

**STAFF REPORT:** Town of The Blue Mountains Planning Department



**REPORT TO:** Planning Committee  
**DATE:** October 7, 2010  
**REPORT NO.:** PL.10.102  
**SUBJECT:** Application for:  
 Zoning By-law Amendment and  
 Site Plan Approval –  
 636697 Ontario Limited  
 Scenic Caves Nature Adventure  
 Part Lots 13 to 15, Concession 2 & 3  
 Town of The Blue Mountains

**PREPARED BY:** Shawn Postma, Planner II

#### **A. Recommendations**

**THAT the Planning Committee receive Planning Staff Report PL.10.102, “Application for Zoning By-law Amendment and Site Plan Approval – 636697 Ontario Limited, Scenic Caves Nature Adventure, Part Lots 13 to 15, Concession 2 & 3, Town of The Blue Mountains”; and**

**THAT Council enact a Zoning By-law Amendment to modify Exception 45 to also permit ‘Building 2’ a maximum 155 square metre maintenance building and ‘Building 3’ a 85 square metre maintenance building on the subject lands.**

**THAT Council defer a decision on the remaining components of the proposed By-law which included the following:**

- 1. Rezone a portion of the lands to the Hazard H-154 zone and to establish a building envelope for the skating rink, skating loop, and two accessory buildings.**
- 2. Modify Exception 154 to also permit the skating facilities, and to permit the maintenance and storage building to have direct access via an unopened road allowance.**
- 3. To apply the Holding ‘-h’ symbol to ensure requirements for Site Plan Approval.**

**THAT Council grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of ‘Building 2’ a maximum 155 square metre maintenance building and ‘Building 3’ a 85 square metre maintenance building in accordance with the Site Plan drawing “Building 1, 2, and 3 and addition to Eco-Adventure Building, identified as Figure No. 1, Prepared by Travis and Associates Inc., and dated September 2010”; and**

**THAT Council authorize the Mayor and Clerk to execute an Amending Site Plan Agreement to the May 4, 2004 Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Solicitor.**

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## **B. Background**

The Planning Services Division has received a second set of applications for a Zoning By-law Amendment and Site Plan Approval from 636697 Ontario Limited (Scenic Caves) that proposes to expand on the uses currently on the property. The original submission considered the following new buildings and uses:

1. 135 sq m office building,
2. 112 sq m maintenance building,
3. 55 sq m storage shed,
4. 225 sq m storage/maintenance building,
5. Skating rink plus skating loop complete with a 55 sq m utility building and 112 sq m change room/washroom building,
6. Night lighting of some Nordic Trails, and the
7. Addition of a second 792m (2600 ft) "Zip Line"

The office building and related parking was approved in June 2009, with the remaining buildings and uses deferred until such time as additional supporting information is provided. As part of the June 2009 approvals, By-law 2009-42 was passed and an amending Site Plan Agreement was completed to add the new building and parking area to the original Site Plan Agreement. The approvals build on the previous approvals in 2002 which introduced some significant features to the resort including the suspension bridge, Nordic trails for cross country skiing and snowshoeing, and eco adventure activities on the lands.

Scenic Caves Resorts is now looking to proceed with two new maintenance buildings as originally considered in 2009. It is intended that additional applications for Site Plan Approval will be made for each additional phase of development when those details are available.

The property is located on Lots 13 to 15, Concession 2 and 3, located at the top of the escarpment off Scenic Caves Road.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) identifies that part of Building Strong Communities, consideration for Healthy, livable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long term needs. In addition long-term economic prosperity must be supported by providing opportunities for sustainable tourism development. No other matters of Provincial Interest appear to be applicable for the proposed development.

### **County of Grey Official Plan**

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or

Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan. The Grey County Plan also identifies the presence of Karst topography and an Area of Natural and Scientific Interest (ANSI). A Karst study has been completed by the applicant, and it is noted that the proposed development will occur outside of the ANSI areas and buffer areas.

It is our opinion that the applications will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan.

### **The Blue Mountains Official Plan**

The subject lands are designated Recreational Commercial REC, Escarpment E, Rural R, and Hazard H. The majority of uses are located within the Recreational Commercial REC designation which permits recreational commercial uses including buildings and structures related to the commercial operation. Section 4.18.3 states that all development shall be located without disrupting the natural environment by removal of excess vegetation, and that adequate buffering shall be provided to ensure the visual protection and amenity of the area.

The proposed maintenance buildings are proposed in areas that require some tree removal. However, the locations of the buildings are significantly buffered through existing vegetation plus distance separation from adjacent properties and roads which will ensure the visual protection of the area. It is our opinion that the proposed buildings, structures and uses will comply with the Town of The Blue Mountains Official Plan.

### **Zoning**

The subject lands are zoned Recreational Commercial C4-45, Hazard H-154 and Rural A1-154 through By-law 2002-79 to the Township of Collingwood Zoning By-law 83-40. The Recreational Commercial C4-45 zone permits the lands to only be used for a commercial recreation use and uses buildings and structures accessory thereto. The Exception also limits expansion to 25% of the gross floor area of the existing buildings. The Hazard H-154 zone permits outdoor recreation uses and certain buildings and structures located within specific building envelopes on the property. Any additional buildings structures or major expansions require an amendment to the By-law.

A Zoning By-law Amendment has been submitted to permit a series of office/maintenance/storage buildings, as well as some new uses. These uses and buildings have specific locations, and building envelopes are proposed to permit them in these locations. The holding '-h' symbol are proposed to address Site Plan Approval requirements and Karst assessments as required.

### **Public Comments**

The statutory Public Meeting was held on May 4<sup>th</sup> 2009. Planning Staff are satisfied that the public meeting held in May 2009 provides sufficient notice for the buildings which are anticipated to be constructed now. There were no concerns raised over these buildings in May 2009, and Planning Staff do not believe that any new planning issues have developed since then.

Through the May 2009 public meeting one issue was identified regarding trail connections between Scenic Caves Road and the 12<sup>th</sup> Sideroad. It was noted that the Bruce Trail was relocated to their 'Optimum Route' over the subject lands during the previous By-law process in 2002. However, the Bruce Trail only provides a trail linkage for Hikers, and that there is no connectivity for other trail users. It is noted that a portion of unopened road allowance runs through the subject lands providing a corridor for a trail connection from Scenic Caves Road to the 12<sup>th</sup> Sideroad. However, this road allowance runs through portions of the main activities at Scenic Caves Resort, and that a land swap for lands in an alternative location may benefit both the Town and owner. Town Staff did follow up with the Owner regarding this land swap but was not interested in the proposal.

### **Agency Comments**

Comments were received from the County of Grey Planning and Development Department, County of Grey Transportation and Public Safety Department, the Nottawasaga Valley Conservation Authority and the Grey Sauble Conservation Authority as follows.

The County of Grey has identified the presence of an ANSI and Karst features on the property. The County is satisfied that the proposed development is located outside of the ANSI and adjacent lands, and that the Karst assessment completed by Jagger Hims Limited for the new administration building is sufficient. It is noted that additional Karst assessments will be required for the remaining new construction proposed, and that the holding '-h' symbol should not be removed until those studies are completed.

The County of Grey Transportation and Public Safety Department have reviewed the proposed development and have no objections, provided that any new structures on the site are located no closer than 23 metres from the centerline of Scenic Caves Road (Grey Road 119).

The subject lands are partially located in both the Nottawasaga Conservation Authority and the Grey Sauble Conservation Authority jurisdiction. Both Conservation Authorities raised concerns in 2009 over permitting new development in the Hazard areas without more detailed background information and analysis being provided. Additional information has been provided by the applicant to the Nottawasaga Conservation Authority (NVCA) who has jurisdiction over Building 2 and Building 3. At the time of writing this report, verbal approvals have been received with written approvals to be submitted shortly. The NVCA has indicated that they are satisfied with the location of Building 2 provided that a minimum 7.5 metre setback from an existing watercourse/drainage ditch is maintained. Building 2 proposes a setback of 8.0 metres

therefore satisfying this requirement. The NVCA has also recommended that additional works be completed elsewhere on the Scenic Caves property to improve the condition of the watercourse. These improvements can be required through the Site Plan Agreement and/or through the required NVCA permits which are required prior to obtaining a building permit for the buildings to be constructed. It is our opinion that the proposed locations of the two maintenance buildings are appropriate and provided that the requirements from the NVCA are met, Planning Staff have no objection to the proposed Zoning By-law Amendment and Site Plan Modification.

Planning Staff continue to support that council defer a decision on the remaining buildings and uses proposed until such time as the additional information provided to the Conservation Authorities has been provided and formal comments received. It should be noted that some of these buildings, structures and uses are inside the Conservation Authorities regulated areas and some are not.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-Law amendment and Site Plan conforms to the intent and direction of the The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff support these applications conditional upon the recommendations contained in this report.

### **C. The Blue Mountains' Strategic Plan**

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals:

*"1. Managing growth to ensure the ongoing health and prosperity of the community".*

### **D. Budget Impact**

NIL

### **E. Attached**

1. Site Plan drawing "Building 1, 2 and 3 and addition to Eco-Adventure Building
2. Draft Zoning By-law Amendment

Respectfully submitted,

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636697 Ontario Ltd.  
Scenic Caves Nature Adventure  
Roll #02-153-00

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. \_\_\_\_\_**

Being a By-law to amend Zoning By-law No. 83-40  
which may be cited as "The Township of Collingwood  
Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law 83-40 is hereby amended by deleting and replacing Exception 45 with the following:

"45 The lands affected by this exception may only be used for commercial recreational use and uses, buildings and structures accessory thereto.

An accessory maintenance building having a maximum building footprint of 155 square metres and a maximum height of 7.25 metres to the peak of the roof and a second maintenance building having a maximum building footprint of 85 square metres and a maximum height of 4.75 metres to the peak of the roof shall be permitted in addition to the buildings that exist at the time of enactment of this By-law.

Enlargement of those buildings that exist at the time of enactment this By-law is hereby permitted in accordance with the zone regulations however, such enlargement is limited to a maximum of 25% of the gross floor area that existed at the time of enactment of this By-law.

Notwithstanding the setback provisions of Section 5.18(e) an office building may be located a minimum of 16 metres from the front lot line."

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Ellen Anderson, Mayor

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Corrina Giles, Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Clerk