

RE: Application for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval. Part Lot 16, Concession 3.

November 22, 2018

Dear Members of the Committee of the Whole,

Along with my wife and two children, I am the homeowner of [REDACTED] Scenic Caves Road, the property directly bordering the 214 Scenic Caves Road subject land. We have laid out a strong case against the Scenic Caves Adventures applications in our prior correspondence to the Town, comprised of professional assessments from Engineers, Biologists, Planners and Legal experts. Now, after you have received updated reports from the Town of Blue Mountains planning team at your November 19<sup>th</sup> meeting, it is critical that the Committee of the Whole acknowledge key points that are essential for its members to consider while making this decision. I feel quite convinced that these have not been sufficiently conveyed and will briefly review them here.

1. **There has been an exceptionally atypical process for the applications by Scenic Caves Adventures.** I understand that the burden of proof to establish the principles of development goes to the Official Plan amendment – such an amendment requires even greater burden of proof than for other decisions such as rezoning. However, in this case, in terms of process:
  - a. there was clarity in the 2016 Official Plan that a parking lot is not considered a permitted use. We purchased our property in 2017 with this knowledge. What happened to this safeguard?
  - b. the 2016 Official Plan was so recently approved that it required special dispensation to even consider an OP amendment. The redesignation application occurred well within the 2-year 2016 OP moratorium period. Why is the thoughtful work and input that goes into the creation of such a Plan so easily waived? Council's rationale for approving this waiver was never explained.
  - c. the applicant initially made a re-zoning application rather than the required OPA redesignation application (a clear error that we needed to point out to the Planning team), and then this application itself was dramatically insufficient. Owing to the clear deficiencies in the application, we even needed to hire our own assessors for environmental impact and engineering to have a basic understanding. Why was the applicant not held to the appropriate standard for an OPA? It appeared that the focus was on the re-zoning application rather than the much more important OPA.
  - d. The application fee was waived. Council's rationale for this also has not been explained on public record.
  - e. The Town of Blue Mountains Planning team has not physically visited the site to understand the overtly clear commercial-rural conflict of a parking lot on the enjoyment of our small property. I cannot comprehend a decision advocated by Blue Mountain Planning without the value of seeing first-hand how obtrusive such a parking lot is to us. Given the dramatic impact on us, was this too much to expect?

- f. There was a quick and unprecedented move by Council on November 19<sup>th</sup> to pass a resolution to have a “special” Council meeting on November 29<sup>th</sup> (instead of the planned Dec 10 meeting) to make its decision. The December 10 Committee of the Whole Meeting was a date clearly set by Council in the first place, for which we made great efforts in planning to attend. Yesterday’s change in date was without a clear cause for urgency and at maximal inconvenience to us.

The process issues from the outset are difficult for homeowners like us to understand, but we know with certainty from the experts we retained that the process of this application has been highly atypical and unjust to us. With the loss of the principles and processes of the 2016 OP occurring so easily, one could justifiably have the impression that this decision to support Scenic Caves Adventures was negotiated prior to the application.

## **2. The application is not consistent with Planning Policy.**

- a. It appears that this decision is made on economic grounds for a single business development rather than on respecting the natural environmental considerations, protecting community character, and conserving landscapes. The fact remains that this parking lot will severely and negatively affect the unique quality of the top-of-hill.
- b. If only economic benefits, which contribute to a private for-profit business, were to be considered to change a land use designation confirmed two years ago, then why do we have planners and policy in the first place?
- c. Even the business development focus is centered on one business, rather than considering the benefits of sharing existing zoned lots in and around the village to prompt business collaborations such as housing and restaurants (for example a shuttle that would support visitors staying and eating in the village, in addition to the day-trippers who would park in the existing lot). The proposal isn’t even supporting the community of businesses, rather Scenic Caves Adventures alone.
- d. The beautiful “top of hill” area already has a high density of parking lots, and to surround a single-family home on a residential property with parking lots on the north, south, and across the street is simply unjust. Again, if you yourself were to stand at our doorstep, you would understand that a parking lot on this land in particular stands shamefully against the quiet enjoyment of our property.

**3. Potential solutions.** We would like to be very clear, in contrast to what you heard at the November 19 Committee of the Whole meeting, we have not been in a process of negotiation with Scenic Caves Adventures and have instead objected to the applications since May. However, there may be potential solutions that I may discuss on November 29.

We have faith that Council will acknowledge these points and hold the process accountable to them. Please understand that we as a family do not uphold black-and-white principles of “NIMBYism”. After all, we worked with the Town in accepting the intrusion of an enormous parking lot on the North border of our small property this past

year, as at least it was partially consistent with the directives of the 2016 OP. We should be afforded maximal protection from the Town in this particular case.

Sincerely,

Bruce A. Perkins and Elizabeth A. Stephenson  
Owners, [REDACTED] Scenic Caves Road.