

June 1, 2022

Township of Georgian Bluffs
177964 Grey Road 18
Owen Sound, ON
N4K 5N4

Attention: Jennifer Burnett, Senior Planner

Dear Ms. Burnett:

Re: **Notice of Complete Application for Consents and Zoning By-law
Amendment Z-17-21 and Severance Applications B11/21, B12/21 & B13/21**
Part Lot 17, Concession 2
Geographic Township of Sarawak, Township of Georgian Bluffs
128 Maple Ridge Drive
Owner: Blair and Cheryl Radbourne of the City of Toronto, Ontario

Further to our January 26th written submission and our participation at the February 15th Severance Application Meeting and the February 16th Zoning By-Law Amendment meeting considering the Radbourn Applications, we are writing to you and Council with our supplemental comments based on the discussion from those meetings regarding the above noted Zoning Amendment Application Z-17-21 to facilitate severance applications B11/21, B12/21 and B13/21.

Just because something may physically be done if the zoning and setbacks are amended, does not mean it is in the public good and should be done. The impact on the environment, safety and rural lifestyle of the local residents in Maple Ridge Subdivision for the sole interests of the Applicants must be carefully weighed.

As previously stated, we are in strong support of the Township of Georgian Bluffs denying these applications to amend the zoning to facilitate the severance of three lots from the retained farm property.

We would like to emphasize Councillor Pringle's comments at the February 15th meeting, that based on his site visit of the proposed development and in listening to the concerns attested to by the local residents from our day to day living experiences in the neighbourhood over the years, that the creation of the proposed three lots in addition to the original farm house is an "**aggressive**" development for this site.

This site is adjacent Niagara Escarpment Commission (NEC) lands and has hazards, water courses and Environmental Protection (EP) zones. A cautious approach to development must be taken.

After reviewing the written responses from the Organizations that have been consulted and from the discussions at the February meetings, our concerns that remain include:

1. Health, Safety and Rural Lifestyle of Local Residents
2. Services – water and septic
3. Stormwater Management
4. Environmental Impact
5. Climate Change

1. Health, Safety and Rural Lifestyle of Local Residents

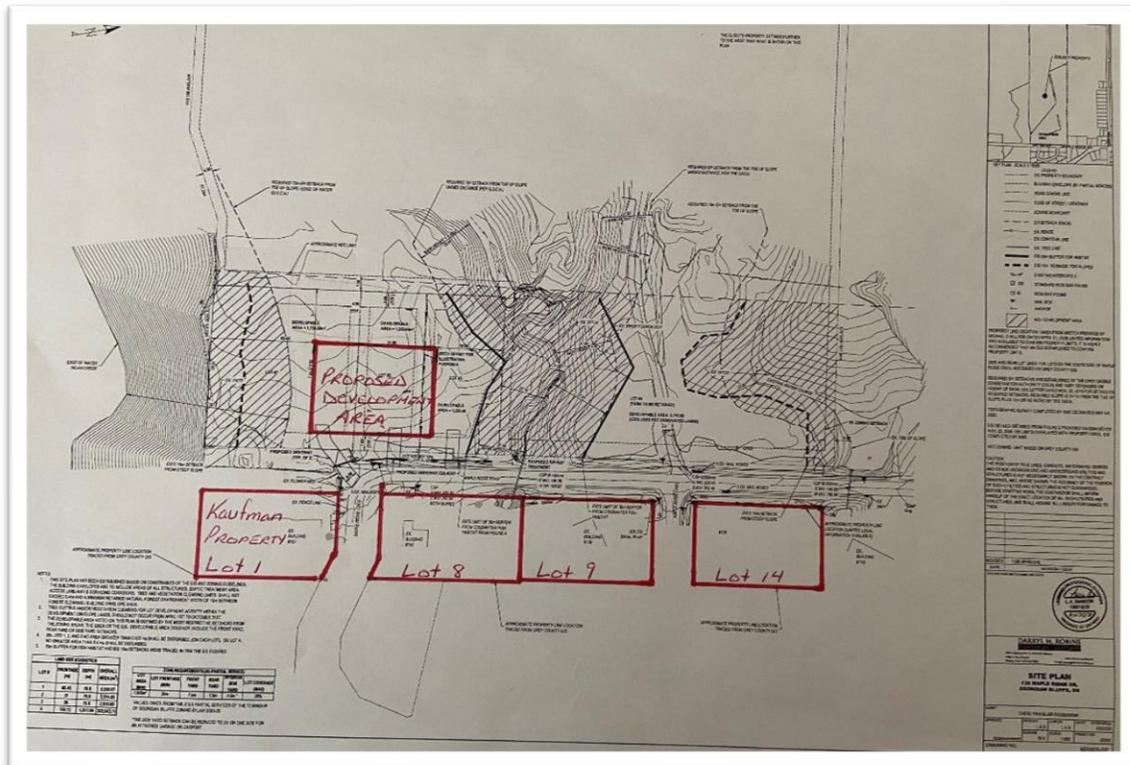
Grey County's and Georgian Bluffs' Official Plans (OPs) align with the Provincial Policy Statement and contain policies to protect farmlands, woodland and wetlands. The OPs promote taking a cautious approach to development in rural settings at a proper scale with an objective to protect the environment, health and safety of residents.

- Good planning balances the interests of individual property owners with the wider interests and objectives of the residents *living in* the entire community. Planning objectives should consider how spaces can be improved and not ruined, to create a better quality of life for everyone living in the community.
- Any development should work well with the landscape. Development must balance with attractive living environments, wise use of the land, and ensure the natural resources, agriculture and environment are protected.
- Compatibility with surrounding residential development should be a primary consideration. It should occur in a manner that takes into account the existing built and physical environment.

Keeping these OP policies and principles in mind, over-building to squeeze in three new lots, in addition to the already existing/retained site on the subject property, is too intensive for this existing plan of subdivision and is not compatible with the surrounding residential development with large wide lots.

- Secondary and Tertiary Settlements allow for infilling and ***minor rounding*** out of existing development, but increasing the total dwellings to four including the retained portion, is more than minor rounding.

These OP policies and the attractive living environment of the established homes in the exiting subdivision with wide spacious lots, in particular, the two lots directly across the from the proposed development area with 68m and 61.9m frontages support the argument that only one single family residential lot within the realigned EP zone with 15m setbacks on the proposed development area is the proper scale to be considered for the neighbourhood as shown below.



The vision and mission for the Township of Georgian Bluffs:

“Georgian Bluffs is a community of communities, which will preserve its agricultural and rural residential lifestyles, natural landscapes, heritage and enhance business opportunities through fiscal responsibility and proactive planning.

Our mission is to balance growth and our existing assets and lifestyles through responsible management and proactive planning.”

2. Services

Water

Secondary and Tertiary Settlement Areas have lower density targets and are intended to provide a limited opportunity for growth. Where partial services exist, as is the case in Maple Ridge Subdivision, with only water services being provided by the Township,

development shall only be permitted to allow for the creation of lots, subject to satisfying that the development is within the water system capacity.

The current water system capacity no longer satisfies the existing homes within the subdivision, let alone four more single family dwellings. The fire hydrant in the subdivision is painted black and decommissioned due to lack of water pressure. This was a factor when the original farm house on the subject property burned down.

The recommendation to replace the existing watermain with a 150mm (6 inch) watermain from the Townships "Watermain Review" conducted in 2019 recognizes that the current water system is inadequate in supporting the existing homes. This infrastructure upgrade should be made prior to putting further stress on the existing system. To do otherwise is putting the cart before the horse.

The Ontario Clean Water Agency has indicated that four additional water services on the current inadequate water system may compound the problem by further affecting the first few properties situated south of the Indian Acre/Grey Road 1 Pressure reducing valve. Increasing flow through the pressure reducing valve "**may**" be enough to get the valve to open further to allow the water pressure for those first few properties to be sustained or even increased, but if the flow cannot be increased, the available pressure to the first few houses may be reduced.

The Ontario Clean Water Agency's mitigation strategy to increase the flow through the pressure reducing valve to get the valve to open further should be implemented now to see if this strategy is effective in alleviating the water pressure concerns the Maple Ridge Subdivision residents are already facing today before more development is allowed, further impacting those in the subdivision and south of the Indian Acre/Grey Road 1 residents.

Before implementing the recommended 150mm (6 inch) upgrade to the watermain and adjustment to the pressure reducing valve, how can Council be convinced it has the capacity to service four more homes in this subdivision?

Septic

Local municipalities need to be satisfied that any new development by way of consent can be adequately serviced by individual on-site private systems.

The Nitrate Study seems to employ a very minimal and weak sampling program to support this Application. The Nitrate Study as completed and written is not transparent or convincing that the proposed three lots can accommodate the nitrate loading with an alternative *Tertiary Treatment Septic System*.

Specifically, while three test pits and three standpipes were installed to determine the subsurface conditions, including depth to and direction of shallow ground water flow, only one representative ground water sample for chemical testing, following development was obtained.

- As three individual lots are being proposed, why would a water sample for chemical testing, following development not be taken for each of the three individual proposed lots? Each lot is site specific and very distinct from the other lots. Site characteristics (soil, topography, hazards, streams, EP zone) vary greatly amongst them.

Again, while three test pits and three standpipes were installed, only one ground water sample from the standpipe installed in Test Pit 3 was collected for chemical testing of pH, nitrite/nitrate and phosphorous to determine ground water quality.

- As three individual lots are being proposed, why would chemical testing not be done for each of the three individual proposed lots?
- Why was Test Pit 3 chosen over the other two Test Pits? Each individual proposed lot is site specific and very distinct from the other lots. Site characteristics vary greatly amongst them.

Ground water levels for each individual proposed lot were measured August 11, 2021. The driest time of the year. The local Maple Ridge Subdivision residents have attested to the drainage and standing water problems they currently experience on their properties throughout the year over the years, not just on one day. The report admits "Ground water levels will fluctuate seasonally, and in response to variations in precipitation". The Study should include all four seasons, rather than just one sample from August, one of the driest months in the year. If not, Council should consider this with their own local knowledge of precipitation events to determine how much weight this measure should be given and if it has an impact on their comfort level to approve such and aggressive development.

- Why not use new technology such as data loggers for a more accurate ground water measurement?

Proper due diligence and transparency tells us that three Nitrate Loading Computations should be done. One computation for each individual proposed lot using site specific data (nitrate concentration, lot size i.e., 0.54, 0.25, 0.30 respectively) should be provided to prove each individual lot meets the septic system standards on its own merits, taking into account minimum setback/separation distances required according to O. Reg.358, O. Reg.903 and other municipal considers to ensure each individual proposed lot meet the standards.

The Nitrate Loading Computation provided in the report treats the proposed development area as one site (1.09h) with three single family residential dwellings. This does not adequately account for the unique characteristics present on each individual lot, site specific nitrate concentrations and required minimum setback/separation distances.

- It does not make sense to say our individual lot meets the nitrate regulatory requirement by using a soil and chemical testing sample from our neighbour's lot and applying the sample results to our lot plus the area of our two adjacent neighbour's lots with different characteristics and topography in the computation, which in effect is what the computation in the report is doing.

The initial nitrate-loading assessment done by PML did not satisfy the regulatory requirements.

- Would a less aggressive development of the proposed site (one lot with one single family dwelling instead of three single family dwellings) have met the regulatory requirement?

Have Georgian Bluffs Building Officials allowed the use of an alternative tertiary septic treatment on the proposed lots, based on the Building Code for each of the individual lot's sizes, characteristics (soil, topography, hazards, streams, EP zone) and required setback/separation distances?

- Can Georgian Bluffs Building Officials provide a report regarding the use of three tertiary septic systems instead of conventional septic systems, including associated risks, and long-term maintenance requirements/monitoring?
- Would a less aggressive development of the proposed site (one lot with one single family dwelling instead of three lots and three single family dwellings) allow for the benefit of a safer conventional septic system rather than an alternative tertiary system that requires more maintenance and monitoring with the risk of filters, pumps or electrical components breaking down or clogging?

The Nitrate Study submitted indicates that the "*nitrate loading assessment is considered to be conservative*" and that the Thornwaite and Mather procedure "*over-estimates the volume of runoff and yields a conservative assessment of the infiltration rate*". These statements are concerning. While we appreciate the study may have followed the current guidelines (D-5-4), arguably these guidelines and the dated data provided by Environment Canada used in the calculations have not kept up with today's trends.

- The initial nitrate loading calculation completed by Peto MacCallum Ltd. (PML) did not reduce the concentration of nitrate in the effluent to an acceptable regulatory level. The alternative tertiary treatment calculation completed by PML only reduces

the concentration of nitrate in the effluent to 9.8mg/L N, barely meeting the regulatory requirement of 10.0mg/L. Considering the conservative assessments noted in the Report and our concerns mention above, it is not convincing that the proposed development of three lots with single family dwellings on each of the lots can be adequately serviced.

Even by employing the broad approach with dated and limited data used by PML, the proposed development does not meet the regulatory requirement and therefore, does not satisfied the test that the proposed development can be adequately serviced by individual on-site private systems. It is far too aggressive.

Alternatively, to get around this and barely meet the regulatory requirement, PML suggests considering the use of tertiary treatment systems with the risks that come with those systems.

- Why should local residents and the environment be exposed to unnecessary risk if a less intensive development of the site can maintain a safe and proper standard?

For the protection of its residents and this environmentally sensitive area, a cautious approach to development should be taken by Council. The standard of a conventional septic system should be maintained with a scaled back development of the proposed area to one lot with one single family dwelling.

3. Stormwater Management

The proposed development area contains watercourses, valleys and woodlands.

Official Plan policies promote the avoidance of development of Significant Woodlands that help provide natural shade, prevent erosion, maintain soil integrity and ground water levels. However, this Application would eliminate designated Significant Woodlands, jeopardizing soil integrity and ground water levels.

As you know, Balmy Beach has been identified as an area requiring improved drainage. It is proposed that the new lots will drain towards the Maple Ridge Road Allowance adjacent to our property with the existing ultimate outlet for the water remaining the same. The fact that the existing outlet and drainage ditches do not adequately control the stormwater and groundwater as it exists today has been documented in the written submissions you have received and further attested to during the public meetings in February by the local residents that live here. Directing water towards us, situated at a lower elevation and putting more stress on the existing overburdened outlet with additional surface/groundwater running here as a result of the removal of woodlands, vegetation and soil, coupled with the development of potentially four residential dwellings,

septic systems and pervious surfaces poses a major risk to us, the existing residents of Maple Ridge Subdivision and those downstream.

- This is deeply concerning considering the post-development flow projections in the Stormwater Management Report are weak and likely conservative. The projections must be considered cautiously as a result of the suboptimal data available and used in the Report, including: old Grey County soil and drainage maps from 1983 that don't take into consideration erosion and flooding over the past 39 years; 2010 rainfall data that does not reflect storm events experience in today's climate; and the dry month of June site samples that don't align with the day over day experiences attested to by the local residents in the analysis.
 - A more representative and informed analysis to depend on would include a four-season study and new technology such as data loggers for a more accurate ground water measurement.
- Furthermore, the downstream culvert crossing Maple Ridge Road is only 450mm in diameter which is supposedly "acceptable", but not "optimal" (25-year storm). Pre-development water flow concerns attested to by the residents living in the Maple Ridge Subdivision already experience flooding and standing water on their properties. Flooding is real. Without this culvert being updated to an "optimal" level (100-year storm) the culvert will be further over burdened as a result of the proposed development causing greater flooding to the local residents.
 - Without first having the infrastructure required to support development, you cannot put residents at risk and proceed with development.

Due to the proposed development area size and the topography of the area, it was determined that as an alternative, grassed swales will need to be used to mitigate the lack of space for a management pond to manage stormwater.

- How is the best drainage system for a development area determined? Is there a hierarchy that is followed?
- Other than grassed swales, what other mechanisms are there to manage stormwater?
- In addition to the original farm house, if only one lot instead of three lots were created in the proposed development area, what system/mechanism would be used to manage stormwater? Could a more optimal system/mechanism such as an on-site management pond be used to manage stormwater?

Grassed swales are not aesthetically pleasing to look at and will inevitably get over grown and fill with sediment. It has been recommended the maintenance of the proposed swales be addressed through a site plan agreement registered on title. Maintenance of the grassed swales includes inspection each spring and fall and after major storm events to ensure any accumulated sediment is removed.

- This places us in the unenviable and vulnerable position of being at the mercy of the property owners of the proposed lots doing their due diligence to properly maintain the grassed swales. Who is responsible for regularly inspecting and enforcing the site plan agreement proactively before flooding damage and ensuring it is carried forward and applied to subsequent property owners of the individual lots?
- Who is responsible for maintaining the proposed grassed swale on the Township's Road Allowance?
- The Road Allowance is adjacent to our property and is lined with large, old Maple trees. We are concerned about damage to the root system of these trees with the installation of the grassed swale and driveway access to proposed lot one (1), creating the potential for a tree to fall on our home during construction or afterwards in a storm when the trees are not longer protected and erosion from the run off into the swale begins to occur.
 - Has this been considered by the engineers and what are their findings and recommendations?
 - Rather than disturbing the soil around these trees with an unsightly grassed swale and creating another hazard and potential impairment to our property, what are the alternatives? Would a smaller development footprint permit the use of an alternative mechanism to manage stormwater?

It is documented that there are hazard lands, streams and springs running all over the proposed development area that if interfered with will pose a risk of flooding not only to the current residents of Maple Ridge Subdivision situated at a lower elevation and those in the community located downstream towards Georgian Bay, but also to the new residents that choose to invest and build on these new lots. Water has to flow somewhere and when its course is altered and interrupted it will find a new path.

- Should the Zoning Amendment Application be approved, we further oppose the reduction of the EP setback to 0m. The required 15m setback in the Zoning By-law should be maintained from the re-mapped EP feature.

As mentioned in the Stormwater Management Report, proposed Lot 3 has a stream running along the rear and north side of the proposed lot in addition to water from somewhere flowing over it. There is also an obvious sink hole as observed by Councillor Pringle during his site visit and shown in the photo below taken *April 9, 2022* of Test Pit 3. This area is adjacent to the sinking portion of Maple Ridge Road.



The photo also shows standing water around the white Stand Pipe at Test Pit 3. Determining where this water is coming from is important.

- Is this water coming from an underground spring and if so, is the grassed swale between proposed lots 2 and 3 the correct solution to manage this groundwater or is that measure more effective at managing stormwater runoff?
- Water from an underground spring has to flow somewhere and when its natural path is altered with building foundations and septic systems the water from the underground spring will have to find a new path underground to flow.
- Removing woodlands, vegetation and soil and replacing these water absorbing features with impervious surfaces will result in more runoff and more standing water on the land surrounding the new path the underground spring was forced to take.

- This photo illustrates the safe buffer zone the proposed development area is for the adjacent residents of Maple Ridge Subdivision situated at a lower elevation.
 - It is in our best interest to maintain as much of this area as possible in its natural state, or the standing water we currently experience on our properties could become unmanageable.

Squeezing three lots into the sensitive area is too aggressive.

Minimizing the disturbance to the natural landscape and avoiding interference or changing/diverting the watercourse running through the proposed development area is safe and prudent planning for the local residents.

4. Environmental Impact

The lands subject to this application are within the Niagara Escarpment Plan. Ecologically, these lands perform and contain a variety of natural functions and features, including supporting water quality, erosion protection, creating shade and a habitat for wildlife. While residential dwellings can be built on a variety of land use types, there are only certain precious lands that can sustain agriculture, woodlands, fish and wildlife habitat.

We have reviewed and understand that the Environmental Impact Study (EIS) conducted in 2020 conforms to relevant policies. The EIS concludes that 2 “Development Envelope” areas within the subject property could support residential development *with focused development and mitigative measures put in place*.

In addition to consideration given to the necessary site specific mitigative measures in the EIS, the Township has the mandate to determine the intensity of the of the residential development within the Development Envelope in relation to its local Official Plan and Intensification Strategy. Justification for its decision should address the balance between the environment protection, and the promotion of growth.

“We need areas for people to interact with nature without overwhelming it”.

(Grey County’s Official Plan)

In support of Councillor Pringle’s remarks and the concerns of the local residents, an additional alternative development and mitigative measure not presented in the EIS, would be a less aggressive residential development of the Development Envelope areas that allows two instead of four building sites. Instead of three lots squeezed into the **southern “Development Envelope”** area, permit **one lot** in addition to the northern

Development Envelope on the retained parcel to allow the replacement of the old farm house that burnt down.

The southern Development Envelope land area forest cover is deemed a Significant Woodland. Natural Heritage Provincial Policy and the Grey County Official Plan state that no development or site alteration may occur within Significant Woodlands or their adjacent lands unless it can be demonstrated that there will be no negative impact on their natural features or their ecological functions. It is hard to believe that when these significant forested lands are developed and the natural environment is altered, particularly as aggressively as is being proposed with three lots in the southern "Development Envelope", that there is not an impact on the natural and ecological features of the land. Features that are not only important to the nesting and rearing habitat of the Eastern Wood-pewee migratory song bird and fish habitat, but to the habitat for other delicate species we see in the area, including numerous bats, ruffed grouse and salamanders, not mentioned in the Study.

5. Climate Change

We are asking you to evaluate this application through a climate action lens.

We know climate change is real. We see how our weather is changing and will continue to change in our community. More frequent snow squalls, more extreme rain and flooding events and warmer summer temperatures are being reported.

The Township says it recognizes that we have to take action now to adapt to and mitigate the effects of climate change to reduce the negative impacts expected from extreme weather conditions.

The Township has heard specifically about the impact of climate change from long-term residents of Maple Ridge Subdivision who have reported on the changes that have occurred over time on their properties, including increased water ponding, death of trees, erosion and the sinking Maple Ridge Road.

As our elected officials and senior leaders, the residents of Georgian Bluffs rely on your leadership to mitigate and adapt to the impacts of climate change. It takes action and commitment, not just words. This means the Township must evaluate its decisions and actions through a climate action lens to facilitate resilient sustainable land-use planning and development within our community.

Georgian Bluffs aspires to be recognized as stewards of the environment, remaining true to its natural roots. Georgian Bluffs natural roots is why we chose to live here 27 years ago and why we chose Maple Ridge Subdivision in particular with its spacious lots, the nature and beauty of the Niagara Escarpment, natural trails, waterfalls and river. Aligned

with your aspiration, we are asking you to leverage the natural-based assets of the neighbourhood for a sustainable future and not allow the proposed aggressive intensification on the subject property. For the public good, it is clear that the right decision and balance approach that is in the best interest of the community as a whole, is to scale back the development on the subject property to allow one single family lot in addition to the original farm house. Otherwise, will be too big a cost to the environment and local residents.

The Township of Georgian Bluffs Official Plan and zoning by-laws recognize the vulnerabilities of this area related to the impact of climate change. These measures are in place to protect people and natural systems from the impacts of climate change and to ensure over building does not contribute to it. These measures support a far less aggressive development of the area.

Should the Zoning Amendment Application be approved, we further oppose the reduction of the EP setback to 0m. The required 15m setback in the Zoning By-law should be maintained from the re-mapped EP feature.

Closing Remarks

Respectfully, for the reasons expressed here, along with our more detailed January 26th written submission and remarks at the February 15th and 16th meetings considering the Radbourn Application, we are requesting the Township of Georgian Bluffs deny the Zoning Amendment Application to facilitate the severance application for three lots on the subject property. It is far too aggressive on these sensitive lands and for the current infrastructure to support.

- The proposed development is too aggressive for the environmentally sensitive area and does not align with the Official Plans policies, the Townships Vision and Mission or the existing large wide lots in Maple Ridge subdivision.
- The current water system does not adequately service the current homes in the subdivision. Without the recommended upgrade to the watermain and adjustment to the pressure reducing valve, Council cannot conclude the system has capacity to service 4 more residential homes.
- The nitrate loading calculation did not meet acceptable regulatory standards and does not satisfy the test that the proposed development can adequately be serviced by individual on-site private systems. As an alternative, a tertiary treatment system that barely meets the regulatory requirements is suggested by the consultant for consideration by the Building Department. Rather, we would suggest a less aggressive development with one single family dwelling that

conforms to policy instead of three single family dwellings that require a work-around.

- In an area identified as an area requiring improved drainage, the development of three lots with single family homes in addition to the original farm house exposes the current residents of Maple Ridge subdivision to greater risk of flooding on our properties without upgrades to the current culvert infrastructure, coupled with the extensive removal the natural buffer area of the woodlands, vegetation and soil that currently absorbs and slows the flow of water towards us situated at a lower elevation.
- Grassed swales are a suboptimal mechanism for managing stormwater. They are unsightly and are only effective if properly maintained by the property owners according to the site plan agreement, putting the current residents of Maple Ridge subdivision in a precarious position.
- The proposed grassed swale along the Road Allowance and driveway access to proposed Lot 1 may damage the root system of the large Maple trees on the Road Allowance adjacent to our property, creating the potential for a tree to fall on our home during construction or afterwards in a storm when the trees are not longer protected and erosion from the run off into the swale begins to occur.
- Council's decision should justify the balance between environment protection, and the promotion of growth. While residential dwellings can be built on a variety of land use types, there are only certain precious lands that can sustain agriculture, woodlands, fish and wildlife habitat.
- Council's evaluation of this application and its decision should be done through a climate action lens to facilitate resilient sustainable land-use planning and development within our community. This protects people and natural systems from the impacts of climate change and ensures over-built development does not contribute to it.
- The required 15m setback in the Zoning By-law should be maintained from the re-mapped EP feature.

For the public good, it is imperative Council act in the best interest in areas that directly impact the local residents in the Township they represent. Development of more than one residential lot in addition to the original farm house would do more harm than good. One residential lot in addition to the original farm house conforms to policy and is reasonable. It is the proper scale for the neighbourhood.

By denying the Application and maintaining the integrity of the neighbourhood, the Township is acting in the best interest of the public, providing the local residents a safe attractive living environment and protecting its natural resources and the environment. Climate Change has reinforced the importance of striking this balance between aggressive development projects and the environment.

Thank you again Ms. Burnett for the opportunity to provide you with our submission for yours and Council's consideration.

Sincerely,

Peter & Kathryn Kaufman