

January 26, 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 Cherilyn Radbourne of the City of Toronto, Ontario

We appreciate the opportunity to review the Radbourne Application materials regarding the above noted Zoning Amendment Application Z-17-21 to facilitate severance applications B11/21, B12/21 and B13/21 and provide our submission for yours and Council's consideration.

As residents of the Maple Ridge subdivision for more than 27 years, we are in strong support of the Township of Georgian Bluffs denying this application and retaining their existing RU zoning on the portions of the subject lands this application pertains to. While we obviously would prefer no development, we understand that when the subdivision was created the subject property had spot RU zoning which would permit the possibility of one residential detached dwelling in addition to the original farm house.

The rezoning to R1 being proposed would more than double the density of the subject property by creating three lots (instead of one) in addition to the original retained farm parcel. The proposed R1 zoning would also expand the form of dwelling that would be permitted to include semi-detached and duplex dwellings. The increase density with smaller lot frontages and the expanded form of dwelling that would be permitted does not conform with the existing lots and detached dwellings within the subdivision. Our additional concerns include:

1. Services – water and septic
2. Stormwater Management
3. Environmental Impact

4. Climate Change
5. Health, Safety and Rural lifestyle of local residents
6. Increase Traffic into and out of the subdivision
7. Maple Ridge Road rehabilitation post construction

These concerns will be expanded on in more detail below in accordance with Grey County's Official Plan, the Township of Georgian Bluffs Official Plan, the Niagara Escarpment Plan, Provincial Policy Statement and Climate Change Action Plan.

As you know, the entire property falls within the Niagara Escarpment Plan with the easterly 2.26 hectares of the site designated "Secondary Settlement Area" within Grey County's Official Plan and "Tertiary Settlement Area" within the Township of Georgian Bluffs Official Plan. The Settlement Area is in the control of Grey County and the Township of Georgian Bluffs.

Grey County's Official Plan is policy and gains power through the specific zoning determined by the Township of Georgian Bluffs. The plan must be consistent with the Provincial Policy Statement and the Niagara Escarpment Plan.

- These plans are important to property owners when buying land so that property owners can be informed on what their neighbours or future neighbours, could develop their property for in the coming years. These plans also map environmental features that are protected from development.

GREY COUNTY OFFICIAL PLAN:

The Grey County Official Plan contains policies to protect farmlands, woodland and wetlands that promotes taking a cautious approach to development in rural settings with an objective to protect the environment, health and safety of residents and avoid fragmentation. To accomplish that policy objective, development in settlement areas is promoted along with the *quality* of severances.

- We chose to reside in the Township of Georgian Bluffs because we value and appreciate the natural beauty, clean healthy environment and rural lifestyle offered and feel it is extremely important for the Township and its residents to protect these attributes to benefit future generations that choose to live here. We are lucky to live in this environmentally rich area and in doing so are obligated to maintain the delicate balance of promoting and protecting the area.
- We understand that good land use planning helps set goals and objectives about how the community will grow, while balancing social, economic and natural environmental interests. 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.

Growth can occur where it fits well with our natural and farming areas. Grey County's Planning Policy indicates that growth must ensure land use compatibility and encourage sustainable development that protects the environment and natural resources. To accomplish this, development must be done by taking a *balanced approach*. Development must balance with attractive living environments, wise use of the land, and ensure the natural resources, agriculture and environment are protected.

- The creation of three new lots in addition to the already existing/retained site on the subject property is too intensive for this existing plan of subdivision. We believe this has been recognized by the balanced approach council has taken with its current RU zoning designation which conserves the features that help define the character of Maple Ridge Subdivision.
 - Primary (Cobble Beach) and Secondary (East Linton) Settlement Areas close by are more suited than this Tertiary (Balmy Beach) Settlement Area to accommodate additional residential development when balancing the partial services, the Significant Woodlands, Fish Habitat, Significant Wildlife Habitat, Hazard and Environmentally Protected lands that have been identified on the subject lands.
 - The Primary and Secondary Settlement Areas should be the focus of growth before the expansion into Tertiary Settlements.
 - Secondary and Tertiary Settlements allow for infilling and *minor rounding* out of existing development, but arguably going from one lot to the proposed three lots and increasing the total dwellings to four including the retained portion, is more than minor rounding.
 - Would the Township through by-law designate Site Plan Controls, as provided for in the *Planning Act*, to minimize land use incompatibility between the new and existing development to reduce the number of new lots to no more than two and only permit detached dwellings under the proposed R1 zoning?
- 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.

- Has the Township determined sufficient water quality and quantity is available to accommodate the connection of potentially 4 more dwellings?
- At this time, the fire hydrant in the subdivision is painted black and decommissioned.
- 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. The most comparable lot in the subdivision to the application lands is Lot 8, located directly across the road from the application lands. This lot contains one single family dwelling with the central area watercourse/creek running along it's north side yard. The frontage of this lot is 68m.
 - The frontage of the proposed B12-21 lot and B13-21 lot would only be 31m and 38m respectively, in order to squeeze in two dwellings.
 - Furthermore, the proposed R1 zoning would permit the style of the dwellings to be expanded to allow for a semi-detached and/or duplex which is not compatible with the surrounding lands in the existing subdivision.
 - Would the current infrastructure (water, septic, gas, road, broadband) of this older subdivision be able to support this increased density?
- The next most comparable lots in the subdivision to the application lands are lots 5, 6, 7, 10 and 11. Each of these lots contain single family dwellings with the creek running through their side yards. To help account for the creek hazard, their frontages are also larger than the propose B12-21 and B13-21 lots.
 - As submitted by some of those property owners, even with wider lots to buffer the creek hazard and ditches, these lots experience standing surface water well into the month of June and have drainage issues.
- The proposed zoning amendment from RU to R1 does not make an existing situation better or reduce the potential for exasperating the concerns the residents in the subdivision have.

The County worked with Municipalities on a growth strategy to promote communities where residents can live, work, learn, invest and play. The strategy recognizes that the amount of growth, the type of growth and the location of development will be limited by the availability of services.

- The hierarchy of land use established by Georgian Bluffs in their Official Plan for the old geographic Township of Sarawak to accommodate the anticipated

projected growth to 2036 is the fully serviced development of Cobble Beach, followed by the Secondary Settlement Area of East Linton and then the partially serviced Tertiary Settlement of Balmy Beach which includes Maple Ridge subdivision.

- Based on the Townships projected growth, Georgian Bluffs has not identified any concerns of not being able to provide the type of housing being propose in this application to ensure people have a place to live.
- When considering the growth projections, inventory available, infrastructure and public services available in this community, it is clear that there is no need to overbuild and squeeze three additional lots on the subject lands as is being proposed.
- It has not been demonstrated that there are no reasonable alternatives which would avoid development of these Significant Woodlands that help provide natural shade, prevent erosion, maintain soil integrity and ground water levels.
- Arguably, these lands provide more value to the health and safety of the community in their natural state than as three residential dwelling lots.

Growth needs to be managed to minimize adverse effects on natural resources and features and be compatible with surrounding land uses. The County and Municipalities want to promote development, but must protect and conserve resources and green spaces. 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 in a variety of land use types, there are only certain precious lands that can sustain agriculture, woodlands, fish and wildlife habitat. Development on these lands could impact neighbouring lands.

To support their application, the property owners were asked to submit several Technical Studies and Reports, including:

1. Planning Report
2. Nitrate Study
3. Stormwater Management Report
4. Environmental Impact Study

Nitrate Study Comments

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 Study seems to employ a very minimal and weak sampling program to support this application as indicated by our comments II, III, V below. The Nitrate Study as completed and written is not convincing that the proposed three lots can accommodate the nitrate loading with a *Tertiary Treatment Septic System*. We request a peer review of the study be conducted.

- I. We notice on page 2 of the report that it states the field work was carried out on July 28, 2018.
We believe this is a typo and should say July 28, 2021, but perhaps this should be confirmed.

- II. The three test pits were located close to Maple Ridge Road where the driveways for the proposed lots would be located. Test Pit 1 was approximately 3 m from road; Test Pits 2 & 3 were approximately 15 m from the road.
Should they not have been located further back on each proposed lot where the dwellings and septic systems will be located to get a more accurate sample?

PML's Statement of Limitations recognizes that "sampling explorations at a particular location may not be representative of conditions between and beyond the sampled locations. Soil, ground water, surface water between locations may differ from those encountered at the sampling locations.

- III. While ground water levels in all three standpipes were measured, only one ground water sample was obtained from the standpipe installed in Test Pit 3
Why would a ground water sample not be taken from all three Test Pits?

- IV. Ground water was noted at a depth of 2.9 m.
Will this pose a risk if these dwellings are going to have basements?

- V. Ground water levels were measured August 11, 2021.
The month of August was a low water level month. As noted in the study, ground water levels will fluctuate seasonally, and in response to variations in precipitation.

Accordingly, this study should include three seasons, or at the very least the Spring season when water levels are at their highest.

The residents of Maple Ridge are very concerned with standing water and drainage issues they are currently dealing with on their properties. This development poses the risk of exasperating the existing situation.

- VI. For the Septic System, the Nitrate Loading Considerations indicate ground water flux was not considered in the nitrate dilution calculation, so the nitrate loading assessment is conservative. The report does not indicate what year or years were used in the precipitation calculation on page 6, but it should be noted that studies and trends today continue to confirm that occurrences of heavy rainfall and severe weather events are on the rise.

Nitrate Loading Computation:

- *The daily sewage flow and volume of sewage effluent used in the calculation is 2,000L/day per lot. Since the total land area of 1.09 ha for all three lots is being used in the calculation, should 6000L/day of total daily sewage flow and volume of sewage effluent for all three lots not also be used?*
 - *Conversely, if only the daily flows (2000L) for one lot are used in the calculation, should only the land area for each individual lot not also be used to determine the infiltration rate (0.54ha for Lot 1; 0.25ha for Lot 2; and 0.30ha for Lot 3)?*

- *The Nitrate loading computation findings seem to be misreported. The mg/L calculations reported on page 7 of the report do not correspond with the mg/L calculations reported in the attached Figure 2 and Figure 3.*
 - *Where the report on page 7 cites 16.3 mg/L, is this the correct figure transposed from Figure 2 or is 40 mg/L the correct figure?*

 - *Where the report on page 7 cites 24 mg/L, is this the correct figure transposed from Figure 3 or is 9.8 mg/L the correct figure?*

If 24 mg/L is the correct figure as reported on page 7 of the report, then contrary to what the report says, the tertiary treatment system does not satisfy the regulatory requirement of reducing the nitrate concentration to < 10 mg/L as required.

OR

If the 9.8 mg/L, is the correct figure that should have been transposed from Figure 3, then the tertiary system barely satisfies the regulatory requirement of reducing the nitrate concentration to <10 mg/L.

- *Due to the conservative nitrate loading assessment and August study period, this is concerning.*

Stormwater Management Report Comments

As described by the Grey Sauble Conservation Authority, the 31-hectare subject property is utilized for agricultural purposes with naturalized areas featuring woodlands, watercourses and valleys and falls within the Niagara Escarpment Development Control. The watercourses, valleys and woodlands are all located within the proposed development area. The valley systems convey watercourses to their outlet at Georgian Bay. Two valley systems run directly through the development area. A third valley system runs along the south portion of the development area and conveys the watercourse known as Indian Falls and Indian Creek.

The existing drainage of the subject property slopes west (from the escarpment) to east (the settlement area) with the Indian Creek crossing through the western portion of the property. The majority of the water drains towards the central watercourse within the proposed development area. It has been identified that this central water course has fish habitat.

It is proposed that the new lots will drain towards the Maple Ridge Road Allowance with the existing ultimate outlet for the water remaining the same.

- *Existing homes in Maple Ridge Subdivision abutting the central watercourse experience standing surface water on their properties well into June. The existing outlet and drainage ditches do not adequately control the stormwater and groundwater today.*
- *Our property is situated adjacent the valley system featuring Indian Creek along the south of our lot and the Road Allowance along the west of our lot. We too experience standing surface water into June and try to manage the situation naturally with landscaping.*
- *Any additional surface/groundwater 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 the existing residents of Maple Ridge Subdivision and those downstream.*
 - *Water has to flow somewhere and when its course is altered and interrupted it will find a new path.*

The development areas are less than 2 hectares so there is not sufficient space to accommodate a stormwater management pond. The topography of the area also causes further limitations to the controls that can be employed. Instead, grassed swales will need to be used to mitigate the lack of space for a management pond to manage stormwater.

- *The use of grass swales instead of a management pond supports the rationale for the cautious approach the Township has taken with the current RU zoning it has designated for the subject property since runoff from the proposed development could increase existing drainage or water quality problems.*
- *Is a .75m grassed swale, that inevitably will get over grown and fill with sediment, enough to control the quantity and quality (free of pollutants) of stormwater run off when we know that todays stormwater management measures before development, already pose issues for the residents in Maple Ridge Subdivision? The grassed swales and ditches will not be aesthetically pleasing to look at.*

- *Will protective measures be put in place to ensure the ditches and swales put in along the road allowance do not interfere and harm the root system of the large Maple trees growing along the road allowance?*
- *Has it been established that the grass swales/ditches will provide “enhanced” level quality controls that remove 80% of the total suspended solids on a net annual basis as requested by the Grey Sauble Conservation Authority?*
 - *Should an Assimilative Capacity Study also be completed to determine the ability for pollutants to be absorbed by the environment without detrimental effects to the environment?*
- *A less intensive development of the property will ensure disturbance to the natural woodlands, vegetation and soil is minimalize and help with water absorption.*

In addition to the watercourses already mentioned, the Stormwater Management Report raises the concern that there also appears to be a poorly defined watercourse or that some overland flow may occur towards the east across the proposed Lot 3. To mitigate this concern, the Report recommends installing another grassed swale between proposed Lot 2 and Lot 3 to redirect the surface water along the property line and not across the development area, adding water to the existing ultimate outlet.

- *There is obviously hazard lands and water 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 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 or retained parcel.*

Section 7 of the Report identifies the maintenance that would be required to support the proposal. It indicates that maintenance of the grassed swales must be maintained by the Township and inspected each spring and fall and after major storm events. Any accumulated sediment should be removed.

- *Is the Township able to commit to this needed maintenance program?*

It is a fact that Pre-development waterflows experience by the residents living in the Maple Ridge Subdivision today already create concerns on our properties. The Post-development flow projections in the report are based on predictions and estimates.

- *These predictions and estimates are established using Grey County soil and drainage maps from 1983, 2010 rainfall data and June 2021 site samples from the subject property. While this may meet industry standards, due to the dated*

data and low rainfall month used, caution should be exercised and the calculations and modelling be given the appropriate weight.

- *June is a relatively dry month and when the standing water problems the residents experience begin to dissipate.*
 - *Good planning would be to plan for the worse case scenario, especially in light of the growing storm events being reported today.*
 - *It is strongly encouraged that another study be completed using Spring time (April/May) samples from the subject property.*
- *When it comes to managing stormwater, these predictions and estimates do not consider climate change and more frequent and intensive storm events.*

The Report recommends approval authorities support the development.

- *Is this opinion based on just this one Stormwater Management Study?*
 - *Surely there are more factors than this one report that go into good planning decisions and the quality of severances.*
- *Just because something can be physically done does not mean it should be done. There are other public policy concerns to be considered.*
 - *The disruption required with grassed swales and ditches to these naturalized areas featuring woodlands, watercourses and valleys is a strong argument for maintaining the RU zoning to minimize this disruption and strike a responsible balance.*
- *What is the cost of squeezing in these three lots to the community and environment?*
- *What are the risks to the current residents of Maple Ridge Subdivision and future residents that choose to invest in these lots?*

Minimalizing the disturbance to the natural landscape and avoiding interference or changing/diverting the watercourses running through the subject property is good, safe planning for the residents of the community and lessens the impact on the environment. This is being accomplished by the Township of Georgian Bluffs with the current RU zoning, and strongly aligns with the Provincial Policy Statement when dealing with Natural Hazards and the County of Grey's Official Plan when dealing with Natural Heritage features which say development should generally be directed elsewhere.

Environmental Impact Study Comments

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.

- *An alternative development concept would be a less intensive focused residential development of the 2 Development Envelope areas that permits two instead of four building sites. This mitigative measure was not put forward in the EIS, but should be considered and given heavy weighting to.*
 - *Instead of three lots squeezed into the southern Development Envelope areas, permit one lot as supported with the current RU zoning.*
 - *Maintain the RU zoning for the northern Development Envelope on the retained parcel to permit the replacement of the old farm house that burnt down.*
- *The nature and the beauty of the area is a major reason why the residents of Maple Ridge Subdivision chose to live here. The Township needs to protect its residents as well as the plant and wildlife.*
 - *By the Township adopting the RU zoning for these sensitive lands adjacent to natural heritage features they have set an appropriate standard for buffer planting, setbacks, permitted uses and style of dwelling.*
 - *As stated in Grey Counties Official Plan, “we need areas for people to interact with nature without overwhelming it”.*

The EIS confirmed three natural heritage features:

1. Fish Habitat
2. Significant Woodlands
3. Significant Wildlife Habitat

Fish Habitat

The watercourses within the central and southern portions of the study area support fish and fish habitat including migratory and resident fish in a cool water thermal regime.

The setback recommended to maintain no water quality or quantity impairment to the central intermittent watercourse is 30m.

- *How does this setback ensure there is no impairment from the new property owners on each side of this watercourse going down to the stream and interfering with the creek and fish habit?*

- *It is the County's intention to encourage improvement of productive capacity of fish habitat.*

The setback recommended to maintain no water quality or quantity impairment to the Indian River along the south property is 15m.

- *Is this setback enough to account for annual erosion we have observed over the years that is occurring along the steep slope to the Indian River?*
- *Grey Sauble Conservation Authority had to shut down its trail along Indian River to Indian Falls to the public during a portion of 2020/2021 due to high water levels and increased traffic making new pathways and eroding the river bank.*

The setbacks are to be left in a natural forested condition to act as vegetated Buffer Zones and aid in slope stability.

- *These setback areas are vegetated Buffer Zones today and we see erosion occurring. Increased human traffic to the area will only compound the concern.*

Significant Woodlands

The study 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.

- *The Tall Bluebells recorded within the Study Land require a specialized habitat type. Other species of conservation concern include the Hart's Tongue Fern. The Study Land Area also supports a large display of Trilliums in the Spring. Not noted in the report are a variety of mushrooms, including morels and puff balls.*
- *The woodlands ecological functions provide stream bank erosion control, canopy cover for thermal regulation, stream bank cover for nutrient loading and terrestrial insect fish forage and specialized forest habitat for unique vascular plants.*
- *The woodlands also provide slope stability to the Indian River which as previously mentioned is experiencing some erosion.*

- *The woodlands create a forest nesting/rearing habitat for migratory song birds including one migratory bird of “Special Concern” status known as the Eastern Wood-pewee.*
- *The woodlands are also windbreaks to reduce topsoil erosion, corridors for wildlife movement, promote species diversity and help with carbon sequestering.*

The impact assessment recommends that no tree cutting or vegetation clearing occur from April 1st to August 15th in accordance with the Federal Migratory Birds Act.

- *This may help protect the nesting/rearing habitat at the time of lot clearing for construction, but where do these birds go the following seasons once their habitat is gone?*

The riparian zone along the permanent water course in the central Study Land area provides the specialized habitat needed for the Tall Bluebells. The impact assessment recommends that development be directed away from this habitat area through the 30m setback from the watercourse. It is suggested that a retained vegetated Buffer Zone will ensure no loss of ecological function.

- *This may help protect the specialized forest habitat area at the time of lot clearing for construction, but will not protect them from the increased human traffic to the area after construction.*

Site development constraints recommended for these Significant Woodlands include:

- Forest canopy opening relating to the building envelopes should not exceed 0.4ha.
- A minimum natural vegetated forest width of 15m shall be retained between building envelope clearings/forest canopy openings.
- Retained forest cover areas should be linked with adjacent forest. Width separation between retained forest cover strips shall not exceed 20m.
 - *To ensure compatibility with the surrounding residential development, not only these setbacks, but also the existing built dwellings and physical environment should be taken into consideration to determine that only minor lot creation/development should occur on the Study Land. This would be supported by maintaining the existing RU zoning instead of squeezing in three R1 Lots in the south Development Envelope.*
 - *In the conclusions section of the EIS it cautions that all natural feature locations are estimates.*

Significant Wildlife Habitat

The forested lands support breeding habitat for the Eastern Wood-pewee, a migratory song bird of “Special Concern” status. The Impact Assessment feels that with the maximum tree clearing area constraint of 0.4ha, focused development envelopes, tree cutting constraints from April 1st to August 15th and retained continuous forest cover within the Study Area, no ecological negative impacts from development to the Eastern Wood-pewee will occur.

- *It is hard to believe that when the natural environment is altered 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 this migratory song bird, 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.*
- *Wildlife not mentioned in the Study, but seen by local residents shows the limitations of the three-season coverage study consisting of **13.25 hours** over 9 or 10 days (April 28th listed twice). Some wildlife not mentioned in the report are seen on a daily basis by residents and some wildlife is seen periodically as it moves through and stops for food, water and temporary shelter. Wildlife not mentioned includes red fox, bats, hawks, bald eagle*

Other Natural Constraints

Section 8.11 of Grey County’s Official Plan ensures protection of our drinking water. Section 8.11.2 identifies significant threats, indicating that vulnerable areas include Surface Water Intake Protection Zone.

In Grey County’s Official Plan, the Study Area and Site Land are identified in Appendix A Constraint Mapping, Map 1 as lands in *Intake Protection Zone 2 (IPZ-2)*. Intake protection zones (IPZ) are described as areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal drinking water intakes. Specifically, IPZ-2 is defined as two hours of travel time for water to reach the water intake.

The Study Area and Site Land are also identified in Appendix B Constraint Mapping, Map 1 as lands with streams/river and have a Spring. Development can be permitted within these areas or adjacent to these areas, subject to addressing specific policies or any provincial and federal requirements.

- *In accordance with Section 59(1) of the Clean Water Act, all land uses identified within the County Official Plan and/or zoning by-laws and located within a IPZ are designated as Restricted Land Uses.*

- *In the area where the Saugeen-Grey Sauble-Northern Bruce Peninsula source protection plan applies, all building and development applications in Intake Protection Zone 2 shown on Appendix A of this Plan, or in a local official plan, must be accompanied by a letter from the Risk Management Official for the purpose of section 59 of the Clean Water Act.*
- *Any planning applications must conform with the significant threat policies that fall within its respective source protection plan.*
 - *Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Plan G-02 Restricted Land Use – Residential*
 - *In addition, IPZ must have regard for low threat policies LUP-5 siting of sewage system infrastructure (master environmental servicing plans) of the South Georgian Bay – Lake Simcoe Source Protection Plan.*
- *We did not see in the EIS where these constraints were addressed, specifically the Intake Protection Zone 2.*
- *Did municipal staff provide information related to source water protection to the applicants, to indicate the proposed application is within a vulnerable area and that the associated source protection plan polices may apply?*
 - *What land use restrictions has the municipality implemented to protect the drinking water?*
 - *Should a groundwater impact assessment be requested that specifically demonstrates how the vulnerable water feature will be protected, improved and restored at time of development and after?*
- *Grey County’s Official Plan indicates that no development or site alterations are permitted within Other Wetlands or their adjacent lands shown on Appendix B, or as identified by conservation authorities, unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

The County of Grey and the Grey Bruce Health Unit have created a “*Healthy Development Checklist*”. This list is committed to the preservation of the natural heritage system by maintaining existing trees, soil integrity, and landscaping using native species. It encourages Municipalities to develop local policies and zoning regulations that establish appropriate standards which protect neighbourhood character, public health and safety, and enjoyment of abutting properties without unduly restricting the creation of dwelling units.

- The Townships purposeful and targeted use of the current RU zoning on the subject land accomplishes this balance.

- Expanding the Environmental Protection area to account for the “no development” area recommended in the Environmental Impact Study also directs development away from natural hazards that may pose a potential health or safety risk for residents.

Grey County’s Official Plan states that the permitted uses in the Hazard Lands land use type are forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Buildings and structures are generally not permitted. Development and site alterations will only be considered if:

- a) The hazards can be safely addressed and new hazards are not created or existing ones aggravated;
 - a. Any additional surface/groundwater as a result of the removal of woodlands, vegetation and soil, coupled with the development of potentially four residential dwellings, tertiary septic systems and pervious surfaces poses a major risk to the existing residents of Maple Ridge Subdivision and those downstream.
 - b. Water has to flow somewhere and when its course is altered and interrupted it will find a new path which has the potential to aggravate the existing standing water problems the residents of Maple Ridge Subdivision currently experience.
 - i. Off-site flooding concerns have not been looked at.
- b) No adverse environmental impacts will result.
 - a. *(See EIS comments above)*
- c) There is no feasible location for the development outside of the Hazard Lands land use type.
 - a. Primary (Cobble Beach) and Secondary (East Linton) Settlement Areas close by are more suited than this Tertiary (Balmy Beach) Settlement Area to accommodate additional residential development when balancing the partial services, the Significant Woodlands, Fish Habitat, Significant Wildlife Habitat, Hazard and Environmentally Protected lands that have been identified on the subject lands.

GEORGIAN BLUFFS OFFICIAL PLAN:

Georgian Bluffs Official Plan provides a framework and policy environment for managing growth, development and redevelopment until 2026. The Plan establishes a hierarchy and land use policy framework for settlement areas. The Plan also provides guidelines against which the Township can evaluate the appropriateness of development in relation to the goals, objectives and policies.

The vision and mission for the Township of Georgian Bluffs is:

“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.”

Natural Heritage

The natural heritage policies in Georgian Bluffs Official Plan intend to strike a balance between protecting the Township’s natural environment features while providing for appropriate growth and development.

- The current RU zoning on the application lands accomplishes this and fulfills the Township’s goal to preserve and enhance in perpetuity, the natural features of the application lands.
- Minor rounding out of this existing subdivision development with RU zoning and increased EP Zoning on the lands subject to this application respects the diversity and connectivity of the natural features and their long-term ecological function and biodiversity to the community.
- The natural features within the Balmy Beach Tertiary Settlement Area have been identified in Schedule A-3 and subject to Georgian Bluffs Natural Environment Area policies within their Official Plan.
 - The entire property falls within the Niagara Escarpment Plan Area, with the easterly 2.26 hectares of the site also designated as residential.
 - Future development has not been designated on the subject property or within Maple Ridge Subdivision.
 - The Township has determined that an RU Zoning on the residential portion of the subject property aligns with its Official Plan and is balanced with the Niagara Escarpment Plan interests, the County’s Policy and the safe and healthy living for its local residents.
 - The Stormwater Management Report, Nitrate Study and Environmental Impact Study (i.e. Tertiary Septic Treatment System, Expanded EP Zoning, grassed swales) support the position the Township has taken to prudently apply an RU zoning on the residential portion of the subject property.
(Please see previous Report/Study comments presented above)
 - If the zoning is intensified from RU to R1 as being proposed, the Township should utilize Site Plan Control under the *Planning Act* to

ensure adequate measures are implemented to protect the natural features identified on and adjacent the site.

Housing and Population

According to Georgian Bluffs Official Plan, the population growth within the Township has levelled off. Approximately 1500 new permanent housing units have been planned throughout the Township to accommodate anticipated population growth to the year 2026.

The Plan indicates that facilitating the location and nature of growth in the Township requires careful management in order to preserve the natural features and rural character that contributes to the health and well-being of Township residents. The primary direction of this Plan is to direct new population growth towards settlement areas while preserving the Township's natural heritage features and rural character.

- According to Schedule A-3, within the Balmy Beach Tertiary Settlement Area, future development has not been designated on the subject property or within Maple Ridge Subdivision. Rather, future development has been designated in a pocket east of Grey Road 1 by the existing commercial and industrial land use area.
- Maple Ridge Subdivision has been planned with RU zoning to preserve the natural features and rural character that contribute to the health and well-being of the residents.

The Township's housing policies indicate that new residential development in proximity to sensitive natural features shall maintain the environmental quality of those features through such means as retention of forest cover as well as site and building design measures.

- There are reasonable alternatives for new residential development on less sensitive sites in close by settlement areas which would avoid development of these Significant Woodlands and Hazard Lands.
- The nature and the beauty of the area is a major reason why we chose Maple Ridge Subdivision to live and invest in. By the Township adopting the RU zoning for these sensitive lands adjacent to natural heritage features they have set an appropriate standard for buffer planting, setbacks, permitted uses and style of dwelling.
- The RU zoning is consistent with the character of the area and appropriate for the level of servicing provided.

Tourism and Recreation

Georgian Bluffs recognizes its greatest tourism assets relate to its natural environment. It is with this in mind that one of their objectives is to promote opportunities for sustainable tourism that preserves the natural features and remains compatible with the surrounding environment.

Open space areas are also valuable assets for the local community as they provide residents with a healthy physical environment. Regard must be given to protect the Township's natural areas and features and their ecological functions.

- A natural tourism asset for the Township adjacent the property subject to this application is the Grey Sauble Conservation Authority's nature trail along the Indian River that leads to the Indian Waterfall and provides views of the Niagara Escarpment area.
 - Sadly, for a portion of 2020/2021 the Grey Sauble Conservation Authority had to close this trail and access to the Falls. High water levels causing flooding and increased human traffic in the area walking off the path and having campfires was causing a negative impact on the environment, including erosion to the stream bank and potential harm to the fish habitat.
- Exiting tree cover within lands designated open space shall generally be retained where required.
 - The lands subject to this application provide a much needed and valuable buffer, helping to preserve this vulnerable natural feature.
 - Disruption to the ecosystem in this area as a result of intensive development has the potential of causing further permanent harm.

Transportation Policies

Where existing intersections are affected by new development, the Township may require improvements to such intersections including dedication of road widening, as a condition of approval.

Where development will add significant volumes of traffic to the road system, or in an area with road deficiencies, the Township may require a traffic impact assessment be prepared to evaluate the impacts of the proposed development on existing transportation infrastructure.

- The traffic along Grey County Road 1 has increased substantially due to development in the Cobble Beach and East Linton Settlement Areas. Coupled with limited sight lines and the curve in the highway, this causes safety concerns for Maple Ridge Subdivision residents coming in and going out of the subdivision in our vehicles.

- The application proposes the addition of four more dwellings with a possibility of 8 more vehicles entering and exiting the subdivision.
 - *As you know, the intersection is on the curve of the highway and there have been accidents at this bend over the years.*
 - Has a Traffic Impact Assessment been prepared?
 - Are Traffic calming measures being considered for the intersection?
- The proposed lots would front onto Maple Ridge Road which is deteriorating and sinking.
 - More every day traffic and the heavy equipment and trucks used during development of these lots would have a huge impact on the Road.
 - Who would bear the burden and cost to repair the road once construction was complete?
 - Would Maple Ridge Road need to be widened due to the increased daily volume of traffic passing along the road in addition to the road providing access for the 4 proposed adjacent laneways?

Services

For partially serviced settlement areas, such as the Balmy Beach Tertiary Settlement Area, servicing provisions may be established to accommodate infill and “rounding-out” forms of new development in accordance with provincial and county policy and the completion of a Servicing Feasibility Study or other study identified in Section 5.4 of the Townships Official Plan to meet county and provincial policy.

Ensuring the efficient provision of adequate drinking water, the appropriate management of water resources, proper treatment and disposal of sewage and control of stormwater runoff for residents is an important part of a healthy vibrant community. The Townships objective is to do this without negative impacts on existing water resources and ensure adequate servicing is maintained.

Municipal water service is presently provided in Balmy Beach Settlement Area. Where municipal services pass by a property, new development will not be permitted unless a connection can be obtained.

- We did not see a water Servicing Feasibility Study. Has it been determined that the existing municipal water service system and waterline into Maple Ridge Subdivision has the capacity to support four more dwelling units that is being proposed?
 - Who would bear the cost burden of any associated upgrades and hook ups?
 - The subdivision currently does not have access to a fire hydrant. It has been painted black and decommissioned.

Future development in Balmy Beach is intended to proceed using individual sewage disposal systems in accordance with the county and provincial policy and the completion of a Servicing Feasibility Study.

- *Please refer to our earlier concerns with the Nitrate Report and Tertiary Sewage Treatment System provided above.*
- The County's policy is that full municipal water and sewage services is the preferred method of services.
 - Cobble Beach is a close by primary settlement area with full services
 - Local municipalities must plan for sewage and water services which direct and accommodate expected growth in a manner that promotes the efficient use of existing services.

Water resource management manages surface water and protecting and enhancing subsurface water features and functions. Water resources are constantly evolving and changing elements that are essential to both the ecosystem and human functions.

- Georgian Bluffs states in their Official Plan that sensitive groundwater features and functions will be protected and where possible, enhanced as part of the development approval process.
 - To prevent flooding, ponding, erosion and sedimentation and to protect aquatic habitat and water quality, appropriate stormwater management techniques shall be required for new development and site alterations.
- New development and/or site alteration proposals in close proximity to water resources must provide sufficient information to demonstrate that there will be no negative impact upon that water feature as a result of the proposed development.
- The Township requires measures to control stormwater runoff from rain and from melting snow and ice so that the resulting surface drainage, from new or expanded development, will minimize any impacts on present, local drainage patterns. Managing stormwater prevents flooding and ensures rivers and the Bay are not contaminated.
 - This is a concern for the residents of Maple Ridge Subdivision that already have drainage issues on their properties. The present, local drainage pattern concerns have been communicated to the Township on several occasions.
 - Due to the scale of the proposed development, environmental constraints and climate change, there is a real potential for ground and surface water

- resources to increase. The proposed development will exasperate the current situation.
- The Stormwater Management Report does not adequately address these off-site drainage concerns.
 - *Please refer to our earlier concerns with the Stormwater Management Report and EIS.*

Policies for Settlement Areas

Future growth and development is directed to settlement areas in an effort to better utilize municipal amenities and land resources while protecting the natural and rural landscape.

Specific settlement area policies and associated land use designations provide a ranking of the Township's various settlement areas based on existing levels of servicing. The ranking establishes priority areas for the appropriate allocation of future growth and is based on servicing, development history, the built environment and a mixture of land uses within these settlement areas.

- Maple Ridge Subdivision in Balmy Beach is located in a Tertiary Settlement Area consisting of low-density residential use.
- In close proximity to Balmy Beach is Cobble Beach which is a Primary Settlement community and East Linton which is a Secondary Settlement community. These settlement areas are more suited for higher density residential use.
 - Thus, there is no need or capacity to more than double the density of residential use on the lands subject to this application.
- It is the Township's policy that were new development is proposed, consideration will be given to its compatibility with adjacent land uses.
 - The proposed lots are not consistent with the frontage and density pattern of the surrounding area.
 - The property length of each the four individual existing lots abutting Maple Ridge Road and the Road Allowance directly across from the proposed development area (Existing Lots 1, 8, 9 and 14) are all longer than the three individual lots being proposed in the southern portion of the development area.
 - Lot 8 is the most comparable to the development being proposed on the southern portion of the development area.
 - In looking at the site plan, it is apparent that one lot on the southern portion would be more compatible with the adjacent properties.
 - This would allow adequate buffering between the dwellings with tree cover, landscaping, site and building design formats.

- All dwellings in the subdivision are detached single family homes. The proposed R1 zoning would expand the permitted uses to include semi-detached and duplex dwellings which are not compatible with the adjacent dwellings in the subdivision.
 - Site Plan controls should be considered with the R1 zoning to limit the style of dwelling that could be built.
- Residential areas should be developed in a manner that supports a high quality of life for the Township's residents. Given the rural nature of the Township and the existing nature of Maple Ridge Subdivision, the RU zoning should be retained on these lands to maintain the preferred single detached dwelling and spacious natural lots that show case the Township's character and natural roots.
- Natural Environmental Areas such as the Niagara Escarpment Plan Area that overlaps on the residential area of Maple Ridge Subdivision, warrant certain levels of protection.
 - The subject application lands are made up of significant natural features and functions identified as Environmental Hazards.
 - The ecological sensitivity and importance of natural environmental areas, together with the implications of future permanent residential development in the subdivision needs to be balanced.
 - New development should be reviewed with a cautionary approach, with particular attention given to the impact development will have on features and functions of the natural environment and the provision of adequate servicing.
 - *Please refer to our earlier concerns with the Nitrate Study, Stormwater Management Report and EIS.*
- The Environmental Hazard designation on the subject application lands identify steep erosion prone slopes, areas prone to flooding, rivers and creeks.
 - Development could cause property damage and degeneration of the natural environment.
 - We support the EIS recommendation to expand the EP zoning on the subject land.
 - Has approval from Grey Sauble Conservation Authority been obtained for consideration by the Township when reviewing this application?
 - Placing, removing or re-grading of fill within the subject application lands may create new hazards and/or aggravate existing hazards which could impact our property investment.

- Increase foot traffic after development by the new residents on the proposed sites will have a negative environmental impact on the natural features and ecological functions of the hazard lands.

Development Review

We understand a consent shall only be granted if in conformity with the land use designations and policies of Georgian Bluffs Official Plan, the County of Grey Official Plan and the provisions of the Zoning By-law. Such By-law must be passed by Council prior to a consent being considered.

- For the reasons describe in our submission to you after reviewing the application materials, Grey County’s Official Plan, Georgian Bluffs Official Plan and Climate Change initiative, approval of the submitted Consent and Zoning By-law Amendment applications should be denied. The current RU zoning strikes the appropriate site development standard and should be retained with the EP zoning expanded as recommended in the EIS.

“No lot will be created in an area susceptible to flooding, erosion, or any other physical or environmental constraint unless it has been demonstrated and verified by the Ministry of Natural Resources (MNR) and/or Grey Sauble Conservation Authority (CA), that the proposed use will not impact or be impacted by such constraints.”

- We did not see such verification from the MNR and/or CA posted with the application materials.

NIAGARA ESCARPMENT PLAN:

The Niagara Escarpment Plan policies are intended to promote conservation and deter development or site alteration. The Niagara Escarpment Commission indicates that the Niagara Escarpment Plan (Plan) is not intended to limit the ability of municipal official plans, secondary plans and by-laws that are more stringent than the requirements of the Plan, unless doing so would conflict with the Plan.

As indicated, the Plan designates the 2.26-hectare portion of the subject property as Minor Urban Centre, with an underlying Escarpment Rural Area designation that also carries over to the remainder of the property.

The Plan states that within these designated areas that development should be minor, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.

- The Township of Georgian Bluffs has adhered to this requirement with the current RU zoning it has prudently designated the 2.26-hectare portion.

- To re-zone the designated 2.26-hectare portion to R1 to allow for 3 lots and expanded style of dwelling in addition to the retained parcel is not minor and would not be keeping with the character of the quiet, spacious lots in Maple Ridge Subdivision surrounded by the natural environment of Indian Creek and Indian Falls.

As mentioned, the subject 31.26-hectare property is currently being used for agricultural purposes by a tenant farmer. While the portion of the proposed retained parcel that is being farmed by a tenant farmer falls within the jurisdiction of the Niagara Escarpment Commission's Development Control Area with an Escarpment Rural designation, we feel it is interesting to note that it does not appear as though this consent for one, let alone three new lot creations would not be permitted in accordance with Grey County's Official Plan as the original farm parcel would not meet the minimum 40-hectare threshold.

- Where a non-farm sized consent is being proposed on a split land use type, the consent may only be supported if the entirety of the agricultural use lands remain intact, and the lands outside the agricultural land use meet the policies and criteria for a severance in the other land use, which in this case would be the RU density and frontage provisions.
- The Niagara Escarpment Commission allows Municipal Official Plans, secondary plans and by-laws that are more stringent than the requirements of the Niagara Escarpment Plan

CLIMATE CHANGE ACTION:

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 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. This includes protecting and enhancing the resiliency of our natural, built and social environments. Georgian Bluffs has an opportunity to combat climate change by leveraging its natural-based assets for a sustainable future.

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. This includes facilitating resilient sustainable development within our community. It is imperative you act responsibly in areas that directly impact the local residents in the Township you represent. By modelling the way towards a responsible climate action plan for environmental sustainability, you will inspire the residents of Georgian Bluffs to do the same with their individual decisions.

Commendably, Georgian Bluffs Township has committed to increasing the Townships resilience to climate change and reducing our contributions to global climate to build a better future by establishing a Georgian Bluffs Climate Action Committee in October, 2020. Furthermore, Georgian Bluffs Township's Strategic Plan indicates a goal to demonstrate environment stewardship.

To be a climate conscious community takes action and commitment, not just words. It includes the Township evaluating its decisions and actions through a climate action lens to reduce air pollution and improve health, conservation of our natural heritage and ecological conservation and sustainable land-use planning. It involves strategies to develop and achieve greater resiliency, safety and well-being. The Township will be able to do this through:

- Flood Protection
- Urban Forest opportunities to increase tree canopy and woodland cover, rather than removal of it to make way for overbuilt development that can occur on more suitable land elsewhere;
 - Provide natural shade to promote protection from sun exposure and reduce energy demands,
 - Minimize adverse health effects, odour, air pollution, water pollution, noise or vibration and other contaminants,
 - Provide windbreaks, prevent soil erosion, help with drainage and maintain the water table levels.
- Proper construction, maintenance, and upgrading of infrastructure;
 - Develop safe, orderly growth that improves neighbourhoods and provides services to create a better quality of life for everyone living here.
- Considering risks associated with natural hazards, such as flooding and erosion that may change under climate change when developing its plans for the future;
 - Direct development away from hazards.
- Conserving the features that help define the Townships character
 - Value natural beauty, clean healthy environment and rural lifestyle

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

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 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 maintain the status quo RU Zoning on the subject property. The right decision and action to maintain the cautious balance approach the Township has taken with the RU zoning designation on the subject property will cost nothing, but what will be the cost to the environment and local residents if the wrong decision is made?

The Township of Georgian Bluffs has been hearing about the impact of climate change from long-term residents of Maple Ridge Subdivision who have provided information 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 you know, the residents along Old Balmy Beach Road have also experience the impact of climate change with rising water and severe weather incidents.

Collectively, sections 2 and 3 of the Provincial Policy Statement, Grey County's Official Plan, O. Reg. 151/06 and the Township of Georgian Bluffs 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 development does not contribute to it. These measures support the RU zoning designation.

SAUGEEN OJIBWAY NATIONS TREATY/CLAIMS AREAS

In Grey County's Official Plan, the Study Area and Site Land are identified in Appendix C Traditional Territories of the Saugeen Ojibway Nations and Six Nations of the Grand River Mapping, Map as Treaty 82 Area (1854).

- We understand the Township Planning Department has circulated the Application and Reports the Saugeen Ojibway Nations (SON). Have any comments been received from them?

CLOSING REMARKS

We are in strong support of the Township of Georgian Bluffs denying this application and retaining the existing RU zoning with the expanded EP zoning to account for the "no development" area recommended in the Environmental Impact Study.

We believe the RU designation was done in a conscientious manner by the Township when the Plan of Subdivision was being contemplated and approved in 1987. A need to change the conservative, balanced approach the Township applied to provide their residents an attractive living environment and use the land wisely for the community to ensure the natural resources and environment are protected has not been demonstrated with this application. If anything, Climate Change has reinforced the prudent principles applied by the Township with the RU designation.

We are hopeful the Official Plans and Policy Statements we have reviewed when considering to oppose this application are more than written words and that you give these words power and teeth by upholding the RU zoning and the “good planning” that went into that designation when the Subdivision Plan was originally approved.

If the Township of Georgian Bluffs approves this application to re-zone the lands to R1, and create three lots in addition to the retained parcel, we respectfully request written reasons for its decision and copy of the Planning Justification Report so that we may fully understand the Township’s rationale and potentially address those points should we decide to seek our own expert opinions and make an appeal to the Local Planning Appeal Tribunal (LPAT).

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

Sincerely,

Peter & Kathryn Kaufman