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## **Planning Justification Report**

**In support of a Zoning By-law Amendment  
Bear Ridge Campground  
Part of Lot 13 & 14, Concession 6, Township of Wollaston**

**Prepared for: Bear Ridge Campground (Jason and Traci Morrison)**

**EcoVue Reference No.: 16-1646**

**Date: December 21, 2016**

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## **1.0 Background**

This report is being submitted in support of an application for a Zoning By-law amendment (ZBA) on a property located at 563 The Ridge Road, or Part of Lot 13 and 14, Concession 6, Township of Wollaston (see **Figure 1 – Site Location**). The purpose of the application is to amend the Township of Wollaston Zoning By-law 50-10, as amended by By-law 10-15, which was passed for the purposes of permitting the expansion of the Bear Ridge Campground. This report will examine the proposed amendment in the context of the applicable land use planning policies.

### **1.1 Background and Reasons for Proposed Amendment**

The applicants, Jason and Toni Morrison, are in the process of expanding the Bear Ridge Campground. The existing campground consists of 28 trailer sites, four (4) tourist cabins, one accessory dwelling unit, and an accessory restaurant/eating establishment. The proposed expansion will consist of an additional 72 trailer sites for a total of 100 trailer sites (see **Figure 2 – Site Plan/Zoning Sketch**). The applicants submitted an application for an amendment to the Township of Wollaston Zoning By-law in late 2014. The purpose of the amendment was to facilitate the expansion of the campground as the existing zoning on the subject lands did not permit the additional trailer sites. After public consultation and input from the County of Hastings Planning Department, the Township of Wollaston Council approved Zoning By-law Amendment 10-15, which had the effect of permitting the additional sites and recognizing some site-specific lot regulations through the site-specific Recreational/Resort Commercial Exception Two (RRC-2) Zone. However, By-law 10-15 also included some provisions that appear to be difficult to enforce and that are generally contrary to good planning. While the By-law achieves the primary objective of permitting the expansion, it also inherently restricts the applicant's ability to properly operate the business.

In order to modify the site-specific provisions of the RRC-2 Zone, the applicants are now submitting a second Zoning By-law amendment. The proposed amendment is textual only, and will have the affect of amending the RRC-2 provisions of the that were implemented through By-law 10-15.

It is proposed that the following sections of By-law 10-15 be removed:

Section 1 e., as follows:

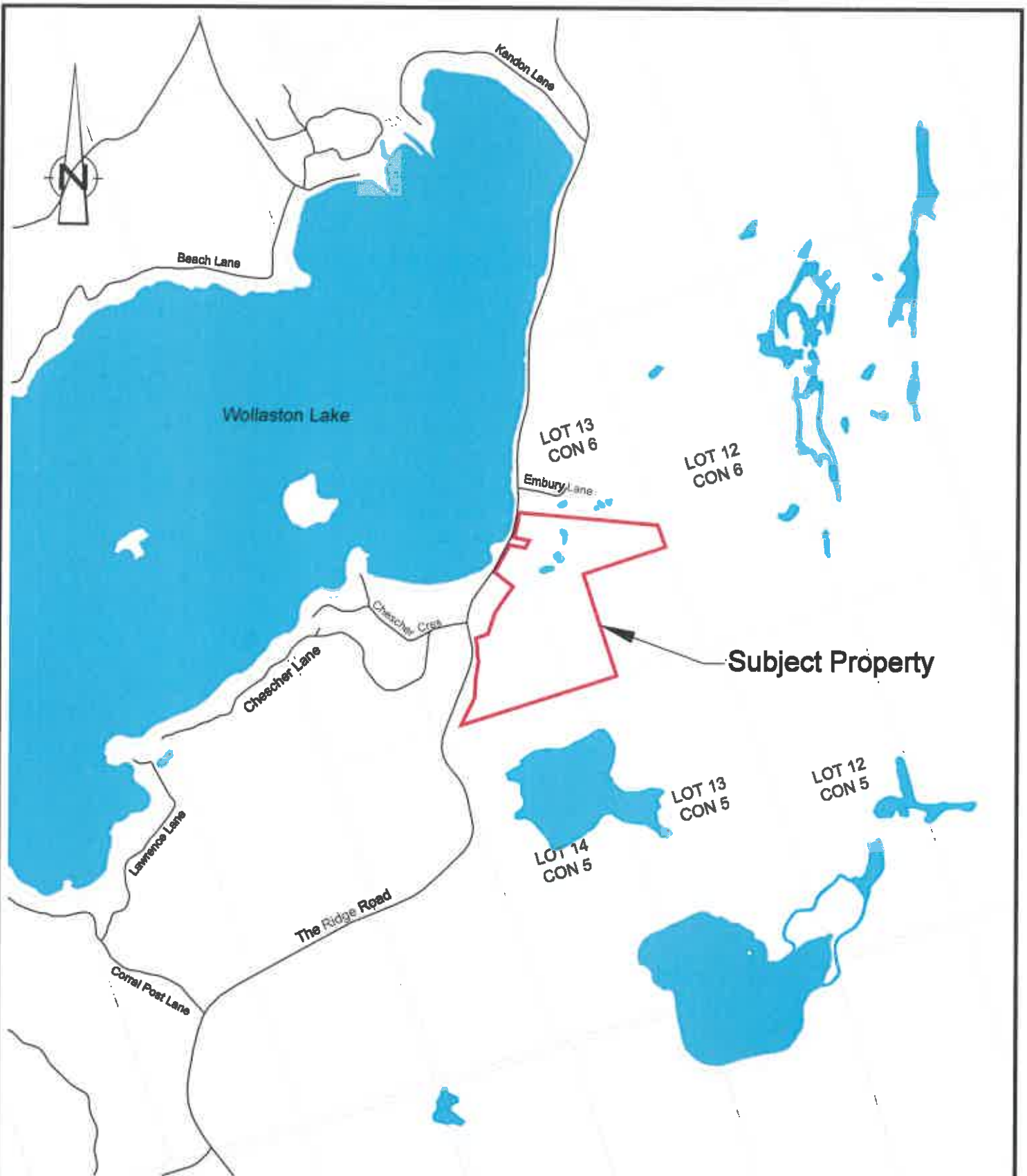
#### *i. Minimum Recreational Facilities:*



- *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*

It is our opinion that Section 1 (e) of the RRC-2 Zone is an unnecessary provision that is not consistent with the intent of the Provincial Policy Statement and the County of Hastings Official Plan. **The removal of Section 1 (e) from the By-law is examined in the context of the applicable Provincial and local planning policies in Section 3.0 of this Report.**

Furthermore, it is also proposed that Section 5 of the RRC-2 Zone, which speaks to the requirements for lifting the Holding (H) Symbol from the subject lands, be amended. In our opinion, the requirements for the lifting of the "H" symbol are unclear and may be difficult for the applicants to fulfill. **The proposed changes to Section 5 of the By-law are discussed in Section 4.0 of this Report.**



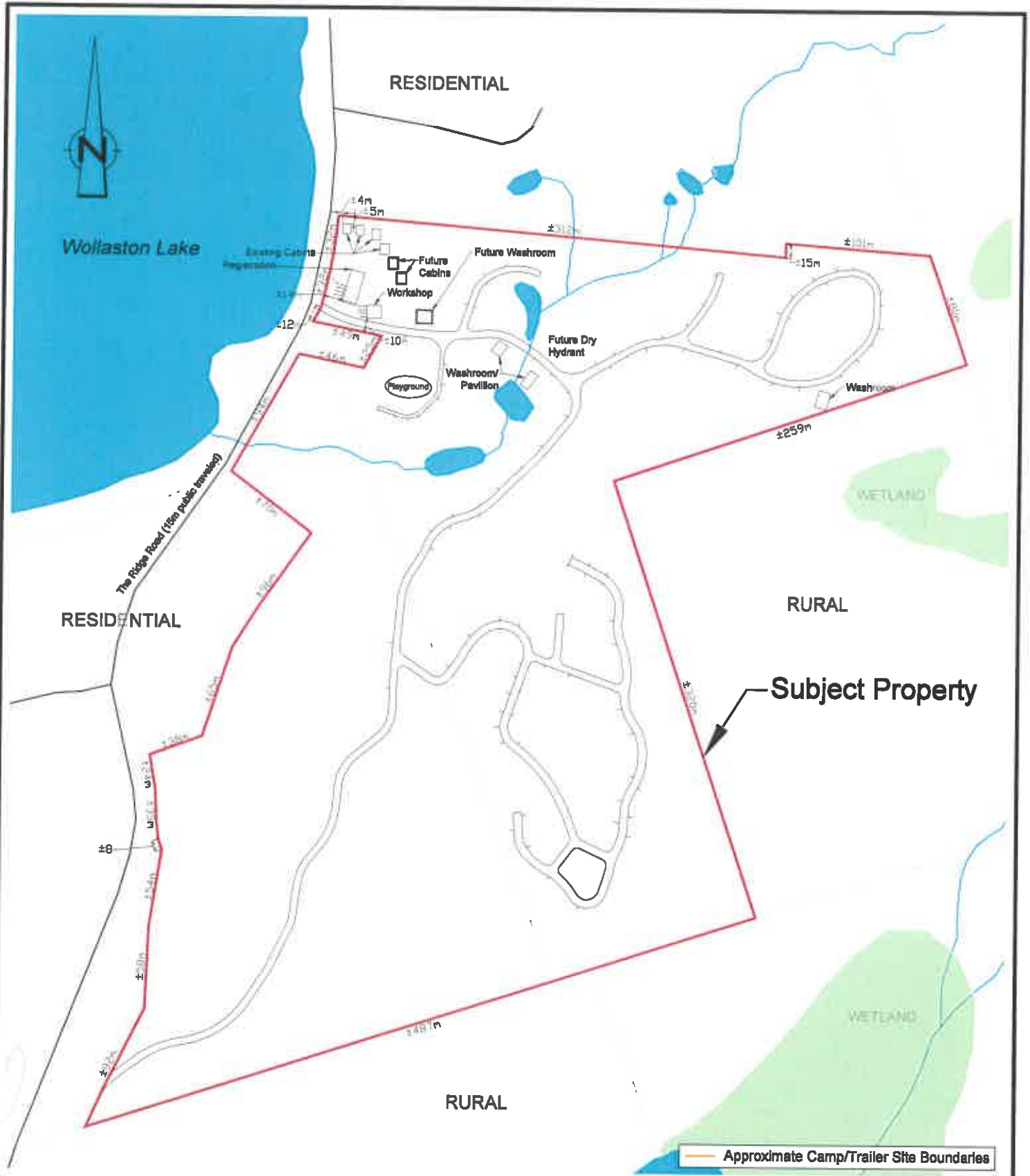
Subject Property



PROJECT NO: 18-1647  
 DATE: Dec 21 2016  
 HORIZ. SCALE: 1:15,000

**Figure 1 - Site Location**  
 Bear Ridge Campground

Part of Lots 14 & 13, Con 6 - Township of Wollaston  
 County of Hastings (563 The Ridge Road)



PROJECT NO: 16-1647  
 DATE: Dec 21 2016  
 HORIZ. SCALE: 1:3,500

**Figure 2 - Site Plan/Zoning Sketch**

**Bear Ridge Campground**

Part of Lots 14 & 13, Con 6 - Township of Wollaston  
 County of Hastings (563 The Ridge Road)



## **2.0 Description of the Subject Lands**

The subject lands are located at Part of Lot 13 and 14, Concession 6, Township of Wollaston, County of Hastings. The property is approximately 19 hectares (47 acres) with frontage on the eastern side of the municipally-maintained The Ridge Road. The Bear Ridge Campground is located on the northern portion of the subject property, in close proximity to The Ridge Road. Access and parking for campground is directly east of the road in the northwest corner of the property. Wollaston Lake is located approximately 25 metres west of the entrance to the campground, on the opposite side of The Ridge Road. As a result of the location of the road, the property does not front onto any portion of Wollaston Lake. However, the campground utilizes a beach and a dock on the shoreline of the lake, both of which are located on a municipally-owned shoreline road allowance. The dock is 27 metres long and includes docking spots for up to 20 boats, while the beach area contains 76 metres of frontage on Wollaston Lake.

The existing campground is comprised of 28 trailer sites, four tourist cabins, an accessory dwelling unit and eating establishment, and a shower/washroom building. The proposed expansion includes 72 additional trailer spots, an expanded communal septic system and the extension of internal roads. The expanded area is located immediately south of the existing campground (see **Figure 2 – Site Plan/Zoning Sketch**).

The elevation of the subject property rises abruptly towards the south from the flat area on which the existing campground is located. The additional sites will be located within this area on the slopes of a large ridge that dominates the landscape to the south. There is a locally significant wetland located near the existing trailer sites, on the western portion of the property. There are also three (3) ponds located near the wetland, in the central portion of the existing campground area.

## **3.0 Policy Considerations**

Land use policies and regulations affecting the subject lands include the Provincial Policy Statement at the provincial level. At the municipal level, the County of Hastings Official Plan, which provides land use designations and policies for the Township of Wollaston, and the Township of Wollaston Comprehensive Zoning By-law 50-10 affect the subject lands. In this section of the Report, the proposed changes to the RRC-2 Zone provisions and regulations are reviewed in the context of the policies and provisions contained in these documents.





The policy analysis herein will focus on the specific provisions of the RRC-2 Zone that are to be removed or modified, rather than the expansion itself. However, given the policy basis for these provisions, an examination of the expansion in the context of several policies of the County of Hastings Official Plan will be included.

### **3.1 Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authorities – in this case the Township of Wollaston and the County of Hastings – to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests including policies related to settlement areas in urban and rural communities.

#### **3.1.1 Rural Areas in Municipalities**

The subject property is not located within a settlement area and is therefore subject to Section 1.1.4 of the PPS. It is stated in Section 1.1.4 (Rural Areas in Municipalities) that "*[r]ural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas*". The subject lands are considered to be part of the *rural lands* identified in Section 1.1.4 of the PPS and are therefore subject to Section 1.1.5 of the PPS (see below).

It is further stated in Section 1.1.4.1 (a) that "*[h]ealthy, integrated and viable rural areas should be supported by...building upon rural character, and leveraging rural amenities and assets*". additional trailer sites will represent an expansion of the existing tourist commercial development on the subject lands. The proposed expansion will leverage the existing tourism asset and will be integrated with the rural character of the area.

##### **3.1.1.1 RURAL LANDS IN MUNICIPALITIES**

Section 1.1.5 of the PPS speaks to rural lands in municipalities. It is stated in Section 1.1.5.2 that the permitted uses within rural lands shall include:

- 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.*

The existing Bear Ridge Campground utilizes existing recreational resources, including nearby Wollaston Lake, and is considered a resource-based recreational use. There are also three ponds within the campground that are used for fishing. The Campground also benefits from the rural character of the area as a recreational resource, including the relatively isolated setting and the extensive recreational trails. In our opinion, these characteristics of the campground provide sufficient recreational opportunities for guests.

Furthermore, the PPS does not define what a recreational resource must be, nor does it require a minimum size for the resource. Therefore, minimum recreational requirements for a resource-based recreational use, such as a minimum number of recreational facilities, or a minimum frontage on a navigable waterway, are not required under the PPS.

### **3.2 County of Hastings Official Plan**

The subject property is designated Rural, according to Schedule 'A-8' to the County of Hastings Official Plan (CHOP) (see: **Figure 3**). Commercial development within this designation, including development related to tourist commercial uses such as tent and trailer parks, is subject to the policies of Section 3.3.6 of the County of Hastings Official Plan (CHOP). As discussed in Section 3.3.6 (k) of the CHOP, "*an amendment to the Zoning By-law shall be required to permit the...expansion of an existing [trailer park]*". Furthermore, the expansion must satisfy several development criteria listed within Section 3.3.6 (k). When the original Zoning By-law amendment application for the expansion was being reviewed, the County and Township staff specifically cited the following Section 3.3.6 (k) (v) as the reason for including a requirement for recreational facilities in Section 1 (e) of the RRC-2 Zone provisions [emphasis added]:

- (i) *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 spaces areas, Council shall consult with its peer review agent.*

The above policy describes two primary requirements for any expansion to a tent and trailer park: the first requirement is for adequate recreational facilities; the second is for adequate waterfront access for all campsites within a waterfront tent and trailer park.

Through the use of the words "*may*" and "*similar features*", the intent of Section 3.3.6 (k) (v) is not to restrict the types of recreational facilities that can or should be used within tent and trailer parks. A recreational facility could be any number of different uses or activities, including recreational trails or fishing ponds. Furthermore, there is no minimum requirement for recreational facilities. New tent and trailer development does not require a certain number of facilities of a certain size or extent.

If it is considered to be within a Waterfront area (within 300 metres of a navigable waterbody), a tent and trailer park shall generally provide not less than 2 metres of waterfront for each site. Through the inclusion of the word "*generally*", it is evident that this policy is not intended to require 2 metres of frontage in *all instances*. The reason for including this flexibility is because in certain site-specific developments, this requirement would be difficult or impossible to satisfy. In our opinion, the primary intent of this Waterfront requirement is to ensure that a tent and trailer park within a waterfront includes adequate waterfront access. However, shoreline frontage does not necessarily equate to the level of water access within a given property. For instance, the construction of a larger dock would allow for a greater number of boats to access a waterbody without the need for a large amount of shoreline frontage. Therefore, greater frontage is not a requirement where existing waterfront access can adequately accommodate the expansion of a tent and trailer park.

In this instance, the unique characteristics of the Bear Ridge Campground are important to note when examining this policy of the CHOP:

- The Campground does not have direct frontage on Wollaston Lake and utilizes lands owned by the Township for lake access.

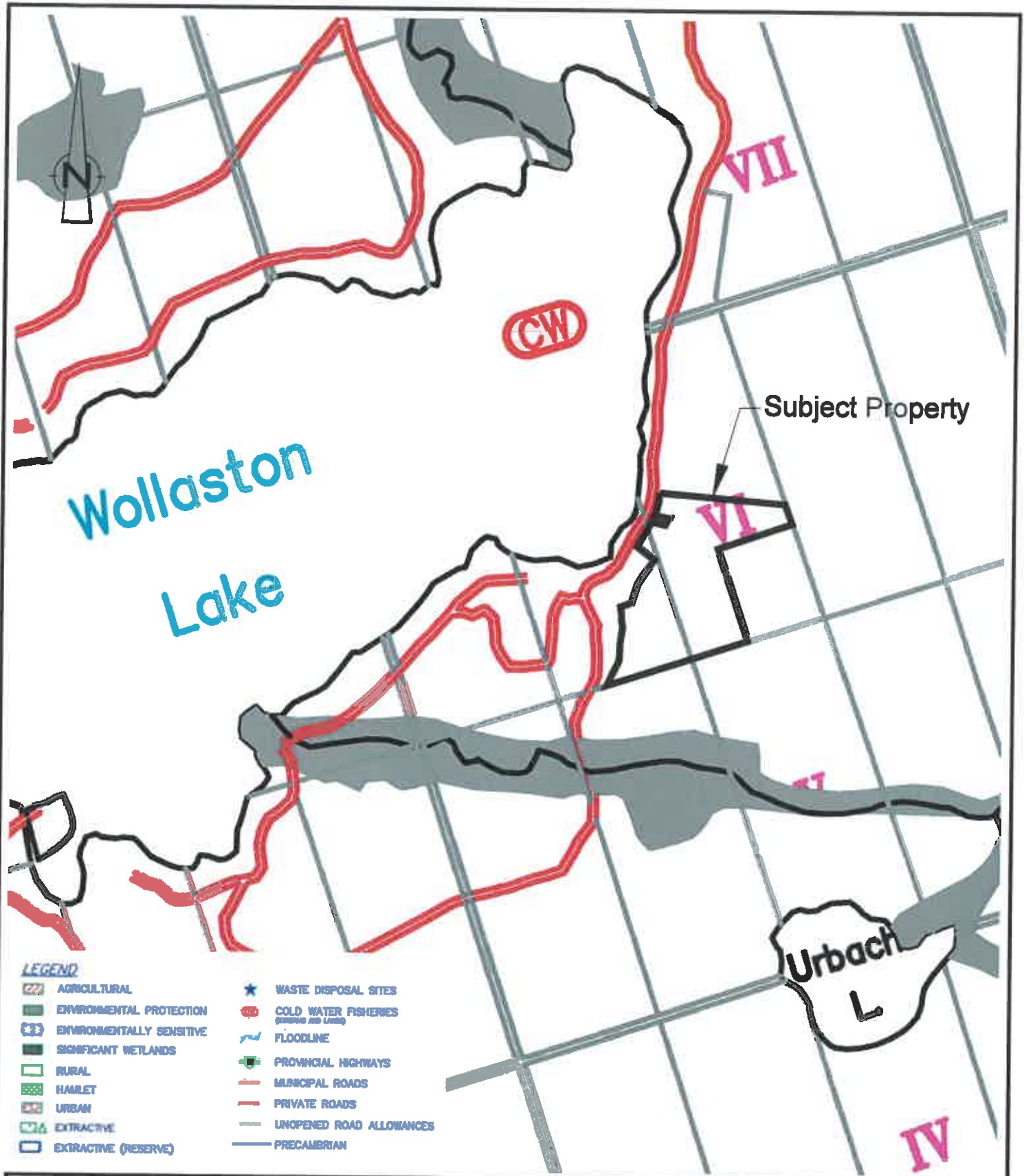
- The lake access includes a beach with 76 metres of frontage, and a dock with 20 boat slips with a plan to expand to 50 boat slips. The expansion of the dock would assist with providing greater waterfront access for visitors, in keeping with the intent of Section 3.3.6 (k) (v).
- Owing to the size of the Campground (in particular the expanded area) and the other recreational opportunities not related to Wollaston Lake that are available to visitors, much of the Campground does not relate directly to the Wollaston Lake waterfront.

For the above reasons, it is our opinion that the the 2 metre water frontage requirement should not be applicable in this instance. While there is no direct provision for water frontage within RRC-2 Zone, it is important to establish this opinion as, during the initial ZBA process, Section 3.3.6 (k) (v) was the basis for the County and Township's requirement for a greater number of *"minimum recreational facilities"*, as described in Section 1 (e) of the RRC-2 Zone provisions. In the opinion of County staff, *"a minimum of 2 metres of waterfront should otherwise be provided"* and that *"a swimming pool is recommended to address the equivalency of a waterfront where swimming activities can be supported"*.<sup>1</sup>

- It is our opinion that the recreational trails and ponds, combined with the waterfront access to Wollaston Lake, provide sufficient recreational opportunities for visitors to the Bear Ridge Campground. There is also no basis within the CHOP to specifically require a swimming pool in place of *"insufficient"* frontage. The removal of these provisions within the RRC-2 Zone provisions is consistent with the CHOP.
- Furthermore, by prohibiting the expansion of the dock (on lands that are not subject to the site-specific zoning on the property – see below) on the waterfront lands, this provision of the RRC-2 Zone, as approved, is contrary to the intent of Section 3.3.6 (k) (v) as it limits additional boat access for the Campground, and therefore limits additional recreational opportunities for campground visitors.

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<sup>1</sup> Hastings County Planning Staff Comments, Paul Walsh, May 5, 2016



**LEGEND**

- |                           |   |
|---------------------------|---|
| AGRICULTURAL              | WASTE DISPOSAL SITES                        |
| ENVIRONMENTAL PROTECTION  | COLD WATER FISHERIES (SHORELINE AND LAKING) |
| ENVIRONMENTALLY SENSITIVE | FLOODLINE                                   |
| SIGNIFICANT WETLANDS      | PROVINCIAL HIGHWAYS                         |
| RURAL                     | MUNICIPAL ROADS                             |
| HAMLET                    | PRIVATE ROADS                               |
| URBAN                     | UNOPENED ROAD ALLOWANCES                    |
| EXTRACTIVE                | PRECAMBRIAN                                 |
| EXTRACTIVE (RESERVE)      |   |



PROJECT NO: 16-1647  
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 HORIZ. SCALE: N.T.S.

**Figure 3 - County of Hastings Official Plan  
 Schedule A-8  
 Bear Ridge Campground  
 Part of Lots 14 & 13, Con 6 - Township of Wollaston  
 County of Hastings (563 The Ridge Road)**



### **3.3 Township of Wollaston Zoning By-law 50-10**

The property was rezoned from the Recreational/Resort Commercial (RRC) Zone to the Recreational/Resort Commercial Exception Two (RRC-2) Zone in order to permit the expansion of the campground. As stated above, the provisions of the site-specific amendment (By-law 10-15) recognized a number of property-specific characteristics, including setbacks, number of trailer sites, size of trailer sites, etc. As discussed herein, it is the intention of the applicants to amend the RRC-2 Zone provisions within the Township Zoning By-law (as amended by By-law 10-15) in order to remove Section 1 (e) i. and modify the requirements for removal of the Holding (H) provision. Therefore, the general provisions of the Zoning By-law, as well as provisions and lot regulations of the RRC Zone, are not applicable to this particular application.

That being said, it is important to note the provisions of the RRC-2 Zone as they relate to the physical extent of the zone boundary. Section 1 (e) i., bullet 1, states that a minimum of "*[one] existing mooring dock located within 30 metres of the RRC-2 Zone, subject to an agreement with the Township* is permitted. This zoning provision represents an attempt to control land use on lands that are not part of the lands on which the RRC-2 Zone applies. This provision is unenforceable, as the lands subject to the RRC-2 Zone and the original application do not include the waterfront lands owned by the Township. Provisions of specific zones do not spread to adjacent lands because of close proximity or if those lands relate to each other in some way – whether formally or informally.

### **3.4 Summary of Policy Considerations**

The proposed amendment to the Township of Wollaston By-law 50-10, as amended by By-law 10-15, is consistent with the provisions set out in the policy and regulations affecting the subject lands, including the *Planning Act, R.S.O. 1990*, as amended, and the associated Provincial Policy Statement. The amendment also maintains the intent of the County of Hastings Official Plan and the Township of Wollaston Zoning By-law 50-10, while, in contrast, the provisions to be removed from RRC-2 Zone do not maintain the intent and spirit of these documents.

### **4.0 Holding Provision**

The Holding (H) provision described in By-law 10-15 is as follows:

#### *5. "Holding (H)" Symbol Provisions*



- a. Prior to Council's removal of the "Holding (H)" symbol from the RRC-2-H Zone, the following shall apply:**
- i. Existing uses are permitted.**
- ii. The following information shall be presented to the satisfaction of Council:**
- 1. A site plan drawn to an accurate scale showing the location of all existing and future buildings, structures, uses, and facilities;**
  - 2. A plan for a safe pedestrian crossing to the waterfront;**
  - 3. Buffering and landscaping features:**
    - a. adjacent to off-site residential uses; and,**
    - b. naturalization of sites exposed to public view.**
  - 4. Servicing plan approved by the ministry of the Environment and Climate Change**
  - 5. A land use agreement has been entered into with the Township of Wollaston for the use of an area of shore road allowance.**
- iii. The "h" Holding Symbol shall be removed by by-law after the owner has entered into a Site Plan Agreement with the Township of Wollaston, which agreement shall address all municipal requirements, financial or otherwise, in accordance with Section 41 of the Planning Act, as amended.**

In our opinion, the primary purpose of the Holding provision associated with the RRC-2 Zone should be twofold:

- 1) to ensure that the applicants enter into a site plan agreement with Township; and**
- 2) to resolve the issue of waterfront access on Township property by requiring the applicants to enter into an encroachment (land use) agreement with Township.**

It is our opinion that the inclusion of Section 5 a. ii 1, 2 and 3 is unnecessary, given that the site plan agreement described in Section 5 a. iii. would include an approved site plan detailing landscaped features including buffering between the campground and non-residential uses. Not only does this provision simply repeat requirements under Section 41 of the Planning Act, there are also no



parameters or requirements for buffer or "naturalization" characteristics. The ambiguity of these provisions means that the requirements for site characteristics such as buffer sizing and vegetative species, or what constitutes "naturalization", may change over time. Also, landscaped buffer requirements are already included within the Township Zoning By-law.

In addition to these arbitrary requirements, the issue of safe pedestrian access is not a planning issue directly related to zoning or site plan control. Issues related to the municipally-maintained Ridge Road that are not related to vehicular access or traffic impact resulting from the expansion of the Campground should not be addressed through the Zoning By-law amendment or Site Plan process.

Furthermore, including a provision that permits existing uses is also not required as the existing zoning is in full effect until the "H" has been lifted.

Therefore, we proposed the following Holding (H) provisions to replace Section 5 of the RRC-2 Zone provisions:

***5. The "H" Holding Symbol shall be removed by by-law after the following has occurred:***

- a) The owner has entered into a Site Plan Agreement with the Township of Wollaston, which shall address all municipal requirements, financial or otherwise, in accordance with Section 41 of the Planning Act, as amended.***
- b) The owner has entered into a land use agreement with the Township regarding the site's waterfront access area that is located on municipally-owned land.***
- c) Environmental Compliance Approval (ECA) has been granted by the Ministry of Environment and Climate Change (MOECC) for the proposed septic and water servicing.***






## 5.0 Summary

Based on the foregoing review of relevant policy considerations, and a detailed investigation of site suitability, this Report concludes that the proposed amendment to the Township of Wollaston Zoning By-law 50-10 (as amended by By-law 10-15) is consistent with both provincial and municipal planning policies and documents, and constitutes good planning.

Respectfully Submitted,

**ECOVUE CONSULTING SERVICES INC.**

  
\_\_\_\_\_  
J. Kent Randall B.E.S. MCIP RPP  
Intermediate Planner

