

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Town Council
MEETING DATE: December 03, 2007
REPORT NO.: PL.07.142
SUBJECT: Applications for Consent
File Nos.: B21, 22, 23, 24 – 2007 and
Application for Zoning By-law
Amendment - Robert Shaw
Part Lot 15, Concession 5
Town of The Blue Mountains

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

A. Recommendations

THAT Council receive Planning Staff Report No. PL.07.142, “Applications for Consent, File No.s: B21, 22, 23, 24 – 2007 and Application for Zoning By-law Amendment – Robert Shaw, Part Lot 15, Concession 5”;

AND THAT Planning Staff supports Application for Consent File No.’s B21-2007, B22-2007, B23-2007 and B24-2007, subject to the following conditions:

- 1. A Zoning By-law Amendment to:**
 - a. Rezone the severed parcels from the General Rural A1 zone and Hazard H zone to the Village Residential VR and Hazard H zone;**
 - b. Establish Building Envelopes on the severed parcels in accordance with the approved Environmental Impact Study (dated June 29, 2007) on the lands;**
 - c. Establish a new minimum lot area of 12.0 hectares for the retained parcel.**

- 2. The dedication of a 5.03 metre road widening along the 15th Sideroad.**

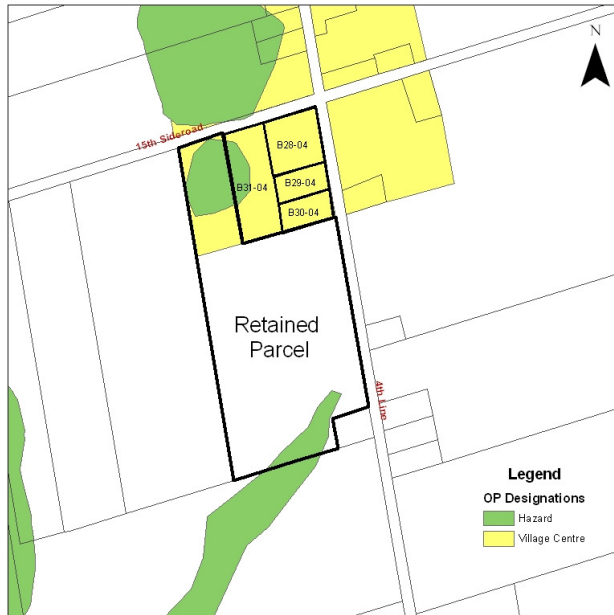
AND FURTHER THAT Planning Staff supports a Zoning By-law Amendment in accordance with the conditions listed above.

B. Background

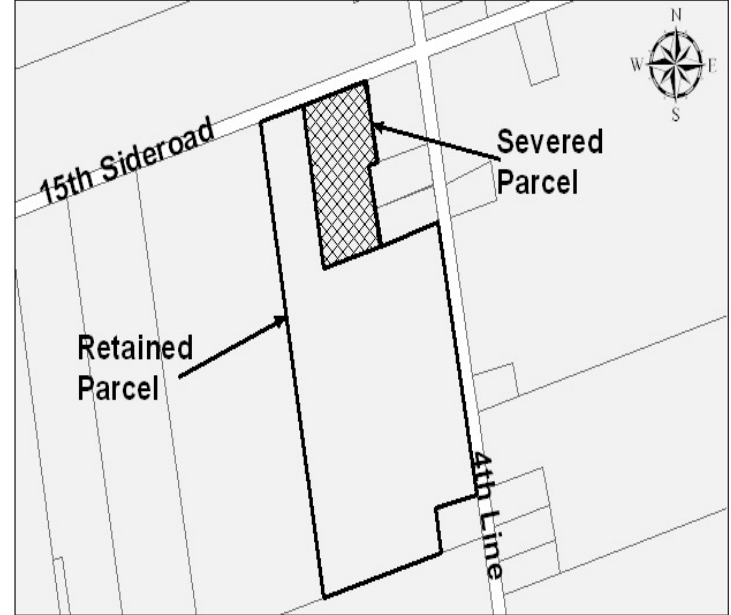
The purpose of these four consent applications is to create four new residential parcels within the Hamlet of Banks from the original 15.4 hectare parcel. The four proposed consents are re-applications of Consent Files B28,B29,B30, and B31-2004 which were granted provisional consent by Council in May 2006, but has since expired. The four

new applications being considered today remain unchanged except for one lot line adjustment between the two northerly lots fronting on the 15th Sideroad. This lot line adjustment takes into consideration a wetland hazard area, and related setback requirements (as required by the Grey Sauble Conservation Authority) located in the northwest corner of the property. The original lot layout from 2004 and the revised lot layouts are shown below.

2004



2007



The 2007 parcel frontages and areas are summarized below:

File No.	Severed Parcel	Retained Parcel	Road Frontage	Existing Structures
B21/07	0.75 ha (7486 m ²)	14.5 ha	85 m	Residence
B22/07	0.5 ha (5000 m ²)	14.0 ha	50 m	None
B23/07	0.5 ha (5000 m ²)	13.5 ha	50 m	None
B24/07	1.58 ha (15812 m ²)	12.0 ha	92 m	None

The subject lands are located at the corner of the 4th Line and the 15th Sideroad in the Hamlet of Banks. This application was originally heard in January 2005 as the new Town of The Blue Mountains Official Plan was formally approved. The new Official Plan included specifically defined boundaries of the hamlet settlement area that would permit the proposed consents.

The subject lands are rural in nature, with no portion currently being used for agricultural purposes. The lands contain an existing dwelling which will be severed under the first consent application (B21-2007). The remaining applications will create new vacant residential lots, with no buildings or structures proposed at this time.

An Environmental Impact Study (EIS) has been completed as part of the original conditions for consent in 2004. The EIS has identified the boundaries of the wetland, minimum setback requirements from the wetland, and building envelopes on the new parcels where development should occur. The EIS has been revised a number of times, with the latest version (June 29, 2007 with the revised drawings dated September 17, 2007) now accepted and approved by the Grey Sauble Conservation Authority.

Official Plan Policies

The Town of The Blue Mountains Official Plan designates the lands as Village Centre, Rural, and Hazard. The Village Centre designation identifies the principle hamlet settlements intended to provide the secondary retail/commercial functions as well as residential uses. Permitted uses include small scale commercial uses, residential uses, and other compatible uses such as churches, institutional uses, parks and parking areas. New lots may be created by consent provided that they complement the existing character of the area through similar lot shape and sizes. The minimum lot size shall generally be 5000 sq m with a minimum frontage of 35 m.

The Rural designation provides for the continuation of agricultural production in areas of generally lower capability soils while permitting other uses considered compatible with the rural environment. Lots in the rural area shall 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, and in no case shall more than 3 lots be created per original ½ Township lot (40 hectares). The Hazard designation recognizes those areas with environmental and physical constraints where development should be prohibited.

The proposed severances would appear to conform to the Town of The Blue Mountains Official Plan. The newly created residential lots are located entirely within the Village Centre designation, meet the minimum lot size and frontage requirements and would appear to maintain the general character of the hamlet area. The retained rural portion also appears to maintain the intent and direction of the Rural policies in the Plan. It should be noted that there are additional Village Centre VCTR lands not considered under these applications, but consists primarily of Hazard Lands. An additional lot may be considered provided that the Conservation Authority is satisfied that a suitable building envelope may be obtained outside of the Hazard area. The EIS completed on June 29, 2007 identifies the presence of a wetland in this area, but did not identify specific wetland boundaries or potential building envelopes.

Zoning By-law

The lands are zoned General Rural within the Township of Collingwood Zoning By-law 83-40. Permitted uses within the General Rural A1 zone 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 A1 zone are 150 metres and 20 hectares respectively.

The proposed parcels do not meet the requirements of the Township of Collingwood Zoning By-law. A Zoning By-law Amendment is required to re-zone the four severed lots from the General Rural A1 zone to Village Residential VR Zone and to recognize the deficient lot size of the final retained parcel under the General Rural A1 Zone. There is a portion of the subject lands that contain the wetland area identified through the EIS. The wetland area and required setbacks will continue to be zoned Hazard, and building envelopes have been identified where development should take place. A Zoning By-law Amendment has been submitted taking into consideration the above mentioned comments.

Additional Comments

The applicant has met a number of the conditions under the original provisional consent approval in 2004. The Development Charges for all four lots have been received by the Town at the 2007 rate. Parkland Dedication Payment for all four lots have also been received, a 5.03 metre road widening has been surveyed to the satisfaction of the Town, and will be dedicated upon registration of the new lots, all required entrance permits for each new lot have been approved by the Engineering and Public Works Department, and the Environmental Impact Study has been completed and the recommendations contained therein have been incorporated into the proposed Zoning By-law Amendment.

As a result of circulating the 2007 consent applications, comments were received from the following agencies. The County of Grey Planning Department and the Grey Sauble Conservation Authority both indicate no objection provided that the recommendations contained in the EIS are included in the Zoning By-law Amendment. The Grey Bruce Health Unit had no objection to the original consent applications in 2004 and were circulated the 2007 applications for their information. The Health Unit requested additional fees to review the applications, but through a follow up phone call with the Health Unit, they have no objection and their original comments in 2004 indicating no objection remain unchanged.

The Public Meeting was held on November 19, 2007, as required under the Planning Act. Concerns were raised regarding drainage characteristics around the proposed new lots. The EIS examined the soils in the area noting that the wetland area is comprised of muck, characterized by poor drainage and decomposed organic material. Outside of the wetland area the soils tend to be well to excessively drained and stony making the soils a poor candidate for agriculture, but suitable for the proposed development. The proposed building envelopes identified under the EIS ensure that there is sufficient space between the wetland area and the proposed development. A permit is required from the Grey Sauble Conservation Authority prior to any development, or the placement of fill.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consents are appropriate for the lands, conform to the intent and direction of the Official Plan, represents good planning, and would therefore support these applications subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

Strategic Plan Goal #1:

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

D. Budget Impact

NIL

E. Attached

NIL

Respectfully submitted,

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