

STAFF REPORT:

The Blue Mountains Planning and Building Department



REPORT TO: Planning and Building Committee

DATE: April 4, 2011

REPORT NO.: PL.11.34

SUBJECT: Application for:
Consent B16-2010 and
Zoning By-law Amendment
Ross Camplin / Dennis Klinsky
Part Lot 30 Concession 12
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Planning Staff Report PL.11.34, "Application for Consent B16-2010 and Zoning By-law Amendment, Ross Camplin / Dennis Klinsky, Part Lot 30 Concession 12, Town of The Blue Mountains";

THAT Council grant Application for Consent File Number B16-2010 subject to the following conditions:

1. Modification to the proposed lot boundaries to include the easterly proposed severed lands including the existing laneway to the house and to exclude the southerly and westerly proposed severed lands.
2. A Zoning By-law Amendment to:
 - a. Re-zone the severed and newly enlarged lands from the General Rural 'A1' zone to the Rural Residential 'RUR' Zone and establish a new minimum lot area of 0.8 hectares
 - b. To establish a new minimum lot area of 19 hectares for the retained agricultural parcel.
3. Obtaining an Entrance Permit to the satisfaction of the Engineering and Public Works Department for the retained agricultural parcel.

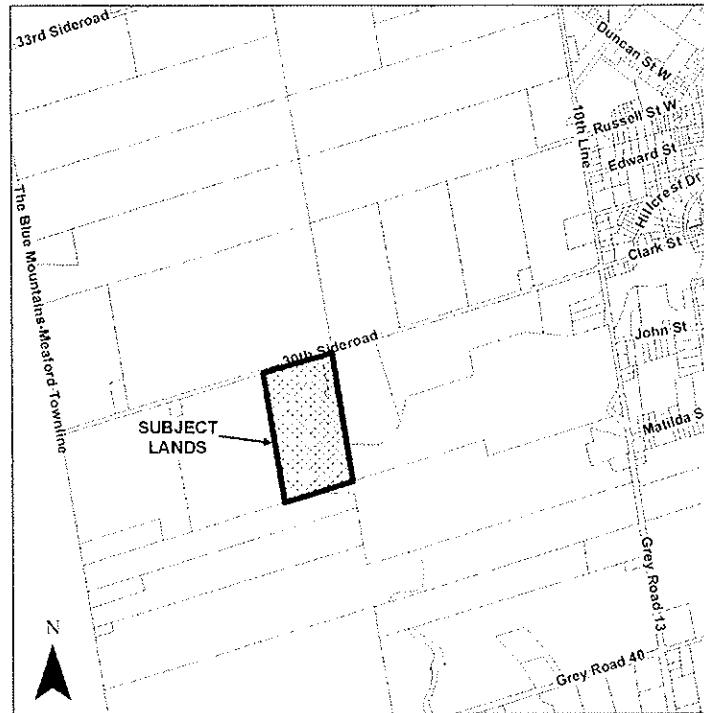
THAT Council grant a Zoning By-law Amendment to rezone the severed and newly enlarged parcel from the General Rural 'A1' zone to the Rural Residential 'RUR' zone and to establish a new minimum lot area of 0.8 hectares for the newly enlarged parcel and a minimum lot area of 19 hectares for the retained agricultural parcel.

B. Background

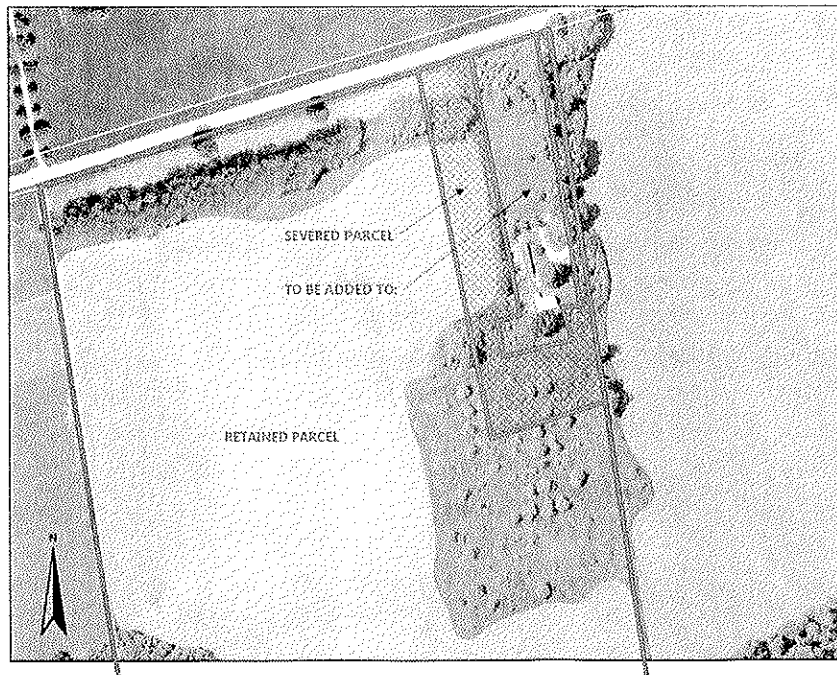
The Planning Services Division has received an application for Consent (File No. B16-2010) and Zoning By-law Amendment which proposes to sever a 0.99 hectare parcel of land from an existing 19.8 hectare agricultural parcel and deed it as a lot addition to an

existing rural non-farm residential lot located within the agricultural parcel. The intent of this lot addition is to include an existing shared entrance to the residential parcel and to provide additional land to increase the separation between the residence and agricultural use.

Location



Air Photo



The subject lands are actively farmed for cash crops and of the existing 19.8 hectare total lot area, approximately 10.9 hectares are tillable. The remaining 8.9 hectares include a watercourse that crosses the property near the road, and a tributary to the Beaver River that flows along the rear portion of the property. There are no buildings or structures on the agricultural property. The lands proposed to be enlarged are entirely surrounded by the agricultural property and include an existing dwelling and frame shed. The house is located 9.48 metres from the westerly side lot line. The existing residential lot boundaries are irregular in shape with an existing entrance servicing both the retained and newly enlarged parcels along the east property line of the agricultural parcel.

The lands are located at Part Lot 30 Concession 12 off of the 30th Sideroad west of Clarksburg. Private well water supply and septic sewage disposal services the existing rural residential lot.

Surrounding land uses are predominantly in active agriculture and special agriculture use with a few non-farm residential lots scattered throughout the area. Directly east of the lands is the Clendenan Dam Conservation Area and Beaver River with related trails and conservation uses.

Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that Ontario's long term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Prime agricultural areas shall be protected for long term use for agriculture with Specialty Crop Areas being given the highest priority for protection. Specialty Crop Areas are those areas designated Special Agriculture under the Town of The Blue Mountains Official Plan. Removing land from prime agricultural areas may only occur under strict control and the creation of new residential lots in prime agricultural areas shall not be permitted except in the case of a severing a residence surplus to a farming operation.

Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. A *legal or technical reason* is defined under the PPS as "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments which do not result in the creation of a new lot." The proposed consent has been submitted as a minor boundary adjustment.

The proposed application is looking to enlarge the existing non-farm residential lot on three sides to include an existing driveway entrance on the east side, an increased rear yard which is not currently being farmed, and an increased side yard on the west side which is currently in active agricultural use in order to provide additional separation from the agricultural uses (such as spraying and fertilizing) from the existing dwelling and well which are located in close proximity to this side lot line.

Reviewing the policies of the PPS, it is clear that the province places prime agricultural areas, and in particular specialty crop areas as one of the highest priorities for protection. A lot addition to a non-farm use may be considered, but is only permitted for minor boundary adjustments that keep the parcel to a the minimum size needed to accommodate the residence plus individual on site systems including the well and septic system and are located in such a way as to avoid the most productive portion of the farm.

It would appear that the proposed consent can be considered consistent with the Provincial Policy Statement provided that the lot boundary adjustment is kept minor by reducing the severed lands to only those lands required for the residence and on-site services. The severed lands should be reduced to include the existing laneway access to the east and exclude those lands to the south and to the west which are being used, or are capable of being used for specialty crop purposes.

County of Grey Official Plan

The subject lands are designated Special Agriculture, Rural and Hazard under the County of Grey Official Plan. It would appear that the area affected by the applications is located within the Special Agriculture designation, except for the strip of hazard along the road which recognizes the existing watercourse at that location. Consent policies of the Special Agriculture designation permit severances subject to a number of criteria. The lot to be severed for a non-farm use is rezoned to recognize the non-farm dwelling, that the lot must be no larger than necessary to accommodate the use and on-site servicing (ie septic and well), that MDS can be met, and that the lot severed will neither create nor add additional dwelling units. Consents may also be considered where the land being conveyed is to be added to an existing non-farm use or to correct lot boundaries. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot. Reasoning shall also be provided to demonstrate the appropriateness of the land area to be severed.

It would appear that the above criteria can be met except for the requirement to keep the consent as small as possible in order to accommodate the use and on-site servicing. The proposed lot addition includes additional lands that are not required for on-site servicing and therefore the boundaries of the proposed consent should be reduced to accommodate only those lands needed for that function. It is recognized that the existing house and well are located in close proximity to the existing side lot line (House = 9.48m, Well = 7.5m) the proposed consent would increase this setback to approximately 40m and 35m. No additional information has been submitted identifying the need for such an increased separation distance between agricultural uses and non-farm residential uses and well locations.

It is our opinion that the proposal will comply with the County of Grey Official Plan provided that the lot boundaries of the proposed consent are reduced to a size no larger than what is needed to accommodate the use and on-site servicing.

The Blue Mountains Official Plan

The subject lands are designated Special Agriculture, Agriculture and Hazard under the Town of The Blue Mountains Official Plan. It would appear that the area affected by the applications is located within the Special Agriculture designation, except for the strip of hazard along the road which recognizes the existing watercourse at that location. The Special Agriculture designation recognizes the unique portions of the agricultural designation which are ideally suited for orchard or other specialty crop purposes. Non-farm related development shall be prohibited on specialty crop lands. lands designated for Special Agriculture should be kept to a minimum of 10 hectares of workable land. Those lands designated Hazard and Agriculture cannot be included in the minimum 10 hectare requirement.

Before any farm related severance is granted, council must be satisfied that there is a need for the proposed severance, that the continued viability and flexibility of the farm unit will be adequately protected, and the intent and purpose of the OP regarding farm related consents is maintained. In considering all consents for *farm related* purposes, the proposed parcel of land should: be located on that portion of the farm unit exhibiting the least productive potential, be located to have the least effect on the continued viability and flexibility of the agricultural operation, be of a minimum size appropriate for the use. Consents for *non-farm residential* uses should be restricted in close proximity to farming operations and to avoid fragmentation of existing farm units. Oversized lots unnecessarily encompassing areas of agricultural land shall be discouraged. Lots for residential use should generally not exceed 0.5 hectares in size unless the physical condition and nature of the surrounding land lend themselves to a larger parcel.

The Official Plan lists a number of Goals and Objectives intended to define the direction and purpose of the implementing policies. These goals and objectives form the basis of the plan and provide a general guide for the review of all new development and redevelopment. The identified goal for agricultural lands is to "protect the agricultural industry and its land base resource in recognition of its contribution to the economy and the overall character of the Town. To do this, the plan outlines a number of objectives including the maintenance in the long term specialty crop areas, to protect and preserve agricultural lands in units of appropriate parcel size, and consideration given to the preservation of high priority agricultural lands over other competing uses.

Specific policies in the plan dealing with Buffering state that every effort shall be made to avoid potential conflicts between different land uses. Where deemed appropriate, buffering shall be required for the purpose of reducing or eliminating the adverse effects of one land use upon the other. A buffer may consist of open space, a berm, wall, fence, plantings, or any combination to accomplish the intended purpose.

Consent Policies within the Plan encourage lot size and shape configurations where the depth of the lot shall generally be no more than four times the frontage. Irregular shaped parcels which are considered to create awkward access situations or other development constraints shall generally not be permitted. Consents may be granted for boundary adjustments and other purposes which do not create separate lots. Such

consents are evaluated on their own merit with consideration given equally to both the severed and retained parcels with regard to all other policies in the Plan.

It is our opinion that the Plan places higher regard for agricultural uses in agricultural areas, especially for those areas designated as Special Agriculture. The intent is to first consider the impacts of an application on the agricultural lands and then on the competing land use. New non-farm residential uses are not permitted to locate among agricultural operations due to their potential conflict between the farm and non-farm use. These applications are dealing with an existing non-farm use which are attempting to reduce the existing conflicts between the two uses by establishing an entrance and a buffer around the existing dwelling. The proposed lands to be severed from the agricultural parcel include a portion used as an existing entrance and access point which is not of a feasible size or shape to accommodate agricultural uses. The remaining sections to be severed are comprised of active and inactive agricultural lands that could be used entirely for agricultural production provided remedial works are completed. It has been offered that the costs associated in remediating the inactive agricultural lands are too high to be considered viable at this time, but the protection of these lands for future remediation should be maintained. The proposed lot size for the non-farm residential use is approximately 0.99 hectares which is above the 0.5 hectare target. It is recognized that the existing locations of the house, well and septic help dictate the required lot size, but the proposed consent boundaries should be reduced to a size no larger than what is required to accommodate those uses. The current location of the house, well and septic right next to the westerly side lot line would indicate that a buffer from the agricultural fields has been considered where additional yard space along the westerly lot line could accommodate this buffer. However, removing active special agricultural lands in order to establish this buffer does not appear appropriate as priority should be first given to the agricultural use, and second to the residential use. Consideration has also been given to 'squaring off' the existing lot by providing an additional 15 metres along the westerly edge of the property, however this buffer also contains special agricultural lands and is not supported.

Therefore it is our opinion that the proposed consent can be considered consistent with the Official Plan provided that the severed parcel is reduced to include the easterly driveway only. This reduced parcel size would appear to provide a suitable lot addition while preserving the active and inactive agricultural lands surrounding the existing house for future agricultural use.

Zoning

The Subject Lands are zoned General Rural 'A1' and Hazard 'H' within the Township of Collingwood Zoning By-law 83-40. A Zoning By-law Amendment has been submitted with these applications in order to recognize the deficient minimum lot area and minimum lot frontage requirements of the General Rural 'A1' zone. A minimum lot area of 20 hectares and a minimum lot frontage of 150 metres are required, with 18.8 hectares and 1.77 hectares and 255 metres and 83 metres proposed. The existing residence is located 9.48 metres from the westerly side lot line which meets the side yard setback requirement of 8 metres of the General Rural 'A1' zone.

Should the proposed consent be granted with modifications, the Zoning By-law Amendment will also need to be modified to accommodate the revised lot area and lot frontage requirements. It is proposed that the newly enlarged parcel be rezoned to the Rural Estate Residential RERa zone. The Zoning By-law recognizes a number of Rural Residential type zoning categories, with the Rural Residential 'RUR' zone being most common for lot types similar to what is proposed. The proposed amendment would have to recognize a deficient lot area for the newly enlarged parcel, but the remaining zone provisions including the required side yard setback would appear to be met.

In any case, it would appear that a Zoning By-law Amendment would be appropriate to implement a favourable consent decision.

Public Meeting

The statutory public meeting was held on February 7, 2011. A presentation was provided by Clint Stredwick of DC Slade Consultants Inc. on behalf of the Owner and Applicant. No members of the public offered any written or oral comments at the Public Meeting.

Additional Comments

Agency comments were received from the County of Grey Planning and Development Department and the Grey Sauble Conservation Authority.

The County of Grey has reviewed the proposed applications and do not support the removal of Special Agriculture lands from agricultural production. Support has been offered conditional upon removing the westerly and southerly lands in their entirety from the proposed lot addition.

The Grey Sauble Conservation Authority has reviewed the proposed applications and they generally do not have any objections provided that the hazard zone related to the watercourse and Beaver River tributary is updated in accordance with their submission. It is also further noted that permits will be required from their office for any future access changes or improvements made across the watercourse.

Through the Recreation Department, an easement was requested for a future trail linkage across the subject lands. Through subsequent clarification, a trail along the Beaver River tributary is not identified as a current priority, and no trails have been identified in this area at this time. Therefore the request for a trail easement has been removed.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-law Amendment applications should be modified to include the easterly driveway access only, and that the westerly and southerly lands be excluded. This modified parcel can then be considered to conform to the Provincial Policy Statement, County of Grey Official Plan and Town of The Blue Mountains Official Plan. Therefore,

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-law Amendment applications should be modified to include the easterly driveway access only, and that the westerly and southerly lands be excluded. This modified parcel can then be considered to conform to the Provincial Policy Statement, County of Grey Official Plan and Town of The Blue Mountains Official Plan. Therefore, Planning Staff support these applications conditional upon the recommendations contained 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. Budget Impact

NIL

E. Attached

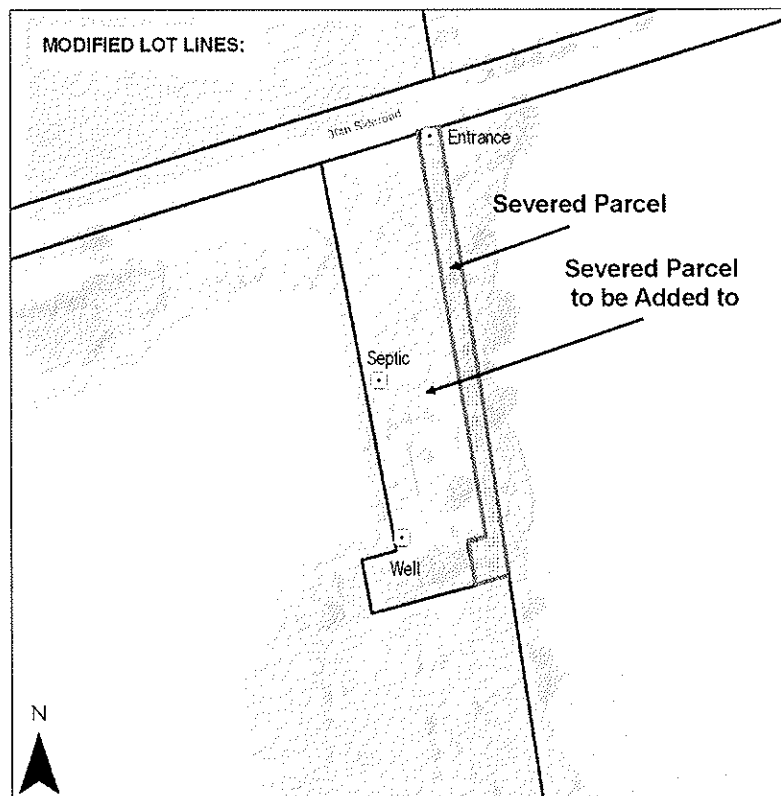
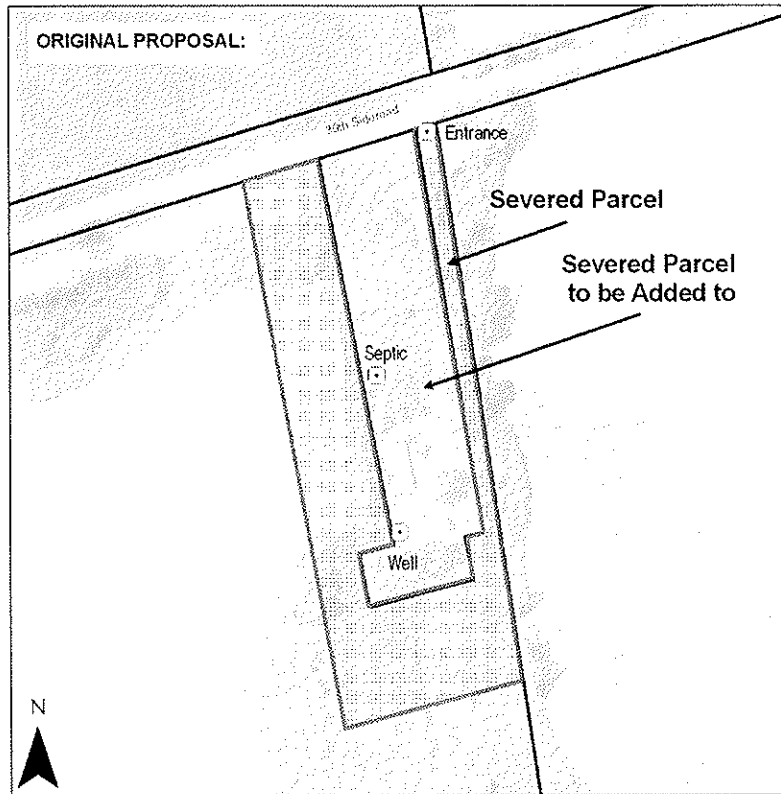
1. Modified lot lines for proposed lot addition.
2. Draft Zoning By-law

Respectfully submitted,

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Attachment 1:



2011-03-16
10:14:00

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' of the Zoning By-law of the Township of Collingwood being By-law No. 83-40, is hereby amended by rezoning the subject lands from the General Rural 'A1' zone and Hazard 'H' Zone to the General Rural 'A1' zone, Rural Estate Residential 'RUR' zone and Hazard 'H' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of East Part Lot 30, Concession 12, as indicated on the attached key map Schedule "A-1".
2. Notwithstanding the provisions of the Rural Residential 'RUR' zone of the Zoning By-law of the Township of Collingwood being By-law No. 83-40, the minimum lot area shall be 0.8 hectares for those lands lying and being in the Town of The Blue Mountains, comprised of East Part Lot 30, Concession 12, as indicated on the attached key map Schedule "A-1".
3. Notwithstanding the provisions of the General Rural 'A1' zone of the Zoning By-law of the Township of Collingwood being By-law No. 83-40, the minimum lot area shall be 19.0 hectares for the those lands lying and being in the Town of The Blue Mountains, comprised of East Part Lot 30, Concession 12, as indicated on the attached key map Schedule "A-1".
4. 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 _____ day of _____, 2011.

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 _____, 2011.




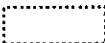
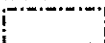
DATED at _____ this _____ day of _____, 2011.

Signed: _____
Corrina Giles, Clerk

2011
11/20/10

Town of The Blue Mountains

Key Map Schedule 'A1' By-law No. _____

-  AREA TO BE REZONED TO GENERAL RURAL 'A1' ZONE
-  AREA TO BE REZONED TO RURAL RESIDENTIAL 'RUR' ZONE
-  AREA TO BE REZONED TO HAZARD 'H' ZONE
-  AREA AFFECTED BY SECTION 2 TO THIS BY-LAW
-  AREA AFFECTED BY SECTION 3 TO THIS BY-LAW

