



# Staff Report

## Planning and Development Services – Planning

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**Report To:** Committee of The Whole  
**Meeting Date:** November 14, 2016  
**Report Number:** PDS.16.139  
**Subject:** Glen Zoning By-law Amendment for Hazard Area Revision  
**Prepared by:** Denise Whaley, Planner II

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### A. Recommendations

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THAT Council receive Staff Report PDS.16.139 “Glen Zoning By-law Amendment for Hazard Area Revision” for the property known as Lots 150 & 155, of Plan 529 (209774 Hwy 26); and

THAT Council pass a zoning by-law amendment to approve the proposed hazard area revision to allow a new dwelling to be built on the lands.

### B. Overview

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This report summarizes an application for Zoning By-law Amendment for the property at 209774 Hwy 26 and provides a planning analysis on the proposal. Council has been asked to consider a proposal to rezone a portion of the lands from Hazard (H) to the Residential Third Density (R3) zone to allow a new house to be constructed.

### C. Background

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The property owner would like to replace the existing house on the lot. The new house is proposed to be moved back further from the road. The current zoning on the lands is Hazard (H) which restricts buildings and structures. The application’s proposal is to refine the Hazard boundary and rezone a portion of the lands, in an area considered appropriate for development, to the Residential (R3) zone.

This proposal was developed in consultation with the Grey Sauble Conservation Authority and includes engineered Lot Grading and Lot Development plans and a Planning Justification Report.

#### Property Location

The property is located at 209774 Hwy 26 in Craigeith and legally described as Plan 529, Lots 150 and 156, Town of The Blue Mountains. Figure 1 shows the location of the property.

The property is irregular in shape, approximately 2,586 square metres (0.64 acres), with 22.87 metres (75 feet) of frontage on Highway 26. It is located in an area of other residential

properties and adjacent to some natural environment features, including woodlands and a wetland. The Georgian Trail is at the rear of the property (south). There is an existing small cottage on the lot, which the Municipal Property Assessment Corporation (MPAC) lists as being built in the 1960's.

Figure 1: Location

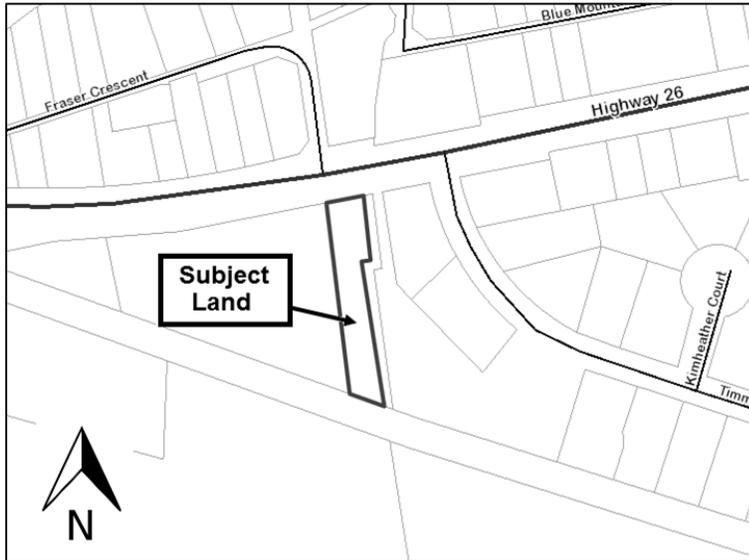
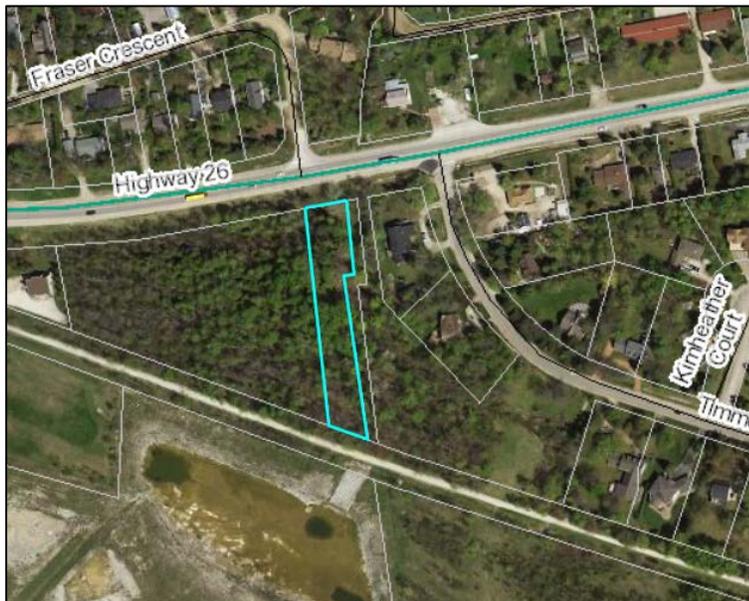


Figure 2: Aerial Photo



### Public Meeting Summary

A public meeting for this zoning application was held on October 24<sup>th</sup>, 2016. The application's agent, Colin Travis, a Land Use Planning Consultant, gave a presentation to explain the proposal. No public concerns were received. Agency comments are attached to this report as Attachment 1.

Comments from Grey County Planning and Grey Sauble Conservation Authority (GSCA) did not identify any concerns with revising the hazard area. GSCA noted that a GSCA permit will also be required for any development of the property. GSCA had previously provided a map which was included with the application submission; the map shows the GSCA recommended hazard zone area, with the balance of the property to be rezoned to a residential zone.

## **D. Analysis**

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Staff reviewed this proposal under Ontario's Land Use Planning Framework.

### **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. Planning decisions made by municipal councils must be consistent with the PPS.

The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. In this case, the property is an already developed property within the settlement area of Craigeith, on full municipal services.

The PPS also requires that development be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. To address this policy, the applicant provided information in support of the application that the area proposed for the building site and the driveway are outside the actual natural hazard area.

Staff are satisfied that this application is consistent with intent and direction of the PPS 2014.

### **Official Plans**

#### **County of Grey Official Plan**

The property is designated Recreational Resort Area in the County of Grey Official Plan. County Planning Staff reviewed this proposal with the policies of their Official Plan and found the proposal consistent with its policies. The Recreation Resort Area is a settlement area centred the resort area of the ski community and provides for residential uses on municipally serviced lots. No hazard is mapped on the property in the County's plan.

#### **Town of The Blue Mountains Official Plan**

The Town of The Blue Mountains 2016 Official Plan is now in effect for these lands and may be used to review this application. The 2016 Plan designates the majority of the lands Residential Recreational Area, which allows for a variety of residential uses. A very small portion of the lands is mapped Hazard as seen in Figure 3. No development is proposed for the mapped Hazard area.

Figure 3: Official Plan Map



The application to refine the zoned Hazard area by changing an area of the property to a residential zoning category conforms with the intent and direction of the Town's Official Plan.

### Zoning By-law

The Township of Collingwood Zoning By-law 83-40 zones the entire property Hazard (H). The H zone does not allow any new buildings and structures. The existing cottage on the lot in the H zone would appear to predate the Zoning By-law, and is considered a non-conforming use.

The proposal is to rezone a portion of the lands to the R3 zone to allow the construction of a new dwelling. The area for the new dwelling and driveway is outside the recommended Hazard area provided by the Grey Sauble Conservation Authority (GSCA). It also appears to be a more suitable location to the existing cottage, since the existing cottage is closer to the front of the property and within the confirmed natural hazard area. The draft zoning by-law, attached as Attachment #2, refines the Hazard zone to an area recommended by the GSCA. The remainder of the property is proposed to be the Residential Third Density (R3). After review of the proposal, staff are satisfied the lot would conform to the standards of the R3 zone and the proposed dwelling would also appear to comply with the required side and rear yards.

### Planning Conclusion

The Planning Justification report, lot development and lot grading plans were submitted by the applicant in support of this application. This documents have been reviewed by staff and the approach of rezoning the lands to create a building area would appear to be appropriate for the

redevelopment, as the proposed building area is considered a more suitable location for a dwelling than the existing cottage. Staff are satisfied that the proposal to rezone the lands is consistent with the Provincial Policy Statement, the County of Grey Official Plan, the Town of The Blue Mountains Official Plan, and represents good planning.

## **E. The Blue Mountains Strategic Plan**

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The recommendations in this report support the following goals: Goal #1 - Create opportunities for sustainability and Goal #3 - Support healthy lifestyles

## **F. Environmental Impacts**

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None.

## **G. Financial Impact**

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None.

## **H. In consultation with**

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Internal staff circulation through Planning Act consultation.

## **I. Attached**

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1. Attachment 1 – Agency Comments
2. Attachment 2 – Draft Zoning By-law and Schedule

Respectfully Submitted,

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Denise Whaley, MSc MCIP RPP  
Planner II

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

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



## Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound Ontario N4K 3E3  
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

October 17, 2016

Corrina Giles, Town Clerk  
Town of the Blue Mountains  
32 Mill Street  
Box 310  
Thornbury, Ontario  
N0H 2P0

**RE: Zoning By-law Amendment  
209774 Highway 26  
Town of the Blue Mountains (former Township of Craigeith)  
Owner/Applicant: Peter Glen  
Agent: Travis and Associates Inc.**

Dear Ms. Giles,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to replace the existing house on the lot. The new house is proposed to be moved back further from the road. The current zoning on the lands is Hazard (H) which restricts buildings and structures. The proposal is to redefine the Hazard boundary and rezone a portion of the lands in an area considered appropriate for development to the Residential (R3) zone. The lot zone would also have an exception to recognize the existing lot frontage and restrict the new house location to a suitable building envelope.

Schedule A of the OP designates the subject property as 'Recreation Resort Area'. Section 2.6.7(1) of the OP states,

The Recreational Resort designation as shown on Schedule A of this Plan shall apply to those lands which are settlement areas which have developed as a result of site specific amendments to the County of Grey Official Plan and/or local Official Plan consisting of a defined development area, specific recreational amenities, residential development and serviced with full municipal services (sewer and water).

The subject application conforms to the above noted policy, as the proposed development will be serviced with full municipal services.

The subject property abuts a Provincial Highway. Section 5.2.2(6)(f) of the OP states,

Any applications for consent for severance, change of zoning, plan of subdivision, minor variance and/or development agreement for land abutting a Provincial Highway or County road shall be referred to the appropriate approval authority prior to approval in order to determine if the use sitting, and/or right-of-way width are adequate and meet the provisions of this Plan.

Comments should be received from the MTO in this regard.

The County OP does not map any constraints on the subject property, however staff have reviewed the comments from the Conservation Authority's site inspection. It shall be ensured that the Conservation Authority is satisfied with the grading and drainage plan, as well as the location of the proposed dwelling.

Provided positive comments are received from the Conservation Authority and the MTO, County planning staff have no further concerns with the above noted application.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,



Kelly Henderson  
Planner  
+1 519-372-0219 ext. 1233  
kelly.henderson@grey.ca  
www.grey.ca

c.c. Denise Whaley



237897 Inglis Falls Road, R.R.#4, Owen Sound, ON N4K 5N6

Telephone: 519.376.3076 Fax: 519.371.0437

[www.greysauble.on.ca](http://www.greysauble.on.ca)

October 21, 2016

Ms. Corrina Giles, Clerk  
Town of The Blue Mountains  
32 Mill Street, P.O. Box 310  
Thornbury ON  
N0H 2P0

Dear Ms. Giles:

**RE: Application for Zoning Amendment 42-42-000-003-025-00**  
**Applicant: Peter Glen**  
**Part Lots 21 Concession 1; 209774 Highway 26**  
**Town of the Blue Mountains, formerly Collingwood Township**  
**Our File: P11883**

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the provincial Policy Statement and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

#### **Subject Proposal**

The subject proposal is to redefine the hazard land boundary and allow for re-development of the subject property with appropriate grading and drainage. A building envelope would be zoned for residential purposes.

#### **Site Description**

The subject property includes an existing dwelling and an accessory structure. A watercourse is located along the eastern portion of the property. The property is generally treed with poplar species among other and the topography is variable.

#### **GSCA Regulations**



Conservation  
ONTARIO  
Natural Champions

#### **Watershed Municipalities**

Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands  
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains

The entire subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area in this case is associated with the flood plain of the adjacent watercourse and associated allowances. Thus, a permit is required from our office for the proposed development on the site.

**Provincial Policy Statement (2014)**

**3.1 Natural Hazards**

Natural Hazards identified on the property include the flood plain of the noted watercourse as identified by CC Tatham and Associates. The hazard area covers the majority of the property. The hazard zone for the zoning amendment should include all the lands except the recommended building envelope as outlined in the planning report.

The hazard zone does not allow for the construction of buildings but would allow an access driveway with a permit from the GSCA.

**2.1 Natural Heritage**

The watercourse along the east part of the property provides habitat for various fish species. The proposal provides a better setback than the existing building to aid in the protection of fish habitat.

No other significant natural heritage features were currently identified on the property.

**Recommendations**

We generally have no objection to the approval of the subject application.

As noted above, we request that the hazard zone include all lands on the property except for the recommended development envelope which could be zoned Residential.

A permit from our office is required prior to construction or site alterations.

We request a notice of decision in this matter to be provided to our office.

If any questions should arise, please contact our office.

Regards,



Andrew Sorensen  
Environmental Planning Coordinator

cc Colin Travis, Travis and Associates

Application for Zoning (003-025-00)

Lot 21, Concession 1, 209774 Highway 26, Town of the Blue Mtns. (Collingwood Township)

October 21, 2016

Our File No. P11883

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**John McGee, Authority Director, Town of the Blue Mtns.**

**Denise Whaley, Town of The Blue Mountains**

**DRAFT**

**The Corporation of the Town of The Blue Mountains**

**By-Law Number 2016 –**

Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law"

Whereas the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Map 28 to Schedule "A" to the Township of Collingwood Zoning By-law 83-40 is hereby further amended by changing the zoning symbol on a portion of the property known as Part of Lots 150 and 155, Plan 529, from the Hazard 'H' zone to the Residential Third Density (R3) zone, as shown on the attached Schedule A-1.
3. The attached Schedule A-1 is hereby declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 28th day of November, 2016

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John McKean, Mayor

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Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2016-\_\_\_\_ as enacted by the Council of The Corporation of the Town of The Blue Mountains on November 28, 2016.

DATED at \_\_\_\_\_ this November 28, 2016.

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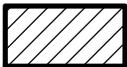
Corrina Giles, Clerk

# Town of The Blue Mountains

## Schedule A-1, 2016

By-Law No. 2016- \_\_\_\_\_

### Legend

-  Subject Lands of this Amendment
-  Area to be rezoned from H to R3

