

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 33-2020

Council Meeting Date: December 1, 2020

TO: Mayor Weber and Members of Council
FROM: Will Nywening, Senior Planner
RE: Deferred – Zoning By-Law Amendment Application Z-08/2020
Concession 18 (BO), Part Lots 6 to 8
9338 West Ipperwash Road, Ipperwash

RECOMMENDATION:

THAT Report PL 33-2020, relating to a deferred Zoning By-Law Amendment Application submitted by Parkbridge Lifestyle Communities Inc. and a proposed agreement between Parkbridge Lifestyle Communities Inc. and the Municipality be received;

THAT the agreement between Parkbridge Lifestyles Inc. and the Municipality be approved as drafted;

THAT Zoning By-Law Amendment Application ZO-08/2020 requesting an amendment to Zoning By-Law 1 of 2003 to rezone a portion of lands known as 9338 West Ipperwash Road to recognize existing portions of a campground and to also allow its expansion, **be approved**, and also recognize the locations of the existing golf course and natural heritage features and include special provisions regarding top of bank setbacks;

THAT By-Law 67 of 2020 be passed to implement the zoning amendment; and

THAT By-Law 66 of 2020 be passed to authorize the execution of the agreement.

SUMMARY

This report relates to a proposed agreement between the Municipality and Parkbridge Lifestyle communities and to the Zoning Amendment application submitted by Parkbridge Lifestyle Communities Inc. affecting portions of lands known as 9338 West Ipperwash Road in Ipperwash (Attachment 1). In this respect, the property contains an existing campground – Our Ponderosa Resort. The Owners seek to amend the Zoning By-law to allow the expansion of the park to an elevated area of the lands at its southerly edge, and also to recognize existing portions of the campground that have been established outside the current bounds of the “Commercial-14 (C14) Zone”.

BACKGROUND

The formal public meeting required under the *Planning Act* with respect to Zoning By-law Amendment application ZO-08/2020 was held at Council's September 8, 2020 meeting. Staff provided Report PL 25-2020 at that time, which includes a more detailed planning analysis and is provided (without its attachments) as Attachment 3 to this report. The only submissions to Council were from the applicant's agent and the St Clair Region Conservation Authority.

Staff had (and still has) no objection to the first aspect of the rezoning, which is to rezone the elevated area at the southerly side of the lot to Commercial-14 (C14) to permit the future expansion of the campground to that area. That aspect of the rezoning included zoning a pond and woodlot and buffer area around them to the Environmental Protection – Natural Conservation (EP-NC) Zone. It also included putting a Holding provisions (H18) on the expansion area to require that archaeological assessments be completed prior to development.

Concerns were raised with the second aspect of the Zoning amendment, which was to recognize existing portions of the campground that have historically been established outside of the C14 Zone boundary. About 25 sites in the campground were of particular concern. These were developed relatively recently with permanent seasonal dwellings in a location outside of the C14 Zone and encroaching on natural heritage features and Conservation Authority regulated areas. In that respect, Council passed the following motion:

20-0908-13

THAT Report PL 33-2020, relating to a deferred Zoning By-Law Amendment Application submitted by Parkbridge Lifestyle Communities Inc. and a proposed agreement between Parkbridge Lifestyle Communities Inc. and the Municipality be received;

THAT Zoning By-Law Amendment Application ZO-08/2020 requesting an amendment to Zoning By-Law 1 of 2003 to rezone a portion of lands known as 9338 West Ipperwash Road to recognize existing portions of a campground and to also allow its expansion, be deferred, to allow the applicant, staff, and Conservation Authority to address concerns related to recent further encroachments

ADDENDUM

A site meeting was held October 5, 2020 with representatives from the owner, their planning consultants, their environmental consultants, St Clair Region Conservation Authority staff and Municipal staff.

Draft Agreement: Staff has developed a simple agreement in consultation with the owner, their representatives, and the SCRCA that would implement a solution agreeable to Staff and the other parties. The owner has indicated they support the agreement as drafted and now seeks Council's endorsement of the agreement. An authorizing by-law and the draft agreement are included in the By-law's section of Council's agenda.

As detailed in the draft agreement. Municipal and SCRCA Staff agree that, rather than require it be removed, the best solution is to recognize the development that is there and take measures to prevent further encroachment and mitigate potential impacts to the wetland. The main aspect of the proposed solution is the erection of a fence with signage to demarcate the limits of the adjacent wetland. This would include signage and information brochures for campground residents and staff respecting encroachment, the natural heritage features, their functions, and stewardship. These mitigation measures are outlined in detail in the draft agreement. The agreement also requires that the owners ensure that building permits and SCRCA approvals are required as part of the process by which residents obtain the owner's permission to erect buildings, additions, and accessory structures in the future. The agreement includes a clause in which Council commits to passing the zoning amendment.

Draft Zoning Amendment: A draft zoning by-law amendment is included in the By-law's section of Council's agenda. As requested by the applicants, the draft by-law would:

- Rezone the elevated area at the southerly portion of the lot to a Commercial-14 (C14) Zone with the Holding-18 (H18) provision, which requires the completion of archaeological assessments prior to development.;
- Rezone portions of the elevated area to EP-NC Zone – i.e. those portions that are to be left as natural areas or developed into naturalized buffers for the natural heritage features; and
- Rezone to C14, those portions of the campground that have been established outside the C14 Zone, including the 25 more recently established sites.

As recommended by the SCRCA, the amendment also “cleans up” the zoning on the balance of the parcel by:

- Establishing a new Open Space-1.2 (OS1-2) Zone that applies to and recognizes the existing golf course and permits passive recreational uses, the golf course, a driving range, and accessory buildings for storage and maintenance purposes;
- Realigning the boundary of the EP-NC Zone to reflect the actual boundaries of natural features – i.e. woodlots and wetlands; and
- Creating a site-specific policy in the C14 Zone to recognize existing structures that do not comply with the 15m top of bank setback that would otherwise apply to the Fuller Campbell Drain and allowing additions and accessory buildings provided the setback is not further reduced.

The proposed zone boundaries are shown in Attachment 2.

Recommendation: As per the previous report, there is no concern with respect to the rezoning of the future expansion area. Regarding the recognition of the portions of the campground already established outside the C14 Zone, the concern was the 25 more recently developed lots, particularly their encroachment on areas and features regulated by the SCRCA. The SCRCA is supportive of the amending by-law as drafted, subject to the provisions contained in the by-law itself and the mitigation measures required in the draft agreement between the owner and municipality.

Staff therefore can support approval of the zoning amendment as drafted, subject to Council simultaneously approving the draft agreement.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 33-2020;
- Approve the draft agreement with Parkbridge Lifestyles Inc.;
- Approve Zoning By-law Amendment Application ZO-08/2020 with the addition of special top of bank setbacks provisions and the creation of an OS1-2 Zone;
- Pass By-law 67 of 2020 to implement the zoning by-law amendment; and
- Pass By-law 66 of 2020 to authorize the execution of the draft agreement.

FINANCIAL IMPACT

An application fee of \$1200 was paid by the applicant, as previously reported.

CONSULTATION

Michael Sproule and Sandy Higgins for the Applicant
Michael Clark, Monteith Brown Planning Consultants
Dougan and Associates Ecological Consulting and Design
Sarah Hodgkiss, Melissa Deisley, and Laura Biancolin, St Clair Region Conservation Authority
Randy Lovie, Chief Building Official, Municipality of Lambton Shores

Attachment 1 – Subject Lands



Subject Lands

