



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Kara Van Myall
Director of Planning and Development

Date: June 20, 2019

Re: BCOPA 240-19.62 Hobson c/o EBC

Recommendation:

Subject to the review of objections and submissions arising from the public hearing:

That the Bruce County Official Plan Amendment BCOPA 240-19.62 be **approved** and the necessary By-law be forwarded to County Council for adoption.

Executive Summary:

The subject lands are located on Little Pike Bay. Two severances are proposed to facilitate a transfer of lands for conservation purposes. One severed lot (Areas 1 and 3) would continue to be used for a long-standing seasonal cottage rental establishment. The other severed lot (Area 2) together with the retained lands are expected to be transferred to the Escarpment Biosphere Conservancy (EBC) for conservation purposes.

A Bruce County Official Plan Amendment and Zoning Bylaw Amendment are required to: facilitate the consents.

- Match the commercial campground designation and zone to the existing cottage/campground use
- Establish an open space designation and zone for the conservation lands

This report and recommendation deal with the Official Plan Amendment application. Local Council has expressed support for the zoning by-law amendment at a Council meeting on May 27, 2019.

The application is consistent with the Provincial Policy Statement and conforms to the intent and purpose of the County Official Plan.

Background:

The +/- 62 ha site is located at 423 Shaw Rd, on the shore of Little Pike Bay.

The subject property currently contains thirteen cottages plus a shed on a portion of the property near the water. All cottages except one appear to have been constructed before 1970. The cottages are considered to be legal non-conforming.

Road access via Shaw Road is being addressed through another consent application (see file B-112 Sasal c/o Barnett).

Description of Proposal

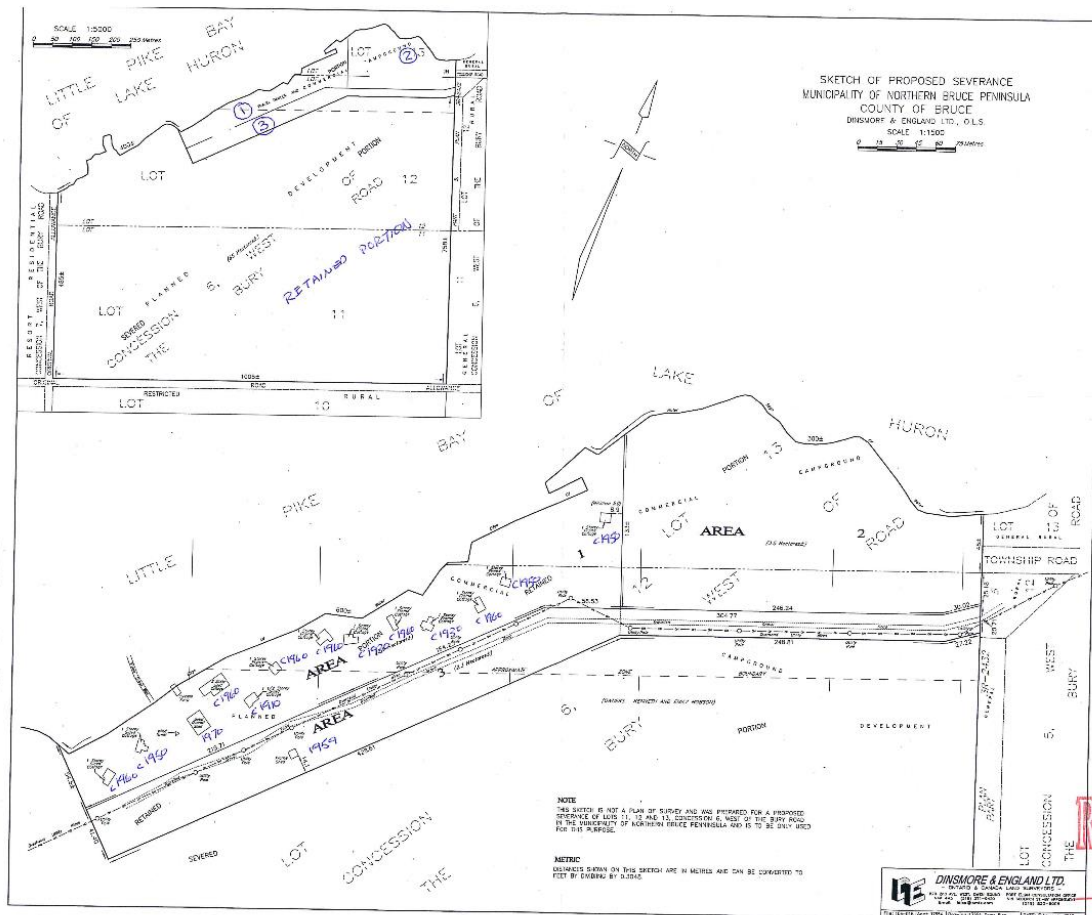
Two severances are proposed to facilitate a transfer of lands for conservation purposes. One severed lot, defined as Areas 1 and 3 on the site plan (+/- 4.3 ha), would continue to be used for cottages. The other severed lot, defined as Area 2 (+/- 2.5 ha) on the site plan, together with the retained lands (+/- 55.8 ha) are expected to be transferred to the Escarpment Biosphere Conservancy (EBC) for conservation purposes.

The consents need a Zoning Bylaw Amendment and County Official Plan Amendment to:

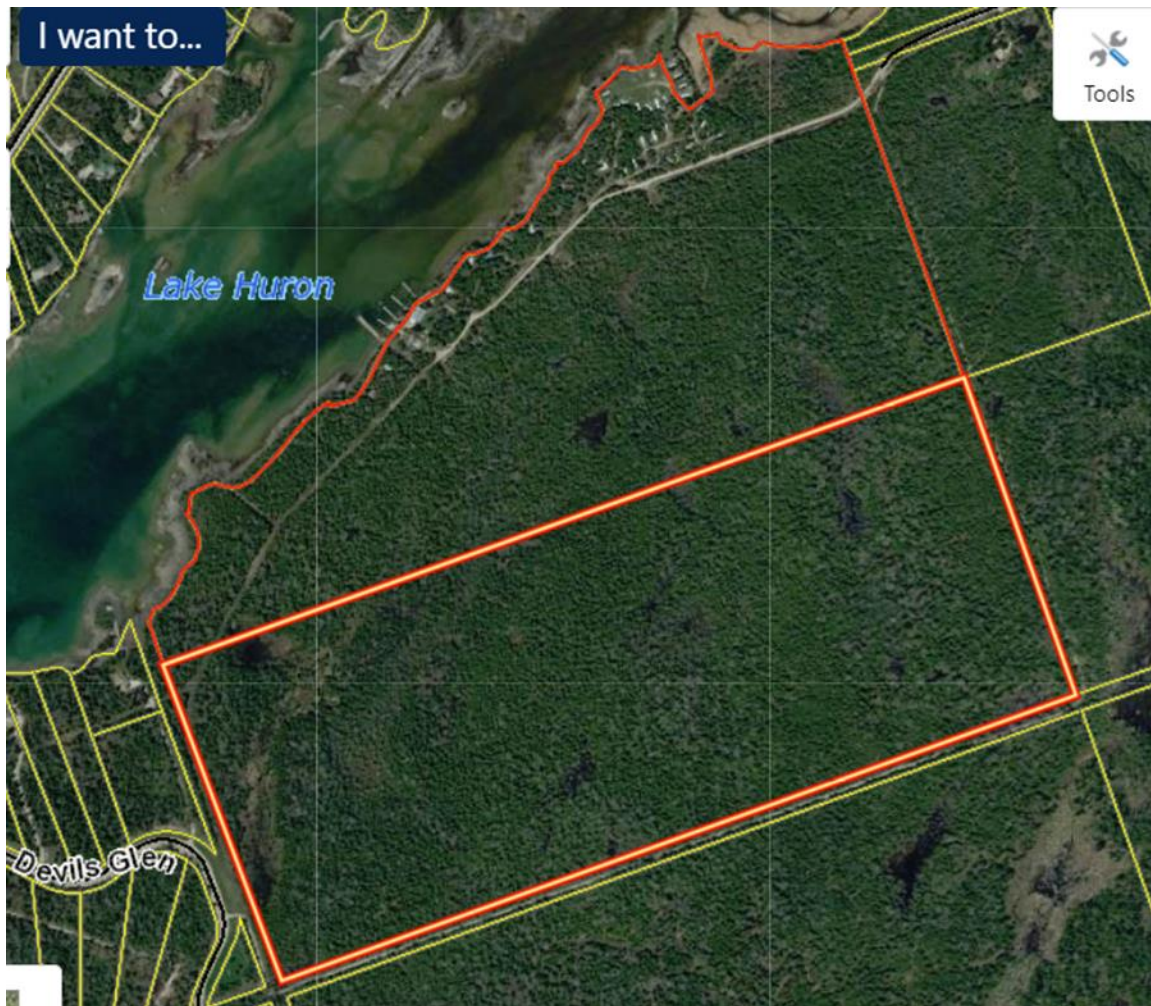
- Match the commercial campground designation and zone to the existing cottage/campground use
- Establish an open space designation and zone for the conservation lands

A Bruce County Official Plan Amendment and Zoning Bylaw Amendment are required to facilitate the consents.

Site Plan



Airphoto



Provincial Interests

Provincial Policy Statement (PPS) interests include conserving biodiversity and considering the ecological benefits of nature. The proposal zones lands so that the permitted uses in the municipal zoning by-law are consistent with the conservation use of the lands.

Overall activity levels are anticipated to remain low, and no services (parking, water, sewer) are required or planned to be provided for the Open Space lands.

Policy 2.6 of the PPS notes the Province's interest in cultural heritage. A holding provision is proposed for portions of the property where archaeological potential is high (based on proximity to water) and the lands have not yet been assessed.

The application is consistent with the PPS.

County Official Plan

The County Official Plan designates the property Travel Trailer Park and Commercial Campground (TTPCC), Rural Recreation, and Rural.

The application proposes to:

- Match the TTPCC designation to the existing cottage/campground use
- Remove the TTPCC, Rural Recreation, and Rural designation from the lands to be used for conservation, to be replaced with a Major Open Space designation

The TTPCC classification permits campsites and seasonal recreational uses. In this case, all buildings except for one appear to pre-date the bylaw and official plan. The proposed adjustment of the TTPCC designation is intended to match the existing developed area.

Open Space uses are permitted in the Rural Recreation designation. The County Official Plan notes that much of the remaining Rural Recreational area that is currently undeveloped is subject to environmental constraints. The lands designated Rural Recreation on the subject property do not front on a public road.

In the Rural designation, it is an objective of the Plan to recognize rural lands as an important community and economic resource, while at the same time promoting preservation and enhancement of the rural environment for the benefit of future generations. While Open Space uses are not explicitly permitted in the Rural designation, public conservation, public open space and passive recreation are listed as permitted uses in the more restrictive Agricultural designation.

The Major Open Space designation is for those uses which provide outdoor recreation and preservation of natural areas.

The GSCA recommended updating the hazard areas on the property. The revised hazard boundary is included in the proposed amendment.

At this time, no new development is proposed. Frontage on Shaw Road is being addressed through another consent application (see file B-112 Sasal c/o Barnett).

The proposed amendment has merit and is consistent with the intent and purpose of the Bruce County Official Plan.

Zoning by-law

The property is zoned C4 Travel Trailer Park and Commercial Campground and PD Planned Development. The existing C4 zone generally matches the existing TTPCC designation from the County Official Plan.

The application proposes to establish a C4 Special zone to cover all of Areas 1 & 3 on the site plan, which would match the revised TTPCC designation in the County Official Plan. The C4 Special zone is required to permit reduce lot frontage, a reduced side yard setback from an existing cottage, and recognize buildings that existed as of the date of passing of this bylaw.

The application proposes to rezone the remainder of the property (Area 2 and the retained) to OS Open Space Special. The Open Space zone generally captures various conservation and recreation activities. In this case, the zoning would not include a golf course or buildings.

The EH Environmental Hazard zone on the property would be updated as per GSCA recommendations. A Holding zone provision is proposed to address areas with unassessed archaeological potential.

If the County Official Plan Amendment is approved the proposed Zoning Bylaw Amendment would meet the intent and purpose of the zoning bylaw.

Agency Comments

Grey Sauble Conservation Authority:

- Our office generally has no objection to the approval of the proposed severance as there will be no changes to the existing use of the residential area and the remainder of the property will be protected for conservation purposes by the EBC.
- In this regard, we recommend that the proposed parcel to be conveyed to the Escarpment Biosphere Conservancy be zoned and designated Open Space and that buildings be excluded from the permitted uses for the Open Space Designation and Zones. The small environmental hazard areas as noted on the attached map could be included as a separate zone/designation or included in the overall Open Space area as noted above.

Comment: The revised hazard is included in the proposed Official Plan and Zoning Bylaw Amendments. A provision to prohibit buildings in the Open Space zone is included in the proposed Zoning Bylaw Amendment. With that provision in place, Planning Staff note that a Planning Act application would be required to permit any future building, at which time natural heritage matters could be reviewed. Including the same provision in the Official Plan appears to be unnecessary.

Municipality of Northern Bruce Peninsula:

- No objection to severances
- Recommends standard conditions of consent plus two application specific conditions related to access

Other:

- Historic Saugeen Metis - No objection or opposition
- Hydro One - No comments or concerns
- Union Gas - May have service lines running within the area. Any Service relocation required due to a severance would be at the cost of the property owner.

Comment: All agency comments were shared with the agent.

Public Comments

Public notice of the applications was circulated on May 3, 2019 and notice posted on the property.

A public meeting regarding the Zoning Bylaw Amendment was held on May 27, 2019. Members of the public in attendance at the meeting supported the application.

At the time this report was written, no written comments had been received.

Planning Analysis and Comments:

The proposal is consistent with the Provincial Policy Statement and the intent and purpose of the County Official Plan.

The County Official Plan Amendment would match the TTPCC designation to the existing developed area. It would also remove the TTPCC, Rural Recreation, and Rural designations from the conservation lands, to be replaced with a Major Open Space designation. The Major Open Space designation is intended for uses which provide outdoor recreation and preservation of natural areas.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Amanda Herbert, RPP

Planner, Planning and Development

Appendix 1 - Provincial Policy Statement 2014

Applies?	Section	Policy	Comment
	1.0	Building Strong Communities	
	1.1	Managing & Directing Land Use To Achieve Efficient Development & Land Use Patterns	
	1.1.3	Settlement Areas	
	1.1.4	Rural Areas in Municipalities	
	1.2	Coordination	
	1.3	Employment Areas	
	1.4	Housing	
	1.5	Public Spaces, Parks and Open Space	
	1.6	Infrastructure and Public Service Facilities	
	1.6.4	Sewage and Water	
	1.6.5	Transportation Systems	
	1.6.6	Transportation and Infrastructure Corridors	
	1.6.7	Airports	
	1.6.8	Waste Management	
	1.7	Long-Term Economic Prosperity	
	1.8	Energy and Air Quality	
	2.0	Wise Use and Management of Resources	
X	2.1	Natural Heritage	
	2.2	Water	
	2.3	Agriculture	
	2.3.3	Permitted Uses	
	2.3.4	Lot Creation and Lot Adjustments	
	2.3.5	Removal of Land from Prime Agricultural Areas	
	2.4	Minerals and Petroleum	
	2.4.2	Protection of Long-Term Resource Supply	
	2.4.3	Rehabilitation	
	2.4.4	Extraction in Prime Agricultural Areas	
	2.5	Mineral Aggregate Resources	
	2.5.2	Protection of Long-Term Resource Supply	
	2.5.3	Rehabilitation	
	2.5.4	Extraction in Prime Agricultural Areas	
	2.5.5	Wayside Pits/Quarries, Portable Asphalt Plants / Concrete Plants	
	2.6	Cultural Heritage and Archaeology	
	3.0	Protecting Public Health and Safety	
X	3.1	Natural Hazards	
	3.2	Human-made Hazards	