

**STAFF REPORT: Town of The Blue Mountains Planning Department**



**REPORT TO:** Planning Committee  
**DATE:** March 2, 2009  
**REPORT NO.:** PL.09.22  
**SUBJECT:** Application for Consent and Zoning By-law Amendment – Ann Johnstone  
Part Lots 25 and 26 Concession 6  
Part 5 RP 16R-133  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

**A. Recommendations**

THAT Planning Committee does receive Planning Staff Report PL.09.22, “Application for Consent and Zoning By-law Amendment – Ann Johnstone; Part Lots 25 and 26 Concession 6 Part 5 RP 16R-133, Town of The Blue Mountains”; and

THAT Council grant Application for Consent File No. B16-2008 subject to the following conditions:

1. That the proponent obtain a Zoning By-law Amendment so as to:
  - a. rezone the lands to the Development ‘D’ Zone and Hazard ‘H’ Zone to the satisfaction of the Grey Sauble Conservation Authority, Niagara Escarpment Commission and the Town; and,
  - b. recognize the new minimum lot frontage and lot areas of the retained parcels;
2. That an east west easement to the satisfaction and in favour of the Town be dedicated over the lands substantially in accordance with the sketch attached as Appendix “A” in advance of or in conjunction with the dedication of land to Ontario Heritage Trust; and,
3. That the lands to be rezoned Hazard ‘H’ Zone be dedicated to the Ontario Heritage Trust.

**B. Background**

Planning Staff received an application for Consent and an application for Zoning By-law Amendment to sever an 8.06 hectare vacant parcel containing hazard lands and escarpment slope, and to convey the lands to the Ontario Heritage Trust. Three vacant parcels would be retained, and are intended to be used for future residential development, although no new development is proposed or intended at this time.

The entire property is comprised of approximately 11 hectares of land with road frontage on Old Lakeshore Road, just east of Camperdown Road, and also through a road stub at the easterly extent of the recently approved Peaks Meadows subdivision.

The lands intended to be severed include the Nippissing Ridge, slopes of the Niagara Escarpment, and portions of two watercourses that flow through the property. Retained Area 1 consists of 1.06 ha of land and is comprised of a small cleared plateau area just east of the Peaks Meadow subdivision. Retained Area 2 and Retained Area 3 are both located off of Old Lakeshore Road, consist of 1.65 ha and 0.33 ha of land and is predominantly treed. No buildings or structures exist on the property. (See Key Map Back Page)

### **Provincial Policy Statement**

The subject lands are located within the 'Camperdown Service Area' of the Municipality, and as such are designated within a settlement area as defined under the PPS. Settlement Areas shall be the focus of growth. The proposed severance does not impact the land available for future development and would therefore not appear to generate any concerns of provincial interest at this time.

### **Planning Act**

Section 53 of the Planning Act indicates that an owner of land may apply for a consent and the council may give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Council, in granting a consent, may impose conditions that relate to the creation of a new lot. The conditions as set out in Section 51(25) are:

- (a) that land be dedicated or other requirements met for park or other public recreational purposes under section;
- (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;
- (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;
- (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary; and
- (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services.

Planning Services Staff are satisfied that a Plan of Subdivision is not required in conjunction with the proposed consent.

Through the Town's Development Review Committee, Town Staff reviewed possible consent conditions. The conditions identified are:

- (b) That the lands be rezoned to reflect the Hazard lands to the satisfaction of the Grey Sauble Conservation Authority, Niagara Escarpment Commission and the Town;
- (c) That an east west trail easement to the satisfaction and in favour of the Town be registered prior to the land conveyance to Ontario Heritage Trust; and,
- (d) That the lands to be rezoned Hazard 'H' Zone be conveyed to Ontario Heritage Trust.

In accordance with Section 6.4.1.(5) of the Town's Official Plan, the lands to be conveyed to the Ontario Heritage Trust cannot be considered as part of the required parkland dedication for parkland purposes. The matter of parkland dedication will be addressed at the time that the owner of the lands proceeds with a development application, or applications, for the retained parcels.

Given the time of year, this trail easement cannot be exactly defined but is broadly denoted on Appendix "A". The exact extent of the easement will be defined in the spring of '09. No other issues related to possible conditions were identified by Town Staff.

With respect to servicing, including contributions to the Camperdown Servicing Project and STP and WTP Plant Capital, same will also be addressed through future applications related to the retained parcels.

### **County of Grey Official Plan**

The subject lands are designated Escarpment Recreation Area in the County of Grey Official Plan. Section 2.5.2(2) of the County Plan states that local Official Plans and/or Secondary Plans shall provide detailed land use policies and development criteria that are not in conflict with the provisions of the Niagara Escarpment Plan.

It is our opinion that the proposal will comply with the County of Grey Official Plan, and are not in conflict with the provisions of the Niagara Escarpment Plan.

### **Town of The Blue Mountains Official Plan**

The subject lands are designated Hazard 'H', Secondary Residential 'SEC.R-19' and Estate Residential 'ER-19'. The Hazard lands apply entirely to the lands to be severed and conveyed to Ontario Heritage Trust. Development is directed away from Hazard lands due to their physical or environmental constraints, such as steep slopes, flooding areas / watercourses, etc. Permitted uses include those uses that do not require the construction of buildings or structures for their operation, such as agriculture, conservation, forestry, parks, skiing, biking, walking trails and other outdoor recreational uses. Both the Secondary Residential and Estate Residential designations permit residential development at densities up to 10 units per hectare and 1.25 units per

hectare respectively. Residential development is not to exceed those densities, and should include generous open space to complement the recreational image of the Municipality. The Secondary Residential designation state that at least 15% of the lands are to remain open space. Exception 19 further defines maximum unit yields for the development areas of Camperdown, as well as establishing development criteria, including requirements for access, servicing, open space, parkland, etc.

It would appear that the proposed severance removes all of the open space lands from the property, and dedicates these lands to the Ontario Heritage Trust. This dedication represents an open space component of 70% of the subject lands, and would fulfil the open space requirement of the Secondary Residential designation as contemplated under the plan.

The proposed severance would appear to comply with the Town of The Blue Mountains Official Plan.

## **Zoning**

The subject lands are zoned Hazard 'H', Deferred Development 'DD' and Development 'D' within the Township of Collingwood Zoning By-law 83-40. Similar to the Official Plan, the Hazard 'H' areas are severely restricted in terms of development potential. It should also be noted that the Hazard boundaries within the By-law are out-dated, and substantially smaller compared to those in the Official Plan. The Deferred Development 'DD' and Development 'D' lands are similar in that they are both intended to be a holding zone to prevent development from taking place until such time as surrounding growth areas become developed, and a more thorough planning review can take place through a Zoning By-law Amendment. The main difference between the two zones is that on an existing lot of record, one single family dwelling may be permitted in the Deferred Development DD zone.

A Zoning By-law Amendment is required to rezone the entire property to first recognize the updated hazard zone boundaries and second to rezone the retained lands into the Development 'D' Zone to ensure any future development will receive proper planning review and approvals prior to development.

## **Additional Comments**

Comments were received from the County of Grey Planning and Development Department, the Grey Bruce Health Unit and the Grey Sauble Conservation Authority.

The County of Grey has identified that the subject lands contains a 'Special Policy Area', and that an Environmental Impact Study (EIS) may be required. The objective of the EIS is to determine if the Special Policy Area contains shallow overburden with Karst topography, and if it does, an EIS is necessary to assess the impacts and mitigation measures on surface and ground water.

The Grey Sauble Conservation Authority has identified an abundance of natural hazards on the property including the steep slopes of the escarpment and Nippissing Ridge, plus existing and potential erosion prone slopes associated with the watercourses and potential flood prone areas adjacent to Old Lakeshore Road. It is also recognized that a minimum 15 metre setback from top of slope is mapped and zoned as hazard land along the Nippissing Ridge. All of these hazard boundaries must be zoned appropriately and the boundaries identified in the proposed Zoning By-law. A wildlife corridor, Special Policy Area and ANSI has been recognized by the Conservation Authority. It is recommended that an environmental impact study be completed prior to any further lot creation beyond this application for the retained parcels. The Conservation Authority generally has no objections to the proposed application provided that the Hazard boundaries are updated to recognize the hazards on the lands and that the properties are zoned Development 'D' to provide further opportunity to review zoning for future development concepts.

The Niagara Escarpment Commission has provided comments recognizing the importance of the Escarpment Slopes, and their long term protection from development. The Commission have no objection to the proposed consent provided that a small corner of Retained Area 1 be removed from development as it includes an area above the Escarpment Toe.

An adjacent property owner has provided comments indicating that setbacks from the Nippissing Ridge should remain consistent with that of surrounding residential development.

Reviewing all the comments received, there is common thread in that the Hazard boundaries of the Escarpment, Nippissing Ridge and watercourses are not accurate. As a condition of consent, these boundaries can be reviewed in greater detail with the Conservation Authority, Niagara Escarpment Commission, Town and Developer. The Escarpment Toe can be staked and surveyed, as well as the top of bank of the Nippissing Ridge. The surveyed line can form the boundary between the development lands and hazard lands. An EIS is also required to address the Special Policy Area and wildlife corridor. As part of any subsequent application to develop any of the retained parcels, these studies will also be required.

It is our opinion that the proposed Zoning By-law Amendment to rezone the retained parcels Development 'D' will prevent any development on the lands until such time as applications are made including the above noted studies. It is also noted that a decision on the Zoning By-law Amendment application is premature at this time until a final determination is made on the boundaries of the hazard areas.

The Town has reviewed this application through the Development Review Committee, and comments were received indicating that an east-west trail connection will be required along the Nippissing Ridge and Niagara Escarpment Slopes in order to provide trail connectivity with adjacent public lands. An easement block for trail connectivity can be added as a condition of consent over the severed parcel. (See Oranje Area of Appendix 'A' attached)

Typically Development Charges and Parkland Dedication are collected as a condition of consent when a new lot is created. In this case three new lots are being created, but based on the proposed zoning, there will be no development potential on those lots until future applications are made to the Town. As there will be no new development as a result of this consent, Development Charges and Parkland Dedication are recommended to be deferred until such time as development proposals are made for the retained lands.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Consent and Zoning By-Law amendment and Site Plan conforms to the intent and direction of the Town of The Blue Mountains Official Plan and represents good planning. Therefore, Planning Staff support these applications conditional upon the recommendations contained in this report.

### **C. The Blue Mountains' Strategic Plan**

The recommendation in this Planning Staff Report 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. Key Map
2. Appendix 'A'

Respectfully submitted,

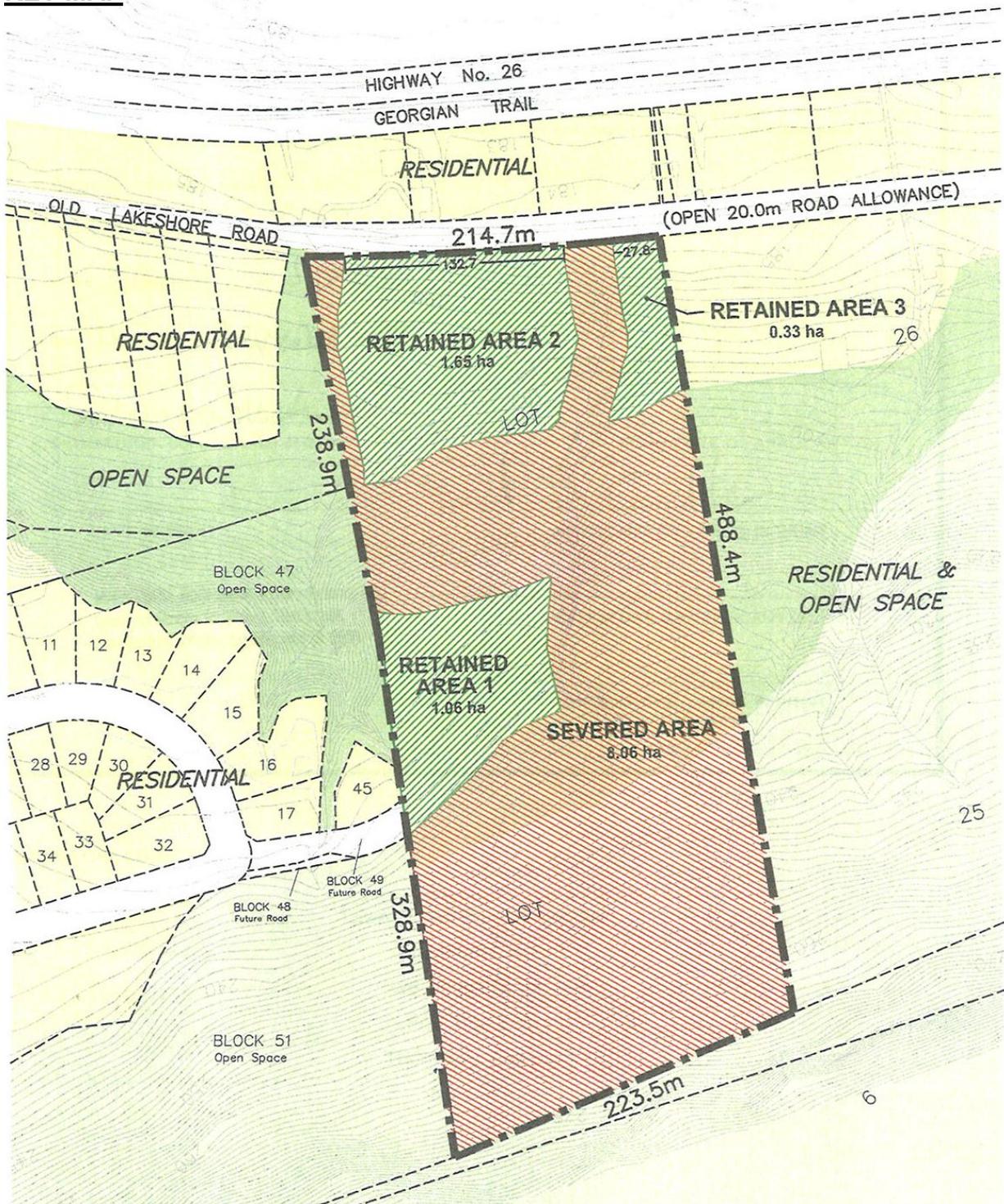
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**KEY MAP**



**APPENDIX 'A'**

