

STAFF REPORT:

The Blue Mountains Planning and Building Department



REPORT TO: Planning and Building Committee

DATE: June 6, 2011

REPORT NO.: PL.11.48

**SUBJECT: Application for:
Consent B01-2011
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.11.48, "Application for Consent B01-2011, Minnie Sheridan, Part Lot 27 Concession 9, Town of The Blue Mountains";

THAT Council grant Application for Consent File Number B01-2011 subject to the following conditions:

- 1. A Zoning By-law Amendment to:**
 - a. Establish a suitable building envelope on the severed parcel.**
 - b. Establish lot development requirements within 500 metres of a former landfill site.**

B. Background

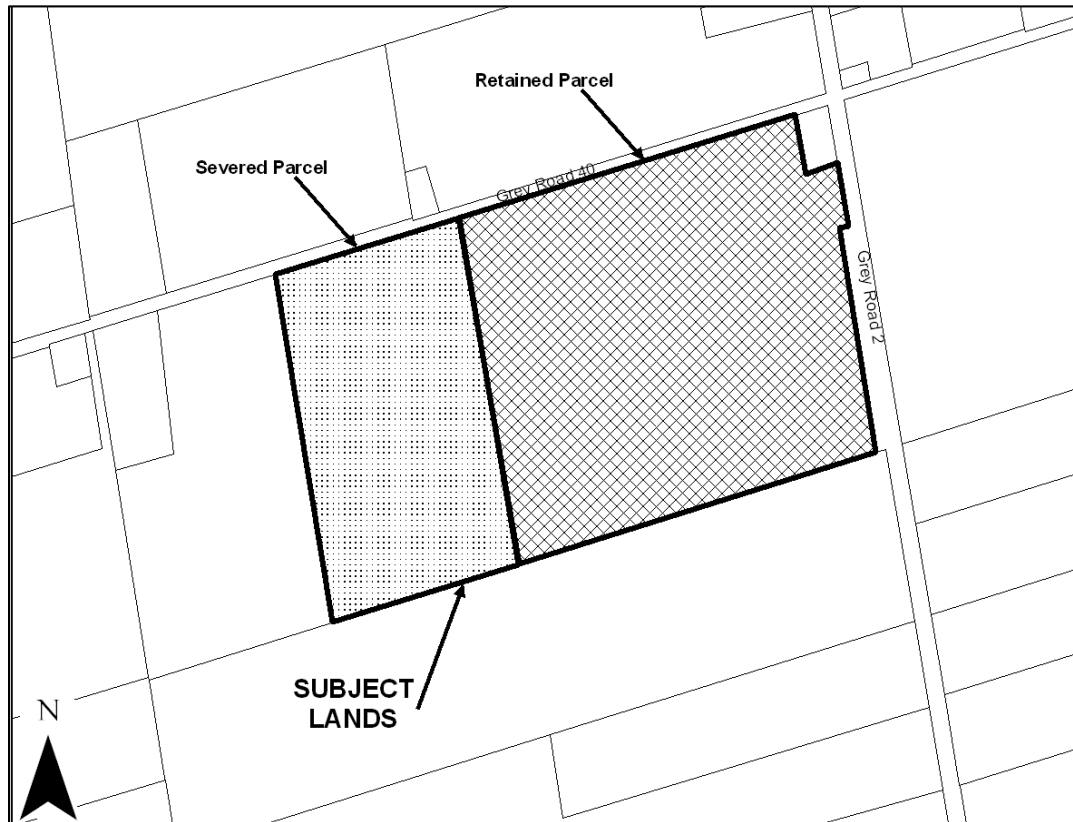
The Planning Services Division has received an application for Consent (File No. B01-2011) which proposes a technical severance of a 38.8 hectare parcel of vacant agricultural land while retaining a 20.2 hectare agricultural parcel containing a residence, barn and outbuildings.

The subject lands were originally two separate parcels and 'accidentally' merged on title upon the death of the owner's husband. This application is seeking to re-create the original two lots as they existed along their original boundary lines.

The subject lands have a total lot area of approximately 59 hectares with frontage on Grey Road 40 and Grey Road 2. The lands are described as Part Lot 27 Concession 9 and are locally known as 828190 Grey Road 40. The lands are generally flat, and are comprised of a mix of active agricultural lands and scrub and wooded areas.

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.

Location



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. New parcels for Special Agriculture purposes must maintain a minimum parcel size of 10 hectares. The minimum parcel size for rural farm parcels are generally 20 hectares. Lot density requirements state that no more than four lots per 40 hectares may be created. It would appear that the above criteria can be met.

It is our opinion that the proposal 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 Special Agriculture designation recognizes those areas of the municipality that are ideally suited for orchard or other specialty crop purposes. Non-farm residential development shall be prohibited on specialty crop lands. Consents may be considered subject to a number of criteria. Both the severed and retained parcels must be viable farm parcels, one severance is permitted per farm unit existing on the date of passing of the Plan, that a minimum agricultural productive area of 10 hectares is provided and that new farm dwellings and buildings are directed to a location with the least productive soils for farming.

The primary 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. 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.

Lot Density requirements permit a maximum of four lots per half township lot.

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 not been provided with the application submitted.

Appendix Map 'E' to the Official Plan identifies an abandoned landfill site adjacent to the subject lands. 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 guidelines and information requirements. 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 Zoning By-law Amendment should be added as a condition of consent in order to apply a holding '-h' provision to those lands affected by the 500 metre buffer.

It is therefore our opinion that the proposed consent can maintain the intent and direction of the Official Plan conditional upon a Zoning By-law Amendment to implement the policies relating to a suitable building envelope and requirements for development within the 500 metre landfill buffer area.

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.

Reviewing the zone requirements under the Township of Collingwood Zoning By-law, a Zoning By-law Amendment is not required to permit the proposed new lot.

A Zoning By-law Amendment application has not been submitted with this consent application, and is not required other than 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.

It is therefore our opinion that a Zoning By-law Amendment should be required as a condition of consent approval.

Public Meeting

A Public Meeting as required under the Planning Act was held on May 4th, 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 Historic Saugeen Metis Lands and Resources Department.

The County of Grey Planning and Development Department has reviewed the applications. County Staff also note the former landfill site and requirements for development within a 500 metre buffer area. The County recommends that a no development zone or holding provision be implemented through a Zoning By-law Amendment. County Staff also recognize that the lands front onto Grey County Road 40 and Grey County Road 2. Positive comments are also required from the County Transportation and Public Safety Department.

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

The Historic Saugeen Metis Lands and Resources Department has reviewed the applications and have no further interest in the project.

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

Additional Comments

Current Official Plan policies must be evaluated against new applications for lot creation, however, consideration should also be given to the current situation and preceding circumstances.

The creation of a new lot is subject to the payment of applicable Development Charges. In this case, the former lot had existed as recent as a year ago with no new development potential being created from what previously existed.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent can be granted with no conditions and will result in the recreation of two parcels as they existed prior to being amalgamated. However, in order to implement current Official Plan policy, it is the position of Planning Staff that a condition of consent should be added to require a Zoning By-law Amendment in order to establish a suitable building site and to restrict development within the 500 metre landfill buffer area.

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

NIL

Respectfully submitted,

Shawn Postma, Planner II
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.248
1-888-258-6867
F: 519-599-3018
spostma@thebluemountains.ca

David Finbow, Director, Planning & Building Services
26 Bridge Street – Box 310
Thornbury, ON NOH 2PO
519-599-3131 ext.246
1-888-258-6867
F: 519-599-3018
dfinbow@thebluemountains.ca