

STAFF REPORT:

Town of The Blue Mountains Planning Department



REPORT TO: Council
DATE: February 13, 2012
REPORT NO.: PL.12.22
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 Council receive Planning Staff Report PL.12.22, “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 permit a twin zip line along with an upper tower with a maximum height of 15.5 metres, a lower tower with a maximum height of 9.5 metres and an upper and lower storage building with a maximum footprint and maximum height of 85 square metres and 5 metres respectively on the subject lands;

THAT Council grant Site Plan Approval pursuant to Section 41 of the Planning Act for the construction of a Twin Zipline plus associated buildings and structures.

THAT Council authorize the Mayor and Clerk to execute an Amending Site Plan Agreement to the November 4, 2010 Site Plan Agreement in a form approved by the Director, Planning & Building Services and the Town’s solicitor.

B. Background

The Planning Services Division has received an application for a Zoning By-law Amendment and Site Plan Approval from 636697 Ontario Limited (Scenic Caves) that proposes to establish a new Twin Zip Line on the property. The Zip Line includes an upper and lower tower at 15.5 metres and 9.5 metres in height which comprises of the takeoff and landing platforms. In addition an upper and lower storage building measuring approximately 85 square metres is proposed at the base of each tower to hold equipment related to the Zip Line.

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

These applications build on a number of previous approvals dating back to 2002.

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. There does not appear to be any concerns of Provincial interest and Planning Services is of the opinion that the proposal is consistent with the PPS.

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 (Earth ANSI). A Karst study has been completed by the applicant to the satisfaction of the County of Grey. The upper tower and storage area are located within the ANSI, and the County has requested the completion of an Environmental Impact Study (EIS) in accordance with their policies.

Earth ANSI Comments have also been provided by the Niagara Escarpment Commission and the Nottawasaga Conservation Authority both indicating that they have no objections to the proposed Zip Line in the ANSI area. Details on the construction of the Tower and storage buildings have been provided. The NEC has visited the site and in their review of the ANSI they note that the construction of the proposed upper tower should not alter the topography or geological features and should not impact the values for which the site has been identified. Similarly, the NVCA have also attended the site and have indicated that landform conservation principles should apply (e.g. minimal grading/filling) and development should avoid steep slopes.

Based on the detailed review and comments on the Earth ANSI provided by the NEC and NVCA, it is our opinion that an EIS should not be a requirement through this application. Furthermore, it is our opinion that the proposed Zip Line plus related buildings and structures will comply with the County of Grey Official Plan and will not conflict with 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 proposed Zip Line is located within the Rural and Escarpment designations. The upper tower and storage building appears to be located within the Rural designation. The Rural R designation permits resource based recreational uses which are those uses oriented more towards outdoor activity. Plan policies require that

the these uses must not remove agricultural lands, remains compatible with surrounding uses, does not adversely alter the rural landscape, and is considered suitable for the identified location. The lower tower and storage building appears to be located within the Escarpment E designation which also permits recreational uses and facilities which require the slopes for the proper functioning of the operation. Examples of these uses include trails, mountain bike courses, slide rides, ski runs and ski lifts. It would appear that a Zip Line would meet these criteria.

The Plan requires that the construction of a recreational use shall be located without disrupting the natural environment, minimize the potential disruption to the existing topography and natural environment, minimize the removal of excess vegetation and provide adequate buffering to ensure the visual protection and amenity of the area.

The proposed upper tower is designed at a height of 50 feet. The surrounding trees in the area are estimated to be approximately 80 to 85 feet in height. The tower has been designed to fit in with the existing tree canopy without extending above the top of the trees and thereby preserving the existing skyline in the area. The location of the upper tower is setback approximately 30 metres from the top of the slope, further eliminating any potential visual evidence of the tower and storage building. The proposed lower tower is designed at a height of 30 feet and poses an even lower potential for visual impact. The location of the Zip Line towers and cable will require minimal tree removal and pruning. The Zip Line does not require tree clearing along the entire length of the Zip Line. Some clearing is required at the upper and lower tower locations, but is kept to a minimum to be able to add the towers and storage buildings. Most of the Zip Line cable is located above the trees; with no tree removal would be required in these locations. The construction of the towers and storage buildings are considered minor with minimal disruption to the existing topography in the area.

The existing trees along with the distance separation from adjacent properties and roads will also ensure the visual protection of the area. Therefore it is our opinion that the proposed buildings and structures 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 add new building envelopes for the proposed Zip Line towers and storage buildings, as well as the location of the Zip Line cable within the Exception 154 lands. It is our opinion that the proposed By-law

Amendment is appropriate for the subject lands.

Public Meeting Comments

The statutory Public Meeting was held on February 6, 2012. Comments were received from the County of Grey Planning and Development Department, the County of Grey Transportation and Public Safety Department, the Nottawasaga Valley Conservation Authority and the Niagara Escarpment Commission follows.

The County of Grey has identified the presence of Karst and ANSI features on the property. The County recognizes that a Karst assessment was completed through a previous application, and that no additional review is required. County Staff does note that precautions should be taken during construction that if Karst features are encountered, that necessary mitigative measures are taken. The upper tower and storage building are located within the ANSI, and the County has requested the completion of an Environmental Impact Study (EIS) in accordance with their policies.

Earth ANSI Comments have also been provided by the Niagara Escarpment Commission and the Nottawasaga Conservation Authority both indicating that they have no objections to the proposed Zip Line in the ANSI area. Details on the construction of the Tower and storage buildings have been provided. The NEC has visited the site and in their review of the ANSI they note that the construction of the proposed upper tower should not alter the topography or geological features and should not impact the values for which the site has been identified. Similarly, the NVCA have also attended the site and have indicated that landform conservation principles should apply (e.g. minimal grading/filling) and development should avoid steep slopes.

The County of Grey Transportation Services Department has reviewed the proposed development and has no objections.

The Nottawasaga Valley Conservation Authority has provided comments indicating that they have no objections. They also note that the forest on the property is part of a large woodland tract and that the construction of the Zip Line should be completed to minimize disturbance to the woodland and forest floor. The NVCA also identifies that an Earth ANSI on the property noting the comments identified above.

The Niagara Escarpment Commission has provided comments indicating that they generally have no objections to the proposed Zip Line. The NEC has also provided comments on the ANSI as identified above. The NEC has also requested additional information on the locations of construction routes and user access to the launch and landing locations noting potential concerns on required tree removal and the protection of plant and animal species. Through the site visit to Scenic Caves it was shown that user access and construction access can be provided through the existing internal roadways used to access all parts of the property. No additional roadways or pathways are proposed.

A Site Plan Agreement application has been submitted and is also required prior to construction of the Zip Line. The Site Plan provided with the application, plus the Storage Building Construction Details should be included into the agreement.

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. Draft Zoning By-law Amendment

Respectfully submitted,

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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 154 with the following:

"154 These lands may also be used for outdoor recreation uses limited to hiking, cross country skiing, dog sledding, sleigh rides and a private park, including a maximum 11 square metre refreshment stand, a maximum 750 square metre storage building, a maximum 85 square metre accessory building to the trails, a tree-top canopy walk, a suspension bridge, a viewing platform with a maximum height of 30.5 metres, and a twin zip line with an upper tower with a maximum height of 15.5 metres, a lower tower with a maximum height of 9.5 metres and an upper and lower storage building with a maximum footprint and maximum height of 85 square metres and 5 metres respectively. These uses shall only be located on the subject lands in accordance with the building envelopes identified on Schedule "A-1". Additional buildings and accessory uses shall only be permitted through an amendment to this By-law."

2. Schedule "A-1" is hereby declared to form part of this By-law.

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

Enacted and passed this _____ day of _____, 2012.

Ellen Anderson, Mayor

Corrina Giles, Clerk

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 _____, 2012.



DATED at _____ this _____ day of _____, 2012.

Signed: _____ Corrina Giles, Clerk

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

-  AREA AFFECTED BY THIS AMENDMENT
-  BUILDING ENVELOPE

