



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** COW-Operations, Planning and Development Services  
**Meeting Date:** September 26, 2023  
**Report Number:** PDS.23.092  
**Title:** Recommendation Report – Follow-Up to the Public Meeting for Consent to Sever for 415115 10th Line (Griffith)  
**Prepared by:** Nicole Schroder, Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.092, entitled “Recommendation Report – Follow-Up to the Public Meeting for Consent to Sever for 415115 10<sup>th</sup> Line (Griffith)”;

AND THAT Council grant Provisional Consent to Application P3302, subject to the conditions as outlined in Attachment #3 -Draft Consent Decision of Staff Report PDS.23.092.

### B. Overview

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The purpose of this report is to provide a summary of the Planning staff review of this proposal for new lot creation for conservation purposes. The subject lands are legally described as CON 10 N PT LOT 2 and are generally located south of Kolapore Springs, on the top of the Niagara Escarpment. Staff recommend approval of this application, subject to the conditions outlined in Attachment 3.

The Town received an application for consent to sever one new lot from the subject lands for conservation purposes. The application has the effect of creating a new conservation property under the Escarpment Biosphere Conservancy, Inc (“the severed lands”). The remaining parcel (“the retained lands”) including an existing single detached dwelling would continue to have frontage on the 10<sup>th</sup> Line. The severed lands are proposed to be placed into the care and control of the Escarpment Biosphere Conservancy, Inc, which is a recognized charitable land trust throughout Grey County and Bruce County. No new development is proposed for the severed or retained lots. It is noted that the severed lands would not support any future development, as they do not have frontage on an opened and maintained public road.

### C. Background

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The subject lands are in the Kolapore Springs area, are adjacent to existing rural uses and front on to the 10<sup>th</sup> Line. The applicant currently owns the parcel of land and is requesting consent to sever a 23,674 sq. m portion of land (on the east side of the property) to create a new lot for

the purpose of conservation. This request will have the effect of reducing the lot area of the retained lot to approximately 7,082 sq. m with 71m of frontage on 10<sup>th</sup> Line. The resultant lot would be 23,674 sq. m and have approximately 3 m of frontage on 10<sup>th</sup> Line.

## Location

The lands are located on the 10<sup>th</sup> Line, south of Kolapore Springs. Surrounding properties are generally vacant with the odd single detached dwellings tucked away on a few lots. The lots with frontage on 10<sup>th</sup> line are located within the Area of Development Control established by the Niagara Escarpment Plan. As such, municipal zoning does not apply.

The subject property currently contains a single detached dwelling and forested area which comprises the remaining portion of the lot. The portion of the lands proposed to be severed contains a wooded area on the far east side of the lot.

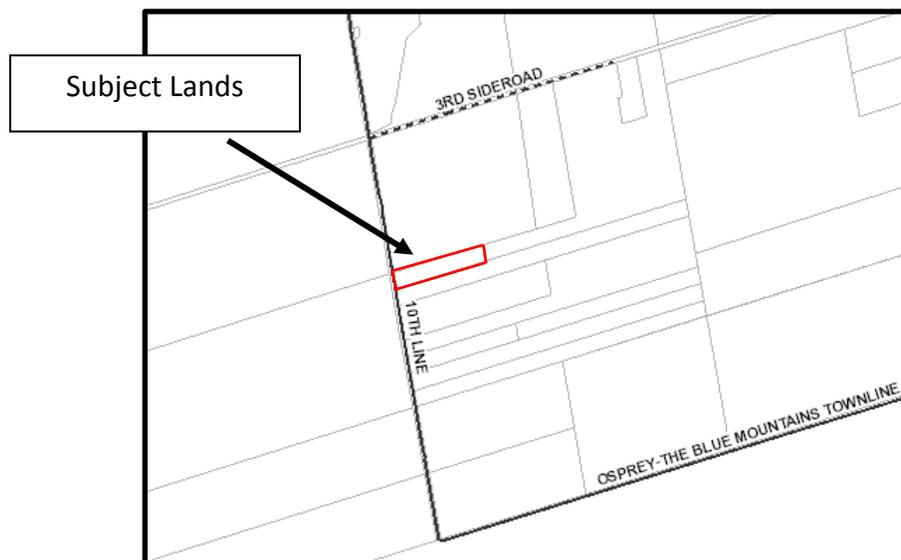


Figure 1: Key Map

## Summary of Public Comments

At the time of writing this report, comments were received from the following agencies indicating no concerns with the application:

- Grey County: Provided positive comments are received from the Conservation Authority regarding the potential Hazard Lands; County Planning staff have no concerns with the subject application.
- Grey Sauble Conservation Authority: As the purpose behind the severance is conservation and no development is being proposed, the GSCA has no issues with the severance.

- Verbal Comment from Council Members:
  - Accessing from the 3<sup>rd</sup> sideroad?  
The severed lands will be accessed by a trail off 3<sup>rd</sup> sideroad. The Ministry of Natural Resources and Forestry (MNRF) works in cooperation with the Escarpment Biosphere Conservancy on land management. The MNRF grants access to the severed parcel via 3<sup>rd</sup> Sideroad for monitoring as needed and on an annual basis. The trail is an open existing trail managed by the Kolapore Upland Trail Association. This trail will provide access to another existing trail that crosses the proposed severed lot.
  - Will the severed lot have a dead-end trail?  
A trail is not proposed for the subject lands. The severed lot is not open to the public, its intended use is for long term habitat/ ecological integrity protection.
  - Is the severed lot being donated?  
The land is being purchased by the Escarpment Biosphere Conservancy.
  - Is 3<sup>rd</sup> sideroad an unopened road allowance? Does the road continue to the east?  
3<sup>rd</sup> sideroad does not go all the way through. An open water body/ wetland that prevents the road from continuing through. It is noted that 3<sup>rd</sup> sideroad is not maintained on a year-round basis.

## D. Analysis

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### **Provincial Policy Statement 2020**

The Provincial Policy Statement (PPS) provides 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, public health and safety, and the quality of the natural and built environment. The lands subject to these applications are categorized as a *Rural Settlement Area* within the framework of the PPS. While no new development will result directly from this application, the proposed creation of the new lot for conservation purposes on the subject lands will contribute to conserving biodiversity and the ecological benefits provided by nature.

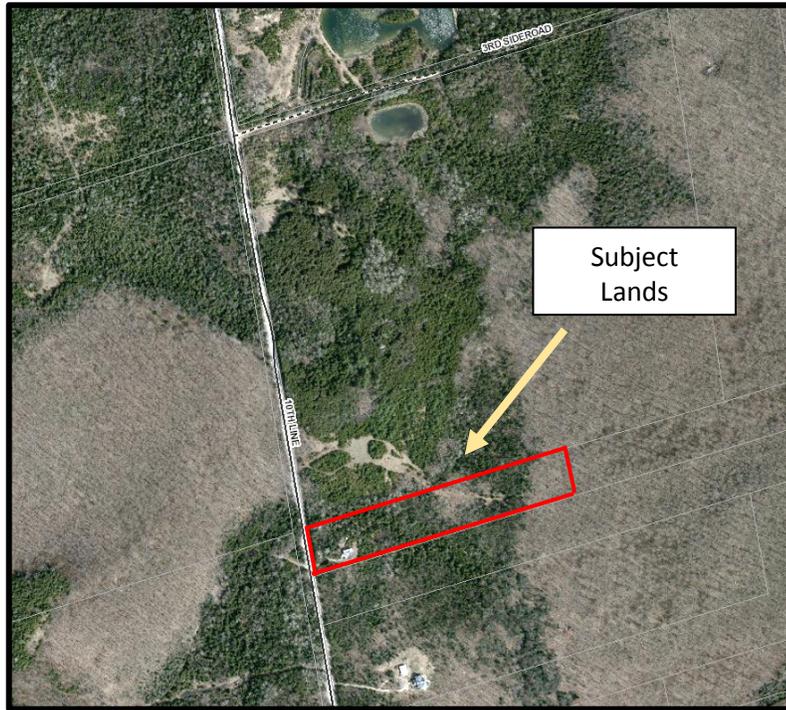


Figure 2. Aerial map

The proposed consent would result in the creation of a new lot intended to provide for long-term conservation of the natural heritage features. The proposed lot creation is generally consistent with the wider policy direction of the PPS contained in Section 1.0 Building Strong

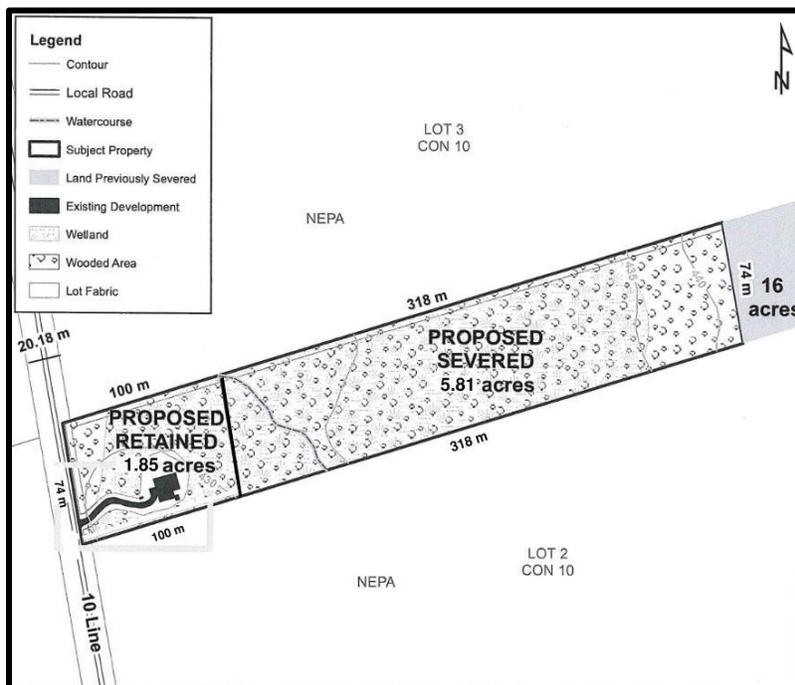


Figure 3: Proposed Lot Creation

Healthy Communities, Section 2.0 Wise Use and Management of Resources, and Section 3.0 Protecting Public Health and Safety. Staff are satisfied that the proposal is consistent with the intent and direction of the Provincial Policy Statement.

### **Niagara Escarpment Plan, 2017 ('NEP')**

The subject lands are located within the Area of Development Control outlined by the NEP. It is noted that Development Permit 23-468 was approved/issued on May 17, 2023, by the Niagara Escarpment Commission for the proposed lot creation.

Based on the issuance of Development Permit 23-468 by the Niagara Escarpment Commission, Planning Staff have no concerns with respect to the Niagara Escarpment Plan.

### **County of Grey Official Plan**

The County of Grey Official Plan guides development within the whole of the County of Grey and provides broad policy framework for local Municipal Official Plans, Secondary Plans and by-laws. The policy framework builds further on provincial policy direction encouraging strong healthy communities and new development growth while maintaining and protecting environmental and economic resources. The subject lands are designated "*Niagara Escarpment Plan Area*" and "*Wetlands*" under the County Official Plan. The Natural Environment policies of Section 7 apply to all development within the Niagara Escarpment Plan Area and, where a conflict may arise, the policies of the Niagara Escarpment Plan shall prevail.

Section 7 outlines policies pertaining to Areas of Natural and Scientific Interest (ANSI), which generally prohibits site alteration and development within 120m thereof. It is noted that no new development is proposed by the application, and that the new lot is intended for conservation purposes which is consistent with the intent and general purpose of Section 7 of the County of Grey Official Plan. Planning Staff are satisfied that the proposal is consistent with the County of Grey Official Plan.

### **Town of The Blue Mountains Official Plan 2016**

The Town of The Blue Mountains Official Plan designates the subject lands as *Escarpment and Wetlands*.

The intent of the *Escarpment* designation is to identify certain lands composing unique natural features, escarpment slopes, and environmentally sensitive lands associated with the Niagara Escarpment. Permitted uses are limited to those recreational uses that require the slope to function. Consents for new lot creation within this designation are generally prohibited, except where permitted in the Niagara Escarpment Plan.

The intent of the *Wetland* designation is to recognize and protect Provincially Significant Wetlands. Forestry in the form of reforestation and regeneration, and uses connected with the conservation of water, soil, wildlife, and other natural resources are permitted within the *Wetland* designation. Development and Site Alteration policies in the *Wetland* designation are

outlined under Section B5.3.2 of the Plan. In this regard, no development or site alteration is permitted within the Wetland designation, except where such activity is associated with forestry and uses connect with the conservation of water, soil, wildlife, and other natural resources.

The Official Plan also provides general policies for new lot creation under Section D4. Section D4.2.4 of the Plan permits the creation of new lots for acquisition by a public or quasi-public body. In this case, the Biosphere Escarpment Conservancy is considered a public body and there are no concerns with respect to the policies outlined under Section D4 of the Plan.

As the proposed lot is for conservation purposes, is permitted by the Niagara Escarpment Plan, and is to be acquired by the Escarpment Biosphere Conservancy, Inc, Planning Staff have no concerns with respect to the Town's Official Plan.

### **Comprehensive Zoning By-law 2018-65**

The subject lands are within the Area of Development Control outlined by the Niagara Escarpment Plan, and therefore, are not subject to Municipal Zoning. Should Zoning be in effect, no new development would be permitted as the proposed lot does not have adequate frontage on an open and maintained public street. As these lands are not intended for development, and are to be used for long term environmental protection, Planning Staff are satisfied that the proposed conservation use is appropriate and would generally maintain the intent and direction of the Zoning By-law.

### **Public Meeting Comments**

A public meeting was held on August 29, 2023. A summary of submitted comments are included in the Background section of this report. No further comments have been received after the Public Meeting.

### **Conclusion**

Staff are satisfied that the proposal for new lot creation is supportable after review of the relevant sections of the Planning Act, Provincial Policy Statement, the County and Municipal Official Plans, and the Zoning By-law. Subject to any comments from agencies or the public, staff recommend approval of this application as outlined in this report.

## **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.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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The proposed new lot dedicated to the Escarpment Biosphere Conservancy will ensure the long term environmental protection of these lands..

## **G. Financial Impacts**

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No adverse financial impacts to the municipality are anticipated as a result of the recommendations contained in this report.

## **H. In Consultation With**

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Municipal Departments, Agencies, and the public through the circulation of the Notice of Public Meeting in accordance with the provisions of the *Ontario Planning Act*.

Shawn Postma, Manager of Community Planning

## **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting which took place on **August 29, 2023**. Those who provided comments at the Public Meeting, 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 Nicole Schroder, [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **J. Attached**

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1. Public Meeting Comments (Summary)
2. Public Meeting Comments (Original)
3. DRAFT Consent Decision

Respectfully submitted,

Nicole Schroder  
Planner

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

Document Title:	PDS.23.092 Recommendation Report - Follow-Up to the Public Meeting for Consent to Sever for 415115 10th Line (Griffith).docx
Attachments:	<ul style="list-style-type: none"><li>- PDS-23-092-Attachment- 1.pdf</li><li>- PDS-23-092-Attachment-2.pdf</li><li>- P3302 Draft Consent Decision 2.docx</li><li>- PDS-23-092-Attachment-3.pdf</li></ul>
Final Approval Date:	Sep 18, 2023

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

**Shawn Postma - Sep 18, 2023 - 10:10 AM**

**Adam Smith - Sep 18, 2023 - 12:11 PM**