

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: Monday, November 5, 2007
REPORT NO.: PL.07.132
SUBJECT: Application for Consent
File No. B01-2007; and
Zoning By-law Amendment
Fiona Green
Town Plot Park Lot 16, Alfred and
Napier;
Part 1 to 3 ROW Part 3, 16R-601;
417197 10th Line;
Town of The Blue Mountains

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

A. Recommendations

THAT Planning Staff support Application for Consent File No. B01-2007, subject to the following conditions:

- 1. The proposed property line between the severed and retained parcels be located along the south easterly top of bank of the Little Beaver River.**
- 2. A Zoning By-Law Amendment to recognize the new lot frontages and areas created by the proposed severance within the Development (D) Zone, and further to permit only the existing uses on the retained parcel;**
- 3. The Payment of applicable Development Charges;**
- 4. The Payment of applicable Parkland Dedication Charges; and**
- 5. That an Easement be obtained to the Town along the full length of the Little Beaver River on the subject lands, from the top of bank on the severed parcel, including the Little Beaver River through to a 6 metre setback from the top of bank onto the retained parcel, for future trail and maintenance purposes.**

AND THAT Planning Staff support the Application for Zoning By-law Amendment to recognize the new lot frontages and areas created by the proposed severance within the Development (D) Zone, and further to permit only the existing uses on the retained parcel.

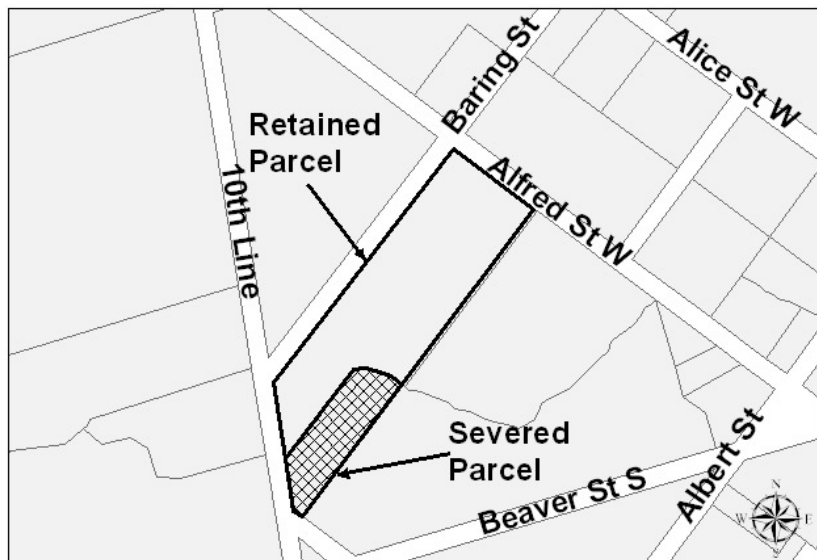
B. Background

The purpose of this Application for Consent is to consider a request to sever a 0.708 hectare parcel containing an existing residential dwelling, while retaining a 3.84 hectare vacant parcel, containing an existing barn and orchard.

The intent of this severance is to separate the house from the orchards, dividing the property along an existing watercourse.

The subject lands are serviced by private water and septic system, with frontage onto the 10th Line, an open and maintained public street.

The surrounding uses include agricultural lands to the north, east, south and west.



Official Plan

The subject lands are designated Deferred Development (DD) and Hazard (H) of the Town of The Blue Mountains Official Plan. The purpose of the Deferred Development (DD) designation is to identify lands intended to be developed in the future, when additional lands are required for development. New development must be strictly controlled in a manner which would not adversely affect the long term development of the property. In order that Deferred Development lands retain their ultimate development potential in a comprehensive manner, individual consents to divide the lands shall not be permitted, except in cases where it can be proven that an individual consent does not adversely impact the future development potential of the lands, and that only the existing permitted use be allowed. The Hazard (H) designation recognizes the environmental and physical constraints associated with the Little Beaver River which flows through the property.

The proposed severance would divide the residential use from the orchard use along the Little Beaver River. The Hazard area associated with the watercourse reduces the developable area on both the severed and retained parcels, particularly with the 0.7 hectare severed parcel containing the existing dwelling. A 0.7 hectare residential parcel within the Thornbury Urban Area is not considered appropriate, but in this case, the existing property lines, plus the location of the watercourse would appear to have

minimal to no effect on the future development potential of the subject lands as a whole. It would appear that if the severed parcel is ever to be intensified, it would be through the neighbouring property to the south east, and not be developed as part of the original property due to the watercourse constraints. In order for the retained parcel to maintain its ultimate development potential, as a condition of consent, a Zoning By-law Amendment has been proposed to restrict any new buildings or structures on the parcel until such time as the land is re-designated for development and the policies of the Deferred Development (DD) designation have been addressed.

Based on the natural separation between the proposed severed and retained parcels, that if divided, the future development potential of the subject lands will not be compromised, that the existing dwelling is not likely to be removed from the severed parcel, and the above noted Zoning By-law Amendment, it would appear that the proposed severance would meet the intent and direction of the Official Plan.

Zoning By-law

The subject lands are zoned Development (D) and Hazard (H) through the Town of Thornbury Zoning By-law 10-77. Permitted uses within the Development (D) Zone include a single detached dwelling on a lot existing at the date of passing of the By-law as well as uses, buildings and structures accessory thereto. The Hazard (H) Zone recognizes the inherent constraints related to the Little Beaver River and where only very limited development may occur.

The intent of the Development (D) Zone is similar to the Deferred Development (DD) designation of the Official Plan, where the lands are held in a restrictive zone to ensure that the future development of the lands are not going to be compromised. Minimum lot area and frontage requirements under the By-law are as they were existing on the date of passing of the Town of Thornbury Zoning By-law 10-77.

A Zoning By-law Amendment is required to first recognize the new lot frontages and lot areas created by the proposed severance, and further to restrict any future development on the retained parcel, and to permit only the existing uses on the severed parcel until such time as the property is re-designated for development purposes under the Official Plan.

Additional Comments

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

The County of Grey Planning and Development Department indicates that they do not support the proposed severance. The County is not satisfied that the proposed severance will not impact the development potential of the property. Since receiving

those comments, Town Staff have met with the County to review their concerns, and along with this report, the justification behind the severance has been attached (Attached Item #1) and forwarded to them. We anticipate, based on this additional information that their concerns can be addressed.

The Grey Sauble Conservation Authority indicates that the Little Beaver River's headwaters and meander belt is associated with a Ontario Regulation 151/06. A permit is required prior to the construction of buildings or structures, the temporary or permanent placement of fill within the designated area, interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek, stream or watercourse. Also, a 30 metre development setback from the watercourse is required, as it is identified as a cold water stream.

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

The public meeting was held on the 15th day of October, 2007, as required under the Planning Act. Council had two issues of concern and are summarized below.

Council requested that the draft zoning by-law identify the Hazard (H) Zone in accordance with the Little Beaver River and the coinciding 30 metre development setback required from the Grey Sauble Conservation Authority. This will be duly noted by Planning Staff in the final draft of the zoning by-law amendment.

On another note, Council was concerned about the future maintenance of the Little Beaver River. Planning Staff proposed to address this issue of concern by obtaining an Easement across the subject lands in favour of the Town. The Easement is proposed for the full length of the Little Beaver River, along the top of bank of the severed parcel, including the Little Beaver River through to a 6 metre setback from the top of bank onto the retained parcel. It is the intent that this easement will satisfy Council's maintenance issue with the river, as access can be obtained through the 6 metre setback from the top of the bank on the retained parcel. Further, this easement will provide future trail linkages. The proponents noted when submitting the applications that their intent was to separate the severed and retained parcels by the centreline of the Little Beaver River. In light of the public meeting and through Planning Staff's consultation with the proponent they render these changes as satisfactory.

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

C. The Blue Mountains' Strategic Plan

These changes continue to be consistent with Strategic Plan goal #1:

"Managing growth to ensure the ongoing health and prosperity of the community."

D. Budget Impact

NIL

E. Attached

1. Proponent's Justification Report
2. Draft Zoning By-law Amendment

Respectfully submitted,

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Planner II

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Manager of Development Planning & IS

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Attached Item 1:
Proponent's Justification Report

Attached Item 2:

Draft Zoning By-law Amendment