

STAFF REPORT: **Town of The Blue Mountains Planning Department**



REPORT TO: **Mayor and Members of Council**

MEETING DATE: **Monday, July 14, 2008**

REPORT NO.: **PL.08.88**

SUBJECT: **Application for Consent
File No. B04-2008 and B05-2008
Narapan Dopp
Lot 2, Part Lot 3, Concession 5
Town of The Blue Mountains**

PREPARED BY: **Shawn Postma,
Planner II
Robert Armstrong,
Manager of Development Planning & IS**

A. Recommendations

THAT Council does receive Planning Staff Report PL.08.88, "Application for Consent, File No. File No. B04-2008 and B05-2008, Lot 2 Part Lot 3, Concession 5, Town of The Blue Mountains";

AND THAT Planning Staff support Application for Consent File No. B04-2008 and B05-2008, subject to the following conditions:

- 1. A mutual agreement between the applicant and the adjacent landowner Dale Eagles for the repair and replacement of the damaged portions of fence along the common property line.**
- 2. That an Entrance Permit is available for the Severed and Retained Parcels.**
- 3. The Payment of applicable Development Charges;**
- 4. The Payment of applicable Parkland Dedication Charges.**

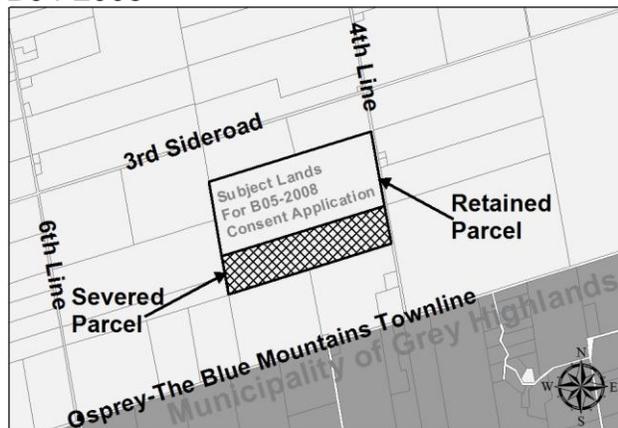
B. Background

The purpose of these Applications for Consent is to consider a request to sever two new 40.47 ha (100 ac) lots from an existing 121.41 ha (300 ac) rural parcel that contains some active agricultural fields, bush, two dwellings, a collapsed barn and a storage building.

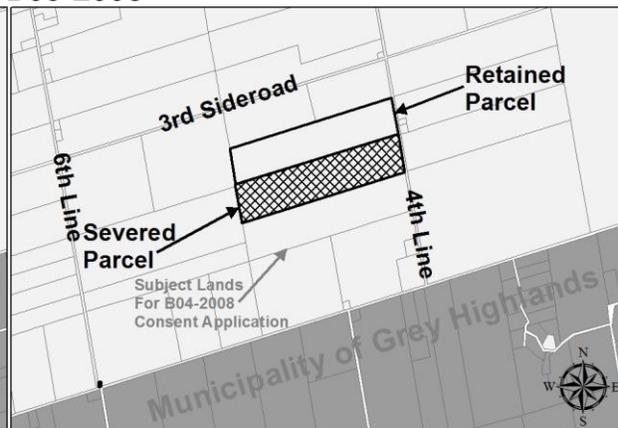
The subject lands are serviced by private water and septic system, with frontage onto the 4th Line, an open and maintained public street.

The surrounding uses include rural lands to the north, east, south and west with numerous agricultural pockets that are actively farmed.

B04-2008



B05-2008



The northernmost parcel was a separate parcel at one time.

Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Rural (R) and a small area as Hazard (H). The purpose of the Rural designation is to provide for the continuation of agricultural practices in areas of generally lower capability soils while permitting other uses considered compatible with the rural environment. The Rural designation recognizes those areas in the Municipality where agricultural capability is prejudiced from lower class soils, fragmented parcel sizes, incompatible land uses or where a continuous arable culture is not exhibited. The predominant use of land shall be for the continuation of agricultural practices. Other uses of land which are non-supportive activities of agriculture may be permitted on a limited scale provided that the use does not conflict with surrounding farm operations, will not alter the rural character of the area and the use will not adversely impact costs of providing municipal services.

Agricultural uses are given high regard in the Official Plan. The farm unit is the basic land use unit within the Rural designation and consists of the land base, farm residence, barns and other farm buildings or structures that support the farm operation. The farm unit shall be maintained to a minimum size of 20 hectares (50 ac). On non-agricultural lands, rural residential consents may be permitted on a very limited basis, as non-farm residential uses are considered a non-supportive and potentially conflicting activity of agricultural production and may detract from the visual and cultural qualities of the open rural landscape. A limited number of new lots may be created provided that the location of the new dwellings does not detract from the visual quality of the rural landscape and the density of development shall be low with new lots generally being 10 hectares in size with a minimum lot frontage of 150 metres. However, no lot shall be less than 0.8 hectares in area with 100 metres of frontage, and in no case shall more than 3 lots be created per original ½ Township lot (40 hectares). The size, location and configuration of any parcel created shall be designed to enhance the existing or potential

development in a manner which is sensitive to any environmental constraints. The depth of a lot shall generally be not more than four times the frontage of the lot. Appendix Map 'D' to the Official Plan identifies the Natural Heritage features in the Municipality. No Natural Heritage features appear to exist over the subject lands.

The proposed consents would appear to re-establish the original 100 acre parcel at the north, and result in two other 100 acre parcels naturally divided by existing treelines and fence rows.

The proposed severances appear to conform to the intent and direction of the Official Plan. The Rural designation recognizes that there are pockets of good agricultural land outside of the agriculture and specialty agriculture lands. Agricultural lands must be protected for their long term intended use for agricultural production. In this case it would appear that the severed parcel's lot size and lot location would re-establish previous 100 acre farms which are capable for some agricultural production. Minimum Distance Separation (MDS) calculations are not required as the existing collapsed barn is not capable of housing livestock. Should the barn be re-established for livestock use, MDS calculations would apply, and there would appear to be suitable separation from adjacent properties to permit the construction of a new barn.

Zoning By-law

The subject lands are zoned General Rural (A1) within the Township of Collingwood Zoning By-law 83-40. Permitted uses include agricultural uses, a single detached dwelling on one lot, forestry and conservation, as well as uses, buildings and structures accessory to those uses. Minimum lot frontage and area requirements of the General Rural (A1) Zone are 150 metres and 20 hectares respectively.

The proposed lot configuration would appear to comply with the General Rural (A1) regulations. A Zoning By-law Amendment would not be required as a condition of these consents.

Additional Comments

Comments were received from the County of Grey - Planning and Development Department; Grey Sauble Conservation Authority; and Grey Bruce Health Unit. These comments are summarized below.

The County of Grey Planning and Development Department indicates that there is an identified Area of Natural and Scientific Interest (ANSI) on the eastern boundary of the property. Section 2.8.5(4) of the County Official Plan allows for development and site alteration on these lands and their adjacent lands provided it is demonstrated by an acceptable Environmental Impact Study (EIS) prepared by a qualified individual, that there will be no negative impacts on the natural features or on the ecological function for

which the area is identified. The County further notes that the applications are premature until an EIS is completed to their satisfaction.

The Grey Sauble Conservation Authority indicates that the Pretty River Valley Provincially Significant Earth Science and Life Science ANSI is located just east of the subject property. Due to the large lot size and the existing zoning on the property, it is not anticipated that the proposal would have a negative impact on the ANSI. We do not require the completion of an Environmental Impact Study for the proposal.

The Grey Bruce Health Unit has no objections to the proposed consents.

In order to address the need for an EIS, staff contacted the Ministry of Natural Resources to clarify the boundary of the ANSI. MNR concurred with the Town's mapping and the Conservation Authorities mapping that the ANSI boundary was east of the subject property and that an EIS would not be required in order to review the impacts of the proposed new lots on the ANSI. It should also be noted that the County does permit development in and adjacent to an ANSI provided that it is demonstrated that there will be no adverse impacts generated. It is our opinion that an EIS should not be required as a condition of consent.

The public meeting was held on the 5th day of May, 2008, as required under the Planning Act. One concern was raised at the meeting from an adjacent land owner over a long term understanding with the previous owners of the property with regard to the maintenance of an existing fence along the common property line. The applicant, neighbour and Town Staff met on site to see the fence and review the concern. It was noted that the fence was generally in fair condition with approximately 3 sections where the fence has split, and approximately 10 posts that have fallen. The applicant has offered to repair those sections of the fence to a similar or better condition than the remainder of the fence. The neighbour agreed, and Town Staff have prepared an agreement that may be entered into by both parties to ensure the fence is repaired. The agreement between the applicant and the neighbour can be added as a condition of consent to ensure the fence is repaired.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consents conform to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff would support this application for consent subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation contained within this 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. Environmental Impact

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

F. Attached

NIL

Respectfully submitted,

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