



Staff Report P2025-10

Committee 2025-04-14

Council 2025-04-28

Amendments ☐

Submitted To: Committee of the Whole | Council
Submitted By: Summer Valentine, Director, Growth and Development
Prepared By: Justin Teakle, Senior Planner
Subject: Proposed Draft Plan of Subdivision Approval Extension Request
Red Maple (725 Tenth Line)
Town File PLEDP2024400

Recommendation

THAT Report P2025-10, “Draft Plan of Subdivision Approval Extension Request – Red Maple (725 Tenth Line, Town File PLEDP2024400)”, dated April 14, 2025, be received;

AND THAT the Request for Extension of Draft Plan Approval for the Plan of Subdivision – Red Maple (PLEDP2024400), be approved for a period of six (6) months with the expectation that the proponent will at minimum register Block 198 containing the Taylor Creek and associated trail to facilitate conveyance to the Town.

Amendments

None.

1. Executive Summary

The purpose of this Report is to provide Council with an analysis and recommendations regarding the request to extend Draft Plan of Subdivision Approval (Draft Plan Approval) for the file known as “Red Maple”, municipally addressed as 725 Tenth Line.

The Red Maple Draft Plan Approval was scheduled to lapse on March 25, 2025. In this regard, the Town received the extension request on October 9, 2024. The proponent

has requested the Draft Plan Approval be extended for an additional three (3) years. Staff have issued one emergency 30-day extension to the lapsing date under delegated authority to allow the technical review to be completed. The lapsing date is currently April 25, 2025. To ensure Council has time to make a decision, staff anticipate issuance of a second emergency extension which will further extend the lapsing date to May 25, 2025.

The previously approved Red Maple Draft Plan of Subdivision (as of 2014) includes two hundred and seventy-eight (278) residential dwellings. The draft approved plan of subdivision consists of the following elements:

- one hundred thirty-one (131) lots for single-detached units,
- fifty-six (56) lots for freehold (street) townhouses,
- one (1) block for ninety-one (91) condominium townhouses,
- one (1) block for parkland purposes,
- four (4) blocks for servicing connections and trail connections,
- one (1) block for a stormwater management pond,
- one (1) block for open space purposes,
- two (2) blocks for environmental protection,
- two (2) blocks for 0.3 metre reserves, and,
- a number of public roads (streets A through J).

The appropriateness of extending the draft plan approval is contained in the Analysis section of this Report and supported by the materials which examines the draft approval against review criteria addressing:

- File history and status
- Consistency and/or conformity with the relevant planning policies, legislation and regulations, as well as applicable technical standards and guidelines
- Servicing and infrastructure requirements
- Applicant efforts to advance the development

- Other important matters of interest to Council and the community.

The unique circumstances and site-specific context of this extension request leave staff challenged to recommend that the request for extension be granted beyond 6 months to, at minimum, allow for the registration of Phase 1 (Block 198) to facilitate conveyance of those lands to the Town and for the applicant to demonstrate progress in other areas. Council may see merit in considering an extension longer than 6 months to be used for staff to undertake a full planning analysis and update of the conditions of draft approval within this Report. The amended report would then be brought back to Council for consideration of an extension that aligns with the SCAP (i.e. 1-3 years).

2. Background

The Town has received a Draft Plan Approval Extension Request for the Red Maple Draft Approved Plan of Subdivision, which was due to lapse on March 25, 2025. The draft residential subdivision was originally approved on March 25, 2013 and subsequently extended three (3) times since.

This Report considers the Extension Request with a greater rigor than may have been the case in the past, reviewing among other things:

- Overall planning and technical merit measured against the policies, standards, guidelines, and regulations currently in effect
- Detailed status of the draft plan conditions relative to a variety of factors
- Input from departmental and agency partners
- Information from the applicant

To enable sufficient time for technical review and the authoring of a report to Committee of the Whole and Council, the Director of Growth and Development has issued one 30-day emergency extension to the lapsing of draft approval under the Town's Delegation By-law 2020-059, as amended. As a result, the new lapsing date is April 25, 2025. One

more 30-day emergency extension is anticipated to extend the lapsing date to May 25, 2025 to allow adequate time for a Council decision.

Property Description

Per Figure 1, the Red Maple Draft Plan of Subdivision is approximately 17.6 hectares in area and the subject lands are located on the east side of Tenth Line between the Georgian Meadows neighbourhood and Taylor Creek. The site is generally flat and mostly cleared of vegetation, except for trees generally associated with lands planned for environmental protection and parks. There is also one constructed model home and foundations for two other model homes at the western end of the site near Tenth Line. The property is municipally addressed as 725 Tenth Line and legally described as Part S1/2 Lot 44 Con 10 Nottawasaga Parts 1 To 13 Plan 51R41606 Inclusive Subject to an Easement Over Parts 7,8 & 10 Plan 51R41606 as in RO1470143 Subject to an Easement Over Parts 9,10,11,12 & 13 Plan 51R41606 as in RO1464201 Town of Collingwood, County of Simcoe.



Figure 1: 2024 Aerial image of the subject property

The surrounding land uses include industrial park fronting Mountain Road to the north. To the immediate east is environmental protection lands associated with the Black Ash Creek and trail. Further east are vacant commercial lands (i.e. the Regional Commercial District). To the south is recreation, residential, and environmental protection lands associated with the Georgian Meadows neighbourhood. To the west across Tenth Line is the Blue Mountain Golf and Country Club. Lands to the south of the golf course include the Linksvue Draft Approved Plan of Subdivision and lands to the north of the golf course constitute the Panorama Draft Approved Plan of Subdivision.

Subdivision Application History

The draft residential subdivision was originally approved on March 25, 2013. Actions that have occurred since the original approval are summarized below:

- In 2014, the original approval was granted a redline revision that increased the total number of residential dwelling units from 230 to 278.
- Extensions to Draft Plan Approval were granted in 2016, 2019, and 2022, which included partially updated conditions.
- Conversations between the Town and owners of subdivisions in the west-end of Collingwood have been ongoing for several years regarding the potential for front-ending the costs of upgrades to the Stewart Road Reservoir and associated linear infrastructure. While a draft agreement was prepared prior to the Interim Control By-law (ICBL) and significant water servicing capacity constraints becoming known, consensus on a front-ending agreement under the Town's new approach to municipal servicing allocation has been unsuccessful to date.
- On October 9, 2024, the applicant filed the subject request for Draft Plan Approval Extension in anticipation of the lapse date of March 25, 2025.

Proposal

The Red Maple Draft Plan of Subdivision, originally approved by Council in 2013 and amended in 2014, consists of the following elements identified in Figures 2 and 3:

- one hundred thirty-one (131) lots for single-detached units,
- fifty-six (56) lots for freehold (street) townhouses,
- one (1) block for ninety-one (91) condominium townhouses,
- one (1) block for parkland purposes,
- four (4) blocks for servicing connections and trail connections,
- one (1) block for a stormwater management pond,
- one (1) block for open space purposes,
- two (2) blocks for environmental protection,
- two (2) blocks for 0.3 metre reserves, and,
- a number of public roads (streets A through J).

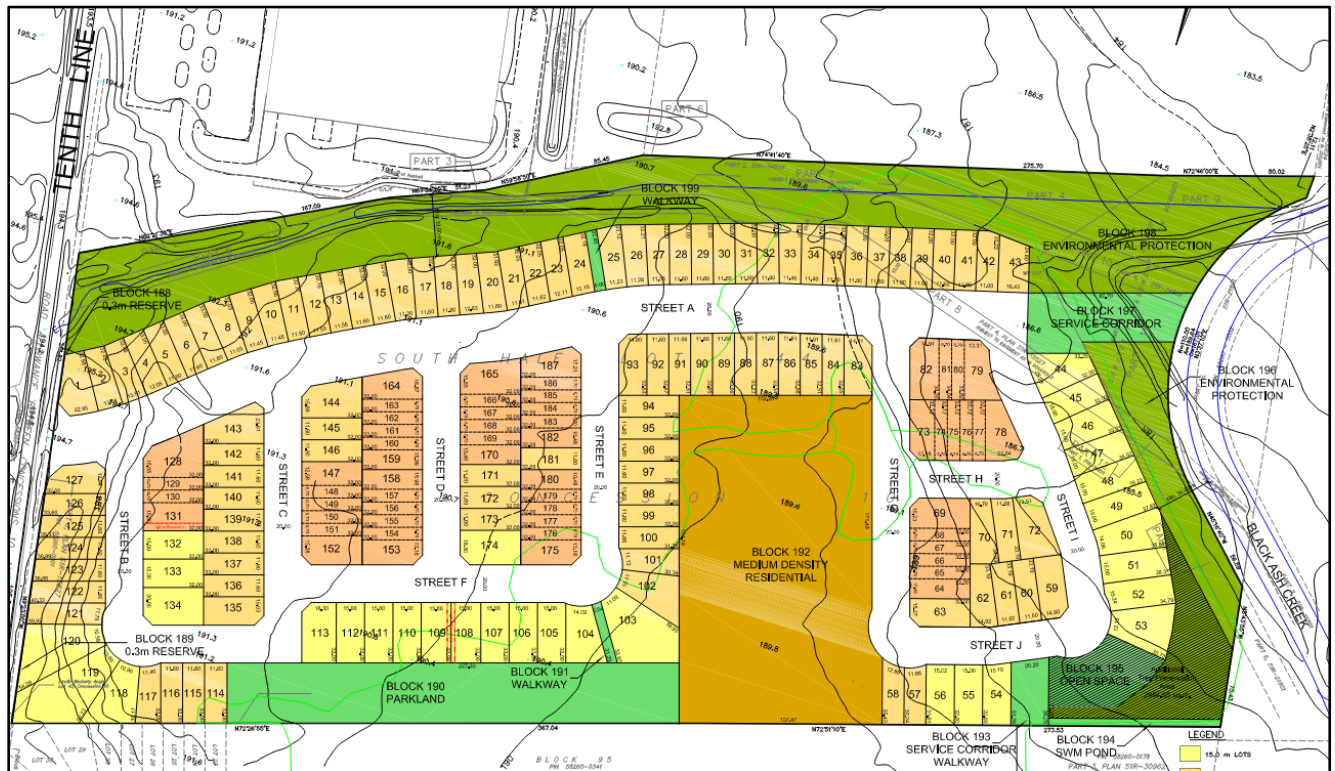


Figure 2: Approved Draft Plan of Subdivision

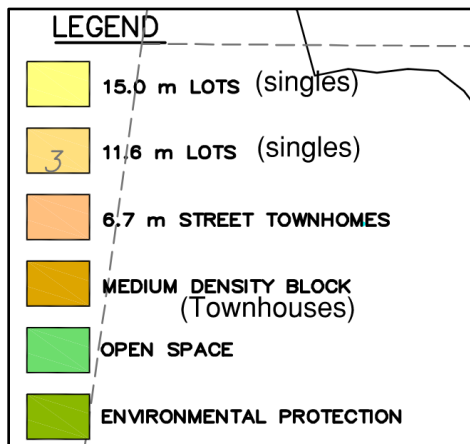


Figure 3: Legend for Figure 2

Modifications to Proposal

An essential component of an Extension Request is the ability for the associated conditions and draft plan to be updated to meet current standards, policies, regulations and guidelines in effect. The technical review of the proposal and subsequent discussions with the proponent resulted in adjustments to the conditions of draft approval in 2022. The conditions require that the block containing the Taylor Creek and associated trail be registered and conveyed to the Town as the first phase of development. This conveyance is important because the creek is the required stormwater outlet for other draft plans of subdivision to the west and industrial development to the north. The trail is also constructed and used by the public. Phase 1 (Block 198) is illustrated in Figure 4.

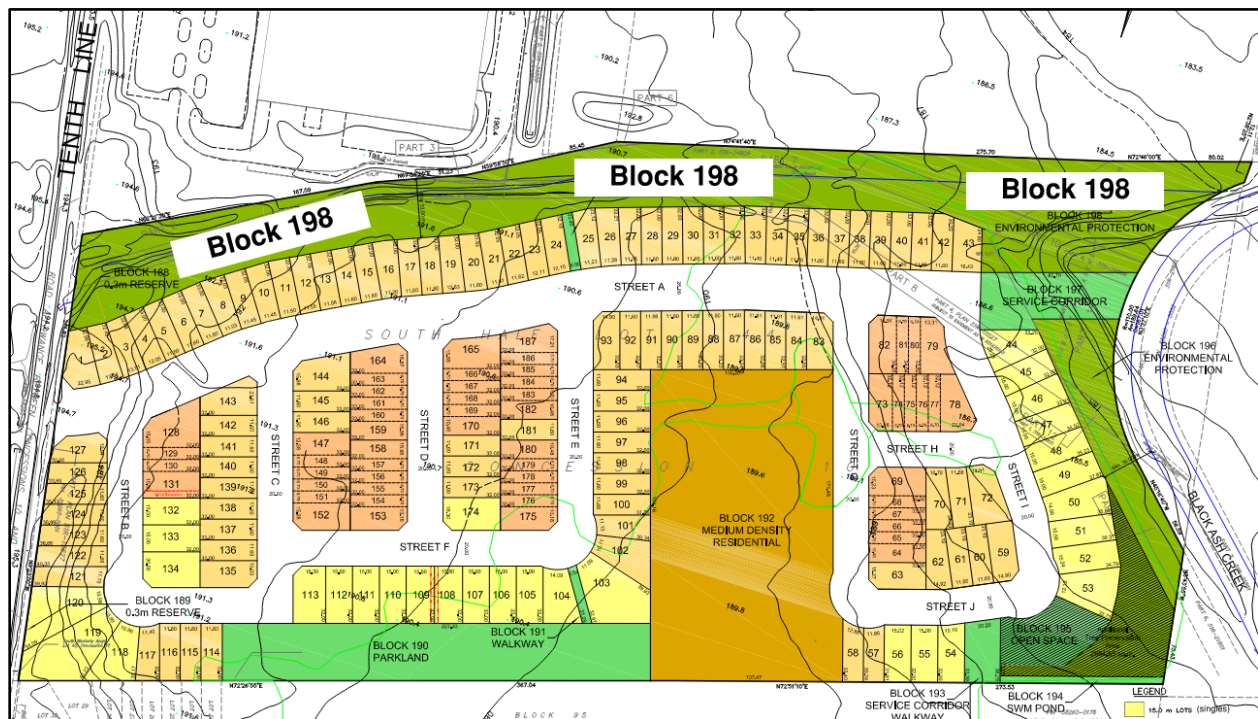


Figure 4: Red Maple Draft Plan of Subdivision with Block 198 (Phase 1) along the northern extent of the lands

Planning Services staff note that the conditions for this Draft Plan of Subdivision address a multitude of matters, such as municipal servicing infrastructure, urban design, future details for the multi-residential blocks, and approvals or requirements from outside agencies, which need to be resolved before final plan approval occurs. The conditions of draft approval are attached to this Report (see Appendix “B”). Given the limited 6-month extension recommended by staff, further updates to the conditions of approval are not recommended at this time. However, should a longer extension be contemplated by Council or through further applications, conditions of draft approval would require updating to meet current technical standards.

Progress

Since the previous Draft Plan Approval extension in March 2022, several significant events have occurred that impact the Red Maple Draft Plan of Subdivision. Firstly, the Town of Collingwood Council approved the Servicing Capacity Allocation Policy (SCAP) in May 2022 (further amended in January 2023). Secondly, a new Official Plan was adopted by Town Council in December 2023 and approved by Simcoe County in September 2024.

With respect to the SCAP, it states that in order to ensure that development proceeds expeditiously and does not hold commitment to allocate or allocation without performance. The Town’s new 2024 Official Plan policies align approval of draft plans of subdivision and condominium descriptions with the initial three (3) year commitment plus one (1) year maximum for any extension of capacity commitment and/or allocation as per this Policy, unless extenuating circumstances (e.g. change of ownership, significant amendments to the proposal, unforeseen economic conditions, etc.) are demonstrated. Those policies in the new 2024 Official Plan are under appeal. Until such time as the policies are in force, the SCAP shall serve as Council’s direction respecting new approvals or requests to extend existing draft approvals. Most other policies in the

new 2024 Official Plan addressing servicing capacity allocation to align with SCAP are in effect.

Actions toward progress identified by the applicant include:

- Previous owners were prepared to enter into a front ending agreement in September 2018 to support the Stewart Road water reservoir
- Previous owners worked on an agreement with the Town addressing the rechannelization of Taylor Creek (work now complete)
- Current owners have enaged with adjacent developers and the Town over the past two years in furthering municipal servicing extensions and Red Maple remains a signifcant contributor to this process and requires coordination with Linksview and Panorama

Planning Services is not satisfied that there are persuasvie extenuating circumstances effecting the proposal, specifcially registration of Block 198 (Phase 1).

3. Analysis

Situational Evaluation and Recommendation

Staff find ourselves in a difficult situation with respect to this particular application. Unlike other lands within the west-end of Town (i.e. Panorama and Bridgewater Draft Plans of Subdivision), this property cannot be serviced until at least 2030. Even if an early payment agreement were to be successfully negotiated, Infrastructure Growth and Development staff have confirmed that the best-case scenario would be concurrent construction of the necessary linear and reservoir upgrades with the water treatment plant expansion, with expected completion for both projects in 2030. Further, staff have completed estimated calculations of unit supply required to meet projected population growth needs and have concluded that the development of these lands are not required to meet demand until post 2030 at the earliest, which aligns well with the expected availability of services.

Council may question why an extension was recommended in 2022 given the above scenario. The extension request in 2021 came amid the uncertainty of the ICBL, where the Town's approach to servicing capacity allocation was still being studied and the construction of the water treatment plant expansion was envisioned to be completed as early as 2025. Under those circumstances, extensions were granted to a number of draft approved plans to give the Town more time to address servicing matters and to allow proponents further opportunity to progress their files.

Further, limited progress has been demonstrated since both the original approval and the most recent extension in 2022, and the policy and legislative landscape has changed significantly. Not only has the Town adopted the SCAP, which is intended to maintain tension in the system by considering limited extensions for Draft Plans in situations where they are performing, can be made shovel ready in the near-term, and/or have demonstrated extenuating circumstances since the last extension was granted, but there have also been major shifts at the Provincial level. The recently proclaimed Bill 185 includes a number of legislative amendments with the intent of underscoring the principle of "use it or lose it", prioritizing those developments that can deliver housing supply in the near-term. With the lack of progress and servicing challenges facing this file, adding to the Town's housing stock will not be possible prior to 2030 at the earliest, with full build-out anticipated several years after that point.

Given the above considerations, staff are challenged to see the merit in continued extensions and re-evaluation of the Red Maple Draft Plan of Subdivision against the relevant planning instruments and technical standards until at least 2030. Supporting studies will become further dated over this time, the market as well as policy and legislative contexts are also likely to continue to evolve. Under typical circumstances, staff would suggest that the most expeditious path to ensure good planning for the parcel would be to allow the draft approval to lapse and encouraging the applicant to reapply closer to when servicing will be available. The underlying zoning and official

plan designations would remain on the subject lands despite the lapsing of the draft approved plan.

However, an important consideration with this particular file is the benefits of conveyance of Block 198, containing the Taylor Creek and associated trail. Block 198 is the entirety of Phase 1 of this development. Therefore, staff are recommending that the proponent be provided with a 6-month extension to allow for the registration of Phase 1 and transfer of Block 198 into Town ownership, as well as demonstrate progress in other areas. The consideration of further extension would require a subsequent application, technical evaluation, and if extension is recommended, significant revisions to the conditions of draft plan approval to reflect current standards.

Staff have identified the key risks of allowing the file to lapse as follows:

- The proponent may attempt to appeal the decision of the Town to the Ontario Land Tribunal (OLT). Legal advice would be required on the potential for success of such an appeal, but regardless, if an appeal is lodged, considerable staff time investment and legal costs would result.
- The proponent may perceive the Town to have acted in bad faith, having entertained an extension in 2022, which staff are challenged to support, potentially impacting the value of the lands, financing, and investments made up to this point. However, staff would note that further extension is not automatic nor a legal entitlement.
- The applicant may fail to act on the registration and conveyance of Block 198 within the recommended 6-month extension window. Should the recommended extension or further extensions be refused by Council, expropriation of the Block 198 lands would be a likely consequence.

In light of the above recommendation, staff have not included a planning analysis, nor have updated conditions of draft approval been appended to this Report to align with current legislation, regulations, policies, and technical standards.

Alternative Options

Several options are available to Council as it considers the merits of the Extension Request. They are as follows:

- a) Council can grant the Extension Request as submitted by the proponent (i.e. 3-year extension). This would allow the developer's team the opportunity to satisfy the conditions of draft plan approval and enter into a Subdivision Agreement with the Town no later than May 25, 2028.
- b) Council can choose to extend the Draft Approved Plan for a different amount of time, in a manner that is in keeping with the Servicing Capacity Allocation Policy (i.e. 1 year up to 3 years), which would allow time for the applicant to fulfill conditions and register Phase 1. If Phase 1 at minimum is registered within six months and further progress demonstrated, an additional extension could be considered by Council.
- c) Council can choose to further modify the Draft Plan of Subdivision and/or its conditions of approval in support of an extension. Modifications to a Draft Approved Plan can be either minor or major in nature. A number of amendments to the conditions of draft approval were made at the time of the last extension in 2022. Council may wish to further amend the proposal; however, it should be noted that the applicant can appeal changes to conditions of approval and staff would advise that any additional revisions desired by Council be circulated for technical review and staff be afforded the opportunity to comment on the land use planning merits of Council's request.

- d) Council can decline to grant the extension request and let the Draft Plan Approval lapse as of May 25, 2025. Lapsing would result in the need for the developer's team to reapply to the Town with a new application for a Plan of Subdivision should they wish to further develop these lands for urban uses. Staff would note that lapsing of the draft approved plan does not impact the official plan designation or zoning in effect on the lands. Like Option b), this course of action would allow Council to revisit the development concept through the lens of the new 2024 Official Plan and other plan review processes available to them such as secondary plans. The number, density and distribution of residential units, location and orientation of streets, utility adequacy, and conservation of natural resources could be more fully examined at the time of submission. Should Council not elect to extend the Draft Plan Approval, there is likely no appeal to the Ontario Land Tribunal (OLT) to dispute that decision (legal advice required). However, Section 51(43) of the *Planning Act* allows applicants to appeal the conditions of draft approval at any time up to the point of registration. Therefore, there would be a risk that the applicant may appeal the conditions in the few days that remain prior to lapsing. The applicant is likely to be strongly concerned about the possibility of Council allowing the file to lapse as there would be negative impacts to property value and lost investment in previous background work and supporting documentation.

Financial Impacts

The Red Maple Draft Plan of Subdivision would deliver an adequate, appropriate and orderly mix and supply of residential units in anticipation of the Town's future development and servicing conditions. It provides a long-term foundation for stable community growth and results in the generation of growth-related revenue associated with building permit fees, development charges, taxes, and other related fees. The potential for an OLT appeal would also have financial impacts, which can vary depending on the nature and scope of the appeal. Should an appeal be lodged, further detail on cost estimates would be provided to Council in-camera.

Conclusion

The unique circumstances and site-specific context of this extension request leave staff challenged to recommend that the request for extension be granted beyond 6 months to, at minimum, allow for the registration of Phase 1 (Block 198) to facilitate conveyance of those lands to the Town and for the applicant to demonstrate progress in other areas. Council may see merit in considering an extension longer than 6 months to be used for staff to undertake a full planning analysis and update of the conditions of draft approval within this Report. The amended report would then be brought back to Council for consideration of an extension that aligns with the SCAP (i.e. 1-3 years).

3. Input from Other Sources

The following documents were submitted by the proponent's agent in support of the extension request and made available to internal and external agencies:

- 1) Draft Plan of Subdivision approved in 2014, October 2014;
- 2) Draft Plan Conditions approved in 2022, March 2022;
- 3) Agent's Extension Request Cover Letter, October 10, 2024;
- 4) Servicing Capacity Allocation Policy (SCAP) Evaluation, December 8, 2024;

The Red Maple Draft Plan of Subdivision Extension Request was circulated to Town Departments and external agencies for review and comment. Should Council determine it is appropriate for an extension beyond 6 months be considered, this Report would be amended, along with the conditions of draft approval, to respond to the input received.

In accordance with the *Planning Act*, the Town was not required to hold a Statutory Public Meeting regarding the Extension Request.

Staff Report P2025-10 was forwarded to Department Heads on April 8, 2025 and the content of this report responds to the feedback received.

4. Applicable Policy or Legislation

- *Planning Act* (1990, as amended)
- Provincial Planning Statement (2024)
- Simcoe County Official Plan (2016)
- Town of Collingwood Official Plan (2004)
- Town of Collingwood Official Plan (2024)
- Town of Collingwood Zoning By-law 2010-040

5. Considerations

- | | |
|--|--|
| <input checked="" type="checkbox"/> Community Based Strategic Plan: | Consistent with CBSP |
| <input type="checkbox"/> Services adjusted if any | Not Applicable |
| <input checked="" type="checkbox"/> Climate Change / Sustainability: | Positive impact on climate change/sustainability (decreases GHG emissions) |

The proposal furthers the build out and intensification of land within the Town's built boundary contributing to a complete community and reducing urban sprawl.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Communication / Engagement: | The Red Maple Draft Plan of Subdivision extension request was circulated to internal and external departments and agencies. |
|---|---|

☐ Accessibility / Equity, Diversity, Inclusion: Not Applicable

☐ Registered Lobbyist(s) relating to content: Not Applicable

Next steps and future action required following endorsement:

- Agent advised of Council's decision pertaining the Extension Request
- Future Subdivision Agreement once conditions of draft approval are satisfied

6. Appendices and Other Resources

Appendix A: Red Maple Draft Approved Plan (2014)

Appendix B: Conditions of Draft Plan Approval (2022)

7. Approval

Prepared By: Justin Teakle, MCIP, RPP, Senior Planner

Reviewed By: Summer Valentine, MCIP, RPP, Director, Growth and Development

CAO Comments: