

This document can be made available in other accessible formats as soon as practicable and upon request

STAFF REPORT: Planning & Building Services Department



REPORT TO: Committee of the Whole
MEETING DATE: March 17, 2014
REPORT NO.: PL.14.35
SUBJECT: Applications for Consent:
 B08-2013, B09-2013 and B10-2013
 Application for Zoning By-law
 Amendment
 Mike and Mary-Lynn Sheridan
 Part Lot 25, Concession 11
 Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Staff Report PL.14.35 “Application for Consent B08-2013, B09-2013 and B10-2013, Application for Zoning By-law Amendment, Mike and Mary-Lynn Sheridan, Part Lot 25, Concession 11, Town of The Blue Mountains”; and,

THAT Council grant Application for Consent B08-2013 subject to the following conditions:

1. That the Applicant meet all requirements, financial and otherwise, of the Town 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 the severed parcel be added as a lot addition to the existing non-farm residential lot to the east.
4. That any existing mortgage commitments on the severed lands be extended to cover the whole, newly created parcels.
5. That a Zoning By-law Amendment be enacted to recognize a new minimum lot area requirement and that any lands located within 500 metres of the Town landfill site are placed into a Holding ‘-h’ zone.
6. That the conditions to Consent File B09-2013 and B10-2013 can be fulfilled.
7. That all conditions noted above shall be fulfilled within one year of the decision so that the Town’s Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

THAT Council grant Application for Consent B09-2013 subject to the following conditions:

1. That the Applicant meet all requirements, financial and otherwise, of the Town 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 the severed parcel be added as a lot addition to the existing farm parcel to the west.
4. That any existing mortgage commitments on the severed lands be extended to cover the whole, newly created parcels.

5. That a Zoning By-law Amendment be enacted to recognize a new minimum lot area requirement and that any lands located within 500 metres of the Town landfill site are placed into a Holding '-h' zone.
6. That the conditions to Consent File B08-2013 and B10-2013 can be fulfilled.
7. That all conditions noted above shall be fulfilled within one year of the decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

THAT Council grant Application for Consent B10-2013 subject to the following conditions:

1. That the Applicant meet all requirements, financial and otherwise, of the Town 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 the severed parcel be added as a lot addition to the new farm parcel to the west.
4. That any existing mortgage commitments on the severed lands be extended to cover the whole, newly created parcels.
5. That a Zoning By-law Amendment be enacted to recognize a new minimum lot area requirement and that any lands located within 500 metres of the Town landfill site are placed into a Holding '-h' zone.
6. That the conditions to Consent File B08-2013 and B09-2013 can be fulfilled.
7. That all conditions noted above shall be fulfilled within one year of the decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

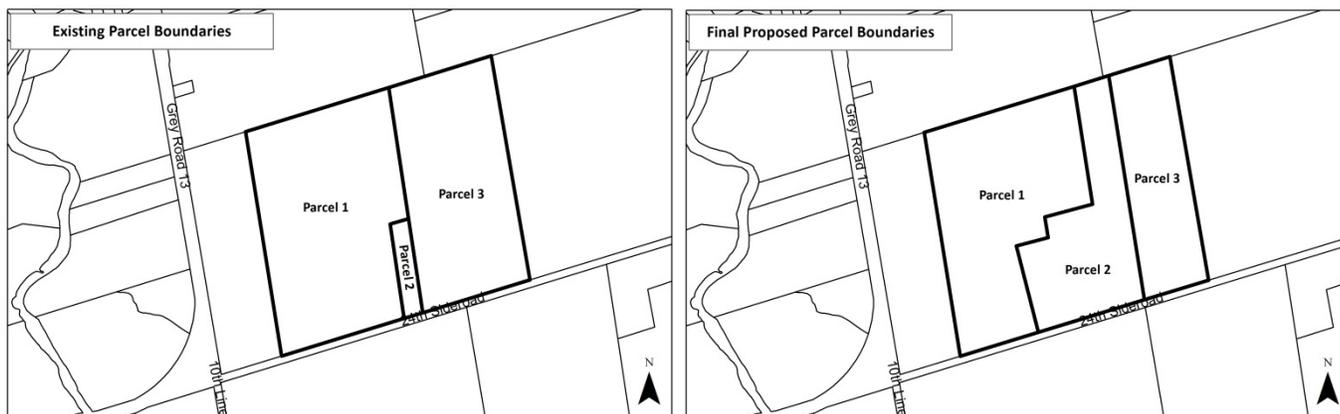
THAT Council enact a Zoning By-law Amendment to recognize a new minimum lot area for the proposed three farm parcels, and to place the Holding '-h' symbol on a portion of the subject lands located within 500 metres of the Town landfill site.

B. Background

Planning Services received three applications for Consent and an application for Zoning By-law Amendment from property owners Mike and Mary-Lynn Sheridan located at Part Lot 25, Concession 11. The purpose of these applications is to consider a proposal to create three separate farm parcels from two existing farm parcels and one non-farm residential parcel. The three Consent applications propose a series of lot additions to establish new property boundaries for the farm parcels. The Zoning By-law Amendment application proposes to establish new minimum lot area requirements, and to place the Holding '-h' symbol on a portion of the subject lands located within 500 metres from the Town landfill site.

The Subject Lands include three separate parcels all legally described as Part Lot 25, Concession 11. The combined area of the three parcels is approximately 41 hectares in size. Access to each parcel is provided from the 24th Sideroad. The lands are generally flat and are predominantly planted out in apple orchard. A number of agricultural buildings, a single detached dwelling, bush area and internal laneways also exist on the lands. Municipally owned water and sanitary sewer services are not available to the subject lands.

LOCATION



Provincial Policy Statement

The Provincial Policy Statement 2005 (PPS) provides direction on appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS recognizes the subject lands as being located within a prime agricultural area and that these areas shall be protected for long-term use for agriculture. Agricultural parcels must maintain an appropriate size for the type of agricultural use(s) that are common for the area. Non-farm residential uses are recognized as an incompatible use within agricultural areas, and the creation of new residential lots within prime agricultural areas are strictly prohibited. It would appear that the proposed farm parcel sizes are maintained at a viable size for the area, and that the removal of the existing non-farm residential lot is encouraged. 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 'Special Agriculture' and 'Agriculture' within the County of Grey Official Plan. The Special Agriculture designation recognizes those unique areas of the County that lend themselves to the growing of fruits and vegetables. The predominant use of land shall be for agricultural uses. Minimum lot sizes shall contain an agriculturally productive area of not less than 10 hectares. Consents are permitted within the Special Agriculture designation provided that both the severed and remnant lots each contain an agriculturally productive area of not less than 10 hectares. The Agriculture designation applies to a very small portion of the subject lands. The County of Grey Official Plan also seeks to maintain viable agricultural parcels and protect lands within this designation for long term agricultural uses. The lands that include the small pocket of Agriculture designated lands are located on the largest of the three farm parcels maintaining a minimum of 10 hectares Special Agriculture designated lands. The proposed final lot boundaries proposed for the three farm parcels appears to comply with the County of Grey Official Plan provided that a minimum 10 ha of agriculturally productive area can be maintained on each farm parcel.

The Blue Mountains Official Plan

The Subject Lands are designated ‘Special Agriculture’ and ‘Agriculture’ within the Town of The Blue Mountains Official Plan. Similar to the County of Grey Official Plan, the Special Agriculture area recognizes those portions of the Town that are ideal for orchard and other specialty crop purposes. Minimum lot sizes shall contain an agriculturally productive area of not less than 10 hectares. Consents are permitted within the Special Agriculture designation provided that both the severed and remnant lots each contain an agriculturally productive area of not less than 10 hectares. The Agriculture designation applies to a very small portion of the subject lands. The Town of The Blue Mountains Official Plan also seeks to maintain viable agricultural parcels and protect lands within this designation for long term agricultural uses. The lands that include the small pocket of Agriculture designated lands are located on the largest of the three farm parcels maintaining a minimum of 10 hectares Special Agriculture designated lands.

The applicant has provided a summary of the proposed lot areas for each farm parcel as follows:

	Proposed Lot Area (ha)	Existing Productive Agricultural Land (ha)	Proposed Productive Agricultural Land (ha)
Parcel 1	20.13	14.8	14.8
Parcel 2	10.76	10.1	10.1
Parcel 3	10.51	10.5	10.0

The above chart illustrates that as separate farm parcels, each one can maintain an agriculturally productive area of 10 hectares, while also considering lands that could potentially be removed for a future driveway, dwelling, agricultural buildings, yard space, etc. Planning Staff are therefore satisfied that a minimum agriculturally productive area of 10 hectares can be maintained on each of the three proposed parcels, and that the removal of an existing non-farm parcel and dwelling will improve the long term viability of the area for continued agricultural uses.

Appendix Map ‘E’ to the Official Plan recognizes the existing Town landfill to the north of the subject lands. All land uses within 500 metres are subject to relevant studies to address the current and future impacts and to assess appropriate design, buffering and separation distances in conformity with Ministry of Environment D4 Guidelines (MOE D4). It should be noted that the 500 metre buffer incorporates only a portion of the subject lands and should development occur outside of the 500 metre buffer, the above noted studies would not be required. A MOE D4 study has not been completed at this time. Planning Staff recommends that the Holding ‘-h’ symbol be placed on the lands affected by the 500 metre buffer. The Holding ‘-h’ symbol would not be removed from the lands until an MOE D4 study has been completed and accepted for any proposed development within the buffer lands.

Consent policies of Section 9 to the Official Plan identifies that the size, location and configuration of any parcel shall be designed to consider development constraints, and discourage irregular shapes. The proposed parcel boundaries are irregular in shape, but follow existing laneways, incorporate existing buildings and yard space, and generally follow the boundaries between planted tree blocks, and maintain an agriculturally productive area of 10 hectares. Planning Staff has no objections to the proposed lot size and shapes.

Therefore Planning Staff is of the opinion that the proposed final lot boundaries proposed for the three farm parcels appears to comply with the Town of The Blue Mountains Official Plan provided that the proposed Zoning By-law Amendment include provisions for the use of the Holding '-h' symbol to ensure no development occurs within 500 metres of the Town landfill site until such time as an MOE D4 study is completed.

Township of Collingwood Zoning By-law 83-40

The subject lands are zoned General Rural 'A1' within the Township of Collingwood Zoning By-law 83-40. The General Rural 'A1' zone permits agricultural uses, a single detached dwelling, forestry or conservation, temporary farm help, a home occupation, a home industry and accessory uses, buildings and structures. Minimum lot area and lot frontage requirements are 20 hectares and 150 metres.

A Zoning By-law Amendment application has been submitted to establish a new minimum lot area requirement of 14 hectares, 10 hectares and 10 hectares for each of the proposed farm parcels. The minimum 150 metres for lot frontage requirements can be met by each of the proposed farm parcels. As identified through the Town of The Blue Mountains Official Plan, the Holding '-h' symbol should be placed on those lands within the 500 metre landfill buffer area.

Provided that the Zoning By-law Amendment incorporates the new minimum lot area requirements and the development constraints related to the Official Plan comments above, Planning Staff are satisfied that the Zoning By-law Amendment will be appropriate for the subject lands.

Public Meeting

A Public Meeting as required under the Planning Act was held on February 3, 2014. Comments were received from the County of Grey Planning and Development Department and the Grey Sauble Conservation Authority.

The County of Grey Planning Department has stated that a minimum 10 hectares of agriculturally productive lands must remain available on all three parcels. The County has noted that the existing non-farm dwelling is serviced by a well located on an adjacent lot via an easement. The County prefers that services be located on the same property as the house they are servicing. The applicant is encouraged to provide servicing on the same lot as the dwelling. The County recognizes that the subject lands are located within 300 metres to a mineral resource extraction area and 500 metres to an existing landfill. The County notes that no new non-farm development is proposed, and that they have no objections to the proposed consent applications provided that the Holding '-h' symbol is used for those lands located within the 500 metre landfill buffer area only.

The Grey Sauble Conservation Authority has no objections to the proposed consent and zoning By-law amendment applications.

A question was also asked at the Public Meeting with regards to any existing aggregates on the subject lands. Appendix Map 'C' to the Town of The Blue Mountains Official Plan identifies a secondary significant sand and gravel deposit located

approximately 90 meters to the north of the Subject Lands. The Plan requires that areas identified as an aggregate resource be protected from incompatible uses that would prevent future extraction potential. It is noted that the subject lands are not identified as having any aggregate resources, and that the proposed continuation of agricultural uses would not prevent any future extraction potential.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent applications and Zoning By-law Amendment application 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. Planning Staff therefore recommend granting Consent Application B08-2013, B09-2013 and B10-2013 and the Zoning By-law Amendment application 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 – February 3, 2014

G. Attached

1. Draft Zoning By-law Amendment

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: info@thebluemountains.ca

Mike and Mary-Lynn Sheridan
Roll: 10-027-01, 10-027-02, 10-027-10

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

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, the By-law may
be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE
BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Map 'A' to Schedule 'A' to the Township of Collingwood Zoning By-law 83-40, is hereby
amended by rezoning a portion of the subject lands from the General Rural 'A1' zone to
the General Rural 'A1-h' zone on those lands lying and being in the Town of The Blue
Mountains, comprised of Part Lot 25, Concession 11, as indicated on the attached Key
Map Schedule 'A1'.
 - a. The removal of the Holding '-h' symbol on all, or a portion of the subject lands
in accordance with Section 36 of the Planning Act shall be conditional upon
the completion of a Ministry of Environment D4 Study for any proposed single
detached dwelling or temporary farm help accommodation.
2. Notwithstanding the minimum lot area requirements of Section 8.2(a) of the General
Rural 'A1' Zone to the Township of Collingwood Zoning By-law 83-40, the minimum lot
area on those lands lying and being in the Town of The Blue Mountains, comprised of
Lot 25, Concession 11 shall be as indicated on the attached Key Map Schedule 'A2'.
3. Schedule 'A1' and Schedule 'A2' are 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 _____ day of _____, 2014.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted
by the Council of the Corporation of the Town of The Blue Mountains on the _____
day of _____, 2014.

DATED at _____ this _____ day of _____, 2014.

Signed: _____ Corrina Giles, Clerk

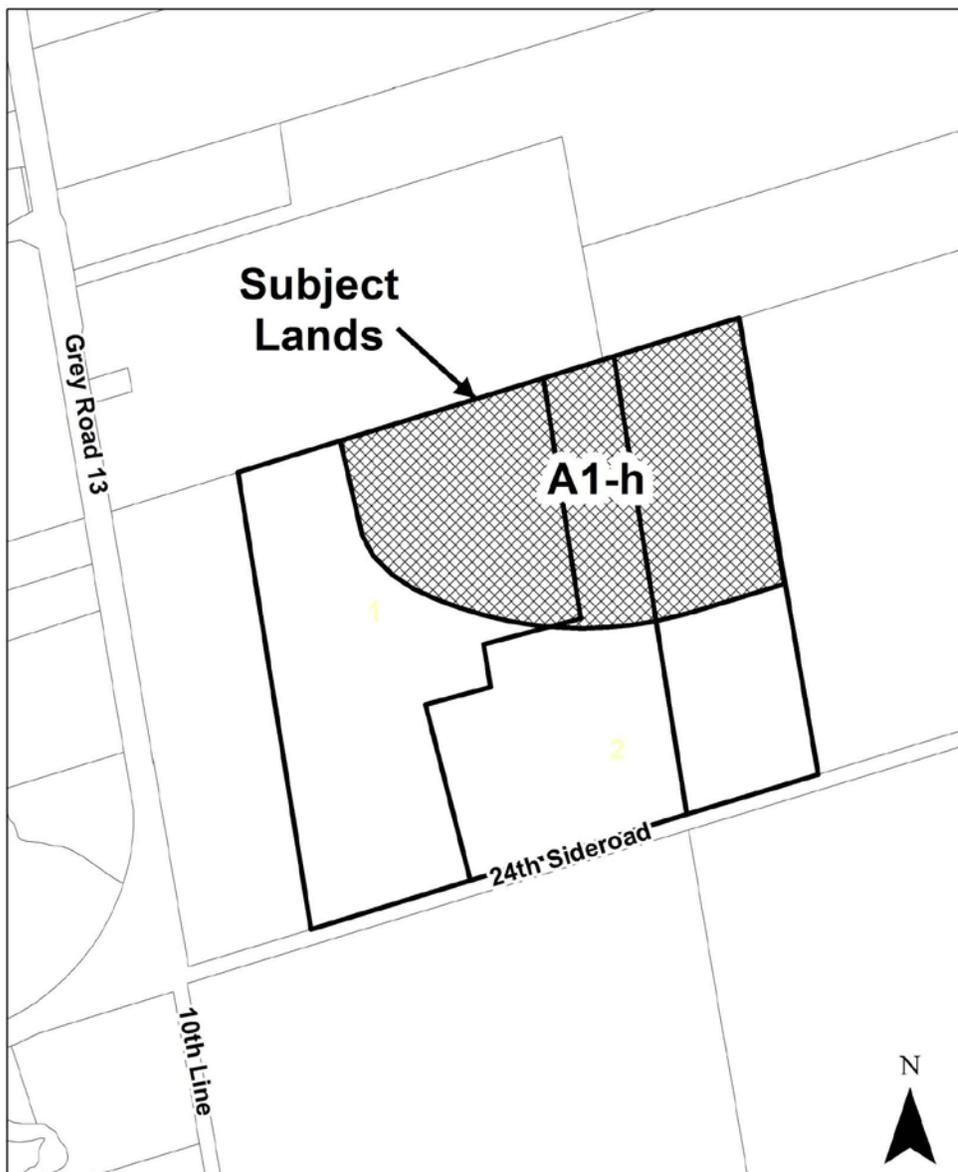
Mike and Mary-Lynn Sheridan
Roll: 10-027-01, 10-027-02, 10-027-10

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

 AREA AFFECTED BY SECTION 1 TO THIS AMENDMENT

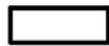


Mike and Mary-Lynn Sheridan
Roll: 10-027-01, 10-027-02, 10-027-10

Town of The Blue Mountains

Key Map Schedule 'A2'

By-law No. _____

 AREA AFFECTED BY SECTION 2 OF THIS AMENDMENT

