

## Town of Huntsville Official Plan Review - POLICY BACKGROUND PAPER

### Natural & Human Hazards/Constraints – Steep Slopes

#### BACKGROUND:

- Lots with steep slopes often present desirable development sites due to the views and panorama offered.
- Unlike other parts of the province where unstable soils make development on, or on top of, steep slopes hazardous, as the Town is located on the southern edge of the Canadian Shield, slopes are typically underlain with Precambrian rock. Soils are generally sandy and shallow in depth atop the underlying bedrock.
- As a result, if development on a steep slope is not undertaken carefully, it can result in substantial alteration of the natural landscape, visual intrusion due to the prominence and location of development, interruption of the skyline, erosion, slope instability, a significant increase in storm water run-off which can negatively impact an adjacent property or waterbody and damage to fish and wildlife habitat.
- Along the shoreline, steep slopes often also present constraints with respect to locating water lines, locating shoreline structures and obtaining access from the water or locating an access route for construction.

#### POLICY CONTEXT:

##### Provincial Policy Statement (2014):

- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

##### Current Muskoka Official Plan & Policy Directions Report:

- F.73 The District interest in Building Hazard Areas relates to ensuring the long term integrity of the area through maintaining water quality; protecting natural areas including both fish and wildlife habitat; and managing the character and visual attractiveness of the landscape.
- F.74 There are two classifications of Building Hazard Areas with policy applicable to development proposals for each:
- a) Lands with slopes greater than 20% and up to, but not including 40%, subject to policy F.75 detailed below; and
  - b) Lands with slopes 40% or greater, subject to policy F.76 detailed below.
- F.75 For class (a) of Building Hazard Areas identified in policy F.74 herein, the local municipality shall require that existing vegetation be substantially retained on all slope faces of 20%, or greater. If vegetation cannot be substantially retained, then a site evaluation report that addresses specific mitigation measures shall be required. In addition, local municipalities may

require a site evaluation report.

F.76 F.76 For class (b) of Building Hazard Areas identified in policy F.74 herein, analysis of the constraint shall be undertaken either by:

- a) detailed policy in the local official plan that addresses the issues detailed in policy F.77 herein, or where local policy documentation does not exist;
- b) the submission and implementation of a satisfactory site evaluation report addressing the same issues. Notwithstanding the generality of the foregoing, a site evaluation report shall not be required for undertakings that satisfy the Environmental Assessment Act.

F.77 Where more information regarding the suitability of the lot(s) for development in Areas of Natural Constraint is required, a site evaluation report shall be submitted. An informal meeting with planning staff is recommended to help determine matters to be addressed. Analysis shall address the impact of all the components of the proposal and make recommendations on if and how development can be appropriately accommodated and mitigated. The following provides a checklist of issues to be addressed in a site evaluation report:

- a) location of building envelopes which meet setback requirements defined in local zoning by-laws;
- b) adequate area, depth and suitability of soils for supporting an appropriate on-site sewage system;
- c) the availability of a potable water supply;
- d) the provision of access to an appropriate standard;
- e) for properties that are adjacent to waterbodies, suitable water access availability including locations of shoreline structures and pathways that minimize erosion and slope instability;
- f) maintenance of vegetation on slope faces (for all properties) and front yard setback areas (for properties adjacent to waterbodies to address the visual and environmental integrity of the site;
- g) construction mitigation measures and stormwater management techniques that address slope stability, soil erosion, surface drainage, ground water infiltration and water quality;
- h) the protection of significant wildlife habitat, significant wetlands, fisheries and other environmentally sensitive areas for their ecological functions and features; and
- i) generally address all components of the development proposal and its construction which have potential on-site or off-site impacts.

### **Draft Muskoka Official Plan**

G4.2 b) Landowners are encouraged to recognize the importance and value of forest resources as a source of wood and non-wood products as well as for their wildlife, **recreation**, aesthetic, environmental and soil and water conservation capabilities. In this regard, landowners are encouraged to:

- iii) Maintain and establish tree and shrub cover as appropriate, and in hazardous areas

such as steep slopes, major drainage swales, shorelines and flood prone areas, in order to reduce runoff rates and minimize soil erosion;

14.4.1 d) Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, and other similar features shall be conserved to the extent feasible. New development shall generally be located and designed to protect these characteristic features unless the development serves a greater long-term public interest.

14.4.1 h) In recognition of the many ways that Area Municipalities have planned for development and redevelopment within Waterfront Areas, it is not the intent of this Plan to be overly prescriptive. However, it is expected that each Area Municipal Official Plan will contain detailed and appropriate policies on the following:

ix) Narrow waterbodies;

### **Town Strategic Documents:**

#### **Strategic Plan**

##### Natural Environment and Sustainability

Goal #1: Demonstrate the Town's commitment to protecting the quality and character of the natural environment.

Goal #2: Integrate sustainability principles into planning and development policies and processes.

#### **Unity Plan**

Goal #5 Land Use Planning: Huntsville will become a model of sustainable community development, by incorporating the principles of smart growth, sustainable design and green buildings into all land use planning decisions. This will include a commitment to the protection and maintenance of Huntsville's rural small town character and vibrant downtown, both of which are valued by the community.

### **Huntsville Official Plan:**

3.1.1 The conservation of the overall natural landscape, tree cover and vegetation will preserve the natural appearance, character and aesthetics of the area and protect the natural heritage of the Town. Natural features provide economic, environmental and social benefits. They contribute to the conservation of biological diversity, to the maintenance of the quality of the air, land and water, and are critical elements of the quality of life in Huntsville.

3.1.6 Significant natural landscape features such as watercourses, heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas and panoramas, and landmarks should be conserved. Development should be located and designed to protect these features. Where feasible,

dedication or acquisition of such land for the purpose of conservation is encouraged. Conservation easements will be promoted to protect these features.

- 3.12.1 Development will be set back from areas exhibiting steep slopes or active erosion. The setback distance will be determined on site in consultation with the Town.
- 3.12.2 Where development is proposed, the degree of slope and slope stability will be confirmed by the Town through site inspection and/or the review of more detailed information submitted in support of a development proposal. Areas where slopes present a constraint to development may also be identified during site inspections or through the submission or review of additional information.
- 3.12.3 Where slopes greater than 20% exist on a property or a portion of a property, natural vegetation will be substantially retained on slopes, before and after construction, particularly those adjacent to a shoreline, on a ridgeline or skyline, in areas where there is minimal soil and vegetative cover, or in areas of unstable slopes or potential erosion.
- 3.12.4 The following principles will be implemented for development where slopes are between 30% and 40%:
- a) development on slopes should blend into the natural landscape without substantial site alteration, particularly blasting;
  - b) development will not be permitted on a slope where it is subject to erosion and would represent a potential hazard to life or property;
  - c) natural environmental features will be protected;
  - d) scenic slope faces and cliffs should be preserved;
  - e) visual impact should be minimized;
  - f) structures will be setback behind the existing tree line;
  - g) lots will have sufficient frontage and area to accommodate the development proposed and should be larger than the minimum lot size permitted;
  - h) road access can be located in a manner which is safe, minimizes visual impact, minimizes site alteration and addresses storm water management during and after construction;
  - i) where only water access is proposed, suitable access will be provided for construction equipment, and where feasible, construction/access corridors should be provided;
  - j) a docking location and an access pathway to the dock is available and identified on a shoreline lot; and
  - k) tolerance for engineered solutions which affect the natural landscape may be greater for property within a designated community.
- 3.12.5 Where development is proposed on slopes between 30 and 40%, the Town will undertake a preliminary site inspection and evaluation of the property. Where appropriate, planning tools will be used to implement any necessary mitigation measures. Where necessary, and as determined by the Town, a site evaluation or technical report will be prepared by the proponent to ensure that the property is suitable for development and identify any necessary mitigation measures. All development proposals will, at a minimum, address the following:

- a) establishment of minimum setbacks from the slope or the top of the bank;
- b) locations for a shoreline activity area and particularly a dock;
- c) natural vegetative buffers and vegetation to be retained;
- d) storm water management and construction mitigation measures;
- e) location of building envelopes which meet setback requirements defined in the Comprehensive Zoning By-law;
- f) adequate area, depth and suitability of soils for supporting an appropriate on-site sewage system;
- g) the availability of a potable water supply; and
- h) the provision of access to an appropriate standard.

- 3.12.6 Where slopes of 40% and greater, or unstable soils exist over the majority of a property, or where development or site alteration is proposed on the portion of a property which has slopes of 40% or greater or unstable soils, a site evaluation or technical report will be required by the Town, to confirm that the lot is suitable to accommodate the development proposed. Any site evaluation or technical report will identify any mitigation measures that are necessary, including those noted in 3.12.5, above.
- 3.12.7 Where slopes of 40% and greater, or unstable soils, exist on a portion of a property, a site inspection and preliminary evaluation of the property will be undertaken by the Town. Where development or site alteration will not occur on or affect these slopes or unstable soils, development may proceed.
- 3.12.8 Development should be setback at least 15 metres (50 feet) from the top of a defined bank. A greater or lesser setback from the top of the bank may be provided where recommended in site evaluation or a technical report.
- 3.12.9 Significant slopes or rock faces may be identified and protected from development.
- 8.3.2 The following design principles will be adhered to for development in the Waterfront, as appropriate for the specific use and the area:
- d) rock faces, steep slopes, vistas and panoramas should be preserved and vegetation should be maintained on skylines, ridge lines or adjacent to the top of rock cliffs;

**CONSIDERATIONS:**

- These policies apply throughout the Town.
- When evaluating development proposed on lots which are adjacent to, or abut a waterbody, the steep slope policies are an important consideration for the protection of recreational water quality and fish habitat.
- Section 3.12.5 does not address a number of the principles noted in 3.12.4, such as:
  - identification of appropriate lot frontages, areas and lot line locations;

- location of a suitable septic system envelope;
- identification of approximate area of potential site alteration (i.e. blasting) and a review of pre and post grade, as may be required;
- establishment of minimum setbacks from the slope or the top of the bank;
- appropriate shoreline access routes and pathways;
- natural vegetative buffers and vegetation to be retained; and
- environmentally sensitive areas or habitat to be protected.

#### **SUMMARY:**

A review of best practices from other municipalities across Muskoka has revealed that the following policy approaches may assist in addressing some of the considerations:

- These policies should be updated to address inconsistencies.
- Updated steep slope policies should also address the different character of the Urban Settlement Area as well as Communities.