

**Pine River Valley Residents Group - Response Matrix**  
**Mansfield Ski Club (MSC) – Stacked Townhouse Development Proposal**  
**Updated Feb 24, 2021**

**Background:** We bring these issues to your attention in the hope that it will help Council to maintain their goal of “*preserving Mulmur’s unique rural character*”.

The project as currently zoned provides no benefit to Mulmur residents and MSC members do not support it.

It not only threatens the natural environment and puts drinking water safety at risk, it puts the financial burden of those threats as well as the need for infrastructure investment onto Town Council.

Issue	Mulmur Staff/Consultant Response
<b>Zoning /Site Plan Agreement / Approval</b>	
<p>We would like to be informed of all developments regarding this project including but not limited to:</p> <ul style="list-style-type: none"> <li>- Changes to the application</li> <li>- Changes to the Site Plan Agreement</li> <li>- Any Council meetings dealing with it and the decisions made</li> <li>- Meetings with Lawyers, OPP consultation</li> <li>- Any permits granted</li> </ul> <p>As we have explained, we weren’t properly consulted in the first place and cannot retroactively get on the email list of contacts.</p>	<p>The Township has followed the Planning Act notice requirements for this application. As new information has been available, the Township has continued to post the reports on the website under “current proposals”, going beyond the legislative requirements.</p> <p>There are no additional Planning Act notices anticipated that would trigger a mail-out. However, the Township will make a best effort to contact the group’s organizer with substantial information. Please check the website and agenda package for updated information.</p>
<p>Ideally, we would all like to see this re-zoning be revoked.</p> <p>It is not in residents’ best interests as it will impede Mulmur residents’ ability and right to reasonable safety and enjoyment of their homes and property.</p> <p>It puts the Township in the position of needing to spend a lot of money on the infrastructure that the rezoning would necessitate, money that is needed to maintain existing assets.</p> <p>It threatens the Pine River Watershed and the aquafer that residents depend on for drinking water. (See ‘Waterloo Biofilter Treatment system’ below)</p> <p>Flooding from the increase in storm water runoff also threatens the environment as well as residents’ property and dwellings. (See ‘Storm Water’ below)</p>	<p>The Township approved the zoning with a holding provision that includes conditions be fulfilled prior to final approval.</p> <p>Many of the conditions relate to servicing.</p> <p>Infrastructure will not be a responsibility of the Township. The site plan will be drafted to treat this as a development (such as a motel) as opposed to a residential subdivision.</p> <p>Water quality and quantity are addressed below.</p>

<p>Open up the appeal process</p> <p>- Community consultation was minimal at best and perhaps flawed because downstream residents who will be directly affected were not included in the process. This rezoning affects many, many residents and they all deserve to be consulted.</p>	<p>The appeal process is established by the Planning Act, and the Township does not have authority to create a different planning process in this regard.</p> <p>The Planning Act requires a sign posted on the property and a 120m mailing circulation which was done.</p>
<p>If development at the Mansfield Ski Club must go ahead, a much lower density proposal for commercial and residential buildings could potentially be more appropriate.</p>	<p>The proposal includes two phases that rely on different criteria being satisfied. The zoning permits the density subject to the criteria, and it is in effect.</p>
<p>If the Phase 1 proposal must go ahead, who is responsible for ensuring that the current septic system is up to the task of accommodating sewage from 12 additional year-round residences proposed in Phase 1?</p> <p>Phase 1 should not be approved absent approvals from MECP and NVCA for the overall planned and current zoning approved development.</p> <p>What will the effect of the storm water runoff from this relatively moderate Phase 1 expansion be? 12 homes are more than enough, 48 is a threat to residents and 93 risks disaster for downhill property owners.</p>	<p>The most recent submission (December 16, 2020) eliminated the concept of using the existing septic system for the first 12 Accommodation Units (they are not residences). This revision was a direct result of concerns raised by the Township.</p> <p>The following are required by the zoning H provision:</p> <ul style="list-style-type: none"> <li>• Permit to Take Water issued by the Ministry of Environment, Conservation and Parks, for each phase.</li> <li>• To support Phase 2, additional wells shall be drilled, developed and tested.</li> <li>• An Environment Compliance Approval from the Ministry of Energy, Conservation and Parks for the water source, for each Phase, if applicable.</li> <li>• An Environment Compliance Approval from the Ministry of Energy, Conservation and Parks for the treatment and discharge of wastewater, for each Phase.</li> <li>• A development permit from the Nottawasaga Valley Conservation Authority, if applicable, for each phase.</li> <li>• A site development plan, for each Phase, has been approved by Council and such site plan agreement(s) has been registered, and among the standard conditions and drawing requirements, must also include: <ul style="list-style-type: none"> <li>▪ Location of all wells;</li> <li>▪ the provision of fire access routes to the satisfaction of the applicable fire Chief and the County of Dufferin Building Department; and</li> <li>▪ the provision of water supply to the satisfaction of the applicable fire Chief and the County of Dufferin Building Department.</li> </ul> </li> </ul> <p>The effect of stormwater water runoff is still under review. The December 16<sup>th</sup> submission was made to address concerns raised by the Township Engineer and NVCA, but review of that submission is still in progress.</p>
<p><b>Waterloo Biofilter Treatment system</b></p>	

<p>We would like to have Burnside review the effectiveness of the Waterloo biofilter system and recommend ongoing operation, maintenance and monitoring protocols to include:</p> <ul style="list-style-type: none"> <li>- Require an experienced water and wastewater treatment operator be hired to manage the system</li> <li>- Require water testing to be done regularly with results posted publicly immediately, with a downstream resident notification system in place.</li> <li>- Requirement of the longest possible warranty from Waterloo.</li> </ul>	<p>The Ministry of the Environment, Parks and Culture will be primary reviewer and of the wastewater system for compliance with the Ontario Water Resources Act. The same act empowers the Ministry (not the Township) to regulate the qualifications of the system operator and the ongoing testing requirements. Notwithstanding the jurisdiction of MECP, the Township has asked Burnside to complete an overview of the Waterloo Biofilter proposal as part of its review. The warranty is a contractual matter between the Mansfield Ski Club and Waterloo Biofilter. The Township will require securities during the development stage but in the longer term, shutting down the occupancy will be the remedy if the Waterloo Biofilter fails to meet its treatment objectives.</p>
<p>Require that effluent from the Waterloo Filter system go into a septic or leaching bed at least 15 meters from river as the company says it is designed to do and not directly into the River as proposed. This would then be in keeping with the Ontario Building Code, which the current proposal is not.</p> <p>Hold MSC to account and do not let them game the permitting system to circumvent the need to use the Waterloo Bio Filter as it was intended.</p>	<p>The Waterloo Biofilter system is designed and approved by MECP for direct discharge to rivers (surface discharge). The company's website states: <i>Disposal options include sub-surface bed, shallow buried trenches, drip line irrigation, <b>surface discharge</b> and wastewater recycling for non-potable uses such as irrigation, toilet flushing and truck washing.</i> The Building Code does not apply either way to systems of this size. Whether they are surface, or subsurface discharge, it is the Ontario Water Resources Act that governs and not the Ontario Building Code Act.</p>
<p><b>Phase 1 Development issues</b></p>	
<p>Must have old wells and septic assessed to ensure new capacity.</p> <p>Do not approve Phase 1 to go ahead using present MSC infrastructure as a loophole to avoid MECP Environmental Compliance Approval and Permit to Take Water and NVCA approvals for the currently approved development.</p> <p>Ensure that these long-term permits are all in place before granting building permit or Site Plan Approval for Phase 1.</p> <p>This incremental approach risks being able to ensure proper management of long-term water impacts.</p>	<p>The old wells and septic are no longer part of the Development application.</p> <p>The Phase 1 Application now includes a submission to MECP for all long term systems.</p>
<p><b>Storm Water Run Off causing flooding</b></p>	
<p>We would like to have the existing stormwater management systems improved and have the MSC responsible for costs to</p>	<p>Mansfield Ski Club can only be held responsible if there is in fact an increase in stormwater flows.</p>

<p>manage increased stormwater flows created by this proposed development.</p> <p>This could include: Reinstating the existing storm water management pond and drainage channels as per originally approved Hillhaven development designs at Mountainview road.</p>	<p>Currently, they have provided reports under the seal of a professional engineer that indicate stormwater flows will not increase. Those reports are currently under review.</p> <p>To the extent that the existing stormwater facilities at Mountainview Road require reinstatement to the originally approved designs, this issue cannot be connected to a future development that has not yet been constructed. The Planning Act gives the Township authority to hold the developer responsible for impacts caused by its activity, but not for issues that have arisen prior to the development being started.</p>
<p>Hold MSC responsible for filtering, treating storm water to protect the environment from microplastic and to prevent the Township from being held liable.</p>	<p>The Township is liable if it commits a negligent act. Its Due Diligence, along with that of NVCA and MECP includes making sure that the storm water is treated to industry standards.</p> <p>The Township will rely on the professional engineering seal of the design engineer, as well as the Township Engineer's professional credentials to prevent the Township from being held liable.</p>
<p><b>Financial Risks</b></p>	
<p>Require that MSC have a <b>Reserve Fund</b> as other Municipalities have done with similar projects.</p> <p>This Reserve Fund would need to be large enough to cover:</p> <ul style="list-style-type: none"> <li>- any emergency or ongoing maintenance issues with the water filtration and treatment system</li> <li>- Storm water runoff damage to other residents' properties a Upgrades to municipal assets such as roads etc.</li> <li>- Any other negative impacts from this development.</li> </ul> <p>These costs could otherwise fall to Mulmur.</p>	<p>The Site Plan Agreement should be drafted to include financial securities.</p> <p>Note that an ongoing Reserve Fund (known as Financial Assurance) is held by other municipalities for projects that include full time residency. It does not apply in situations where the occupiers can be evicted and the wastewater system shut off.</p>
<p>Request that Council create a new, current asset management plan to <b>Verify that current assets can be maintained before allowing more infrastructure costs to be created by the MSC.</b></p> <p>The asset management plan on file verified that all assets are underfunded at present. Residents as the taxpayers do not want additional costs.</p>	<p>The Township's AMP covers Township assets and ones that we are responsible for. This development is a private development that the Township is not required to maintain. The Township is not financial responsible for failed infrastructure.</p> <p>The Township's asset management plan includes building up reserve funds, which the Township will continue to do to help stabilise tax rates.</p>
<p>Access to MSC financial statements or the high-level financial plan to demonstrate that it can afford to install proper water</p>	<p>The Township will require securities as part of the site plan agreement, and inspection prior to the</p>

<p>treatment and stormwater management infrastructure and address issues that will arise over time.</p> <p>The proposed developer for the project is MSC itself through a wholly owned subsidiary Mansfield Property Development Ltd. (MPDL) and has no capital other than the purchase deposits and purchase payments that will be paid by the buyers. MSC has told members that a search was undertaken by the Club for a professional third-party Developer, but none could be found. So the Club set up a wholly owned subsidiary corporation to act as developer. There will be no money available for a maintenance and repair reserve fund in the absence of requiring one.</p> <p>- For example, we understood from MSC that: “The first property lost money and the second property made money with the final net loss of \$30,000.00 to the club.” So far, this development has lost money, leaving the Township at risk because MSC will not have the means to address any problems.</p>	<p>Township giving final approval and returning securities. Those securities are not intended to be enough to build the development but rather to bring it to a safe condition should it not proceed.</p> <p>The Township will only accept securities that are issued by financial institutions and 100% reliable. The Site Plan Agreement will be registered against the title of the lands, regardless of whether there are subsidiary companies or not. It will be non-transferable without the permission of the Township and any mortgage holders will be required to sign it as well.</p>
<p>Ask lawyers if MSC or MPDL goes insolvent what value are legal clauses or agreements when owners of units become creditors? Do the non primary clauses still stand if MSC or MPDL goes under?</p>	<p>If the development fails, just like other private hotels, the doors would close and the project/facility sits vacant. The Township has no obligation to take over a private development project. The site plan agreement will be reviewed by legal.</p>
<p>If the zoning cannot be changed, we would like Council to recognize and accept their responsibility as elected officials to protect residents from the environmental and financial risks of an under-funded development such as the MSC project.</p>	<p>The Township is aware of the environmental and financial risks of any development project, regardless of whether or not it is considered to be under-funded. On all projects the Township takes a “belts and suspenders” approach to ensure that environmental and financial risks are managed in the event of unexpected actions from developers.</p>
<p><b>Follow up from Information Shared to Date</b></p>	
<p>SPA and ZBLA Application Response Matrix states that many issues have been addressed in the “Morrison final reporting letter”. As constituents that will be directly affected by this development, we would like to see this letter so that we can be informed about the responses to issues identified in this matrix.</p>	<p>This report is on the Township’s website.</p>
<p>SPA and ZBLA Application Response Matrix says: “For zoning purposes, we do not recommend the Township approve the zoning until a long-term pumping test has been completed”. We would like to be informed about when this will happen and who will be doing it and what the results are.</p>	

- We would also like to see the issue identified in that Matrix about well placement be addressed and to be informed of the response.	
<b>Rural Viewshed</b>	
If this project is not cancelled or reduced to a more manageable size, it has been suggested that “More rural character suiting appearance” of the buildings and non-asphalted surfaces be required as well as more landscaping to hide the view of their 4 story townhomes so that it won’t look so urban.	The Township does not have urban design standards. Rural character is defined in the Official Plan but does not specify cladding. Please refer to Drawing L-1 which shows extensive landscaping proposed in areas that will help to screen the proposed buildings.
<b>Site Plan Agreement and Accountability – Impacts on Mulmur Residents</b>	
How do constituents find out what is in the Site Plan Agreement and how it will protect them from environmental and financial risks of this project?	This document will be made public when it is shared with Council at an open Council meeting. Staff will work with legal and engineering to draft the document in the interim.
What opportunity is there to have input into this agreement which sounds like it will have impact on all aspects of this development and thereby on residents?	The public is welcome to review the draft agreement and request a delegation to speak to Council at a Council meeting. Residents can also provide written comments to be included for Councils review.
How do concerned constituents get their concerns and suggestions to the Township engineer so that they can make recommendations for the Site Plan Agreement?	Written comments are forwarded from our office to the Township Engineer.
Mayor Horner indicated in the Council meeting that this project is “not approved yet”. This group does not support approval of this project.  What opportunities are there to ensure that our concerns are addressed before it can be approved?	Your comments are being shared with Council and the review team.
We request that there be ongoing evaluation and permission required from council after each stage of development before the project can proceed.	Council approval is required to release the Holding provision and approve the site plan agreement.
<b>Project Occupancy Concerns</b>	
We understand that approvals to date have been premised on seasonal occupancy for this proposed development. How is seasonal occupancy defined and who will monitor it?  There is also the issue of owners renting the property.  MSC mentioned at the AGM that there will be an “occupancy agreement”. Mulmur council should have full access to this	This matter is partially dealt with through the zoning approval and definitions and will further be addressed through the site plan agreement, which will be reviewed by Legal. However to be clear, the term “season occupancy” has not been used by the Township. The operative terminology has been “Accommodation Units” which makes no reference to seasons. The gist

agreement. Zoning approvals were granted based on the assumption of seasonal occupancy. What is it and how can it be enforced directly with owners?	of the definition restricts the units from being primary residences.
<p>What authority does Mulmur have in regard to restricting owners' desires to rent their townhouses?</p> <p>What is the mechanism for Mulmur to ensure that these residences are used for seasonal use only rather than year-round full-time residency? What recourse would Mulmur have to restrict full time residency?</p>	<p>The Township does not currently restrict renting houses, cottages or AirBnB arrangements to its existing residents</p> <p>The application has been forward with the understanding that the Accommodation Units are strictly for the use of Ski Club members. In preparing the Site Plan Agreement, the Township's Lawyers was directed to define that "use" as personal, such that "use" cannot be construed as being something that can be rented out to non-members.</p> <p>As a result of information provided at the Feb 3, 2021 public meeting, AirBnb is being further reviewed with the applicant and legal.</p> <p>Answered above.</p>
We would like to request a report from OPP law enforcement where they investigate the issues of AirBnBs in Grey-Highlands and others like Georgina and the costs associated to Townships for calls out for noise etc.	This request can be made direct to the OPP.
<p>Tracey Atkinson referenced the zoning by-law, that will be "a legal document", to require purchaser to not reside in their property full time.</p> <p>And how will that be enforced?</p> <p>Who will be responsible for monitoring owners use?</p>	<p>The zoning by-law is enforceable through the Ontario Courts.</p> <p>The Township deals with enforcement of by-laws by complaints.</p> <p>The site plan agreement will contain monitoring requirements.</p>
<b>Traffic Concerns</b>	
<p>Re-zoning brings an increase in concerns about traffic volume and safety as well as noise and light pollution from that traffic and the increase in the number and density of residents.</p> <ul style="list-style-type: none"> <li>- The traffic concerns raise issues about the need for infrastructure upgrades such as shoulder widths and guide rails on both 15<sup>th</sup> Sideroad and Airport road which will fall to the Township.</li> <li>- How do the new taxes from MSC pay for that because residents don't want to fund it.</li> <li>- It was recommended to undertake an engineering study for 15th Side Road and Airport Road to determine if additional left turn lane and/or traffic lights are needed</li> </ul>	The most recent submission (December 16, 2020) contained updated traffic information. It has not yet been reviewed. Any need for upgraded infrastructure that is directly related to the development will be paid by the applicant and not by the Township.

due to increased traffic volumes from the significant increase in the number of new residents.	
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