



Staff Report

Planning and Development Services – Planning Division

Report To: Council
Meeting Date: November 19, 2018
Report Number: PDS.18.133
Subject: Scenic Caves Parking Lot Official Plan and Zoning By-law
Amendments – Follow Up Report
Prepared by: Shawn Postma, Senior Policy Planner
Nathan Westendorp, Director – Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.18.133, entitled “Scenic Caves Parking Lot Official Plan and Zoning By-law Amendments – Follow Up Report”.

B. Overview

The purpose of this report is to provide additional analysis to Planning Staff Report PDS.18.126 on the proposed Scenic Caves Nature Adventure Parking Area Official Plan Amendment and Zoning By-law Amendment applications.

C. Background

Planning Staff provided background information on the Scenic Caves Parking Area through Planning Staff Report PDS.18.126. Committee of the Whole considered this report at the November 5, 2018 meeting and received the report for information purposes.

A primary outstanding issue dealt with the protection of Significant Wildlife Habitat and Species at Risk. The protection and enhancement of these features is a priority under the Town of The Blue Mountains Official Plan and the Niagara Escarpment Plan. The Niagara Escarpment Commission also reinforced this priority through their Public Meeting comments. Town staff haven been working with the applicant, relevant agencies, and stakeholders to ensure comments and concerns have been addressed as much as possible. Town Staff have received verbal support for the proposed development from NEC staff. Formal written comments from the Niagara Escarpment Commission have not been received as of the date this report was written but are expected in the near future.

Refer to Staff Report PDS.18.126 (attached to this report) for additional background information.

D. Analysis

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. A Planning Justification Report was prepared in October 2017 by the applicant including a summary on PPS conformity. Planning Staff concur with the opinions provided. A follow up Planning Justification addendum was prepared in April 2018 with commentary on Natural Heritage features based on the findings of the original Environmental Impact Study. The Planning Report concludes that:

“There is no plan to make site alterations to the existing natural features on the site. The EIS that was prepared to support the proposal notes that the proposed development will not negatively impact the pond and water course on the property or the significant woodlands on the adjacent property. In addition, there are proposed plantings surrounding the natural heritage features on the site and no site alteration will occur in the area of the features. The proposal is consistent with the Provincial Policy Statement.”

The comment provided above addresses the Natural Heritage features on the property including the Significant Woodlands and Significant Wildlife Habitat. The Environmental Impact Study and follow up reviews/reports completed after the Public Meeting addresses these issues in more detail. Planning Staff note that development is permitted in these areas (and adjacent areas) provided that it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions (Section 2.1.5 and 2.1.8).

The Environmental Reports and Reviews submitted consider the status of the on site features and level of protections. Based on the comments received, it would appear that the ecological functions of the natural heritage features can be protected, however the exact limits of these protective buffer areas have not yet been finalized. Planning Staff recommend that as a condition to the rezoning, that the Holding ‘-h’ symbol be used to ensure that clearances are obtained from the Town and the GSCA for the protection of these ecological functions after the protective buffer areas have been confirmed. The protection zones and appropriate buffer distances will be implemented in the Site Plan and through the Site Plan Agreement. Planning Staff confirmed with the NEC that the pond and watercourse are key features providing habitat and that a vegetation protection zone surrounding the pond and watercourse is required. A specific setback distance has not been identified, but in consultation with the environmental consultant and the Conservation Authority protection measures will be implemented during construction and post construction. The Site Plan and Site Plan Agreement will be required to demonstrate these protection measures. Regarding the presence of Species at Risk, the NEC has recommended that construction activity should avoid nesting periods. While Niagara Escarpment Commission staff have verbally indicated that they are satisfied that the above comments and remaining details can be accommodated in the Site Plan and through the required Conservation Authority Permits, formal written comments solidifying the NEC’s position on this applicant have not yet been received.

Niagara Escarpment Plan

The Niagara Escarpment Plan provides land use policies to guide development while ensuring the preservation and enhancement of the Niagara Escarpment as an internationally recognized World Biosphere Reserve. Key objectives of the Plan are to maintain and enhance the natural environment and the open landscape character of the escarpment and adjacent lands. New development is permitted subject to the land use designation requirements to ensure compatibility with the purpose of the Plan. The Planning Justification Report of October 2017 and April 2018 reviews the relevant policies of the Niagara Escarpment Plan and Planning Staff concur with the opinions provided. Not addressed was a comment raised by the NEC regarding the location of the parking area being on a separate property and not with the main property. As submitted, the applicant (i.e. Scenic Caves) has demonstrated that they have attempted to add parking for their use on the main property but due to topography, access and feasibility of adding parking on the main property, it could not happen. Planning Staff suggest that the requirement under the Niagara Escarpment Plan is to ensure that recreational development does not sprawl onto adjacent or nearby properties. In this instance, the intent and purpose of the Niagara Escarpment Plan can be met through the proposed enhanced plantings along the street and along property lines. Planning Staff also recommend that the Site Plan Agreement contain wording that the Parking Lot is for the use of Scenic Caves Nature Adventure and/or Blue Mountain Resorts. Staff wish to ensure that a shared parking arrangement with Blue Mountain Resorts remains available, and that the Lands are not sold off to a third party parking lot provider looking to utilize the lands as a commercial parking lot.

Based on the foregoing, Planning Staff are satisfied that the proposed Scenic Caves Parking Area is consistent with the policies and directions provided in the Niagara Escarpment Plan. However, considering the comments originally provided by the NEC and the direct relationship of this applicant to Provincial and NEC planning policies, it is prudent for the Town to ensure the NEC confirms that it no longer has objections to the proposed planning applications. Planning staff were hopeful that all matters would be resolved with sufficient time for this application to be dealt with by the current term of council, however this does not appear to be the case. As such, assuming NEC written comments are received and all matters continue to appear resolved from staff's perspective, Planning staff intend on bringing this matter back to Committee of the Whole on December 10, 2018 for consideration.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #1 Retain Existing Business
Objective #3 Promote a Diversified Economy
Objective #5 Improved Visibility and Local Identity

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community
Objective #3 Manage Growth and Promote Smart Growth
Objective #4 Commit to Sustainability

F. Environmental Impacts

Environmental enhancements are provided including the implementation of a Hazard Zone through the Zoning By-law Amendment, enhanced vegetation plantings along the watercourse and pond, stormwater quality and quantity measures are proposed to control runoff.

G. Financial Impact

Nil

H. In consultation with

Niagara Escarpment Commission, Blue Mountain Resort, Scenic Caves Resort, Georgian Planning Solutions, CC Tatham and Associates, Planwells Associates, Tarandus Associates Limited, GSS Engineering Consultants Ltd.

I. 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 January 29, 2018. 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.

J. Attached

Attachment #1 - Planning Staff Report PDS.18.126

Nathan Westendorp
Director of Planning and Development Services

For more information, please contact:
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Staff Report

Planning and Development Services – Planning Division

Report To:	Committee of the Whole
Meeting Date:	November 05, 2018
Report Number:	PDS.18.126
Subject:	Scenic Caves Parking Lot – Project Update: Application for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval. Part Lot 16, Concession 3. Town of The Blue Mountains
Prepared by:	Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive for information purposes Staff Report PDS.18.126, entitled “Scenic Caves Parking Lot – Project Update: Application for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval. Part Lot 16, Concession 3. Town of The Blue Mountains”;

B. Overview

The purpose of this report is to provide Council with an update on the status of the Scenic Caves Parking Lot Applications.

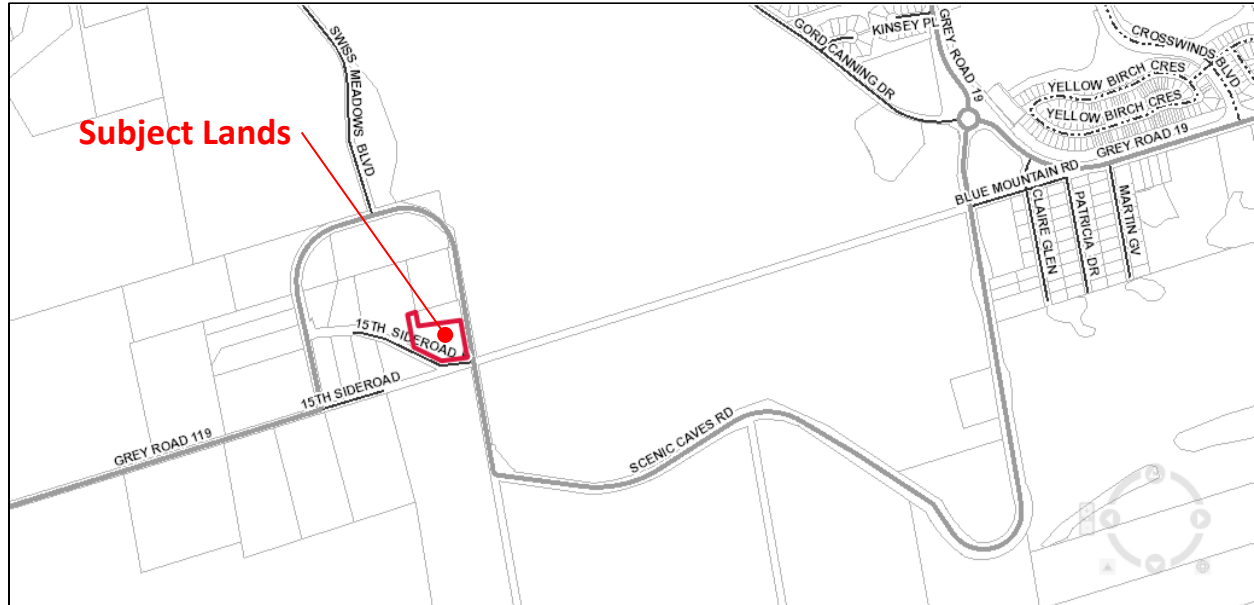
C. Background

Planning Services Division received an Application from 636697 Ontario Limited (Scenic Caves) for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval for a proposed overflow parking area serving the adjacent Scenic Caves Nature Adventures property.

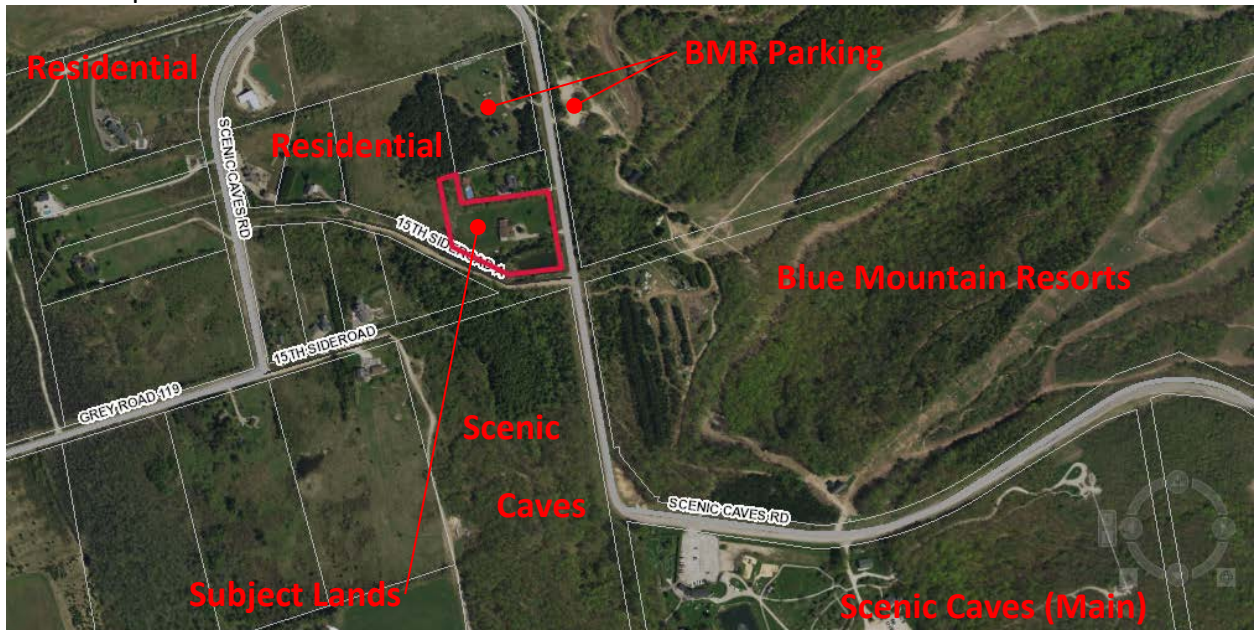
The subject lands are described as Part Lot 16, Concession 3 and are located at the northwest corner of Scenic Caves Road and 15th Sideroad ‘A’. The lands are approximately 1.25 hectares in size with 103 metres of frontage on Scenic Caves Road. The lands include an existing residential dwelling, driveway and yard and was previously used for residential purposes. The northern lot line includes a treed hedgerow, and the southern portion of property includes a watercourse and pond. Surrounding land uses include Blue Mountain Resort (parking areas, new skating loop and top of hill facilities related to the resort) are located to the East. Scenic Caves Nature Adventures main property is located directly south, across the street from 15th Sideroad ‘A’. This portion of the Scenic Caves property includes a mature forest and steep ridge associated with the Niagara Escarpment. To the North, an existing Single Detached Residential dwelling with outdoor amenity space on a 5300 square metre property. Adjacent to this parcel

is the new Blue Mountain Resorts overflow parking area supporting the Top of Hill Orchards parking area and the 2017/2018 Woodlands Skating Loop. A number of existing rural residential uses and vacant residential lots are located to the west and northwest.

Location Map



Aerial Map



In support of the applications, the Town has received a Planning Justification Report and Conceptual Site Plan Drawing.

Notice of Complete Application and Notice of Public Meeting was completed in January 2018. The Statutory Public Meeting Was held on January 29, 2018. Scenic Caves and their Planner completed a detailed overview of the project details, history of Scenic Caves as an award

winning tourist destination, history of the parking issues during peak visits, and alternative parking solutions that were considered. Comments were received from outside agencies and the general public. The concerns raised include the following:

Issue	Comment
Environmental	<ol style="list-style-type: none"> 1. Updated Hazard Zone boundaries required to recognize watercourse and pond 2. Grey Sauble Conservation Authority Permits required 3. Additional details to be provided on stormwater management and area drainage 4. Concerns about local ecology, flora and residential wells 5. Impacts of the parking area (salt/petrol) on the watercourse which is part of the headwaters to the Townline Creek.
Traffic	<ol style="list-style-type: none"> 6. Vehicle Access and Pedestrian Access to be reviewed in greater detail 7. 15th Sideroad 'A' does not have the capability to support parking lot traffic without improvements 8. Daylighting triangles required to be dedicated to the County of Grey 9. Residential driveway to be replaced with a commercial entrance to the County Road 10. Cumulative impact of multiple parking lots in the area 11. Existing parking and car traffic at the top of hill is chaotic
Neighbourhood Character	<ol style="list-style-type: none"> 12. The area includes 4.5 acres of parking lots along 1.1km of road. It was also noted that substantial parking (12 acres) has been recently approved at the bottom of the hill (BMR Orchards parking) 13. Area consists of substantial estate residential homes in a rural estate residential area. 14. Official Plan contemplates residential on the subject lands consistent with surrounding residential properties
NEC	<ol style="list-style-type: none"> 15. Niagara Escarpment Plan stipulates that accessory uses (such as a parking area) should be located on the same lot as the main use. An EIS is required to evaluate area significant woodlands and species at risk. Appropriate setbacks are required from the watercourse and pond features.

In response to the issues raised through the public meeting process, Scenic Caves prepared the following documents:

1. Scoped Environmental Impact Study, Hensel Design Group Inc. April 11, 2018
2. Transportation Review, CC Tatham & Associates Ltd. April 6, 2018
3. Stormwater Management Letter Report, CC Tatham & Associates Ltd. April 11, 2018
4. Landscape Plan (Drawings LP-1 and LD-1), Envision Tatham April 3, 2018

Based on the conclusions and recommendations of these studies revisions were made to the Site Plan. These studies, reports and drawings were then made available to those who participated in the initial January Public Meeting. In response, adjacent property owners (property owners living directly in between the new Blue Mountain Resorts parking area and the proposed Scenic Caves parking area) requested additional time to review the submitted materials in greater detail and to provide a response. Planning Staff indicated that the project would not move forward to Council for a decision until their review was completed.

In July 2018 the agent on behalf of the adjacent property owners submitted a peer review of the Environmental and Engineering materials requesting additional information and offering a second opinion on the impacts of the proposed parking area:

1. Peer Review of Environmental Impact Study, Tarandus Associates Ltd. June 26, 2018
2. Peer Review of Stormwater Quality and Quantity and Groundwater Quality, GSS Engineering Consultants Ltd. July 2018

Scenic Caves responded to the questions/concerns raised through the Peer Reviews in August 2018. The responses provided additional information and opinions on the comments received through the original peer review process.

The consultants of the adjacent property owners provided a second response in September and October 2018 which appears to refine the concerns and issues related to the engineering design to an appropriate stormwater design and protection of the existing private well water supply. The Environmental concerns appear to be at a stalemate in terms of potential impacts on and protection of the Significant Wildlife Habitat and Species at Risk.

Planning Staff has requested additional information on the design criteria for the proposed stormwater management design to ensure the highest level of protection as detailed through the Peer Review and Response process. On November 1, 2018 CC Tatham has prepared letter to be considered through the Site Plan Approval process to include these protections. Planning Staff has not requested additional information regarding the Environmental issues as there does not appear to be any additional information that can be provided to resolve the concerns. Planning Staff has contacted the Niagara Escarpment Commission for a formal response as the requirement for an Environmental Impact Study was identified by the NEC early in the process and Town Planning Staff have not yet received any follow up from the NEC office.

In addition to the detailed review of the Environmental and Engineering Issues, Town Staff examined the opportunity for Scenic Caves and Blue Mountain Resort to share the new Parking Area currently under construction by Blue Mountain Resorts. A meeting was held between Scenic Caves, Blue Mountain Resorts and the Town in July 2018. The meeting sought to find a shared solution to the parking needs of both businesses. Although there was significant

cooperation between all parties and agreement that the shared parking could occur, a permanent solution for shared parking could not be found. Both Blue Mountain Resorts and Scenic Caves indicated that at present the shared parking lot would work, however both businesses recognize that they are growing and adapting to a variable tourist market and could not predict their future needs for parking. It was concluded that a shared parking area could work on the short term, however in the long term, both businesses identified that parking was a substantial requirement and want to retain the flexibility for future growth and be able to respond immediately to those demands. The results of that meeting were shared by email with the adjacent property owners and their agents and the response received was that the shared parking arrangement should be a permanent solution and that simply deferring the construction of a second parking lot by a few years does not resolve the concerns. It is the understanding of Planning Staff that both Scenic Caves and the adjacent property owners are looking for a decision of Council on the suitability of a parking lot on the subject lands.

D. Analysis

At this time, Planning Staff are presenting this report for information purposes. Staff will provide a more detailed report including additional information on a Niagara Escarpment Commission response and planning analysis and recommendations for Council to consider on November 19, 2018.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #2 Attract New Business

Objective #3 Promote a Diversified Economy

Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #3 Manage Growth and Promote Smart Growth

Objective #4 Commit to Sustainability

F. Environmental Impacts

Opinions on environmental impacts differ. Comments from the Niagara Escarpment Commission have been requested to weigh in on the environmental issues.

G. Financial Impact

Nil

H. In consultation with

Nathan Westendorp, Director of Planning and Development Services.

Shawn Everitt, Interim Chief Administrative Officer

I. Public Engagement

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J. Attached

Nil

Respectfully submitted,

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