

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: Monday, October 5, 2009
REPORT NO.: PL.09.108
SUBJECT: Application for Consent
File No. B22-2009 -
Elmore Clifton Carr
Part 1, RP 16R-3689;
Part Lots 17 & 18, Concession 6;
18th Sideroad;
Town of The Blue Mountains
PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

THAT Council receive Planning Staff Report PL.09.108, "Application for Consent File No. B22-2009 – Elmore Clifton Carr; Part 1, RP 16R-3689; Part Lots 17 & 18, Concession 6; 18th Sideroad; Town of The Blue Mountains"; and

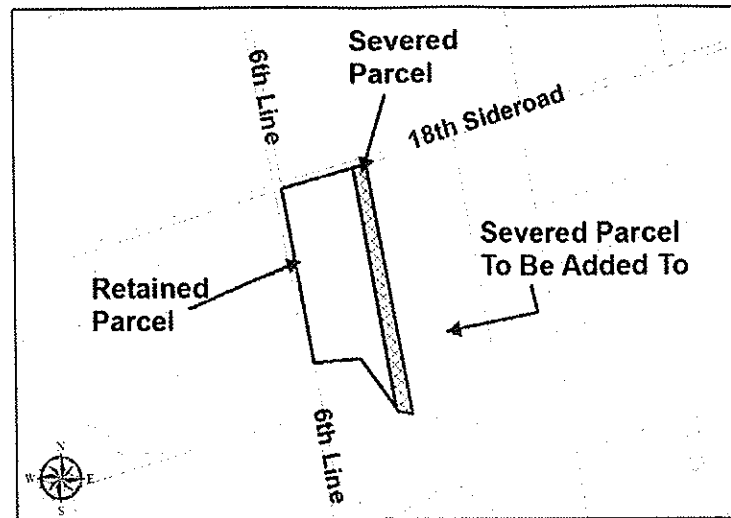
THAT Council authorize Consent No. B22-2009, subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property abutting to the east in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*; and
2. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel.

B. Background

The purpose of Application for Consent File No. B22-2009 is to sever a 2.687 hectare vacant rural parcel on the eastern portion of the property and deed it as a lot addition to the existing 17.792 hectare rural parcel to the east, containing an existing dwelling, detached garage and roll-off roof observatory. A 10.435 hectare vacant rural parcel would be retained.

The subject lands are located on the south side of 18th Sideroad, just east of 6th Line road allowance.



It should be noted that the subject lands have no municipal water or sewer service fronting along the roads, being in the rural service area. The subject lands are currently used for agricultural purposes (see Attached Item #1).

The Applicant and Owner is Elmore Clifton Carr, who wishes to provide the Royal Astronomical Society some additional lands on the eastern portion of the subject lands to the adjacent lot to the east, so that the proposed new lot line would coincide with the existing tree line.

In pre-consultation, it was determined that since the subject lands are contained within the Development Control Area of the *Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2*. Approval from the Niagara Escarpment Commission (NEC) with regards to the Development Permit Application (DPA) would be required prior to going forth with the lot addition proposal with the Town through the consent process, to ensure that a building envelope is available on the subject lands.

The proponent submitted a NEC DPA on the 31st day of March, 2009 to consider a proposal to construct a 1 storey, 139.5 square metre (1500 square foot) dwelling, having a maximum height of 7.5 metres (24.6 feet) measured from the lowest grade to the peak; install a private sewage disposal system; and install a driveway. Planning Staff provided comments on the NEC DPA File No. G/R/2008-2009/9128 for the development proposal noted above on the 30th day of April, 2009; as detailed in Planning Staff Report PL.09.54. The DPA was conditionally approved by the NEC on the 24th day of June, 2009.

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

Planning Comments

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act* and be consistent with the Provincial Policy Statement (PPS-2005). Within the Town of The Blue Mountains they must also make decisions that conform to the

County of Grey Official Plan and Town of The Blue Mountains Official Plan; and make decisions that represent good land use planning.

Provincial Interest – Legislation, Policy, Guidelines

The PPS-2005 supports this lot addition proposal under Section 2.3.4.3 as lot adjustments in prime agricultural areas may be permitted for legal or technical reasons; and the agricultural lot is appropriate in size and area for the long-term use as it relates to the detailed policies of the Town's Official Plan.

County of Grey Official Plan

All development must conform to the purposes and policies of the County of Grey Official Plan.

The subject lands are designated as Niagara Escarpment Plan Area within the County of Grey Official Plan. Section 2.5.2(2) states that "*Local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria in these areas that are not in conflict with the provisions of the Niagara Escarpment Plan*"; and therefore the Official Plan supports this proposal.

Town of The Blue Mountains Official Plan

The Town of The Blue Mountains Official Plan designates the subject lands as Rural (R). 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.

Policies state that the farm unit shall maintain a minimum size of 20 hectares. Smaller parcels that removed lands which exhibit agricultural capability shall be discouraged. Rural residential consents may be permitted on a very limited basis and under strict control. New lots must maintain the quality visual landscape in the rural area; and in order to maintain the open landscape, lots require a minimum lot area of 10 hectares. Smaller lots may be considered where the consent would unnecessarily encompass productive farmland.

Most of the lands are tilled for agricultural purposes. The lot addition proposal does not compromise the agricultural usage of the lands, as the proposed new lot line

follows the existing tree line and lands to be conveyed would be tilled with the proposed newly enlarged lot.

Section 9.3(7) of the Official Plan provides policy on lot boundary adjustments and states that "*Consents may be granted for boundary adjustments... and other purposes which do not create separate lots. Such consents shall be evaluated on their own merit...*" This has been justified by the proponent, as noted above in this report.

Therefore, it would appear that the proposed consents conforms to the policies of the Official Plan.

Zoning By-law

The subject lands are within the Development Control Area of the *Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2*. If zoning were in place, the General Rural (A1) Zone would apply to the subject lands. The General Rural (A1) Zone would permit this type of use on the subject lands. The proposed lot configuration would comply with the zoning regulations, save and except minimum lot area, if zoning were in place.

Therefore, Planning Staff has no issue of concern as it relates to compliance with the Zoning By-law.

Additional Comments

Agency Comments

Comments were received from the County of Grey - Planning and Development Department; Grey Bruce Health Unit (GBHU); and NEC. These comments are summarized below.

The County of Grey Planning and Development Department have no issues of concern with the consent application.

The GBHU indicates that the subject lands appear to consist generally of rolling topography with clay sub-grade soils having reportedly good drainage. The parcels to be severed and retained appear suitable to permit installation of Class 4 sewage systems designed under Division B, Part 8 of the Ontario Building Code. Therefore, the GBHU has no objection to the lot addition proposal.

The NEC indicates that since a DPA has been conditionally approved, they have no objection to the consent application.

It should be noted that GSCA comments were received through the NEC DPA process.

Interdepartmental Comments

Comments were received from the Manager of Roads and Drainage on this proposal. The Manager of Roads and Drainage has indicated that the subject lands front onto a seasonal road. The seasonal road commences approximately 250 metres south of the deviation area on the 6th Line and continues southward and includes the 18th Sideroad. It should be noted that there is limited maintenance on seasonal roads.

Planning Staff notes that no other interdepartmental comments have been received on these applications; and therefore no further issues of concern has been raised for this proposal.

Public Meeting Comments

Based on the site visit conducted on the 8th day of September, 2009, the placard for consent was posted as required under the *Planning Act*, along with a mail out circulation of the Notices to area assessed property owners on the 19th day of August, 2009.

The public meeting was held on the 9th day of September, 2009, as required under the *Planning Act*. No issues of concern were raised for the proposal.

Written Correspondence Received From The Public

No written correspondence was received from the public for this consent application.

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. Therefore, Planning Staff would support this application for consent subject to the conditions noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.09.108 is consistent and supports the following Strategic Plans Goals:

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

D. Environmental Impact

The proposal does not appear to generate any special or significant environmental impacts.

E. Budget Impact

N/A

F. Attached

1. Aerial Photograph of the Subject Lands, May 2006
2. Draft Reference Plan

Respectfully submitted,

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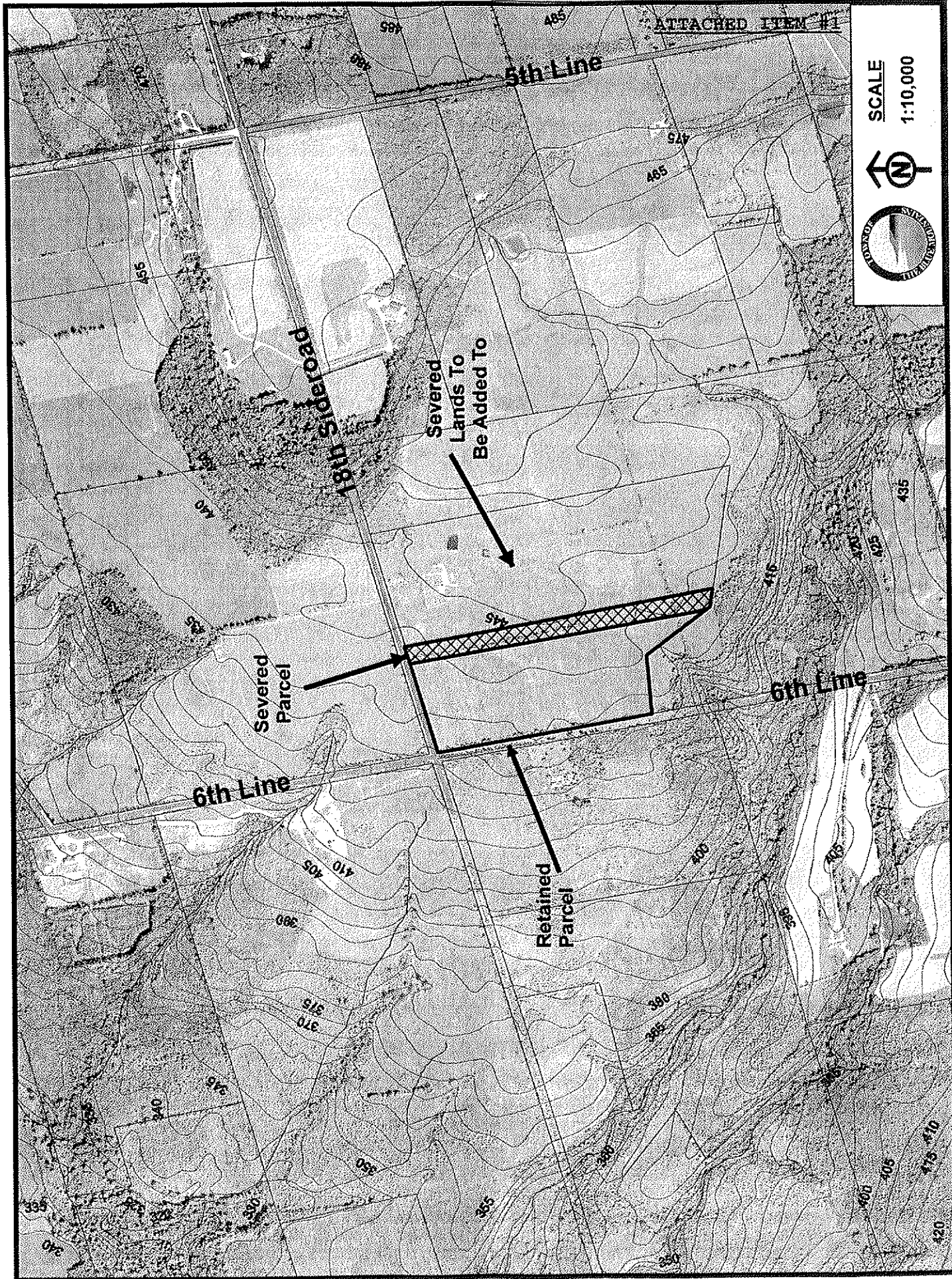
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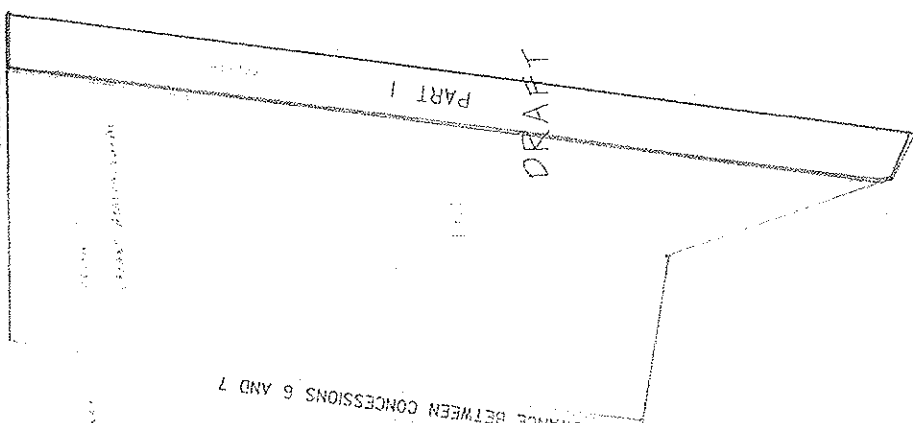
ATTACHED ITEM #1

SCALE
1:10,000



PLAN 16R-

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 AND 19



ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 6 AND 7

PLAN OF SURVEY OF
PART OF LOTS 17 AND 18
CONCESSION 6
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY

ATTACHED ITEM #2

DRAFT

RECEIVED

AUG 17 1903

Ontario Land Surveyors
PATTEN & THOMSEN

PATTEN & THOMSEN

ONTARIO LAND SURVEYORS
PATTEN & THOMSEN