

**STAFF REPORT: Planning & Building Services Department**

**REPORT TO:** Planning & Building Committee  
**DATE:** January 11, 2009  
**REPORT NO.:** PL.10.01  
**SUBJECT:** Application for Consent  
 File No. B24-2009  
 John (Jack) and Naomi Vail  
 Part Lot 23, Concession 10  
 Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Planning & Building Committee receive Staff Report PL.10.01 “Application for Consent, File No. B24-2009, John (Jack) and Naomi Vail, Part Lot 23, Concession 10, Town of The Blue Mountains”; and**

**THAT Council grant Provisional Consent respecting Consent File No. B24-2009 conditional upon the following:**

- 1. That the owner make a cash payment for the hard costs of Town Wide Development Charges.**
- 2. That the owner make a cash payment in lieu of parkland in the amount of 5% of the value of the land to be conveyed with such value to be determined as of the day before the day of the approval of the consent by an accredited appraiser (AACI, P.App., CRA) with the Appraisal Institute of Canada.**
- 3. That an Entrance Permit be obtained from the Engineering and Public Works Department for the severed parcel.**

**B. Background**

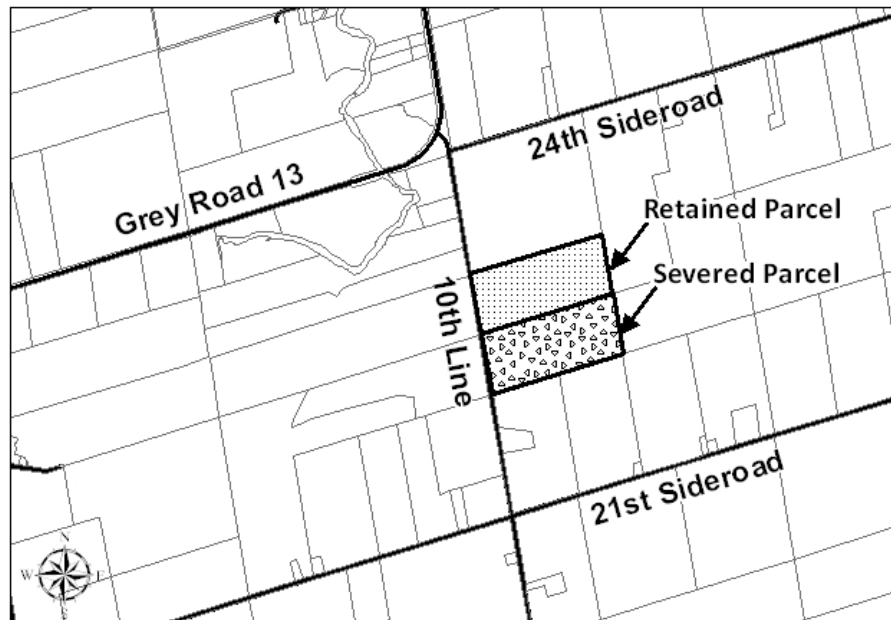
Planning Services received an application for Consent to consider a request to sever an existing 41 hectare agricultural parcel into two equal 20.5 hectare farm units.

The subject lands are located on the east side of the 10<sup>th</sup> Line between the 21<sup>st</sup> and the 24<sup>th</sup> Sideroad, are approximately 41 hectares (101 ac) in size with 610 metres of frontage. The lands are actively used for agricultural (Beef Farming) and have continued for over 55 years. A single detached dwelling, barn and driveshed are located on the property which is serviced by private well and private septic systems.

The intent of this severance is to create two farm units from the existing property.

Surrounding land uses include mostly agricultural land which is in apple orchard production, beef farming and hay fields. A number of existing barns and manure storage facilities are located near the subject property.

## Location



## Provincial Policy Statement

The Provincial Policy Statement (2005) provides policy direction on matters of provincial interest related to land use planning and development. The policies contained in the Provincial Policy Statement provide for appropriate development while protecting resources of provincial interest. These provincial policies are more specifically implemented through Provincial Plans and through the County of Grey and Town of The Blue Mountains Official Plan. All of these Plans must comply with the Provincial Policy Statement and in most cases where there are differences between Plans; the more restrictive document shall prevail.

Section 2.3 of the Provincial Policy Statement (PPS) identifies that prime agricultural areas shall be protected for long term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate; which includes specialty crop areas, Class 1, Class 2, and Class 3 soils. The Canadian Soils Inventory Mapping identifies the subject lands and the surrounding area as Prime Agricultural Land and having Class 1 and 2 and Specialty Crop soils. Permitted uses are strictly limited to agricultural uses, secondary use and agriculture-related uses.

Section 2.3.4.1 indicates that lot creation may only be permitted under strict control. Lots may be created if both the retained and severed parcels can be considered as separate viable farm units. The criteria requires that the lots must be of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The PPS provides a high level approach to ensure good agricultural land is protected for the long term use. Additional requirements for new farm units must be dictated through the local Official Plans.

Provided that the two proposed farm units are considered separate viable and economical farm units, and that the farm units comply with the intent and direction of the County Official Plan and Town of The Blue Mountains Official Plan, it would appear that the proposed severed and retained lots are consistent with the PPS.

### **County of Grey Official Plan**

The subject lands are designated Special Agriculture in the County of Grey Official Plan. The Special Agriculture designation applies to those unique areas of the County that lend themselves to the growing of fruit and vegetables. The predominant use of the land shall be for agriculture uses and uses connected with the conservation of water, soil, wildlife and other natural resources. Lot sizes should generally be maintained to a minimum of 10 hectares. Consent policies permit the creation of new lots provided that the size of any parcel of land created shall be appropriate for the proposed use. It is our opinion that the consent application will comply with the County of Grey Official Plan. The County of Grey has provided comments on this application and are summarized later in this report.

### **Town of The Blue Mountains Official Plan**

The Town of The Blue Mountains Official Plan designates the subject lands as Special Agriculture 'SA'. The intent and purpose of the Special Agriculture designation is to first and foremost identify the primary agricultural lands of the Municipality and to ensure its maintenance for continued use and long term productivity. The Special Agriculture designation further identifies the specialty crop lands that are ideally suited for orchards or other specialty crop purposes within the Municipality.

The Special Agriculture consent policies of Section 4.1.4(2) states the following:

*Consents which are intended to create new farm parcels from an existing farm unit may be considered in compliance with the following criteria:*

- (a) Both the severed and retained portions are to be maintained as viable farm parcels.*
- (b) Both the severed and retained parcels shall be shown to have a soil and micro climate capability suitable to the type and intensity of agricultural operation proposed.*
- (c) Both the severed and retained parcels for speciality crop lands shall contain an agriculturally productive area of not less than 10 hectares in area.*
- (d) Consent shall be limited to one severance per farm unit existing on the date of passing of this Plan.*
- (e) New farm dwellings and buildings shall be directed to a location with the least productive soils for farming*

It would appear that the proposed creation of two farm units from the original farm parcel will comply with the intent and direction of the Town of The Blue Mountains Official Plan.

Section 8.13 of the Plan requires that Minimum Distance Separation (MDS) be applied to all new land uses, such as lot creation. MDS Formula I (MDS-I) provides minimum distance separation for new development from existing livestock facilities. The creation of new lots shall also comply with these provisions in a manner which will ensure dwellings meet the MDS formula.

MDS Calculations have been provided with the Application. The calculations identify the impacts of MDS on the subject lands. In this case, three barns have been identified, and the required setbacks have been defined and are attached to this report. Development within the identified setback areas shall be restricted, and will be confirmed through the building permit process which includes a similar analysis of MDS setbacks.

### **Zoning**

The subject lands are zoned General Rural 'A1' within the Township of Collingwood Zoning By-law 83-40. Permitted uses include agricultural uses, one single detached dwelling, forestry and conservation, temporary farm help, home occupations, home industries and uses, buildings and structures accessory to any of those uses. Minimum lot area and lot frontage requirements are 20 hectares and 150 metres respectively.

Both the proposed severed and retained parcels would appear to meet the requirements of the Zoning By-law.

A Zoning By-law Amendment is not required.

### **Public Meeting**

A public meeting as required under the Planning Act was held on December 7, 2009. The property owner was present, with no written or verbal comments received from the public.

### **Additional Comments**

Comments were received by the Grey Bruce Health Unit, the County of Grey and the Grey Sauble Conservation Authority.

The Grey Bruce Health Unit indicated that they had no objection.

The County of Grey indicated that provided MDS and adequate servicing is available they have no objections.

The Grey Sauble Conservation Authority indicated that small portions of the property is within their regulated area and that a permit is required from their office prior to development and/or site alteration within the affected areas.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent conforms to the Provincial Policy Statement, County of Grey Official Plan, Town of The Blue Mountains Official Plan and the Township of Collingwood Zoning By-law and therefore Planning Staff support the proposed application.

### **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. MDS Setback Calculations

Respectfully submitted,

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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@thebluемountains.ca](mailto:spostma@thebluемountains.ca)

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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@thebluемountains.ca](mailto:dfinbow@thebluемountains.ca)

**MDS Setback Calculations:**

