



Staff Report

Planning and Development Services – Planning

Report To: Committee of The Whole
Meeting Date: September 12, 2016
Report Number: PDS.16.113
Subject: Consent Application B02-2016 Gyles-Gooderham (create a new lot)
Prepared by: Denise Whaley, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.16.113, entitled “Consent Application B02-2016 Gyles-Gooderham” for the lands known as Concession 6, Part of Lot 5 and Part of Lot 6; and

THAT council give Provisional Consent to application B02-2016, to create a new lot, subject to the following conditions:

1. That the Applicant meet all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued;
2. That the Applicant provide a description of the land which can be registered in the Land Registry Office;
3. That a zoning by-law is enacted to recognize a new minimum lot frontage on the retained parcel, create a building envelope on the severed parcel, and place the remainder of the severed parcel into a Holding “H” zone which may be removed if the property owner submits an Environmental Impact Study showing there are no negative impacts of any proposed development; and
4. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town’s Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

B. Overview

Council has been asked to consider an application to sever a lot from the property at 555259 6th Line (Concession 6, Part of Lot 5 and Part of Lot 6, in the geographic Township of Collingwood) through an application for Consent File# B02-2016. This application was submitted by Sue-Ann Gyles, one of the owners of the lands.

The proposal is to sever a vacant 40.5 hectare (100 acres) parcel, with 698 metres (2290 feet) of frontage on 6th Sideroad. The proposed retained lot is 59.3 hectares (146.5 acres), with 111 metres (364 feet) of frontage on 6th Line, and has an existing house, barn and a shed. The property is serviced with a private water and septic system. No new development is proposed.

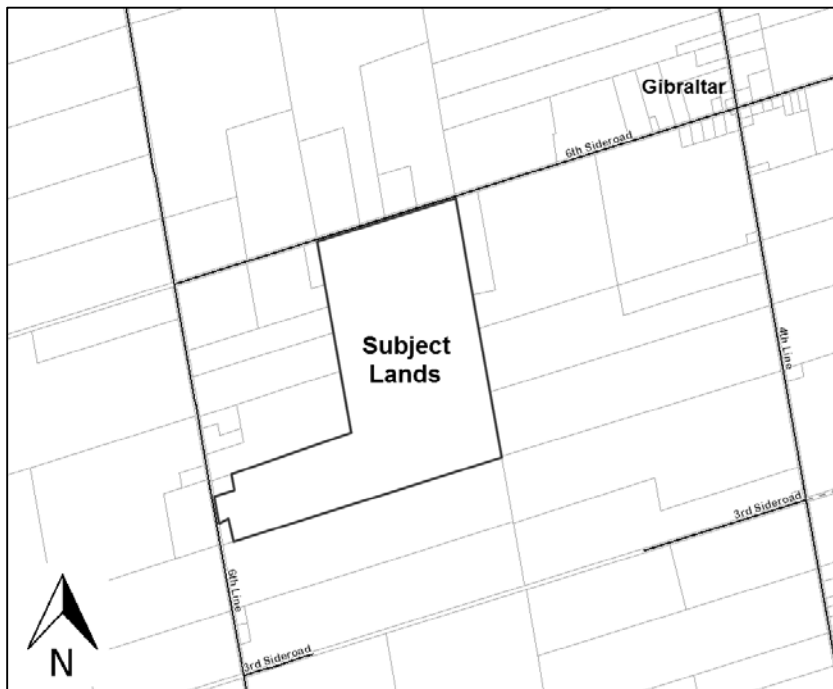
This staff report outlines the general application, the results of the public meeting on this matter that was held on August 22, 2016 and provides a land use planning analysis and recommendations for this proposal.

C. Background

The property owners Sue-Ann Gyles and Bryan Gooderham met with staff earlier in winter 2016 regarding the ability to sever their property into two new parcels (a total of three parcels). Their property has road frontage on both 6th Sideroad and 6th Line, and forms part of the original Lot 5 and Lot 6 of Concession 6.

Figure 1 shows the property location west of the hamlet of Gibraltar. Figure 2 is an aerial view of the lot which shows the some of the topography and building cluster with frontage 6th Line. The property is also a managed woodlot. The aerial photo shows the significant tree cover on the property.

Figure 1: Location Map of the Property

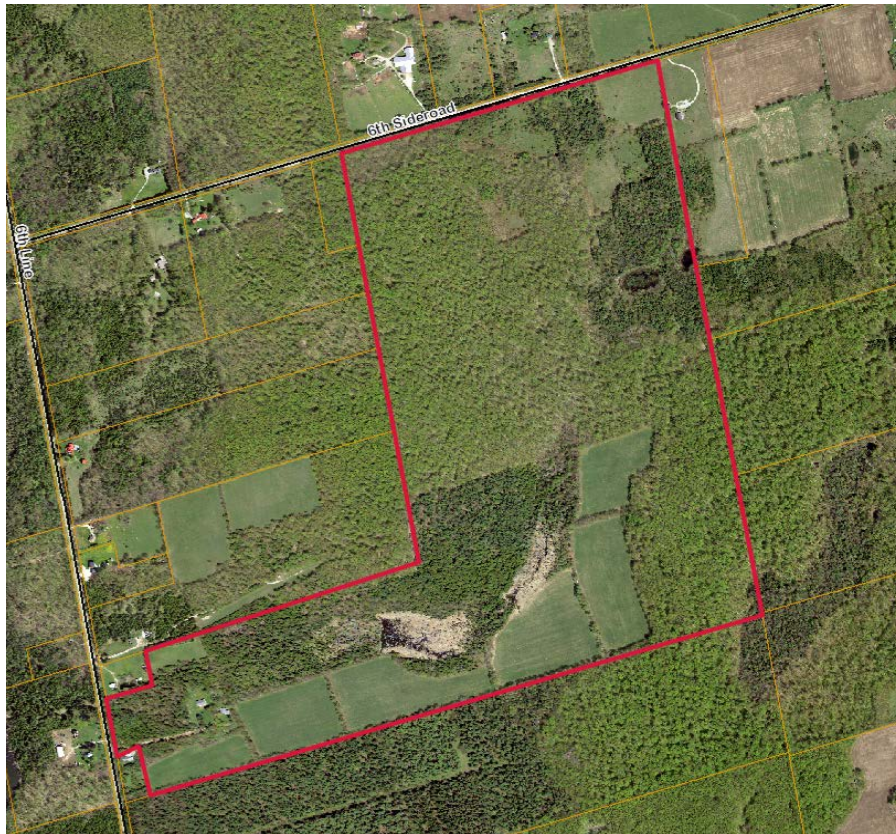


During the early discussions, Town Planning Staff advised the property owners that it appeared further lot creation may not be possible. The parcel had reached maximum rural lot density under the County of Grey Official Plan policies based on the number of previous severances on the other portions of Lot 5 and Lot 6. The lands are designated Rural, Wetlands and Hazard in both the County of Grey and the Town of The Blue Mountains Official Plans.

Staff further advised the property owners to seek an interpretation from County of Grey Planning Staff of the policies of the County Official Plan.

The opinion of Grey Planning Staff was that they could support a single severance along the original crown lot lines (dividing Lots 5 and 6), but they noted the environmental constraints on the property and the need to ensure that lot development would not impact these features (an Environmental Impact Study may be required).

Figure 2: Aerial Photo of the Property



The applicants then brought forward an application to sever the property into two lots along the original crown lot lines, as suggested by the County of Grey.

Public Meeting Summary

The public meeting for this proposal was held on August 22, 2016. Comments were received from Bell Canada, Historic Saugeen Metis and Hydro One with no concerns about this proposal.

County of Grey comments stated that they could support the re-creation of the crown lot line. They further noted the hazard lands and natural heritage features on the lot, but deferred to the Conservation Authority regarding a potential need for an Environmental Impact Study on this proposal.

Grey Sauble Conservation Authority (GSCA) comments specifically detailed a number of natural environment features on the lot, with most being on the proposed retained parcel. However, GSCA stated the proposed severance would not likely have any impact on the natural environment features on the proposed retained parcel. GSCA recommended that a planning tool be implemented to protect the significant woodlands on the severed lot, such as through a

zoning by-law amendment. The zoning amendment would identify a building envelope on the proposed severed parcel and modify the hazard area as shown on a map they provided. Based on this zoning by-law amendment an Environmental Impact Study would not be required.

There was one question from a member of the public at the public meeting regarding the intended use for the new lot. No other questions or comments were received.

D. Analysis

Land Use Policy Review

Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Within the definitions found in the PPS, the property is within the Rural Area and considered Rural Lands, with a number of Natural Heritage Features. There are also Natural Hazards on the property. The PPS allows for limited development on rural lands, including residential uses and allows for limited lot creation. New lots must comply with the minimum distance separation formulae.

Provincial policy states that natural heritage features and areas shall be protected for the long term. Development and site alteration is not permitted in significant woodlands or adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The applicant has not proposed any development, however creating a new lot allows for new dwelling and associated accessory uses to be built on the lands. The PPS also supports agricultural uses in these areas.

As noted in the previous section, the Grey Sauble Conservation Authority and County of Grey did not object to the application to create a lot, however they provide recommendations concerning protection of the natural heritage features on the lands.

The proposed lot is large enough that any new dwelling would be able to conform with minimum distance separation formulae. Provided that appropriate measures are taken to protect the property's natural heritage features, specifically the significant woodlands, staff are satisfied that this application is consistent with the intent and direction of the Provincial Policy Statement.

Official Plans

County of Grey Official Plan

The County Official Plan designates the property Rural, Hazard land and Provincially Significant Wetlands. The Hazard land and Provincially Significant Wetland are on the proposed retained parcel. The Plan's constraint mapping also shows the majority of the property is mapped Significant Woodlands; a portion of the retained parcel also has a mapped Area of Natural and Scientific Significance (Earth ANSI). As the County policies and mapping are duplicated in the

Town's new 2016 Official Plan, further details about the applicable policies and mapping is found in the overview of the Town's 2016 policies below.

As noted earlier in this report, County Planning Staff have provided an opinion that the proposal conforms to the policies of the County plan and deferred the matter of dealing with the Natural Environment on this property, to recommendations by the Conservation Authority.

Town of The Blue Mountains 2007 Official Plan (in effect)

The Town's 2007 Official Plan designates the property Rural, Hazard and Wetland Hazard. All of the proposed severed parcel is designated Rural. Appendix maps also show Hazard and Provincially Significant Wetland and ANSI – Earth Science areas on the proposed Retained lands.

The lot creation policies based on density would allow an additional severance, however the Planning Act requires the County Policies, being stricter would apply.

Town of The Blue Mountains 2016 Official Plan (approved and under appeal)

The Town's 2016 Official Plan designates the property Rural, Hazard and Wetlands as shown in Figure 3. The proposed severed lot contains a small mapped area of Hazard land.

Figure 3: Town of The Blue Mountains 2016 Official Plan - Designations

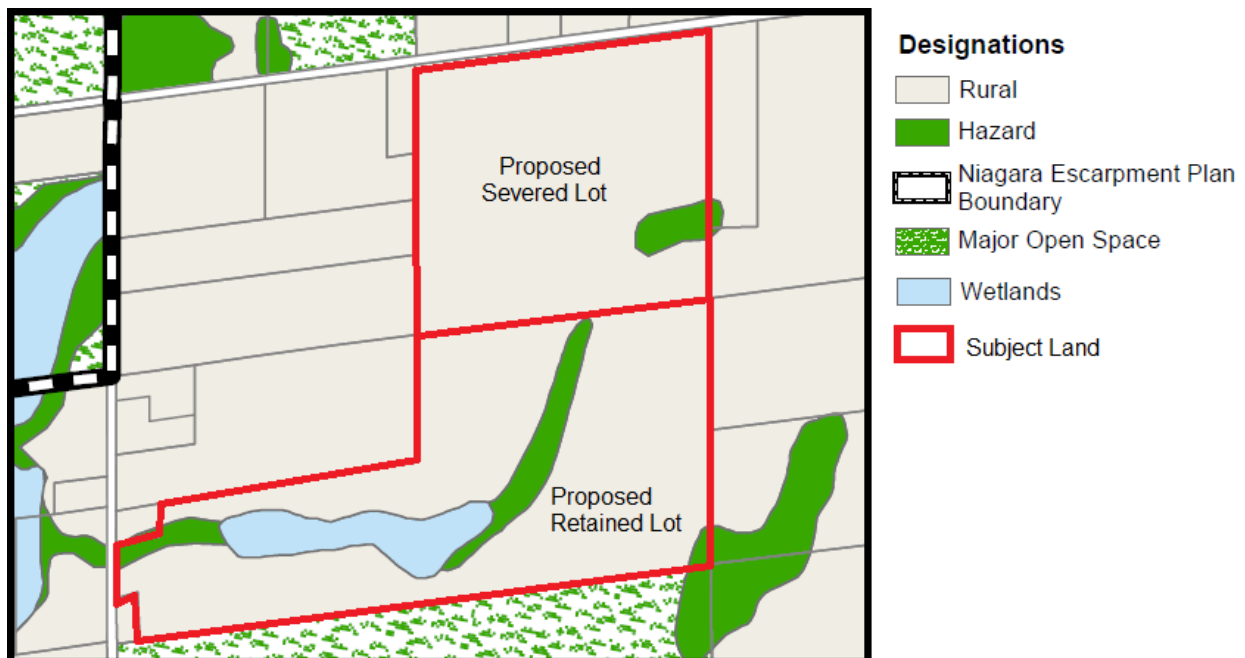


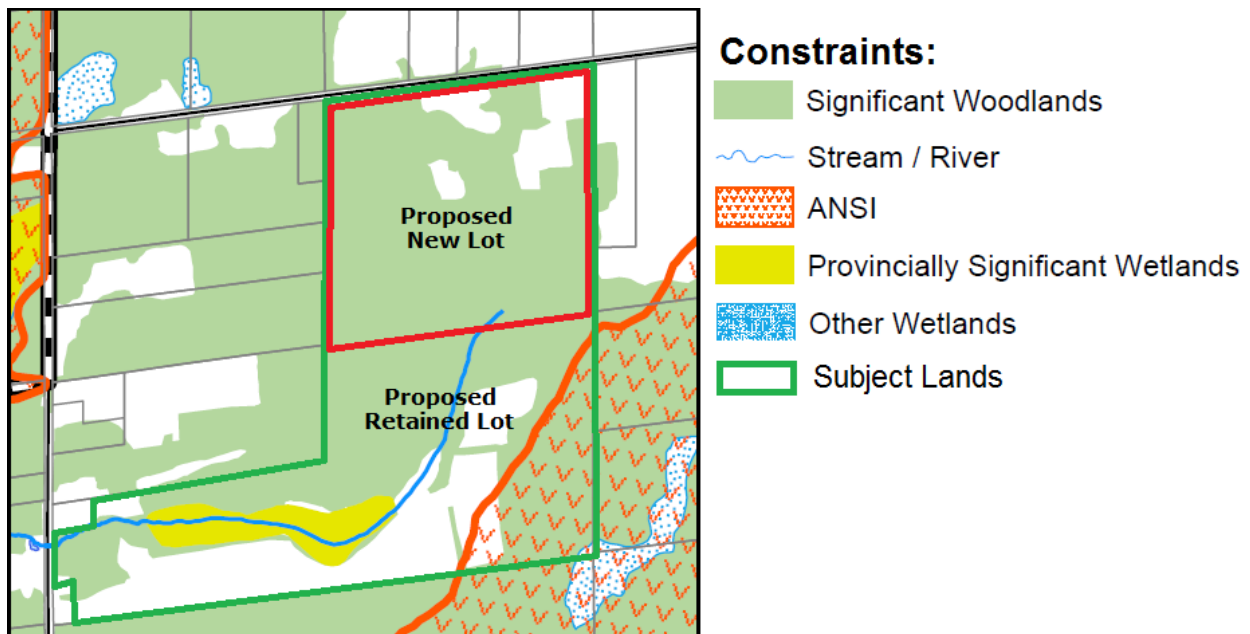
Figure 4 shows the areas mapped with natural environment constraints. A significant portion of the property is mapped with Significant Woodlands, as shown on the map in green. A portion of the retained parcel is an Area of Natural and Scientific Interest and Provincially Significant Wetland, and there is a mapped watercourse on the property.

Lot creation policies of the Town's New Official Plan limit lot density in the Rural area to five lots from an original 80 hectare Township Lot. While this lot density overall for both original crown lots has been exceeded, staff agree with the County Planning opinion that there is merit, based on this lot's size (nearly 100 hectares) to allowing a severance along the original crown survey line. This would not increase the lot density of either Lot 5 or Lot 6 if looked at separately.

The Official Plan policies also seek to protect natural environment features and where development is proposed, an environmental impact study may be required to determine if there are any negative impacts. In this case, while development is not specifically proposed, severing the lot would allow for a new dwelling. There is a potential building envelope on the northeasterly corner of the lot, where there is a relatively flat field area outside the significant woodlands area. Protecting the woodlands could be achieved through an implementing zoning by-law amendment to restrict the building envelope on the lands.

The proposed building envelope would also conform to minimum distance separation formulae.

Figure 4: Town of The Blue Mountains 2016 Official Plan - Constraints



Based on protection measures to protect the significant woodlands area described above, staff are satisfied that the proposal would meet the intent and direction of the County, and Town Official Plans.

Township of Collingwood Zoning By-law 83-40

The Township of Collingwood Zoning By-law zones the lands General Rural (A1) and Hazard (H). The A1 zone allows for agricultural, limited residential and accessory uses. Properties in the A1 zone must be a minimum 40 hectares.

If this application is approved, the retained parcel will be deficient in road frontage for the A1 zone. However the building cluster is located on 6th Line and the road frontage and access on that road will not change. The portion of the property proposed to be severed has access on the 6th Sideroad. Both proposed lots would conform to the minimum lot area of the A1 zone. However the retained parcel will need relief from the minimum frontage requirement of the A1 zone.

The suggested approach to restrict development to the building envelope identified by the GSCA is through a zoning by-law amendment. The standard approach would be to apply a Holding "H" zone to the majority of the severed parcel. The H may be removed in whole or part, where the owner wishes further development and they have submitted a satisfactory Environmental Impact Study that demonstrates the development would have no impact on the Significant Woodlands. As recommended further by the GSCA, the Hazards mapping may be also modified in the zoning by-law as recommended by their updated mapping.

Staff are satisfied that an implementing zoning by-law as described above would achieve protection for the Significant Woodlands and ensure the lots conform to the overall zoning by-law.

Conclusion

Planning Staff are satisfied that the proposal is consistent with the intent and direction of Provincial Policy and the Official Plans. Staff also agree with the approach suggested by the GSCA to protect the Significant Woodlands through a zoning by-law amendment. Staff recommend that an implementing zoning amendment be a condition of consent.

E. The Blue Mountains Strategic Plan

The recommendations in this report support the following goals and objectives: Goal #3 - Support healthy lifestyles, Objective: Manage Growth and Smart Growth

F. Environmental Impacts

None.

G. Financial Impact

None.

H. In consultation with

Agencies, the public and internal staff were consulted through the Public Notice process.

I. Attached

1. Draft Consent Decision

Respectfully Submitted,

Denise Whaley, MSc MCIP RPP
Planner I

Michael Benner, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Denise Whaley, Planner I
dwhaley@thebluemountains.ca
519-599-3131 extension 262

Draft

The Corporation of the Town of The Blue Mountains

Decision on Consent Application File No. B02-2016



Owner: Sue-Ann Gyles and Bryan Gooderham

Applicant: Sue-Ann Gyles

Purpose and Effect: The proposal is to sever a vacant 40.5 hectare (100 acres) parcel, with 698 metres (2290 feet) of frontage on 6th Sideroad. The proposed retained lot is 59.3 hectares (146.5 acres), with 111 metres (364 feet) of frontage on 6th Line, and has an existing house, barn and a shed.

Legal Description: Concession 6, Part of Lot 5 and Part of Lot 6 (geographic Township of Collingwood), Town of The Blue Mountains, County of Grey

Severed Parcel: Frontage: 698 m Depth: 615 m Area: 4.05 ha

Retained Parcel: Frontage: 111 m Depth: 1300 m Area: 59.3 ha

Road Access: 6th Line (retained) and 6th Sideroad (severed)

Municipal Water: No **Municipal Sewer:** No

Decision: Granted Provisional Consent

Date of Decision: September xxth, 2016 (Consent expires two (2) years from this date)

In making the decision upon this application for Consent, the Council of The Corporation of the Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning.

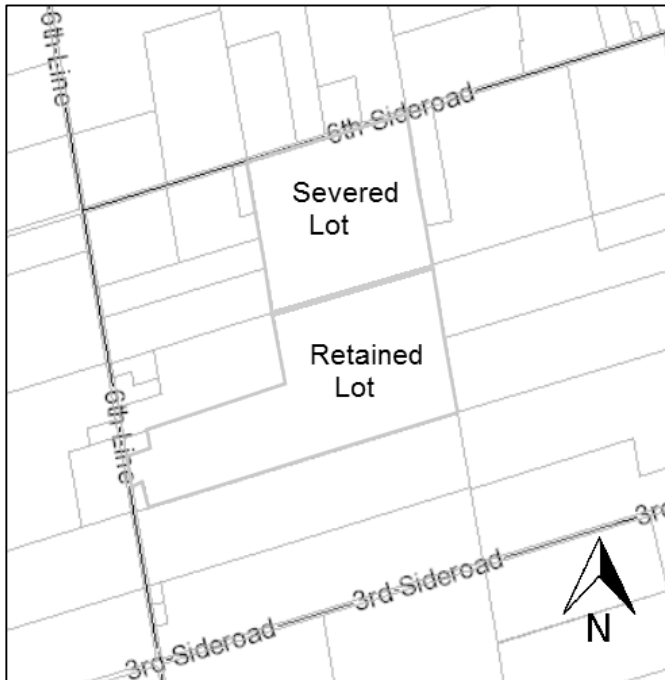
Notice: The last date for appealing this decision or any of the conditions is: October xx, 2016.

If provisional consent is given, then the following conditions must be met by September xx, 2017.

1. That the Applicant meet all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued;
2. That the Applicant provide a description of the land which can be registered in the Land Registry Office;
3. That a zoning by-law is enacted to recognize a new minimum lot frontage on the retained parcel, create a building envelope on the severed parcel, and place the remainder of the severed parcel into a Holding "H" zone which may be removed if the property owner submits an Environmental Impact Study showing there are no negative impacts of any proposed development; and
4. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

Corrina Giles, Town Clerk
Town of The Blue Mountains
32 Mill Street, Thornbury, Ont., N0H 2P0

Key Map



Certification

Planning Act, R.S.O 1990, c. P.13, Sec 53(17) and 53(24), as amended

I, Corrina Giles, Town Clerk of The Corporation of the Town of The Blue Mountains, certify that the above is a true copy of the decision of the Council of The Corporation of the Town of The Blue Mountains with respect to the application recorded therein.

Corrina Giles, Town Clerk
Town of The Blue Mountains
32 Mill Street, Thornbury, Ont., N0H 2P0

Dated: October xx, 2016