A. Recommendations

THAT Council receive Staff Report PDS.20.11, entitled “Recommendation Report - Proposed Zoning By-Law Amendment Application (Lot 2, Scandia Lane)”;

AND THAT Council enact a Zoning By-law Amendment to rezone the subject lands to the Residential One Exception Holding (R1-1-124-h37) to permit the development of the lot for a single detached dwelling on a seasonally maintained road, subject to the following:

a) Exception 124 shall include the following site-specific provisions:
   i) One single detached dwelling and accessory buildings and structures may be permitted on a lot that abuts or fronts on a public street which is not assumed by by-law by a public authority for maintenance purposes for those lands located and being in the Town of The Blue Mountains, comprised of Lot 2, Plan 807; and
   ii) The subject lot shall be provided an adequate potable water supply at the sole cost of the property Owner, to the satisfaction of the Town of The Blue Mountains.

b) That Holding Provision (h37) may be lifted upon the following:
   i) The Owner shall provide confirmation that home insurance can be obtained for the proposed dwelling unit; and
   ii) The Owner shall enter into a legally binding agreement with the Town addressing matters, such as, but not limited to:
      a. That the owner acknowledges that the lot fronts onto a seasonal road that is not maintained year-round by the Town;
      b. That the owner acknowledges and agrees that the Town does not and is not required to perform winter maintenance or snowplowing of the said road or street and that the owner will be responsible for winter plowing and maintenance of the street;
      c. That the owner acknowledges and agrees that municipal services, including winter road maintenance, are not available to the subject lands and that
emergency response may be impacted as access is via a non-maintained seasonal road;

d. That the owner acknowledges and agrees that the Town will not be providing regular services or other winter maintenance of the road unless it is improved or upgraded to the local municipal standard then in force;

e. That the owner acknowledges and agrees that municipal waste collection is not available to the subject lands. The owner is required to place garbage bins at the intersection of Hamlet Road and Scandia Lane on collection day in order to receive municipal waste collection;

f. That the owner acknowledges and agrees that the Town is not liable for any injuries, losses, or damages as a consequence of the owner developing a lot without frontage on an improved public road despite being issued a building permit(s);

g. That the owner acknowledges and agrees that the lands shall be provided an adequate potable water supply at the sole expense of the owner, to the satisfaction of the Town of The Blue Mountains; and

h. That the agreement shall be registered on the title of the lands at the expense of the owner.

B. Overview

This report provides a summary of the public meeting and staff recommendations regarding a site-specific Zoning By-law Amendment request for the lands municipally known as Lot 2, Scandia Lane. The proposal includes a request to amend Zoning By-law 2018-65 to apply site specific provisions to the subject lands in order to permit development on the lot which fronts onto a seasonal road, which is not assumed by by-law by the Town for maintenance purposes.

C. Executive Summary

Application File # P2712

Application Received Date: February 5, 2019

Application Deemed Complete Date: August 13, 2019

Official Plan Designation: Residential Recreational Area

Zoning Bylaw Designation: Residential One (R1-1)

Planning Area Location: Swiss Meadows

Planning Services received an application to amend the Zoning By-law to affect the development of the subject lands for a single detached dwelling. The land is an existing lot of record located within a registered plan of subdivision locally referred to as “Swiss Meadows”. The lands are currently vacant and front onto Scandia Lane west of Hamlet Road. This section of Scandia Lane is a seasonal road and does not receive any winter maintenance by the Town. The Town does provide summer maintenance of the road (i.e. gravel and re-grading). Due to the
status of the seasonal road, zoning by-law requirements have historically prevented the issuance of Municipal Entrance Permits and Building Permits for the subject lands.

Municipal sanitary services are not currently provided to the Swiss Meadows Service Area and a private on-site septic system is proposed by the applicant. Municipal water services are available in the Swiss Meadows Area, however, are not available at the subject property frontage. A private on-site deep bore well is proposed by the applicant as a potable water source. It is noted that Town Operations Department Services staff have confirmed that a private water line servicing 167 Scandia Lane appears to be located at the property frontage, which appears to connect to the Municipal water system at Hamlet Road and Scandia Lane.

As described in the applicant’s supporting Visual Slope Assessment, the property is characterized by a sloping west to east topography with an average slope of 3H:1V, with some intermittent slopes being as steep as 1H:1V. The general sloping within the site is approximately 10m deviation, with a maximum elevation of approximately 479m on the westerly portion of the lands, and a minimum elevation of approximately 470m on the easterly portion of the site.

A public meeting was held for the proposal on September 16, 2019, wherein comments were received from public agencies and the general public.

D. Background

The subject lands are located within the Swiss Meadows Service Area, an existing low-density residential plan of subdivision registered in April 1964 (Plan 807). The lands are currently vacant and are generally characterized by exposed bedrock and a sloping topography. No natural heritage features worthy of preservation have been identified on the site, as confirmed by comments received from the Grey Sauble Conservation Authority dated September 16, 2019. The property fronts onto a seasonal road that is not “assumed by by-law by a public authority for maintenance purposes”, as is required by General Provision 4.15(a) of Zoning By-law 2018-65 in order to otherwise permit the development of the lot. The Owners’ authorized agent, Georgian Planning Solutions, submitted a site-specific application to amend the Zoning By-law in order to permit development of the lands for a single detached dwelling that fronts onto a seasonal road. This portion of Scandia Lane is considered a seasonal road and does not receive winter maintenance by the Town. Currently, the on-going winter maintenance of this seasonal road is being completed by the current property owner(s) who access their lot(s) from this portion of Scandia Lane. The development review process did not uncover any legal agreements that are currently in place to secure winter maintenance of the road.

An existing residential dwelling unit located west of the subject property (167 Scandia Lane) was constructed circa 1983, prior to the enactment of the former Township of Collingwood Zoning By-law 83-40. The 167 Scandia Lane property predates the requirements of the current (and former) zoning By-law with respect to required frontage on an open year-round maintained public street.
A second existing residential dwelling is located on the south side of this portion of Scandia Lane (166 Scandia Lane) and was constructed circa 1994. Prior to the issuance of a building permit, the owners of 166 Scandia Lane were required to improve approximately 20-25m of Hamlet Road. As such, the property is provided frontage onto the open and maintained portion of Hamlet Road south of Scandia Lane, thus satisfying the general development requirements of the current (and former) Zoning By-law.

**Scandia Lane**

Staff Report CSPW.17.085, as submitted to the Council and the Committee of the Whole in 2017, reviewed the status and history of this portion of Scandia Lane. It is noted in the report that at the time of assumption of the plan of subdivision in 1975 this portion of Scandia Lane was not functionally open nor maintained as a travelled roadway.

Following construction of the dwelling at 167 Scandia Lane, this portion of Scandia Lane was functioning much like a private road within a Town road allowance with general maintenance being completed by private property Owners. Following the recommendations of CSPW.17.085, Council enacted By-law 2018-39 on July 9, 2018 in order to clarify and confirm the status of this portion of Scandia Lane as a seasonal road and that the Town does not provide any winter maintenance.

The Town has been approached on different occasions to assume yearly maintenance of this portion of Scandia Lane, however, both the Town’s Operation Services Department and Fire Department staff have consistently stated that the grade/steepness of the existing hill precludes the Town taking on yearly maintenance, and that access for emergency response vehicles cannot be guaranteed.
Pre-Consultation

A pre-consultation meeting was held between Town Planning Staff and the Owner’s agent on October 3, 2018. Pre-consultation allows for review of potential applications and offers both landowners and agencies the opportunity to review considerations, issues, and requirements before a Planning Act application(s) is formally submitted. As per Town protocol, the proposal was circulated to internal departments and commenting public agencies. The following comments were received through the pre-consultation process:

- **County of Grey Planning Department** - no concerns, provided that the site can be safely accessed year-round by emergency service vehicles;
- **Grey Sauble Conservation Authority** - recommend that a slope stability report and an engineered lot grading plan be prepared;
- **Town of The Blue Mountains Fire Services** - Fire response vehicles will not go past the intersection of Scandia Lane and Hamlet Road, as such there will be no fire suppression service to the top of the hill. It is recommended that the applicant inquire about obtaining house insurance prior to proceeding with any application to ensure that it is obtainable with zero fire protection available. Should the applicant proceed, then it is recommended that the future building be outfitted with fire sprinklers to NFPA 13D standards and a private cistern or other means of water supply be provided on-site. Fire services will remain unavailable for this property;
- **Town of The Blue Mountains Operations Department** - Waste collection is not available at the property frontage. Collection is only available at the intersection of Hamlet Road and Scandia Lane. There is no public maintenance of this section of Scandia Lane. This is a Class 6 road and has no defined level of service. The ongoing maintenance of the laneway is and will continue to be the sole responsibility of the homeowner(s). The

![Figure 3: View of Scandia Lane (facing west at the bottom of hill)](image1)

![Figure 4: Lot 2, Scandia Lane](image2)
Roads Department does not support another house being constructed on this portion of the dead-end seasonal road.

The works required to improve this portion of road to a proper municipal standard appears to be cost prohibitive and the Town has no plans to complete any upgrades. Potential alternatives were also discussed with the applicant including the applicant entering into a Municipal Land Use Agreement with the Town acknowledging the seasonal nature of the road and the lack of municipal services, including fire suppression. Such an Agreement would be registered onto the title of the lands and thus binding on any subsequent owners.

**Application Submission**

A Zoning Bylaw Amendment application was received by the Town on February 5, 2019 but not deemed complete until August 13, 2019. In support of the application, the Town received the following information/documents:

- **Planning Cover Letter**, prepared by Krystin Rennie, RPP MCIP, Georgian Planning Solutions (February 2019);
- **Lot Grading Plan** prepared by CC Tatham and Associates (November 2017);
- **Visual Slope Assessment**, prepared by Alexander Winkelmann, P.Eng Geotechnical Engineer, Central Earth Engineering (May, 2019); and
- **Commentary on Karst Constraints**, prepared by Anar Jafarov, P.Eng Geotechnical Engineer, Central Earth Engineering (March 5, 2020).

**Public Meeting**

A Public Meeting was held on September 16, 2019. Notice of Public Meeting was circulated to all agencies and the general public on August 27, 2019. As a result of the circulation of the application, comments were received from the following agencies:

- The Historic Saugeen Metis Lands, Resources, and Consultation Department, indicated no concerns or objections with the application by email dated August 28, 2019;

- The Niagara Escarpment Commission (September 12, 2019)- no objection to the proposed zoning by-law amendment, provided an appropriate level of servicing can be provided and that the area is not prone to natural hazards;

- The Grey Sauble Conservation Authority provided the following comments by letter dated September 16, 2019:
  - Potential natural hazards present on the subject lands include sloped areas that may be subject to instability if disturbed, as well as karst topography;
  - The lands are within 120m of a Significant Woodland. No negative impacts are anticipated as the lands are separated from the woodlands;
  - Recommend the following prior to a Building Permit being issued:
Committee of the Whole
June 2, 2020
PDS.20.11

- Feasibility for private sanitary servicing (i.e. septic system) be demonstrated and the proposed system shall be supported by a geotechnical engineer;
- A detailed site plan should be provided showing proposed stabilization measures, supported by a geotechnical engineer, drainage engineer, and a structural engineer;
- That construction of the dwelling be supervised by the above noted engineers and that said engineers certify that the works have been completed in accordance with approved plans; and
- That further information regarding site drainage be provided to ensure no negative impacts on downslope properties.

- The County of Grey (September 11, 2019) – No concerns, provided that the subject property can be adequately serviced, safe year-round access can be ensured, and the visual slope assessment report considerations are included as part of the development process;
- The following comments were received from an area resident by letter dated September 15, 2019:
  - The former owner of Lot 1 (167 Scandia Lane) received a building permit prior to enactment of Zoning By-law 83-40 and is ‘grandfathered’;
  - The other parcel at the top of Scandia Lane (166 Scandia Lane) was not entitled to a building permit under By-law 83-40. It was determined that the property’s legal frontage was on Hamlet Road and the Owner had to improve about 75 feet of the right of way for maintenance in order to have legal frontage on an opened, maintained road;
  - Concerns regarding ability to accommodate private on-site services;
  - Potential liability issue for the Town.

E. Analysis

The Ontario Planning Act

The Ontario Planning Act requires that when rendering any planning decisions, Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act, and be consistent with the Provincial Policy Statement, as outlined by Section 3 of the Act.

Section 2 of the Planning Act requires that Council shall have regard for matters of Provincial interest. The following are the matters of Provincial interest outlined by the Act which are most relevant to this proposal (with Planning Staff commentary following each item):

- The adequate provision and efficient use of ... sewage and water services and waste management systems;

  Staff Comment: The subject property will be serviced with a private sanitary sewage system in accordance with the recommendations of the submitted Slope Assessment Report and Karst Study. There is potential for the lands to connect to the municipal water system via a private water line. This is the preferred servicing solution, however,
in the event that this is technically unfeasible, a private on-site well can be accommodated, as per the submitted engineering studies.

i) The orderly development of safe and healthy communities;

**Staff Comment:** The subject property is an existing lot of record within an existing and established plan of subdivision.

j) The adequate provision of a full range of housing, including affordable housing;

**Staff Comment:** The subject property is proposed to be developed for a residential dwelling.

o) The protection of public health and safety;

**Staff Comment:** To recognize that access for emergency response vehicles cannot be guaranteed a Municipal Land Use Agreement is recommended. This Agreement would articulate to future owners of the subject land what limitations and liabilities under which they may use the Town’s seasonal road as access to this existing lot. Moreover, it is strongly recommended that the owner consider including an appropriate private fire suppression system in the design of their future dwelling. As a condition to remove the holding ‘h’, the owner will also be required to confirm that home insurance can be obtained for the lands.

p) The appropriate location for growth and development;

**Staff Comment:** The Town’s land-use planning documents have pre-designated and pre-zoned the subject property for residential purposes. Also, the subject property is also located within a Settlement Area. Existing residential uses currently exist on surrounding parcels.

Through review of the above noted policies, Planning Staff are of the opinion that matters of Provincial Interest have had proper regard.

**The Provincial Policy Statement, 2020**

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 decisions on planning matters in the province must be consistent with the PPS. Within the framework of the PPS, the subject lands are located within a Settlement Area.

**Section 1.0 Building Strong and Healthy Communities**

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. Section 1.6.6.4 of the PPS specifically provides that:
"Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development."

The subject property is located within a Settlement Area and could be considered the infill of an existing lot of record and rounding out of development within an existing plan of subdivision. Servicing in such cases by individual on-site water and sewage services is permitted in the PPS. The preferred means of servicing for the lands is to connect to the municipal water system terminating at Hamlet Road and Scandia Lane. Should this not be technically feasible, then a private on-site well can be accommodated, as per the submitted slope assessment and karst addendum reports. Further, the lands can be appropriately serviced with private on-site sanitary services without negative impacts. Planning Staff have no concerns with respect to the servicing policies of Section 1.6.6.4 of the PPS.

Section 1.6.6.7 of the PPS requires that planning for stormwater management shall generally mitigate risks to human health, safety, property and the environment, and promote best practices and low impact development. Staff generally have no concerns with respect to Stormwater Management as an engineered lot grading plan will need to be approved as part of any future building permit application.

Based on the foregoing, Staff generally have no concerns with respect to Section 1.0 of the PPS.

Section 2.0 Wise Use and Management of Resources

Section 2.0 of the PPS promotes long-term prosperity, environmental health, and social well-being of the province through the conservation of biodiversity, protection of the Great Lakes, and the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources.

The subject lands are located within 120m of identified significant woodlands. As confirmed through correspondence from the GSCA, dated September 16, 2019, the subject lands are fragmented from the identified woodlands and the proposed development will not negatively impact the natural feature or its ecological function. Planning Staff are satisfied that the proposal is consistent with Section 2.0 of the PPS.

Section 3.0 Protecting Public Health and Safety

Section 3.0 of the PPS aims to protect public health and safety by reducing the potential for public cost or risk to Ontario’s residents from natural or man-made hazards. Accordingly, development is generally directed away from areas of natural and man-made hazards where there is an unacceptable risk to public health or safety or for property damage and shall not create new or aggravate existing hazards.
Section 3.1 of the PPS generally directs development to areas outside of hazardous sites, which are defined as “... property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography)”. For the purpose of Section 3.0 of the PPS, the subject lands are considered a potentially hazardous site due to the presence of karst topography.

Development and site alteration may be permitted in portions of hazardous lands in accordance with Section 3.1.7 of the PPS where the effects and risk to public safety is minor, where risk could be mitigated in accordance with provincial standards, and where:

a) development and site alteration are carried out in accordance with floodproofing standards, protection works standards, and access standards;
b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
c) new hazards are not created, and existing hazards are not aggravated; and
d) no adverse environmental impacts will result.

In support of the proposal, the applicant submitted a Visual Slope Assessment and Karst Addendum Report, prepared by Central Earth Engineering. The report includes recommendations regarding appropriate foundations for structures, as well as for general construction, grading, and erosion considerations. The findings of the report were subject to a Town peer review completed by Cambium Inc. The results of the peer review confirm that the recommendations meet the minimum requirements of the applicable Ministry of Natural Resources Technical Guidelines for a site which is not regulated by a Conservation Authority.

Based on the recommendations of the Slope Stability Report and the subsequent peer review thereof, Staff are satisfied that the potential hazard created by the presence of karst topography can be adequately mitigated in the construction of the dwelling and site services.

The Niagara Escarpment Plan, 2017

The subject lands are designated *Escarpment Recreation Area* by the Niagara Escarpment Plan, 2017 (NEP). This designation applies to areas of existing or potential recreational development associated with the Escarpment Slope. Permitted uses in the *Escarpment Recreation Area* designation includes 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 Recreation 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.
General growth and development in the *Escarpment Recreation Area* is further guided by the policies of Part 1.8.5.10 of the Plan. These policies aim to protect the natural heritage and hydrologic features of the Escarpment, protect prime agricultural areas, conserve cultural heritage features, and encourage sustainability. Planning Staff are satisfied that the proposal complies and does not conflict with Part 1.8.5.10 of the Plan.

Part 1.8.5.13 of the Plan identifies Municipal sewer and water services as the preferred means of servicing and, in the Town of The Blue Mountains, will be required in the Service Districts of Craigleith, Camperdown, Castle Glen, and Swiss Meadows, in accordance with the municipal official plan. Municipal sanitary services are not available throughout the whole of the Swiss Meadows service area and municipal water services appear to currently terminate at the intersection of Hamlet Road and Scandia Lane. As such, servicing of the lands is subject to the general servicing policies of the local Official Plan, consistent with Part 1.8.5.13 of the NEP.

It is noted that a private water service line appears to be located at the property frontage, as identified through the application review process. While the submitted engineering report(s) confirms that a private on-site well is achievable for the property, it is recommended that the owner be required to connect to the existing municipal water system in the Swiss Meadows service area if determined to be feasible by the Town of The Blue Mountains. Staff are satisfied that the subject lands can be adequately serviced in accordance with the local Official Plan, and this does not conflict with Part 1.8.5.13 of the Niagara Escarpment 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 *Visual Slope Assessment Report* describes the average slope of the lands as being approximately 33% (1:3), with some areas being as steep as 1:1. The analysis provided in the report concluded that the calculated safety factors meet the requirements of the Ministry of Natural Resources for residential development and that the proposed development can be safely constructed on the lands. The findings of the report were subject to a Town peer review completed by Cambium Inc. and were confirmed to meet the minimum requirements of the applicable Ministry of Natural Resources Technical Guidelines for a site which is not regulated by a Conservation Authority.

Based on the findings of the Slope Stability Report and the subsequent Town peer review thereof, Planning Staff are satisfied that the potential slope hazard can be adequately mitigated in the development of the lands. It is noted that the recommendations of the slope stability report will be implemented in the building permit process and are enforceable under the Ontario Building Code, as confirmed by the Town's Chief Building Official.

As a result of review of the pertinent policies of the Niagara Escarpment Plan, Planning Staff are satisfied that the proposal is consistent and does not conflict with the policies of the Plan as an
appropriate level of servicing can be provided and the potential natural hazards posed by the sloping topography can be appropriately mitigated.

**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 Escarpment Recreation Area Designation**

The subject lands are designated *Escarpment Recreation Area* by the County of Grey Official Plan. This designation applies to the *Escarpment Recreation Area* designations of the Niagara Escarpment Plan and, along with designated settlement areas, is the focus for growth and development within the County. In this designation, local official plans are relied on for detailed land use policies and development criteria.

Planning Staff are satisfied that the proposal generally conforms to the *Escarpment Recreation Area* designation policies of the County Official Plan.

**Karst Topography**

Appendix ‘A’, Map 2, of the County of Grey Official Plan identifies the lands as being within an area consisting of shallow overburden with karst topography. Karst topography is characterized by soil depth which is generally less than 1.0m in depth over fractured bedrock. In accordance with Section 7.5 of the Plan, the following shall be undertaken for any Planning Act application in karst areas in order to assess for the presence of karst and to mitigate against any potential risk to public health and safety:

1) An assessment of the proposed area of development through on-site test holes. Depending on the scale of development, an Environmental Impact Study, Hydrogeological or Karst Study, prepared by a qualified individual may be required;
2) The proponent shall dig two test holes in the location of the proposed building, one in the location of the proposed sewage system, and one test hole in the location of proposed accessory structures. A report must then be prepared and submitted to the municipality by a qualified professional;
3) If it is determined that the shallow overburden exists, then a study shall be prepared by a qualified individual to assess impacts and mitigation measures related to the proposed development. Considerations shall include surface water drainage, groundwater quality, bedrock erosion, and any anticipated hazard associated with unstable rock conditions. The study shall be to the satisfaction of the County, the municipality, and the appropriate authority designated under the Building Code for sewage systems.
For single detached dwellings, the scale of the potential studies may be scoped. In areas where full municipal services are available, the Karst Area policies do not apply.

Comments received from the Grey Sauble Conservation Authority, dated September 16, 2019, note that the submitted Visual Slope Assessment identified a ground water discharge through limestone bedrock at the base of the slope northeast of the site. As per GSCA comments, this is indicative of the presence of karst topography. As a result, the applicant proceeded with the preparation of an engineering report to assess impacts and mitigation measures related to the proposed development, as per Part 7.5(3) of the County Plan.

The submitted slope assessment report entitled *Commentary on Karst Constraints*, was received by the Town on April 2, 2020. The scope of the addendum report was discussed and confirmed with the Town peer review consultant prior to its preparation. The addendum report considered the hydrologic and geologic factors in the proposed design with respect to a potable drinking well, septic system and building foundations.

The report identified that safe and appropriate servicing for the lands can be achieved through the provision of a deep-bore potable water well, as well as a tertiary septic system. With respect to foundations, the report addendum determined that shallow foundations are appropriate for the site, with all strip and square footings required to be founded on unweathered bedrock. It is recommended in the Report that the footings be inspected by CCE engineering, in addition to the Town’s Building Department, at the time of installation.

Comments received from the Chief Building Official, dated April 3, 2020, confirmed the findings of the submitted report with respect to sanitary servicing and building footings. It was further noted that the recommendations of the engineering report are enforceable under the Ontario Building Code and will form part of the necessary review process at the time that a Building Permit application is submitted. Planning Staff are satisfied that the lands can be appropriately serviced with a private on-site tertiary septic system.

Following submission of the addendum report, it was confirmed by Town Operations Staff that a private water service appears to be located at the property line which appears to service the 167 Scandia Lane property. Installation of a similar service for the subject lands is the preferred means of servicing by the Town, however, there appears to be potential technical challenges due to the elevation of the lands. As such, it is recommended that this option be further reviewed and if it is determined to be technically unfeasible by the Town, then the proposed on-site deep bore well can be supported.

Staff are satisfied that the presence of karst topography on the lands does not impact the ability for an appropriate potable water supply to be provided to the lands.

Planning staff have no concerns with respect to the karst topography policies of the Grey County Official Plan.

*Development on Seasonally Maintained Roads*
Section 8.3.4(4) of the County Plan provides policies for development on seasonally maintained roads within the County. Specifically, development on seasonally maintained roads may be considered provided that the following criteria can be satisfied (with Planning Staff commentary following each item):

a) The use on the lot must be permitted by the implementing zoning by-law;
   
   **Staff Comment:** The lot is currently zoned R1-1 in the Town’s Zoning By-law.

b) The lot and all buildings and structures on the lot must comply with the implementing zoning by-law;
   
   **Staff Comment:** No exceptions to setbacks, lot coverage, building height, etc. are being sought by the applicant to the standards of the R1-1 zone.

c) The appropriate approvals are obtained for sanitary sewage treatment disposal and a potable water supply is available;
   
   **Staff Comment:** This will be achieved through the issuance of a future building permit.

d) The property owner, at their own expense, enters into a site plan agreement with the local municipality, or an alternative binding agreement acceptable to the local municipality, that indicates that:
   
   i. The owner acknowledges and agrees that the lot in question does not front on an improved public road or a road that is maintained year-round;
   
   ii. The owner acknowledges and agrees that the local municipality does not or is not required to maintain or snowplow the said road or street;
   
   iii. The owner acknowledges and agrees that the local municipality will not take over or assume an unopened, un-assumed, or private road or street as a local municipal road unless it has been built or upgraded to the local municipal standard then in force;
   
   iv. The owner acknowledges and agrees that the local municipality is not liable for any injuries, losses, or damages as a consequence of the local municipality issuing a building permit; and
   
   v. The site plan agreement shall be registered against the lands at the expense of the owner.

   **Staff Comment:** These matters can be addressed via a Municipal Land Use Agreement.

The County Plan recommends the use of Holding ‘h’ provisions on existing lots on seasonally maintained roads to ensure that the above requirements are satisfied prior to the development of the lot. The Plan further recommends that removal of the Holding ‘h’ not be supported where it would create a new circumstance where maintenance of a municipally owned road would be carried out by private landowners. Notwithstanding the above, where a seasonally maintained road is deemed to be inadmissible, and if further development on the road is deemed to be a risk to public health and safety, then development on existing lots should not be permitted.
A Holding “h” symbol zone is recommended to be applied to the subject lands. The conditions for lifting of the holding “h” provisions shall include entering into the requisite agreement for the maintenance of the seasonal road and connecting the lands to adequate potable water services, to the satisfaction of the Town of The Blue Mountains.

Based on the foregoing, Staff are satisfied that the proposal is in conformity with the County Official Plan, subject to entering into an appropriate legally binding Municipal Land Use Agreement with the Town. It is recommended that the Agreement be registered onto-title of the lands, and that this be done prior to the lifting of the holding “h” provisions, as outlined in the recommendations of this report.

**The Town of The Blue Mountains Official Plan, 2016**

*The Recreational Residential Area Designation*

The subject lands are designated *Recreational Residential Area (RRA)* in the Town of The Blue Mountains Official Plan. 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 proposed use is permitted in the RRA designation and Planning Staff have no concerns with respect to the RRA policies of the Official Plan.

**Natural Heritage and Hazards**

Appendix ‘1’ of The Town of The Blue Mountains Official Plan identifies Significant Woodland within 120m of the subject property. Section B5.5.2 of the Official Plan does not permit development or site alteration within Significant Woodlands or within 120m thereof, except 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 features or functions of the natural heritage feature. The requirement for an Environmental Impact Study may be waived by the Town with support from the applicable conservation authority, the County of Grey, and/or the Ministry of Natural Resources. It is noted that the Grey Sauble Conservation Authority has confirmed that an Environmental Impact Study is not warranted for this proposal, as the subject lands are fragmented from the significant woodlands and adverse negative impacts are not anticipated.

Section C6 of the Official Plan generally prohibits development of buildings or structures, except for recreational structures or equipment that rely on the slopes, on slopes that are subject to active erosion or historic slope failure. Permitted development must be provided an appropriate setback from the top of bank of slopes greater than 1 in 3. Where a sufficient development setback cannot be achieved, the proponent shall be required to provide a slope
stability report as a prerequisite to any development. Where applicable, the report shall be prepared to the satisfaction of the Town, the County and the applicable Conservation Authorities. The applicant has submitted a Slope Assessment report, which has been subject to Town peer review and Planning Staff have no concerns with respect to Section C6 of the Official Plan.

**Servicing**

Section D.1 of the Official Plan outlines the preferred servicing strategy within the Town. The preferred means of servicing in Settlement Areas is by full municipal sewer and water services and prior to the approval of a zoning by-law amendment in any settlement area, Council shall be satisfied that appropriate services are available. In areas where full municipal services do not exist, partial services may be considered.

The Swiss Meadows area is currently serviced by a combination of municipal and private water services and private on-site septic systems. It appears that an existing private water service is located at the property frontage. It is recommended that the owners be required to install appropriate water services to facilitate connection to the existing municipal water service. Subject to further review and design, this may be in the form of a parallel private water service or other acceptable alternative, to the satisfaction of the Town of The Blue Mountains. It has been noted, however, that technical challenges may prevent the installation of an adequate municipal water connection. As such, in the event that this is determined to be unfeasible by Town Staff, then the Owner may proceed with the installation of the proposed on-site well, in accordance with the recommendations of the submitted engineering reports.

Given the findings of the submitted engineering report and the potential to connect to the existing municipal water system, Staff are satisfied that the lands can be appropriately serviced in accordance with the Official Plan.

**Transportation, Roads and Access**

Section D.2 of the Official Plan outlines the goals and objectives for Transportation in the Town. It is the general intent of the Plan to establish an effective transportation system to facilitate the safe and efficient movement of people and goods within the Town, to encourage multi-modal transportation, to protect important transportation corridors from incompatible development, to ensure that new roads are constructed safely, and to restrict development on private roads. The types of roads described in Section D.2 of the plan are shown on Schedule B-1 and B-2 of the Official Plan.

As per Schedule ‘B-1’ of the Plan, all of the roads within the Swiss Meadows community are classified as ‘Local Heritage Roads’. Local Heritage Roads serve mainly low volume local traffic and are generally recognized as roads where the historic method of construction, terrain and local environment may be considered to be below modern road geometric standards. This classification includes historic routes/roads and cottage roads. Generally, these roads are characterized by a right of way width up to 20m, up to two travel lanes, and have limited opportunity for road improvements.
All lots that front on Local Heritage Roads shall be subject to Site Plan Control and be subject to a Holding Provision in the implementing Zoning By-law that may prohibit the development of a dwelling and significant enlargements, renovations or additions to a dwelling unit that existed on the date the implementing Zoning By-law is passed by Council, until the occupant satisfies the requirements in Section D.2.3.3. Once these requirements are satisfied, the Holding Provision shall be lifted by Council.

It is noted that the subject portion of Scandia Lane is not identified as a Local Heritage Road by the Official Plan. It is identified as an unassumed road allowance. To this effect, Council enacted By-law 2018-39 which clarifies the status of the subject portion of Scandia Lane as an assumed, seasonally maintained local road.

Per Section D2.2 of the Official Plan, Seasonal Roads are roads which are under the jurisdiction of the Town providing access to adjacent lands, however, do not receive yearly maintenance. Generally, seasonal roads are characterized by right of way width up to 20m, up to two travel lanes, and have limited opportunity for road improvements. Section D2.3.2 of the Plan prohibits the creation of new lots on Seasonal Roads in the Town. In this case the subject property is an existing lot of record (no new lot creation is being proposed).

Development of an existing lot of record on a seasonal road is generally supported by the Official Plan, subject to the owner entering into a legally binding agreement with the Town which shall be registered on-title. As per Section D.2.3.3 of the Plan, the required agreement shall address such matters as, but not limited to:

i. the owner acknowledges and agrees that the lot in question does not front on an improved public road;

ii. the owner acknowledges and agrees that the Town does not or is not required to maintain or snowplow the said road or street;

iii. the owner acknowledges and agrees that the Town will not take over or assume an unopened, unassumed or private road or street as a Town public road or street unless it has been built according to municipal standards then in force;

iv. the owner acknowledges and agrees that the Town is not liable for any injuries, losses or damages as a consequence of the Town issuing a building permit; and,

v. the Agreement shall, at the expense of the owner, be registered against the lands.

Based on the foregoing, it appears that the proposal is generally in conformity with the policies of the Official Plan, subject to entering into a Municipal Land Use Agreement. It is recommended that a holding “h” provision be applied to the lands requiring the registration of the required agreement on-title of the lands prior to removal of the “h”.

**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 One* (R1-1). Single detached dwellings and accessory uses thereto are permitted uses in the R1-1 zone. Table 6.2.1 of the By-law provides the Residential One zone performance standards below. Staff are satisfied that a viable building envelope is available on
the existing lot of record in accordance with the performance standards of Table 6.2.1. A detailed zoning review will be completed at the time of Building Permit to confirm compliance of the final site design with the provisions of Zoning By-law 2018-65.

<table>
<thead>
<tr>
<th>Table 6.2.1 – Residential Zone Standards (Part A)</th>
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<tbody>
<tr>
<td>Zone Standard</td>
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<tr>
<td>Minimum lot area (m²)</td>
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<tr>
<td>Maximum lot coverage</td>
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<td>Minimum lot frontage (m)</td>
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<td>Minimum front yard (m)</td>
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<td>Minimum exterior side yard (m)</td>
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<tr>
<td>Minimum interior side yard (m)</td>
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<tr>
<td>Minimum rear yard (m)</td>
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<tr>
<td>Maximum height (m)</td>
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<tr>
<td>Maximum height (storeys)</td>
</tr>
</tbody>
</table>

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

Section 4.15(a) of Zoning By-law 2018-65, entitled *Frontage on a Public Street*, states that no person can erect any building or structure, and no person can use any building or structure on a lot, unless the lot abuts or fronts on a public street which is assumed by by-law by a public authority for maintenance purposes. In this case, the subject portion of Scandia Lane is not assumed by by-law for yearly maintenance, as confirmed by By-law 2018-39, and the applicant has submitted a request to amend the Zoning By-law to allow for the development of the subject lands.

Planning Staff generally have no concerns with respect to the requirements of Zoning By-law 2018-65, as the proposed use is permitted in the existing R1-1 zone applied to the lands and a viable building envelope appears to be available on the lot.

**Conclusion and Recommendations**

The proposed amendment to Zoning By-law 2018-65 appears to be consistent and in conformity with the applicable Planning Policies, subject to entering into a legally binding agreement. It is recommended that a Holding “h” provision be applied to the lands requiring the registration of the required agreement and confirmation that home insurance can be obtained for the lands.

**F. The Blue Mountains Strategic Plan**

<table>
<thead>
<tr>
<th>Goal #3:</th>
<th>Support Healthy Lifestyles</th>
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</thead>
<tbody>
<tr>
<td>Objective #3</td>
<td>Manage Growth and Promote Smart Growth</td>
</tr>
</tbody>
</table>

| Goal #5: | Ensure Our Infrastructure is Sustainable |
Objective #4  Ensure that Infrastructure is Available to Support Development

G.  **Environmental Impacts**

No adverse negative environmental impacts are anticipated as a result of this application.

H.  **Financial Impact**

No adverse financial impacts to the Municipality are anticipated as a result of this application. Should any appeals to the Local Planning Appeals Tribunal be received, associated legal costs would be incurred.

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 September 16, 2019. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

K.  **Attached**

1.  Draft Zoning By-law
2.  Comments Received

Respectfully submitted,

_____________________________
Travis Sandberg, Planner I
Trevor Houghton, MCIP RPP
Manager of Community Planning

Nathan Westendorp, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Travis Sandberg
planning@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. Exception 124 shall include the following site-specific provisions:
   i) One single detached dwelling and accessory buildings and structures may be permitted on a lot that abuts or fronts on a public street which is not assumed by by-law by a public authority for maintenance purposes for those lands located and being in the Town of The Blue Mountains, comprised of Lot 2, Plan 807; and
   ii) The subject lot shall be provided an adequate potable water supply at the sole cost of the property Owner, to the satisfaction of the Town of The Blue Mountains.

2. That Holding Provision (h37) may be lifted upon the following:
   i) The Owner shall provide confirmation that home insurance can be obtained for the proposed dwelling unit; and
   ii) The Owner shall enter into a legally binding agreement with the Town addressing matters, such as, but not limited to:
      a. That the owner acknowledges that the lot fronts onto a seasonal road that is not maintained year-round by the Town;
      b. That the owner acknowledges and agrees that the Town does not and is not required to perform winter maintenance or snowplowing of the said road or street and that the owner will be responsible for winter plowing and maintenance of the street;
      c. That the owner acknowledges and agrees that municipal waste collection is not available to the subject lands. The owner is required to place garbage bins at the intersection of Hamlet Road and Scandia Lane on collection day in order to receive municipal waste collection;
      d. That the owner acknowledges and agrees that municipal services, including winter road maintenance, are not available to the subject lands and that emergency response may be impacted as access is via a non-maintained seasonal road;
      e. That the owner acknowledges and agrees that the Town will not be providing regular services or other winter maintenance of the road unless it is improved or upgraded to the local municipal standard then in force;
      f. That the owner acknowledges and agrees that the Town is not liable for any injuries, losses, or damages as a consequence of the owner developing a lot without frontage on an improved public road despite being issued a building permit(s);
      g. That the owner acknowledges and agrees that the lands shall be provided an adequate potable water supply at the sole expense of the owner, to the satisfaction of the Town of The Blue Mountains; and
      h. That the agreement shall be registered on the title of the lands at the expense of the owner.
3. That Map 18 of Schedule ‘A’ of The Blue Mountains Zoning By-law 2018-65 is amended by rezoning those lands known as Lot 2, Plan 807, from the R1-1 Zone, to the R1-1-124-h37 zone, as shown on Schedule ‘A-1’; and

4. 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 15th day of June 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 ______, 2020.

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

___________________________
Corrina Giles, Clerk
Legend

- Subject Lands of this Amendment
- Area to be rezoned from R1-1 to R1-1-124-h37

By-Law No.__________

Town of The Blue Mountains
Schedule 'A-1'

Date: 5/15/2020

Subject Lands of this Amendment

Area to be rezoned from R1-1 to R1-1-124-h37
September 12, 2019

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

Dear Corrina:

Re: Proposed Zoning By-Law Amendment (Tensen)
Part Lot 18, Concession 3, (Lot 2 Scandia Lane)
Town of The Blue Mountains, Grey County

We have reviewed the proposed site-specific zoning by-law amendment to permit development on a lot which does not have frontage on an open and year-round maintained public street. We offer the following staff comments.

The subject lands are located within the boundaries of the Niagara Escarpment Plan (NEP) and are designated Escarpment Recreation Area. The subject lands are not within the area of Development Control. Permitted uses within the Escarpment Recreation Area are subject to Part 2, Development Criteria of the Niagara Escarpment Plan and the requirements of official plans and zoning by-laws that are not in conflict with the NEP.

The NEP permits development of an existing lot of record provided it meets the development criteria and conforms to the official plan. New lots are required to front onto an existing public road.

Development of the subject lot appears to represent infilling between other developed residential lots. It should be demonstrated that the subject lot can support individual on-site sewage services and individual on-site water services with no negative impacts, if municipal services are not available.

It is noted that the lot slopes steeply from west to east. The NEP does not permit development on sites prone to natural hazard. We recommend that the stability of the slope be assured through appropriate assessment to support the scale of development proposed. If a natural hazard exists it should be appropriately zoned. We recommend the retention of existing trees and vegetation outside of the proposed building envelope to maintain slope stability and provide visual screening.

We have no objection to the proposed zoning by-law amendment, provided an appropriate level of servicing can be provided and that the area is not prone to natural hazards.
The Commission requests notification of the decision. Please contact me at (519) 599-3464 or [redacted] if you have any questions.

Sincerely,

Senior Planner

C Travis Sandberg, Town of The Blue Mountains
Andrew Sorensen, GSCA

2 of 2
September 16, 2019

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

Dear Ms. Giles:

RE: Application for Zoning Amendment P2712
Applicant: Nicolas Tensen
Part of Lot 18, Concession 3; Lot 2 - Scandia Lane
Roll No.: 42-42-000-005-047-01
Town of The Blue Mountains, formerly Collingwood Township
GSCA File No.: P19369

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 Memorandum of Agreement with the Town of The Blue Mountains and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal
It is our understanding that the subject application is to amend Section 4.14 of the Zoning By-law so as to permit development on a lot which does not have frontage on an open and year-round maintained public street. If approved, the proposed site-specific amendment would permit Building Permits to be issued for the lands.

Site Description
The subject property is located on the north side of the west extent of Scandia Lane, within the Town of The Blue Mountains. The property is entirely dominated from a slope feature which slopes downward from west to east, with the tableland of the slope on the adjacent property to the west, and the toe of the slope on the adjacent properties to the east. The vast majority of the property has been cleared of vegetation and fill has been deposited on site. A roughly in driveway runs along the west property boundary to a relatively level area created by historical filling.
GSCA Regulations
The subject property is not currently regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. As such, a permit is not required from our office for development on the subject property.

Provincial Policy Statement (2014)
3.1 Natural Hazards
Potential natural hazards present on the subject property include sloped areas that may be subject to instability if disturbed, as well as potential karst topography.

A review of the slope was conducted by Central Earth Engineering in May 2019. The report provided a list of engineering recommendations, both regarding foundations and structures, as well as general constructability, grading and erosion considerations. This report also identified a ground water discharge through limestone bedrock at the base of the slope northeast of the site. This indicates the presence of karst topography.

2.1 Natural Heritage
The woodland features located both north and south of the subject property are mapped as Significant Woodlands in the County of Grey Official Plan (OP).

Section 2.1.8 of the Provincial Policy Statement (PPS) states that development and site alteration shall not be permitted on adjacent lands to significant woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or its ecological function.

The County OP defines the adjacent lands width to significant woodlands as 120 metres. While the property falls within the defined adjacent lands width to significant woodlands, no negative impacts are anticipated as the subject property is separated from the woodlands to the north by residential development, and woodlands to the south by Scandia Lane.

Additional Comments and Recommendations
The property is not currently regulated under Ontario Regulation 151/06 and therefore a permit is not required from our office for the development. However, potential slope and karst hazard issues may impact the property and as such we recommend that further information be provided prior to a building permit being issued, as listed below.

It is our understanding that the subject property will be on private services and as such a sewage disposal system is required. No information has been provided in this regard. We recommend that feasibility of servicing be demonstrated, and that the proposed system is supported by a geotechnical engineer.
We recommend that a detailed site plan including measures for stabilization of the driveway and associated site alterations that is supported by a geotechnical engineer, drainage engineer, and structural engineer is prepared.

We recommend that the proposed construction of the dwelling foundation and driveway development be supervised by the above noted engineers, and upon completion, that the noted engineers certify that works have been completed in accordance with the approved plans.

We recommend that further information regarding site drainage be provided to ensure that the proposed development will have no negative impacts on the down slope neighbouring properties.

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

If any questions should arise, please contact our office.

Regards,

cc  Andrea Matrosovs, Authority Director, Town of The Blue Mountains
Planning & Building Departments, Town of The Blue Mountains
Krystin Rennie, Georgian Planning Solutions
RE: Zoning By-law Amendment Application  
    Lot 2, Scandia Lane  
    Town of The Blue Mountains (geographic township of Collingwood)  
    Owner/Applicant: Nicolas Tensen

Dear Ms. Skinner,

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 and effect of the subject application is to amend Section 4.14 of the Zoning By-law so as to permit development on a lot which does not have frontage on an open and year-round maintained public street. If approved, the proposed site-specific amendment would permit Buildings Permits to be issued for the lands.

Schedule A of the OP designates the subject property as ‘Escarpment Recreation Area’. Section 6.1(2) of the OP states,

    Local official plans and/or secondary plans will provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan.

County planning staff defer comments specific to the ‘Escarpment Recreation Area’ designation to the NEC and the local plans.

Section 8.3.4(4) states,

    New lot creation is not permitted on a private road unless the roads are established through a plan of condominium. Development on existing lots of record on private roads or seasonally maintained roads may be considered subject to satisfying the following criteria:
Grey County: Colour It Your Way

a) The use on the lot must be permitted by the implementing zoning by-law;

b) The lot and all buildings and structures on the lot must comply with the implementing zoning by-law;

c) The appropriate approvals are obtained for sanitary sewage treatment disposal and a potable water supply is available;

d) The property owner, at his/her expense, enters into a site plan agreement with the local municipality, or an alternative binding agreement acceptable to the local municipality, that indicates that:

i.) The owner acknowledges and agrees that the lot in question does not front on an improved public road or a road that is maintained year-round;

ii.) The owner acknowledges and agrees that the local municipality does not or is not required to maintain or snowplow the said road or street;

iii.) The owner acknowledges and agrees that the local municipality will not take over or assume an unopened, unassumed or private road or street as a local municipal road unless it has been built or upgraded to the local municipal standards then in force;

iv.) The owner acknowledges and agrees that the local municipality is not liable for any injuries, losses, or damages as a consequence of the local municipality issuing a building permit; and,

v.) The site plan agreement shall be registered against the lands at the expense of the owner.

It is recommended that local municipalities apply a holding zone for existing lots that front on to a private road or seasonally maintained road, and that the holding provision only be removed when the above criteria has been addressed to the satisfaction of the local municipality. It is recommended that the removal of the holding provision not be supported where it would create a new circumstance where maintenance of a municipality owned road will be carried out by private landowners or resident associations. This does not prevent the local municipality from developing more restrictive criteria or an approach to development on private roads or seasonally maintained roads.

Notwithstanding the above criteria, if a private road or seasonally maintained road is deemed to be inadmissible, and if further development on the road is deemed to be a risk to public health and safety, then development on existing lots that front onto a private road or seasonally maintained road should not be permitted.
Provided town staff are satisfied the above noted criteria is addressed and year-round safe access to the subject property can be ensured to the subject property for emergency services vehicles, County planning staff have no further concerns.

There was a visual slope assessment conducted by ‘Central Earth Engineering’ May 15, 2019. The author of the report concluded that ‘proposed residential development can be safely constructed on the slope face and will not adversely affect the long-term stability of the slope’. There were also ‘general constructability, grading and erosion considerations’ included as part of the report. County planning staff recommend these considerations be included as part of the development process.

Section 8.9.1 of the OP, along with section 1.6.6 of the PPS speak to ensuring new development can be adequately serviced with water and sewer, or on-site private services. Provided adequate servicing can be ensured for the subject property, County planning staff have no concerns.

Provided the subject property can be adequately serviced, safe year-round access can be ensured, and the visual slope assessment report considerations are included as part of the development process, County Planning staff have no concerns with the subject application.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please contact me.

Yours truly,

Planner

www.grey.ca
Good Morning Mr. Sandberg,

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, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

I trust this may be helpful.

Regards,

Co-ordinator Lands, Resources, and Consultation

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

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The Town of The Blue Mountains  
Bridge Street  
Thornbury Ontario  
N0H 2P0

RE. Public Meeting  
Lot 2 Scandia Lane  
Plan 807 Swiss Meadows

ATTENTION.Corrina Giles  
Municipal Clerk.

Dear Corrina.

Please find enclosed herewith a letter that I should appreciate your reading (preferably in its entirety) at the meeting on this matter.

I had asked planning staff to advise about this matter but it seems to have slipped their mind and I only became aware on glancing at the agenda on the web site at the last minute before heading east to Halifax to my 50th law school class graduation. (My first holiday since going to Prague in 2005.)

As you know I love our Town and try always to do what is in the best interests of the ratepayers and feel strongly about this matter.

Thanking you in advance for your time and consideration herein, I remain

Yours very truly

Robert B. Waind
Town of The Blue Mountains  
Bridge ST.  
Thornbury ,Ontario

Mr.Mayor and Members of Council

RE..Proposed Zoning Amendment  
Lot 2 Swiss Meadows 
Scandia Lane

I have been a full time resident of Swiss Meadows since the spring of 1981 and as such am quite familiar with these lands not only as a resident but also as the former Clerk and a long time member of council.

A former owner of lot 1 (Bonaduce I Believe) received a building permit before By-law 83-40 was passed and Board approved. (had my name on it till just recently replaced with the new Comprehensive By-law.) By-law 74-40 I believe was passed but never formally approved and was used primarily as a guideline that most never questioned too seriously back in the day. The Bonaduce property it would seem pushed for and got a building permit despite the by-laws. From then on it has been grandfathered in.

The other parcel at the top of Scandia Lane also faced a similar situation and was not entitled to a building permit under the then approved by-law 83-40. I was personally involved in their dealing with the Township and that 10 acre parcel (Block B Plan 807) had its legal frontage on Hamlet below and had to build it up for about 75 feet so it could be maintained and is now the travelled portion before the gate to the water tower on Block C Plan 807. Council approved the transaction in the early to the mid 90’s. They therefore have legal frontage on an open maintained road and therefore were entitled to a building permit.

Over the years there have been many inquiries as to the availability of a building permit and the consistent response has always been the same. NO. It does not front an open, maintained public road.

Both the previous owner of Lot 1 (Terry Bourque) and his close friend and a good friend of mine, my former neighbour Robert (Gord) Johnston had often asked about the property and I always told them the above. They said that the Town could not deny a permit because of the other 2 existing situations but I advised them of the specific ways in which they had been dealt with in the past and that no precedent had yet been set to change anything for lot 2.

The lot was purchased none-the-less and then subsequently sold which leads in part to where we are today.

I am told that the new purchasers were told by the owners that they could get a permit which I believe was and is still wrong. That info in and of itself should
have been a bit of a red flag and carefully looked into especially in today's environment. They should have sought a Compliance Certificate from the town setting out the O.P. and Zoning restrictions, outstanding Work Orders, capital charges etc.

I strongly suspect they did not through their agent or more preferably their solicitor. It seems the days of “good conveyancing” have all but vanished as their lawyers now opt for the easy way out and tell their clients to get and pay for “Title Insurance”.

So often there is very little due diligence any more. Here it would appear they were already put on notice by the vendors and the matter should have been checked out thoroughly. Also there is another tell tale sign that due diligence would be very prudent and that is the bright yellow and black sign at the base of the hill.

I am not sure why or when the “NO EXIT” sign replaced the previous “NOT MAINTAINED IN THE WINTER” or “NO WINTER ACCESS” or whatever the standard wording is.

It would seem that no one much cared to do some proper digging before hand. This is far worse than the usual Caveat Emptor (Buyer beware) That usually applies where people were just plain unaware. Not quite the same as here where there were lots of warning signs putting an average purchaser on at least some sort of reasonable notice that should be looked into and which appear to have gone unheeded.

We all know that engineers can design almost anything but a close look at the site (which I have done while cutting grass) will tell almost anyone that it is all but impossible to get a suitable building site that is big enough but more of a concern – stable enough.

There would also not seem to be sufficient space for a tile bed and back-up mantel. The M.O.E. would not in the past nor would I presume now permit a holding tank without the assurance of an impeding sewer system- not something years down the road.

I suspect there will also be serious concern raised about ensuring adequate spacial separation between a drilled well and a new tile bed.

The town must be very careful in proceeding with what is being proposed here. There are solid grounds for the current situation but to exacerbate it would be unwise. There should be no liability that should attach in the current scenario but that could dramatically change if there were to be a new permit issued. The fire and paramedics would likely be unwilling or unable to respond in the winter. Just last season I observed a fuel truck beached on the north side quite near the bottom of the hill. This was in daylight under what one would have thought were not bad conditions.

A challenge in the courts as a result of a death or some serious injury could lead to a situation where the town could well be compelled to bring the road up to proper standard having issued a building permit.

A daunting task to say the least. That coupled with the fact that any town funds to upgrade the roads in Swiss Meadows should be focused on the 18/19 sideroad at the north end (Maple Lane) to the 4th line. It is an open road allowance, never closed to the best of my knowledge and would provide a second access to
this subdivision - one of the few, if any other, with only one legal access in this municipality - something usually frowned by the province from a planning perspective. I will leave that for another day.

I had hoped to attend in person but that is not possible but I do hope that there will be careful consideration in moving forward as it is fraught with serious ramifications in my humble opinion.

I suggest that the town's solicitor should provide some sort of opinion as well as your insurers if that has not already been done.

Thanking you in advance for your time and careful consideration these matters, I remain

Yours very truly

Robert B. Waind