



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** COW-Operations, Planning and Development Services  
**Meeting Date:** March 14, 2023  
**Report Number:** PDS.23.003  
**Title:** Recommendation Report – Proposed Official Plan and Zoning By-Law Amendment (P2619 Bayou Cable Park)  
**Prepared by:** Shawn Postma, Manager of Community Planning

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.003, entitled “Recommendation Report – Proposed Official Plan and Zoning By-Law Amendment (P2619 Bayou Cable Park)”;

AND THAT Council REFUSE applications for an Official Plan Amendment and Zoning By-law Amendment seeking approvals to permit a Water Ski Wakeboard Cable Park.

### B. Overview

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This report provides an overview of a proposal to create a Water Ski Wakeboard Cable Park, summary of application history, issues, public meeting commentary, and Staff recommendation regarding a site-specific Official Plan Amendment and Zoning By-law Amendment.

### C. Background

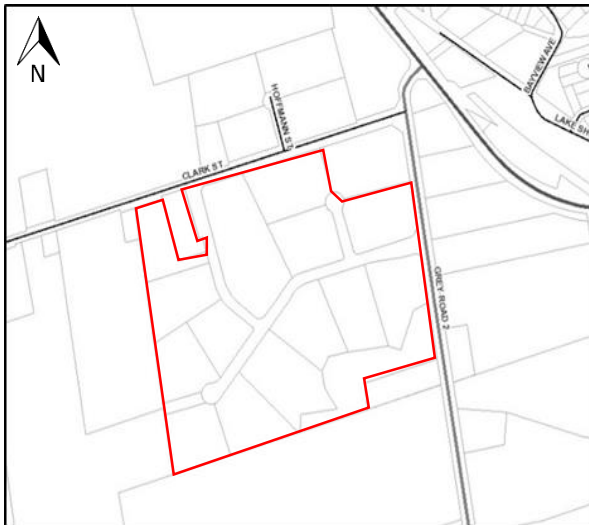
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#### Location

The subject lands are located south and west of Clark Street and Grey Road 2 in the Town of The Blue Mountains. The lands are locally known as the former Cedar Run Horsepark and are legally described as Lots 2 to 14 and 16, Blocks 17-20 and 22, and portions of unopened Town right-of-ways of Registered Plan 1035.

A location key map and aerial photo of the subject lands and surrounding lands are provided in *Figure 1 and Figure 2* below.

**Figure 1: Location Key Map**



**Figure 2: Aerial Photo**



## Official Plan and Zoning By-law Amendment Applications

Planning Services received applications to amend the Official Plan and Zoning By-law requesting approvals to develop the subject lands for a wakeboard and waterski cable park facility consisting of two ponds, one full size cable system (circular loop), two straight-line cable systems, and accessory uses including a pro shop, office, washrooms, change rooms and parking. Overnight accommodation uses were originally proposed but have since been removed from the proposed development. It has been submitted that the facility would operate as a day-use facility over the spring, summer and fall seasons. Opportunities to hold special events and competitions, as well as requiring approximately 10-12 seasonal jobs. A Site Plan of the proposed development is contained in *Figure 5* later in this report.

An application for Site Plan Approval has also been received. This report provides review and recommendations regarding the received Official Plan and Zoning By-law Amendment applications only. Site Plan Approval cannot be considered until such time as Council has provided a decision on the Amendments to permit, or not permit, the proposed use.

In support of the applications, the Town has also received a Draft Site Plan, Planning Justification Report, Functional Servicing Report, Stormwater Management Report, Stage 1 Archaeological Assessment, Environmental Impact Study, Transportation Impact Study, Environmental Noise Assessment, Geotechnical and Hydrogeological Investigations. Over the review period of this file, additional materials have been received including addendums to the Planning Justification Report, Functional Servicing Report, a Surface Water Management Strategy Report, and a Comments Response Matrix addressing Town/Agency comments as well as Public Meeting comments. All information related to these applications are available for viewing on the Town Website, or in person at Town Hall.

The purpose and intent of the submitted applications is to seek amendments to existing Official Plan and Zoning By-law provisions from the former Cedar Run Horse Park to the proposed Water Ski Wakeboard Cable Park.

The proposed Official Plan Amendment does not seek to remove the underlying primary Urban Employment Area designation, or the Hazard designations currently applied to the property. Instead, the applicant essentially proposes to alter the site-specific Official Plan policies to permit the new commercial recreational use-of a “Wakeboard Park” in place of the former “Horse Park” permissions.

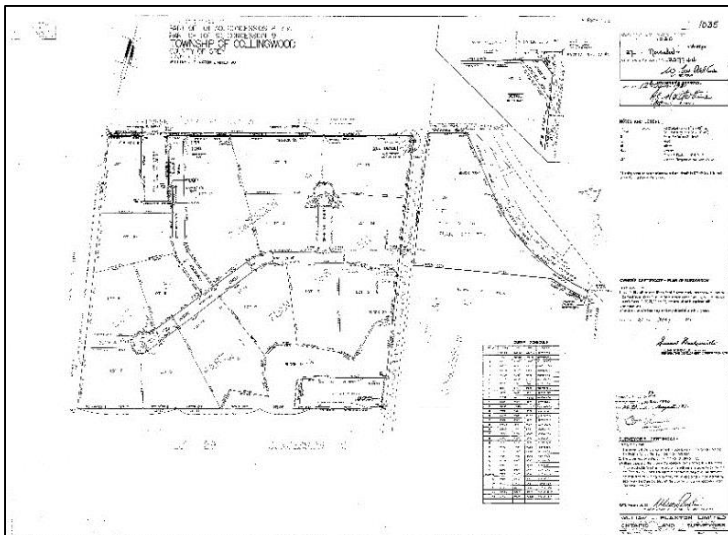
The submitted Zoning By-law Amendment application proposes to include a ‘Waterski Wakeboard Cable Park’ and associated uses as new permitted uses in the REC3-92-h10 zone category. Like the Official Plan Amendment, the Zoning By-law Amendment proposes to remove a Horse Park as a permitted use in exchange of a Wakeboard Park including appropriate implementing zoning provisions

Public Consultation has included two deputations to Council on May 28, 2018 and June 10, 2019, a public information session led by the applicant on November 15, 2019, and the statutory public meeting (as required under the Planning Act) on November 18, 2019.

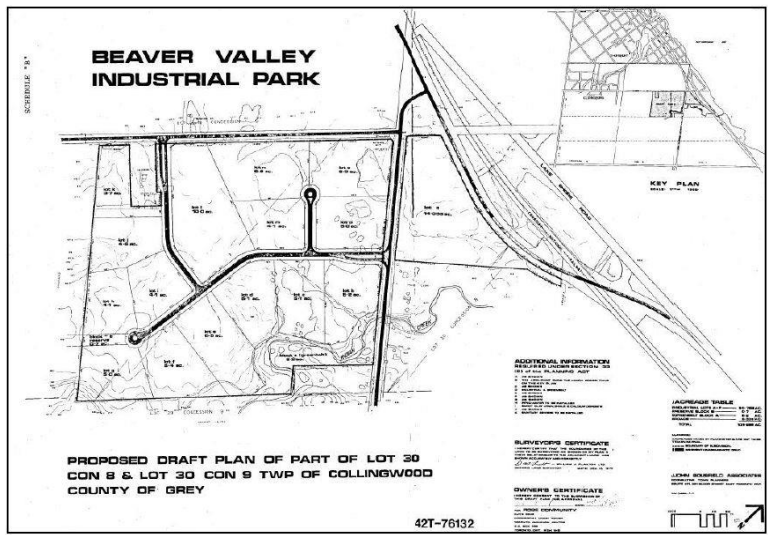
## Subject Lands and Surrounding Uses

The subject lands are located at the south-west corner of the intersection of Grey Road 2 and Clark Street within the Primary Settlement Area of Thornbury/Clarksburg. The total land holdings are approximately 35 hectares in size with road frontage along both Clark Street (423 metres) and Grey Road 2 (396 metres). The lands include various lots and blocks and municipally owned Rights-of-Ways within Registered Plan 1035. The subdivision was originally created in 1981 and was known as the Beaver Valley Industrial Park (42T-76132) (see *Figures 3 and 4*).

**Figure 3: Plan 1035**

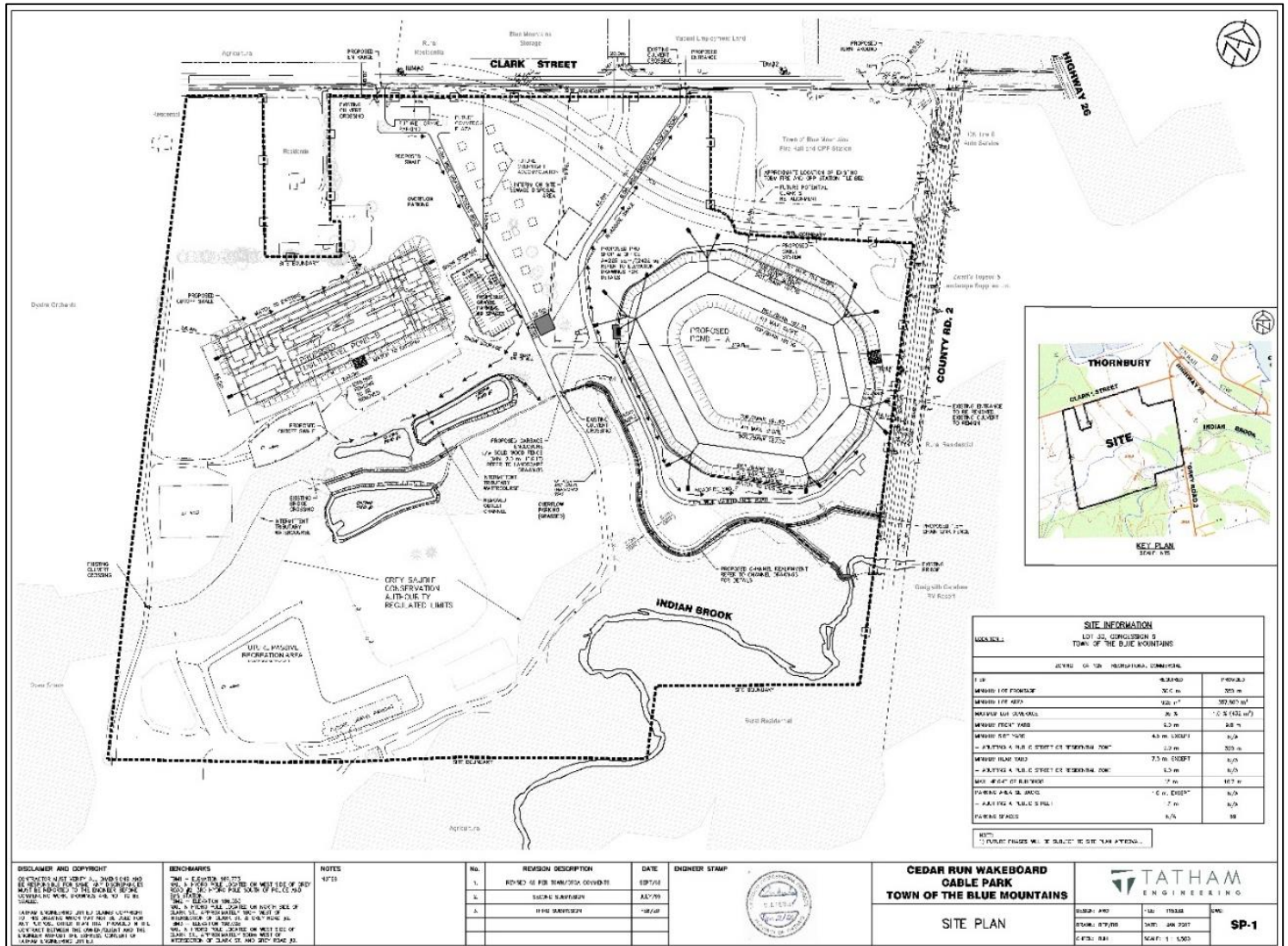


**Figure 4: Beaver Valley Industrial Park**



The Subject Lands include a number of small structures, internal laneways, and open areas associated with the former Horse Park that ceased operations in 2014. Small ponds, an intermittent tributary, and the Indian Brook (a cold water fish habitat) also exist on site.

Figure 5: Proposed Development



The lands are also located within the study area of a completed Environmental Assessment (EA) that examined potential road and intersection upgrades at Grey Road 2 and Highway 26. Recommendations from the completed EA identified the need to re-align Clark Street through the subject lands along an identified corridor immediately south of the existing OPP and Fire Stations. This proposed road realignment has been incorporated into the proposed plans as shown in the submitted site plan (see Figure 5). Future upgrades to Clark Street are also contemplated as a Development Charge Project by the Town, including potential for full municipal services, although a timeframe for these works has not been determined at this time.

Surrounding land uses include an active apple orchard to the west, industrial/employment uses to the north, the OPP and Town Fire Hall to the north-east, industrial/employment uses and an existing RV/trailer campground to the east, and Special Agricultural lands to the south. Clark Street is a local road connecting the Village of Clarksburg to the west and Grey Road 2 is a County Road connecting Highway 26 from the North and beyond the County limits to the South. Provincial Highway 26 is located approximately 225 metres to the North of the subject lands.

## Subject Lands History

### Beaver Valley Industrial Park (Plan 1035)

Subdivision Plan 1035, registered in November of 1981 (see *Figure 3 and Figure 4*), was planned as the Beaver Valley Industrial Park. Plan 1035 created sixteen individual lots, various blocks, and dedicated Rights-of-Way internal to the lands into municipal ownership. The lots within the subdivision were subsequently zoned *General Industrial (M2)* and *General Industrial (M2-12)* under the former Township of Collingwood Zoning By-law 83-40, which came into effect in October 1984. The M2 zone generally permits a range of industrial/employment uses including: industrial, manufacturing, and other employment type land uses. Exception 12 required the provision of full municipal services prior to the development of Lots 4-12, inclusive. The Town of The Blue Mountains acquired Lot 15 in the early 2000's and constructed Fire Hall Station 1 and then the OPP Station. Other than the Fire Hall and OPP Station, the lands generally remained vacant until the proposal for the Cedar Run Horse Park was considered.

### The Cedar Run Horse Park

In 2006 the lands were subject to applications to amend the Town's Official Plan, 2004, and the former Township of Collingwood Zoning By-law 83-40. The applications proposed to establish site specific exceptions to the then *Employment Lands* designation of the Official Plan to specifically permit a "Horse Park" facility as an additional permitted use. The proposed use included a year-round facility including stables, a riding arena, Grand Prix Rings, vendor trade areas, administrative centre, condotel units retain commercial and parking. The project was intended to proceed over phases with only portions of the proposal ever receiving formal approvals. Holding 'h' symbol provisions were proposed including the execution of a Master Development Agreement and the completion of various technical studies.

The associated 2006 Zoning By-law Amendment application proposed to re-zone the lands from the *General Industrial (M2)* and *General Industrial Exception (M2-12)* zones into *Commercial Recreational Exception* zones. The amendment applications were approved and were subsequently appealed to the Ontario Municipal Board (OMB). The applications were ultimately enacted through Minutes of Settlement (MOS), as presented in OMB Decision No. 1664. As a result, the lands were re-designated and re-zoned to permit the Cedar Run Horsepark facility, permissions which continue in the Town's Official Plan and Zoning By-law to this day.

It is noted that the Cedar Run Horsepark applications were reviewed under the auspices of the 1997 Provincial Policy Statement, and the former 2002 Town of The Blue Mountains Official Plan. Further information on the history and approvals process of the Cedar Run Horse Park



can be found in the January 15, 2007 Staff Report PL.07.10. The analysis in this report identified that a “Commercial Recreation Use” would not appear to conflict with the PPS. The ‘not in conflict with’ test of the PPS was a much lower bar for applications to meet compared to the ‘be consistent with’ test of the current PPS. Similar to the Official Plan analysis which concluded that 1) the Application for Official Plan Amendment meets the Amendment requirements of the Plan, and further supports the Goals and Objectives of the Plan, and 2) that the Employment Lands designation of the Official Plan permits land extensive commercial uses and/or private recreational uses.

In 2014 with the passing of Peter Lush, the primary visionary of the Cedar Run Horse Park, the property never proceeded any further and was eventually sold to the current Owner

Current Proposal: Bayou Wakeboard and Waterski Cable Park

Submitted with the applications include the following summary provided by the Applicants Planning Team:

*“The subject lands were purchased by the current owner in 2016. Since that time, the Bayou Cable Park development has prepared and completed requisite studies and reports to move the project forward. It has received the endorsement of the Town of the Blue Mountains Chamber of Commerce as well as the Beaver Valley Ski Club, and has been recognized by Snowboard Canada and Snowboard Ontario as a potential training facility for our Provincial and National Snowboard athletes. Furthermore, Canada Snowboard has stated that “Canada is the only “snow” nation without proper on-snow summer training facilities. That is why Bayou Cable Park will provide new training opportunities for Ontario Snowboard and Canada Snowboard athletes that will directly benefit our future Snowboard Olympic Teams.” This is despite the Canadian Team scoring 16 podiums at the 2019 Wake Park Wakeboarding World Championships in Mexico, ranking Canada as the top nation amongst 26 countries. For further context, there are no “Full Size Cable Systems” operating in Canada, which poses a significant constraint on our athletes abilities to train domestically. The training facility would meet this pressing need from our athletes.*

*The Proposed Development will also diversify the local tourism industry by providing an affordable, outdoor recreational park for visitors of all economic backgrounds. Wakeboarding and waterskiing have traditionally been expensive sports to participate in, but thanks to the innovative electrical design and low operating costs of cable systems the entry point into the sport has been dramatically reduced. Cable Wake Parks are by far the easiest and most affordable way to learn wakeboarding or water skiing as a new watersport, or for the experienced participant to progress their skills.” (Weston Consulting March 22, 2021 Letter)*

The applications were deemed complete by the Town in March of 2018. A Notice of Complete Application was circulated to public agencies and the general public on April 20, 2018. A copy of all Notices and Application Submission Materials can be found on the Wakeboard & Waterski Park (formerly Cedar Run) webpage at the Town of The Blue Mountains website.

A Notice of Public Meeting was circulated to public agencies and the general public on October 29, 2019 with the Public Meeting held at the Committee of the Whole Meeting on November 18, 2019.

In response to the Public Meeting, a number of Comments have been received from Town Departments, External Agencies and the General Public. The primary issues raised include:

- Permitted Use or Conversion of Employment Lands
- Environmental Concerns: watercourse diversion, cold water fish habitat (Indian Brook), other species at risk habitat
- Stormwater/Drainage Impacts
- Archaeological Constraints
- Transportation: Road realignment, sight triangles, intersection spacing, traffic impact
- Comments in Support: complimentary addition to tourism base, first facility of its kind in Ontario, low barrier sport, economic benefits
- Comments against: Noise, traffic, impacts on surrounding community, inappropriate use of land

A more detailed summary of all comments are included in Attachment #1 to this report. It is noted that over 300 pages of correspondence has been received with 67 letters in support and 43 letters in opposition. All letters are available upon request from the Town Clerks and Administration office.

Since the Public Meeting of November 2019, the applicant has been working through all comments received. Additional materials have been submitted largely addressing the primary issues identified above save and except for the conversion of lands designated Employment Lands within the Town of The Blue Mountains Official Plan.

It has been submitted by the Owners project team that the proposed Wakeboard Park is not a conversion of Employment Lands and would not diminish the Town's supply of traditional employment land.

*"The Subject Property is already committed to a commercial recreational use per the site-specific exceptions in the Town's Official Plan and Zoning By-Law, which were enacted by OPA 10 and ZBA 2007-05 in January 2007 to permit a horse park. These amendments to permit the horse park committed the Subject Property to a non-traditional employment land use prior to the initiation of the current planning applications. The proposed development will not impact the balance of traditional employment land supply in the Town..."* (Weston Consulting, May 31, 2021 Letter)

Planning Staff at the time were unable to support the applications based on the above opinion and completed an analysis and review of the existing Employment Lands inventory, reviewed the Ministry D-Series guidelines for Employment Lands and consulted with the Ministry of Municipal Affairs and Housing regarding employment land conversions. It was the opinion of Planning Staff at that time that the criteria regarding employment land conversions do apply as per the updated Provincial Policy Statement 2020. Therefore the conversion of the subject

lands from a Horse Park to Wakeboard Park must consider the criteria established in the PPS 2020 and the County and Town Official Plans. It is further the opinion of Planning Staff that the previous Horse Park has similarities in use and usability as the proposed Wakeboard Park, however the Horse Park was considered a permitted use in the Employment Lands area by provisions of the 1997 PPS and 2002 Official Plan. However, those permissions have since been removed rendering the Horse Park as more of a legal non-conforming use. The Horse Park may be protected by the legal non-conforming provisions of the Planning Act, however the conversion to another use would require the new use to conform to the PPS and Official Plans in place at time of the applications.

This item, and others, were provided in a joint letter from the Town and County on March 29, 2022 and are discussed in more detail in the following Section of this report.

## **D. Analysis**

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### **Ontario Planning Act**

In making planning decisions, the *Planning Act* requires approval authorities to have regard for matters of Provincial Interest, as outlined by Section 2 of the *Act*. Site specific requests to amend the Official Plan are permitted under Section 22 of the *Act*, while Section 34 of the *Act* provides authority to municipal Council's to enact amendments to the Zoning By-law.

Section 22(7.3) of the *Planning Act* does not permit appeals of the decision of Council dealing with the removal of lands from an identified employment area, where policies are included in the Official Plan pertaining to employment land conversions.

### **Matters of Provincial Interest**

The Council of a municipality, in carrying out their responsibilities under the *Act*, shall have regard to, among other matters, matters of Provincial Interest. The matters of Provincial Interest are outlined in Section 2 of the *Act*. In this case it is the opinion of Planning Staff that the following subsections of the Planning Act have not been adequately addressed in the application:

- Section 2(k) the adequate provision of employment opportunities; and
- Section 2(p) the appropriate location of growth and development.

## **Provincial Policy Statement, 2020**

Per Section 3(5) of the *Planning Act*, a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the policy statements issued that are in effect on the date of the decision.

The Provincial Policy Statement (PPS, 2020) provides more detailed policy direction on matters of Provincial Interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of Provincial Interest, such as public



health and safety, and the quality of the natural and built environment. All planning decisions must be consistent with the policy direction of the PPS and long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations. Within the framework of the PPS, the subject lands are located in an *Employment Area* within an identified *Settlement Area*.

It has been submitted that the proposed Wakeboard Park is an employment use as considered under the PPS as follows:

*The policies under Section 1.3 of the PPS do not specify that an Employment Area is comprised solely of industrial or manufacturing uses. Employment Area is defined in the PPS as “those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.” The operative phrase within this definition is “including, but not limited to,” The PPS is clear in stating that an Employment Area is not limited to such uses.” (Weston Consulting March 22, 2021 Letter)*

It has been submitted that the proposed Wakeboard Park can comply with the Town of The Blue Mountains Official Plan. It being noted that the lands already permit a commercial recreational horse park by way of Official Plan Exception.

*The Subject Property will remain an Urban Employment Area with the full range of permitted uses outlined in the TBMOP, thereby maintaining the broadest range of uses possible on the site. The OPA will only amend the site-specific exception to permit a Waterski Wakeboard Cable Park instead of a Horse Park. In effect, the OPA will swap one commercial recreational use for another, resulting in no net-addition of a non-industrial use to the Urban Employment Area. Furthermore, because the Proposed Development has been established to be an employment use, the OPA will not require an employment conversion request, thereby allowing the Subject Property to remain an employment land. Moreover, the Proposed Development itself can be dismantled and allow the Subject Property to be developed for industrial uses in the future should the opportunity arise.” (Weston Consulting March 22, 2021 Letter)*

Additional Planning Justification is also provided regarding land use conflicts (noise, build out of adjacent lands) and conformity to both the County of Grey Official Plan and Town of The Blue Mountains Official Plan. It is further submitted that the Proposed Development are consistent with the Provincial Policy Statement, and conforms to both the Grey County and Town of The Blue Mountains Official Plans.

*“The Proposed Development will maintain existing recreational uses and establish new recreational facilities that diversify recreational opportunities within the context of a year-round recreational community, contributing to sustainable tourism and a competitive regional economy. The Proposed Development will not preclude the Subject Property or adjacent lands from future industrial uses, resulting in no adverse impacts to the Employment Area. No land use conflicts are anticipated with the surrounding industrial uses or with any major facilities. An employment conversion request will not be*

*required to permit the Proposed Development. It is our opinion that the Proposed Development is an appropriate use on the Subject Property.” (Weston Consulting March 22, 2021 Letter)*

Planning Staff has reviewed the submitted Planning Justification Report and subsequent Addendums, and in consultation with County of Grey and Ministry of Municipal Affairs staff, it is the opinion of Planning Staff that the Proposed Development has not adequately demonstrated that this proposal is consistent with Sections 1.1.2 , 1.1.3.2(a)(b), and 1.3.2.5 of the PPS. Specifically:

- That the proposal meets the long-term employment needs of the community in accordance with Section 1.1.2;
- The proposal achieves efficient development patterns within an identified Settlement Area in accordance with Section 1.1.3.2(a);
- That the proposal is cost-effective with respect to land consumption and servicing costs in accordance with Section 1.1.3.2(b); and
- That the criteria to consider the conversion of employment lands to another designation for non-employment uses has been met in accordance with Section 1.3.2.5.

Through review of the subject applications, and discussions between Town Planning staff, County Planning Staff and the Ministry of Municipal Affairs and Housing staff, a consensus of opinion is that *commercial recreation uses* are considered to be non-employment uses for the purpose of the Provincial Policy Statement, 2020.

Under the Town of The Blue Mountains Official Plan, a commercial recreational use is not included as a permitted use in the *Urban Employment Area* as outlined in Section B2.4 of the Plan.

It is the opinion of Planning Staff that the proposed Wakeboard Park use is considered a non-employment use for the purpose of PPS, 2020. Council must therefore be satisfied that the *Employment Land* conversion policies under Section 1.3.2 of the PPS, 2020, can be met. The policies of Section 1.3.2 include consideration of both quantity and quality of designated employment lands when contemplating a proposed conversion to non-employment uses. It is the opinion of Town Planning staff that the PPS employment conversion policies have not been addressed by the proponent, as outlined in detail below.

## **1.0 Building Strong Healthy Communities**

### **Section 1.1.2 Sufficient Land**

Section 1.1.2 of the PPS requires that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years. Employment areas do have the ability to plan beyond a 25-year time horizon.

Updated employment growth projections provided separately by the County of Grey and the Town of The Blue Mountains identify that a total 14 hectares (Grey County) and 11 hectares (Town) of vacant designated employment land is required to accommodate the projected employment growth in the Town of the next 25-year planning horizon. These projections are to be reviewed on a 5-year basis as part of the County and Town Official Plan 5-Year review cycles.

In light of the updated projections provided by the County and the Town, Planning staff completed a review of the Town's existing *Urban Employment Area* land stock as is outlined in Table 1 below. It is noted that the areas included in Table 1 strictly apply to the Urban Employment Area designated lands and do not include portions of any property within the designation that may be designated as *Hazard*, wherein development would not be permitted.

**Table 1: Break-down of Lands Currently Designated *Urban Employment Area***

<b>Current Status of <i>Employment Land</i></b>	<b>Area (hectares) of Lands Designated</b>	<b>Area (percent) of Lands Designated</b>
Occupied/Developed Designated Employment Lands	23.6	42.3%
Vacant Designated Employment Lands (not including former Cedar Run property)	7.9	14.2%
Vacant Designated Employment Lands in the former Cedar Run property	24.3	43.5%
<b>Total</b>	<b>55.8</b>	<b>100%</b>

As outlined in Table 1, the Town has a total of 55.8ha of lands currently designated *Urban Employment Area*. A total of 32.2ha (57.7%) remain vacant, of which 24.3ha (43.5%) consist of the lands subject to the current Official Plan and Zoning By-law amendment applications.

Based on the current inventory, there does appear to be excess lands designated 'employment land' as required by both the County and Town projections for the 25-year planning horizon. However, should the Wakeboard Park be approved for a non-employment use, the conversion would reduce the total available vacant employment land inventory to 7.9ha. Significantly short of the needs projected by the County and the Town.

While the applicant's agent has suggested that a portion of the subject lands could remain available as 'designated' employment lands, it has also not been demonstrated that the quality and compatibility of the remaining lands available for employment uses will be flexible enough to accommodate a wide range of employment uses.

### Section 1.3 Employment

Section 1.3.1 of the PPS promotes the long-term economic sustainability of the Province and its municipalities through land-use planning and the provision of a mix and range of employment uses that encourage the development of a diversified economy base. As a part of this, planning authorities are required to maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and that take into account the needs of existing and future businesses.

The long-term employment growth projections outlined by the County Plan and Town Plan are intended to be a guide for local planning authorities in planning for an appropriate mix and range of employment uses to meet long-term needs, as required by Section 1.3.1(a) of the PPS. It is not clear how this proposal will achieve/accommodate the long-term employment growth projections outlined by the Official Plans, nor the updated employment growth projections, as provided by the County of Grey and Town of The Blue Mountains.

Moreover, the submitted Planning Justification Report and Report Addendum(s) do not demonstrate how the proposal is consistent with Section 1.3.1(b) of the PPS, which requires planning authorities to provide for opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses to support a wide range of economic activities and ancillary uses. While the Planning Justification Report and Addendum identify the contribution of the proposed development to the tourism economic sector in the Town, it does not address the impacts of converting the lands for non-employment uses and the resulting deficient inventory on the Town's ability to achieve a diversified economy as per the policy direction of Section 1.3.1(b). The proposed commercial recreation use constitutes a "more of the same" approach in terms of adding to an already dominate tourism-based economy (a Wake Park in exchange for a Horse Park), while simultaneously diminishing the potential supply of traditional employment lands for a wide range of economic activities. As outlined in the Town's Official Plan, separate and distinct land use designations have been established within the Municipality in order to provide for tourism and commercial recreational uses and traditional employment uses.

### Section 1.3.2 Employment Areas

The PPS generally directs industrial uses, such as manufacturing, warehousing, offices, and other associated uses, be the primary uses within designated *Employment Areas*. Consistent with this direction, Section 1.3.2.1 of the PPS requires planning authorities to plan for, protect and preserve designated *Employment Areas* to ensure that the current and future employment needs for the community can be met. Municipalities are encouraged to assess employment areas when reviewing or updating the Official Plan to ensure that the designated lands are appropriate for the intended function of the employment lands.

It should be noted that a comprehensive review of commercial and employment lands are currently underway as part of the Official Plan 5-Year review. At the time of writing this report, there has been no additional information or draft research available.

In accordance with Section 1.3.2.4 planning authorities may consider the conversion of designated *Employment Areas* for non-employment land uses at the time of a municipally initiated comprehensive Official Plan review process under the following conditions:

- Where it has been demonstrated that the land is not required for employment purposes over the long term; and
- Where it has been demonstrated that there is a need for the conversion.

At the time of the last Town Official Plan update in 2016, a comprehensive employment lands needs study was not completed as the then Council was satisfied that sufficient employment lands remained designated in accordance with Section 1.1.2 of the PPS. As a result, the urban employment lands designated in the former Town Official Plan, totaling approximately 55.8ha, were simply carried forward and represent the only urban employment land inventory in the Town.

Outside of a municipally initiated Official Plan review process, the PPS would only otherwise allow for the conversion of designated *Employment Areas* subject to Section 1.3.2.5. Under this policy direction, municipalities may consider site-specific requests to convert employment land to non-employment uses, provided that the criteria of this section can be met.

The proponent has not addressed the conversion policies of Section 1.3.2.5 to re-designate Employment Lands to a commercial recreational (non-employment) uses. The long-term impact on the employment needs of the community have not been evaluated in sufficient detail to ensure that these lands are not required for long-term employment needs of the Town. With a dominate tourism and commercial recreational industry in the Town, the conversion of 43% of designated urban employment lands for new commercial recreational development may inhibit the Town's ability to adjust to diversifying market trends and to offer an adequate supply of employment lands in accordance with the PPS. Other more suitable locations may exist within other land use designations that permit commercial recreational uses as-of-right such as the Recreational Commercial and Rural designations of the Official Plan.

Impacts on the overall viability of the employment area may be affected by the proposed site works and terraforming activities necessary for the Wakeboard Park may also create substantial obstacles for the re-development of the lands in the future for new or alternative employment uses.

Planning staff also note that the PPS identifies the need for appropriate transitional land uses to non-employment uses. In this regard, the subject lands are located at the periphery of the existing Settlement Area boundary and are surrounded by urban employment and rural uses. Further to this, the Municipal Wastewater Treatment Plant is also in the vicinity. The existing site location provides for the effective separation from sensitive urban land uses, such as residential zones and other community uses, while maintaining proximity to the larger community hubs of Thornbury/Clarksburg.

Planning Staff also completed a high-level review of the Province's Land Use Compatibility Guidelines. As a result of the review, it is noted that the lands subject to these applications

provide the highest and best level of separation from existing designated sensitive land uses and thus would allow for the highest range of potential employment land uses. In comparison, the employment lands outside of the Wakeboard Park are located in the vicinity of sensitive residential uses. Based on the Land Use Compatibility guidelines, these employment lands may be limited in their use for traditional employment uses due to the potential for adverse impacts.

Finally, consistent with Section 1.3.2.6 of the PPS, the subject lands are ideally located adjacent to upper tier roads including Provincial Highway 26 and County Road 2, which are identified as major transportation routes through the municipality.

As described above, it is the opinion of Planning Staff: that the proposed development does not constitute an employment use, and should be deemed a commercial recreation use; that a commercial recreation use is not consistent with employment provisions under the PPS; and that the applications do not demonstrate that the employment land conversion policies of Section 1.3.2.5 can be met.

## **2.0 Wise Use and Management of Resources**

Section 2.0 of the PPS promotes the long-term prosperity, environmental health, and social well-being of the province through the conservation of biodiversity, protection of the Great Lakes, and protection of natural heritage, water, agricultural, mineral, and cultural resources. Natural heritage features are to be protected for the long term. Site alteration is not permitted within areas containing habitat for fish, or endangered or threatened species, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

### **Section 2.1 Natural Heritage**

The potential for impacts on natural resources has been evaluated through the submitted *Natural Heritage Environmental Impact Study* prepared by AWS Environmental Consulting Inc., dated February 2018 ('the EIS'). The EIS report reviewed an extensive list of natural heritage features and provided a list of recommended measures in order to maintain ecological functions. Comments received from the GSCA, dated May 15, 2020, generally concur with the recommendations of the EIS and noted additional recommendations to be implemented in developing the site.

The Department of Fisheries and Oceans Canada (DFO) reviewed the proposed re-alignment of the unnamed tributary to Indian Brook through the Fish and Fish Habitat Protection Program. The DFO supported the proposed re-alignment and provided recommendations to implement during construction. Additional comments received by DFO on June 13, 2019, confirmed that the proposal will not result in serious harm to fish or prohibited effects on listed aquatic species at risk provided that the recommendations are implemented.

The EIS also identified impacts to habitat area of the threatened Bobolink and Eastern Meadowlark. The EIS provides recommendations that development of the lands can occur subject to a 'Habitat Management Plan' which includes mitigation for off-site habitat



enhancement. In this case, habitat would be removed for the development of the site and relocated to the undeveloped portions of the site in accordance with Ontario Regulation calculations. These recommendations have also been reviewed and accepted by the Conservation Authority.

Therefore, the Development Proposal is consistent with Section 2.1 of the PPS, subject to the recommendations contained in the EIS, including the requirements of the Grey Sauble Conservation Authority and the Department of Fisheries and Oceans.

It should be noted that Bill 23 removed the Conservation Authority from providing Natural Heritage reviews. The Proposed Development can still be considered under the recommendations of the Conservation Authority, however the clearance of conditions and acceptance of final design plans will require separate approvals to ensure the recommendations of the EIS, Conservation Authority and Department of Fisheries and Oceans are implemented.

## Section 2.2 Water

The proponent proposes to divert water from an on-site tributary of the Indian Brook in order to initially fill the ponds. It is proposed that approximately 15,600m<sup>3</sup> (15,600,000 litres) of water will be required to be diverted for the initial filling. Water taking will also be required at a rate of approximately 38,540 litres/day in order to maintain water levels. In this regard, the Ministry of the Environment, Conservation and Parks issued Water Taking Permit 1066-BJAQXM pursuant to Section 34.1 of the *Ontario Water Resources Act, 1990*, to permit the proposed water taking for the site. Permit 1066-BJAQXM expires November 30, 2024. As a part of the construction of the ponds, the applicant also proposes to re-align this existing unnamed watercourse tributary located within the site.

The supporting Functional Servicing Report and Stormwater Management Plan propose to utilize an existing pond internal to the site as the main stormwater control feature. No water will be discharged from the ponds (those existing or proposed) under normal operating conditions. The new ponds are proposed to be lined with a clay or synthetic liner to reduce permeability of the pond slopes to mitigate water loss.

It is also noted, as confirmed through the issuance of Water Taking Permit 1066-BJAQXM by the Province, the proposed water taking exercise to fill the proposed ponds will not pose adverse impacts on surface or ground water sources in the area. It is also confirmed through correspondence received from the DFO that the proposed re-alignment of the unnamed watercourse tributary can be completed without adverse impact, subject to the recommendations contained in their letter dated June 13, 2019.

With the above review and permit from Department of Fisheries and Oceans, the Development Proposal appears consistent with the Water policies of Section 2.2 of the PPS.

## Section 2.6 Cultural Heritage and Archaeology

The potential for impacts on cultural heritage and archaeology has been evaluated through the submitted *Stage 1 Archaeological Assessment*, prepared by Archeoworks Inc., dated May 30, 2017. The submitted assessment identifies the potential for archeological resources on the site and recommends that a Stage 2 Assessment be completed prior to any site works occurring.

It is recommended that no site alteration occur until a Phase 2 study is completed. This work should be completed prior to a decision to identify any development constraints on the lands.

It is noted that since the original Public Meeting notice was released, that there has been increasing expectations related to engagement with Indigenous communities and that numerous communities have not provided comment to date. Prior to a decision of Council, it is recommended that further engagement with indigenous communities occur after the Phase 2 study is complete.

Based on the foregoing, Planning Staff are not satisfied that the Cultural Heritage and Archaeology policies of the 2020 Provincial Policy Statement can be met. At a minimum, a Phase 2 Archaeological Study and further indigenous community engagement should be completed.

### **3.0 Protecting Public Health and Safety**

Section 3.0 of the PPS aims to protect public health and safety by directing development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

As per Section 3.1.1(b), development shall generally be directed to areas outside of hazardous land adjacent to river, stream and small inland lake systems which are impact by flooding hazard and/or erosion hazards. As presented in the proposed development plan, and confirmed by the EIS, no development is proposed within 30m of the top-of-bank of the Indian Brook watercourse, with the exception of the proposed tributary re-alignment as supported by the DFO. No further natural or man-made hazards have been identified on the site.

It is the opinion of Town Planning staff that the proposal is consistent with the Protecting Public Health and Safety policies of the 2020 PPS.

## **County of Grey Official Plan**

The County of Grey Official Plan contains goals, objectives and policies to manage and direct physical (land use) change and monitor its effects on the cultural, social, economic and natural environment within the regional community. Within the framework of the County Plan, the subject lands are within a *Primary Settlement Area*.

### **Primary Settlement Area Policies**

Section 3.5 of the County Plan identifies *Primary Settlement Areas* as the primary focus for growth in the County and encourages their development for a full range of residential,

commercial, industrial, recreational, and institutional uses. Specific land use policies and development standards are generally deferred to the Town's Official Plan.

### **Economic Objectives and Employment Growth**

The Economic Objectives outlined in Section 3.2 provide policy direction for accommodating forecasted employment growth for the Town to the year 2038, as outlined by Table 3 of the Plan. The objectives generally encourage a diverse economy, while recognizing specific areas of specialization such as tourism, agricultural, manufacturing, etc., and directs businesses requiring full services to commercial/business areas where these services are available. Official Plan Amendment No. 11 (OPA 11) has been approved but is under appeal and proposes growth forecasts to 2046.

Consistent with the direction of the PPS, Section 3.2.1 of the County Plan encourages economic growth through the provision of pre-zoned serviced sites for business, planning industrial areas to have proximity to major transportation corridors and full services, designating new industrial and commercial lands in order to minimize land-use conflicts and ensure compatibility, and by continuing to promote recreation and tourism.

Section 3.2.2 provides further direction on the required *Land Supply* and requires that the Town ensures that sufficient land is designated to accommodate a range and mix of employment opportunities (including industrial, commercial, and institutional) for a 20-year planning horizon. (25 years under OPA 11).

As per Section 3.2.2, an adequate supply includes maintaining a range and size of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses.

In terms of *Variety of Employment*, under Section 3.2.4 the County Official Plan supports the development of industrial, commercial, and recreational activities in appropriate locations, and requires the Town to set aside lands in order to provide employment in pace with residential development.

In review of the *Economic Objectives* of the County Official Plan, there is a clear distinction between tourism and commercial recreational economic growth and industrial, commercial, and manufacturing growth, and the need to balance the two in order to achieve a variety of employment and business opportunities. While the designation of employment lands is generally left to the Town as per Section 3.2 outlined above, the County Plan does identify appropriate areas wherein tourism and commercial recreational development is encouraged through the policies of the *Recreational Resort Area (RRA)* designation.

More specifically, Section 3.8(5) states that the *Recreational Resort Area* land use type will strive to enhance recreational and tourism related activities by:

- a) Encouraging the maintenance and expansion of existing recreation and tourism related facilities;

- b) Encouraging new land uses that will promote existing or require the establishment of new recreation and tourism facilities which diversify opportunities for all possible forms of recreation, in a manner consistent with the preservation of the natural environment as defined in Section 7 of this Plan;
- c) Supporting the dedication/acquisition of land for long-term public benefits within the existing land use type or community area;
- d) Supporting the creation of public-private partnerships;
- e) Meeting the development criteria for resource based recreational uses as described in Section 5.4.2(9).

In review of the subject proposal, it is clear that commercial recreational uses are not a permitted use within designated employment areas. In this regard, it is not clear that the proposed development is consistent with the *Economic Objectives* under Section 3.2 of the County Official Plan with respect to maintaining the Town's required supply of designated employment lands and contributing to an appropriate mix and variety of employment and business opportunities. Further, it is not clear that the proposal is consistent with the employment lands conversion policies of Section 3.2.3, with respect to:

- Demonstrating a need for the conversion;
- Demonstrating that there will be no impact on employment forecasts outlined by the County;
- Demonstrating that the conversion will not adversely impact the overall viability of the employment area and to achieve density targets outlined;
- Demonstrating that the lands are not needed over the long-term for employment use purposes.

In review of the submitted Planning Justification Report and subsequent Report Addendums, and similar to the comments provided under the Provincial Policy review, the conversion policies of the Grey County Official Plan have not been satisfactorily addressed. Therefore, Planning Staff are not satisfied that the proposed development can conform to the policies of the County of Grey Official Plan.

## Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan provides the basis for managing growth that will support and emphasize the Town's unique character, diversity, civic identity, recreational and tourism resources, rural lifestyle, and heritage features, and to do so in a way that has the greatest positive impact on the quality of life in The Blue Mountains. As outlined in Section A1, the *Guiding Principles* of the Plan generally recognize the substantial opportunities for recreational, residential, and resort development in the Town due to the presence of the Niagara Escarpment and Georgian Bay. The Plan establishes policy objectives and land use

designations in order to balance the impact of the growth in demand for access to recreational pursuits and tourism with the development of a healthy community.

For the purpose of the Official Plan, 2016, the subject lands are designated as Urban Employment Area (UEA) and Hazard (H) and are subject to Special Site Policies under Section B3.2.6.1.

### **A3 Strategic Goals and Objectives of the Official Plan**

Section A3 of the Plan outlines goals and objectives to implement the strategic vision and guiding principles for the community. The goals and objectives outlined highlight the importance of *Economic Development* (A3.7) and the importance of *Tourism and Recreation* (A3.8) as two distinct and separate goals. The separation of Economic Development goals and Tourism and Recreation goals signifies the importance of each individual portfolio in the unique context of the Town of The Blue Mountains. A review of the most applicable goals and objectives is provided below:

#### **A3.2 Natural Environment**

Section A3.2 of the Plan establishes goals and strategic objectives to protect and enhance significant natural heritage features, areas and functions in the Town and to work towards the establishment of a Natural Heritage System.

As outlined in the submitted EIS, and confirmed through correspondence from commenting agencies, the proposed plan maintains and effectively protects identified natural heritage features on the site, including identified habitat areas for species at risk and threatened species.

#### **A3.7 Economic Development Goals and Strategic Objectives**

While the submitted Planning Justification Report focuses on the benefit of the proposed facility in bolstering the strategic goals related to *Tourism and Recreation* under Section A3.8 of the Official Plan, the potential impact on the ability to achieve the strategic goals under Section A3.7 as a result of the conversion of the designated employment areas cannot be overlooked as it is a separate and distinct Goal of the Official Plan.

Section A3.7.1 of the Plan outlines that one of the goals of the Official Plan is to “... *provide opportunities for economic development and the creation of jobs*”. Section A3.7.2 provides strategic objectives to achieve this goal. The strategic objectives for economic development include providing and maintaining a strong inventory of employment lands for a range of employment uses, pre-zoning lands, minimizing conflicts with adjacent use, and encouraging employment growth and development.

The goals and objectives under Section A3.7 must be considered in order to ensure that diversified employment opportunities are maintained and opportunities for non-tourism, non-commercial types of employment remain available for current and future needs of the Town. As indicated in Table 1 earlier in this report, the subject lands represent approximately 43.5% of

designated *Urban Employment Lands* in the Municipality and their conversion for commercial recreational development could have the effect of reducing the quantity and quality of Employment lands and the Town's ability to achieve strategic objectives of Section A3.7.2 of the Official Plan.

### A3.8 Tourism and Recreation

Section A3.8 of the Plan outlines goals and strategic objectives related to opportunities for tourism and recreation uses related to development. In accordance with Section A3.8.2, it is a strategic objective of the Official Plan to facilitate the development of recreational/resort development within the context of a four seasons recreational resort community; recognize the importance of the tourism industry in providing economic and employment opportunities and to encourage expansion of this vital industry; promote the maintenance, expansion and upgrade of existing tourism and tourist destination-oriented uses in the Town and encourage the establishment of additional high-quality attractions, facilities, accommodations, services, and events; discourage any re-designation and/or rezoning to remove permissions for tourism-related uses; encourage the maintenance of existing recreational uses and the establishment of new recreational facilities which diversify recreational opportunities within the context of a year-round recreational community, particularly skiing, fishing, golfing, walking, hiking, biking, low-impact camping and nature trail uses, marina or water access and equestrian activities, in a manner consistent with the preservation of the natural environment; and to provide for a broad range of open space settings, activities and programs in order to expand recreation and leisure opportunities in the area for residents and visitors;

While the Goals and Strategic Objectives of Section A3.8 of the Plan promote the importance of tourist and recreational commercial industries to the Town's economy, the separation of these goals from the Economic Development goals and objectives of Section A3.7 signify the importance of providing a balance between the two important and sometimes competing priorities.

The Official Plan provides strong support for the proposed Wakeboard Park as a concept, however as previously noted, it is the location of the subject lands within a significant portion of the Town's existing (vacant) designated urban employment lands that creates issue. Converting the employment area lands for further Tourism and Recreation uses could impede the community's ability to implement the strategic objectives of Section A3.7 in order to establish a diverse, multi-faceted, and more resilient local economy and employment opportunities. While the proposed use does represent a benefit to the local Tourism and Recreational economy, it should not be considered as a trade-off to the importance of preserving and protecting designated Employment Lands which is a priority of the Local Official Plan, as outlined under Section 3.7, and as previously noted, a clear priority of the County Official Plan and the Provincial Policy Statement.

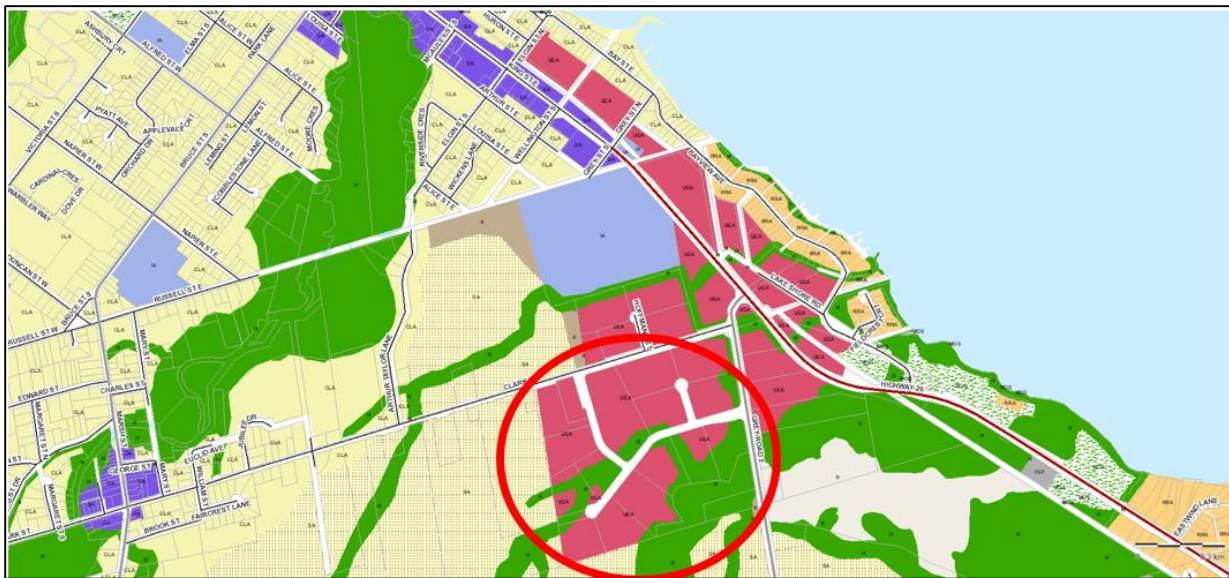
It has been submitted that the conversion of one commercial recreation use (Horse Park) to another commercial recreation use (Wakeboard Park) does not materially remove any employment lands that have already been removed. However as stated earlier, it is the opinion of Planning Staff that the previous Horse Park may have similarities in use and usability as the



proposed Wakeboard Park, however the Horse Park was considered and approved as a permitted use in the Employment Lands area under the provisions of the 1997 PPS and 2002 Official Plan. Those documents have been replaced with more current versions of PPS 2020 and the 2016 Town Official Plan and those permissions have since been removed rendering the Horse Park more akin to a legal non-conforming use. The Horse Park may be protected by the legal non-conforming provisions of the Planning Act in terms of the existing use, however the conversion to another use would require the new use to conform to the PPS and Official Plans in place at time of the applications. Section E5 to the Official Plan states *“as a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the Goals of the Official Plan...”* The policies further identify that the replacement, extension or enlargement could be considered, but does not go as far as allowing for consideration to a change in use.

## **Part B Land Use Designations**

**Figure 6: Town of The Blue Mountains Official Plan Land Use Schedule**



## **B3 Urban Land Use Designations**

### **The Urban Employment Area (UEA) Designation**

As per Section B3.2, the *Urban Employment Area* designation applies to lands that are currently developed for urban employment uses and to lands which are identified to be the site of future employment uses. It is the intent of this designation to provide lands for the creation of diverse employment opportunities at strategic locations, ensure that new industrial development occurs in an orderly manner with appropriate services, and provide an area where existing and new businesses can grow and develop within the Town. As per Section B3.2.3, permitted uses in the *Urban Employment Area* include: manufacturing, assembly, processing and/or fabrication; office uses; storage and/or warehousing uses; wholesaling establishments; and similar uses.

Limited accessory retail uses are also permitted provided that they are clearly accessory and subordinate to a permitted use outlined above.

Commercial recreational uses, as proposed by the subject application, are not permitted in the *Urban Employment Area* designation and are not considered a 'similar use' to the above mentioned permitted uses.

Development policies of Section B3.2.4 must be considered for new employment uses, however as noted earlier, the proposed use is not an employment use for the purpose of the Official Plan. As such, the tests for a Zoning Amendment under Section B3.2.4 of the Official Plan are not applicable. Regardless, it is noteworthy that a Parking Analysis was requested by Municipal Staff in review of the Traffic Impact Study received through the first submission. The applicant has identified that sixty-nine (69) parking spaces is adequate for the use, however, a detailed parking analysis was not provided as a part of the Traffic Impact Study prepared by a qualified professional. At this time, clarification regarding the break-down of uses and the parking demand has not been provided making it challenging to apply Section B3.2.4 policies even if they were relevant to this application.

#### Special Site Policies under B3.2.6.1 of the Official Plan

While commercial recreational uses are not permitted as-of-right in the *Urban Employment Area* designation, Part B3.2.6.1 of the Plan affords special site policies to the subject lands specific to the former Cedar Run Horsepark. These site-specific policies were implemented by the 2002 Town of The Blue Mountains Official Plan, as per Minutes of Settlement and Ontario Municipal Board Decision No. 1664 dated June 2007. As a result, the following uses are permitted, in addition to those permitted in the *Urban Employment Area* designation:

- i) A commercial recreational use consisting of a Horse Park and accessory structures;
- ii) a Commercial Resort Unit Complex ancillary to the Horse Park; and
- iii) accessory retail commercial space.

Part B3.2.6.1 of the Plan also includes policies pertaining to the overall development and phasing of the Horse Park development. As a part of this, the development is subject to Holding 'H' provisions which require the execution of Master Development Agreement to address required contributions to municipal water and sanitary sewer allocations and upgrades, as well as site plan matters including, but not limited to, appropriate buffers and protections for existing adjacent agricultural and rural residential uses.

In review of the policies of the Official Plan, the proposed land use is considered a *commercial recreational use* and is generally directed to more appropriate land use designations within the Town such as the Commercial Recreational Area, Rural or other designated lands.

In consideration of the above, Planning Staff offer the following review and analysis of the policies of the Official Plan, 2016.

## **B5 Environmental and Open Space**

In accordance with Section B5.1.1, it is an objective of the Plan to maintain and enhance the ecological integrity of natural heritage features and areas, where possible, to eliminate the potential for loss or fragmentation of significant wetlands and habitats, and to provide the tools to properly assess development applications located in close proximity to environmentally sensitive features or areas.

### **B5.2 Natural Heritage Features**

Section B5.2.1 prohibits development and site alteration within habitat of endangered or threatened species and within significant wetlands or coastal wetlands. Development and site alteration are further not permitted in significant woodlands, significant valley lands, wildlife habitat areas, and areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural heritage feature or their ecological function. Development is not permitted in areas of fish habitat except in accordance with Provincial and Federal requirements. Development and site alteration are also not permitted in the adjacent lands to a natural heritage feature, unless demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural feature or their ecological function.

As per the submitted EIS and comments provided earlier in this report, the development can be fulfilled without posing negative impacts on identified natural heritage features. The findings of the EIS are supported by the Grey Sauble Conservation Authority and the Department of Fisheries and Oceans, subject to various recommendations to be included in the development plan.

### **B5.4 Hazard Lands**

The purpose of the Hazard Lands designation is to identify those lands having inherent environmental hazards such as flood susceptibility, erosion susceptibility, and dynamic beach hazards, and hazardous sites that exhibit instability, or poor drainage, or any other physical condition which is severe enough to pose a risk for the occupant, property damage or social disruption if developed. As per Section B5.4.1, permitted uses in the Hazard designation are limited to forestry, uses connected with the conservation of water, soil, wildlife and other natural resources, agriculture, passive public parks, public utilities, essential municipal services, and, resource based recreational uses.

It is noted that the proposed re-alignment of the unnamed tributary is located within the Hazard boundary, however, this does not constitute development for the purpose of the Ontario Planning Act. The proposed re-alignment would be completed under a Development Permit issued by the Grey Sauble Conservation Authority and in accordance with Department of Fisheries and Oceans authorization.

## **Part D General Development Policies**

### **D1 Water and Sanitary Servicing Strategy**

The policies of Section D1 are intended to ensure that public health and safety is protected, that all development has a safe and adequate water supply, sewage services and stormwater management practices, to encourage the progressive extension and economic utilization of municipal sewer and water services and to identify the preferred means of servicing in the Town. The preferred means of servicing in settlements areas is by full municipal water and sanitary services, however, it is recognized that limited development may be permitted within the partially serviced areas of Clarksburg until such a time that full municipal services are available. Council shall be satisfied that appropriate services are available to the lands prior to approval of any new development.

Servicing for the proposed development is to be phased. Phase 1 includes private on-site services for the Admin/ProShop building only. Phase 2 and the additional development would be required to extend full municipal services along the Grey Road 2 frontage. Planning Staff are satisfied that the works can be appropriately serviced by this phased approach.

Should Council support the application, it is recommended that a Holding 'h' symbol be applied to the lands requiring connection to full municipal water and sanitary services prior to consideration of approval for any subsequent phases of development on the lands.

### **D2 Transportation**

Traffic impact studies or road assessments may be required by the Province, the County and/or the Town to support a development application. The intent of such studies is to ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are addressed. As part of the original application submission, a Traffic Impact Study was provided concluding that the existing road system can accommodate the increase in traffic volumes, that appropriate sight-lines are available in and out of the site, and that the Highway 26 / Grey Road 2 Environmental Assessment recommendation to re-align Clark Street to better accommodate traffic volumes and provide increased sight distances can be incorporated into the Development Proposal.

Although the Traffic Impact Study has been completed, Planning Staff do not have confirmation at this time that the recommendations and findings of this Study have been accepted by the Town, County and Ministry of Transportation. Should Council support the application, it is recommended that the final site plan be designed in accordance with the Traffic Impact Study and recommendations from the Town, County and Ministry of Transportation.

### **D3 Cultural Heritage**

The potential for impacts on cultural heritage and archaeology has been evaluated through the submitted *Stage 1 Archaeological Assessment*, prepared by Archeoworks Inc., dated May 30, 2017. The submitted assessment identifies the potential for archeological resources on the site and recommends that a Stage 2 Assessment be completed prior to any site works occurring.

As noted earlier in this report, It is recommended that Council defer consideration of approving these applications until such time as a Phase 2 Archaeological Study is completed and further indigenous community engagement is completed.

### **E7 Amendments to the Official Plan**

As outlined by Section E7, it is the intent of the Official Plan to serve as the basis for managing change in the Town and to identify enough land for residential, commercial, and employment uses. In considering any amendments to the Official Plan, Council must consider the relevant amendment policies of any particular land use designation, as well as the amendment policies outlined under Section E7(c) of the Official Plan, 2016. Section E7(c) requires Council's consideration of: The rationale or the basis for the change; The direction provided by the Provincial Policy Statement; The direction provided by the goals and objectives to this Plan; The desirability and appropriateness of changing the plan to accommodate the proposed use or action; The impacts the proposed change will have on the character of the area; Conformity with the direction provided by the upper tier plan; and, That sufficient documentation has been provided to support the proposed amendment including information related to the physical growth of the Town, impacts on the economy, the environment, agriculture and social well-being of the community.

As outlined earlier in this report, Planning Staff are unable to support the rationale provided by the applicant for this amendment. Concerns regarding consistency with provincial policy, and conformity to the Grey County and Town of The Blue Mountains Official Plan have been highlighted. The conversion of designated urban employment lands for further recreational commercial development is not desirable as it may impede the community's ability to achieve a diverse, multi-faceted, and more resilient local economy and sufficient documentation related to the physical growth, economic development, and employment needs for the Town have not been provided to support the proposed application.

## **Town of The Blue Mountains Zoning By-law 2018-65**

The Blue Mountains Comprehensive Zoning By-law 2018-65 was enacted in November 2018. By-law 2018-65 places the subject lands into the Recreation Three 'REC3-92-h10' zone.

The 'REC3' Zone permits a range of recreational, conservation, park and similar uses. Exception '-92' sets detailed provisions permitting the lands to only be used for a Commercial Recreational Use consisting of a Horse Park and related facilities. The By-law has a specific definition of Commercial Recreational Use strictly encapsulating the Horse Park and related facilities only. Additional provisions under the By-law include permissions for 300 Commercial Resort Units and 1300 square metres of commercial retail space. The holding symbol '-h10' remains on the lands and includes a number of conditions that must be met prior to the site being developed. The conditions include: the execution of a Master Development Agreement, Conservation Authority Approvals, approval of a Traffic Impact Study, Site Plan Approval, Slope Stability Study, and a Commercial Market Study in support of the 300 Commercial Resort Units. It is noted that limited Horse Shows and events may occur prior to the above mentioned conditions.

The existing REC3-92-h10 Zone does not permit the proposed Wakeboard Park use, and therefore an Application for Zoning By-law Amendment is required. An application has been received by the Town requesting a rezoning to delete and replace the Horse Park elements

from the Zoning and replace with the proposed Wakeboard Park elements. A Draft Zoning By-law Amendment has been submitted by the applicant to provide a new definition for a Commercial Recreational Use that reflects the Wakeboard Park proposal, and to maintain the existing Holding Symbol '-h10' requirements for further studies and to permit water ski and wakeboard cable events with a maximum audience capacity of 4,300 people and subject to a Special Event Permit from the Town.

Section 24(1) of the Planning Act requires that a Zoning By-law shall not be passed unless it conforms to the Official Plan. As noted earlier in this report, Planning Staff are unable to support the Official Plan Amendment Application. In the absence of an Official Plan Amendment, the implementing Zoning By-law Amendment cannot be approved.

## Conclusions and Recommendations

Based on the foregoing, Planning Staff recommend that the proposed amendments to the Town of The Blue Mountains Official Plan and The Blue Mountains Zoning By-law 2018-65 be refused. It is the opinion of Planning Staff that the applications propose a non-employment use within a designated employment area and therefore must be considered under the lens of an Employment Lands Conversion. This opinion has been evaluated based on input through the public process in consultation with the County of Grey and Ministry of Municipal Affairs and Housing, and through the interpretation of the Planning Act, Provincial Policy Statement 2020, County of Grey Official Plan and Town of The Blue Mountains Official Plan. The opinions provided in this report identify that the proposed Water Ski and Wakeboard Park: are not consistent with the Provincial Policy Statement 2020 with regards to managing land and proper planning for employment areas; do not conform to the County of Grey Official Plan with regards to permitted uses in an Urban Employment Area, maintaining appropriate quantity and quality employment lands supply, and have not addressed the Employment Lands conversion policies of the County Plan; do not conform to the Town of The Blue Mountains Official Plan with regards to meeting the Goals and Objectives of the Plan, and meeting minimum policy requirements on Traffic Impact and Archaeological Assessment.

It has been submitted that the Development Proposal is not a conversion of Employment Lands as the removal of the Horse Park and replacement to a Water Ski and Wakeboard Park would not diminish the Town's supply of traditional employment land. As noted in this report, Planning Staff do not support this interpretation. The Horse Park was reviewed in 2006-2007 and at that time was considered consistent with the 2005 Provincial Policy Statement, and a permitted use under the former 2002 Town of The Blue Mountains Official Plan. Since that time the Town has updated its Official Plan to restrict commercial uses in employment areas, and the Provincial Policy Statement has been replaced twice each time strengthening policy direction on managing growth, land use, and employment areas.

Should Council support the proposal, Planning Staff recommend that Council defer a final decision until such time as Planning Staff can prepare a Draft Official Plan Amendment and Zoning By-law Amendment documents for consideration.



## **E. Strategic Priorities**

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### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

## **F. Environmental Impacts**

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Environmental Impacts on Natural Heritage and Natural Hazard matters have been considered in this report. An Environmental Impact Study (EIS) has been prepared and accepted by the Grey Sauble Conservation Authority and the Department of Fisheries and Oceans with conditions.

## **G. Financial Impacts**

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Decisions of Council on Planning Applications may be subject to an appeal to the Ontario Land Tribunal. Depending on the scope of the appeal and Town involvement in the appeal process, additional financial obligations may be required.

## **H. In Consultation With**

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Applicant Project Team, Municipal Departments, Public Agencies, and the general public through the circulation of the Notice of Public Hearing in accordance with the provisions of the Planning Act. Additional consultation occurred with the Grey Sauble Conservation Authority, County of Grey, the Ministry of Municipal Affairs and Housing, and the Department of Fisheries and Oceans.

## **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **November 18, 2019**. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Shawn Postma at [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **J. Attached**

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### **1. Public Comments Summary**

Respectfully submitted,

Shawn Postma, MCIP RPP  
Manager of Community Planning

Adam Smith  
Director of Planning and Development Services

For more information, please contact:  
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### Report Approval Details

Document Title:	PDS.23.003 Recommendation Report - Proposed Official Plan and Zoning By-Law Amendment (P2619 Bayou Cable Park).docx
Attachments:	- Public comment summary and response matrix MAR-01-23.docx
Final Approval Date:	Mar 1, 2023

This report and all of its attachments were approved and signed as outlined below:

**Adam Smith - Mar 1, 2023 - 4:17 PM**

### Report Approval Details

Document Title:	PDS.23.003 Recommendation Report - Proposed Official Plan and Zoning By-Law Amendment (P2619 Bayou Cable Park).docx
Attachments:	- PDS.23.003 Attachment 1.pdf
Final Approval Date:	Mar 2, 2023

This report and all of its attachments were approved and signed as outlined below:

**Adam Smith - Mar 2, 2023 - 8:42 AM**