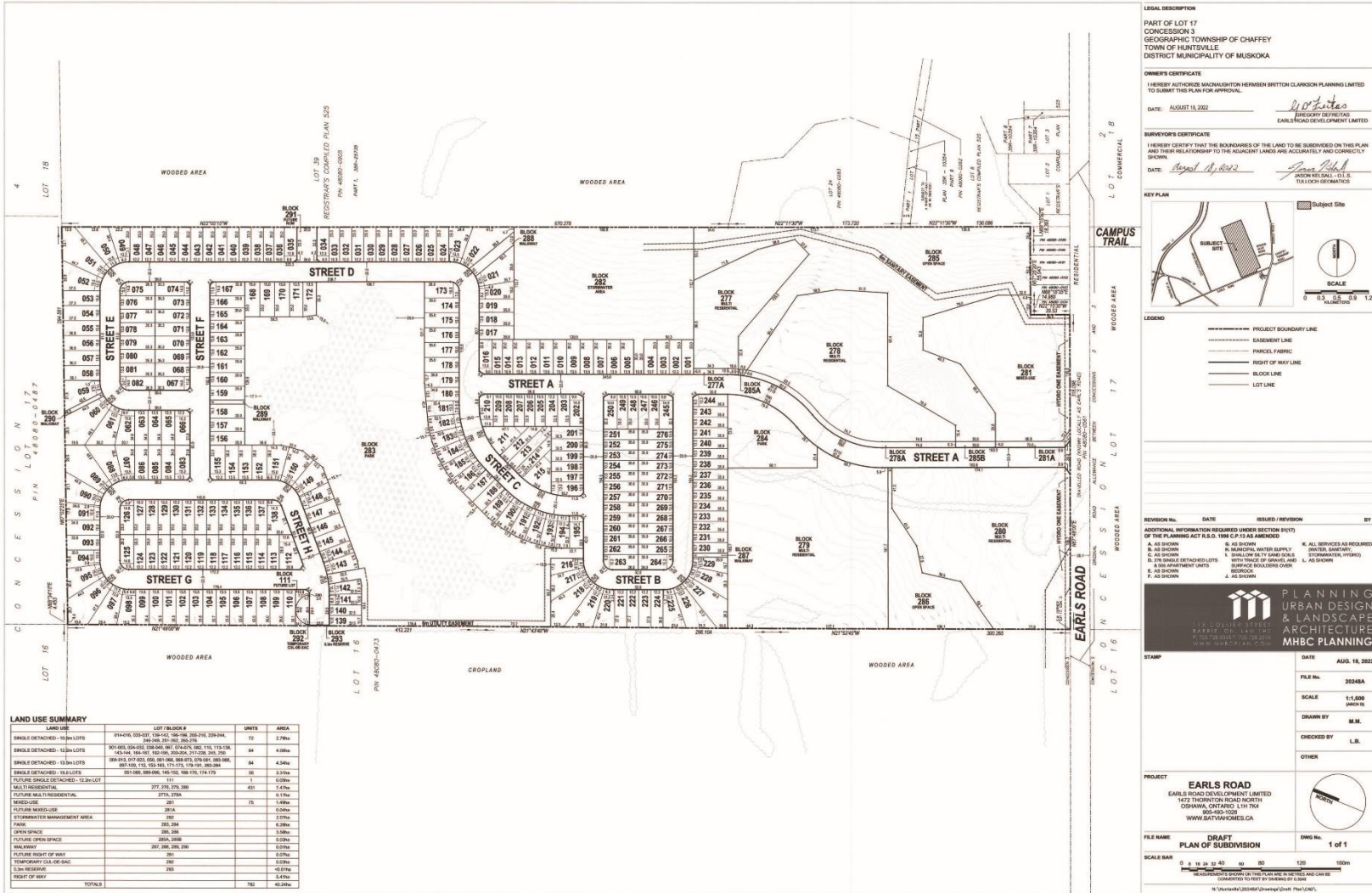
By-law 2022-xx – Earls Road Development – 174 Earls Road  
Page 6

**Schedule “I” to By-law 2022-xx (Earls Road Developments)**

By-law 2022-xx – Earls Road Development – 174 Earls Road  
 Page 7



SCHEDULE 2



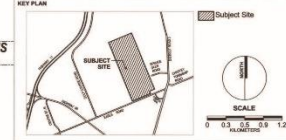
**LAND USE SUMMARY**

LAND USE	LOT BLOCKS	UNITS	AREA
SINGLE DETACHED - 19.0m LOTS	014-016, 020-027, 130-141, 160-168, 200-214, 230-244	72	2,790m <sup>2</sup>
SINGLE DETACHED - 13.0m LOTS	001-003, 004-012, 038-048, 067, 074-075, 082, 170, 173-174, 024-044, 180-191, 020-024, 210-218, 200-202	84	4,030m <sup>2</sup>
SINGLE DETACHED - 10.0m LOTS	004-013, 017-023, 025, 041-046, 048-051, 076-081, 083-084, 086-088, 091-093, 103, 104, 105, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300	84	4,340m <sup>2</sup>
SINGLE DETACHED - 10.0m LOTS	051-056, 060-068, 145-152, 160-168, 170, 174-179	38	2,370m <sup>2</sup>
FUTURE SINGLE DETACHED - 10.0m LOT	111	1	0.00m <sup>2</sup>
MULTI-RESIDENTIAL	277, 278, 279, 280	431	7,470m <sup>2</sup>
MIXED-USE	277, 278, 279, 280	75	1,400m <sup>2</sup>
FUTURE MIXED-USE	281	0	0.00m <sup>2</sup>
STORMWATER MANAGEMENT AREA	300	0	0.00m <sup>2</sup>
PARK	281, 284	0	0.00m <sup>2</sup>
OPEN SPACE	281, 284	0	0.00m <sup>2</sup>
FUTURE OPEN SPACE	281A, 280B	0	0.00m <sup>2</sup>
WALKWAY	287, 288, 289, 290	0	0.00m <sup>2</sup>
FUTURE RIGHT OF WAY	281	0	0.00m <sup>2</sup>
TRANSFORMED CALCULATED	280	0	0.00m <sup>2</sup>
1.5m RESERVE	280	0	0.00m <sup>2</sup>
RIGHT OF WAY	280	0	0.00m <sup>2</sup>
<b>TOTALS</b>		<b>762</b>	<b>40,200m<sup>2</sup></b>

**LEGAL DESCRIPTION**  
 PART OF LOT 17  
 CONCESSION 3  
 GEOGRAPHIC TOWNSHIP OF CHAFFEY  
 TOWN OF HUNTSVILLE  
 DISTRICT MUNICIPALITY OF MUSKOKA

**OWNER'S CERTIFICATE**  
 I HEREBY AUTHORIZE MACHAUGHTON HERMEN BREITON CLANKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.  
 DATE: AUGUST 18, 2022

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
 DATE: August 18, 2022



**REVISION**

NO.	DATE	ISSUED / REVISION	BY

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 8(1)(7) OF THE PLANNING ACT R.S.O. 1990, C.13 AS AMENDED**

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. 20% SINGLE DETACHED LOTS WITH TRUCK OR GARAGE LAND
- E. AS SHOWN
- F. AS SHOWN

**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE MHC PLANING**

**STAMP**

DATE: AUG. 18, 2022  
 FILE No.: 20248A  
 SCALE: 1:1,000 (ARCH IS)  
 DRAWN BY: M.H.  
 CHECKED BY: L.B.

**PROJECT**  
**EArLS ROAD**  
 EARLS ROAD DEVELOPMENT LIMITED  
 1472 THORNTON ROAD NORTH  
 ORONDA, ONTARIO L1H 7K4  
 905-460-1020  
 WWW.EARLSROADS.COM

**FILE NAME**  
 DRAFT PLAN OF SUBDIVISION

**SCALE BAR**  
 0 10 20 30 40 50 60 70 80 90 100 150 200m

## SCHEDULE 3

### Plan of Subdivision File S2019-8

(174 Earls Road)

### Conditions of Draft Approval

#### Part A – Approval

Plan of Subdivision File S2019-8 (174 Earl's Road) is approved subject to Parts B, C, and D herein.

#### Part B – Conditions

##### General Conditions

1. This approval applies to the Plan of Subdivision, File S2019-8 (174 Earls Road), prepared by MHBC Planning Urban Design and Landscape Architecture, dated August 18, 2022, showing a total of 276 lots and 22 blocks on Part of Lot 17, Concession 3, Geographic Township of Chaffey, Town of Huntsville, in the District of Muskoka and certified by Jason Kelsall Ontario Land Surveyor (the “**Draft Plan**”). All of the lands shown on Draft Plan are referred to as the “Subject Property”.
2. Prior to final approval being granted, The District Municipality of Muskoka shall be provided with a copy of the final plan in digital format, including road centrelines, in accordance with The District of Muskoka Draft and Final Plan of Subdivision/Condominium Description Digital Submission Requirements.
3. Prior to final approval being granted and prior to the submission of the proposed internal road names to the Town of Huntsville for approval purposes, the names shall be submitted to The District Municipality of Muskoka for 911 verification.

##### Phasing

4. The Subject Property will be developed in 13 phases detailed below:
  - **Phase 1:** Lots 001-034, 173-179, 202-210, 245-250; Blocks 277A, 278A, 281A 282-285, 285A, 285B 288, 291;
  - **Phase 2:** Lots 180-201, 211-215, 251-258;
  - **Phase 3:** Block 280;
  - **Phase 4:** Lots 216-244, 259-276; Block 287;
  - **Phase 5:** Block 280;
  - **Phase 6A:** Lots 0035-043, 067-074, 158-172; Blocks 289;
  - **Phase 6B:** Lots 044-066, 075-082; Block 290;

- **Phase 7:** Blocks 279, 286;
- **Phase 8A:** Lots 083-087, 126-157; Blocks 111 and 292 and 293;
- **Phase 8B:** Lots 088-110, 112-125;
- **Phase 9:** Block 279;
- **Phase 10:** Block 277;
- **Phase 11:** Block 278;
- **Phase 12:** Block 278; and,
- **Phase 13:** Block 281.

Prior to the final approval of any phase, the District Municipality of Muskoka shall be satisfied that sufficient water and sewage capacity is available and confirmed by the District Municipal Agreement(s).

The plan of subdivision shall be registered in phases in accordance with all District By-laws and Policies, and to the satisfaction of the Town of Huntsville and The District Municipality of Muskoka, with each proposed phase being a logical extension of municipal services, representing an appropriate development sequence, and sufficient water and sewage capacity is available and confirmed by the District Municipal Agreement(s). The finalization of phases is not required to follow numerical order and may contain a combination of phases containing both blocks and lots. In addition, the District Municipality of Muskoka and the Town of Huntsville shall be satisfied that previously registered phases have been substantially constructed, any required infrastructure has been installed.

#### **Access**

5. The road allowances included in this plan of subdivision shall be dedicated as public highways, and the roads shall be designed, constructed and named to the satisfaction of the Town of Huntsville.
6. Sufficient land shall be dedicated to the Town of Huntsville for road widening purposes on Earl's Road.
7. The owner shall implement the recommendations of the Traffic Impact Study dated July 22, prepared by JD Northcote Engineering Inc. together with any recommendations arising from the traffic impact study addendum and peer review referenced in Condition 8 below, if any, to the satisfaction of the Town of Huntsville and the District Municipality of Muskoka.
8. No phase permitting the construction of more than 100 units on the Subject Property shall proceed until a traffic impact study addendum which includes site observations and traffic monitoring, has been prepared by a professional engineer, at the cost of the applicant and to the satisfaction of the Town of

Huntsville and the District Municipality of Muskoka. The study may be peer reviewed at the discretion of The District Municipality of Muskoka Engineering and Public Works Department.

9. The secondary road connection through Block 291 adjacent to Draft Plan of Subdivision File S2010-8 or a suitable alternative must be designed and constructed to the satisfaction of The District Municipality of Muskoka and the Town of Huntsville prior to the construction of more than 100 units on the Subject Property
10. In the event that Woodstream Drive is not planned to be extended to provide a secondary access and egress from the Subject Property prior to the final approval of more than 100 units on the Subject Property, the Owner shall convey Blocks 277A, 277B, 278A, 278B, 281A, 281B, 285A, 285B, 285C, 285D To the Town of Huntsville for road widening purposes.

#### **Conveyances**

11. Easements required for access, pedestrian walkways, utilities, drainage or other purposes shall be granted to the Town of Huntsville, The District Municipality of Muskoka and any utility company.

#### **Parkland & Open Spaces**

12. The Subdivision Agreement for the first Phase shall provide for the dedication of Blocks 283, 284, 285, 286, 287, 288, 289, and 290 for parkland or other public recreational purposes and that these lands be conveyed by deed to the Town of Huntsville in satisfaction of the parkland dedication requirement pursuant to Section 42 and/or Section 51.1 of the Planning Act R.S.O. 1990 c.P.13.

#### **Zoning/Community Planning Permit System By-law**

13. Prior to final approval being granted, the Town of Huntsville shall confirm that the final plan is in compliance with the zoning by-law or community planning permit system in effect.
14. The Subject Lands shall be zoned with an (H) symbol and shall incorporate provisions pursuant to Section 34(5) of the Planning Act, R.S.O. 1990, as amended respecting the allocation of servicing capacity.

#### **Infrastructure**

15. Prior to final approval of Phase 1 being granted, hydraulic modelling of both water and sewer services shall be completed and any required improvements or

modifications to the subdivision design shall be implemented to the satisfaction of The District Municipality of Muskoka.

16. Prior to final approval of Phase 1 being granted, the July 2022 Functional Servicing Report prepared by a professional engineer shall be amended to reflect results from the hydraulic modelling of both water and sewer services and be submitted to The District Municipality of Muskoka. The amendment will address the proposed servicing scheme for both water and sanitary sewer services including, but not limited to, the design of the District owned municipal water and sanitary sewer services, hydraulic modelling and any required off-site improvements to the municipal infrastructure that may be required to service the proposed development, to the satisfaction of the District Engineering and Public Works Department. Improvements which would be required to the water and sewer services absent the development of the Subject Lands shall not be the responsibility of the Applicant.
17. Prior to final approval of any phase being granted, four copies of a detailed design report(s), consistent with the July 2022 Functional Servicing Report prepared by Tulluch Engineering as amended as required in accordance with Condition 16, shall be prepared by a professional engineer in consultation with a qualified biologist, addressing stormwater management, construction mitigation, and municipal water and sewer services shall be submitted to The District Municipality of Muskoka. The report(s) shall be circulated by The District Municipality of Muskoka to the Town of Huntsville for their review and comment.

In addition, one (1) of the following documents shall also be provided to the satisfaction of The District Municipality of Muskoka 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. Written confirmation from the Provincial Ministry with jurisdiction exempting the project(s) from the requirement to obtain an ECA; or
- iii. 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.

#### **Stormwater Management**

18. Prior to final approval being granted, any lands required for stormwater management purposes shall be dedicated to the Town of Huntsville.

### **Environment**

19. Prior to any site alteration occurring on Blocks 283, 285 and 286, and prior to final approval of any Phase containing any one of the foregoing Blocks, an ecologist shall certify that the proposed site alteration works do not impact the function of the wetland or woodlands located within this Conservation Exception II Zone.

### **Archaeological Clearance**

20. In advance of undertaking site alteration on any part of the Subject Property, the owner shall obtain, and provided to the District Municipality of Muskoka, archeological clearance with respect to the relevant portion of the Subject Property from the Provincial Ministry with jurisdiction

### **Area Municipal Agreement**

21. Prior to final approval of any phase being granted, a subdivision and/or amending agreement with the Town of Huntsville in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended shall be registered on title and shall include provisions outlining the need to satisfy all the requirements, financial and otherwise, of the Town of Huntsville including but not limited to the following:

#### **Stormwater**

- i. the implementation of the plans required in Condition 17 under the supervision and to the satisfaction of a professional engineer;
- ii. the provision of securities or other guarantees for the implementation of the plans, if necessary; and
- iii. the provision for municipal dedication of any facilities and for the long-term maintenance of such facilities or works constructed in accordance with the plans.

#### **Access / Traffic**

- iv. implementation of recommendations of Traffic Impact Study dated July 22, prepared by JD Northcote Engineering Inc. as required in Condition 7 together with the compliance with Condition 8;

#### **Environmental**

- v. the implementation of the recommendations of the Environmental Impact Study dated June 2019, the first addendum to the EIS dated July 2020, the second addendum to the EIS dated July 2022 (the "EIS"), and the

below associated requirements identified through the peer review prepared by Hutchinson Environmental Services Ltd:

- i. Identification of maximum infiltration, maximum discharge temperature, and maximum turbidity level targets should be developed to reduce thermal impacts to the Gypsy Bill Tributaries and protect Brook Trout populations.
  - ii. Development of a long-term monitoring program to monitor discharge volume, water temperatures, turbidity, and general stream health in the Gypsy Bill Tributary.
  - iii. Preparation of a quantitative assessment of surface water runoff and groundwater egress from the downgradient property boundary and or to Gypsy Bill Creek with an evaluation of the effects to Gypsy Bill Creek.
- vi. Without limiting the generality of Condition 21 v. the owner shall implement the recommendations of the EIS as regards species at risk and comply with all requirements of the *Endangered Species Act 2007* S.O. 2007, c 6 and related regulations and any amendments or updates thereto which may be in force from time to time.

#### Site Plan Control

- vii. The development of Blocks 277-281 shall be subject to site plan control. The site plan agreement for each of these Blocks shall be registered on titled and shall address, amongst other matters, the following:
- i. implementation of the recommendations of the Traffic Impact Study dated July 2022 and prepared by JD Northcote Engineering Inc. as required in Condition 7 and subsequent updates required in Condition 8;
  - ii. implementation of all recommendations outlined in the Visual Impact Study dated August 11, 2022 and prepared by Henry Kortekaas & Associates Inc. including matters pertaining to mitigation of shadow impacts, overlook, and material/colour treatment of building facades.
  - iii. implementation of the stormwater management, construction mitigation and sedimentation plans required in Condition 17;
  - iv. implementation of the recommendations of the EIS as required in Condition 21 v; and,
  - v. the design of buildings and all lighting for buildings, roads, parking and residential areas is dark sky friendly.

Parkland

- viii. implementation of Condition 12, as required.
  - ix. preparation and implementation of a Tree Preservation plan and/or Landscape Plan.
  - x. preparation of a trails/pedestrian circulation plan; and,
  - xi. preparation of a Parkland Plan
22. Prior to the Area Municipal Council's endorsement and execution of the area municipal agreement, a copy shall be forwarded to the District Municipality of Muskoka for review, comment and potential revision, if required, related to District interests.
23. Prior to final approval being granted, The District Municipality of Muskoka shall be in receipt of a registered copy of the area municipal agreement.

### **District Municipal Subdivision Agreement**

24. Prior to final approval being granted for any phase, a master subdivision servicing, and/or amending agreement with The District Municipality of Muskoka in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended shall be registered on title and shall state that all the requirements, financial and otherwise, of The District Municipality of Muskoka shall be satisfied, including but not limited to the following:

- i. Implementation of Condition 17 (referring to the detailed reports pertaining to municipal water and sewer services), including the provision of securities;
- ii. implementation of recommendations of Traffic Impact Study dated July 22, prepared by JD Northcote Engineering Inc. as required in Condition 7 together with the compliance with Condition 8
- iii. The provision for the installation of municipal water and sewer services, and for the municipal assumption and operation of such services in accordance with the report required in Condition 17;
- iv. The availability and allocation of sufficient municipal water and sewer capacity measured in Equivalent Residential Units (ERUs).
- v. the disposal of solid waste;
- vi. initial acceptance of municipal water and sewer services shall be in accordance with Policy FI-018-2020 Securities for Development Agreements, as amended from time to time.

25. Prior to the endorsement and execution of any master, supplemental and/or amending subdivision agreement, a copy shall be forwarded to the Ministry of Transportation for review and comments.

### **Simcoe Muskoka Catholic District School Board**

26. Prior to final approval being granted, a draft agreement of purchase and sale shall be circulated to the Simcoe Muskoka Catholic District School Board and contain satisfactory wording advising prospective purchasers that pupils from the development attending educational facilities operated by the Simcoe Muskoka Catholic District School Board may be transported to and/or accommodated in temporary facilities.

### **Clearance Letters**

27. Prior to final approval being granted, the Town of Huntsville shall advise The District Municipality of Muskoka in writing that conditions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 21, 22, 23 and 27 have been complied with to their satisfaction with a brief and concise statement detailing how each condition has been satisfied.

28. Prior to final approval being granted, The District Municipality of Muskoka shall be satisfied that conditions 1, 2, 3, 4, 7, 8, 9, 11, 15, 16, 17, 19, 20, 22, 2, 24, 25, 27, 29, 30 and 31 have been complied with to their satisfaction.
29. Prior to final approval being granted, Simcoe Muskoka Catholic District School Board shall advise The District Municipality of Muskoka in writing that Condition 26 has been complied with to their satisfaction with a brief and concise statement detailing how this condition has been satisfied.

#### **Final Approval**

30. The final plan must be in registrable form together with all necessary instruments or plans describing an interest in the land.
31. Prior to final approval being granted, the Commissioner of Community and Planning Services or their designate shall be satisfied that the conditions of approval have been satisfied and the final plan is in conformity with the draft plan/description

#### **Part C – Lapsing Provision**

In the event that these conditions of draft approval fail to be fulfilled on or before the date that is five (5) years from the date of the issuance of the Ontario Land Tribunal's Order approving these conditions, the approval herein granted shall be deemed to have lapsed pursuant to the Planning Act, R.S.O. 1990, as amended.

Extensions to draft approval may be considered provided that existing technical reports remain applicable, or updates are provided and the provisions of By-law 2008-22 as amended, including the performance and planning based criteria, are met. In accordance with By-law 2008-22 as amended, this draft approval shall not be extended beyond ten (10) years from the original date of approval.

It is the responsibility of the applicant and/or their agent to apply for any required extensions of draft approval at least three (3) months prior to the lapsing date noted above. The District Municipality of Muskoka will forward one courtesy notice prior to the lapsing date. This notification is a best efforts courtesy only and The District Municipality of Muskoka does not assume any responsibility for notification of lapsing of approval. No further notices will be forwarded and in the event that the appropriate application and related fee are not received, the approval herein granted shall be deemed to have lapsed.

#### **Part D – Timing of Works**

Any site alteration or the installation of any works that may be the subject of any agreements required by these conditions shall not be permitted prior to the execution of

such agreements. Where any such works are undertaken in violation of this clause, approval of this plan may be withdrawn as authorized under Section 51(44) of the Planning Act, R.S.O.1990, as amended.