



# 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.23.093  
**Title:** Recommendation Report – Follow-Up to the Public Meeting for Consent to Sever for 795534 Town of The Blue Mountains-Clearview Townline (Bruce Trail Conservancy and Osler Bluff Ski Club)  
**Prepared by:** Nicole Schroder, Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.093, entitled “Recommendation Report – Follow-Up to the Public Meeting for Consent to Sever for 795534 Town of The Blue Mountains-Clearview Townline (Bruce Trail Conservancy and Osler Bluff Ski Club)”;

AND THAT Council grant Provisional Consent to Application P3319, subject to the conditions as outlined in Attachment #3 -Draft Consent Decision of Staff Report PDS.23.093.

### 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 a permanent trail easement for conservation purposes. The subject lands are legally described as Collingwood Con 1 PT Lots 7-9 Pt Rd Allow. The permanent trail easement is located south of the Osler Bluff Ski Club, 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 a consent to sever to create a permanent trail easement on the subject lands for conservation purposes. The application has the effect of establishing an easement of approximately 795 sq. m from the subject lands to allow the Bruce Trail Conservancy (a recognized public body within the framework of the Niagara Escarpment Plan) to secure a link for the Bruce Trail Optimum Route and protect the land for conservation purposes. The Osler Bluff Ski Club will retain approximately 163.70 hectares. No new development or structures are proposed.

### C. Background

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The subject lands are located on Poplar Sideroad and The Blue Mountains-Clearview Townline and are commonly known as Osler Bluff Ski Club. Surrounding properties on the south side of

Poplar Sideroad are generally vacant, properties on the north side of Poplar Sideroad and east of The Blue Mountains-Clearview Townline are occupied parcels of land with rural and residential uses. The applicant currently owns the subject land and is requesting a new trail easement which would convey approximately 795 sq. m from the subject lands to allow the Bruce Trail Conservancy to secure a permanent link for the Bruce Trail Optimum Route. The Applicant will retain all the land they currently own.

## Location

The permanent trail easement is located south of the Osler Bluff Ski Club, on the top of the Niagara Escarpment. Surrounding properties on the south side of Poplar Sideroad are generally vacant and are located within the Area of Development Control established by the Niagara Escarpment Plan. As such, municipal zoning does not apply.

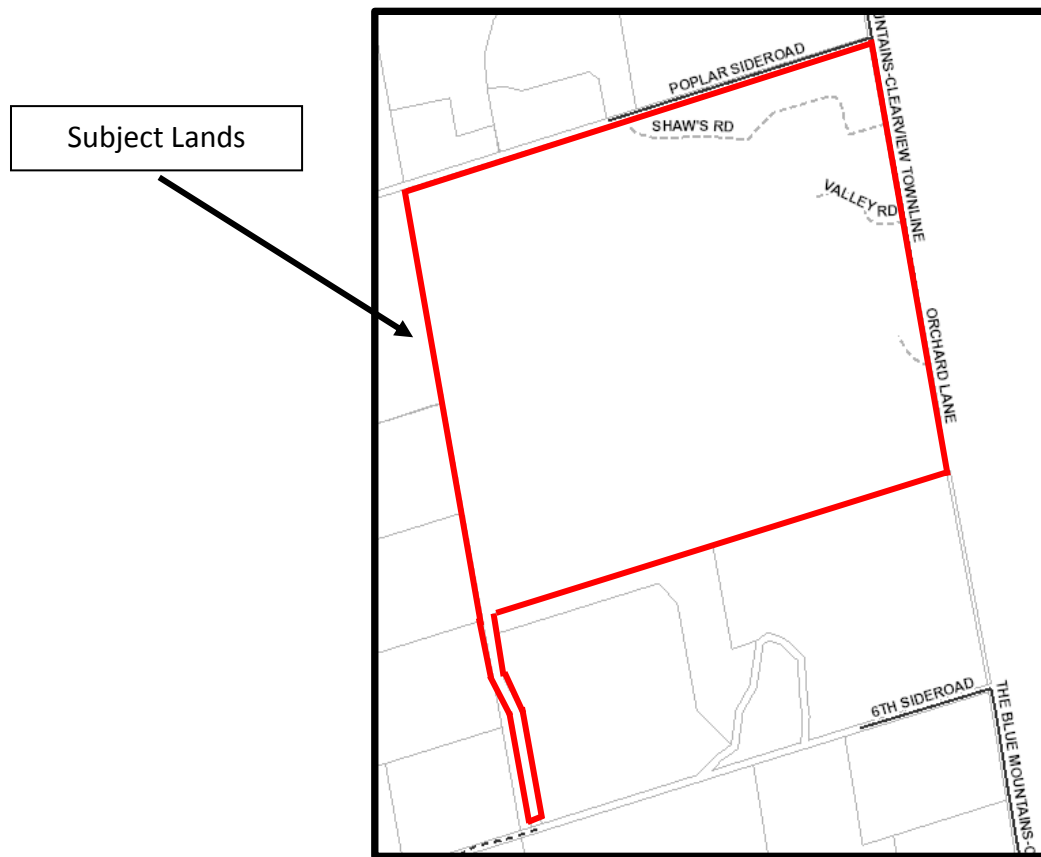


Figure 1: Key Map

The subject property is currently an operational Ski Club and contains treed and cleared areas that are utilized for skiing purposes. The portion of the lands proposed to be conveyed for a permanent trail easement is comprised of a driveway which is for access to the top of the ski hill and for maintenance purposes.

## 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. The proposed easement would not negatively impact the natural heritage features as the trail is existing and no new structures or buildings are proposed; therefore, County Planning staff have no concerns.
- Nottawasaga Valley Conservation Authority: No comments or concerns as the proposed easement is outside of any hazards.
- Hydro One: No comments.

## 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 permanent trail easement to secure a link for the Bruce Trail Optimum Route and conserve and protect the biodiversity and the ecological benefits provided by nature.

The proposed permanent trail easement is intended to provide for long-term conservation of the natural heritage features associated with the Niagara Escarpment. The proposed easement is generally consistent with the wider policy direction of the PPS contained in Section 1.0 Building Strong 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 Provincial Policy Statement.

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

Most of the subject lands are located outside the Area of Development Control outlined by the NEP. However, the access driveway connecting to 6<sup>th</sup> Sideroad, and the location of the trail easement appear to be within the Area of Development Control outlined by the NEP. The Niagara Escarpment Commission does not require a Development Permit to establish an easement, and have not indicated any concerns with this proposed. The NEP encourages recreational uses and the continuation of the Bruce Trail. The proposed easement supports this direction and is consistent with the policies of the NEP.

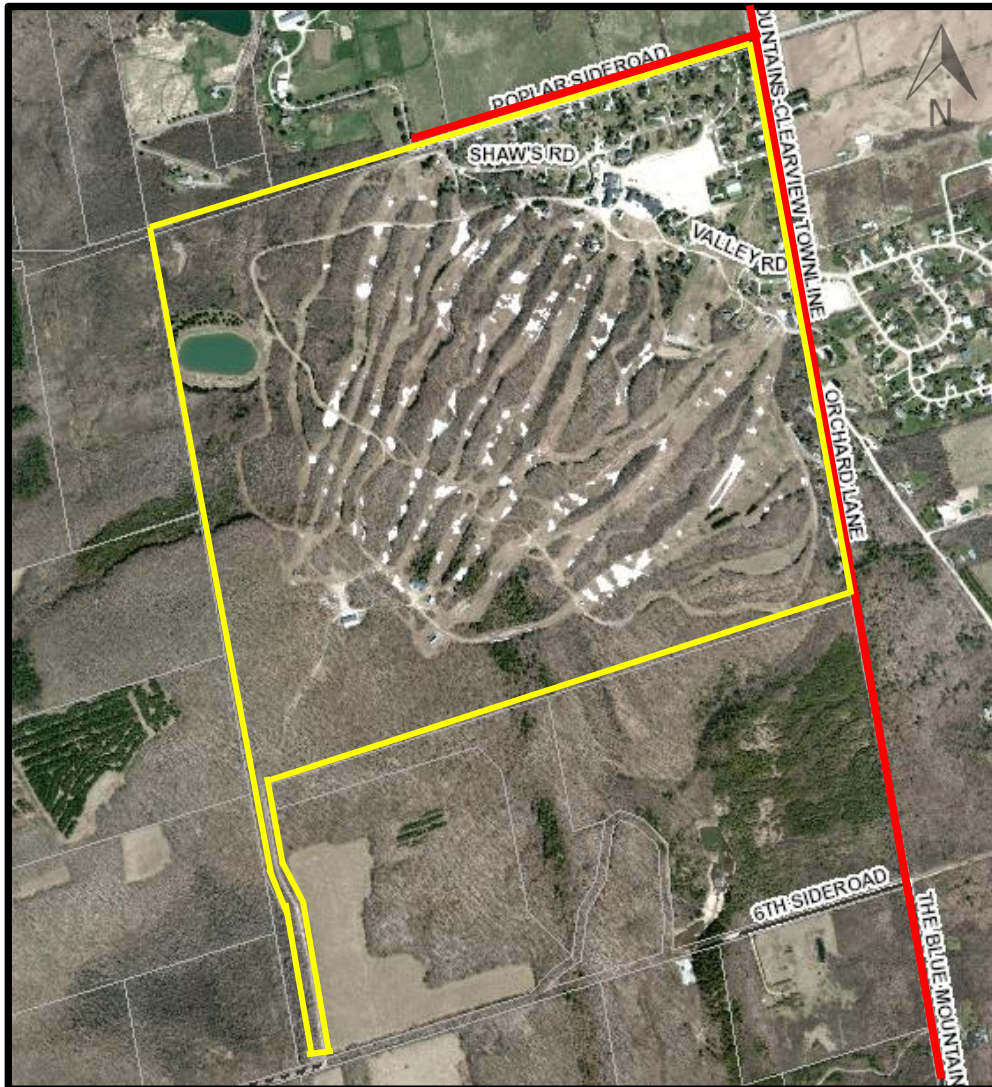


Figure 2: Aerial Map

## 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”, “Escarpment Recreational Area” and “Recreational Resort Settlement Area” 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. The subject lands contain ‘Core Area’ and ‘Karst’. The proposed Consent is for an easement and would not create a new lot or consider new development in the Core Area and the proposed easement is outside of the Karst area. Therefore, County Planning staff have no concerns.

The subject lands contain 'Significant Woodlands', 'Area of Natural and Scientific Interest – Life Science', 'Streams', and are within the adjacent lands of 'Area of Natural and Scientific Interest – Earth Science'. The proposed easement would not negatively impact the natural heritage features as the trail is existing and no new structures are proposed. Therefore, County Planning staff have no concerns as the permanent trail easement 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 *Rural*, *Escarpment*, *Recreational Ski and Residential Recreational Area*. The location of the proposed permanent trail easement is nearest to the Rural and Escarpment land use designations.

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 a new easement or lot creation within this designation are generally prohibited, except where permitted in the Niagara Escarpment Plan.

The intent of the *Rural* designation is to protect the rural character of the Town and maintain elements that contribute to the open space character of the countryside. Passive recreational uses, including walking trails, are permitted within the *Rural* designation. Consent policies in the *Rural* designation are outlined under Section B4.4.4.2 of the Plan. In this regard, a new easement or lots for conservation purposes by an approved conservation organization are not subject to the lot density, lot size, or lot frontage requirements of the Official Plan.

The Official Plan also provides general policies for a new easement or lot creation under Section D4. Section D4.2.4 of the Plan permits the creation of a new easement or lot for acquisition by a public or quasi-public body. In this case, the Bruce Trail 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 easement is for conservation purposes, is permitted by the Official Plan, and is to be acquired by the Bruce Trail Conservancy, 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. Notwithstanding, it is noted that General Provision 4.29, entitled *Public Uses*, permits public uses within all zone categories, subject to compliance with all applicable zone standards and parking requirements. Due to the nature and location of the proposed use and Bruce Trail connection, Planning Staff are satisfied that parking should not be required for the proposed permanent trail easement.

While municipal zoning does not apply in this case, Planning Staff remain 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 a permanent trail easement 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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No adverse environmental impacts are anticipated as a result of the recommendations contained in this report.

## **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*.

## 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:  
Nicole Schroder, Planner  
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519-599-3131 extension 288

### Report Approval Details

Document Title:	PDS.23.093 Recommendation Report - Follow-Up to the Public Meeting for Consent to Sever for 795534 TBM-Clearview Townline.docx
Attachments:	<ul style="list-style-type: none"><li>- PDS-23-093-Attachment-3.pdf</li><li>- PDS-23-093-Attachment-2.pdf</li><li>- P3319 Draft Consent Decision.docx</li><li>- PDS-23-093-Attachment- 1.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 - 10:11 AM**

**Adam Smith - Sep 18, 2023 - 11:56 AM**