

Addendum to Report PDR-PCD-05-15

To: Chair Wright and Members of the Planning and Community Development Committee
From: Alisha Buitenhuis, Planner
Meeting Date: April 21, 2015
Subject: **Addendum to 42-42-000-OPA-130 Scenic Caves Merit Report**
Status: Recommendation adopted by Committee as presented per Resolution PCD52-15; Endorsed by County Council May 5, 2015 per Resolution CC72-15;

Recommendations

THAT the proposed amendment to the County of Grey Official Plan to re-designate the subject lands from 'Rural', 'Escarpment Recreation Area', and 'Niagara Escarpment Plan Area' to 'Rural with Exception', 'Hazard Lands', 'Escarpment Recreation Area', and 'Niagara Escarpment Plan Area' for the lands described as Part of Lot 14, Concession 3, geographic Township of Collingwood in the Town of the Blue Mountains, to allow for the severance of a residential parcel containing a dwelling be supported;

AND THAT the Addendum to Report PDR-PCD-05-15 regarding a proposed County Official Plan Amendment be received;

AND FURTHER THAT the appropriate by-law be prepared for consideration by County Council.

Background

The County of Grey has received an application to amend the County Official Plan to allow for the severance of a 4.6 hectare residential parcel from a larger farm parcel. The vacant retained parcel would be merged with an adjacent property. An Official Plan Amendment is required because the severance would exceed the permitted density within the Rural designation for this area.

The subject property is 38.6 hectares (95.4 acres) in size and is legally described as Part of Lot 14, Concession 3, geographic Township of Collingwood in the Town of the Blue Mountains. The property contains a single detached dwelling. The lands are designated 'Rural', 'Niagara Escarpment Plan Area', and 'Escarpment Recreation Area'

in the Official Plan. The lands are located within an 'Area of Natural and Scientific Interest' and contain 'Significant Woodlands' and an 'other identified wetland'.

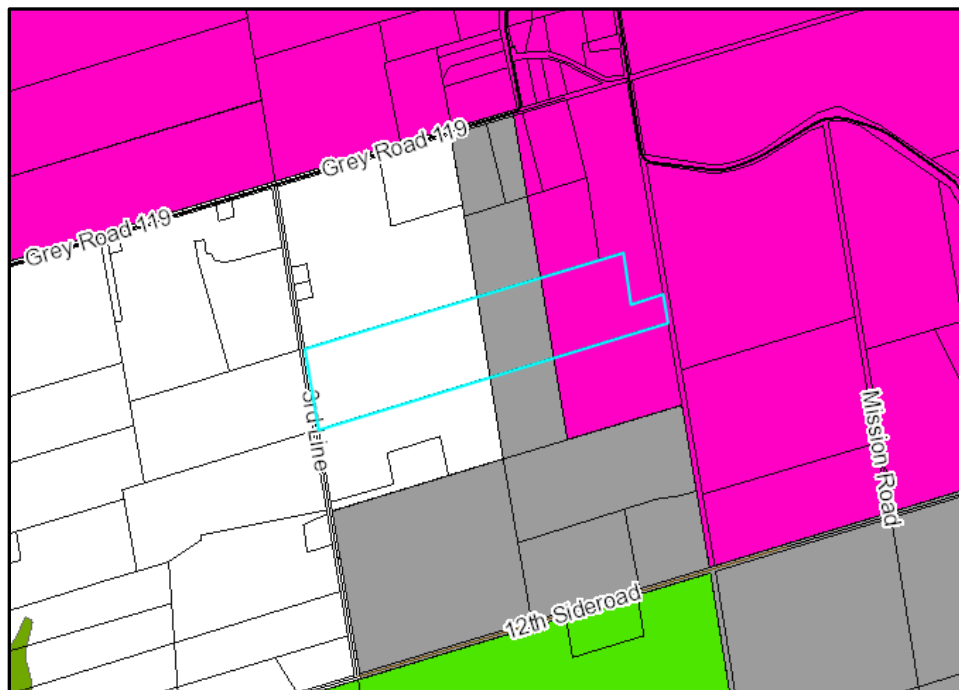
The subject property is located approximately 1.8 kilometres southwest of Blue Mountain Village and is owned by Scenic Caves Nature Adventures. The surrounding area consists of primarily residential, farm, and recreational uses, and is designated Rural, Niagara Escarpment Plan Area, and Escarpment Recreation Area. The owner wishes to sell the existing house and use the retained parcel for recreational purposes.

Georgian Planning Solutions has submitted a Planning Justification Report in support of the proposed amendment. No other reports or studies were deemed necessary at the time of pre-submission consultation.

A Municipal Zoning By-law Amendment and Consent Application are required from the Town of The Blue Mountains, and both have been applied for.

A Public Meeting was held on March 2, 2015. Minutes from that meeting can be found here: [Public Meeting Minutes OPA 130 Scenic Caves](#)

Map 1 – Location of Subject Lands



Public/Agency Comments Received

Historic Saugeen Metis

In a letter dated February 27, 2015, the Historic Saugeen Metis stated that they have no objection or opposition to the applications.

Nottawasaga Valley Conservation Authority (NVCA)

In a letter dated March 2, 2015, NVCA staff stated that they had reviewed the applications and noted that most of the property falls within the Grey Sauble Conservation watershed, with the eastern part of the property being within the NVCA. NVCA has no objection to the approval of the proposed County Official Plan Amendment.

Grey Sauble Conservation Authority (GSCA)

In a letter dated March 2, 2015, GSCA staff stated that a portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area includes an unevaluated wetland, a 30 metre area of interference, and a small pond. A permit from GSCA would be required prior to any development or alteration within the designated area. GSCA staff spoke to NVCA and determined that NVCA has no regulated areas on the property.

Several natural hazards were identified on the property, including a dead tree swamp, shrub swamp, and a tree swamp. The dug pond is in the hazard area as well, as it may have surface connection to the wetland feature on site. GSCA staff included a hazard map which they have requested be incorporated in the zoning by-law amendment as a hazard zone. The wetland has been mapped already in the Official Plan, and GSCA requests that the hazard designation be implemented as part of the Official Plan Amendment.

Significant Woodlands are mapped on the site through the County Official Plan. The majority of the uses listed under the 'Outdoor Recreational Uses' definition in the Zoning By-law are passive uses. However, golf courses and tennis courts are listed under the definition as well. If these uses were proposed an Environmental Impact Study should be required.

A species of special concern was noted within the vicinity of the eastern portion of the property. Wild turkey, coyote, fox, and squirrels were noted as well, as was an unoccupied stick nest. Further study in this regard is not required for the passive uses proposed.

The entire property is within the Banks Moraine Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI). This feature includes a well-defined moraine ridge between the dwelling and the road, as well as the previously mentioned wetland feature. These features are not expected to be impacted by the proposal.

There is potential for fish habitat within the wetland, but it is not expected to be impacted by this proposal.

One butternut tree, which is an endangered species, was noted within the mapped Significant Woodlands. A dated occurrence of the Northern Myotis (formerly Northern Long-eared Bat), also an endangered species, was found within the vicinity of the property.

Summary of recommendations:

- 1) No objection to the application for consent to add the retained parcel to the existing Scenic Caves property and the creation of a residential lot.
- 2) The proposed Official Plan Amendment must include the hazard area as mapped by GSCA as a hazard designation.
- 3) The proposed Zoning By-law Amendment must include the hazard area as mapped by GSCA. The golf course, tennis courts and any associated accessory structures that may be permitted under the 'Outdoor Recreation Use' permissions have the potential to impact natural features on the site. These uses could be removed from the by-law permitted uses, or they could remain in the by-law and an exception could be added requiring the completion of an Environmental Impact Study prior to the development of these uses.

The hazard mapping provided by GSCA will be incorporated into the amendment. Golf courses and tennis courts will not be included as permitted uses on the subject lands.

Niagara Escarpment Commission (NEC)

In a letter dated March 2, 2015, NEC staff stated that part of the property is located within the Niagara Escarpment Plan (NEP) and is designated 'Escarpment Protection Area' and 'Escarpment Recreation Area'. Niagara Escarpment Development Control regulations apply to the portion of the property designated Escarpment Protection Area on the retained parcel. Town of the Blue Mountains Zoning is in effect on the rest of the property.

A Development Permit is required for any proposed development within the area of Development Control, including change of use in any land, building, or structure, and also including for the establishment of trails. An Environmental Impact Study may be required to support such an application.

Golf courses are not permitted within the Escarpment Protection Area designation. Uses permitted within this designation include land-oriented recreational uses which require minimal modification of the landscape and which do not require major structures. Permitted uses are subject to the Development Criteria in Part 2 of the NEP.

Permitted uses in the Escarpment Recreation Area include recreational uses. These uses are subject to the Development Criteria in Part 2 of the NEP and the requirements of the Official Plans and Zoning By-laws.

The Escarpment Recreation Area new lot policies are subject to Part 2 Development Criteria, Official Plans and Zoning By-laws as well. The open rural landscape must be retained and the natural features protected by the location, size, and density of new lots. The proposal complies with the NEP if the use of the retained parcel is for passive recreational uses.

The Bruce Trail follows the property boundary at the location of the proposed merging of lots. Public access to the Niagara Escarpment, including the Bruce Trail corridor, must be protected. NEC staff want to ensure that the proposal does not impact the Bruce Trail.

The entire property is within a provincially significant earth science ANSI. Development is permitted within an earth science ANSI provided that it does not significantly alter the natural topography or geological features of the ANSI and the impact of the use is minimized.

Section 2.6.10 of the NEP directs development outside of wetlands.

The NEC has no objection to the amendments, provided that the Outdoor Recreation Uses are specifically defined in the Zoning By-law so that there is no conflict with the uses permitted within the Escarpment Protection Area.

The NEC has no objection to the consent application as the proposal is for a lot addition and does not create a new building lot or increase residential density in the area. Due to the road allowance to the east of the subject lot, the lot addition will need to be merged with the parcel to the north owned by Scenic Caves. The following conditions are recommended:

- That Section 50(3) of the *Planning Act* shall apply to any future conveyance of the severed parcel.
- Any existing mortgage commitment on the parcel to be added to should extend to cover the whole, newly created parcel.

The proposal is not expected to impact the Bruce Trail, or significantly alter the natural topography or geological features of the ANSI. No development is proposed within the wetland. Town staff are aware of the recommended consent conditions.

Town of The Blue Mountains

In a letter dated March 16, 2015, Town of The Blue Mountains staff stated that they have no objections to the proposed County Official Plan Amendment.

Analysis of Planning Issues

Planning authorities must have regard to matters of Provincial Interest, the criteria of the Planning Act and be consistent with the Provincial Policy Statement (PPS). Decisions

must also conform to the County of Grey Official Plan and any Municipal Official Plans which are in force and effect.

Planning Act

Section 2 of the *Planning Act* sets out matters of Provincial Interest, which all land use decisions shall have regard for. Sections (a) *the protection of ecological systems, including natural areas, features and functions*, (b) *the protection of the agricultural resources of the Province*, and (p) *the appropriate location of growth and development*, are the most applicable to this application.

- a) The subject property contains an 'other identified wetland', 'Significant Woodlands', and is located within an 'ANSI' and within 'Special Policy Area (karst)'. These features will be protected through new 'Hazard Lands' mapping as well as GSCA, NVCA, and NEC controls. The new proposed uses are of an outdoor recreational nature and will allow visitors to appreciate the natural heritage value of this area.
- b) The lands proposed to be severed are mainly within the 'Rural' designation. While much of the retained parcel is currently used for agriculture, this is an ideal location for outdoor recreational uses. No new residential development opportunities will be created through this application.
- p) Being within the Niagara Escarpment, this is an ideal location for outdoor recreational uses. It is adjacent to the existing Scenic Caves Nature Adventures location, and the proposed amendment will allow for the expansion of this business. It is an appropriate location for the proposed use.

Provincial Policy Statement

Section 1.1.5.4 of the PPS encourages development that is compatible with the rural landscape and can be sustained by rural service levels. Outdoor recreational uses are compatible with the rural landscape. The proposed Amendment will allow for a lot addition, which essentially will not increase any service needs for this area.

Section 1.7.1(g) of the PPS states that long-term economic prosperity should be supported by providing opportunities for sustainable tourism development. Scenic Caves Nature Adventures is a major tourism destination in Grey County, and the proposed Amendment would allow this business to expand. The subject application supports the long-term economic prosperity of the area.

Grey County Official Plan

Section 2.3.4(2) of the County Official Plan allows for the creation of two lots plus the retained lot per 40 hectares in the Rural designation. Lot density is determined based on the original Township lot fabric and is pro-rated up or down based on the size of the original Township lot. In this case, the original Township lot was established as a 200 acre parcel. Part of this parcel is located within the Niagara Escarpment Plan Area and

Escarpment Recreation Area designations, with 100 acres designated Rural. This would allow for two lots plus the retained, which have already been created. No additional lot creation is permitted by the Official Plan within this area. The proposal will facilitate a lot addition, which will not increase the overall density within the general area. The proposed severed residential parcel contains an existing dwelling, and as such its development potential has been reached. The proposed new uses are resource based recreational in nature, which is permitted within the Rural designation. The Amendment meets the intent of the Grey County Official Plan.

Section 6.3 of the County Official Plan contemplates amendments to the plan, provided that the criteria of the relevant sections of the Plan can be addressed. Limiting non-farm residential development beyond settlement areas is a major objective of the Plan. No new residential development opportunities will be created, and the proposed resource based recreational uses are permitted in the Rural designation.

The applicant has submitted a Planning Justification Report to address Provincial and Municipal land use policy.

Financial / Staffing / Legal / Information Technology Considerations

There are no expected financial, staffing or legal considerations beyond those normally encountered in processing an Official Plan Amendment application. The County has received an amendment application fee and peer review deposit with the file.

Link to Strategic Goals / Priorities

The subject application is a private development application, and the processing of such applications in a timely and efficient manner would fall under the Planning department's core business mandate. This application also supports the conservation of natural and cultural heritage resources and landscapes within the County. Action 3.4 in the Strategic Plan would be supported by this application as well, because it would encourage greater economic and tourism initiatives that support the protection and enhancement of the natural environment.

This development application should have no direct impact on the County's ability to achieve corporate strategic goals and priorities.

Attachments

None

Respectfully submitted by,

Alisha Buitenhuis
Planner

Director Sign Off: *Randy Scherzer*