



# INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

October 4<sup>th</sup>, 2018

County of Simcoe Administration Centre  
1110 Highway 26  
Midhurst, Ontario  
L0L 1X0

Attention: Greg Marek, RPP  
Senior Policy Advisor, AMP Project Manager

Re: County of Simcoe Official Plan Amendment and Township of Oro  
Medonte Official Plan and Zoning Bylaw Amendment Applications  
Burls Creek Events Ground Inc.  
Part of Lot 21 & 22, Concession 8, as in RO850934; Part of Lot 22,  
Concession 9, as in RO1326331, Except PT 1, 51R31499; Part of Lot  
22, Concession 8, as in RO1116954; Part of Lot 22, Concession 8,  
being Part 1 on 51R-3247; Part of Lot 23, Concession 9 being Part 1 on  
51R-31789; Part of Lot 22, Concession 8, being Part 1 on 51R-35062;  
and PT LT 21, CON 8, ORO, designated as Parts 1, 2 & 3, 51R20880  
all in the Township of Oro Medonte, County of Simcoe

---

On behalf of Burls Creek Events Ground Inc, Innovative Planning Solutions is pleased to provide the following response letter and agricultural lands alternate site assessment study. This study was completed in response to the peer review letters from AgPlan Limited dated February 7, 2018 and March 13, 2018 in order to satisfy and demonstrate consistency with Sections 2.3.6.1 b) and 2.3.6.2 of the Provincial Policy Statement (PPS). Based on these peer review letters, a comprehensive analysis of Section 2.3 of the PPS on Agricultural has been completed in concert with the agricultural lands alternate site assessment study. This response letter should be read in conjunction with the previously submitted Planning Justification Report (December 2017). A response letter from DBH Soil Services Inc has also been prepared to address outstanding comments within the Ag Plan peer review letters; this response letter has been submitted under separate cover.

Section 2.3.1 of the PPS provides that Prime Agricultural Areas shall be protected for long-term use. The proposed applications do not hinder the ability of the agricultural

lands to be used, long-term for agricultural purposes; rather the applications as they relate to the Prime Agricultural lands seek to permit additional accessory uses which are temporary in nature and do not otherwise compromise the use of the land for Agricultural purposes. While these uses (camping, parking, concession booths and minor soccer) are not considered to be agricultural uses, Section 2.3.6 of the PPS allows Planning authorities to permit Non-Agricultural Uses in Prime Agricultural Areas for:

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and
  - i. there are no reasonable alternative locations which avoid prime agricultural areas; and
  - ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Further, Section 2.3.5.1 provides that Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.

The subject lands do not comprise specialty crop areas and with no additional buildings or structures proposed also complies with the regulatory MDS requirements. Further, the proposed applications remove lands which were subject to MDS arcs from surrounding agricultural facilities and as such no MDS conflicts exist. The applications do not propose to remove lands from their current designations; rather the applications seek to implement special exceptions to permit minor soccer and accessory type uses. The proposed applications ensure the lands remain available for agriculture in the long term.

Alternative locations for the proposed uses have been evaluated, as demonstrated in the Market Study prepared by urbanMetrics and further refined in their peer review response letter. Additional input to address this has also been provided by DBH Soil Services Inc in their peer review response letters. The uses proposed on the agricultural lands are intended to provide attendees the ability to park, camp and remain in close proximity to the event. The benefits to this include but are not limited to reduced commuting/transportation, increased public safety and improved logistics while also allowing for a more successful and secure event with Burls Creek Event Grounds as a landmark destination. The Market Study and peer review response letter outline and provide a review of alternative locations throughout the County of Simcoe and determines that no other lower-tier municipality in Simcoe County possesses the necessary locational or site-specific characteristics required to reasonably support a large scale music and arts festival. It is noted that this analysis considered locations which avoid prime agricultural areas and lower priority agricultural lands within prime agricultural areas.

Further analysis of potential sites within Simcoe County has been undertaken by IPS (Alternative Locations Mapping Analysis). Initially, this analysis only reviewed lands designated as Rural and as discussed below. This analysis was submitted, and peer reviewed by the County of Simcoe (AgPlan Limited). Based on this peer review (February 7, 2018), AgPlan has provided that the documents provided by the proponents consultants does indicate that the opportunities for using rural lands for the proposed recreational use in Simcoe County is not reasonable. This analysis satisfied the criteria of Section 2.3.6.1, b), 4, i of the PPS.

Since that time, IPS, in collaboration with DBH Soil Services Inc has completed additional analysis for potential reasonable alternative locations, using lands designated as Agricultural within the County of Simcoe Official Plan. The intent of this analysis is to satisfy the criteria of Section 2.3.6.1 b),4,ii of the PPS, which requires that alternative locations be evaluated and determine if there are reasonable alternative locations in prime agricultural areas with lower priority agricultural lands. As provided in the Agricultural Impact Assessment prepared by DBH Soil Services

Inc, a detailed soil survey was completed on the subject lands. This soil survey indicated the lands contain primarily (51.5%) Class 2 CLI soils, Class 3 CLI soils (8.1%) and Class 5 CLI soils (0.9%) with the balance of the lands as Not Rated (39.5%). For the purpose of the alternative locations analysis, a CLI soil Class of 2 was assumed for the subject lands. GIS data for all lands designated Agricultural was provided by the County of Simcoe and additional data was obtained from the Ministry of Natural Resources and Ministry of Agriculture, Food and Rural Affairs. DBH Soil Services Inc analyzed the data per their memo dated June 18, 2018 and identified lands classified as CLI Equivalent Class 3 to 7 lands (ie lower priority agricultural lands) throughout the County requiring further analysis; this memo identified a total of 70 polygons classified as CLI Equivalent Class 3-7 and greater than 81 hectares in size. This memo is attached as Appendix 1. Upon completion of the DBH Soil Services Inc analysis, the data was returned to the County to complete the following tasks:

- For each of the four separate shapefiles provided by Greg Barker on June 26, 2018 via email (map boundary A clip.shp, map boundary B clip.shp, map boundary c clip.shp and map boundary d clip.shp)
  - Perform a merge of all soil polygons that touch or overlap one another.
  - Run a process to convert any multipart features to single-part features (this is a precaution in case there are separate polygons that have been grouped through any automation into a single feature).
  - Run spatial analysis to generate a count of the total number of parcels (Field Name: INTERSECTS) that touch a given soil polygon (includes those that are fully contained) and a count of parcels that are fully contained by the soil polygon (Field Name: CONTAINS\_).

Upon completion of these tasks, a total of 62 polygons, or potential alternative locations were identified and subject to further analysis similar to the Rural analysis and as described below. With the above noted data, a series of maps and spreadsheets which identify and analyze the potential alternative sites in prime agricultural areas with lower priority agricultural lands for the proposed use within the County were evaluated. The maps and spreadsheets can be reviewed in their entirety under Appendix 2.

This analysis reviewed the identified 62 polygons to determine if there was a reasonable alternative location in prime agricultural areas with lower priority agricultural lands for the proposed uses. Prior to completing this exercise, it was determined that there is no location within the County of Simcoe which possesses the current land use designation and zoning associated with the existing event grounds (lands designated Eighth Line Special Policy Area and zoned as Private Recreation \*30 and \*31). These lands are not considered agricultural lands and do not permit agricultural uses under their current zoning PR\*30 and PR\*31. This is important to note when considering potential reasonable alternative locations in prime agricultural areas because establishing an event grounds similar to the existing Burls Creek Event Grounds on such lands could be considered as removal of land from Prime Agricultural Areas, which, as per Section 2.3.5.1 of the PPS, is prohibited, except for expansions of or identification of settlement areas in accordance with policy 1.1.3.8. It is not considered reasonable, nor consistent with the PPS to remove lands from a Prime Agricultural Area in order to establish an event grounds elsewhere within the County to permit event type uses similar to what is currently permitted on lands zoned PR\*30 and PR\*31. The proposed applications relative to lands designated as Agricultural on the subject lands aims to permit accessory type uses, not permit/establish an event ground similar to what is permitted and proposed on lands zoned PR\*30 and PR\*31.

While the PPS does not define the term reasonable, a number of criteria were used to identify potential reasonable alternative locations in consultation with both the County and Township of Oro Medonte. Much of the criteria was derived from the Market Analysis report prepared by UrbanMetrics and subsequently peer reviewed by both the County and Township. The criteria for site selection was deemed to be appropriate. In addition to this, and through consultation with the County of Simcoe, it was confirmed that the County would not expect BCEG to assemble more than 10 properties to create a parcel of sufficient size for the intended uses. Additional discussion and considerations are also provided within the analysis.

Based on the above, the following criteria were used to identify reasonable alternative locations for the proposed uses as required by Policy 2.3.6 (b) of the PPS:

- a) Distance from highway and GTA – lands located within a 45 minute drive from the GTA and located within a 15 minute drive of a major 400 series highway were considered. For the purposes of this exercise, the GTA was considered to be the southern limit of the County of Simcoe, approximately Highway 400 and Canal Road/Highway 9.
- b) Land assembly of more than 10 parcels is not considered reasonable.
- c) Total area of land – parcels/groupings which are less than 200 acres (81 hectares) in size is not considered reasonable.
- d) Existing uses & land use permissions – parcels which contain existing features & land use permissions including but not limited to residential developments, golf courses, significant natural heritage features/constraints (woodlands, wetlands, bodies of water etc), aggregate operations etc., were not considered reasonable.
- e) Proximity to Major/Secondary Urban Areas – lands which were located beyond a reasonable distance to major/secondary urban areas which provide amenities such as hotels, taxi and/or public transportation, hospitals/medical facilities, food service (restaurants including fast food), other retail/service related amenities (banks, gas stations, grocery stores, general merchandise, highway service centres, convenience stores, gift/souvenir/novelty stores).
- f) Pre-Existing Zoning – Consideration was given to existing zoning for special events, similar to the PR zoning applying to portions of the BCEG lands.
- g) Other Land Use Considerations – Topographic and/or Vegetation constraints, proximity (20km +/-) to airport (with customs), prime agricultural area considerations as defined by the PPS, site access including route to/from major highway.

Based on this extensive analysis and above noted considerations, no reasonable alternative locations have been identified within the County of Simcoe which avoid prime agricultural areas nor in prime agricultural areas with lower priority agricultural lands to accommodate the proposed use.

In OMB Case No.: PL 151011 which pertains to the approved Temporary Use Bylaw on the subject lands, the Board provided the following findings of fact under Section 37 of the Decision:

- f) As to the selection of the TUBL Lands as the appropriate location for the camping and parking uses provided for in the TUBL, the foremost, and very logical reason as to why no reasonable alternative location exists outside of the selected lands is the fact that the Entertainment Venue now owned by the Appellant has existed in its current location for over two decades. The proposed temporary uses of the TUBL lands are practically linked directly to the current permitted use of the Entertainment Venue by virtue of both their proximity and their viability as accessible temporary parking and camping areas that do not relatively require substantial disruption of the lands (such as permanent site preparation that might include paving, permanent servicing infrastructure, or the construction of buildings, structures or hardscape elements to create the defined parking or camping areas or concession stands).
- g) There is no persuasive evidence before the Board to challenge the conclusions reached in the report secured by the Appellant from UrbanMetrics, which concludes that there is no reasonable alternative location either within Simcoe County or elsewhere which has such proximity to an existing venues such as the one that exists, adjacent to a major highway such as Highway 11 with two interchanges, that is within relatively easy driving distance to the southern Ontario and north-eastern US population densities and other potential attendees to the west, north and east.
- h) The panel members were able to benefit from a site visit to view the TUBL Lands and their proximity and relationship to the Entertainment Venue and also viewed the TUBL Lands from different vantage points on the surrounding Township road during the extended course of the hearing. The TUBL Lands when unoccupied were open and expansive, covered in various lengths of rye grass, aesthetically pleasing and pastoral in character and appearance. But for the knowledge of the activities that had occurred on the TUBL Lands during the Events (when the Board was not present) the vast majority of the TUBL Lands

present as open fields used for agricultural purposes. The internal roads leading to the various camping and parking areas are not that numerous and are significantly spaced.

- j) In between the Events, after clean-up, and for the other approximate 330 days of the year, the TUBL Lands have been used by the Appellant for rye grass hay farming to support his livestock farming operations. In 2015 this farming operation provided a yield of two feed crops for the contracted user Mr. Henry Regelink. The uncontradicted evidence as to these farming operations undertaken on the TUBL Lands is outlined below.
- k) The Appellant's haying operation contracted to Mr. Regelink for the bartered benefit of securing quality feed for his horse farm operation, effectively represents an exchange of value. The Appellant receives the valued benefit of an operational cost as the camping and parking areas are groomed for the limited periods when Events are scheduled. Mr. Regelink, in turn, is able to work around such Events to grow, harvest and use the hay feed crop, made easily accessible by the network of internal roads.

Based on the above findings of the Board, and despite being provided under the context of a Temporary Use Bylaw application, many facts remain for the proposed OPA and ZBA applications, including the evaluation of the applications under the context of the PPS. The TUBL lands and the lands subject to the proposed OPAs and ZBA are materially identical and continue to represent the most logical location for the proposed uses. The Boards findings under items (f) and (g) are maintained that the foremost and very logical reason as to why no reasonable alternative location exists outside of the selected lands is the fact that the Entertainment Venue (PR zoned lands) has existed in its current location for over two decades. This fact remains for the proposed OPA and ZBA applications and is consistent with the PPS.

Further, the proposed applications aim to maintain the agricultural designation and zoning on the camping/parking areas of the subject lands in order to permit the continued reversionary use of the lands for both agricultural uses and non agricultural uses as proposed and as is the current practice. This ensures that outside of events, the lands are represented by open fields for agricultural use; the proposed zoning bylaw would permit the agricultural lands to be used for non-agricultural uses for a



maximum of 27 days in a calendar year, with the remaining days available for agricultural uses.

The proposed applications are not seeking to implement or establish the agricultural lands for permanent camping grounds and parking lots, rather the application seeks to permit accessory camping, parking and concession booths to an event on the PR zoned lands (in addition to minor soccer). This will allow for the continued reversionary use of the lands for agricultural and non agricultural uses and ensuring the lands are not removed as prime agricultural lands.

Based on the above noted Board findings of fact, alternative locations analysis (both for Rural and Agricultural lands), urbanMetrics and DBH Soil Services Inc reports and peer reviews, Policy 2.3.6 b) has been addressed and consistency with this policy, and the PPS has been demonstrated. The Policy permits limited non-residential uses, subject to satisfying criteria and these criteria have been satisfied by the proposed applications.

Section 2.3.6.2 also provides that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. This policy has been reviewed and addressed by DBH Soil Services Inc in their Agricultural Impact Assessment and supplementary response letters and mitigation measures are provided to the extent feasible.

Trusting the above is satisfactory; please do not hesitate to contact the undersigned at your earliest convenience.

Respectfully submitted,

**INNOVATIVE PLANNING SOLUTIONS**

A handwritten signature in black ink, appearing to read 'Darren Vella', written over a horizontal line.

Darren Vella, MCIP, RPP  
President & Director of Planning

Appendix 1

Appendix 2