A. Recommendations

THAT Council receive Staff Report PDS.20.10, entitled “Lot 14, Arrowhead Crescent – Zoning By-Law Amendment”; 

AND THAT Council enact a Zoning By-law Amendment to rezone the lands in accordance with the recommendations of Staff Report PDS.20.10.

B. Overview

This report provides a summary of the public meeting and staff recommendations on a proposal to re-zone the property known as Lot 14, Arrowhead Crescent. The applicant is proposing to re-zone a portion of the subject lands from the Hazard (H) zone to the Residential First Density Exception (R1-4-121) zone of The Blue Mountains Zoning By-law 2018-65.

C. Executive Summary

Application File # P2651

Application Received Date: July 10, 2018

Application Deemed Complete Date: July 27, 2018

Official Plan Designation: Residential Recreational Area and Hazard

Zoning Bylaw Designation: Residential One (R1-4) and Hazard

Location: Lot 14, Plan 1045

Planning Services received an application to amend the Zoning By-law to permit the development of the subject lands for a single detached dwelling. The lands are located within an existing registered plan of subdivision at the base of the Niagara Escarpment and are in the general vicinity of the Alpine Ski Club and the Craigleith Ski Club. A building envelope is currently provided on the lands, while the westerly portion of the property is currently zoned Hazard (H) due to the presence of the Escarpment slope. The Owners are proposing to re-zone
the *Hazard* portion of the lands in order to establish an increased building envelope on the lands to permit the construction of a single detached dwelling at a higher elevation on the slope. Included in the application is a request to establish site specific performance standards, specifically:

a) To establish a minimum lot frontage of 27.0m, whereas a minimum of 30.0m is required in the R1-4 zone, in order to recognize the existing deficient lot frontage for the property;

b) To permit a maximum height for a single detached dwelling of 10.3m and 3 stories, whereas a maximum of 9.5m and 2.5 stories is permitted in the R1-4 zone; and

c) To permit a maximum encroachment of 1.9m for eaves into a required interior side yard, whereas a maximum of 1.0m is permitted.

Access to the subject lands is provided via an existing entrance on Arrowhead Crescent and full municipal sewer and water services are available at the property line. A public meeting was held for the proposal on August 27, 2018, wherein comments were received from public agencies and the general public.

D. Background

The subject lands are located within the Craigleith Service Area and are adjacent to existing low-density residential development and established private downhill ski facilities. The lands are currently vacant and were created through the registration of a plan of subdivision in 1984 (Plan 1045). The property is generally characterized by a sloping topography associated with the Niagara Escarpment. The submitted scoped Environmental Impact Study (EIS), prepared by Azimuth Environmental, noted a number of significant natural heritage features on the lands including significant woodlands, the presence of a species of special concern (eastern wood pewee) and a small wetland community. A subsequently submitted Tree Preservation Plan further identified two butternut saplings, with one observed to be approximately 2.0m inside the rear property line and the second being located approximately 1.0m-2.0m outside of the property line on the northerly abutting property.

Plan Wells Associates submitted an application to amend the Zoning By-law in July 2018, to re-zone a portion of the *Hazard (H)* zone of the subject lands to an *R1-4-Exception* zone and to establish site-specific performance standards for the property.

Location

The subject lands are located on the west side of Arrowhead Crescent in close proximity to the Alpine Ski Club and the Craigleith Ski Club. Surrounding land uses generally consist of low-density residential uses, with a community owned open space block abutting the lands to the immediate south and west. Lands abutting the open space block are utilized as private recreational downhill ski facilities. The legal description of the lands is Lot 14, Plan 1045.
The application was deemed complete by the Town on July 27, 2018. In support of the application, the Town received the following materials as part of a complete first submission:

- *Scoped Environmental Impact Study*, prepared by Azimuth Environmental Consulting Inc. (November 2017)
- *Slope Stability Assessment*, prepared by Stantec Consulting Inc. (February 2018)
- *Site Grading Plan*, prepared by CC Tatham and Associates (June 2018)
- *Site Plan and Building Elevations*, prepared by Abbott Design Ltd. (April 2018)

The following materials were provided through subsequent submissions as a result of public comments received through public circulation of the application, as well on-going review of the proposal by public agencies:

- *Tree Preservation Plan*, prepared by Hensel Design Group Inc. (October 2018)
- *Stormwater Management Assessment*, prepared by CC Tatham and Associates Ltd. (December 2018)
- *Revised Lot Grading Plan*, CC Tatham and Associates Ltd (December 2018)

**Public Meeting**

The application has been subject to a Public Meeting which was held on August 27, 2018. Notice of Public Meeting was circulated to agencies and the general public on July 31, 2018. As a result of the circulation of the application, comments were received from the following agencies:

- The Grey Sauble Conservation Authority provided the following recommendations by letter dated August 27, 2018:
1) That the rear 22 metres of the lot remain in private open space to address the recommendation contained within the EIS report and that this area remain in vegetative cover;

2) That a stormwater management (subsurface and surface water) report be prepared for the development, as well as a detailed work plan to address sediment and erosion during construction. The grading plan will need to be revised to address recommendations within the EIS report;

3) That a geotechnical engineer supervises and approve conditions for the foundation of the dwelling for the benefit of the Town’s building department.

- The Niagara Escarpment Commission indicated no objections to the proposed amendment, however, provided the following recommendations by letter dated October 26, 2018:
  
  1) That a Tree Inventory and Tree Preservation Plan be prepared;
  2) That the wetland be identified, and an appropriate setback be specified on the grading/drainage plan;
  3) That the location and composition of the recommended natural buffer plantings be established through a Landscape Plan;
  4) That dark sky compliant lighting be required;
  5) That the recommendations of the EIS, such as snag assessment/timing restrictions, to ensure requirements of the *Endangered Species Act* are met with respect to protecting endangered bat species; and
  6) That best practices for sediment and erosion control be implemented in construction.

- The County of Grey provided the following comments by letter dated August 10, 2018:
  
  1) County Staff have no further concerns, provided that positive comments are received by the local conservation authority regarding the findings of the EIS;
  2) That the EIS management recommendations should be included as conditions of approval; and
  3) That the recommendations of the Slope Stability Assessment report be considered.

- The Historic Saugeen Metis Lands, Resources, and Consultation Department indicated no concerns with the proposal by email dated July 31, 2018.

As a result of circulation of the public notice, comments were received from the neighbouring property owner by letter received on August 23, 2018, indicating concerns with respect to stormwater management and potential negative adverse impacts on their property as a result of the proposed development. Correspondence was also received from Pascuzzo Planning Inc., on behalf of the same property owners on August 27, 2018. A subsequent letter received on March 18, 2019, from the concerned neighbors confirmed that their concerns had been satisfactorily addressed by the applicant.
E. Analysis

The Ontario Planning Act

The Ontario Planning Act requires that in making planning decisions, Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and the Provincial Policy Statement, as outlined by Section 3 of the Act.

Through review of the pertinent policies, Staff have no concerns with respect to the Ontario Planning Act.

The Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. All planning matters in the province must be consistent with the direction of the policies of the PPS.

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. Growth and intensification are directed to existing Settlement Areas where appropriate infrastructure is available. The proposal is consistent with this direction, as it relates to the development of a permitted residential use on an individual lot which is appropriately zoned and designated and full municipal services are available.

Section 2.0 of the PPS promote long-term prosperity, environmental health, and social well-being of the province through the conservation of bio-diversity, protection of the Great Lakes, and the protection of natural heritage, water, agricultural, mineral and cultural resources. Natural Heritage features are to be protected for the long-term. Site alteration is not permitted within areas containing habitat for fish, or endangered or threatened species, unless it has been demonstrated that there will be no negative impacts on the natural features of their ecological functions.

The EIS submitted with the application noted a number of significant natural heritage features on the lands including significant woodlands, the presence of a species of special concern (eastern wood pewee) and a small wetland community. The submitted Tree Preservation Plan further identified two butternut saplings, with one observed to be approximately 2.0m inside the rear property line of the subject lands, and the second being located approximately 1.0m-2.0m outside of the property line on the northerly abutting property.

In order to reflect the identified wetland area and to implement the recommended 10m buffer for the butternut trees outlined in the Tree Preservation Plan, it is recommended the northwesterly portion of the property remain zoned as Hazard in accordance with Schedule A-1 of the Draft Amending By-law attached hereto. This recommendation is supported by the Grey Sauble Conservation Authority, as confirmed through correspondence received on July 2, 2019,
indicating that the GSCA is generally satisfied with the revised site grading plan and further outlines the limit of the recommended **Hazard** zone boundary.

The recommended Tree Protection Zones and environmental buffers are reflected in the proposed **Hazard (H)** and **Open Space (OS)** zones for the property. Buildings, structures, and site alteration are generally prohibited within these land use zones. Provided that the recommendations of the EIS and the Tree Preservation Plan are adhered to in the final design and construction of the structure, including the implementation of appropriate erosion and sedimental control measures, Staff are satisfied that the proposal is consistent with Section 2.0 of the PPS. Sediment and erosion control measures are a standard requirement to be provided through the Building Permit process.

Section 3.0 of the PPS aims to protect public health and safety by directing development away from areas of natural and man-made hazards where there is an unacceptable risk to public health or safety or for property damage. Development and site alteration may be permitted in portions of hazardous lands where the effects and risk to public safety is minor, where risk could be mitigated in accordance with provincial standards, where safe access can be provided, where no adverse environmental impacts will result, and where no new hazards are created, or existing hazards exacerbated.

The current **Hazard (H)** zone applied to the subject lands is a result of the sloping topography of the site created by the Niagara Escarpment. The purpose of the zoning application is to re-zone a portion of the lands from the **Hazard (H)** zone to the **R1-4** zone. In support of the proposal, the applicant submitted a geotechnical investigation and slope stability assessment prepared by Stantec Consulting Ltd. to provide design recommendations for the construction of the proposed residential building. The findings of the report were subject to a peer review completed by Cambium Inc. The results of the peer review confirm that the report provides a reasonable assessment of the site and generally substantiates the recommendations contained therein. It was noted that further slope stability analysis should be conducted in the event that the final design results in any slope steeper than existing site grades. While Staff do not anticipate changes to the current design, it is noted that the standard Building Permit review process includes review of the property for associated planning approvals. As such, through the review of a Building Permit it can be confirmed if any design changes have been made which warrant additional slope assessment, as outlined above, at the discretion of the Chief Building Official.

Based on the findings of the Slope Stability Report and the subsequent peer review thereof, Staff are satisfied that the proposal is consistent with the direction of Section 3.0 of the PPS, as it has been reasonably demonstrated that the risk to public health and safety can be adequately mitigated.

Planning Staff are satisfied that the proposal is consistent with the intent and direction of the policies of the Provincial Policy Statement.
The subject lands are identified as being within the Escarpment Recreation Area designation of the Niagara Escarpment Plan. This designation applies to areas of existing or potential recreational development associated with the Escarpment Slope. Permitted uses include both seasonal and permanent residential uses, including single detached dwellings per Part 1.8.3 of the Plan. Part 1.8.1 of the Niagara Escarpment Plan outlines the objectives of the Escarpment Recreational Area designation. The objectives relevant to this proposal include:

- To minimize negative impacts of recreational development on the existing escarpment environment; and
- To ensure that recreational development protects and maintains community character, hydrologic and natural heritage features and functions, and the scenic resources of the Escarpment.

As per the comments received from the Niagara Escarpment Commission, dated October 26, 2018, the subject property is located between the brow and the toe of the Escarpment on the prominent Escarpment slope. Development of existing registered plans of subdivision is permitted on the Escarpment slope per Part 1.8.5.6(e) of the Niagara Escarpment Plan. General growth and development in the Escarpment Recreation Area is further guided by the policies of Part 1.8.5.10 of the Plan. The objectives of this designation aim to protect the natural heritage and hydrologic features of the Escarpment, protect prime agricultural areas, conserve cultural heritage features, and encourage sustainability. Staff are satisfied that the proposal complies with and does not conflict with Part 1.8.5.10 of the Plan.

Part 2.5 of the Plan outlines criteria for development affecting steep slopes and ravines. The objective of these policies is to ensure that development affecting these features is compatible with the Escarpment environment and does not result in unsafe conditions. Generally, development is not permitted on slopes in excess of 25% (1:4 slope), unless an engineering report has been prepared that demonstrates the future stability of the slope would not be affected. The submitted Slope Stability Assessment describes the steepest slope on the property as being 35% (1:3.1). The analysis provided in the report concluded that the calculated safety factors meet the requirements of the Ontario Ministry of Natural Resources for residential development and that the proposed development can be safely constructed on the lands.

Part 2.7 of the Plan outlines criteria for development affecting natural heritage. The objective of these policies is to protect and where possible enhance natural heritage features and functions, in order to maintain the diversity and connectivity of the continuous natural environment. Significant woodlands and wetlands are identified as significant natural heritage features for the purpose of the Niagara Escarpment Plan.

Part 2.13 of the Plan outlines criteria for development affecting scenic resources and landform conservation of the Escarpment. Generally, the policies of Part 2.13 are intended to protect and preserve the natural scenery and maintain the Escarpment landform. As per the analysis provided by the Niagara Escarpment Commission in their comments of October 26, 2018, the
narrow shape of the lot limits the extent of the visibility of the east elevation on public viewpoints. Due to the site topography, existing mature trees surrounding the site, and existing development, it appears that the proposed dwelling does not “skyline” and will be provided screening in the foreground. Further to this, the proposed architectural design of the dwelling, including the generous deep eaves and balconies, will help to reduce the impact of reflective surfaces on public viewpoints. Consistent with the recommendations of the GSCA, Town Planning Staff further recommend that the area at the front of the lot identified for ‘tree retention’ on the submitted site grading plan be zoned as Open Space (OS) in order to maintain existing vegetation in effort to further contribute to the mitigation of potential visual impacts.

As a result of review of the pertinent policies of the Niagara Escarpment Plan, Town Planning Staff are satisfied that the proposal is consistent and does not conflict with the policies of the Plan. Correspondence from the Niagara Escarpment Commission received on October 26, 2018, confirms that the NEC does not object to the proposed re-zoning and the recommendations provided to minimize visual impact on the escarpment have been incorporated into the Recommendations of this report, as appropriate.

The County of Grey Official Plan, 2018

The County of Grey Official Plan contains goals, objectives and policies to manage and direct physical land use changes and monitor its effects on the cultural, social, economic, and natural environment within the regional community.

The subject lands are identified as being within the Recreational Resort Area (RRA) designation of the County of Grey Official Plan. This designation applies to settlement areas which have developed as a result of site-specific amendments to the County and local Official Plan. This designation consists of a defined development area, specific recreational amenities, and residential development serviced with full municipal services. Section 3.8 of the Plan requires that new development in the RRA designation must serve the public interest by contributing to community recreational amenities and facilitating municipal service infrastructure. The RRA designation shall further strive to enhance recreational and tourism activities encouraging the maintenance and expansion of existing recreation facilities and encourage new land uses that will promote existing recreation facilities.

Appendix ‘B’, Map 2, of the County of Grey Official Plan identifies Significant Woodlands within 120m of the subject lands. Section 7.4 of the Official Plan prohibits development and site alteration within Significant Woodlands or within 120m thereof, unless demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural heritage features or their ecological functions.

The subject lands are partly designated and zoned for residential development and are within an existing registered plan of subdivision which is provided full municipal services in close proximity to existing recreational ski facilities. According to the submitted Environmental Impact Study, significant woodlands are present on the property, despite County mapping not showing same. As outlined in the EIS, approximately 0.12ha of forest cover is proposed to be removed for the site development. The EIS notes that this represents approximately 0.02% of the 720ha of continuous forest habitat within the broader landscape. As such, it is concluded in
the submitted report that habitat loss within the woodland would be negligible as a result of the proposed development and the woodland would maintain its natural ecological function. A Tree Retention Plan further supports these findings and comments received from the Grey Sauble Conservation Authority, dated July 4, 2019, confirm that their office is also generally satisfied with the proposed site development. It is noted that a portion of the property is recommended to be maintained as a Hazard (H) zone in order to recognize the small wetland community identified in the westerly portion of the lands, and to further protect the escarpment slope and ecological function of the woodland. The recommendations of the submitted EIS, Tree Retention Plan, and the Slope Stability Assessment, shall be adhered to during construction of the proposed dwelling.

Planning Staff are satisfied that the proposed re-zoning is consistent with the policies of the County of Grey Official Plan.

The Town of The Blue Mountains Official Plan, 2016

The Recreational Residential Area Designation

The easterly portion of the subject lands are identified as being within the Recreational Residential Area designation of the Town of The Blue Mountains Official Plan, 2016 (See Figure 1). As outlined in Section B3.7.1 of the Plan, it is the intent of the RRA designation to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses, and to recognize areas where some residential uses are located to support and provide access to resort and recreational amenities.

The subject lands are partly designated and zoned for residential development and are within an existing registered plan of subdivision in close proximity to existing recreational ski facilities. In accordance with Section E8.2 of the Plan, Staff are satisfied that the proposal does not require an Amendment to the Official Plan. Planning Staff are satisfied that the proposal conforms to the Recreational Residential Area policies of the Official Plan.

Escarpment Slope Hazard

The westerly portion of the subject lands are identified as being within the Hazard designation of the Town of The Blue Mountains Official Plan, 2016, due to the sloping topography of the site created by the Niagara Escarpment. As outlined in Section B5.4 of the Plan, it is the intent of Hazard designation to identify lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, dynamic beach hazards, and hazardous sites that exhibit instability, or poor drainage, or any other physical condition which is severe enough to pose a risk for the occupant, property damage or social disruption if developed. Generally, buildings and structures are prohibited in the Hazard designation. Minor alteration of the Hazard mapping may occur without amendment to the Official Plan, in consultation with the Grey Sauble Conservation Authority, as per Section B.5.4.2(e) of the Plan.

The applicant submitted a geotechnical investigation and slope stability assessment prepared by Stantec Consulting Ltd. to provide design recommendations for the construction of the proposed residential building. It was concluded in the Report that the calculated slope safety factors meet the requirements of the Ontario Ministry of Natural Resources for residential
development and that the proposed development can be safely constructed on the lands. These findings were subject to a peer review completed by Cambium Inc., wherein it was confirmed that the submitted report provides a reasonable assessment of the site. Based on the findings of the Slope Stability Report and the subsequent peer review thereof, Staff are satisfied that as it has been reasonably demonstrated that the slope hazard on the site can be adequately mitigated.

Karst Topography Constraint

Appendix ‘1’ of The Town of The Blue Mountains Official Plan, 2016, identifies the lands as being within an area consisting of shallow overburden with karst topography (See Figure 2). Karst topography is characterized by soil depth which is generally less than one metre over fractured bedrock. Section B5.5.3 of the Plan requires that an Environmental Impact Study may be required in order to determine if the overburden with karst does exist. Section B5.5.3 further outlines that in preparing an EIS, the proponent shall dig test holes in the location of a proposed dwelling, proposed sewage system and of each proposed accessory structure. In areas where full municipal sewer and water services are already installed, these requirements shall not apply.

As full municipal sewer and water services are already available to the lands, Staff are satisfied that there are no concerns with respect to the Karst policies of Section B5.5.3 of the Plan.

Significant Woodland Constraint

Appendix ‘1’ of The Town of The Blue Mountains Official Plan, 2016, identifies Significant Woodlands on the westerly portion of the subject lands (See Figure 2). Section B5.5.2 of the Plan outlines that the criteria for identification of significant woodlands were developed by the County with assistance from the Ministry of Natural Resources through a desktop exercise. As a result, site visits by qualified individuals may be required at the application stage to scope any potential studies. Flexibility should be reflected in more detailed studies completed as part of the development review process. Development and site alteration within or adjacent to significant woodlands shall be in accordance with Section B5.2.1 of the Plan.

Section B5.2.1 of the Official Plan further prohibits development and site alteration within identified natural heritage features, unless it is demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural heritage features or functions of the natural heritage feature. The requirement for an EIS may be waived by the Town with support from the applicable conservation authority, the County of Grey, and/or the Ministry of Natural Resources.

As outlined in the submitted Environmental Impact Study, approximately 0.12ha of forest cover is proposed to be removed for the site development. The EIS notes that this represents approximately 0.02% of the 720ha of continuous forest habitat within the broader landscape. As such, it is concluded in the submitted report that habitat loss within the woodland would be negligible as a result of the proposed development and the woodland would maintain its natural ecological function. The submitted Tree Retention Plan supports these findings and further identifies two butternut saplings on/near the north-westerly corner of the property. A
small portion of the north-westerly corner of the lands is proposed to remain zoned as *Hazard* lands in order to prevent site alteration within the recommended setback to the sensitive trees and to recognize the presence of a small wetland community. Comments from the Grey Sauble Conservation Authority, dated July 4, 2019, confirm that their office is generally satisfied with the proposed site development.

**Official Plan Amendment**

Section E8.2 of the Official Plan recognizes that the boundaries of the Wetland and Hazard designations, as well as the Special Constraint Areas overlay, may be imprecise and subject to change. Through the review of site-specific development proposals, the Town shall determine the extent of the environmental areas in consultation with appropriate agencies. Where the general intent of the document is maintained, any minor refinement of the Hazard designation, or Special Constraint Area overlay, shall not require an Amendment to the Official Plan. In this case, the submitted engineering and environmental reports demonstrate that the general intent of the Official Plan is maintained and that the hazard and potential impacts on natural heritage features can be safely mitigated. Furthermore, these technical reports have provided more detailed information to facilitate more precise refinement of the Town’s mapping.

Based on the foregoing, Staff are satisfied that the proposed re-zoning conforms to and maintains the general intent of The Town of The Blue Mountains Official Plan, 2016.

**The Town of The Blue Mountains Comprehensive Zoning By-law 2018-65**

The Town of The Blue Mountains Comprehensive Zoning By-law 2018-65 zones the subject lands as *Residential First Density (R1-4)* and *Hazard (H)* (See Figure 3). Table 8.1 of the By-law outlines the permitted uses within the *Hazard (H)* zone. Generally, development, site alteration, and buildings and structure are prohibited within the Hazard zone.

A Zoning By-law amendment is required to re-zone the westerly portion of the subject lands from the *Hazard (H)* zone to the *R1-4* zone in order to permit the proposed residential
development of the lands. The R1-4 zone generally recognizes larger residential lot sizes with more restrictive lot coverage and yard setbacks. The applicable performance standards recognize more separation between dwelling units on adjacent lots with substantial amounts of open space areas on the property. Table 6.2.1 of the By-law provides the Residential One performance standards below. Through review of the submitted architectural and site plan drawings, Staff are satisfied that the requirements of the R1-4 zone are satisfied, with the exception of height and lot frontage. These matters, as well as additional encroachment permissions for roof eaves, are included in the requested site-specific performance standards to be established through the re-zoning process. Staff are satisfied that the requested site-specific zone provisions maintain the general intent and purpose of the Zoning By-law.

The Hazard (H) zone proposed for the lands is intended to identify a small wetland community and to preserve the recommended buffer to identified butternut trees. No site development, buildings, structures, or site alteration, including the installation of new landscaping, is permitted in the Hazard zone.

<table>
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<th>Zone Standard</th>
<th>R1-1</th>
<th>R1-2</th>
<th>R1-3</th>
<th>R1-4</th>
<th>R1-5</th>
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<td>Minimum lot area (m²)</td>
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<td>Maximum lot coverage (%)</td>
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<tr>
<td>Minimum interior side yard (m)</td>
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<td>Maximum height (m)</td>
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<tr>
<td>Maximum height (storeys)</td>
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<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
</tbody>
</table>

Special Provisions:
(1) Minimum interior side yard – 1.2 metres on one side, 0.6 metres on other side.

The Open Space (OS) zone proposed for the lands is intended to recognize the area identified for tree retention on the submitted site grading plan. Similar to the Hazard (H) zone, the Open Space (OS) zone does not permit site development, buildings, structures, or site alteration. The implementation of the proposed Open Space (OS) zone will aid in preserving the existing on-site vegetation and contribute to mitigating visual impacts on the Escarpment, as noted in comments received from the Niagara Escarpment Commission.
A draft Zoning By-law Amendment has been attached to this report for Council review and consideration.

**Figure 3:** Zoning By-law 2018-65

**Figure 3:** Proposed Zoning for the Lands

**Conclusions and Recommendations**

Based on the foregoing, Planning Staff are satisfied that the proposed Zoning By-law Amendment is consistent with the direction of the Provincial Policy Statement, The Niagara Escarpment Plan, and conform to the County of Grey and the Town of The Blue Mountains Official Plan.

**F. The Blue Mountains Strategic Plan**

Goal #3: Support Healthy Lifestyles  
Objective #1 Promote the Town as a Healthy Community  
Objective #2 Increase the Range of Housing Choices and Promote Housing Affordability

**G. Environmental Impacts**

It has been demonstrated through the submitted technical environmental reports that potential negative impacts can be affectively mitigated through implementation of the recommendations contained therein. As a result, adverse negative impacts to the environmental are not anticipated.

**H. Financial Impact**

No adverse financial impacts to the municipality are anticipated as a result of this application.

**I. In consultation with**

Internal Departments, public agencies, and the general public through the development review and public consultation process.
J. **Public Engagement**

The topic of this Staff Report has been the subject of a Public Meeting and/or a Public Information Centre which took place on August 27, 2018. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

K. **Attached**

1. Site Grading Plan – Lot 14, Plan 1045
2. Draft By-law Amendment
3. Planning Staff Consolidated Summary of Comments Received
4. Written Comments Received

Respectfully submitted,

_____________________________
Travis Sandberg, Planner I

_______________________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
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tsandberg@thebluemountains.ca
519-599-3131 extension 283
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as “The Blue Mountains 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. 2018-65;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Table 9.1 – Exceptions of Zoning By-law 2018-65 is amended by adding Exception 121 with the following special provisions:

   121 For these lands, the following special provisions shall apply:
   a) The minimum lot frontage shall be 27.0m;
   b) The maximum height for a single detached dwelling shall be 10.3m and 3 stories; and
   c) Eaves associated with a single detached dwelling are permitted to encroach into the required interior side yard setback a maximum of 1.9m.

2. That Schedule ‘A’ of The Blue Mountains Zoning By-law 2018-65 is amended by rezoning those lands known as Lot 14, Plan 1045, from the Hazard (H) and R1-4 Zones, to the Hazard (H), R1-4-121, and Open Space (OS) Zones, as shown on Schedule ‘A-1’;

3. That Schedule ‘A-1’ is 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 23rd day of March 2020

____________________________________
Alar Soever, Mayor

____________________________________
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020—_____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the _____ day of __________, 2019.

Dated at the Town of The Blue Mountains, this _____ day of _______, 2020.

____________________________________
Corrina Giles, Clerk
Town of The Blue Mountains
Schedule 'A-1'

By-Law No.__________

Legend

- Subject Lands of this Amendment
- Area to be rezoned from H and R1-4 to R1-4-121
- Area to be rezoned from R1-4 and H to OS
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Comment/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Saugeen Metis</td>
<td>07/31/2018</td>
<td>No objection or concerns.</td>
</tr>
<tr>
<td>County of Grey</td>
<td>08/10/2018</td>
<td>No further concerns, provided positive comments are received from the GSCA and that the recommendations of the EIS and Slope Report are incorporated into the site development.</td>
</tr>
<tr>
<td>Niagara Escarpment Commission</td>
<td>09/26/2018</td>
<td>No objection and recommend:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- A Tree Inventory and Retention Plan be prepared;</td>
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<td></td>
<td></td>
<td>- Appropriate setback be shown on the plan;</td>
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<td></td>
<td></td>
<td>- Establish location of recommended natural buffer planting through a landscape plan;</td>
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<td></td>
<td></td>
<td>- Require dark sky compliant lighting;</td>
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<td></td>
<td></td>
<td>- Incorporate EIS recommendations to ensure Endangered Species Act is met;</td>
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<tr>
<td></td>
<td></td>
<td>- Ensure best practices for implementation of erosion and sedimentation control.</td>
</tr>
<tr>
<td>Mark and Susan Weisbarth</td>
<td>03/18/2019</td>
<td>Previous concerns have now been addressed by the applicant</td>
</tr>
<tr>
<td>GSCA</td>
<td>07/04/2019</td>
<td>Generally, no concerns with revised site grading and drainage plan;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Recommend that a Geotech. Engineer supervise and approve conditions for the dwelling foundation to the benefit of the Town’s CBO;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Recommend Hazard and Open Space zone to reflect wetland and tree retention area.</td>
</tr>
</tbody>
</table>
Your File: P2651  
Our File: Blue Mountains Municipality

Ms. Carscadden,

The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey  
Assistant Coordinator, Lands, Resources and Consultation  

Historic Saugeen Métis  
204 High Street  
Southampton, Ontario, N0H 2L0

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August 10th, 2018

Travis Sandberg, Planner
Town of The Blue Mountains
32 Mill Street, PO Box 310
Thornbury, ON N0H 2P0
*Sent via E-mail

RE: Zoning Amendment ZBA Schroeder
Lot 14 and 1/34 interest in Block 35, Plan 1045
Town of The Blue Mountains (Former Township of Collingwood)
Applicant/Owner: Jo-Anna & David Schroeder

Dear Mr. Travis Sandberg,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the application is to rezone a portion of the lands from the Private Open Space (OS2) zone to the Estate Residential Exception 63 (ER-63) zone in order to construct a single detached dwelling on the property. The amendment will also increase the eave encroachment on the Southern façade of the proposed dwelling from 1.0m to 1.9m.

Section 1 of the PPS generally directs new development and intensification to serviced settlement areas. The proposed development is in an existing residential cluster.

Schedule A of the OP designates the subject property as ‘Recreational Resort Area’. Section 2.6.7(1) of the OP states,

“The Recreational Resort designation as shown on Schedule A of this Plan shall apply to those lands which are settlement areas which have developed as a result of site specific amendments to the County of Grey Official Plan and/or local Official Plan consisting of a defined development area, specific recreational amenities, residential development and serviced with full municipal services”

The proposed development is residential in nature and is fully serviced by sewage and water services, and therefore complies with this designation.

Appendix A of the OP identifies that the property contains Special Karst Area (karst).
Section 2.8.5 states;

“In areas identified as Special Policy Area on Appendix A it will be necessary for the proponent of any planning application to address the need of providing an Environmental Impact Study. The objective of the Environmental Impact Study shall be twofold; to determine if in fact that the Special Policy Area (shallow overburden with karst topography) does exist. This may be accomplished simply by on-site test holes.”

In regards to the above, County staff would generally recommend that test holes be dug onsite, unless an onsite investigation has identified no karst features, or sufficient overburden onsite. In the case of this development, two test holes have been dug on site for a Slope Stability Assessment, circulated on February 13th, 2018. Bore hole samples found the area to contain mostly Sandy Silty Clay and Silty Clayey Gravel deposits without bedrock. Recommendations from this report state,

8.1 Temporary Excavations

“Temporary open cut excavations should be conducted in accordance with the requirements of the Occupational Health & Safety Act & Regulations (OH&S Act) for Construction Projects.”

8.2 Dewatering

“ Contractors must make their own independent assessment of the soil and groundwater conditions as reported herein for purposes of assessing the need and methods of possible Dewatering. This should include undertaking test excavations along or in proximity to the proposed sewer alignment to assess the site-specific conditions and determine an appropriate method of dewatering.”

8.3 Foundations:

“The base of all footing excavations should be inspected by geotechnical personnel prior to placing concrete to confirm the founding conditions are consistent with the recommendations described herein, and to ensure that there is no disturbance of the soil and the founding surface. Any deleterious materials, organics, or loose/soft or wet conditions observed should be sub-excavated and removed and the excavations backfilled with engineered fill in accordance with the recommendations provided herein.”

The test bore holes recorded in this study suggest there is significant overburden on site. Provided that Slope Stability Assessment Construction Recommendations are upheld during construction, and karst is not found onsite, County Planning staff have no further concerns in this regard.

Appendix B indicates that the subject property contains ‘Significant Woodlands’. Section 2.8.4 (1) of the OP states,

“No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental
Impact Study, as per section 2.8.7 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.”

As per section 2.8.4(1) of the OP, no development or site alteration may occur within Significant Woodlands, unless an Environmental Impact Study [EIS] has been completed. A Scoped Environmental Impact Study was conducted and circulated in November of 2017. The assessment suggests,

“Significant Woodland, wetland and Candidate Significant Wildlife habitat are present within or adjacent to the property. The proposed development can be achieved with no negative impact to natural heritage features or functions of the property or adjacent lands, provided that management recommendations are adopted"

Provided that positive comments are received by the Grey Sauble Conservation Authority [GSCA] regarding the findings of this EIS, and EIS management recommendations are provided in conditions of approval, County staff have no further concerns in this regard.

Provided positive comments are received by GSCA regarding the evaluation of the EIS study, and that recommendations from both the EIS and Slope Stability Assessment are considered, County planning staff have no concerns with the subject application.

The County requests notice of any decision rendered with respect to these applications.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Stephanie Lacey-Avon
Planner

www.grey.ca
October 26, 2018

Corrina Giles
Town of The Blue Mountains
32 Mill Street, Box 310
Thornbury, ON N0H 2P0

Dear Corrina:

Re: Proposed Zoning By-Law Amendment
Lot 14, Plan 1045 (Arrowhead Crescent)
Town of The Blue Mountains, Grey County

We have received notice of the public meeting and had opportunity to review the supportive documents provided to date regarding a proposed zoning by-law amendment, the effect of which is to rezone a portion of the lands from Private Open Space (OS2) zone to Estate Residential Exception 63 (ER-63). The rezoning will allow the construction of a single detached dwelling on the subject lands. A request was made by the Town’s planner to provide NEC comments to be included in a report for Council consideration. We offer the following:

The subject lands are located within the boundaries of the Niagara Escarpment Plan (NEP) and are designated Escarpment Recreation Area (Part 1.8). The lands are not located within the area of Development Control.

Permitted uses within the Escarpment Recreation Area are subject to Part 2, Development Criteria, the development objectives and lot creation policies in this section, and the requirements of official plans and zoning by-laws that are not in conflict with the NEP.

The list of permitted uses in Part 1.8.3 includes single dwellings.

The objectives listed in Part 1.8.1 that are relevant to this proposal include:

Objective #1 - To minimize negative impacts of recreational development on the Escarpment environment.

Objective #6 – To ensure that recreational development protects and maintains community character, hydrologic and natural heritage features and functions, and the scenic resources of the Escarpment.
Objectives 1 & 6 could be met and potential impacts minimized by implementing appropriate design and construction practices that will maintain vegetated buffers, control erosion and sedimentation, and avoid key hydrologic and natural heritage features.

Development Objectives Part 1.8.5
The subject property is located between the brow and toe of the Escarpment on the prominent Escarpment slope.

Part 1.8.5.6
*In ski centres and four-season recreational resort areas, development on prominent Escarpment slopes* [emphasis added] shall be limited to:

a) recreational facilities, such as ski runs, ski lifts or slides that require the slope for the proper functioning of the operation;
b) recreational uses, including walking or hiking trails (e.g., the Bruce Trail);
c) accessory uses and accessory facilities, except for infrastructure, that are underground, localized in nature, and do not result in visual impacts, permanent loss of ground vegetation or trees, or permanent contour changes;
d) accessory uses and accessory facilities related to existing uses that have minimal negative impact on the Escarpment environment and maintain the open landscape character; and
e) *existing registered plans of subdivision or condominium* [emphasis added].

The subject lot is located within an existing registered plan of subdivision. The majority of the lots within this subdivision have been developed.

Part 1.8.5.9
*Growth and development in Escarpment Recreation Areas shall be compatible with and provide for:*

a) the protection of natural heritage features and functions;
b) the protection of hydrologic features and functions;
c) the protection of agricultural lands, including prime agricultural areas;
d) the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;
e) considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;
f) sustainable use of water resources for ecological and servicing needs; and
g) compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plans in land use planning.
Wooded areas on the subject lot and adjacent lands are identified as Significant Woodland within the Town and County Official Plans. Significant woodlands are considered as key natural heritage features within the Niagara Escarpment Plan. Development is not permitted within key natural heritage features with several exceptions including: **Development Affecting Natural Heritage Development Criteria Part 2.7.2 a)** “development of a single dwelling and accessory facilities outside a wetland on an existing lot of record, provided that the disturbance is minimal and where possible temporary”.

A scoped Environmental Impact Study (EIS) has been prepared by Azimuth Environmental Consulting Inc. to evaluate the potential impact of the proposed development on features and functions of the significant woodlands and other natural heritage features.

Development is planned on the western portion of the lot where there is deciduous forest. According to the EIS approximately 1186 m² (0.12 ha) of forest cover is proposed to be removed to accommodate the development. The EIS points out that this represents less than 0.02% of the 720 ha of continuous forest habitat within the broader landscape. The EIS concludes that impacts related to the removal of the woodland habitat within the property limits would be negligible as the woodland will continue to provide the ecological functions. The EIS recommends that prior to vegetation clearing that detailed mapping of snag trees is completed to ensure potential habitat for endangered bat species is protected in accordance with the **Endangered Species Act**.

The size and design of the proposed dwelling and retaining walls will leave little room for retention of trees on the subject property. The EIS describes mature individual trees existing along the property boundary. The NEC recommends that a Tree Inventory and Preservation Plan be required to ensure that trees to be retained along the property boundary and on neighbouring properties are protected.

The wetland (small meadow marsh) identified on the property and adjacent lands to the west, is considered a key hydrologic feature within the meaning of the NEP. Development is prohibited in key hydrologic features. The EIS recommends that the wetland should be protected from any excavated material through sediment and erosion control and further recommends the establishment of a fence or natural buffer of native white cedar to prevent encroachment.

The grading plan does not identify the wetland feature and so it is difficult to assess if the proposed drainage and terraced garden area will impact this feature. Appropriate setbacks from the wetland feature should be established and shown on the final grading/drainage/site plan, a landscape plan should incorporate the recommended natural buffer planting and best practices erosion and sediment control measures to be implemented during construction as per the EIS recommendations.

The unnamed watercourse that flows through the property to the south of the subject lot is considered a key hydrologic feature in the NEP. EIS has recommended best practices sediment and erosion control measures and immediate site restoration to prevent any negative impact on this watercourse.
We recommend that should the proposal proceed to site plan approval that the final grading plan and stormwater management plan demonstrate that the key hydrologic features will be protected in accordance with Development Affecting Water Resources Development Criteria 2.6.

Part 1.8.5.10  
Recreational uses shall be designed to utilize existing site and topographical conditions. Minimum regrading, placement/excavation of fill and vegetation removal are allowed only if they are essential to the use and there are minimal negative impacts on the Escarpment environment.

The subject property is located on the Escarpment slope. The proposal is to locate the dwelling on the western portion of the lot, a wooded terrace requiring a driveway up the steepest part of the slope. The design proposes a stepped multi-tiered structure requiring cut and fill and retaining walls. The grade of the driveway is 12.8% at its steepest point. The proposal is not in keeping with this development objective, however, the EIS, Slope Stability Assessment and Planning Opinion have demonstrated that impacts can be minimized on this existing lot of record.

Part 2.5.4 of Development Affecting Steep Slopes & Ravines Development Criteria does not allow development on slopes in excess of 25% (4H:1V) or if the stability of the slope is in question, unless an engineering report has been prepared to demonstrate the future stability of the slope would not be effected. The Slope Stability Assessment prepared by Stantec Consulting Ltd. describes the slope at the steepest location as 3.1H: 1V. They observed no evidence of erosion, tension cracks, scarps, degradation of vegetative cover, or groundwater seepage. The existing tree growth did not indicate any active creep. Analysis concluded that the calculated safety factors meet the requirements of MNRF for residential development and that further toe erosion allowance, stable slope allowance and maintenance setbacks do not apply.

The objective of the Scenic Resources & Landform Conservation Development Criteria Part 2.13 is to ensure that development preserves the natural scenery and maintains the Escarpment landform. The proposal involves removing an area of trees and locating the dwelling on the Escarpment slope. The lot is long and narrow and therefore the front of the dwelling that could potentially be visible from public viewpoints presents a narrow east elevation. The first cellar level is partially below grade. The topography continues to rise to the west of the development and the surrounding area is forested in mature deciduous woods. The proposed dwelling does not skyline and existing development provides screening in the foreground. The generous deep eaves and balconies will help to reduce the impact of reflective surfaces. The visible impact could be further mitigated by retaining existing vegetation around the perimeter of the lot and augmenting with native species planting. The NEC also promotes dark sky friendly exterior lighting to reduce visual impact and negative effects on wildlife.

The Niagara Escarpment Commission has no objection to the proposed zoning amendment. To minimize the impact on the Escarpment environment and satisfy the Designation Objectives, applicable Development Objectives of the Escarpment Recreation Area and Development Criteria of the NEP we recommend the following:
• prepare a Tree Inventory and Tree Preservation Plan
• show the wetland and specify an appropriate setback from the wetland on the grading/drainage plan
• establish location and composition of the recommended natural buffer planting through a Landscape Plan
• require dark sky compliant exterior lighting
• incorporate the recommendations in the EIS such as snag assessment/timing restrictions to ensure requirements of the *Endangered Species Act* are met with respect to protecting Endangered bat species, and
• ensure implementation of best practices sediment and erosion control measures

The Commission requests notification of the decision.

Please contact me at [redacted], if you have any questions.

Sincerely,

[redacted]
Judy Rhodes-Munk
Senior Planner

c Travis Sandberg, Town of The Blue Mountains
To whom it may concern,

We are writing this letter at the request of our neighbours, David and Jo-Anna Schroeder. We are now in a position to let you know that we no longer oppose the proposed Zoning By-law Amendment that the Schroeders submitted in 2018 for their property next to ours, as long as certain conditions are met.

If you will recall, in our initial filing last August we expressed concerns with respect to potential flooding and also with respect to non-water-management issues should the Schroeders proposal be approved (see below). Since then, we have been presented with, and have reviewed the Stormwater Management Assessment, dated December 21, 2018 and the Revised Lot Grading Plan, dated December 12, 2018, both prepared by C.C. Tatham & Associates Ltd. for the Schroeders. Assuming that all the detailed recommendations in that report are carried out, we have no further concerns at this time.

Having said that though, and separately from the above commitment, should there be any flooding on our property after construction begins on the Schroeders new place (that traces to the construction on their property), you have to know that we obviously reserve our rights to take action to insist on a remedy or solution with all parties concerned including the Schroeders, the architect, the builder, the contractors, and the The Town of The Blue Mountains.

Separately, we have had a number of discussions with the Schroeders with respect to their building/landscaping/lighting/driveway/property-line plans to protect our privacy and not be intrusive to us. The Schroeders have been kind enough to both share their plans with us and have said they will share future detailed plans with us so we can table any issues with them prior to construction. As a result, we do not oppose the proposed Zoning By-law Amendment or construction of the dwelling.

We trust that this will help move the process along, and we look forward to hearing the next steps.
Response to application for zoning amendment; lot 14, plan 1045, Arrowhead Crescent, Town of the Blue Mountains

This is our response to the zoning amendment application dated July 31, 2018, that we received by mail August 2, 2018. I am writing this on behalf of my wife Susan, and our children Adam (and wife Jess), Lauren, and Samantha. Thank you for the opportunity to present our views on this issue. And thank you for working this late in the evening.

Before we get to our formal response, since this is being read aloud at this public meeting tonight, can I ask a favor?

But…instead of celebrating at what was supposed to be a now-cancelled surprise party for me (that my wife had been working on for months) we are here at this public meeting. Despite having found out about this meeting just over three weeks ago, we are here. We did request a different date for this meeting but we were denied. Despite the fact that some of the written documents regarding this zoning amendment date to over nine months ago (back to November, 2017), we have only been given three weeks to find available professional counsel (which, despite immense effort, we have not been able to find as of the time of this writing), assess the proposed amendment, and file a written response. We are not architects or water management experts, and unlike the people working for the owners of the property next to us, we have not had close to a year to get our thinking together. But we will respond to the best of our ability. Clearly this project has been in the works for a significant length of time though.

I am wondering why a team of professionals gets that much more time than amateurs such as ourselves. I really do. I have to confess that I think there is something genuinely unfair about that. I am also wondering why nobody knocked on our door to talk to us about this…or called, texted or e-mailed us. But if this is the way this has to go, then this is the way this has to go.

Let’s start our response by reviewing our history on Arrowhead Crescent. The background is important, so please bear with us. My mother-in-law and father-in-law, [name], built our family’s home away from home…our dream vacation residence…in 1987. For 25 years we always had a dry basement and backyard. I have pictures of my children playing in the backyard, riding their tractors across the dry lawn. I am talking “bone-dry”, with never a leak in the basement. Then about six or seven years ago, lot 16 (to our south and west) was redeveloped and the Hymas built a large home above us. It was built by well-known local builder/architect Patrick Coulter. We were assured that the Hymas’ team of architects and planners
followed every code and regulation with respect to landscaping and water management, and we believed they did just that. So, why are we telling you about this?

Well, before their place was even finished we started having serious flooding in our basement and backyard. It didn’t matter what season it was. If there was a winter thaw sometime between December and March, the basement flooded. During the spring thaw in March and April, the basement and backyard visibly flooded. When it rained in the Summer and Fall, the basement and backyard visibly flooded.

Was it due to what the Hymas did? We don’t know. We can’t prove anything. So, like good neighbours, we just “sucked it up”, literally and figuratively. I am certain the Hymas have no idea what we have gone through. We never complained to them. We never threatened to sue them. How could we? There is no way to prove that their construction caused our problems. Maybe it didn’t, but something changed and disrupted the water flow off the hill above and behind us.

But really? Twenty five years with no construction above us…and …no wet basement. Then….construction above us. Guess what….wet basement. Our basement started flooding regularly – big time. Our entire backyard was under water. We couldn’t even cut our grass because it was so wet. Coincidence? I think not. But, we did the right thing. We sought to solve the problem by ourselves. We didn’t threaten to sue the Hymas. We didn’t threaten to sue the Town of The Blue Mountains for flawed water management regulations that did not protect our property.

So…what did we do???. We met with contractors. We met with engineers. We met with roofers/gutter companies. We met with landscapers. Remember, we live in Toronto. This is not easy to do with a vacation property. But we just did it. The last work we did was finished just this year. That is how long we have been battling this problem. Battling this problem by ourselves. Paying to fix a communally owned stream/ditch with no help or funding from the other owners in the subdivision.

Over four years. Alone. Our money.

Over the past four years, we have re-graded our property, re-landscaped, re-built the communally owned stream/ditch (twice), added eaves/gutters to our roof, and completely re-built and waterproofed our basement, including the installation of several sump pumps. We have re-dry-walled and re-carpeted our basement not just once, but twice during this period of time. We have spent in excess of $60M of our money to solve problems we did not cause and problems that did not exist for close to 25 years. We just finished the work this past year and the basement has been bone dry through rain and snow ever since.
Now you want us to go along with something above us that could change the way water flows? Again? Not on my watch. Not without some guarantees, in writing. Not without us reviewing our options to potentially seek an injunction should this zoning amendment be approved. The last time we trusted the municipal codes and regulations, we got a flooded basement/yard and a $60M+ repair bill plus four years worth of headaches managing this process long distance from our home in Toronto. Sorry, but we don’t want to do that again. Can you blame us for feeling that way? Please…put yourselves in our shoes.

Moving on to another subject…why do we have these zoning rules and setbacks in the first place? As far as we know, nobody in the subdivision has ever built outside them. There is no precedent for this that we are aware of. What is the reason for this exception? We understand that this is a request to extend the building envelope west, above and behind us. I can only assume that the owners of this property want a better view of Georgian Bay and to be further back from the road, not unlike the Hymas above us. But if you allow this to happen, here is a list of just some of the things that will negatively impact our peaceful enjoyment and value of our home.

What will happen to the overall landscaping and look/feel of the shared property line between us and the proposed building location? How do we have a say in what our shared property line looks like? Also, I happen to be a very light sleeper. Very light. How will the noise and lights above us impact our enjoyment of our property? Our bedrooms are at the back of our home. How will all this impact our ability to sleep? If you allow this zoning amendment to go through, how will car lights on a driveway above us shining in our living room/bedrooms impact our sleep…our privacy…the feel/ambiance of our home? The same issues exist for house and driveway lights. What about car noise at any time of the night? We cannot control when the residents come and go, but if they are night owls, which we are not, then our peaceful privacy could be regularly disturbed.

Separately, we read in the planner’s report that the yard encroachment-eaves on the south side of the new build (our side) does not conform to relevant zoning bylaw provisions. How will this impact us, with our neighbour’s oversize roof draining onto our property and then potentially threatening to flood our basement and potentially ruin our landscaping?

Lastly, we also understand from the planner’s report that the proposed building will be essentially more stories high than the building code allows, by defining the master bedroom and garage floor as not really being a “story”. How is that something we want to agree to? Who wants a big high house, built outside the existing code, towering and hanging over our home?

Why do we have zoning codes and building regulations, if not to protect the rights of neighbouring property? We have vacationed at our home since 1987. We have
raised three wonderful kids who worship our place. My late father-in-law cherished the little time he spent there. Do not take that away from us. I implore you to not do that and to not do anything that would diminish the value of our property either.

We are reasonable people and would like to resolve this in a way that protects our property and interests. We might be prepared to support this zoning amendment application if certain terms and permanent guarantees were proposed and agreed to. We are prepared to have a discussion. Failing that, we will take every measure to protect our interests, and we mean every measure. Should this become a situation that is unpleasant, then I will be eagle-eyed in making sure that during the construction phase of this project, that the contractors are at all times following the letter of the building code and are only working during times allowed…and I do mean “to the letter”. It took the Hymas close to five years to fully complete their home above us and there was work at all times. We will not sit by again and allow this to happen while we are trying to enjoy time at our place. We will secure and enforce our rights aggressively, and if necessary through the court/legal system against those entities that are a party in making this decision.
August 27, 2018

The Town of The Blue Mountains
Clerk, Corrina Giles
32 Mill Street
PO Box 310
Thornbury, ON
N0H 2P0

RE: Application for Zoning Bylaw Amendment – P2651 Schroeder
Lot 14, Plan 1045 (Arrowhead Crescent)
Public Meeting August 27, 2018 at 5 pm

Dear Corrina:

I understand that a public meeting is being held this evening regarding the above noted Zoning Bylaw Amendment application which proposes to rezone a portion of the lands from the Private Open Space (OS2) zone to the Estate Residential Exception 63 (ER-63) zone. The amendment will also increase the eave encroachment on the southern façade of the proposed dwelling from 1.0 m to 1.9 m.

Pascuzzo Planning Inc. was retained by the owners of 116 Arrowhead Crescent, which is the property immediately to the south of the lands that are subject to the above noted zoning bylaw amendment.

I understand that Jo Anna and David Schroeder own the subject lands and would like to construct a single detached residential home on the property. It would appear that the owners are not content with constructing a home on the eastern (lower) portion of the property that is currently zoned Estate Residential Exception 63 (ER-63). Instead they wish to construct the home on the western (upper) portion of the property that is currently designated Hazard in the Town of The Blue Mountains Official Plan.
Issue 1 – The requirement of an Official Plan Amendment should be reconsidered.

The Town’s Official Plan schedule designates the subject lands Hazard and Recreational Residential.

I understand that the mapping of the Official Plan may be inaccurate and subject to change as per section E8.2 of the Official Plan.

Any minor refinement to the Hazard designations shall not require an Amendment to this Plan.

The Planning Report prepared by Plan Wells Associates indicates that Town Planning Staff did not request an Official Plan Amendment for this proposal.

The refinement being requested consists of more than half of the existing property. This would not appear to be minor for a number of reasons: 1) the area being refined is quite large 2) the slope where the home and driveway are being proposed is greater than 25% and 3) the slope is covered in trees.

Section B5.4.2 e) states:

Minor alteration of Hazard Lands mapping, as interpreted by the Town, in consultation with the appropriate Conservation Authority, may occur without amendment to the Official Plan.

Was the Grey Sauble Conservation Authority consulted on this application prior to submission?
Issue 2 – Ability to Construct Outside the Hazard Designation

It would appear to me that there is a feasible location for the proposed home outside of the Hazard Lands designation.

For example, the properties to the north 122 and 124 Arrowhead have similar lot fabric. The owners on these lots constructed on the lower half of their properties outside the current Hazard designation. Furthermore, if the area outside the Hazard designation was not quite large enough, why wasn’t a minor infringement on to the Hazard lands considered. Even a third or half way up the slope?

The Abbott Design Ltd. drawing displays a proposed 5000 square foot building footprint. This is quite a large building envelope. There would clearly be an opportunity to reduce the size of the home in order to fit within the area of land outside of the Hazard designation.

I don’t understand how sections B5.4.2 c) v) and h) of the Town’s Official Plan are being met:

**c) Where new development is permitted, it shall only occur if the following can be satisfied:**

v) **There is no feasible location for the development outside of the Hazard Lands designation.**

**h) Access through a hazard area, which requires filling or other alterations to existing grades, shall be permitted in situations where it presents the only available means of securing a safe and appropriate building site on an existing lot of record. Such access must be constructed such that it is not prone to erosion or instability and will not cause or aggravate erosion, flooding or instability on neighboring properties.**

Both of the above noted policies indicate that the only way development can occur in the Hazard designation is if there is no other option. That is not the case here.
Issue #3 – Why not build outside the Significant Woodlands?

The map above indicates that the proposed building envelope would fit on the portion of the property that is outside the existing Significant Woodlands layer.

Did the Environmental Consultant consider that the home could be constructed outside the Significant Woodland mapping? I am not an ecologist, but even I can conclude that there would be less environmental impact if the house was located outside the Significant Woodland layer.
**Issue 3 – Cumulative Drainage Impact**

It is worth noting that a new home was recently constructed on the lot directly south of my client’s property known municipally as 114 Arrowhead Crescent. The Weisbarth's are concerned that a similar construction area for the proposed home may impact the overall drainage plan for the neighborhood. After all, the original design for the original Arrowhead Crescent Plan of Subdivision would not have included a home in the proposed location (see Abbot Design – site plan).

A Cumulative Drainage Study (or an update to the original stormwater management strategy) should be completed to ensure that the Weisbarth’s home is not subject to an increase in drainage based on the location of the proposed home up the slope. The Weisbarth’s home obviously sits quite a bit lower in elevation compared to the existing home that was just constructed to the south and the proposed home being contemplated to the north.

It would appear that a more suitable location to construct the home would be in the area already designated and zoned for a residential home.

**Issue 4 – Slope Stability**

The Slope Stability Report prepared by Stantec indicates that at the steepest location, the ground bank on the property is approximately 3.1 H : 1 V. This is a very general statement and a figure was not included within the report to indicate the percent slope over the entire property. One of the criteria of establishing lands as Hazard is steep slope, in particular slopes that exceed 25%. A figure should be provided indicating the percentage of slope on the entire property. It’s possible there are areas greater than 30% slope or less than 20% slope. The report should comment on the areas of the property that are more suitable and less suitable for development.

Section 2.5.5 of the NEC Plan states:

*Development shall not be permitted on slopes in excess of 25 percent (1:4 slope) or if the stability of the slope or ravine is in question, unless an engineering report has been prepared by the applicant that demonstrates the future stability of the slope would not be affected.*

The Stantec report does not conclude that the future stability of the slope would not be affected. The report also does not address landscaping requirements or the impact of surface drainage as per section B5.4.2 (f) of the Town of Blue Mountains Official Plan.

*The study must address slope stability with respect to structural impact, landscaping requirements, and the impact of surface drainage.*

**Issue 5 – Visual Impact – loss of trees**

It is difficult to determine the amount of tree removal that will be required to construct the 5000 square foot building. However, there will be loss of existing vegetation and this will impact the vegetated cover that currently exists between the two properties. A tree preservation plan should be required to prevent the unnecessary loss of trees within the existing Hazard designation.
Until the concerns in this letter are addressed my client objects to the approval of the proposed Zoning Bylaw Amendment.

On behalf of my client I would appreciate receiving a response from the Town of The Blue Mountains acknowledging receipt of this letter.

I would also ask that my client and I be added to the circulation list on any further notices related to this Zoning Bylaw Amendment.

Kind Regards

Pascuzzo Planning Inc.

[Redacted, MCIP, RPP]
July 4, 2019

Ms. Corrina Giles, Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury ON
N0H 2P0

Dear Ms. Giles:

RE: Application for Zoning By-law Amendment P2651
Agent: Miriam Vasni, Plan Wells Associates
Part Lots 22 Concession 4; Arrowhead Crescent
Town of the Blue Mountains, formerly Collingwood Township

This is a follow up to previous comments issued on this application, dated August 27, 2019, March 17, 2019 and discussions/emails with the project engineer. We offer the following additional comments.

We have reviewed the proposed site grading and drainage plan and accompanying engineer report with the project engineer and are generally satisfied with the design. Provided the Town is satisfied that it poses no issues for the downstream drainage system, we generally have no objection to its implementation.

As previously stated, we continue to recommend that a geotechnical engineer supervise and approve conditions for the foundation of the dwelling for the benefit of the Town's building department and drainage/ construction/ sediment and erosion control measures be supervised by the project's drainage engineer.
Further, we recommend that a hazard zone be implemented to reflect the identified wetland area at the west end of the property. Additionally, the area in the south east section of the property should be zoned open space to reflect the vegetation retention area as noted on the site plan and that no buildings be permitted in this zone. The enclosed map outlines these recommended zones.

As the property is not currently regulated under Ontario regulation 151/06, the Town may want to consider a site plan agreement to address the above. We note that a permit is not required from our office for the project.

We request a notice of decision in this matter to be provided to our office and notice of any appeals in this matter.

If any questions should arise, please contact the undersigned.

Andrew Sorensen
Environmental Planning Coordinator

cc Miriam Vasi. Plan Wells Associates, Agent
Andrea Matrosows, Authority Director, Town of the Blue Mtns.
Building Department, Town of The Blue Mountains
March 17, 2019

Ms. Corrina Giles, Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury ON
N0H 2P0

Dear Ms. Giles:

RE: Application for Zoning By-law Amendment P2651
Agent: Miriam Vasni, Plan Wells Associates
Part Lots 22 Concession 4; Arrowhead Crescent
Town of the Blue Mountains, formerly Collingwood Township
Our File: P13360 Roll No: 42-42-000

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the provincial Policy Statement and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following additional comments to our August 27, 2018 letter in the above noted matter.

The proponent has provided additional information to follow the original environmental impact study (Azimuth Environmental, November 2017) in a letter date September 27, 2018 (Azimuth Environmental) and a letter dated October 1, 2018 form Hensel Design Group Inc.

Additionally, a stormwater management assessment and detailed site plan has been prepared by C.C. Tatham and Associates Limited (CCTA) dated December 21, 2018.

Subject Proposal
The subject proposal is to re-zone the property from Private Open Space to Estate Residential Exception 63(ER-63) to allow the development of a single family residential dwelling.
3.1 Natural Hazards Additional Comments
The CCTA Stormwater Management Assessment indicates that the proposal will increase flows from the site to the Municipal downstream system and also shows increased drainage to the adjacent property owned in common with the other residents in Arrowhead Crescent. As drainage flows to a municipal system, the Town will need to be satisfied that the increase is not significant to their drainage system and can be handled in the Arrowhead road catch basin at the entrance to Alpine Ski Club. The stormwater assessment provides a catchment area map showing the upstream drainage catchment. We recommend that this be provided to the Town for comparison of the original stormwater report for the Arrowhead Subdivision.

2.1 Natural Heritage
An environmental impact study (EIS) has been completed for the site by Azimuth Environmental November 2017. According to the report there are a number of significant features and functions noted. The report confirms that the woodland is significant, confirms the presence of a species of special concern (eastern wood pewee) and a small wetland. The report indicates that the wetland community should be protected at all times from grading activities. The revised grading plan does not appear to avoid this wetland area and continues to remove woodland from the site that was deemed significant in the Azimuth report. The mitigation measures indicated in the Hensel Design report are not consistent with the direction of the Azimuth EIS or consistent with the CCTA site plan. The Hensel Design Group report is noted as a Tree Preservation Plan but there does not seem to be any trees preserved according to the CCTA site plan. It also appears to be development within the 10 metre Butternut buffer.

We recommend that a landscape and tree preservation plan be completed for the site as suggested in this correspondence.

Recommendations
We continue to make the following recommendations to be completed prior to approval of the amendment.

1) We recommend that the rear 22 metres of the lot remain in private open space to address the recommendation contained within the EIS report and that this are remain in vegetative cover. A detailed landscape and tree preservation plan should accompany the proposal for this area.

2) We recommend that the foot print of the dwelling be reduced to ensure there is no increase in stormwater from the site and the increase is accommodated on site unless the increase is supported by the Town.
3) Regardless of the outcome of the above, we continue to recommend that a geotechnical engineer supervise and approve conditions for the foundation of the dwelling for the benefit of the Town's building department and drainage/ construction/ sediment and erosion control measures be supervised by the drainage engineer.

As the property is not currently regulated under Ontario regulation 151/06, the Town may want to consider a site plan agreement to address the above.

We request a notice of decision in this matter to be provided to our office and notice of any appeals in this matter.

If any questions should arise, please contact the undersigned.

Regards,

Andrew Sorensen
Environmental Planning Coordinator

cc  Miriam Vasni. Plan Wells Associates, Agent
    Andrea Matrosov, Authority Director, Town of the Blue Mtns.
    Building Department, Town of The Blue Mountains
August 27, 2018

Ms. Corrina Giles, Clerk
Town of The Blue Mountains
32 Mill Street, P.O. Box 310
Thornbury ON
N0H 2P0

Dear Ms. Giles:

RE: Application for Zoning By-law Amendment P2651
Agent: Miriam Vasni, Plan Wells Associates
Part Lots 22 Concession 4; Arrowhead Crescent
Town of the Blue Mountains, formerly Collingwood Township
Our File: P13360 Roll No: 42-42-000

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the provincial Policy Statement and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal
The subject proposal is to re-zone the property from Private Open Space to Estate Residential Exception 63(ER-63) to allow the development of a single family residential dwelling.

Site Description
The subject property includes treed areas, previously disturbed areas for a laneway, maintained lawn and landscape areas, a gravel parking area and a small reed canary grass wetland. The Environmental impact study prepared by Azimuth Environmental provides a detailed accurate description of the property.

GSCA Regulations

Watershed Municipalities
Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains
The subject property is not currently regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, no permits are required from our office for the proposed construction.

**Provincial Policy Statement (2014)**

**3.1 Natural Hazards**

There are Natural Hazard issues identified on the identified on the property. General hazard mapping of the property included a large portion of the property as hazard land primarily in the open space zone. Slopes on the property are quite variable but do include some sloped areas of greater than 3:1 in grade which would qualify for hazard mapping. Thus, we suggested that prior to building a slope stability assessment and drainage plan be prepared for the proposed development.

Stantec has provided a slope stability assessment for the site dated February 13, 2018. Two bore holes were completed as part of this assessment to determine depth to ground water. Based on the findings, the location for the dwelling is not anticipated to be impacted by ground water and dewatering is not anticipated for the construction of the dwelling. However, it is our opinion that significant variation in ground conditions can occur over short distances and an assessment and supervision by a geotechnical engineer throughout the construction, site preparation and grading operations is recommended with reports submitted to the building department.

CC Tatham and Associates have provided a lot grading plan. However, this plan does not provide any erosion and sediment control provisions and there does not appear to be an assessment of the impact of increased flows from this property to adjacent properties or to the Town’s road side ditch. There are a number of features on the drainage plan to be completed by others such as subsurface drainage, retaining walls and landscape features. There are also inconsistencies with the recommendations in the Environmental Impact Study.

We recommend that a stormwater (subsurface and surface water) report be prepared for the development, as well as a detailed work plan to address sediment and erosion during construction.

**2.1 Natural Heritage**

An environmental impact study (EIS) has been completed for the site by Azimuth Environmental November 2017.

According to the report there are a number of significant features and functions noted. The report confirms that the woodland is significant, confirms the presence of a species of special concern (eastern wood pewee) and a small wetland.

The report indicates that the wetland community should be protected at all times from grading activities. The grading plan shows swales going through this area.

Section 8.4 of the report talks about retained vegetation. The grading plan would lead us to believe that there is no retained vegetation other than maybe a few of the landscape trees close to
Application for Zoning (P2651)
Arrowhead Crescent
Lot 22, Concession 4, Town of the Blue Mtns. (Collingwood Township)
August 27, 2018
Our File No. P13360

Arrowhead Crescent. Figure 3 of the EIS shows an open space area of approximately 22 metres from the rear property line, where as the grading plan shows 14.7 metres to the proposed dwelling. It is unclear from the report whether this open space area was for retained vegetation to address the Significant Woodland encroachments.

Recommendations
We make the following recommendations to be completed prior to approval of the amendment.

1) We recommend that the rear 22 metres of the lot remain in private open space to address the recommendation contained within the EIS report and that this are remain in vegetative cover.

2) We recommend that a stormwater (subsurface and surface water) report be prepared for the development, as well as a detailed work plan to address sediment and erosion during construction. The grading plan will need to be revised to address recommendations within the EIS report.

3) That a geotechnical engineer supervise and approve conditions for the foundation of the dwelling for the benefit of the Town’s building department.

As the property is not currently regulated under Ontario regulation 151/06, the Town may want to consider a site plan agreement to address the above.

We request a notice of decision in this matter to be provided to our office.

If any questions should arise, please contact our office.

Regards,

Andrew Sorensen
Environmental Planning Coordinator

cc Miriam Vasni. Plan Wells Associates, Agent
        John McGee, Authority Director, Town of the Blue Mtns.