

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee

MEETING DATE: Monday, April 6, 2009

REPORT NO.: PL.09.34

SUBJECT: Application for Consent
File No. B06-2008 -
Edmund & Donna Shaw
Part Lot 15, Concession 6;
629038 Grey Road 119;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I

A. Recommendations

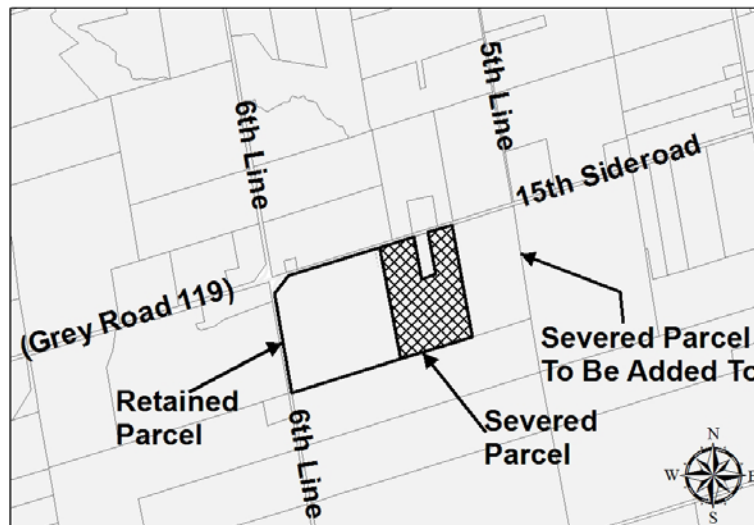
THAT Council receive Planning Staff Report PL.09.34, "Application for Consent File No. B06-2008 – Edmund and Donna Shaw; Part Lot 15, Concession 6; 629038 Grey Road 119; Town of The Blue Mountains"; and

THAT Council authorize Consent No. B06-2008, subject to the following conditions:

- 1. That the severed parcel be deeded as a lot addition to the property to the east 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; and**
- 3. That a 5.18 metre road widening parcel along the severed parcel be dedicated to the County of Grey for future road widening purposes of Grey Road 119.**

B. Background

The purpose of Application for Consent File No. B06-2008 is to sever a 22.66 hectare vacant agricultural parcel on the eastern portion of the property; and deed it as a lot addition to the existing 20.2 hectare agricultural parcel to the east, containing an existing dwelling and farm outbuildings. A 36.02 hectare agricultural parcel will be retained, containing an existing dwelling, barn, shop and two tarp buildings.



The subject lands are located between Ravenna and Banks, with access off of Grey Road 119. It should be noted that the subject lands have no municipal water or sewer service fronting along Grey Road 119; and are on private well water and private septic system. The subject lands are currently used for agricultural purposes with a couple watercourses that transverse through the subject property (see Attached Item #1). It also should be noted that there is an existing hydro corridor easement running diagonally through the subject lands.

The Applicants and Owners, Edmund and Donna Shaw, are planning on retiring with an idea to provide farmlands to two of their sons. The adjacent neighbour to the east, Bev Shaw (their son), would convey a portion of the farmlands to their son for the continued long-term agricultural usage and to better compliment the farmstead area, as it would be located in the middle of the proposed lot configuration with the severed parcel being added. The retained parcel would be transferred over to one of their other sons.

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. Being that no development is proposed and that the subject lands and the one receiving the severed parcel have existing dwellings, approval of a Development Permit Application (DPA) from the Niagara Escarpment Commission (NEC) would not be required.

The surrounding uses include actively tilled 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. Section 2.3.1 of the PPS states that *“prime agricultural areas shall be protected for long-term use for agriculture”*; and section 2.3.4.2 states that *“lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”*

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 Agricultural (A) and Hazard (H). The Hazard (H) designation is associated with the watercourse flowing northerly on the eastern portion of the subject lands.

The intent and purpose of the Agriculture designation is to first and foremost identify the primary agricultural lands of the Municipality and to ensure its maintenance for continued use and long term productivity. The lands are to be generally large contiguous areas on lots of 40 hectares in area or greater. The proposal is to maintain two viable agricultural operations, resulting in a retained lot of 36.02 hectares and a newly enlarged lot of 42.86 hectares. The proposed side lot line between the severed and retained parcels follows an existing fence line, acting as a natural divide for the proposed lot configuration.

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 and Hazard (H) Zone would apply to the subject

lands. The Hazard (H) Zone would be associated with the watercourse flowing northerly on the eastern portion of the subject lands. General Rural zoning permitted uses include agricultural uses, a single detached dwelling, forestry or conservation, temporary farm help accommodation, a home occupation, a home industry, as well as uses, buildings and structures accessory to those uses.

The proposed lot configuration would comply with the zoning regulations, if zoning were in place.

Additional Comments

Agency Comments

Comments were received from the Grey Sauble Conservation Authority (GSCA); Grey Bruce Health Unit (GBHU); NEC; County of Grey - Planning and Development Department; and County of Grey – Transportation and Public Safety (TAPS) Department. These comments are summarized below.

The GSCA indicates that they have no objections, provided that the severed parcel is added to the adjacent parcel to the east, as detailed in this application.

The GBHU indicates that the retained parcel includes an existing residential structure and associated sewage system. According to the requirements in Part 8 of the Ontario Building Code, the proposed severance will have no impact on the capacity of this lot to support the existing private sewage system. Therefore, the GBHU has no objection to the lot addition proposal.

The NEC indicates that the subject lands are designated Escarpment Rural Area in the Niagara Escarpment Plan (NEP). The NEC further indicate that the new lot policies of the NEP directs that severances shall occur along the original township lot line or half lot line to prevent the potential for future severances or planning issues. The application proposes that the new lot line follow an existing fence line to the west of the half lot line, rather than being along the original half township lot line, to avoid dividing the field and requiring a new fence. The NEC can support the location as proposed; however this does not imply that the NEP would support any further severances from the lot. Therefore, the NEC have no objection to the lot addition proposal provided that the severed parcel is conveyed to the adjacent lands to the east and the existing mortgage commitment on the parcel to be added to should be extended to cover the whole, newly created parcel.

The County of Grey Planning and Development Department have no issues of concern. The County Planning Staff do note that a portion of the subject lands are within the Special Policy Area, where there could be the potential of shallow overburden with karst topography, but due to the nature of the application the proponent does not have to test for karst since no development is proposed.

The County of Grey TAPS Department indicate that they have no objection to the proposal provided the proponent provide a 5.18 metre (17 foot) road widening parcel for future road widening purposes along the severed and retained parcels. In accordance with the provisions of the *Planning Act*, Planning Staff recommend that the road widening be limited to the severed parcel. On a separate note, Planning Staff would further support the County of Grey to enter into an agreement with the proponent to obtain the road widening on the retained parcel. The County of Grey and the proponent are working out the details of the agreement to obtain this road widening parcel on the south side of the road allowance.

Interdepartmental Comments

Comments were received from the Manager of Roads and Drainage on this proposal, indicating no issues of concern.

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

Public Meeting Comments

The public meeting was held on the 5th day of May, 2008, as required under the *Planning Act*. No issues of concern were raised for the proposal, with general discussion on the requested road widening by the County of Grey.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consent conform to the general 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.09.34 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

Respectfully submitted,

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