

**STAFF REPORT:**

**Planning & Building Services Department**



**REPORT TO:** Planning & Building Committee  
**DATE:** July 5, 2010  
**REPORT NO.:** PL.10.68  
**SUBJECT:** Application for:  
Consent B05-2010 and B06-2010  
Zoning By-law Amendment  
Adrian Op't Hoog / Hi View Farms  
Lot 2, Concession 5  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

**THAT the Planning & Building Committee receive Staff Report PL.10.68 "Application for Consent B05-2010 and B06-2010, Zoning By-law Amendment, Adrian Op't Hoog / Hi View Farms, Lot 2, Concession 5, Town of The Blue Mountains";**

**THAT Council grant Application for Consent File Number B05-2010 subject to the following conditions:**

- 1. The Payment of applicable Development Charges**
- 2. The Payment of applicable Parkland Dedication Charges**
- 3. That an Entrance Permit may be obtained from the Engineering and Public Works Department for the severed parcel.**

**THAT Council grant Application for Consent File Number B06-2010 subject to the following conditions:**

- 1. Council enacting a Zoning By-law Amendment to recognize the deficient lot frontage and lot area requirements of the General Rural 'A1' Zone, and to increase the front yard setback to accommodate Minimum Distance Separation Requirements from adjacent livestock facilities.**
- 2. The Payment of applicable Development Charges**
- 3. The Payment of applicable Parkland Dedication Charges**
- 4. That an Entrance Permit may be obtained from the Engineering and Public Works Department for the severed parcel.**

**THAT Council enact a Zoning By-law Amendment to recognize deficient lot frontage and lot area requirements of the General Rural 'A1' Zone and to establish a new minimum front yard setback of 85 metres for the severed parcel of Consent application B06-2010.**

**B. Background**

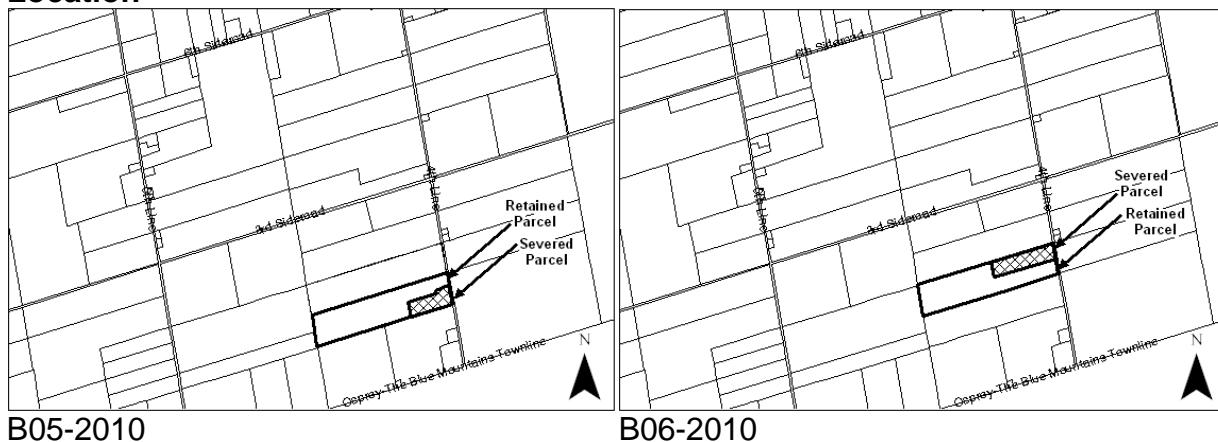
The purpose of this report is to consider two applications for Consent and an application for Zoning By-law Amendment that propose to first, sever a new 6.9 hectare rural

residential lot from an existing 40 hectare parcel and second to sever a 10 hectare parcel from an existing 41 hectare parcel. In addition to the two lots proposed, an application for Zoning By-law Amendment has been made to establish a new minimum lot area and minimum lot frontage requirements for the two severed parcels.

The lands to the north are vacant and with a portion being used to farm crops, and the remainder being bush. The lands to the south include an existing dwelling, a partially demolished barn and other accessory buildings. These lands are also actively farmed for various crops with the rear portion of the lands covered in bush.

Surrounding land uses include a mix of rural and agricultural uses. It is noted that there are a number of existing barns in the area.

### 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. Section 2.3 to the PPS provides policies which require the protection of prime agricultural areas for their long-term use of agriculture. The subject lands are not considered within a prime agricultural area based on the Rural designation with the Town Official Plan and through confirmation from the Ministry of Municipal Affairs and Housing. Section 2.3.3.3 states that new land uses including the creation of lots shall comply with the Minimum Distance Separation (MDS) Formula. Provided that the new lots as proposed can comply with the MDS formula, there would not appear to be any concerns of Provincial interest. Comments on MDS are provided later in this report.

### County of Grey Official Plan

The County of Grey Official Plan designates the lands as 'Rural'. Land use policies state that the predominant use of land within the Rural designation will be for agriculture and forestry. Other appropriate rural land uses may also be permitted so long as they do not negatively impact on agriculture, forestry or the natural environment. Permitted uses include low density, non-farm residential uses subject to a number of criteria. The

intent of the Rural designation is to promote agricultural and forestry activities, while permitting some unrelated uses provided that there is no conflict between the uses. It would appear that the creation of two rural residential lots will comply with the County of Grey Official Plan. Comments from the County of Grey Planning and Development Department are provided later in this report.

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

The Town of The Blue Mountains Official Plan designates the subject lands as Rural 'R'. 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. 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.

Consent policies under the Rural designation permit a limited number of new lots provided that the location of the new dwellings do 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  $\frac{1}{2}$  Township lot (40 hectares).

The proposed lots meet the lot area and lot frontage requirements as set out in the Official Plan. The northerly lot measures 10 hectares in size with a lot frontage of approximately 154 metres. the southerly lot measures 6.9 hectares in size with 200 metres of frontage. The smaller lot size for the southerly lot is more appropriate, as the proposed boundary lines between the severed and retained parcels follow existing fence lines, tree rows and stone rows and field boundaries. All of which provide for a more suitable division of land.

Lot density cannot exceed more than 3 lots per original  $\frac{1}{2}$  Township lot. It is noted that the subject lands are comprised of the North Half of Lot 2 Concession 5 and the South Half of Lot 2 Concession 5, both representing a  $\frac{1}{2}$  Township lot. The Plan does not define how to measure a  $\frac{1}{2}$  Township lot (can be measured east half / west half or north half / south half) and with the new lots as proposed would appear to meet the lot density requirements. For future severance purposes, this policy should be clarified to establish more detailed criteria for calculating lot density.

Minimum Distance Separation (MDS) must also be satisfied to ensure that there are no conflicts between existing or potential livestock facilities / manure storage and non-farm rural residential uses. MDS calculations have been prepared with one existing barn across the street impacting the creation of the proposed northerly lot. The MDS setback measures 85 metres into the proposed lot. No development should be permitted within the MDS setback, and the implementing Zoning By-law can establish a new minimum front yard setback to recognize the MDS measurement.

## 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 two proposed rural residential lots would appear to require a Zoning By-law Amendment to establish the following minimum lot area and lot frontage requirements:

	Proposed Lot Area	Proposed Lot Frontage
B05-2010 – Severed Lot:	6.9 ha	203.0 m
B05-2010 – Retained Lot:	34.2 ha	100.5 m
B06-2010 – Severed Lot:	10.0 ha	154.6 m
B06-2010 – Retained Lot:	31.0 ha	150.0 m

The proposed Zoning By-law Amendment to implement the above areas and frontages would appear appropriate for the subject lands.

## Additional Comments

The statutory Public Meeting as required under the Planning Act was held on June 7, 2010. Comments were received from the County of Grey Planning and Development Department, Grey Sauble Conservation Authority, the Grey Bruce Health Unit, and the Historic Saugeen Metis.

The County of Grey have noted that there is the boundary edge of an Area of Natural and Scientific Interest (ANSI) is located on the subject lands. An Environmental Impact Study (EIS) is required if there is any proposed development to take place inside the ANSI boundary or adjacent lands. The County can be satisfied provided that a minimum 50 metre setback is maintained from the ANSI boundary as a no development zone. In lieu of an EIS, this setback can be established through the Zoning By-law Amendment with an increased front yard setback for all properties.

The Grey Sauble Conservation Authority has indicated that the boundary of the ANSI is located east of the subject lands, and that an EIS or increased front yard setbacks are not necessary. They do note that there are two small pockets of Hazard lands located near the rear tree line that should be zoned Hazard through the implementing Zoning By-law Amendment.

The Grey Bruce Health Unit indicates that maintaining and protecting local agriculture areas supports a number of needs such as providing local food and reducing transportation needs. The proposed lots instills an automobile dependency given that the potential residents will need to drive to get all their amenities. Consideration for a decision consistent with the PPS should address these matters.

The Historic Saugeen Metis has advised that they have no further interest in this matter at this time. However, should archaeological finds of any nature be discovered during this project, their community requests immediate contact.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent Applications and Zoning By-law Amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan, the County of Grey Official Plan and is consistent with the Provincial Policy Statement. Therefore Planning Staff support these applications subject to the conditions as noted 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. Draft Zoning By-law Amendment

Respectfully submitted,

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**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. Notwithstanding the provisions of Section 8.2(a) for the General Rural 'A1' Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum lot area shall be 6.9 hectares for those lands described as South Half Lot 2 Concession 5 as indicated on the attached key map Schedule "A-1".
2. Notwithstanding the provisions of Section 8.2(b) for the General Rural 'A1' Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum lot frontage shall be 100 metres for those lands described as South Half Lot 2 Concession 5 as indicated on the attached key map Schedule "A-1".
3. Notwithstanding the provisions of Section 8.2(a) for the General Rural 'A1' Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum lot area shall be 10 hectares for those lands described as North Half Lot 2 Concession 5 as indicated on the attached key map Schedule "A-1".
4. Notwithstanding the provisions of Section 8.2(d) for the General Rural 'A1' Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum setback shall be 85 metres for those lands described in Section 3 to this By-law.
5. 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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Ellen Anderson, Mayor

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Corrina Giles, Clerk

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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 \_\_\_\_\_, 2010.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Signed: \_\_\_\_\_  
Corrina Giles, Clerk

# Town of The Blue Mountains

## Key Map Schedule 'A1'

### By-law No. \_\_\_\_\_



AREA AFFECTED BY SECTION 1 OF THIS AMENDMENT



AREA AFFECTED BY SECTION 2 OF THIS AMENDMENT



AREA AFFECTED BY SECTION 3 AND 4 OF THIS AMENDMENT

