

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
DATE: Monday, May 7, 2007
REPORT NO.: PL.07.54
SUBJECT: Request for Comments
Niagara Escarpment Commission
File No. G/R/2006-2007/9166
James & Sandra McNichol
Part Lots 10 & 11, Concession 10;
588135 9th Sideroad;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I
Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

That Council is unable to support Development Permit Application G/R/2006-2007/9166, relating to the lands of Part Lots 10 & 11, Concession 10; owned by James & Sandra McNichol, to:

- Construct a 1½ storey, 167.4 square metre (1,800 square foot) dwelling, having a maximum height of 10.7 metres (35 feet), measured from the lowest grade to the peak;
- Install a private sewage disposal system; and
- Install a driveway

on a 33.96 hectare (83.9 acre) existing lot; and retain the existing farmhouse to accommodate temporary workers; as noted in Staff Report PL.07.54, unless the proponent can address the requirements of the Niagara Escarpment Plan to the satisfaction of the Niagara Escarpment Commission. In the event that the proposal can satisfy the Niagara Escarpment Plan issues, then this Council could support this Development Permit Application, subject to an Agreement and Entrance Permit.

B. Background

The purpose of this report is to consider a proposal to construct a 1 storey, 167.4 square metre (1,800 square foot) dwelling, having a maximum height of 10.7 metres (35 feet), measured from the lowest grade to the peak; install a private sewage disposal system; install a driveway; and retain the existing farmhouse to accommodate temporary workers. A revision has been received for the development permit, creating an additional driveway access onto 9th Sideroad and to change the height of the proposed dwelling from 1 storey to 1.5 storeys with the overall height remaining the same (see attached site plan).



The subject property is located on Part Lots 10 & 11, Concession 10 in the Town of The Blue Mountains. The subject property is 33.96 hectares in area, containing an existing farmhouse and barn.

The Town of The Blue Mountains Official Plan designates the subject lands as Rural (R) and Escarpment (E). All the proposed development is within the Rural (R) designation. The purpose of the Rural (R) designation is to provide for the continuation of agricultural production in areas of generally lower capability soils while permitting other uses considered compatible with the rural environment. Permitted uses include agricultural operations and related buildings and structures and residential dwellings. Special residential accommodation for seasonal or temporary farm help may also be permitted as ancillary agricultural uses, where appropriate, in support of farming operations.

Section 3.6.3 of the Official Plan, Temporary Farm Help Accommodations shall be considered an integral part of the farm operation, and shall generally be permitted as an ancillary agricultural use. Such accommodations may be in the form of a permanent building, but shall not be used as a permanent residence. Temporary farm help accommodations shall generally not be permitted within the front yard of any principal farm residence and should be located contiguous to existing farm buildings, or where it would not interfere with nor remove lands from agricultural production and can be suitably screened from neighbouring properties. Temporary farm help accommodations shall be subject to the following criteria:

- (a) Farm help must be necessary on a seasonal basis on the farm.
- (b) The farmer shall live in the principal farm residence, if any, with farming as his/her principal occupation, and in the case of seasonal farming work part-time on the farm.
- (c) A separate lot shall not be created for farm help purposes.
- (d) The dwelling unit(s) shall be removed when no longer required for farm help purposes. In some cases, it may be possible to convert a permanent building used for temporary farm help accommodations to another permitted use.
- (e) Temporary farm help accommodation shall not be permitted within the Escarpment designation.
- (f) Council may require an Agreement, including securities where appropriate, to ensure compliance with all criteria.

Under Part 2 of the Development Criteria of the Niagara Escarpment Plan, temporary farm help accommodation is subject to the following criteria:

- (a) The dwelling unit(s) shall be mobile or portable, without a permanent foundation or basement.
- (b) The dwelling unit(s) shall be located within the farm cluster and where possible, use the existing farm lane access.
- (c) A Development Permit shall be valid for three years only and continuance of dwelling unit(s) will be considered through reapplication to the Niagara Escarpment Commission on a three year basis, subject to adequate justification that the farm help continues to be necessary to the farm operation.
- (d) The dwelling unit(s) shall be removed when the Development Permit(s) expires.
- (e) That any approval or agreement struck between the local municipality and the applicant to permit the additional dwelling unit(s) or farm help shall also be renewed, if necessary, on the anniversary of the Development Permit.

The subject property lies within the original boundary of the Development Control Area; hence no zoning has been assigned to the subject lands at the date of passing of the former Township of Collingwood Zoning By-Law 83-40. If zoning were in place, the General Rural (A1) and Hazard (H) Zones would apply. The Hazard (H) lands would coincide with the steep slope at the rear of the property, while the development proposal area would be in the General Rural (A1) Zone and would permit this type of use on the subject lands, subject to certain site performance criteria.

The lot has an existing farmhouse and barn located relatively close to the road. The proponent is proposing to build a new dwelling setback a significant distance from the road, while retaining the existing farmhouse to accommodate temporary workers. There are some compliance issues with regards to the location of the temporary farm help accommodation. Section 8.5 requires that a minimum setback shall be 50 metres from the centreline of the street allowance. Being that the standard road allowance is 20.1 metres (66 feet), coupled with the front yard setback of 20.31 metres, the existing setback is only 30.36 metres from the centreline of the road allowance; and therefore would not comply with the regulations were they in place. The rationale in regulating an increased setback is that temporary farm help accommodations shall not be the prominent use of the lot, rather ancillary to the agricultural use. The prominence of this type of use is indirectly proportional to the setback, hence why the setback is 2.5 times greater than the setback applied for a single detached dwelling; and the same as the setback applied to agricultural buildings within Section 8 of the By-law.

With regard to the location of the temporary farm help accommodation, in that the dwelling is existing, the use will not alter the existing rural character and the proposed new dwelling is intended to be setback over 600 metres from the road, Planning Staff believe that the intent of the locational criteria within the Official Plan and Zoning By-law is maintained.

The remainder of the development proposal appears to comply with the regulations of the By-law, if zoning were in place, provided there is an 8 metre side yard setback on the proposed new single detached dwelling; and the proposed new entrance has a separation distance of 15 metres from the existing entrance and a 1 metre setback from the interior side lot line.

The proponent has justified the need of having a temporary farm help accommodation by stating that their business relies on migrant workers, and in doing so are obligated to provide housing for these workers. The existing farm house is home to 2-10 migrant workers at any given time in a 12 month period. These workers refer to the farm house as their second home, and feel obligated to provide these workers with the best housing they can provide. Provided Council is satisfied with the justification, Planning Staff can accept the rationale from the proponent.

Planning Staff are of the opinion that the proposal could be considered in compliance with the Town of The Blue Mountains Official Plan and Township of Collingwood Zoning By-law 83-40 criteria for Temporary Farm Help Accommodation, provided that Council is satisfied with the proponent's justification and conditional upon an execution of an agreement to ensure that the use is temporary. However, the Niagara Escarpment Plan appears to only allow for temporary structures and the use may conflict with the Plan. Therefore, unless the proponent can address the requirements of the Niagara Escarpment Plan to the satisfaction of the Niagara Escarpment Commission, it may not comply with the Town's Official Plan.

The Town's Engineering and Public Works Department requires an entrance permit be obtained for the proposed new driveway along the western side lot line to gain an additional access to 9th Sideroad.

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. Site Plan

Respectfully submitted,

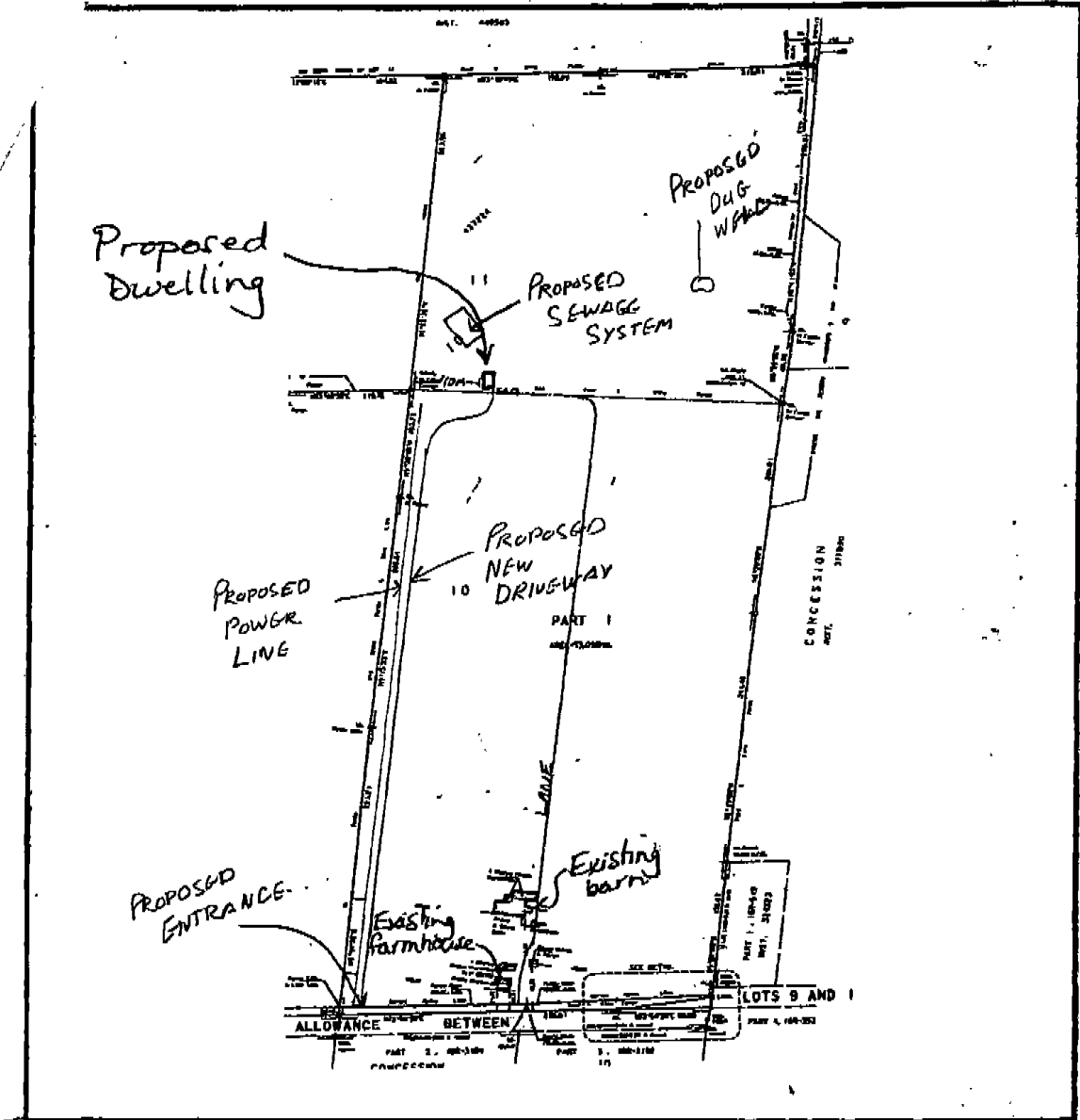
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Attached Item 1: Site Plan

From: 519 599 6326 Page: 2/2 Date: 02/05/2007 9:46:12 AM



Map 3

Revised Site Plan

Name McNICHOL

File Number G/R/2006-207/9166



Not to Scale

P.171

TO: 5195996326

APR-30-2007 04:34P FROM: