

Via Email

June 7, 2018

Reeve Blair and Members of Council
Wollaston Township
90 Wollaston Lake Road
PO Box 99
Coe Hill, ON K0L 1P0

Attention: Ms. Jennifer Cohen,
Clerk/Deputy Treasurer

**Re: Proposed Zoning By-law Amendment and Site Plan Amendment (Morrison)
Bear Ridge Campground & Cottages
Part Lot 13 and 14, Concession 6, Township of Wollaston
Civic Address 563 The Ridge Road
Our File Number: P18-1036**

Dear Reeve Blair and Members of Council,

Landmark Associates Limited has been retained by a number of Wollaston Township ratepayers to review and provide a professional planning opinion regarding the above referenced applications, which are scheduled to be considered by Council on June 12, 2018.

PROPOSAL APPLICATIONS:

An application for a zoning by-law amendment has been submitted to Wollaston Township by EcoVue Consulting Services on behalf of property owners Jason and Traci Morrison, who operate Bear Ridge Campground & Cottages. The application proposes to amend the current 'Recreational Resort Commercial – Special – Holding (RRC-2-H) Zone' as it currently applies to the subject property. More specifically, the application is requesting a textual amendment to remove the 'Minimum Recreational Facilities' provision from the by-law; together with also removing certain requirements for removal of the Holding (H) Symbol.

In support of the rezoning application, EcoVue Consulting Services has completed a Planning Justification Report (December 21, 2016) and a Pedestrian Safety Assessment (March 17, 2017). A Recreational Capacity Study prepared by RETHINK GROUP, dated April 2017 (revised January 2018) has also been submitted in support of the rezoning application.

A draft Site Plan Agreement and accompanying Site Plans, prepared by EcoVue Consulting Services, have also been submitted and are being processed concurrently by Wollaston Township; which would otherwise serve to replace the existing executed Site Plan Agreement dated April 28, 2015, as amended by By-law 13-16.

BACKGROUND:

The property owners previously applied for a zoning by-law amendment in 2015 in order to permit the expansion of the existing tent and trailer park on the subject property. Included as part of their initial rezoning submission was a Scoped Environmental Impact Study, prepared by asiOtus Natural Heritage Consultants (July 18, 2014). Based on their findings, asiOtus recommended that any new campsites be setback a minimum 15 metres (50 feet) from the edge of Frog Creek and 3 metres from the boundary of the local wetland.

On March 10, 2015, By-law No. 10-15 was passed by the Township Council which had the effect of rezoning part of the subject property to 'Recreational Resort Commercial – Special – Holding (RRC-2-H) Zone'. The balance of the property remained zoned 'Environmental Protection (EP) Zone', which as we are to understand represents the mapped boundary of a locally significant wetland.

On the date of passage of By-law No. 10-15, the existing tent and trailer operation included 28 sites, 4 tourist cabins, and one residence with a store/eating establishment. Together with recognizing existing uses, the effect of the site-specific zoning was to allow the expansion of the existing tent and trailer park to a maximum of 100 tent and trailer sites, six (6) tourist cabins, two (2) showers/washrooms/laundry buildings, a recreational assembly lodge, and two septic systems. A provision regarding minimum required recreational facilities was also provided, which included:

- One existing mooring dock located within 30 metres of the RRC-2 Zone, subject to an agreement with the Township
- Volleyball, tennis or horseshoe courts
- Pedestrian or recreational vehicle trails
- One swimming pool for tent and trailer parks over 50 sites.

The site-specific zoning also established a minimum 15 metre (50 feet) setback from on-site streams and ponds for all principal buildings and trailer sites or uses, and a minimum 3 metre (9.8 feet) setback for camping and trailer site lines to the 'Environmental Protection (EP) Zone'.

Lastly, Section 5 of By-law No.10-15 identified certain conditions that would need to be addressed prior to lifting the hold (H). Those conditions included a site plan, a plan for safe pedestrian crossing, a buffering and landscaping plan, assurances regarding servicing (i.e. approval from the Ministry of Environment and Climate Change), and a land use agreement for the use of the waterfront.

Subsequent to the passage of By-law No. 10-15, a Site Plan Agreement was executed on April 28, 2015, inclusive of a Site Plan prepared by Staves Consulting Inc. (dated April 22, 2015). The Site Plan was later amended by By-law 13-16 which served to recognize a lot line adjustment and revised site layout.

As confirmed by the Township, the holding symbol has yet to be removed from the Recreational Resort Commercial Zone Exception 2 (RRC-2) Zone.

By virtue of an existing holding symbol (H), permitted uses on lands zoned RRC-2-H would be limited to those uses that existed on the day of passage of By-law No. 10-15 (i.e. 28 sites, 4 tourist cabins, and one residence with a store/eating establishment). In other words, without fulfilling the requirements of the holding provision (H), and subsequently removing the holding symbol (H), any expansion of the tent and trailer operation would be in contravention of the Township's Comprehensive Zoning By-law No. 50-10, as amended by By-law No.10-15.

Based on our understanding of the existing built form, the following items have been constructed without regard to the requirements identified in By-law No. 10-15, and are otherwise existing non-conforming/non-complying uses:

- 72 tent and trailer sites;
- Recreational Assembly Lodge/Pavilion;
- Recreational Facilities; and
- A second washroom - located near the pool.

Furthermore, the amended April 22, 2015 Site Plan which forms part of the existing Site Plan Agreement does not reflect the current layout of the trailer sites. In our opinion the deviation in the layout is considered a significant departure and otherwise represents a breach of the existing Site Plan Agreement.

Based on the most recent Site Plan by EcoVue Consulting Services (dated May 2, 2018), we have determined that ten (10) trailer sites (Sites 1-9 and 25), which were constructed following the passage of By-law No. 10-15, do not comply with the required minimum 15 metre setback to a stream or pond of the RRC-2 Zone. As previously noted, the Scoped Environmental Impact Study which was prepared in support of the original 2015 application recommended a 15 metre setback to Frog Creek. As noted in the Study, Frog Creek outlets into Wollaston Lake, which is an at capacity/cold water lake.

As we are to understand the property owners submitted an application to the Ministry of the Environment and Climate Change (MOECC) in March of 2015 to obtain the necessary sewage works approval. According to an email dated August 23, 2016 from Staff at MOECC to Brian Summers, prior to receiving approval from MOECC the owners apparently proceeded to install sewage collection pipes and a holding tank. Accordingly, the Ministry took action in August of 2016 and issued a fine to the owners.

Dated March 8, 2017 an Environmental Compliance Approval (ECA) was issued by MOECC for three (3) sewage works. According to the ECA, sewage works No.1 was approved to service three existing cabins, owner's residence and canteen; sewage works No. 2 was approved for 79 trailer sites; and sewage works No. 3 was approved for Cabin No. 4.

Given that the property owners have constructed 100 sites, an additional 21 sites from what was approved by MOECC, an amendment to the ECA is required. As we are to understand, Bear Ridge's engineer is working towards making a formal amended ECA submission to MOECC; however no such approval has yet been granted.

PLANNING EVALUATION:

The subject property is governed by the following policy and regulatory documents:

1. Provincial Policy Statement (2014);
2. County of Hastings Official Plan; and
3. Township of Wollaston Comprehensive Zoning By-law 50-10.

The following will serve as an independent planning analysis of the proposed zoning by-law amendment within the context of Provincial and County Plans; together with a review of the zoning by-law and proposed amendment.

1. Provincial Policy Statement (2014)

The current Provincial Policy Statement (PPS), issued under Section 3 of the *Planning Act*, came into effect on April 30, 2014. Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The intent of the PPS is to provide overall policy directions on matters of provincial interest related to land use and development in Ontario.

According to the PPS, the subject property is identified as Rural Lands and is therefore governed by policies contained in Sections 1.1.4 (Rural Areas in Municipalities) and 1.1.5 (Rural Lands in Municipalities).

Section 1.1.5.2 of the PPS identifies the following permitted uses within rural lands:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and
- f) other rural land uses.

Within the context of the PPS, Bear Ridge Campground & Cottages would be considered a resource-based recreational use as it utilizes existing natural resources such as the nearby Wollaston Lake and ponds internal to the site for recreational activities.

Although the PPS does not require a minimum number of resource based recreational uses, consideration should be given to added recreational opportunities in circumstances where the scale of development does not provide sufficient natural recreational opportunities. In these circumstances, provision should be provided to ensure the continued success of the use as a resource-based recreational use.

As will be discussed in more detailed in the subsequent section, the subject property does not provide sufficient access to a recreationally suitable shoreline. Therefore in our professional opinion, in order to maintain the spirit and intent of the PPS, provisions regarding the minimum number of recreational facilities should *not* be removed from the existing RRC-2-H Zone.

2. County of Hastings Official Plan

According to Schedule 'A8' the subject property is designated 'Rural' in its entirety. Commercial development such as a tent and trailer park is a permitted use in the 'Rural' designation. Any expansion of a tent and trailer park however requires an amendment to the Zoning By-law and must satisfy the development criteria listed in Section 3.3.6 k).

As stated in Section 3.3.6 k) v):

*“adequate provision for recreational facilities **shall be made** in any new tent and trailer park or major expansion of an existing one. These may be beaches, swimming pools, tennis courts, major open space areas or a combination of these and/or similar features. A tent and trailer park located in the Waterfront area **shall provide** a waterfront park adequate to meet the needs of the proposed number of campsites but **shall generally** provide not less than 2 metres of waterfront for each site. In considering the suitability of beach or open space areas, Council shall consult with its peer review agent [**emphasis added**]”*

Save and except for examples of possible recreational amenities, this policy uses language that is prescriptive and clear in its directive. Namely it identifies two requirements that must be provided for an expansion to a tent and trailer park: 1) provision for recreational facilities shall be made; and 2) shall provide a waterfront park but shall generally provide not less than 2 metres of waterfront for each site.

The first requirement for providing adequate provision for recreational facilities is required regardless of deficiencies in usable waterfront. In other words, there is no ambiguity in requiring provisions for recreational facilities in order to be consistent with this policy. The case then becomes what type of facilities should be provided.

The second requirement speaks specifically to an adequate waterfront park. The subject property falls *significantly* below the general guidelines of 2 metres of waterfront per each site (0.76 metres per site). That being the case, provisions for recreational facilities should *at minimum* include a facility that would provide for an activity that would otherwise be carried out at the waterfront park. A swimming pool in this case would be the most appropriate recreational facility that would serve to supplement a deficient shoreline.

Further policy 3.3.6 k) i) identifies that: “the maximum number of campsites should be 50 in order to avoid excessive concentrations of development in Waterfront areas”. Given that Bear Ridge has 100 sites, this policy serves to further support the need to ensure that additional facilities are provided to in order to avoid potential overcrowding of the waterfront.

As previously noted, a Recreational Capacity Study prepared by RETHINK GROUP, dated April 2017 (revised January 2018), was also submitted with the rezoning application. This study examined the recreational facilities and activities that are available on the site. Based on a survey of Bear Ridge campers, RETHINK GROUP identified that there was a strong interest in an outdoor swimming pool, however swimming at the beach was more popular.

In their discussion of the beach vs. a swimming pool, the study concludes that:

“Providing a swimming pool would enhance the experience at Bear Ridge Campground and extend the swimming season, but providing a swimming pool would not likely reduce the use of beach significantly. Of more importance is the fact that the beach can accommodate a much higher bather load than could ever be generated by campers at Bear Ridge.”

With regard to carrying capacity of the beach, the Study provides a specific area per bather for both the wet and dry beach. As noted in Appendix B, those areas are based on various guidelines, which they note are mostly guidelines intended for swimming pool not beaches. Additionally, bather capacity guidelines utilized in the study pertain to bather loads and associated water contamination. The guideline however does not take into consideration that Wollaston Lake is an at capacity/cold water lake which, in our opinion, is a variable of great importance in determining the appropriate capacity of the beach. In this case, care should be taken to reduce as much as possible the activities carried out on the shore of Wollaston Lake.

Lastly, in their discussion of trends in camping, RETHINK GROUP identified an outdoor swimming pool as a facility that is trending in North American campgrounds. Based on our on-going experience we are able to confirm that we have also seen an increased demand for swimming pools and/or splash pad facilities for park model trailer parks.

As provided for in the Recreational Capacity Study, the following new and/or improved recreation facilities are recommended for consideration at Bear Ridge Campground:

- Extended walking/hiking trails
- Enlarged boat mooring dock to accommodate 50-60 watercraft
- An outdoor swimming pool (was provided in 2017)
- More shaded sitting areas with chairs provided
- Additional playground(s)
- A baseball back stop.

The 'Minimum Recreational Facilities' provided for in By-law 10-15 include certain items listed above. As such, we would recommend that save and expect for the provision for a mooring dock the 'Minimum Recreational Facilities' be maintained in the new draft by-law. We would also recommend that two playgrounds be added to the 'Minimum Recreational Facilities' given the apparent demand for this facility by Bear Ridge Campers.

Section 3.2.9 of the County of Hastings Official Plan provides policy directives for lakes identified as at capacity/cold water lakes, Wollaston Lake being identified as such. As provided for in Section 3.2.9 any development, including a zoning by-law, within 300 metres of a cold water lake shall require a Lake Capacity Study. Although Hasting's County Staff identified that a Lake Capacity Study was not required as the septic system was located greater than 300 metres from Wollaston Lake, consideration should be given to stormwater management on the subject property. More specifically, a Stormwater Management Report and Plan should be completed prior to the passage of any planning approval to ensure that the quality of stormwater will not affect Wollaston Lake. This is of particular concern considering that ten (10) newer sites have been constructed within the 15 metre setback to the onsite stream and pond, which is in close proximity to and directly outlets into Wollaston Lake. For example one of the offending sites is located a mere 4.3 metres to the pond.

Lastly, there has been some discussion as to the most appropriate planning tool to address provisions for 'Minimum Recreational Facilities' (i.e. by-law or site plan control). As previously discussed the County Official Plan contains an explicit policy that provisions for recreational facilities must be provided. Given that a By-law establishes standards intended to guide the location of buildings and structures, and otherwise implements Official Plan policy, provisions for recreational facilities should be included in the site-specific by-law. In other words, a zoning by-law must be written with its purpose in mind, which is to be consistent with Official Plan policy.

Based on the above, it is our professional planning opinion that the proposed zoning by-law amendment is inconsistent with the County of Hastings Official Plan. Conformity with the Plan can be achieved through the retention of the provision for 'Minimum Recreational Facilities' and completion of a Stormwater Management Report/Plan.

3. Township of Wollaston Comprehensive Zoning By-law 50-10

The subject property is currently zoned 'Recreational Resort Commercial – Special – Holding (RRC-2-H) Zone' and 'Environmental Protection (EP) Zone'. As previously stated, the provision of the site-specific zoning (RRC-2-H) recognizes existing uses on the day of passage of By-law 10-15, the expansion plan for Bear Ridge Campground & Cottages, and site-specific regulations; together with holding provisions.

Landmark Associates has reviewed the most recent draft by-law, which is identical to By-law No. 10-15, save and expect that the 'Minimum Recreational Facilities' and certain requirements of the holding provision have been removed (i.e. a site plan, a plan for safe pedestrian crossing, a buffering and landscaping plan). Based on our review we would respectfully request that Council and Staff consider the following:

- Section 1 e. from By-law 10-15 be revised as follows and included in the new draft by-law:
“Minimum Recreational Facilities:
 - ***An outdoor swimming pool***
 - ***Pedestrian or recreational vehicle trails***
 - ***Two playgrounds***
 - ***One outdoor court”***

As previously noted we would respectfully recommend including playgrounds as a minimum recreational facility as there is a demand for this type of use by Bear Ridge Campers. In order to provide operational flexibility for the owners of Bear Ridge the type of outdoor court should not be limited to a specific type.

The above listed minimum recreational facilities are existing, and thus their inclusion in the by-law would not result in unnecessary hardship for the owners. Rather their inclusion would allow the continued success of Bear Ridge as a resource-based recreational use.

- As drafted, Section 2.a. v. provides a minimum 15 metre setback from on-site streams or ponds for all principal buildings, trailer sites or uses. Based on our calculations, ten (10) newer sites and four (4) older sites are located within this 15 metre setback. Additionally, Section 4. a. provides a minimum 3 metre setback for camping and trailer site lines to the 'Environmental Protection (EP) Zone'. Although newer sites have respected the 3 metre setback to the EP Zone, nine (9) older sites are located with the EP Zone and/or buffer. Should the draft by-law be passed as written, the by-law would be creating non-complying sites. We would therefore suggest that those affected sites either be relocated to comply with the by-law as drafted, or that deficiencies be recognized in the by-law.
- The existing pavilion is deficient with respect to an interior side lot line. We therefore recommend that the offending structure be relocated to comply with the by-law, or that the deficiency be recognized in the site-specific by-law.
- Although the Comprehensive By-law limits the maximum number of trailers on a site to 1 trailer, we would recommend adding this provision to Section 2 c. for further clarity.
- Section 2.c.i. limits the maximum number of park sites to 100 sites. 'Park Sites' is not defined in the by-law. Therefore, in order to eliminate any ambiguity with the term we would suggest providing a definition in the site-specific by-law or replacing the term with 'trailer site' which is defined in the by-law.
- Section 13.3. c. vi) of the Comprehensive Zoning By-law indicates that the minimum required site area for a tent and trailer site is 200 sq. metres. Based on our calculation, three sites (i.e. 1, 5 and E13) are deficient. We would therefore suggest that those affected sites either be enlarged to comply with the by-law as drafted, or recognize their deficiencies in the by-law.
- The draft by-law limits the number of septic systems to two (2). Based on the ECA issued by MOECC on March 8, 2017 three (3) systems have been approved. The proponent should provide clarification regarding this item prior to the draft by-law being approved.

- Lastly with regard to the proposed amended holding provision, we are in agreement that those items previously listed in By-law No. 10-15 that have been removed (i.e. a site plan, a plan for safe pedestrian crossing, a buffering and landscaping plan) can be addressed through Site Plan Agreement. However, listing specific items to be addressed through that agreement ensures that key items of concerns have been completed to the satisfaction of Council.

As such we would respectfully recommend that the following replace Section 5. a. i. of the new draft by-law:

“That the owner of the property has entered into a Site Plan Agreement with the Municipality, addressing such matters as but not necessarily limited to:

- 1. A site plan drawn to accurate scale showing the location of the safe pedestrian crossing to the waterfront, all existing and future buildings, structures, uses and facilities;***
- 2. Stormwater management and drainage; and***
- 3. Landscaping plan and the identification of any environmental areas to be protected.”***

Based on the above outstanding issues and deficiencies we are of the professional planning opinion that it would be premature for Council to pass the draft by-law as written.

CONCLUSIONS:

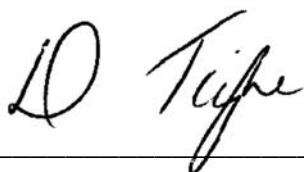
Based on our review of the County of Hastings Official Plan the proposal to remove the ‘Minimum Recreational Facilities’ from the site-specific zoning of Bear Ridge Campground & Cottages is inconsistent with County policies developed for expansions of tent & trailer parks. Further, the inclusion of provisions within the site-specific by-law ensures that the by-law is consistent with the policies of the Official Plan.

Additionally, the lack of a completed stormwater management plan for the subject lands offends policies developed to protect at capacity/cold water lakes such as Wollaston Lake. Assurance regarding stormwater quality of the site should be obtained prior to the granting of any planning act application.

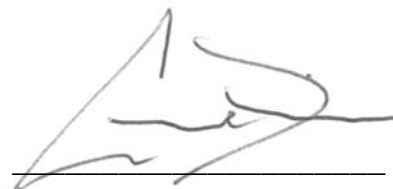
It is therefore our professional planning opinion that the zoning by-law amendment being sought does not conform the County Official Plan, and approval of the application and draft by-law would **not** represent good planning.

Thank you,

LANDMARK ASSOCIATES LIMITED



Darryl J. Tighe, M.Sc., RPP,
President



Anne Dorion, M.A.
Planner

Enclosure.
agd

cc: Stephen Hodd
Larry and Lyn Legault
Sam Purdy
Wayne Sonnenberg
Garth Stephanson
Brian and Cathy Summers– Clients
Ewart O’Dwyer, Attention: John Ewart – Legal Counsel