

Addendum to Report PDR-PCD-19-10

To: Chair Wright and Members of the Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: September 16, 2014
Subject: **A.B.A.T.E. Official Plan Amendment Report**
Status: Recommendation adopted by Committee as presented per Resolution PCD99-14; Endorsed by County Council October 7, 2014 per Resolution CC136-14;

Recommendation(s)

THAT the proposed County Official Plan Amendment to re-designate the lands described as Lot 45, Concession 3 SDR, (geographic Township of Glenelg) Municipality of West Grey from the “Rural”, “Wetlands”, and “Hazard Lands” designations to the “Rural with Exceptions”, “Wetlands”, and “Hazard Lands” designations to permit an annual gathering of motorcycle enthusiasts be supported;

AND THAT the Addendum to Report PDR-PCD-19-10 be hereby received;

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

Background

The Association of Bikers for Awareness Training and Education (ABATE) have applied to the County and the Municipality of West Grey for official plan and zoning by-law amendments. The proposed official plan amendment would re-designate 21.45 hectares of land described as Lot 45, Concession 3 SDR, (Geographic Township of Glenelg), Municipality of West Grey from the ‘Rural’ designation to a ‘Rural with Exceptions’ designation to recognize a new use on the property. There will be no boundary amendments to ‘Hazard Lands’ and ‘Wetlands’ designations on-site. The proposed zoning by-law amendment would implement the official plan amendment and rezone the property accordingly. The exception on-site would permit a four-day

gathering of motorcycle enthusiasts, which occurs annually over the August long weekend, and includes;

- camping for approximately 700 patrons,
- an outdoor concert,
- a motorcycle rodeo,
- food sales, and
- other vendors and souvenir sales.

Although this annual event has already been taking place on-site for the past number of years, this use has not been formally recognized by the official plan or zoning by-law.

When the proposed official plan amendment and zoning by-law amendment applications were submitted in 2010, the proponents had originally also applied for a second exception to permit year-round camping on-site. A number of the comments received on these applications reference the year-round camping aspects, including comments made at the public meeting; however the applications no longer include an exception for year-round camping. A single trailer would be permitted to be kept on-site in accordance with the Municipality of West Grey's existing zoning and By-law 33-2012 (a by-law to license trailers) provisions.

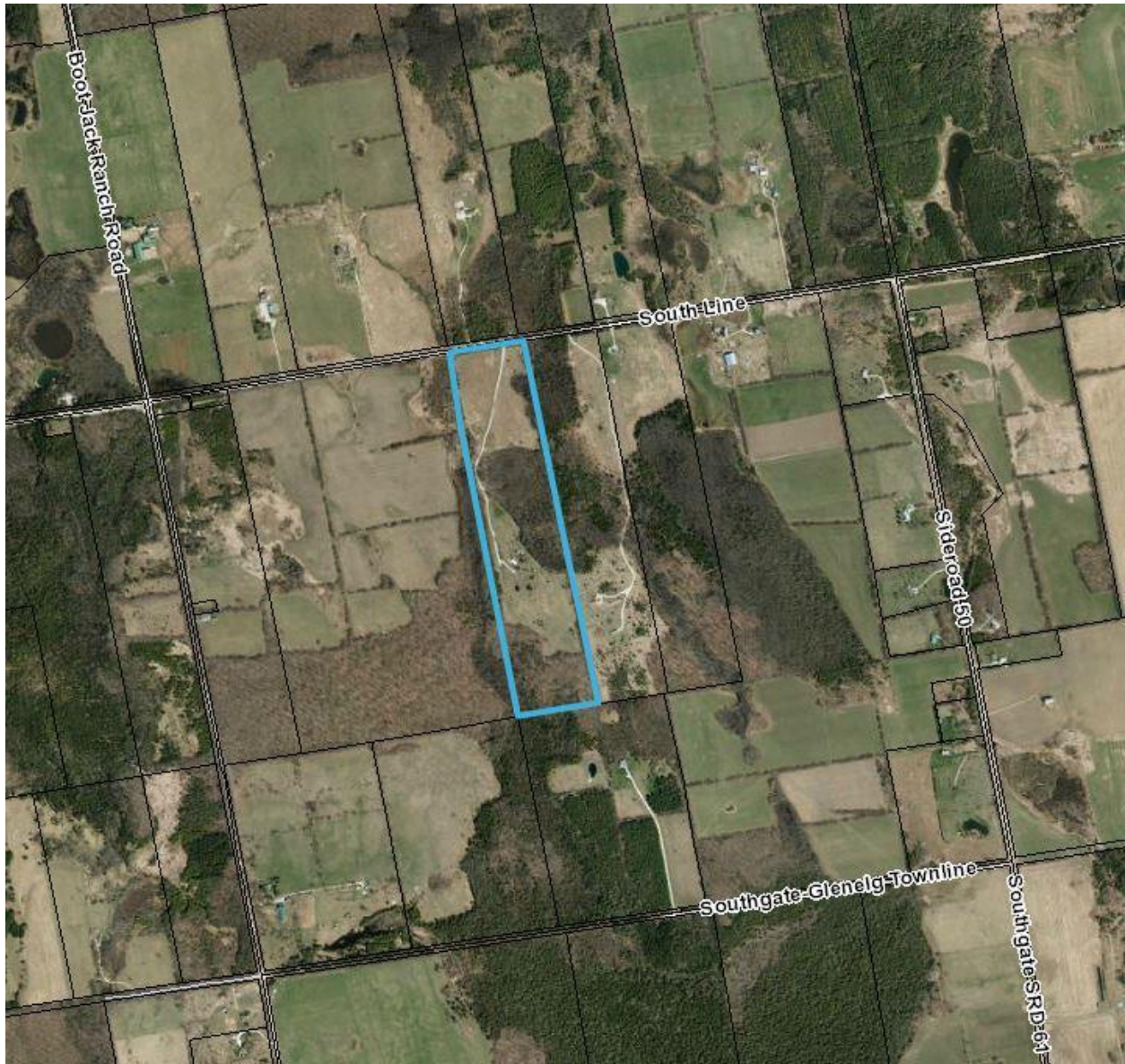
Additional background on the ABATE official plan amendment can be found in the Merit Report dated June 15, 2010 and on the County's website, both linked to below in the Attachments section at the end of this report.

The subject lands are approximately 50 acres in size and are approximately 40% treed with two large pockets of cleared land connected by an existing driveway. The northerly cleared portion would be used for parking and vendor stations, while the southerly cleared portion would house the camping and the live entertainment. There are currently no dwellings on the property, but there are a number of existing sheds and a pavilion in the southern portion of the site. The Provincially Significant Wetlands on-site are buffered by dense bush at the extreme south of the property.

The subject property is approximately 3 km south-west of Priceville and 13 km east of Durham. The property gains access off of the municipally maintained Southline Road.

Surrounding the subject lands are predominantly farm-sized parcels, which comprise a mixture of lands cleared for farming and dense forested areas. The nearest non-farm sized parcels are approximately 600 metres to the west.

An aerial photograph of the site and the surrounding area has been provided below.



Airphoto of the ABATE Property

Cuesta Planning Consultants Inc. submitted a Planning Report and a Site Plan in support of the proposal. In addition, the applicant has also submitted a Traffic Impact Assessment and an Acoustical Assessment Report. Various addendum submissions have also been received on this application, in response to public and agency comments.

A joint public meeting was held for the official plan and zoning by-law amendment applications on February 7, 2011. A link to the minutes from the public meeting, as well as a draft of the official plan amendment, has been provided in the Attachments section at the end of this report.

Public and Agency Comments Received

Through oral submissions at the public meeting, and written submissions received throughout the process, the following comments were raised by members of the public and interested stakeholders:

- Traffic issues,
- Concerns that the traffic study was deficient due to deficient count methods,
- Litter off-site and on roadways,
- Safety concerns with respect to the motorcycle rodeo,
- Noise issues with regard to loud music, motorcycle rodeo and the hours and duration at which the noise is occurring,
- Vulgarities and profanity during entertainment,
- Noise extends beyond curfew,
- No enforcement of noise restrictions and noise by-law,
- Noise assessment was not measured at the right time,
- Impact of noise on neighbouring livestock facilities,
- Concern with regard to the sensitivity of neighbouring agricultural uses,
- Concerns that the vegetated berm will impact specialty crops cultivation on the neighbouring property,
- Safety with regard to camping and campfires,
- Impact of smoke on neighbouring properties, including those neighbours with respiratory conditions,
- Concerns over the number of campsites at the annual event,
- Organization of campsites would not allow access for emergency vehicles,
- Does the municipality have sufficient police, fire, ambulance and waste resources to meet the needs of such an event,
- No policing at event or year round camping,
- No enforcement of municipal zoning by-laws and the event continues to be held despite no land use approvals,
- Concerns over year-round camping,
- Concerns with regard to year-round partying on-site,
- Year-round campers exceed what is stated in the Consultant's report,
- No permanent water or septic on site to facilitate the annual event or year-round camping,
- This use would be more suited to an existing campground or trailer park,
- Concerns with the number of trailers being kept on site year-round,
- Environmental impact on the lands, wildlife, groundwater, hazard lands and wetlands,
- Proposed uses are not compatible with rural landscape,
- Concerns over minors having access to the site,

- Concerns over violence on site,
- Concerns over nudity and lewd behavior on-site,
- Concerns with alcohol and drug use on-site,
- Negative impact on property values,
- Oversized building on site is supposed to be temporary but is permanent,
- Concern that the building on-site will turn into a motorcycle group clubhouse,
- Concerns over the number of, and use of the shed like structures on the site,
- Concerns that if this is granted this proposal will expand in the future,
- Concern that the economic benefit to the community has been overstated,
- Concern that the event can extend beyond property boundaries,
- Concern over other uses permitted in the Open Space zone,
- Liability concerns,
- Impaired air quality from generators, motorcycles, ATV's, and old lawn mowers,
- Support for the event based on the positive economic impact at local businesses around the August long weekend,
- We have been dealing with ABATE for 6 years and find these people great to deal with,
- What started as an August long weekend business relationship for our business has morphed into a year-round business relationship.
- Council must consider the positive business and tourist impacts the ABATE property has on the area,
- Thank-you to ABATE for their charitable works, including the wooden bench in front of our store. We don't see 'volunteerism' much in this day and age, and so it's great to see and brings a positive outlook to the Town,
- ABATE have been donating \$1,000 from their local chapter and \$5,000 from ABATE Ontario for the last 4-5 years to Grey Bruce Eat and Learn program, which has ensured many kids are nourished and ready to learn at school,
- I have visited the ABATE property (not during parties) and found it lovely. Their 'no glass, no pets and no attitudes' rules, along with many porta-potties keep the site and lands clean. This party is not for ABATE members, it is for the kids, which their charities support,
- ABATE participation at the Apple Blossom Festival with their Motorcycle Show and Shine has impressed many, both with the bikes and the ABATE members,
- ABATE has a long history of supporting many charities in South-western Ontario, including many Grey-Bruce charities,
- Support for the Huron Sledge Hockey and Ice Picking Club and their families for the past 10 years has been great. The players always look forward to, and enjoy the games against the 'tough' biker group, and have many great stories to tell,
- Concerns that neighbours have mischaracterized both the event and the attendees,

- Porta-potties are on-site and cleaned 5 times daily during the event, and there is a drilled well on-site,
- Site is relaxing and a great learning / wilderness experience, and
- Apologies for agitated behavior at public meeting, but was just shocked at some of what was said at the meeting.

As noted earlier in the report, the above comments are caveated with the fact that year-round camping is no longer part of the application proposal but was part of the proposal at the time of the public meeting.

Written or oral submissions were received by;

- Syd & Karen Parkin,
- Susan & James Scott,
- David McIntyre & Marion Carson,
- Thomas Felber,
- Cecil & Carol Noble,
- Douglas Dean,
- Maria Marshall,
- Elaine & Michael Bradbury,
- John Clemmer,
- Helen & Brian Hendry,
- Joan Osborne,
- Ray MacKay,
- Ken & Marjorie McIntyre,
- Bob Snow,
- Jim Backer,
- Francis Orchard,
- Dave Parkin,
- Erica Neish,
- Shawn Hopkins,
- Mark Severn,
- Lorne Thomas,
- Carol Blake,
- Steven Martin,
- Keith LeMay,
- Bob Snell 'Hellcat',
- Isabelle Schierz – Edgewater Trophies,
- Joyce – Hallidays Pharma Plus,
- Bev Gateman – Grey Bruce Eat and Learn,
- Arielle Schieven – Breakfast Club Program,
- Jon Saunders,

- Carolyn Crandall – Ayton Lioness,
- Mary McLagan – Huron Sledge Hockey and Ice Picking Club,
- The Estate of Annemarie Doenne / the Weitz Family,
- Mike Weitz,
- Kimberley Chancopolsiss,
- Leroy Hern,
- Deborah Mansbridge,
- Deborah Bourier,
- Mark Mariash,
- Bill & Jean Hutchinson,
- Sherry Schieven,
- Geoff Drew-Brook,
- Don Crosby,
- Shawn Hopkins,
- John & Rita Black, and
- Bruce and Ellie Van Vliet.

A signed petition with a number of signatures on it was also received.

The following agency comments were received:

Saugeen Valley Conservation Authority (SVCA) – In a letter dated January 27, 2011 the SVCA notes that they have *“no objection to the proposed Official Plan and Zoning By-law amendments provided the Hazard Land designated and NE and NE2 zones remain in force and effect. The SVCA has not received any design information for the proposed buildings or structures on the subject property. The SVCA should be contacted prior to any development or site alteration to ensure the SVCA’s Regulation is addressed.”*

West Grey Police Service – In a letter dated March 3, 2011 the West Grey Police Service noted; *“that previous events have by no means exhausted our resources or caused any unnecessary added workload. I am cognizant of the issues surrounding this event and want to ensure you that the West Grey Police will continue to provide effective and adequate policing to the area, regardless of the decision by the municipality and county.”*

West Grey Public Works Department – In a memorandum dated March 8, 2011, the Director of Infrastructure and Public Works notes that; *“there has been no adverse traffic demands or impacts on the road network with the events they have previously held at the above mentioned location. The entrance to the property is in compliance and meets the standards for a driveway entrance in West Grey. There has been no road related issues or complaints brought forward from the previous events that have taken place at this location. I trust this is the road related information you require at this time.”*

Ministry of the Environment and Climate Change (MOECC) – In a letter dated August 18, 2010 the MOECC, then referred to as the Ministry of the Environment (MOE) noted that they were asked to specifically comment on the noise assessment and the servicing. The MOE comments were as follows;

“With respect to the noise assessment work, we must advise that the ministry does not do technical reviews of noise impact reports in connection with land use planning applications and so we would recommend a peer review be undertaken for the county.

With respect to servicing, the planning report indicates that daily attendance ranges between 600 and 700 persons (assuming one pass = one person). It is proposed to use 30 porta-toilets. We have no guidelines to suggest whether this number of facilities is appropriate for the number of attendees. We would recommend an agreement be entered into with the municipality to ensure the porta-toilets are appropriately maintained during the event, including pump-outs as required, and disposal of the waste material occurs at an approved disposal facility. Approval of these Class 1 sewage systems rests with the municipality or its assignee under the Ontario Building Code.

Water supply appears to be the responsibility of the individual attendees although hand washing facilities are provided alongside the porta-toilets. Presumably no water wells are present on the property and used for portable water supply.

The Planning Report also states that there is small scale on-site RV/trailer camping by members of ABATE through the year; typically no more than ten persons at a time. Sewage treatment is provided by three porta-toilets. Presumably water supply is on the same basis as above: campers bring their own potable water supply.

In conclusion, the proposed activities on this property – member’s camping and the Final Frontier Event – do not generate environmental management and protection issues from the perspective of the ministry’s mandates.

Although the Acoustical Assessment Report appears to be consistent with the ministry’s recommended approach to noise impact assessment, it is recommended that a peer review be completed for the county.

We also recommend the municipality require an agreement to ensure appropriate maintenance of on-site sewage facilities and the disposal of waste materials at an approved disposal facility.

Solid wastes generated on-site should be managed appropriately: recycling wherever possible and disposal where necessary at approved facilities.”

Ministry of Municipal Affairs and Housing (MMAH) – In an email dated August 31, 2010 the MMAH notes;

“Further to the Ministry of the Environment's comments dated August 18, 2010 regarding the above-noted matter, it is understood the proposed amendment has been submitted by Cuesta Planning, on behalf of the Association of Bikers for Awareness Training and Education (ABATE) of Ontario Inc, to permit an annual "Final Frontier" fundraising event over the Civic Holiday long weekend in August. The subject lands are designated 'Rural' and 'Hazard Lands' in Grey County's Official Plan with a 'Wetland' in the southwest corner of the property and as stated in MOE's comments, it is unclear whether attendance to this event is limited to members of ABATE or is open to the public. It is assumed this event will be open to the public.

Section 1.1.4.1 of the PPS allows uses and activities in the rural areas of municipalities which relate to the management or use of resources as well as resource-based recreational activities, limited residential development and other rural land uses. Section 1.1.4.1 also states that new land uses shall comply with the minimum distance separation formulae. We have consulted with OMAFRA and with the understanding the proposed land use is temporary and no permanent buildings or structures are proposed, it appears MDS does not apply.

With respect to the 'Wetland' located in the southwest corner of the property it is important to note Section 2.1 prohibits development and site alteration in provincially significant wetlands. Further, development and site alteration is not permitted in significant woodlands unless it has been demonstrated that there will be negative impacts on the natural heritages or their ecological functions. Further, Section 2.1.6 of the PPS states development and site alteration shall not be permitted on lands adjacent to provincially significant wetlands and significant woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will no negative impacts on the natural features or on their ecological functions. Regarding the 'Hazard Lands', Section 3.1 of the PPS directs development outside of hazardous lands.

In summary and further to MOE's comments, to approve the proposed amendment the County needs to be satisfied that the proposed development is consistent with Sections 1.1.4, 1.6.4, 2.1 and 3.1 of the PPS.”

Analysis of Planning Issues

Planning authorities must have regard for matters of Provincial interest, as set out under 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 Provincial

Plans which are in force and effect. There are however no Provincial Plans or Municipal Official Plans (beyond the County Plan) in effect for this area of West Grey.

General Planning Framework and Comments

Prior to an in depth analysis of planning legislation and policy it is worth first clarifying a few general matters applicable to this application. This particular official plan amendment application has brought about some unique challenges and considerations, which are worth clarifying before a more standard policy analysis. Such planning considerations will be important to both Committee and Council's understanding of the process, as well as to those citizens who have raised concerns over this application.

1. In considering any new land use, planners need to consider the use itself, and not necessarily the 'users'. In assessing land use compatibility planners look at the impacts of the land use, and not necessarily the user, or current operator.

In any land use decisions i.e. an official plan or zoning by-law amendment, the permissions contained therein will be permissions on the property, not permissions for a specific user or owner of the property. Should an official plan or zoning by-law amendment be passed for the ABATE property these permissions would be attached to the property regardless of whether or not the ABATE organization decided to retain or dispose of the property. Following an approval (should an approval be granted) the ABATE organization could retain the property and continue to hold gatherings of motorcycle enthusiasts, they could sell the property to someone looking to hold a similar event on the property, or they could sell/use the property for a more traditional rural land use, such as farming.

While the user/operator, the general public, and neighbouring land uses are always considered in any planning decision in a general sense; as much as possible in Ontario we do not 'people zone'. The term people zone is used to denote zoning lands for a particular segment of the population, based on age, ethnicity, cultural/religious beliefs, etc. In the past people zoning has been found to violate the Charter of Human Rights and Freedoms. In some cases a land use may cater to certain users i.e. an elementary school generally serving children, or legislatively restrict certain users i.e. a bar/tavern being restricted to an adult patronage. However, in those aforementioned cases the zoning itself would not be restricted to a particular segment of the population i.e. the school would be within a general 'Institutional' zone allowing for a number of institutional uses for all segments of the population, and the bar/tavern would likely be within a 'Downtown or Service Commercial' zone, wherein other commercial uses would also be permitted. Legislated accessibility requirements do also make their way into municipal zoning by-laws. Land use planning in Ontario generally 'steers

clear' of people zoning, and focuses on the land use and the impacts to the natural environment, agriculture, resource use, or neighbouring land uses.

This discussion on people zoning, and zoning for land use, rather than the user/operator, is relevant because some of the comments received on this application have focused more on the conduct or alleged conduct of ABATE members, rather than the land use. Staff have tried to focus the discussion on the land use rather than the behavior or alleged behavior of individuals using the lands, as such users are subject to change.

2. Official plans and zoning by-laws generally permit land uses, rather than specific activities on the land. For example an official plan or zoning by-law may permit farming or agricultural uses, which would permit physical structures such as barns, silos, milk-houses, drive sheds etc. However the land use permissions would not generally get into restricting individual activities occurring on-site including the application of pesticides, livestock pasturing lands etc. Or similarly an official plan or zoning by-law may permit manufacturing, and as such a factory could be established on a site, but the planning permissions generally would not then get into regulating individual activities occurring within the factory.

In some cases site plan control is used to further restrict how a use operates, or to buffer impacts from the use on-site, beyond what can be done in an official plan or zoning by-law.

As it pertains to the ABATE application County and Municipal staff have strived to distinguish between the land use and activities for the ABATE property. Should there be an approval on the official plan and zoning by-law amendment applications, the site plan process, and corresponding site plan agreement will be key to the implementation of those approvals. Although the site plan process is not a public process (i.e. it's an agreement between the municipality and a landowner), similar to an official plan and zoning by-law amendment, a draft site plan agreement has been shared with members of the public who requested notice on this application. Feedback on the draft site plan and agreement has been received from neighbours, and this feedback is being incorporated into a revised site plan and site plan agreement. Site plan agreements are registered on-title and are enforceable by the municipality.

3. In the case of this application, the land use already exists in so far as the ABATE organization has been holding this event on this property for a number of years. There have been concerns raised with respect to the fact that the use has been on-going without proper land use approvals. However, the fact that the use is already occurring does not 'pre-judge' the planning process i.e. simply because a

use has already been occurring does not mean that an application will or will not be approved to allow the use to continue to occur. In this case, because the use has already been occurring, both staff and council has a better understanding of the impacts of the use, rather than simply trying to model what those impacts would be without having more detailed knowledge of the event.

4. As part of this application planning staff have also had to consider to what degree land use policies and regulations should cover special events, or events of a short duration. More commonly land use policies and regulations pertain to 'permanent' land uses. When the ABATE applications were initially submitted they contained a short-term event portion (i.e. the annual August long weekend event) and the year-round camping aspect which was more of a 'permanent' land use. Now that the year-round camping aspect has been removed from the application the County is left dealing solely with the annual event.

County staff have researched how other municipalities across the Province dealt with land use controls surrounding special events. In many cases municipal official plans simply referenced a municipal special event licensing by-law, wherein detailed provisions surrounding events are found, and staff/council deal with the events on a case-by-case basis. Other municipal plans contained some general special events provisions within certain land use designations, e.g. an 'Open Space' designation may reference events of a short duration such as fairs, concerts, or festivals. County staff did not find examples of municipal plans which had comprehensive special events policies for rural areas or land use designations.

Within Grey County such special events are treated inconsistently, sometimes based on event type, or depending on which municipality the event is in. Historically some events have required *Planning Act* land use approvals and some have not. Within Southgate there is a 'running of the bulls' facility near Dundalk which went through an official plan amendment and rezoning, in order to have rodeo-type events a few times a year. Similarly in Thornbury, land use planning applications were required for the Cedar Run horse park. In both of these cases the sites would host 'events' but also contained some permanent on-site infrastructure.

Another relevant local example would be the 'Great Lakes Jam' concert(s) in rural Meaford approximately 10 years ago. A single concert was held, and there was a proposal for additional annual concerts on-site, as well as some permanent facilities. An official plan amendment application was processed by the County; however a decision has yet to be rendered on the application for reasons which are in the control of the proponent.

Questions have also been raised with respect to events like the Holstein Rodeo or maple syrup festivals, and whether or not land use planning approvals are needed for such events. At the County level County planning staff do not get involved unless a planning application comes forward. If at a municipal level it is determined that there are no *Planning Act* applications required, then County planning staff simply do not become involved.

Planning staff also see the need to ‘tread lightly’ on this issue, as we do not want to get to the point where every event would trigger an official plan amendment (e.g. a large rural family reunion, where some family members may camp in the yard). There also has to be an element of fairness here in that a landowner should reasonably be permitted to use his/her property for the occasional event type use, provided the site has the capacity to support the event, and provided it is not causing undue harm on the neighbouring land uses. At this stage we have required official plan amendments for some larger or more frequent commercial events, where the event would be reoccurring, where more permanent facilities were being constructed on-site, and where a municipal zoning by-law amendment was triggered.

5. One of the key concerns amongst neighbours on this file has been enforcement of municipal by-laws. There are two elements to the enforcement issue which bear some discussion;
 - a) Historical enforcement of municipal by-laws – many neighbours have been upset over the duration of the planning process for these applications (from 2010 – 2014 for the current applications) that the event has continued to be held each year, even though there are no land use permissions allowing them to do so. Although County staff can recognize this concern and understand why neighbours have raised it, there is little that can be done by the County with respect to historical enforcement up until this point. It should be noted here that neighbours concerns have gone beyond simply the zoning by-law, but also include other municipal by-laws such as noise and burn by-laws. County staff have informed neighbours that the County has no by-law enforcement (beyond our Forest Management By-law) and directed neighbours to speak with the Municipality of West Grey.
 - b) Enforcement post approvals (if approvals are received) - County staff have reiterated to neighbours that if any approvals are given for this property that we need to ensure that such approvals can be realistically enforced. Measures have been put in the draft site plan agreement to ensure measures like the noise aspects, operating hours, and location of events

on-site have been mitigated to the extent possible, and that such mitigation measures are enforceable.

6. Based on the timing of this application which was submitted in 2010, it is being tested against the County Official Plan, which existed prior to the five year review official plan amendment (OPA) # 80. The application does however need to be consistent with the PPS 2014.

The Planning Act

Section 2 of the *Planning Act* provides matters of provincial interest which planning authorities must have regard for in rendering any decision under the Act. Most notable to this proposed official plan amendment are clauses; (a) the protection of ecological systems, including natural areas, features and functions; (b) the protection of the agricultural resources of the Province; (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities; and (p) the appropriate location of growth and development.

- a) With respect to the protection of ecological systems the SVCA has reviewed the proposed amendment and noted that some of the lands contain natural hazard and natural heritage features (Provincially Significant Wetlands and Significant Woodlands). The SVCA has signed off on the application provided the Hazard Lands boundaries remain in force, which they are proposed to do. The uses on-site will be adequately buffered from the Provincially Significant Wetlands and Significant Woodlands as such no Environmental Impact Study has been required. The SVCA has also noted their Regulated areas on-site.

With respect to this event the MOECC has also noted that; *“the proposed activities on this property – member’s camping and the Final Frontier Event – do not generate environmental management and protection issues from the perspective of the ministry’s mandates.”*

- b) The subject lands are designated primarily as ‘Rural’ and ‘Hazard Lands’ with a small portion of ‘Wetlands’ towards the rear of the property. Although the lands are not designated as ‘Agricultural’ there is some farming in the area, and it’s not inconceivable to suggest that the cleared portions of the property could be used for farm purposes (e.g. pasturing), should the event cease to continue. In this regard it should however be noted that rural lands in both the County Plan and the PPS do offer greater flexibility for recreational uses, beyond what is contemplated in prime agricultural lands.

Based on the relatively short duration of the activities on-site, as well as the noise curfews implemented through the proposed site plan agreement, the event should have minimal impact on neighbouring farm operations.

- i) Although the subject property may not be what the authors of the *Planning Act* had in mind when referencing cultural and recreational facilities (i.e. it may more strictly apply to theatres, recreation centres or cultural centres). The proposed use would however be providing a recreational use on the property, which arguably may not be appropriate for a settlement area (unless there was a very large urban park which allowed camping and multi-day licensed events). The proposed use does draw tourists to the West Grey / Grey County area.
- p) As noted above, Provincial and County policies do contemplate such events in rural areas where service levels are appropriate. A Traffic Impact Study was prepared in support of the proposed use. The MOECC and the West Grey Director of Infrastructure have commented on the site with respect to servicing and roads, and have raised no concerns in this regard.

To County staffs' knowledge, beyond being sited in a rural area there is little opportunity for such an event to occur within a settlement area in Grey County. The City of Owen Sound does hold concerts in Kelso Park (e.g. Summerfolk), but these events may not offer the on-site camping that the current ABATE property does. Beyond a settlement area, it has been suggested that this event could more reasonably be sited in an existing campground. County staff would concur that such an event may be appropriate in an existing private campground; however now that the year-round camping aspect of this application has been removed, there is less impetus for the proponents to choose such a campground. In this case because the proponents already own the subject lands, and are willing to upgrade the facilities to mitigate impacts to the neighbours, County staff can understand why the proponents have chosen to pursue this property.

Although there are some neighbours nearby the subject property, measures proposed through the site plan will attempt to mitigate impacts to the extent possible, including a vegetated berm, shut-off hours of 11:00 pm for amplified music, restrictions on what the on-site sheds can be used for (i.e. storage only), event duration maximum lengths (including set-up and take-down), location and orientation of the stage etc. The layout of the site plan can also ensure that emergency vehicles have safe access to the site.

In this regard it should also be noted that the County retained Conestoga-Rovers and Associates (CRA) to undertake a peer review of the Acoustical Assessment Report. The proponent revised their application and submitted some additional information in response to CRA's review. Noise abatement measures have been incorporated into the site plan and site plan agreement.

With respect to the concerns regarding smoke and campfires on-site, it is hoped that the vegetated berm on the eastern edge of the property should help mitigate some of the effects of the smoke to the east. Existing tree cover on-site does shelter the event and mitigates some of the effects to other surrounding properties. However, County staff acknowledge that there will still be smoke drifting onto neighbouring properties, and that on-site vegetation or berming will not completely mitigate this impact. The control of open fires is under the jurisdiction of municipalities through municipal by-law. In this regard, many municipalities would allow for small campfires within a rural area; which is the case in West Grey through Municipal By-law 73-2008.

The subject official plan amendment generally has regard for matters of Provincial interest under the *Planning Act*.

Provincial Policy Statement (PPS)

Sections 1.1.4.1, 1.1.5.2 and 1.1.5.3 of the PPS, which deal with rural areas and rural lands do contemplate both tourism and recreational uses within rural Ontario. Past ABATE events have ranged from 400 – 700 attendees and brought significant numbers of people to Grey County. Such tourists support activities on-site as well as local businesses, as attested to by business owners in the Comments section of this report.

Section 1.1.5.4 of the PPS speaks to development which is compatible with rural service levels. This item has been covered above in the discussion on the *Planning Act* under subsection (p).

Section 1.1.5.6 of the PPS speaks to opportunities to locate new land uses which require a separation from other land uses. This item has also been covered above in the discussion on the *Planning Act* under subsections (i) and (p).

Section 1.1.5.9 of the PPS requires compliance with Minimum Distance Separation (MDS) formulae. In the MMAH review of the application (cited above) they note;

“Section 1.1.4.1 also states that new land uses shall comply with the minimum distance separation formulae. We have consulted with OMAFRA and with the understanding the proposed land use is temporary and no permanent buildings or structures are proposed, it appears MDS does not apply.” [the reference to Section 1.1.4.1 is a reference to the 2005 PPS section number]

Section 1.6.6 of the PPS speaks to servicing policies regarding municipal water / sewer and the opportunities for private services. The proposed annual event would generally be serviced via porta-potties, with hand washing stations, which are brought on-site for the event and removed afterwards. An existing drilled well exists on-site. Some refreshments are served on-site and attendees are generally responsible for bringing their own potable water. As noted above MOECC has reviewed the application and

have offered no concerns beyond recommending that the County retain a peer review for the noise aspects (which has been completed). The West Grey Director of Infrastructure and Public Works has provided no further concerns in this regard either.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. As noted above the Provincially Significant Wetlands on-site do not comprise part of the development and will be buffered so as to provide adequate protection.

Although the subject application is being tested against the pre-OPA 80 County Official Plan, it is worth noting that the current County Official Plan also maps 'Significant Woodlands' and 'Other Identified Wetlands' on portions of the property. The Significant Woodlands and Other Identified Wetlands were also referenced in the SVCA review of the application. The SVCA concluded, and County staff would generally concur with this conclusion, that 'the proposed area for the event appears to be outside of the wetlands and woodlands, and provided all future development is outside of the setback from the Natural Environment zones, the natural heritage policies have been addressed.'

Section 3.1 of the PPS directs development to areas outside of naturally hazardous areas. As noted above the proposed event would not be occurring within the hazardous portions of the site, and the hazard lands boundaries are not proposed to change through the official plan amendment.

The subject official plan amendment is generally consistent with the Provincial Policy Statement.

County of Grey Official Plan

Sections 2.3, 2.8.3, and 2.8.2 of the County Plan deal with the Rural, Wetlands and Hazard Lands designations respectively. The policies of these designations have generally been covered off in the review of the legislation and the PPS. It should be noted that the County, through amendments to the official plan has considered other rural event-based land uses, as referenced under the General Planning Framework and Comments section.

It should also be noted that section 2.3.2(1) of the County Plan does permit 'resource based recreational uses' in the Rural designation. The County Plan defines 'resource based recreational activities' as;

“shall mean those recreational uses where the prime reason for their location in Rural, Recreational, or Inland Lakes and Shoreline designations by their very nature, require certain natural attributes for their location including the availability of large lots or land areas. Uses permitted may include passive and active recreational facilities and associated commercial and residential uses.”

The subject property does not contain a ski hill, or an inland lake, as many other recreational properties within the County do. The subject property does however include a large land area, which is sheltered by trees for camping/congregating purposes.

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. The criteria of section 6.3 have generally already been addressed in the review of the legislation and the PPS.

The proposed official plan amendment conforms to the goals and objectives of the County of Grey Official Plan.

Financial / Staffing / Legal / Information Technology

Considerations

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an official plan amendment. The County has collected the requisite application fee for the amendment.

Should the application be appealed to the Ontario Municipal Board (OMB) additional financial, legal, or staff resources may be required. However it should also be noted that unless the County refuses the application, the County would not by default be a party to an OMB hearing on this matter should it be appealed, as per the County's OMB attendance policy.

Link to Strategic Goals / Priorities

Under Goal 2, Action 2.10 it speaks to the continued management of growth through sound land use planning principles. Goal 3 speaks to the County's place as a recreational jewel in Ontario. The subject application would serve as a site-specific exception to County polices to permit a tourist/recreational event, which would be somewhat unique to other events currently within the County. Provided impacts on neighbouring land uses and the natural environment can be mitigated, the proposed application would appear to align with these goals.

Attachments

[ABATE Merit Report](#)

[County Website - ABATE](#)

[ABATE Public Meeting Minutes](#)

[ABATE Draft Official Plan Amendment 98 - Text](#)

[ABATE Draft Official Plan Amendment 98 - Land Use Schedule](#)

Respectfully submitted by,

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Senior Planner

Director Sign Off: *Randy Scherzer*