



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: August 15, 2023
Report Number: PDS.23.082
Title: Recommendation Report – Follow-up to Public Meeting for Zoning By-Law Amendment and Consent for 209009 Highway 26 (Ardiel)
Prepared by: Carter Triana, Planner

A. Recommendations

THAT Council receive Staff Report PDS.23.082, entitled “Recommendation Report – Follow-up to Public Meeting for Zoning By-Law Amendment and Consent for 209009 Highway 26 (Ardiel)”;

AND THAT Council enact a By-law to rezone the subject lands from the Development ‘D’ zone to the Residential One ‘R1-1’ zone as outlined in Attachment 3 – Draft By-law of Staff Report PDS23.082;

AND THAT Council grant Provisional Consent to Application P3300, subject to the conditions as outlined in Attachment 4 – Draft Consent Decision of Staff Report PDS.23.082.

B. Overview

The purpose of this report is to provide Council with a summary of public consultation and a recommendation regarding a proposed Consent to Sever and Zoning By-law Amendment for the lands municipally known as 209009 Highway 26. The application proposes to rezone the subject property from the Development ‘D’ zone to the Residential One ‘R1-1’ zone and to sever an approximately 1.23-acre parcel of land to permit the construction of a residential dwelling on the severed parcel.

C. Background

Planning Services received a request for a rezoning of the subject lands and a consent to sever to permit the severance of a portion of the parcel and the construction of a single detached dwelling on the severed parcel. The subject lands are known municipally as 209009 Highway 26 and are located in the Camperdown area. The property is approximately 1.86 acres in size with approximately 96 metres of frontage on Highway 26 and 37 metres of frontage on Camperdown Road. A single detached dwelling currently exists on the eastern portion of the property and is proposed to be maintained on the retained parcel. A location map and aerial photograph of the subject lands are shown in Figure 1 and 2.

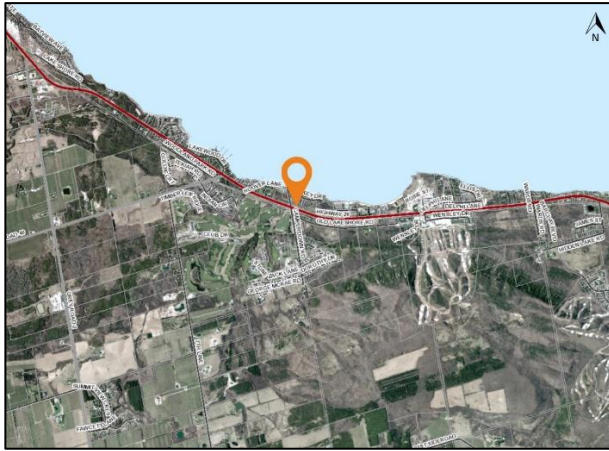


Figure 1. Location Map



Figure 2. Aerial Photograph (ca. 2020)

Future development lands also exist to the east, west, and south of the subject lands. Residential land uses are also present to the north and east. The Georgian Trail runs along the south side of Highway 26 and additional open space exists to the northeast of the subject lands. Hazard lands are present to the west and southwest of the subject lands. The Georgian Bay Gold Club is located southwest of the subject lands.

Public Comments

A public meeting was held on July 11, 2023, with written and verbal comments being received from public agencies. No comments were received from area residents regarding this application. Comments were received from the following public agencies:

- Bell Canada and Hydro One: No comments or concerns.
- Enbridge Gas: Enbridge should be contacted for any proposed service relocation or future gas requests.
- Grey Sauble Conservation Authority: Given the disturbed nature of the site, the limited vegetation clearing required to accommodate the proposed building would not negatively impact the natural heritage features on the site or their ecological functions. Vegetation clearing or site alteration should avoid the breeding windows for birds from April 1 to August 15 in accordance with the Migratory Birds Convention Act.
- Niagara Escarpment Commission: Lot creation is a permitted use in the Escarpment Recreation Area designation. NEC mapping indicates that the severed lot will contain portions of a wetland with significance, which should be considered when determining a building envelope.
- Grey County: Based on comments provided by GSCA, County Staff support waiving the EIS requirement related to the Significant Woodlands on the site. Provided Town staff are satisfied that the proposed severance is in keeping with the Town's Official Plan and would not bias future fulsome development of the property, and positive comments are received from MTO, County Staff have no further concerns.
- Ministry of Transportation: The property falls within MTO's Permit Control Area and approval and permits are required before any demolition, grading, construction, or alteration to the site commences. MTO are supportive of the proposed consent and

zoning by-law amendment. Upon registration of the consent, the owner will be required to obtain an MTO Entrance Permit and an MTO Building and Land Use Permit. Access to the severed parcel shall be located as far back as possible from the end of radius of Highway 26 at the northern boundary of the property.

Planning Staff note that comments from the Grey Sauble Conservation Authority were provided in August 2022, prior to changes made regarding the scope of Conservation Authority comments in January 2023.

Planning Staff also note that an entrance permit was granted by the Town on January 23, 2023, prior to receipt of MTO comments and formal approvals/permits from the Ministry. Work on the subject property related to the Town-approved entrance has begun. Planning Staff have contacted MTO for clarification on how the Ministry wishes to proceed and have been advised to proceed with approvals for the application. MTO requires the proposed consent to be registered prior to issuing permits so that the permits identify new legal descriptions of the severed and retained parcels.

Comments received from Council and Staff responses can generally be summarized as:

- **Where will the entrance be located?**
The entrance is proposed on Camperdown Road, 1.5 metres from the property line to the northwest. This location is in accordance with MTO comments. As noted above, a municipal entrance permit has been issued for this entrance.
- **Will there be clearcutting of trees as a result of this proposal?**
The applicant has indicated that clearcutting is not proposed. Site work on the new entrance has required the removal of several dead ash trees and the applicant has indicated that additional removal of dead ash trees will be conducted at a later date to ensure the safety of adjacent residents and the protection of their property.
- **What are the applicable development charges for this proposal?**
In accordance with the existing Development Charges rates, the following development charges will be owed at the time in which conditions of the consent have been cleared. It is noted that the actual Development Charges are calculated at time of payment in accordance with the Development Charge By-law in effect.
 - Water: \$3,276
 - Wastewater: \$18,350
 - Roads: \$14,186

Additional Town Soft development charges and County development charges will be owed at the time building permit issuance.

D. Analysis

This section provides the staff analysis for the application for a Zoning By-law Amendment and Consent to Sever. The analysis provides a review of relevant legislation, policies, and identified issues.

Planning Act

The Ontario *Planning Act* gives municipal councils the authority to pass zoning by-laws and make amendments to existing zoning by-laws under Section 34 and gives municipal councils the authority to grant provisional consent under Section 53. The *Act* requires that, in making planning decisions, a municipal council must have regard for the list of matters of provincial interest, as outlined by Section 2 of the *Act*.

It is noted that Significant Woodlands are present on the property, however, comments received from the Grey Sauble Conservation Authority regarding this natural heritage feature indicate that the proposed development would not negatively impact the feature or its ecological function.

Planning Staff are satisfied that there are no concerns with matters of provincial interest, as noted above.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and provides for appropriate development while protecting the resources of the province, public health and safety, and the quality of the natural and built environment. Decisions on planning matters made by a planning authority must be consistent with the PPS.

A Planning Justification Report was submitted in support of the proposed Zoning By-law Amendment and Consent to Sever and includes discussion of the proposal's conformity with the PPS. This report includes a list of PPS policies relevant to the proposal.

The proposed Zoning By-law Amendment and Consent to Sever do not raise any concerns of provincial significance and the proposed intensification within an area designated for settlement and growth are consistent with the policies of the PPS. Planning Staff are therefore satisfied that the proposal is consistent with the PPS.

Niagara Escarpment Plan (2017)

The subject lands are designated *Escarpment Recreation Area* under the Niagara Escarpment Plan. Lot creation is listed as a permitted use in this land use designation. Comments received from the Niagara Escarpment Commission (NEC) indicate that the proposed severed parcel would contain portions of a wetland with significance and that this should be considered when determining a building envelope. These comments were clarified through further discussion with NEC staff to confirm that the wetland feature is unevaluated at this time and therefore is not a wetland with significance; however, it is noted that the Niagara Escarpment Plan views all wetlands, evaluated or not, as key hydrological features. Additionally, the Grey Sauble Conservation Authority provided comments indicating that the limited site work required to accommodate the proposed building on the severed parcel will not negatively impact the natural heritage features on the site or their ecological functions.

Planning Staff are therefore satisfied that the proposal is consistent with the Niagara Escarpment Plan.

Grey County Official Plan (2019)

The Grey County Official Plan is intended to guide development within the County and provides a broad policy framework to be included in local municipal Official Plans, Secondary Plans, and Zoning By-laws. The subject lands are designated *Recreation Resort Area* in the Grey County Official Plan and Section 3.3 categorizes this land use type as a settlement area. Settlement areas are intended to be a focus of urban growth and appropriate development, including mitigation of negative impacts to natural resources and compatibility with surrounding land uses. The Plan also indicates that detailed development policies for the *Recreation Resort Area* land use type are contained in Section 3.8 of the Plan and applicable local Official Plans. Figure 3 provides an excerpt of the Grey County Official Plan land use type of the subject lands.

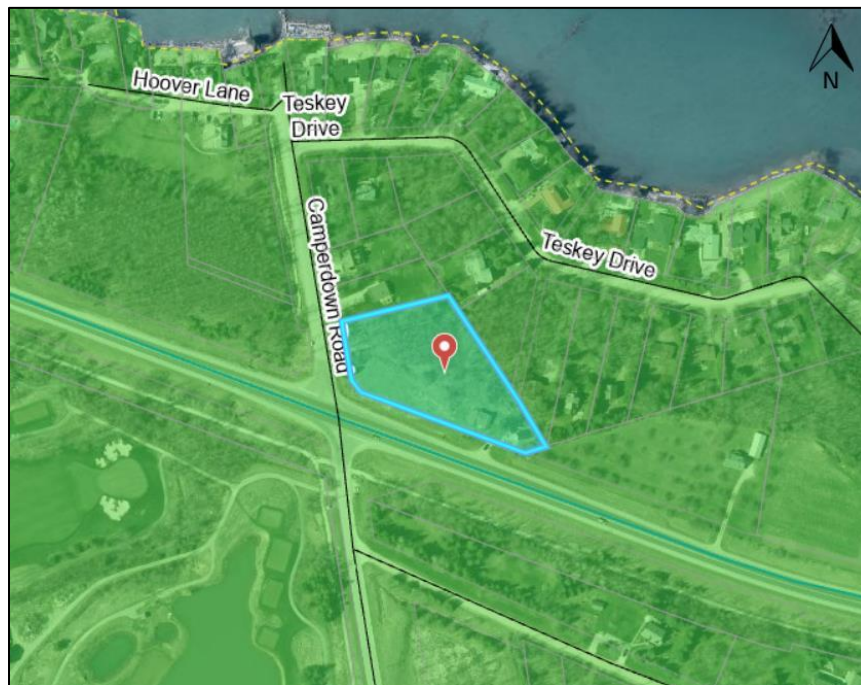


Figure 3. Grey County Official Plan Land Use Designations

Section 3.8 requires that development must serve the public interest by facilitating municipal service infrastructure and accommodating existing un-serviced development areas with development potential. Subsection (6) indicates that residential zones within this land use type should not only allow single detached dwellings but should permit alternate housing types such as accessory residential units, semi-detached dwellings, townhouses, and rowhouses. The proposed rezoning of the property to the Residential One 'R1-1' zone permits accessory apartments as-of-right, in accordance with this policy of the Grey County Official Plan. The location of the subject lands on Highway 26 limits potential access to the site and denser development would likely not be supported by the Ministry of Transportation due to potential transportation conflicts. Future potential development on the property has also been taken into consideration when determining the location of the proposed severance. The proposal provides

potential for an additional future severance from the proposed severed parcel, which would result in the creation of three parcels in total from the existing parcel. Figure 4 is a concept plan provided by the applicant that indicates the potential to create this third parcel in the future.

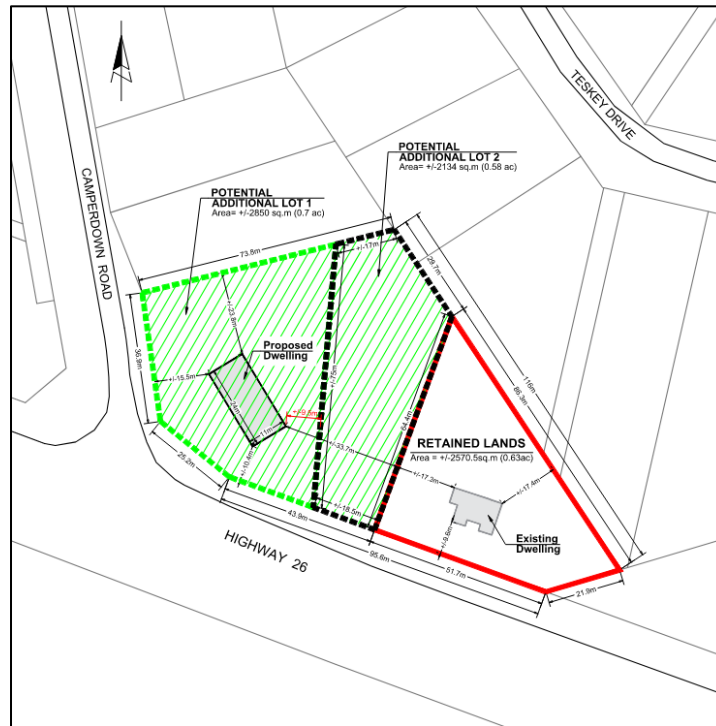


Figure 4. Potential for an Additional Severance

Additional analysis regarding conformity with the Town of The Blue Mountains Official Plan is included below, as Section 3.4 of the Grey County Official Plan indicates that development policies of local Official Plans are also applicable to the *Residential Resort Area* land use type. Based on the above commentary, Planning Staff are satisfied that the proposal is consistent with the Grey County Official Plan.

Town of The Blue Mountains Official Plan (2016)

The Official Plan establishes the vision for growth and development in the Town and contains policies supporting the Goals and Objectives of the Plan to achieve that vision. The policy framework builds upon Provincial and County policy as described above.

The subject lands are designated *Residential Recreational Area* in the Official Plan. The intent of this land use designation is to recognize areas in the Town with a mix of seasonal and permanent residential and recreational uses and to recognize areas where the location of some residential uses supports and provides access to resort and recreational amenities. Figure 5 provides an excerpt of the Official Plan land use designation for the subject lands.



Figure 5. Town of The Blue Mountains Official Plan Land Use Designations

Section B3.7.3 outlines permitted uses within this land use designation, which includes single detached dwellings. Section B3.7.4.1 indicates that development in this designation shall provide generous amounts of open space and that lots shall have access to public open space with linkages to pedestrian walkways. The Georgian Trail, a major pedestrian walkway through the Town, is located just south of Highway 26, providing easy access to the proposed severed and retained parcels.

Section B3.7.4.2 provides policies for further lot creation, including that further lot creation shall generally be prohibited in registered plans of subdivision. The subject lands are located within Registered Plan of Subdivision 778. Individual consents for residential purposes may be considered in accordance with Section B3.1.5 of the Plan. This section indicates that infill and intensification may be permitted where it respects the scale and built form of the surrounding neighbourhood and Section B3.1.5.2 provides more detailed policies to reference in determining that this is done. The submitted Planning Justification Report outlines these policies and includes justification as to how the proposal conforms to them. Planning Staff have reviewed and concur with the justification provided in the Report, and are satisfied that the proposal demonstrates conformity with these policies and are therefore of the opinion that the proposal is consistent with the Town of The Blue Mountains Official Plan.

Zoning By-law 2018-65

The subject lands are zoned Development 'D' under Zoning By-law 2018-65, as amended. This zone is subject to Section 1.5(g) of the Zoning By-law, which indicates that the provisions of the former Township of Collingwood By-law 83-40 shall continue to apply to these lands. Under By-law 83-40, the subject lands appear to be zoned Deferred Development 'DD'. This zone permits the construction of one single detached residential dwelling on lots existing on the date of passing of the By-law. As such, a Zoning By-law Amendment is required to rezone the subject

lands to permit the proposed severance and development on the severed and retained parcels. Figures 6 and 7 provide excerpts of the current and proposed zoning of the subject property.



Figure 6. Current Zoning of the Subject Lands



Figure 7. Proposed Zoning of the Subject Lands

The submitted request is to rezone the subject lands to the Residential One 'R1-1' zone. A single detached dwelling is a permitted use in the R1-1 zone and the proposed dwelling on the severed parcel would conform with the zone standards of the R1-1 zone as they currently exist. As such, no modifications or exceptions to the R1-1 zone standards are requested as part of the proposal. The intent of these standards is to implement the policies of the Official Plan, including maintaining the existing character of the neighbourhood. As much of the adjacent residential area is also zoned R1-1, the proposal is consistent with the existing low-density residential character of the area.

Based on the above commentary, Planning Staff are satisfied that the proposal is consistent with the intent and purpose of Zoning By-law 2018-65.

Conclusion

Based on the forgoing, Planning Staff have no further concerns or objections. It is Staff's opinion that the proposed Zoning By-law Amendment and severance are consistent with the PPS, Niagara Escarpment Plan, the Grey County and Town of The Blue Mountains Official Plans and is appropriate for the use of the lands. Planning Staff therefore recommend approval of the applications.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of the recommendations contained in this report.

G. Financial Impacts

No adverse financial impacts to the municipality are anticipated as a result of the recommendations contained in this report.

H. In Consultation With

Municipal Departments, Agencies, and the general public through the circulation of the Notice of Public Meeting in accordance with the provisions of the Ontario Planning Act.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on **July 11, 2023**. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana, planning@thebluemountains.ca

J. Attached

1. Public Meeting Comments (Summary)
2. Public Meeting Comments (Original)
3. P3301 Draft By-law
4. P3300 Draft Consent Decision

Respectfully submitted,

Carter Triana
Planner

For more information, please contact:

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Report Approval Details

Document Title:	PDS.23.082 Recommendation Report - Follow-up to Public Meeting for ZBA and Consent for 209009 Highway 26.docx
Attachments:	<ul style="list-style-type: none">- PDS-23-082-Attachment- 1.pdf- PDS-23-082-Attachment-2_Redacted.pdf- PDS-23-082-Attachment-3.pdf- PDS-23-082-Attachment-4.pdf
Final Approval Date:	Aug 2, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Postma - Aug 2, 2023 - 10:10 AM

Adam Smith - Aug 2, 2023 - 12:46 PM