

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning and Building Committee
MEETING DATE: September 7, 2011
REPORT NO.: PL.11.74
SUBJECT: Request for Comments
Niagara Escarpment Commission
File No. G/A/2011-2012/9021
Braeburn Farms
c/o Paul Phelan
Part Lot 10, Concession 1;
Part 6, RP 16R-6397;
589914 Grey Road 19;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.11.74, "Request for Comments – Niagara Escarpment Commission: Development Permit Application File No. G/A/2010-2011/9021 – Braeburn Farms, c/o Paul Phelan; Part Lot 10, Concession 1; Part 6, RP 16R-6397; 589914 Grey Road 19; Town of The Blue Mountains"; and

THAT Council advise the Niagara Escarpment Commission that the Town opposes the Development Permit Application to:

- **To renovate approximately 167 sq m (1800 sq ft) of the existing accessory building (garage) to accommodate 2 staff farm helpers; on a 3.1 ha (7.7 ac) existing lot on which the farm manager resides.**

B. Background

In accordance with Section 1(b) of Town of The Blue Mountains By-law No. 2005-53, Town Staff are delegated authority to comment on behalf of Council for certain NEC permits as further noted in Corporate Policy POL.COR.07.04 "Delegation by Council of Powers and Duties" as amended. The policy notes the following:

Review and comment on Niagara Escarpment Development Permit Applications that would otherwise be in compliance with zoning regulations were they in effect be delegated for execution to the Manager of Development Planning or designate (Director of Planning). Any Application that would not be in compliance shall be reviewed by Council.

Given that the proposal would not otherwise be in compliance, Planning Staff has brought forward this Staff Report for Council's consideration.

The purpose of this Report is to consider and to develop comments related to a DPA filed with the NEC with respect to a proposal to:

- To renovate approximately 167 sq m (1800 sq ft) of the existing accessory building (garage) to accommodate 2 staff farm helpers on a 3.1 ha (7.7 ac) existing lot on which the farm manager resides. The subject lot is one of several adjacent lots, which together comprise a 53 ha (131.4 ac) horse breeding/training establishment known as Braeburn Farms. The staff is required to help with the breeding operation that demands availability 24 hours a day. The proposed renovations consist of the following:
 - Insulate and heat the loft storage space of the existing garage
 - Install a washroom and kitchen facilities in the loft area
 - construct two bedrooms in the loft area
 - install a new on-site sewage disposal system (if required)

The subject property is located on East Part Lot 10, Concession 1; Part 6 of Reference Plan 16R-6397; in the Town of The Blue Mountains, locally described on the 589914 Grey Road 19. The subject lands are serviced by private on-site water and septic system services. The Owner is Braeburn Farms c/o Paul Phelan, President, who has authorized Brian Hindle, Property Manager, as the agent on this development permit application (DPA).

Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Rural (R) in the Town of The Blue Mountains Official Plan (OP). The Rural Designation does permit agricultural uses, buildings and structures and farm related dwellings.

The OP has general development policies with regard to ancillary uses, such as the proposed farm help accommodation. Under Section 3.6.4 of the OP second farm dwellings are permitted where full time farm help is warranted on a farm operation, subject to seven criteria listed in the excerpt below:

- (a) The dwelling unit shall be located on the same property as the principal farm house.
- (b) Farm help must be necessary on a full-time basis on the farm.
- (c) The farmer shall live in the principal farm residence, with farming as his/her principal occupation.
- (d) A separate lot shall not be created for farm help purposes.
- (e) If no longer required for farm help purposes, the second farm dwelling unit shall be removed or converted to another permitted use.
- (f) Council may require an Agreement, including securities where appropriate, to ensure compliance with all criteria.
- (g) Within the Niagara Escarpment Plan Area, only mobile or portable dwelling units, without a permanent foundation or basement, shall be permitted for second farm dwelling purposes in accordance with the criteria established under Section 3.6.3(4) for temporary farm help accommodations.

With regard to item (g), the subject property is within the Niagara Escarpment Plan (NEP) area. Therefore, Planning Staff does not support the proposal to convert living quarters within the existing accessory use garage on the subject lands. The OP policy clearly states that it must be mobile or portable, not permanent on the site.

The criterion established under Section 3.6.3(4) states that:

Within the area of the Niagara Escarpment Plan, temporary farm help accommodation shall also be subject to the following criteria:

- (a) The dwelling unit(s) shall be mobile or portable, without a permanent foundation or basement.
- (b) The dwelling unit(s) shall be located within the farm cluster and where possible, use the existing farm lane access.
- (c) A Development Permit shall be valid for three years only and continuance of dwelling unit(s) will be considered through reapplication to the Niagara Escarpment Commission on a three year basis, subject to adequate justification that the farm help continues to be necessary to the farm operation.
- (d) The dwelling unit(s) shall be removed when the Development Permit(s) expires.
- (e) That any approval or agreement struck between the local municipality and the applicant to permit the additional dwelling unit(s) or farm help shall also be renewed, if necessary, on the anniversary of the Development Permit.

Planning Staff has concern with the proposal as the requested conversion to provide the staff housing for the equestrian stable is not located on the same lot, rather an abutting lot in the larger landholdings of Braeburn Farms. Planning Staff note that OP policies note that the second dwelling unit needs to be close to the farm and may be permitted as an ancillary agricultural use on a recognized farm and contiguous with the existing farm buildings, not removing further lands from agricultural production.

The property has been identified as an Archaeological Area under Appendix “D” of the Official Plan. Section 8.11 of the Plan ensures that cultural heritage features are protected, preserved and enhanced as further indicated by the province. Being that the development proposal is a conversion of an existing accessory garage, there would appear to be no impacts to significant cultural heritage features in the development area.

Therefore, Planning Staff note that the development proposal would not appear to conform to the Official Plan.

Zoning

If zoning were in place, it would be in the form of an environmental protection zone, as the lands are within the floodplain of the Ash Creek, as noted by the Nottawasaga Valley Conservation Authority (NVCA) comments on the DPA. NVCA has noted that this structure did not obtain a NVCA permit for the said works. It is noted that development of should occur outside of the natural hazards of the floodplain.

Additional Comments

Based on the foregoing, Planning Staff opposes this application for a Development Permit.

C. The Blue Mountains’ Strategic Plan

The recommendation in this Planning Staff Report PL.11.74 is consistent and supports the following Strategic Plan’s Goals:

Strategic Plan goal #1:

“Managing growth to ensure the ongoing health and prosperity of the community.”

And Strategic Plan goal #3:

“Preserving and enhancing natural and environmental features, and cultural heritage of the community.”

D. Environmental Impacts

The proposed development does not appear to generate any significant environmental impacts that can be regulated by the Town.

E. Budget Impact

NIL

F. Attached

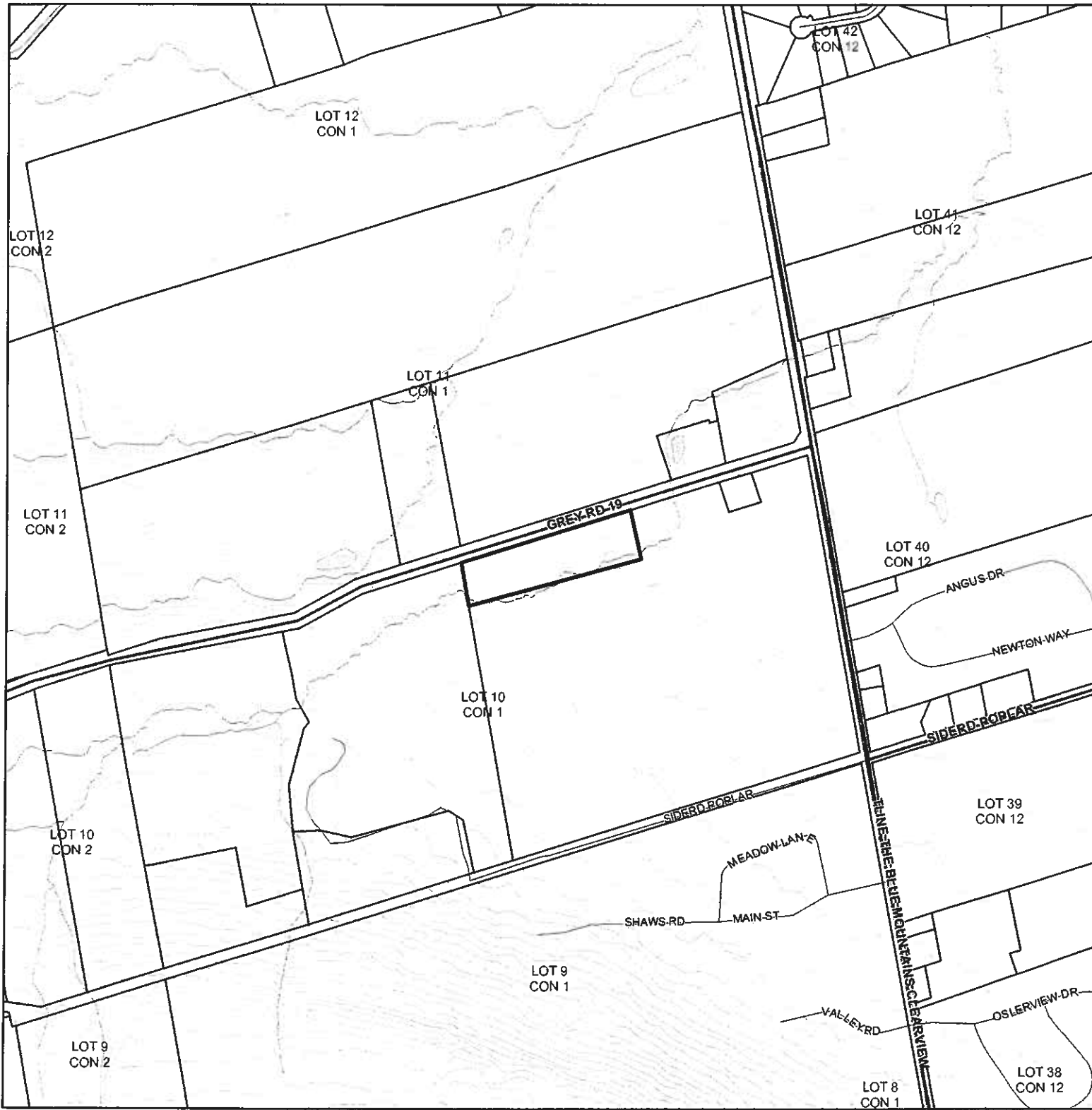
1. Lot Configuration
2. Site Plan

Respectfully submitted,

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P:\2011 NEC DP Applications\P1146 Braeburn Farms (Phelan) 12-9021\PL1174 Braeburn Farms (Phelan) - convert accessory garage to accomodate farm staff help.doc



MAP 2
LOT CONFIGURATION

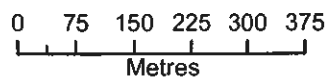
FILE NO. G/A/2011-2012/9021

APPLICANT; **BRAEBURN FARMS**

LEGEND

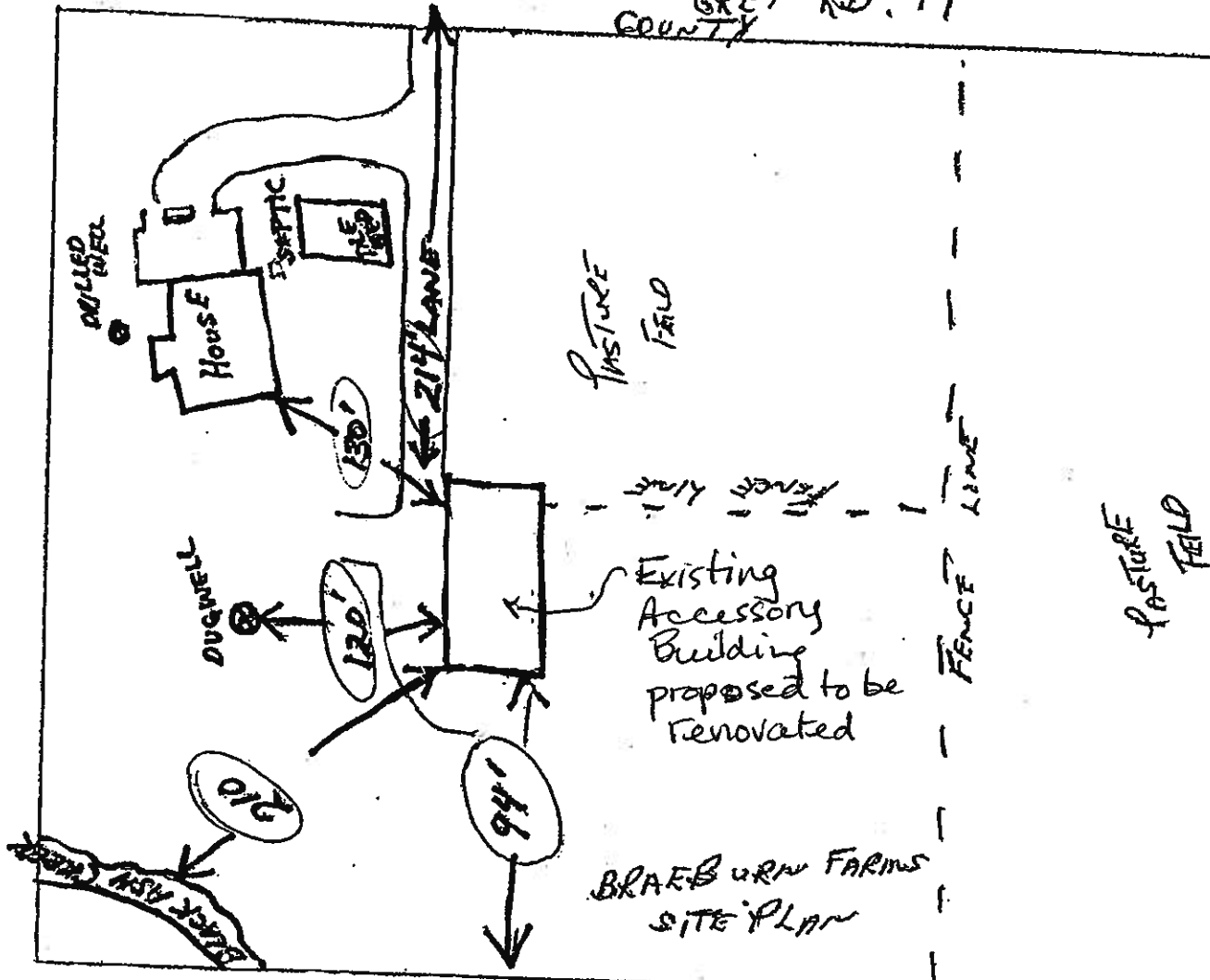
 Subject Property
 Contour (5 metre intervals)

Approximate Scale 1:10000



BRAEBURN FARMS

GREY RD. 19
COUNTY



Map 3

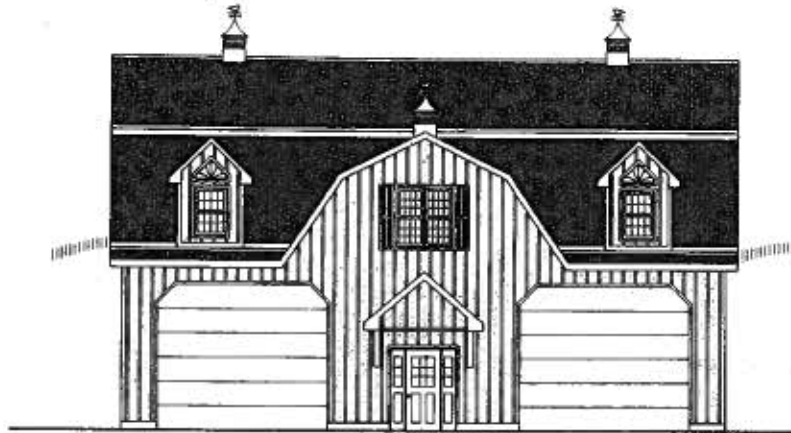
Site Plan

Name Braeburn Farms Ltd.

File Number G/A/2011-2012/9021

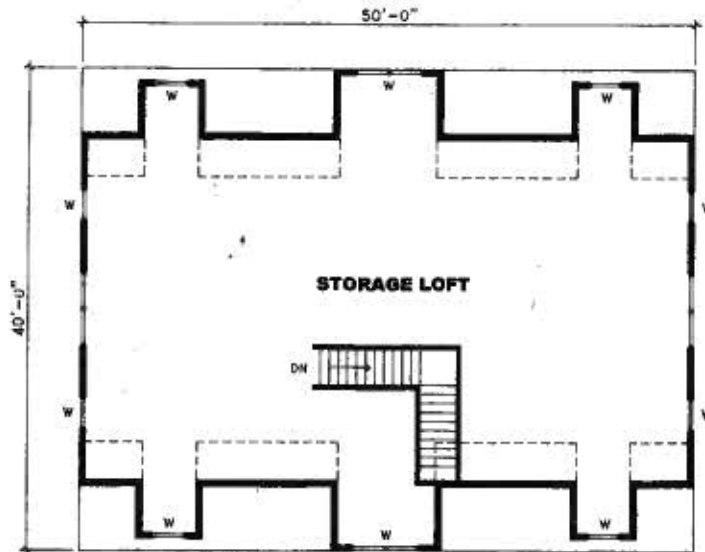


Not to Scale



ELEVATION A2

SCALE: 1/8"=1'-0"



LOFT PLAN

SCALE: 1/8"=1'-0"

REPRESENTATION OF LAND IS NOT TO BE USED WITHOUT THE WRITTEN CONSENT OF LANDMARK DESIGN GROUP INC. IS STRICTLY PROHIBITED.



BRAEBURN FARMS
COLLIERVILLE ONTARIO

PROPOSAL	
DRAWN	MGW
DATE	SEPT 20, 04
SCALE	AS NOTED
FILE	

Map 3

Existing Structure

Name: Braeburn Farms Ltd.

File Number: G/A/2011-2012/9021

Not to Scale