

STAFF REPORT:

Planning and Building Services Department



REPORT TO: Planning and Building Committee

DATE: December 5, 2011

REPORT NO.: PL.11.137

SUBJECT: Application for:
Zoning By-law Amendment
Minnie Sheridan
Part Lot 27 Concession 9
Town of The Blue Mountains

PREPARED BY: Shawn Postma, Planner II

A. Recommendations

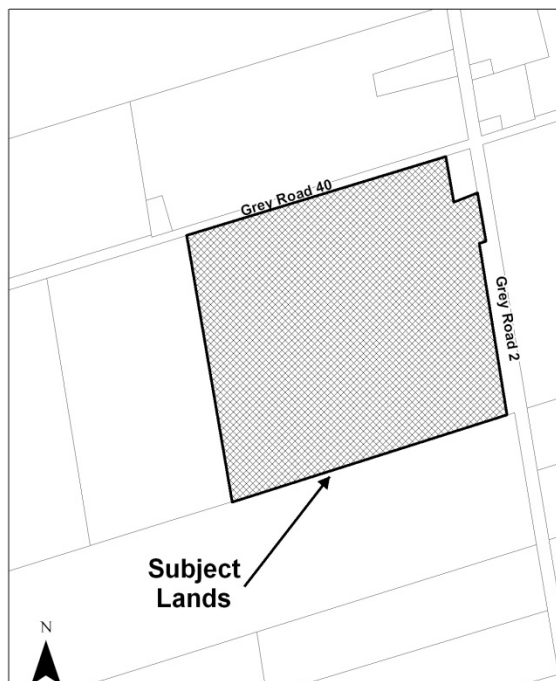
THAT Council receive Planning Staff Report PL.11.137, "Application for Zoning By-law Amendment, Minnie Sheridan, Part Lot 27 Concession 9, Town of The Blue Mountains"; and,

THAT Council enact a Zoning By-law Amendment to rezone the subject lands to the General Rural 'A1' Zone, General Rural 'A1-h' Zone and Hazard 'H' Zone and to establish a Minimum Distance Separation from an existing livestock facility located to the west of the subject lands.

B. Background

The Planning Services Division has received an Application for Zoning By-law Amendment that proposes to satisfy a condition of consent (Consent File No. B01-2011). A severance was conditionally approved by Council in June 2011 that proposes to create a 38.8 hectare vacant agricultural parcel and a 20.2 hectare agricultural parcel containing a residence, barn and outbuildings.

Location



Surrounding land uses include a mix of agricultural lands, rural residential uses and vacant lands. The existing Golden Town Apples facility is located to the immediate south of the subject property. The lands are serviced by private well water supply and private septic system.

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 Special Agriculture and Rural in the County of Grey Official Plan. It is our opinion that the proposed Zoning By-law Amendment will comply with the County of Grey Official Plan.

The Blue Mountains Official Plan

The subject lands are designated Rural 'R' and Special Agriculture 'SA' in the Town of The Blue Mountains Official Plan.

The Minimum Distance Separation (MDS) policies of Section 8.13 provides for the appropriate separation distance between new land uses and new or expanding livestock facilities. MDS calculations have been completed and the existing barn on the westerly parcel also owned by the applicant appears to impact a portion of the subject lands. Planning Staff recommends that the minimum front yard and side yard setbacks be increased to prohibit new development within the MDS arc.

Appendix Map 'E' to the Official Plan identifies an abandoned landfill site adjacent to the subject lands to the south. 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. 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.

It is therefore our opinion that the proposed Zoning By-law Amendment include provisions for increased setbacks from an adjacent barn, and the use of the Holding '-h' symbol to ensure no development occurs within 500 metres of an abandoned landfill site until such time as an MOE D4 study is completed (see Appendix at end of report).

Zoning

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 satisfy a condition of consent application B01-2011 in order to implement the policies of the Official Plan related to a suitable building site on the proposed parcel and to place conditions for new development within the 500 metre landfill buffer area.

Provided that the Zoning By-law Amendment incorporates 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 November 7th, 2011. The following comments were received from the County of Grey Planning and Development Department, The County of Grey Transportation and Public Safety Department and the Grey Sauble Conservation Authority.

The County of Grey Planning and Development Department recommends that no development occur within the Minimum Distance Separation setbacks, and that an MOE D4 study be completed prior to development occurring within 500 metres of an abandoned landfill site.

The County of Grey Transportation and Public Safety Department has reviewed the applications and have no objections to the proposed consent.

The Grey Sauble Conservation Authority has reviewed the applications and recommends that the Hazard Lands zoning be updated for the subject lands.

No other written correspondence or verbal comments were presented at the Public Meeting.

Additional Comments

Based on the foregoing, it is the opinion of Planning Staff that the proposed Zoning By-law Amendment is appropriate for the subject lands and can implement the development requirements related to the Minimum Distance Separation from an existing livestock facility and the Ministry of Environment D4 requirements for development adjacent to a former landfill site.

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

N/A

E. Financial Impact

N/A

F. In Consultation With

N/A

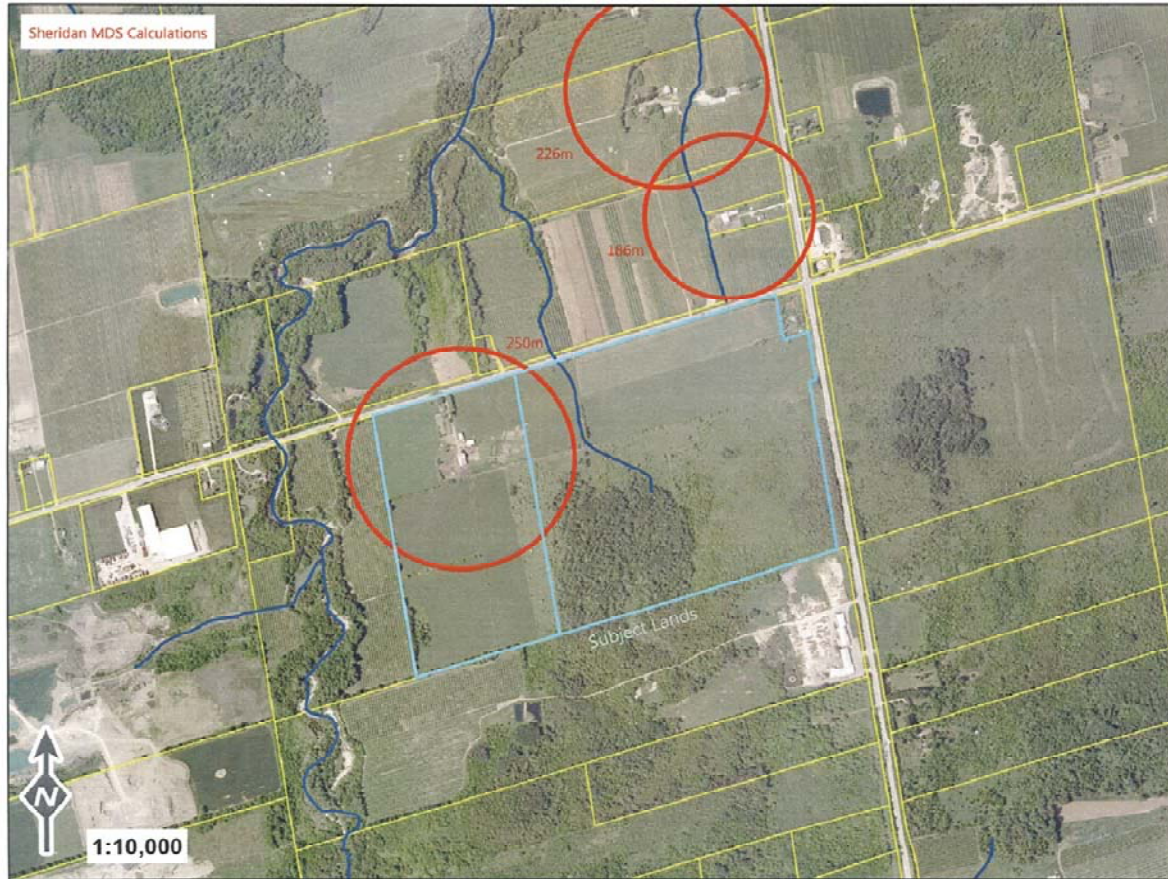
G. Attached

1. Minimum Distance Separation Calculations
2. Official Plan Appendix Map 'E' (excerpt)
3. Draft By-law

Respectfully submitted,

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Minnie Sheridan
Roll: 11-130-00

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 a portion of the subject lands from the General Rural 'A1' zone to the General Rural 'A1-h' zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 27, Concession 9, as indicated on the attached key map Schedule "A-1".
 - 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 provisions of Section 8.2(d) and Section 8.2(e) to the Township of Collingwood Zoning By-law, being By-law 83-40, the minimum front yard setback and minimum side yard setback shall be increased as shown on Schedule "A-1" to this By-law for those lands identified in Section 1 above.
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 _____ 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

Minnie Sheridan
Roll: 11-130-00

Town of The Blue Mountains

Key Map Schedule 'A1'

By-law No. _____

-  AREA AFFECTED BY THIS AMENDMENT
-  AREA TO BE REZONED TO GENERAL RURAL 'A1-h'
-  AREA OF INCREASED FRONT YARD AND SIDE YARD SETBACK

