

A photograph of a forest stream with a small waterfall and fallen logs, overlaid with a semi-transparent white box containing text.

Castle Glen

A presentation by the Escarpment Corridor Alliance (ECA)

August 19, 2022



Escarpment Corridor Alliance

1

WHO:

We are a community group comprised of full time and seasonal residents of the Town of Blue Mountains, concerned citizens, and professionals.

2

WHAT:

We are opposed to Great Dale Manor's (Great Gulf Homes) plan for a mega-resort /urban community on the Castle Glen Site.

3

WHERE:

The Castle Glen Site is located in the Town of Blue Mountains and is bounded by the 2nd Concession to the east, 4th Concession to the west, and the 12th Side Road to the north.

4

WHY:

The Castle Glen Site is of high ecological value and therefore must be protected.



ECA Partners



Nature League





Castle Glen Background

- Prominent Niagara Escarpment siting – entirely on prominent escarpment slopes and just above the brow
- Original approval 1971 – preceded the Niagara Escarpment Commission
- Current approval: 1600 units, 2 hotels/300 rooms, 54,000 sf retail/commercial, three golf courses, gas station, +++
- 51 years later ... still “on the books”





Castle Glen In Context

Five Fast Facts

Developed as planned, Castle Glen would represent:

1. The single largest development in the history of the Town of the Blue Mountains
2. The single largest development in the Town's future OP planning period (2022-2046)
3. An increase in Town population greater than the cumulative population growth over the past 15 year (2006-2021) period
4. A new urban area with a population 10-20% larger than Thornbury (2021 census data)
5. The single largest new development, on the brow and prominent escarpment slopes in the province of Ontario since the creation of the Niagara Escarpment Commission (the “**NEC**”) in 1973





First Nations

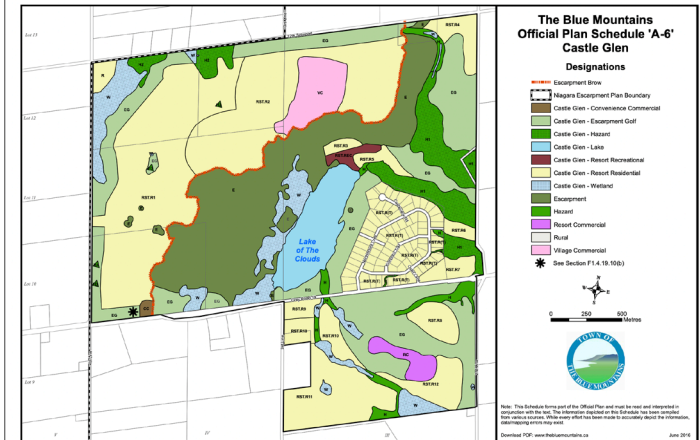
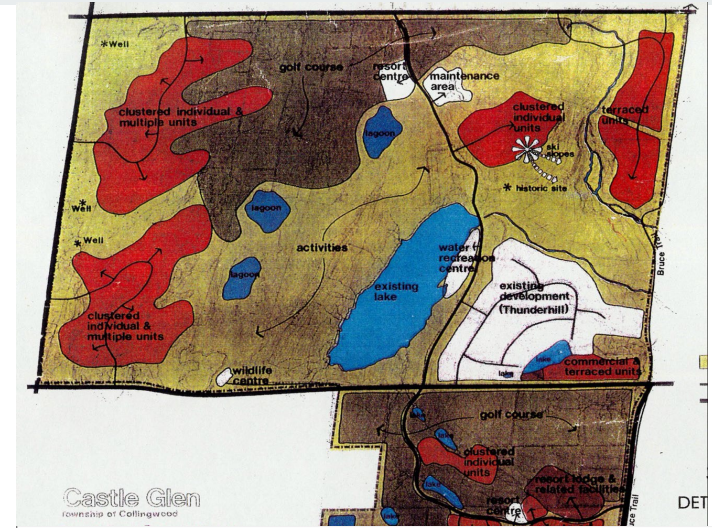
- Castle Glen - inhabited and regularly traversed for generations by the Anishnaabek, Petun, Metis and Huron-Wendat peoples
- Castle Glen approved w/o First Nations consultation
- Omissions of consultation and Constitutional duties cannot be “grandfathered”



Photo: Winter Shot by ECA member

Grandfathering

- “Sunset” (expiration) clauses typically associated with NEP approved developments
- 1971 approval vs current OP
- Report lacks detail of many options at Town’s disposal to stop/reduce development





Ecological Significance

“The highest conservation value lands, at scale, in proximity to the GTA, bar none”

Source: NCC



Photo: Daniel C May 29, 2022



Ecological Significance

Castle Glen - extraordinary ecological characteristics:

1. Size – largest undeveloped property on escarpment in Town
2. Siting - Two Key Ecological Corridors
3. Biodiversity – Multiple Species at Risk
4. Headwaters of 2 Coldwater fisheries / wetlands
5. Karst topography / high aquifer vulnerability
6. 70%+ Provincially Significant Woodland



Photo: Aerial Shot of Cloud Lake by Mike Robbins

Climate Change

Given its size, strategic location and exceptional ecological value, the Castle Glen development would be the single most environmentally destructive development, not just in the history of the Blue Mountains, but in the history of the Niagara Escarpment.

“We have a choice. Collective action or collective suicide.”

UN Secretary General Antonio Guterres



Photo: Andrew Domienik May 15, 2021

Required Studies

Studies are:

- Out of date – most are over 15 years old
- No longer meet current planning standards
- Never completed/reviewed in a wholistic manner

**Completely insufficient for a new urban settlement
area sited atop the Niagara Escarpment**



Photo: Lady Luck May 3, 2021



UNESCO World Biosphere

- The “escarpment biosphere includes the greatest topographic variability in Southern Ontario”
- Next review 2024 / Globally, 45 designations withdrawn in 9 countries
- If the Castle Glen development literally “breaks the back” of the escarpment with the largest development in escarpment history, would UNESCO consider this “progress”?

It's a time to take stock of progress made by the biosphere reserve, especially as concerns the updating of knowledge, skills and expertise in resource and ecosystem management.

Excerpt from UNESCO Periodic Review Process



Photo: Summer Trail by ECA member



Outstanding Problems

Infrastructure?

NO services exists today.

Servicing must climb escarpment slopes adjacent to steep river valleys raising major environmental issues.

Studies will need to be done

Resort Residential?

Castle Glen could become an urban settlement masquerading as a Resort (e.g. Friday Harbour in Simcoe).

With influx of thousands of new residents need to consider schools, libraries, EMS, etc as per urban settlement approval. This has NOT been done.

Provincial Policy?

Staff Report silent on many obligations under the PPS. –incl. Sections 2 & 3 - requires that all decisions are consistent with policy statements.





“Next Steps”

The ECA asks for:

1. Working Session w/ Staff, Council & ECA
2. Comprehensive Public Engagement process
3. Timely & transparent sharing of ALL information & documentation relative to CG
4. Town to take a lead role in all studies
5. Town to hire an independent, expert planner &/or urban designer to lead CG process



Photo: Winter Trees by ECA member

Thank You





David R. Donnelly, MES LLB
david@donnellylaw.ca

August 19, 2022

Mayor Alar Soever
Town of Blue Mountains
32 Mill Street, Box 310
Thornbury, ON N0H 2P0

Dear Mayor and Council,

Re: Staff Report PDS.22.093 - Castle Glen

Donnelly Law represents the Escarpment Corridor Alliance (the “ECA”), with respect to Great Dale Manor’s (Great Gulf Homes) plan for a mega-resort community on the Castle Glen site in The Town of the Blue Mountains (the “Town”). The lands are bounded by the 2nd Concession to the east, the 4th Concession to the west, and the 12th Side Road to the north.¹

We thank the Mayor, Council, and Staff for showing your interest in establishing a complete and comprehensive set of facts surrounding the CG property, and leadership on climate change. In that respect, the ECA is pleased to provide comments regarding Report Number: PDS.22.093, *History and Current Status of Castle Glen Property* (the “Staff Report”).

The ECA is a group of concerned citizens and professionals who reside full-time and seasonally in the Town and surrounding areas as well as interested visitors who are drawn to the area by its unique natural heritage. ECA board members, volunteers, and our 5,000+ supporters strongly believe that keeping the Escarpment intact and free from inappropriate development makes sense for our environment, economy and society at large. Numerous other groups have partnered with the ECA and are united in their opposition to the development of Castle Glen. Partner organizations include the: Escarpment Biosphere Conservancy, Blue Mountain Watershed Trust Foundation, Niagara Escarpment Foundation, Save Silver Creek Wetlands Group, Protect Talisman

¹ *Castle Glen Development Corp v Blue Mountains (Town)*, 2006 Carswell Ont. 7834, at para 1.

Lands Association, Climate Action Now, Kolapore Wilderness Trails, Tree Trust, Nature League of Collingwood, Collingwood Cycling Club, Collingwood Off-Road Cycling Club and Save Georgian Bay.

Executive Summary of ECA Comments re the Staff Report

While the ECA agrees with the factual basis of the Staff Report, there are several shortcomings that the ECA views as extremely significant requiring revision:

1. **Context** - The Staff Report fails to put the Castle Glen development proposal in context - locally, provincially and nationally. The Castle Glen development is impossible to comprehend without examining its size, location, potential environmental impact and precedent setting nature. We believe the following substantial facts should be added to the Staff Report.

Castle Glen if developed as proposed, would represent:

- *the single largest development in the history of the Town;*
- *the single largest development in the future OP planning period (2022-2046) of the Town;*
- *an increase in population that would exceed the total cumulative population growth for the Town over the past 15 year (2006-2021) period; and*
- *the largest new development on the brow and prominent escarpment slopes in the province of Ontario since the creation of the Niagara Escarpment Commission (the “NEC”) in 1973.*

2. **Ecological Significance** - The Staff Report undervalues and understates the extraordinary and unique ecological characteristics, strategic location, and biodiversity of the site. Castle Glen is part of the corridor and natural area that the Nature Conservancy of Canada has identified as the highest conservation lands at scale within 100 miles of the GTA². The ECA believes that the Staff Report should include the following commentary:

General Siting - *Castle Glen’s position is of enormous strategic value to the integrity and maintenance of two regional scale, ecological corridors: (i) it is the midway point between Pretty River and Blue Mountain along the south-north axis of the escarpment and, (ii) it forms the eastern terminus of the important ecological corridor running from the Beaver Valley, through Duncan, Kolapore, Gibraltar and on to Castle Glen. As the largest privately held, non-developed property situated on the brow and prominent escarpment slopes in the Town, development would create an enormous and irreparable break in the contiguous Niagara Escarpment negatively impacting the mobility and migration of wildlife populations over generations to come.*

² Scoring of Natural Areas Map, The Big Picture, provided by NCC.

Waterways, Water Sources, Wetlands & Karst Topography - The headwaters of two important cold-water streams arise on the Castle Glen site: Silver Creek – widely recognized as one of the most valuable cold water salmon and trout spawning rivers in Georgian Bay – and Black Ash Creek. Environmental concerns include fundamental alteration to source locations, increased water temperatures due to loss of tree cover, silting from earth moving and pollutants in runoff from golf courses and hardscaped development areas. The AEMOT Groundwater Management Study found that the Castle Glen site is an area of “high aquifer vulnerability” since the Amabel Aquifer, one of the most significant in the province, rises in the area³. The Castle Glen property includes extensive karst features – areas where dissolving bedrock created sinkholes, sinking streams, caves, springs, etc. that “serve to focus channelled surface stream flow down into the aquifers.”⁴ Constructing a new urban area on karst topography means that contaminants can readily impair the integrity of this critical water resource.

The Castle Glen site includes multiple identified wetlands and ephemeral wetlands with highly porous grounds. And, of course, the headwaters of Silver Creek and these wetlands are linked to the Silver Creek Wetland, which is a Provincially Significant Wetland (“PSW”) as designated by the Ministry of Natural Resources and Forestry (“MNR”). Together, these features form a functionally linked⁵ (wildlife usage, surface water, and groundwater connections) wetland complex. When the headwater is harmed, the harm will flow into the rest of the Complex since “headwaters inform their watersheds”.⁶

Forest Cover – Over 70% of Castle Glen is heavily forested, meeting the criteria for Provincially Significant Woodlands. These forests include endangered species such as butternut trees and comprise an enormous source of carbon, the loss of which the Town has never quantified. Clearly, these forests are “critical to the survival of interior bird and mammal species”.⁷

Fauna & Flora - including Species at Risk – Given its size, location and pristine condition, the biodiversity of the Castle Glen property is exceptional and, in the opinion of the ECA, has never been adequately documented. In addition to providing extensive and diverse wildlife habitats Castle Glen is home to many species at risk. A non-comprehensive list includes the: Jefferson Salamander,

³ *Ibid*, at 6.

⁴ *Ibid* at 7.

⁵ Blue Mountain Watershed Trust, “A Short History of the Castle Glen Development 1960-2021, Town of the Blue Mountains”, at 7, online at: < <https://myescarpment.ca/wp-content/uploads/2022/02/Castle-Glen-Development-A-Short-History-by-Blue-Mountain-Watershed-Trust-December-2021.pdf> > [BMWT].

⁶ Ontario Headwaters Institute, “Working to Preserve the Foundation of Ontario’s Watersheds” (2016) at 11, online: <<https://www.ontarioheadwaters.ca/wp-content/uploads/2016/11/Protecting-Ontarios-Headwaters.pdf>>.

⁷ *Supra*, note 5, at 2.

Spotted Turtle, Least Bittern, Canada Warbler, Bob-o-links, Brown Bats, Monarch Butterflies, Stiff Yellow Flax and Butternut trees.

3. Climate Change - The ECA is strongly supportive of the Mayor's recent comments stating that revisions to the Official Plan must put "real teeth" into our collective efforts to arrest climate change, before it is too late. Explicitly addressing climate change and the impact on climate caused by car dependent, inappropriate development is the number one concern that the Town has received as part of its public Official Plan Review process, including resident surveys, town halls, and comments to council. Given its size, location, pristine condition, and ecological significance, Castle Glen would be the single most environmentally destructive development in the history of the Town. The ECA believes that the Staff Report must highlight how the Castle Glen development would negatively impact Climate Change, including PPS section 1.8.1 "Energy Conservation, Air Quality, and Climate Change". United Nations Secretary-General António Guterres told leaders, just one month ago at the Petersberg Climate Dialogue, "We have a choice. Collective action or collective suicide. It is in our hands."⁸ The Staff Report needs to emphasize the Town's climate change resolve as a key project evaluation indicator.

4. First Nations - The Staff Report omits all relevant discussion of First Nations history, rights, and consultation related to the property. It is well known through the archaeological and historical record that the Castle Glen area was inhabited and regularly traversed for generations by Anishnaabek people, by the Petun, Metis, and by the Huron-Wendat who occupied Huronia. There is a duty to consult with these groups given their ancestral connections to this area and lands along the escarpment in Grey County – as per The Declaration on the Rights of Indigenous Peoples, a legally non-binding resolution passed by the United Nations in 2007. The Staff Report is silent concerning how First Nations were consulted before the previous "grandfathered" approvals were obtained – omission of consultation and Constitutional duties cannot be "grandfathered".

5. Historical Timeline - The Staff Report's Historical Timeline is overly abbreviated and is missing highly relevant details. Please refer to Appendix A for additional information to be included.

6. Required Studies - The Staff Report acknowledges that further studies are required. The ECA finds three problems with this section of the Staff Report First, it is silent in not highlighting the outdated nature of studies done to date most of which were done almost two decades, or more, ago. An ECA advisor, globally renowned for his work in Strategic Spatial Development Planning of Land/Coastal Environments, has

⁸ Fiona Harvey, "Humanity Faces 'collective suicide' over climate crisis, warns UN Chief" (18 July 2022), the Guardian, online: < <https://www.theguardian.com/environment/2022/jul/18/humanity-faces-collective-suicide-over-climate-crisis-warns-un-chief>>.

referred to the mish-mash of studies done over the years as “a dog’s breakfast”. Simple updates to outdated studies are inadequate for a development of this magnitude and importance – a new, comprehensive, ground up greenfield analysis to current policy standards with complex constraints mapping is required. Second, the Staff Report is silent with respect to primary concern being voiced through the ECA and a very broad cross-section of Town residents in all matters specified in section 1.8.1 of the Provincial Policy Statement (“PPS”). Third, the ECA asks that the Town clearly specify what role they have taken in all studies to date and, going forward, that the Town take a lead role in all studies that are done. The Town cannot simply abdicate responsibility and be a bystander, enabling the developer to take charge of the studies given the scale and scope of this proposed development on the critical, prominent escarpment slopes and brow. As an example, the Staff Report states “*The owner of the development lands is currently undertaking a review of the drinking water supply of the lands.*” This critical Class EA work should be fully directed by the Town, not the developer and, as with all studies, make full provision for public input.

7. Infrastructure - The Staff Report provides only passing reference (requirement for “Water and Sewer Servicing Study”) to the greenfield nature of the required infrastructure servicing requirements. As in point #1, putting these infrastructure requirements in context is critical for readers of this report. The scope, costs, timelines and environmental impacts of the necessary services to fulfill the Castle Glen development needs would be among the largest and most complex of any single infrastructure project in Town history, and, very likely, within the entire Niagara Escarpment envelope. The logical sighting of such servicing would be along Grey Road 19. The road has steep embankments and is hugged by Black Ash Creek and Silver Creek along either side. The ECA would like the Staff Report to acknowledge that any servicing will need to cross Escarpment slopes outside the Castle Glen site, without grandfathered protection, and will need to adhere to the PPS and all other applicable environmental legislation e.g. Environmental Assessment Act, Endangered Species Act.

8. Planning Policy - The Staff Report section detailing Planning Policy Documents Summary is self admittedly “a general overview only.” Notwithstanding, this section is fundamentally deaf to voices of the vast majority of residents who are seeking stronger environmental protections of sensitive forested corridor within and along the prominent escarpment slopes. Furthermore, it is lacking in any consideration of available options that the Town has available to stop or reduce development, including provincial legislative and regulatory instruments, in such a sensitive location, which have evolved significantly.

9. “Grandfathering” - The brevity of the Staff Report section detailing the Current Status of the Castle Glen development underscores the fact that, given the great-great-grandfathering of this project, five decades (over 50 years) of time has elapsed. This development has now been grandfathered and great grandfathered in all four of the NEP revisions. The Staff Report fails to mention the common usage of “sunset”

(expiration) clauses typically associated with NEP approved developments, the logic being the sensitivity of NEC lands require that development should always meet the most current environmental and planning standards. Per point #8, the Staff Report should acknowledge that the public wants no development at Castle Glen, and that that objective is legal and feasible.

10. Definition of “Resort” - The Staff Report is silent on the crucial question of defining “resort” versus urban settlement. Definitions of resort include “A place designed to provide recreation, entertainment, and accommodation especially to vacationers” (Merriam Webster) and “a place where many people go for rest, sport, or another stated purpose – eg a tourist, holiday, seaside/beach or ski resort” (Cambridge Dictionary). Nearby examples from Simcoe County (Friday Harbour) have typified the serious issue of permanent urban settlements temporarily masquerading as “resorts”. For example, on Sept. 23, Innisfil Council allowed property owners at Friday Harbour to become full-time permanent residents, canceling the annual 300-day occupancy limit that had been such an important part of the approval put in place in 2007. With the potential for a full-time population of 4,000 residents (far bigger than Thornbury) is the Town really going to accept that a couple of golf courses makes Castle Glen a resort? The ECA strongly believes that the Town must label Castle Glen what it really is, an urban settlement. As such, will the Town allow the current Resort Residential designation to exempt the developer from addressing critical OP review issues such as schools, libraries, EMS and more? Is an urban settlement on the prominent escarpment slopes something the Town would consider in the normal course?

11. UNESCO World Biosphere Designation – The Timeline section of the Staff Report acknowledges the UNESCO World Biosphere designation as part of a nationally and internationally significant landform and that the Castle Glen property falls within the biosphere. The Staff Report does not mention two critical pieces of information: (i) on April 22, 2022 the Niagara Escarpment Biosphere Network (NEBN), a grassroots Indigenous led group, replaced the NEC and became the sole official entity working on the mandate and designation of the Niagara Escarpment Biosphere in consultation with UNESCO and, (ii) UNESCO monitors and conducts reviews on biospheres on a 10 year cycle with the next review due to start in 2024. “The purpose of the Review is to determine if the biosphere reserve continues to be successful in meeting the criteria for inclusion in the world network, as well as to provide updates to background information, and changes taking place in the biosphere reserve.”⁹ In addition to these omissions, the Staff Report does not address any risk factors or adverse consequences, up to and including the rescinding of the UNESCO biosphere designation, as a result of the Castle Glen development.

12. Analysis - No (zero) analysis is included in the Staff Report section on Analysis, which is a significant omission for the newly elected Council to address by having Staff revise the report in the interim.

⁹ Niagara Escarpment Commission, Niagara Escarpment Biosphere Reverse Periodic Review (2012), at 1.

13. Link to Strategic Priorities - The Staff Report, Section E, details three Strategic Priorities: (i) Communications and Engagement (staff, residents & stakeholders), (ii) Community (feel, character, responsible use of resources and restoration of nature) and, (iii) Quality of Life. The report, however, provides no analysis as to how the development may impact these priorities nor even one single tactic for enhancing communications, engagement, community or quality of life. Subsequently, in section I, Public Engagement, the writers acknowledge that the no Public Meetings and/or Public Information Centre related to the Staff Report has been held. Given the contextual factors listed above the ECA finds this lack of attention to Strategic Priorities unacceptable.

Conclusion

Overall, the ECA would like to see explicit recognition in this Staff Report that since the original approvals in 1971, and even since the OMB rulings in 2004/6, that our societal knowledge and relevant legislation around climate science, conservation biology, and tools to assess environmental impact have progressed immeasurably.

In addition to the recommendations listed in the above Executive Summary, the ECA would like to see the following “next steps” take place with respect to Castle Glen:

1. Staff and Council convene a working session with ECA representation, to discuss the above points in far greater detail given the relevance, importance and precedent setting nature of this proposed development.
2. That Council and Staff immediately establish a public engagement process with respect to Castle Glen and the Strategic Priorities laid out in section E of the Staff Report.
3. The Town hire an independent, expert planner and urban/landscape designer to lead Staff, residents and Council through the peer review and Ontario Land Tribunal process. Given the extreme complexity (multi-billion dollar scope / public and private sector involvement) of the proposal, the ecological sensitivity of the site, and the multi-billion dollar budget involving both private and public sector actors the ECA suggests, with respect, that there is a small number of people in Canada that have experience reviewing such a project. To be fair, our Town deserves to be led by one of them.
4. That Staff and Council agree to full transparency with respect to the sharing of information and documentation relative to Castle Glen development beginning today. All documents, reports shared with, or by the developer should be immediately accessible to those with a registered interest. Communications between staff and the developer(s) should be documented and summarized with public access, as should be communications with all related interest groups. Given the highly important nature of the Castle Glen site transparency and documentation are required.

Should you have any comments or questions concerning this correspondence, please do not hesitate to contact me at (416) 572-0464, or by email at david@donnellylaw.ca. Please also copy martyn@donnellylaw.ca and sarah@donnellylaw.ca on all correspondence.

Yours Truly,

A solid black rectangular box used to redact the signature of David R. Donnelly.

David R. Donnelly

Appendix A - Historical Timeline of Castle Glen Lands:

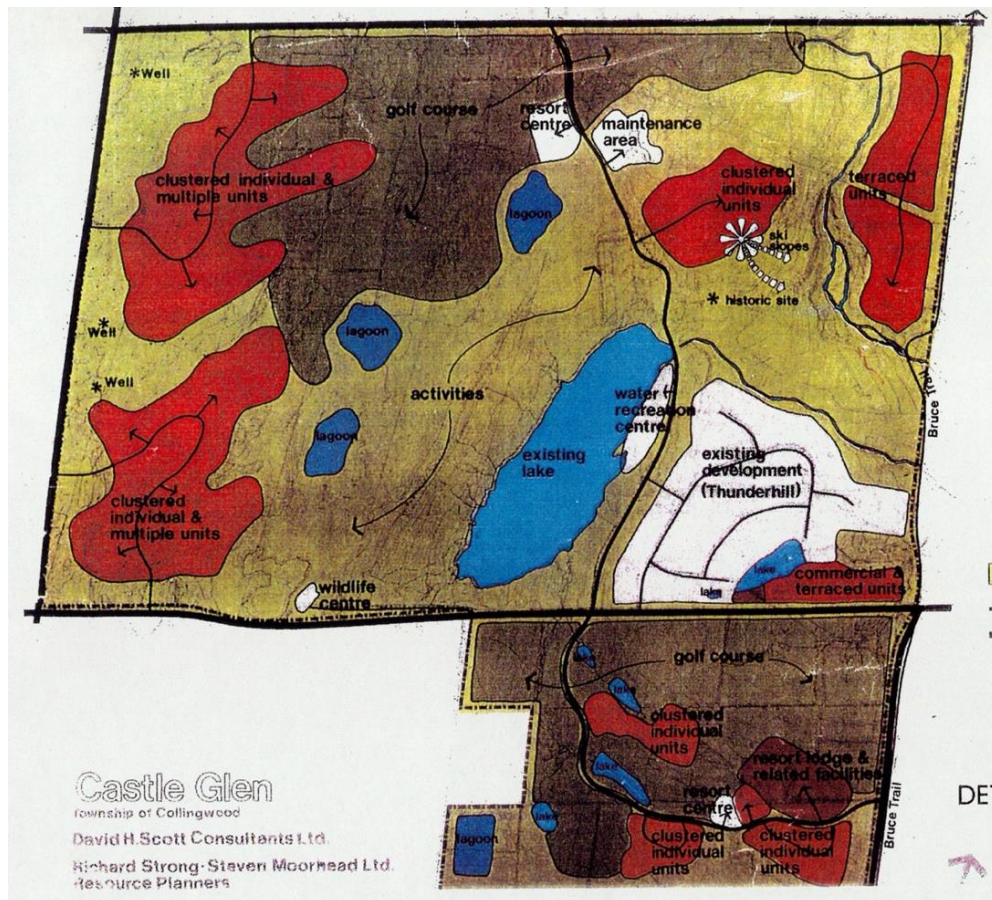
The Staff Report should add and/or amend the milestones included in the timeline as follows:

Pre-Colonial Settlement – Castle Glen was an area inhabited and regularly traversed for generations by Anishnaabek people, by the Petun, Metis, and by the Huron Wendat who occupied Huronia. These lands are part of the Saugeen Ojibway Nation land claim and were part of the migratory/seasonal hunting territories of other Indigenous peoples through the ages.

April 1, 1971 – The Staff Report should include the 1971 Plan (see Exhibit A) and compare it with the current plan making note of significant differences:

- A significantly different layout for the housing and recreation
- The presence of a ski hill - the original focal point of the resort
- Minimal allowance for retail/commercial vs 54,000 square feet in the 2006 approval

Exhibit A



January 1, 1976 – Regarding the 2nd Draft Plan of Subdivision – a dramatically scaled back plan - what exactly is meant by “**appears** to remain in place”? The report then goes on to say that “there does not appear to be any significant activity on the lands for 20 years.” By our math it has been 45 years with NO activity.

March 2003 – NEC Staff Report says “*The Commission has recently supported the position that the proposed Castle Glen Development Concept conflicts with the Niagara Escarpment Plan.*¹⁰”

2001 – 2022 – The Staff Report timeline is silent on all activity during this period apart from the OMB hearings. What, if anything was done to keep applications/permits current? Have there been any lapses of permits – eg water taking - as a result of inactivity?

April 2021 – Sale of Castle Glen to Great Gulf Homes / Great Dale Manor – one of North America’s largest developers.

¹⁰ NEC Staff Report, March 20, 2003: Interpretation of Prominent Slopes In The Escarpment Recreation Area Of The Niagara Escarpment Plan