

STAFF REPORT:



Town of The Blue Mountains Planning Department

REPORT TO: Mayor and Members of Council

MEETING DATE: September 17, 2007

REPORT NO.: PL.07.45

SUBJECT: Application for Consent
File No. B27-2006
Jeffery & Bonnie Flemington
West ½ Lot 19, Concession 4;
596197 4th Line
Town of The Blue Mountains

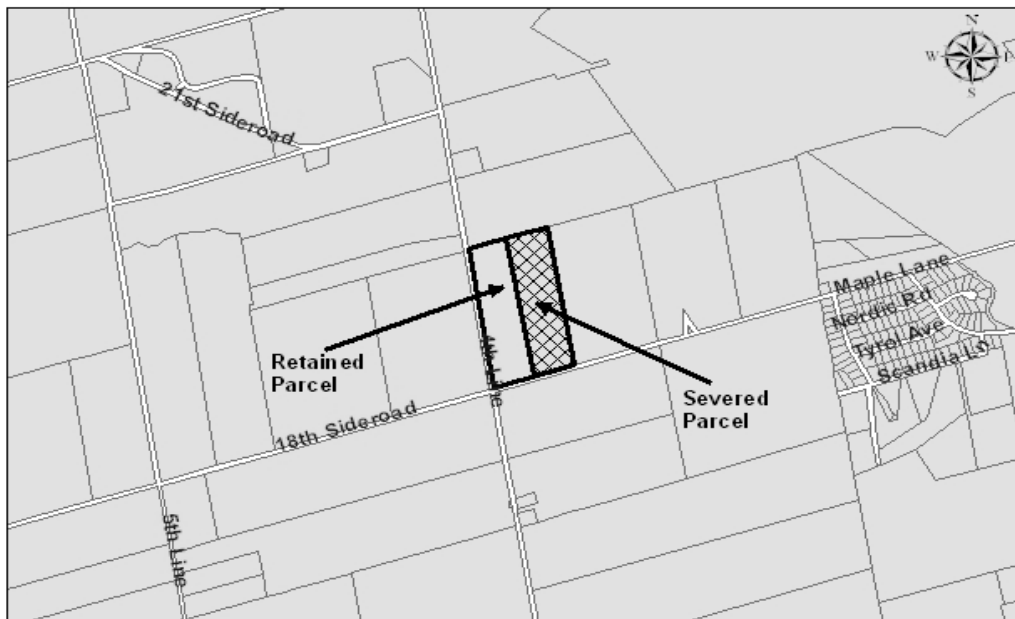
PREPARED BY: Shawn Postma,
Planner II
Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

THAT Planning Staff support Application for Consent File No. B27-2006, subject to the following conditions:

1. The severed parcel being revised to measure 160m x 300m located in the southwest corner of the subject lands
2. A Zoning By-law Amendment to:
 - a. recognize the deficient lot area of the severed and retained parcels,
 - b. establish suitable building envelopes on the retained parcel,
 - c. apply the holding –h symbol to the retained parcel.
3. The Payment of applicable Development Charges.
4. The Payment of applicable Parkland Dedication Charges.
5. That an Entrance Permit may be obtained from the Engineering and Public Works Department for the severed parcel.

B. Background



The purpose of this consent is to consider a request to sever a new 10.1 hectare vacant rural parcel on the eastern portion of the property. A 10.1 hectare rural parcel will be retained, containing a single detached dwelling, steel barn and drive shed (see map). The surrounding land uses include a mix of active agricultural lands and rural residential uses.

Official Plan

The Town of The Blue Mountains Official Plan (through OPA 4) designates the subject lands as Rural and Hazard. 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. The Rural designation recognizes those areas in the Municipality where agricultural capability is prejudiced from lower class soils, fragmented parcel sizes, incompatible land uses or where a continuous arable culture is not exhibited. The predominant use of land shall be for the continuation of agricultural practices. 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.

Agricultural uses are given high regard in the Plan. The farm unit is the basic land use unit within the Rural designation and consists of the land base, farm residence, barns and other farm buildings or structures that support the farm operation. The farm unit shall be maintained to a minimum size of 20 hectares. Farm related consents may be permitted provided that the consent creates and retains a farm unit.

On non-agricultural lands, rural residential consents may be permitted on a very limited basis, as non-farm residential uses are considered a non-supportive and potentially conflicting activity of agricultural production and may detract from the visual and cultural qualities of the open rural landscape. A limited number of new lots may be created provided that the location of the new dwellings does 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 .8 hectares in area with 100 metres of frontage, and in no case shall more than 3 lots be created per original ½ Township lot (40 hectares).

A site visit was completed as part of our review. It was clear that while walking the property that a substantial portion of the lands are currently in active agricultural operation. Approximately 17 hectares of the original 20.2 hectares have been tilled this year for agricultural purposes. The new lot as proposed would effectively divide the agriculturally productive lands in half with the new lot being comprised almost entirely of active agricultural land, with only some portions not being farmed due to the location of agricultural buildings and a hazard area associated with the watercourse flowing across the property. It would appear that under the Rural policies, a new lot could be supported if it were located in an area that is not comprised of agriculturally viable lands. In this case, a second site visit was completed with the owner and the owners agent. A number of alternative sites were identified that would not compromise the

existing agricultural capabilities of the existing farm unit. The areas include the section containing the existing dwelling and outbuildings, a sloped section along the 4th Line and a second sloped section in the southeast corner. The owner has agreed to revise the lot boundaries to sever the existing dwelling, while retaining the agricultural buildings and the agricultural land. The severed parcel measures 160m x 300m with a lot area of 4.8 hectares. In order to preserve the agricultural lands for agricultural production, building envelopes should be established on the retained parcel for the development of future buildings and structures.

It would appear that the proposed revised severance conforms to the intent and direction of the Official Plan. The Rural designation recognizes that there are pockets of good agricultural land outside of the agriculture and specialty agriculture lands. Agricultural lands must be protected for their long term intended use for agricultural production. In this case it would appear that the revised lot size and lot location would not remove lands which are capable for agricultural production, and would represent the final (third) lot permitted for the ½ Township lot. No further lot creation will be permitted. The retained farm unit will maintain the existing farm buildings, dwelling, and will not reduce the total tillable acres available. The proposed new lot meets the minimum lot area and frontage requirements, and would not appear to detract from the visual landscape as established by the Plan.

Zoning By-law

The subject lands are zoned General Rural (A1) and Hazard (H) 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 Hazard (H) Zone recognizes areas of environmental constraint in which development is not permitted. In this case, there is a watercourse and floodplain flowing across the subject property.

The proposed lot configuration does not appear to comply with the General Rural (A1) Zone regulations. A Zoning By-law Amendment is required to recognize the deficient lot area of both the severed and retained parcels.

Examining the visual impact and the maintenance of the rural landscape, the retained lot is comprised mostly of agricultural field with only some existing trees. Careful consideration should be given when locating any new buildings or structures in order to reduce the visual impact they may create. To ensure that any new development will not adversely impact the visual rural landscape, the Holding '-h' symbol should be placed on the property. The Holding '-h' symbol will require the retained parcel to receive Site Plan Approval prior to a building permit being issued for any new development. The Site Plan Approval will ensure that an appropriate building site is found, with provisions for additional landscaping where required.

The County of Grey Planning and Development Department and Grey Sauble Conservation Authority recognizes a coldwater stream on the property, and require that a minimum 30 metre setback be maintained from the banks of the coldwater stream. The GSCA further requires a permit be obtained from their office prior to the construction of buildings, structures, or the temporary or permanent placement of fill within the designated area.

The Grey Bruce Health Unit and the Niagara Escarpment Commission indicate that they have no objections to the proposed consent.

The Public Meeting was held on March 19, 2007, as required under the Planning Act. The Town received concerns from an adjacent land owner with issue over the severance policies within the Official Plan which states that no more than three lots per ½ Township lot may be permitted. Currently the original ½ Township lot consists of two 20 hectare parcels. Additional comments on habitat and natural wildlife were also raised. The Plan does not identify any Natural Heritage Features on the property.

The Town's Engineering and Public Works Department requires an entrance permit be obtained on the vacant parcel, as a condition of consent.

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. Therefore Planning Staff support this application for consent 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

1. Aerial Photo showing the original proposed lot and the revised lot location.

Respectfully submitted,

Shawn Postma, BES
Planner II

Robert Armstrong, MCIP, RPP, CPT
Manager of Development Planning & IS

Aerial Photo with the Original Proposed Lot and Revised Lot Locations:

