

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council
MEETING DATE: Monday, May 5, 2008
REPORT NO.: PL.08.45
SUBJECT: Application for Consent
File No. B03-2008; and
Zoning By-law Amendment
Swiss Meadows Water System Limited
c/o Peter G. Scholz, Trustee
Part Lot 18, Concession 3;
Town of The Blue Mountains

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Planner II
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A. Recommendations

THAT Council receive Planning Staff Report PL.08.45, "Application for Consent File No. B03-2008; and Zoning By-law Amendment; Swiss Meadows Water System Limited c/o Peter G. Scholz, Trustee; Part Lot 18, Concession 3.

AND THAT Planning Staff support Application for Consent File No. B03-2008, subject to the following conditions:

- 1. That the severed parcel be deeded as a lot addition to the property to the west in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990;**
- 2. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel;**
- 3. A Zoning By-Law Amendment to recognize the following:**
 - a. That the retained and newly enlarged parcel are deficient in lot area;**
 - b. To rezone the subject lands to the Estate Residential, Hazard and Public Industrial zones**
 - c. To apply the Holding -h symbol to the developable portions of land below the toe of the slope to ensure the completion of the following:**
 - i. That a drainage plan be submitted to the satisfaction of Grey-Sauble Conservation Authority and the Town;**
 - ii. That a permit be obtained from the Grey-Bruce Health Unit to ensure there is a suitable location for a septic system on each of the lots;**
- 4. That the Swiss Meadows Waterworks facilities on the lands be decommissioned and removed to the satisfaction of the Ministry of Environment and/or the Engineering and Public Works department.**

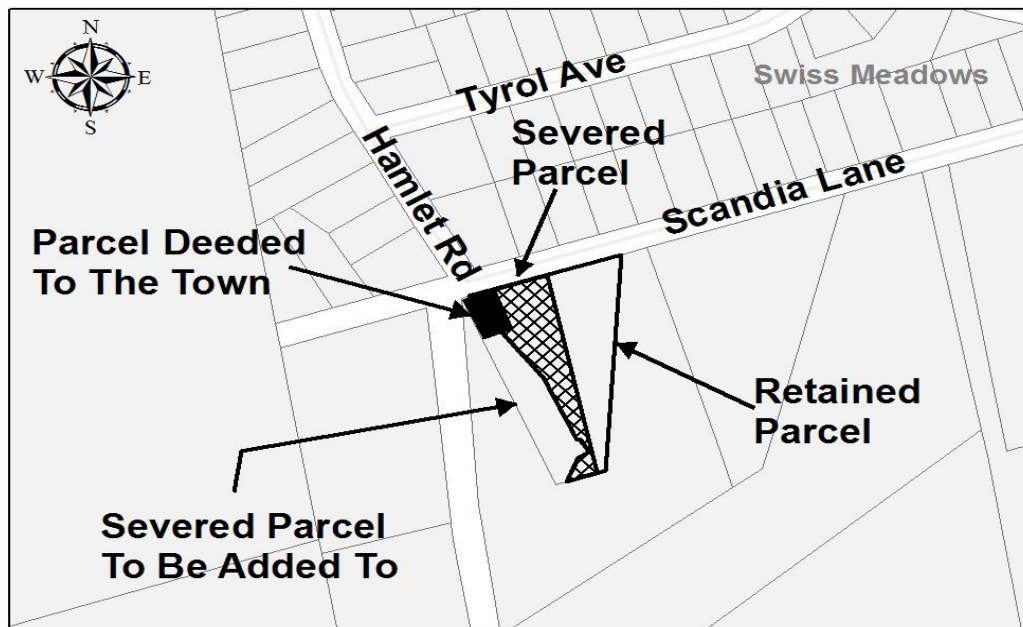
5. That the payment of applicable water charges be paid to the satisfaction of the Financial Services Department.

AND THAT Planning Staff support Application for a Zoning By-law Amendment to rezone the retained parcel, newly enlarged parcel and the parcel to be deeded to the Town from the Rural Estate Residential (RERb) Zone and Public Industrial (M5-36) Zone to the Estate Residential (ER-h) Zone, Hazard (H) Zone and Public Industrial (M5-36) Zone.

B. Background

The purpose of this Application for Consent is to consider a request to sever a 4,422 square metre vacant residential parcel on the western portion of the property; and deed it as a lot addition to the existing 3,723 square metre residential parcel to the west which contains existing water works buildings and structures. An 8,381 square metre vacant residential parcel will be retained.

An Application for Zoning By-law Amendment has been filed at the same time, as the proposed lot addition does not comply with the Township of Collingwood Zoning By-law.



The subject lands are serviced by municipal water and private septic system. Road access is provided along Scandia Lane, an open and maintained public street.

Surrounding land uses include residential lands associated with the Swiss Meadows Subdivision to the north, plus related residential to the east, south and west with substantial tree coverage in the areas to the east, south and west.

Official Plan

The Town of The Blue Mountains Official Plan (through Amendment #4) designates the subject lands as Estate Residential (ER-49), Escarpment (E) and Rural (R). The purpose of the Estate Residential designation is to recognize resort areas for existing and potential low density, large lot, single detached residential development. Exception 49 states that notwithstanding the density provisions of the Estate Residential designation the minimum lot size shall be 4 hectares, intending that further lot fragmentation shall not be permitted.

Section 9.2 consent policies state that consents may be granted for boundary adjustments which do not create separate lots and shall be evaluated on their own merit. The extent to which any consent may affect existing mortgages, especially with regard to lot additions, may be addressed as a condition of consent.

Future municipal water and sewer are intended to service the Swiss Meadows Subdivision. The intent of Exception 49 is to maintain the area for low density residential, and to permit only limited further lot creation in the area. In that no new lots are being created through this consent application, it would appear that the proposed lot addition maintains the intent and direction of the Official Plan.

The Escarpment (E) designation identifies a portion of escarpment slope that runs through the subject lands. It is intended that the unique and natural features and the visual continuity of the Niagara Escarpment be preserved and maintained. New development should be directed to locations where a suitable site can be found, such that it would result in the least environmental and visual impact. If applicable, new development shall be directed outside of the Escarpment designation.

The Rural (R) designation above the slope identifies the portion of the property better suited as part of the Rural open landscape environment. These lands are not intended to be developed or serviced.

Zoning By-law

The subject lands are zoned Rural Estate Residential (RERb) and Public Industrial (M5-36) within the Township of Collingwood Zoning By-law 83-40. An amendment is required to recognize both the retained parcel and the newly enlarged parcel, as both are deficient of the 20,000 square metre lot area requirement of the Rural Estate Residential (RERb) Zone. The current Public Industrial (M5-36) Zone will remain for the existing water works building, as the zone boundary will be adjusted to include only the lands of the new parcel to be deeded to the Town.

The holding –h symbol should be applied to the developable area in order that both the retained and newly enlarged parcel obtain Site Plan Approval prior to the issuance of a

building permit, (see agency comments below) ensuring that any new development will satisfy the following:

- A drainage plan be submitted to the satisfaction of Grey-Sauble Conservation Authority and the Town;
- That a permit be obtained from the Grey-Bruce Health Unit to ensure there is a suitable location for a septic system on each of the lots;

The Hazard (H) Zone can be used for lands on the escarpment slope and the lands above the brow to ensure development will only take place below the slope.

Additional Comments

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

The Grey Sauble Conservation Authority (GSCA) indicates that a drainage plan is required as the lands are entirely wooded and poorly drained. Planning Staff note that the holding –h symbol can be utilized to implement this requirement for both lots.

The Grey Bruce Health Unit indicates that they have no objection to the proposed lot addition and By-law Amendment. However, they have noted that the availability and location for a leaching bed may require a specific site location, or the import of suitable fill. Planning Staff note that as the holding –h symbol will be utilized to require a septic permit from the Health Unit for both lots to ensure a suitable location is sought.

The County of Grey Planning and Development Department and the Niagara Escarpment Commission have no issue of concern with these applications.

The public meeting was held on the 7th day of April, 2008, as required under the Planning Act. Council had one main issue of concern with regards to whether the lands are subject to development charges.

Addressing Council's concern, Engineering and Public Works Department state that the water line fees were paid for the both lots, as both have frontage onto Scandia Lane. No additional development charges will be required as there is no new lot creation being proposed.

Engineering and Public Works Department have provided additional comments on the former water works facility. All the existing buildings and structures including a well tile, reservoirs and reservoir building, and two wells are required to be decommissioned and removed from the property. In addition, the water works company has a number of outstanding invoices from the Town yet to be paid. Engineering and Public Works have also accepted the creation of a small portion of land containing an existing water works

building to be deeded to the Town. The building would be used primarily for equipment and storage relating to the Swiss Meadows water system.

Financial Services have further confirmed the amounts owing for the Town maintaining the Swiss Meadows Waterworks system, repairs, and reinstatements. As of April 30, 2008 the balance outstanding is \$12, 814.32. Financial Services have requested that this balance be paid to their satisfaction prior to the lot addition being granted.

As a condition of consent, it has been recommended that the existing buildings/structures be removed, the former water works system to decommissioned and removed, and that all outstanding invoices be paid.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent and zoning by-law amendment conforms to the intent and direction of the Town of The Blue Mountains Official Plan, Zoning By-law and represents good planning. Therefore, Planning Staff support these applications for consent and zoning by-law amendment subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.08.45 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,