
May 03, 2005

Huron County Council
1 Court House Square
Goderich, ON N7A 1M2

Re: Official Plan – Municipality of Bluewater

The new Provincial Policy Statement that came into effect on March 1, 2005, requires that decisions affecting planning matters be “consistent with” the Provincial Policy Statement.

In a letter dated March 8, 2005, the County Planning and Development Department advised Bluewater that it should reconsider four issues in relation to its draft Official Plan (see attached copy). Notwithstanding written and verbal advice from the Planning staff that the draft plan was not consistent with the Provincial Policy Statement, Bluewater proceeded to approve its Official Plan without addressing these issues.

As you aware, Huron County Council, in its capacity as approval authority for lower-tier official plans, is responsible to ensure that such plans are consistent with the Provincial Policy Statement. Needless to say, Official Plans which are inconsistent with the Provincial Policy Statement are likely to be referred to the Ontario Municipal Board.

This letter is to advise County Council of a number of concerns with respect to the Official Plan recently approved by the Municipality of Bluewater. Simply put, **Bluewater’s Official plan**, currently before your Committee for its consideration, is both:

- **inconsistent with the Provincial Policy Statement, and**
- **inconsistent with goal statements in its “Agriculture” and “Settlement Areas” sections.**

Recommendation:

That this Plan be referred back to the Municipality of Bluewater with the specific request that it be amended to be consistent with the Provincial Policy Statement in all respects.

It should be emphasized that our objections and the above recommendation relate solely to the obvious inconsistencies of Bluewater’s Official Plan noted in the attached rationale.

Nevertheless, it is recognized that there may be concerns with the local content of the four issues named in the March 8th letter from the County Planning and Development Department. Also, shoreline residents within the Wards of Stanley West and Hay West continue to perceive the seasonal distinction within the “Lakeshore Residential” section as discriminatory.

Sincerely,

John Gillespie
President, BSRA

attachments

cc: Municipality of Bluewater
Planning and Development Department

GMB 411 R.R. 2 Zurich, ON N0M 2T0

Attachment

To: Health and Planning Committee
Huron County Council

Date: May 3, 2005

From: Bluewater Shoreline Residents' Association

Subject: Municipality of Bluewater Official Plan

The following outlines the concerns of shoreline residents of the Bluewater Wards of Stanley West and Hay West with the Official Plan as adopted by the Municipality of Bluewater on April 5, 2005, and provides the rationale for our recommendation to refer this plan back to the Municipality of Bluewater to be amended to be consistent with the Provincial Policy Statement.

Inconsistent with the Provincial Policy Statement

The March 8th letter from the Planning & Development Department identified four issues that, to be consistent with the Provincial Policy Statement:

- "...[Bluewater] Council should reconsider ..."
- "...will need to be reviewed by Huron County Council in their capacity as approval authority for the Official Plan."

The first issue – Natural Heritage Features map showing areas around Bayfield – would be subject to an Environmental Impact Study prior to development.

The other three issues all involve land currently designated as "Agriculture".

The Provincial Policy Statement notes the need to protect locally-important agricultural areas

(Section 1.1.4.1(e)) and discourages lot creation in prime agricultural areas (Section 2.3.4.1).

Section 1.1.3.9 requires that the expansion of a settlement area can only take place after a comprehensive review and only when there are no reasonable alternatives which avoid prime agricultural areas. Such reviews have not taken place.

Somewhat surprisingly, a proposed retirement development south of Bayfield, on land currently designated "Agriculture" in the Ward of Stanley West, is being actively marketed at the present time without such a comprehensive review having occurred.

Contrary to Statements re "Agriculture" (Section 3)

3.3 Goals

“To limit non-farm development in support of a strong agricultural sector.”

“To prohibit uses which are not primarily related to agriculture from establishing in the agriculture area.”

3.4.6 Protection of Agricultural Lands

“Agricultural lands as designated on Schedule B shall be protected.

Non-agricultural development, other than those uses permitted specifically by this Plan, shall locate in settlement areas.”

- Contrary to Statements re “Settlement Areas” (Section 8)

8.1 “...settlement areas protect the agricultural land base and natural environment areas by directing development toward designated areas and avoiding scattered non-farm development.”

8.3 Goals

“To provide sufficient land for growth within settlement areas.”

“To direct development to designated areas.”

“To prevent the intrusion of non-farm development in agriculture areas.

“To ensure appropriate and adequate services are provided within settlement areas.”

8.4.2.6 “Adjacent to Bayfield”

“ ... The area is intended for urban density development to be phased in a contiguous manner on full services based on a servicing study.”

- Disregards advice from the County Planning and Development Department staff

The letter of March 8, 2005, and staff comments during the Official Plan discussions clearly outlined to the Bluewater Council the implications of adopting an Official Plan that was not consistent with the Provincial Policy Statement.

- Encourages development outside existing settlement areas

It would appear that by identifying the three agricultural areas (Hay West along Highway 21, Dashwood, and south of Bayfield) the Official Plan may be encouraging development outside existing settlement areas. Such changes might lead to the type of strip development along arterial roads that is generally considered contrary to sound planning principles.

In any event, a comprehensive review would be necessary to clarify the need.

- Inconsistent with previous Bluewater Council decisions restricting development

Related to the above concern, Bluewater Council has within the past 12 months, at the same time the Bluewater Official Plan was being developed, made decisions to restrict the development of lands immediately adjacent to two Bluewater hamlets:

- north of Varna on County Road 31, and
- east of St. Joseph on County Road 84.

The primary reason indicated at the time was that development of these adjacent lands

could result in servicing problems.

- Increases probability of appeals to the Ontario Municipal Board

Ideally, a sound Official Plan would:

- be developed through a process that involved meaningful and timely public input;
- be consistent with the Provincial Policy Statement; and
- have general acceptance within the community.

It is recognized that there may be those within the Bluewater community who may wish to challenge through the Ontario Municipal Board either the development process or certain provisions of the Official Plan that they find to be inappropriate.

However, any Official Plan that is not consistent with the Provincial Policy Statement is almost certain to be appealed to the Ontario Municipal Board, resulting in unnecessary costs for all concerned and a loss of credibility for both the County of Huron and the Municipality of Bluewater.