

REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: Wednesday, April 7, 2010
REPORT NO.: PL.10.25
SUBJECT: Application for Consent
 File No. B25-2009; and
 Zoning By-law Amendment -
 Nona Ardiel
 Part Lot 27, Concession 12;
 Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
 Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.10.25, “Application for Consent File No. B25-2009; and Zoning By-law Amendment – Nona Ardiel; Part Lot 27, Concession 11; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B25-2009, subject to the following conditions:

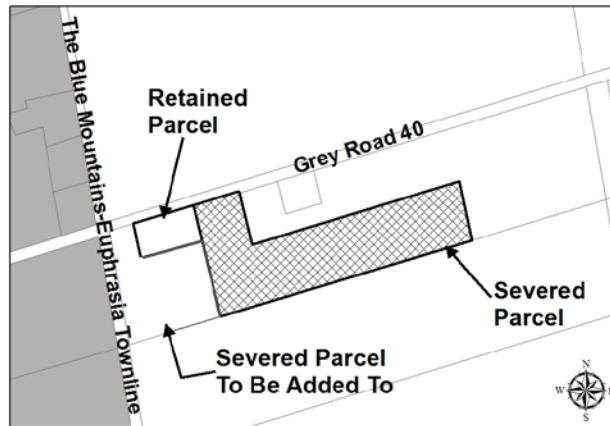
- 1. That Council enact a Zoning By-law Amendment to rezone the subject lands to the General Rural (A1) Zone and the Rural Estate Residential (RERa) Zone; and to establish a new minimum lot area of 17 hectares for the newly enlarged parcel in the General Rural (A1) Zone.**
- 2. That a 5.18 metre widening parcel along the severed parcel be dedicated to the County of Grey for future road widening purposes of Grey Road 40.**
- 3. That the severed parcel be deeded as a lot addition to the property abutting to the west in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*.**
- 4. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.**

THAT Council enact a Zoning By-law Amendment to rezone the subject lands to rezone the subject lands to the General Rural (A1) Zone and the Rural Estate Residential (RERa) Zone; and to establish a new minimum lot area of 17 hectares for the newly enlarged parcel in the General Rural (A1) Zone.

B. Background

The purpose of Application for Consent File No. B25-2009 is to sever a 12.0 hectare vacant agricultural parcel on the eastern portion of the property and deed it as a lot addition to the existing 5.87 hectare rural residential parcel to the west, containing an

existing dwelling and agricultural building. A 1.58 hectare rural residential parcel would be retained, containing an existing dwelling.



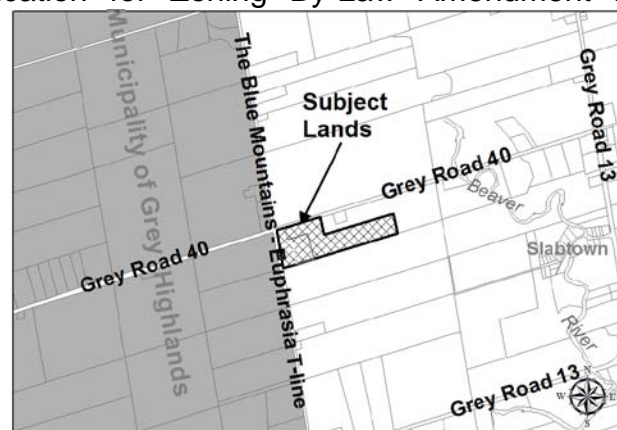
The subject lands are located on the south side of Grey Road 40, east of The Blue Mountains-Euphrasia Townline, with a civic address of 827290 Grey Road 40 on the retained parcel.

It should be noted that the subject lands have no municipal water or sewer service fronting along the roads, being in the rural service area. The subject lands are currently used for agricultural purposes (see Attached Item #1).

The Applicant and Owner is Nona Ardiel, who wishes to provide Ardis Ardiel the agricultural lands to the adjacent lot to the west, to merge with her existing pasture lands for her livestock. The proposed new lot lone would coincide with the existing rail fence on the rear of the farm lands to be brought forward to Grey Road 40.

The surrounding uses include agricultural lands to the north, east south and west.

The Proponent has also filed an Application for Zoning By-Law Amendment in conjunction with the consent, as the consent proposal does not appear to comply with the Zoning By-Law regulations. An amendment is required to rezone the retained parcel to Rural Estate Residential (RERa); the proposed newly enlarged parcel to General Rural (A1) Zone; and to recognize the proposed newly enlarged parcel as being deficient of the 20 hectare lot area requirement of the General Rural (A1) Zone.



Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the County

of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

The PPS-2005 supports this lot addition proposal under Section 2.3.4.2 which states that *“lot adjustments in prime agricultural areas may be permitted for legal or technical reasons”*, as the subject lands are within the Agricultural Area within the Town.

Planning Staff notes that this can be considered a minor boundary adjustment, as there is already an existing rural residential lot and an agricultural lot. The proposal would be creating a larger agricultural parcel and creating a small amount of land for a non-farm use on the retained lot.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Agricultural within the County of Grey Official Plan. Section 2.1.3(3) of the Official Plan states that consents maybe considered for minor lot line adjustments, provided that the granting of such a consent does not result in the creation of an undersized remnant lot, being a 40 hectare minimum. Reasoning shall be provided to demonstrate the appropriateness of the land area to be severed.

Planning Staff notes that the existing rural residential lot and agricultural lot are already undersized, but again the proposal would be creating a larger agricultural parcel and creating a small amount of land for a non-farm use on the retained lot.

Therefore the Official Plan supports this lot addition proposal, as it is not further aggravating the current situation with the compatibility issues between rural residential lots and agricultural lots.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Agricultural (A). The intent and purpose of the Agriculture designation is to first and foremost identify the primary agricultural lands of the Municipality and to ensure its maintenance for continued use and long term productivity.

Planning Staff notes that the Agricultural consent policies of the Official Plan support this proposal, as it is creating a larger agricultural parcel and creating a small amount of land for a non-farm use on the retained lot; and is not further aggravating the current situation with the compatibility issues between rural residential lots and agricultural lots.

Section 8.13 requires that Minimum Distance Separation (MDS) be applied to all new land uses, such as this lot addition which is flipping the uses between a rural residential use and an agricultural use. MDS Formula I (MDS-I) provides minimum distance separation for new development from existing livestock facilities. Planning Staff note that no new development is proposed with these planning applications, as the proposed retained and newly enlarged parcels already have existing dwelling on the lands respectively and would already exhibit any odour conflict.

Therefore, it would appear that the proposed consent and zoning by-law amendment conforms to the policies of the Official Plan for this lot addition proposal.

Zoning By-law

The subject lands are zoned General Rural (A1) and Rural Estate Residential (RERa) within the Township of Collingwood Zoning By-law 83-40. The Rural Estate Residential (RERa) Zone recognizes the existing lot wishing to be conveyed the severed parcel, while the General Rural (A1) Zone relates to the proponent's property.

The proposed lot configuration does not appear to comply with zoning, as the retained parcel would be required to be rezoned to Rural Estate Residential (RERa) Zone. The newly enlarged parcel would be required to be rezoned to General Rural (A1) Zone and establish a new minimum lot area of 17 hectares in the General Rural (A1) Zone (see Attached Item #2).

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; County of Grey – Transportation and Public Safety (TAPS) Department; Grey Bruce Health Unit; and Grey Sauble Conservation Authority (GSCA). These comments are summarized below.

The County of Grey - Planning and Development Department has no issues of concern, provided that MDS can be obtained and that positive comments are received by the TAPS.

The County of Grey – TAPS has requested that as a condition of consent that a 5.18 metre widening along the severed parcel is to be deeded to the County for future road widening purposes of Grey Road 40. Planning Staff recommends this 5.18 metre road widening on the severed parcel, be a condition of consent.

The Grey Bruce Health Unit has no issues of concern, as they note the following:

...maintaining and protecting local agricultural areas supports efforts to reduce chronic disease and improve access to local nutritious food choices. Health eating using local food provides economical food choices that are healthy and fresh, while creating fewer impacts on the environment and human health due to reduced transportation needs.

The GSCA initially requested in their January 29, 2010 letter that the environmental hazard lands be included in the site specific zoning by-law amendment, noted on the far eastern portion of the severed parcel. Since that time, the proponent had requested that the GSCA review the area again with another site inspection after snow melt and noted that there was field tile. The GSCA noted in a supplemental letter dated March 22, 2010 that there is no longer a surface watercourse feature present, although the topography of the land would still promote the collection and conveyance of localized drainage through this feature. Therefore the GSCA have removed the environmental hazard area, including the regulated area from the mapping.

Interdepartmental Comments

Comments were received from Engineering and Public Works Department, having no issues of concern with the proposal.

Planning Staff notes that no other interdepartmental comments have been received on these applications; and therefore no further issues of concern has been raised for this proposal.

Public Meeting Comments

Based on the site visit conducted on February 1st, 2010, the placards for consent and zoning by-law amendment was posted as required under the *Planning Act*, along with a mail out circulation of the Notices to area assessed property owners and publication in the January 6th, 2010 edition of The Courier-Herald Newspaper.

The public meeting was held on February 1st, 2010, as required under the *Planning Act*. No additional comments were received by the Committee and the public in attendance.

Written Correspondence Received From The Public

No correspondence was received from the public on the proposal.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent and zoning by-law amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support these applications for consent and zoning by-law amendment subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.10.25 is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Environmental Impact

The proposal does not appear to generate any special or significant environmental impacts.

E. Budget Impact

N/A

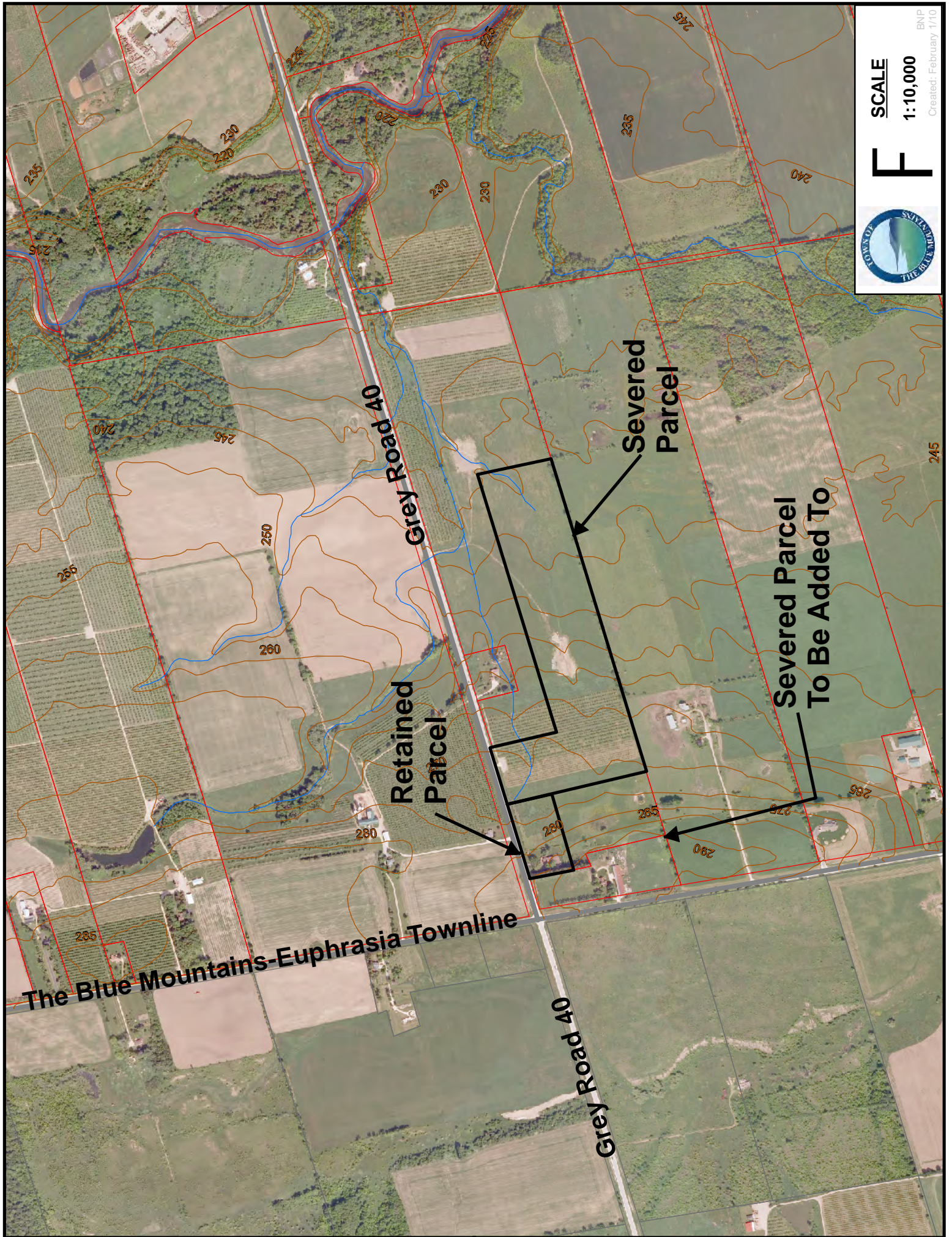
F. Attached

1. Aerial Photograph of the Subject Lands, May 2006
2. Draft Zoning By-law Amendment

Respectfully submitted,

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SCALE

1:10,000

BNP
Created: February 1/10

F

Retained Parcel

Severed Parcel

Severed Parcel To Be Added To

The Blue Mountains-Euphrasia Townline

Grey Road 40

Grey Road 40

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2010 - _____

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

1. Map A to Schedule 'A', of the Township of Collingwood Zoning By-law, being By-law 83-40 as amended is hereby further amended by rezoning the lands from the General Rural (A1) Zone and Rural Estate Residential (RERa) Zone to the General Rural (A1) and Rural Estate Residential (RERa) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 27, Concession 12; Part 1 , RP 16R-5211; Part 1, RP 16R-7807; as indicated on the attached Key Map Schedule "A-1".
2. Notwithstanding the provisions of Section 8.2(a) for the General Rural (A1) Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum lot area shall be 17.0 hectares for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 27, Concession 12; Part 1 , RP 16R-5211; Part 1, RP 16R-7807; as indicated on the attached Key Map Schedule "A-1".
3. 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 _____th day of _____, 2010.

Ellen Anderson, Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2010 - _____ as enacted by
the Council of The Corporation of The Town of The Blue Mountains on the _____th day of
_____, 2010.

DATED at _____

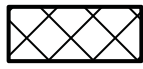
this _____ day of _____, 2010.

Signed: _____
Corrina Giles, Deputy Clerk

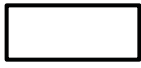
Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. 2010 - _____



Area To Be Rezoned To Rural Estate Residential (RERa)



Area To Be Rezoned To General Rural (A1) and Affected By Section 2 Of This Amendment

