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STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning and Building Committee
MEETING DATE: December 2, 2013
REPORT NO.: PL.13.129
SUBJECT: Application for Consent B06-2013
 Sean and Julie Regan
 Lot 3, Registered Plan 910
 Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Staff Report PL.13.129 “Application for Consent B06-2013, Sean and Julie Regan, Lot 3, Registered Plan 910, Town of The Blue Mountains”; and,

THAT Council grant Application for Consent B06-2013 subject to the following condition:

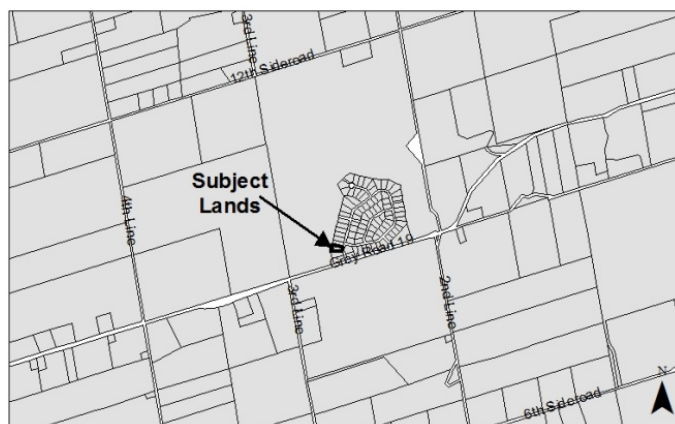
1. That the Applicant provide a description of the land which can be registered in the Land Registry Office

B. Background

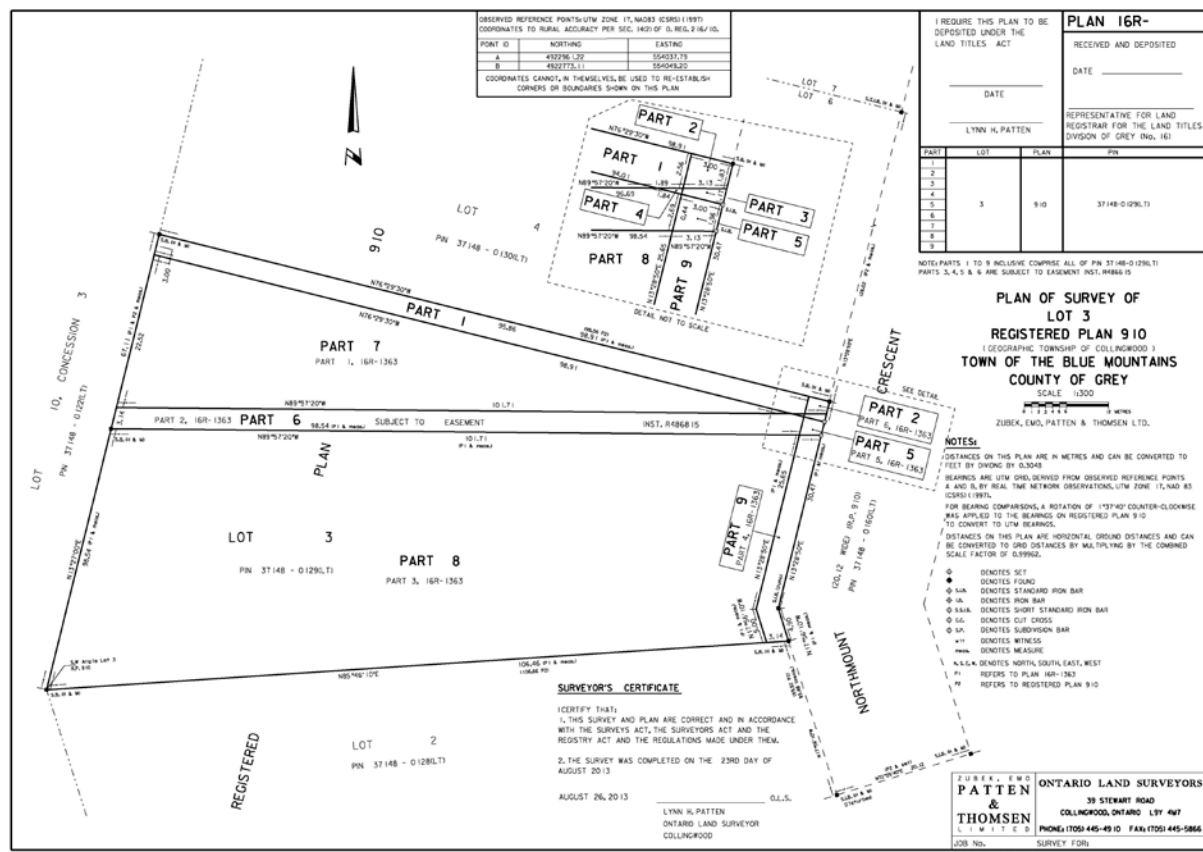
Planning Services received an application for Consent from lot owners Sean and Julie Regan, Lot 3, Plan 910. The application proposes to re-locate an existing 3 metre wide easement for underground waterlines from the middle of the property to the northerly side lot line.

The existing easement was previously created so as to supply water from the lake to a number of surrounding homes. These waterlines have been disconnected and are no longer in use. Castle Glen Estates Limited has agreed to remove the existing easement from the middle of the residential property provided that a new easement is established along the northerly lot line. At this time there is no intent to utilize the easement for waterlines. Castle Glen Estates wishes to reserve their right to install waterlines across the subject property in the future should there be a need to. No other uses are proposed to be included in the easement.

LOCATION



SURVEY



The survey above identifies the existing waterline easement as Parts 6, 3, 4 and 5 and the proposed waterline easement as Parts 1, 2, 3 and 4.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. There does not appear to be any concerns of Provincial interest and Planning Services is of the opinion that the proposal is consistent with the PPS.

County of Grey Official Plan

The Subject Lands are designated 'Urban' within the County of Grey Official Plan. The Plan delegates policy direction to the local Official Plan and the Niagara Escarpment Plan. The Niagara Escarpment Plan designates the lands as Escarpment Recreation Area. The policies under this plan seek to protect the visual and environmental amenities of the escarpment. The proposed re-location of an easement appears to comply with the County of Grey Official Plan and would not appear to conflict with the provisions of the Niagara Escarpment Plan.

The Blue Mountains Official Plan

The subject lands are designated Resort Residential Thunderhill through Official Plan

Amendment No. 3 to the Town of The Blue Mountains Official Plan. This designation recognizes the existing low density residential uses. Permitted uses are limited to single detached dwellings and transportation and utility facilities.

Consent policies of Section 9 to the Official Plan recognize that consents may be granted for easements provided they do not create a separate lot and each application is to be evaluated on its own merit.

Planning Services is of the opinion that the consent will comply with the Town of The Blue Mountains Official Plan. The proposed consent will not result in the creation of a separate lot, will improve the location of an existing easement, and provide additional flexibility for development and other purposes on the subject lands.

Township of Collingwood Zoning By-law 83-40

The subject lands are zoned Residential 'R3-210' through By-law 2009-05 to the Township of Collingwood Zoning By-law 83-40. The Residential 'R3-210' zone permits single detached dwellings and exception 210 establishes maximum lot coverage and minimum floor area requirements for a new dwelling.

Planning Services is of the opinion that the proposed easement will not contravene the requirements of the Zoning By-law.

Public Meeting

A Public Meeting as required under the Planning Act was held on November 13, 2013. Comments were received from the County of Grey Planning and Development Department, the County of Grey Transportation Services Department, the Nottawasaga Valley Conservation Authority and an area resident. The County of Grey Planning and Transportation Departments and the Conservation Authority all indicated that they have no objections to the proposed consent application. Comments received from the adjacent landowner raised concerns regarding the proposed location of the easement and the potential for loss and/or damage to the existing mature trees that exist on the proposed easement lands. The applicant has indicated that any trees that are removed and/or damaged through the installation of a future waterline can be replaced at their cost. The applicant is willing to include a clause in the easement document to this effect.

Questions regarding the topography in the area of the proposed easement, and the requirement for additional easements beyond the boundaries of the subject lands were also raised. The topography on the subject lands is generally flat with an existing stand of mature trees located towards the north-westerly corner of the property. There does not appear to be an issue in locating future waterlines within the proposed easement. The easement is to be in favour of Castle Glen Estates Limited. It is noted that the lands west of the subject property are currently owned by Castle Glen Estates Limited, and the lands east of the subject property comprise the Northmount Crescent road allowance. It would appear that there is no need for additional easements at this time.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent Application for easement is consistent with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan, Town of The Blue Mountains Official Plan and Township of Collingwood Zoning By-law and therefore recommend granting Consent Application B06-2013 subject to the conditions listed in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report is consistent and supports the following Strategic Plans Goals: *"1. Managing growth to ensure the ongoing health and prosperity of the community"*.

D. Environmental Impacts

Nil

E. Financial Impact

Nil

F. In Consultation With

Public Meeting – November 13, 2013

G. Attached

Nil

Respectfully submitted,

Shawn Postma, Planner II

David Finbow, Director of Planning and Building Services

For more information, please contact:

Shawn Postma, Planner II
32 Mill Street
Thornbury, Ontario, N0H 2P0
Phone: 519-599-3131 x248
Email: spostma@thebluemountains.ca