



# Staff Report

## Planning and Development Services – Planning

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**Report To:** Committee of The Whole  
**Meeting Date:** May 15, 2017  
**Report Number:** PDS.17.29  
**Subject:** Consent Application B03-2017 RSV Investments  
**Prepared by:** Denise Whaley, Planner II

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### A. Recommendations

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THAT Council receive Staff Report PDS.17.29 Consent Application B03-2017 (RSV Investments), for the lands known as Con 11, Pt Lt 36, Pt of Road Allowance, 16R-3221 Parts 1- 7; and

THAT Council approve Application No. B03-2017, subject to the conditions in Attachment #2 - Draft Consent Decision, to Staff Report PDS.17.29.

### B. Overview

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The purpose of this report is to provide an overview of this application, including a summary of the public meeting and the Planning Staff review of the relevant policies that apply to this application. The subject property is known as 207484 Hwy 26 (Black Angus). The application is requesting Council consent to sever a vacant portion of land, approximately 0.8 hectares with 50.3 metres of frontage on 11<sup>th</sup> Line, to add to the adjacent parcel on 11<sup>th</sup> Line. The retained lands would then be approximately 1.9 hectares, with 147.5 metres of frontage on Hwy 26, and contain the existing commercial use (Black Angus). The lands are serviced with private septic and water services. Staff recommend approval of this application, and a draft decision is attached to this report as Attachment #2.

### C. Background

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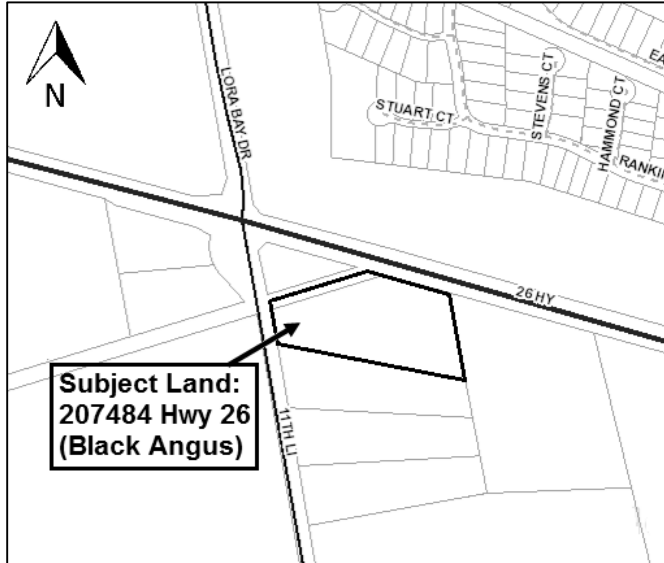
The owners of the Black Angus lands would like to develop their adjacent lot on 11<sup>th</sup> Line for residential purposes and are requesting permission for the lot addition in order to make that parcel more usable in the long term. The “receiver lot” is currently about 5000 square metres (just over an acre) and is irregular in shape. The application is seeking to sever approximately 0.8 ha from the Black Angus property to add to this adjacent lot.

#### Location

The property is in a rural area, just south of Lora Bay, on Hwy 26. The legal description of the lands is Concession 11, Part of Lot 36, Part of Road Allowance, RP16R3221, Parts 1- 7 (formerly the Township of Collingwood), Town of The Blue Mountains. Note that the lands, both the

subject lands and the adjacent lot, include the former road allowance lands (See Figure 1 and 2).

**Figure 1: Location Map**

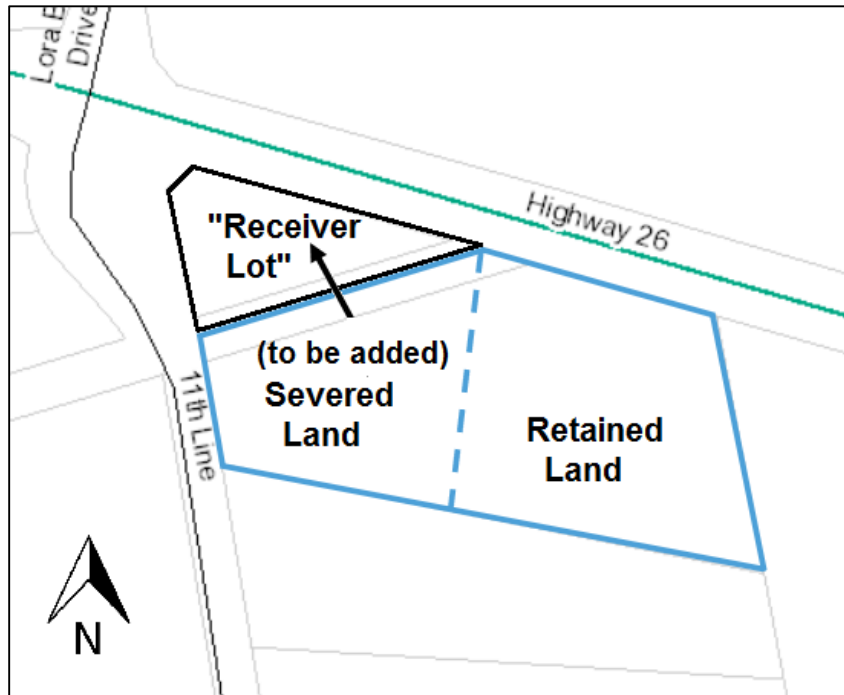


The Subject Land is in a rural area with the settlement area boundary (Lora Bay) is to the north. The area is both of residential lots and other rural lands. The property has road frontage on Hwy 26 and 11<sup>th</sup> Line. If this application is approved, only the newly configured residential parcel would have road frontage on 11<sup>th</sup> line (Figure 3).

**Figure 2: Aerial Photo of the Subject Land (estimate using Teranet)**



**Figure 3: Proposed lot configuration**



### Public Meeting Summary

The public meeting for this proposal was held on January 22, 2017. Comments were received from the Grey Sauble Conservation Authority and the Historic Saugeen Metis that did not have any objection to the application.

County of Grey comments noted that the proposal would exceed the allowable lot density for the original Township Lot (Lot 36), based on their interpretation of the County of Grey Official Plan policies for Rural designated lots. They further noted that they could support the application if the lot being made larger is not currently developable. More information about these comments is in the analysis section of this report.

Comments were also received from Mr. and Mrs. Tosner, adjacent land owners. Mrs. Tosner also gave a presentation at the public meeting outlining their concerns. Their main concern was about the condition of the Black Angus property now, noting the condition and numbers of fences, ponds and livestock on the property (deer), and the long term plans for the property. Mrs. Tosner noted they do not object to the lot addition and proposed residential uses, but would like to ensure the property is cleaned up overall.

All correspondence received is attached to this report in Attachment #1.

## D. Analysis

### Land Use Policies Review

#### Provincial Policy Statement (PPS) 2014

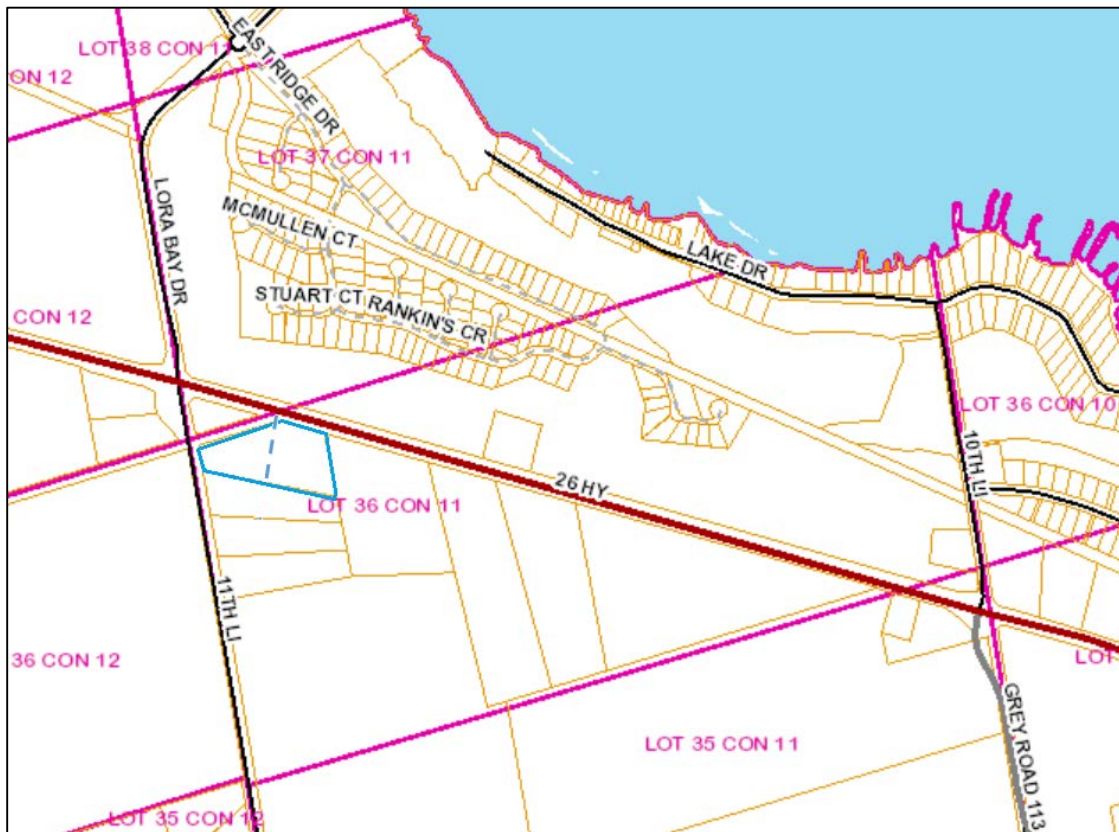
The Provincial Policy Statement (PPS) 2014 categorizes the subject lands as Rural Lands, which are those lands located outside both settlement areas and prime agricultural areas. The PPS supports a variety of uses on Rural Lands, including resource-based, recreational, limited residential and accessory uses. The proposal does not change the types of uses proposed on the properties and no new lots will be created. Staff are satisfied that the proposal is consistent with the Provincial Policy Statement.

#### County of Grey Official Plan

The County Official Plan designates the lands **RURAL**. The predominant land uses of Rural lands are for agriculture, forestry and other natural resources, limited non-farm residential and small scale commercial and industrial uses, institutional and resource based recreational uses. The proposal does not introduce any new uses.

County policies allow Consents where the land being conveyed is to be added to an existing use provided the severed and retained lots are greater than 0.4 hectares each.

Figure 4: Lots and Concessions



Grey County Planning Comments note the property has reached maximum “lot density” for Rural designated lot. This calculation is based on the original Crown surveyed lots. Figure 4 shows the property in Blue and the original Lots and Concessions in purple. County Official Plan policies allow for the lot creation on an original Township 80 hectare lot to a maximum of four lots (plus the retained).

Because the subject land is part of Lot 36, it is affected by the development of Lora Bay (which is a settlement area) and other severed lots to the east and south (as seen in Figure 4). The newly reconfigured parcel would be within two original Crown lots – both Lot 36 and 37. Grey County Planning formula would “double count” the proposal as exceeding lot density of both lots by introducing the dotted line shown.

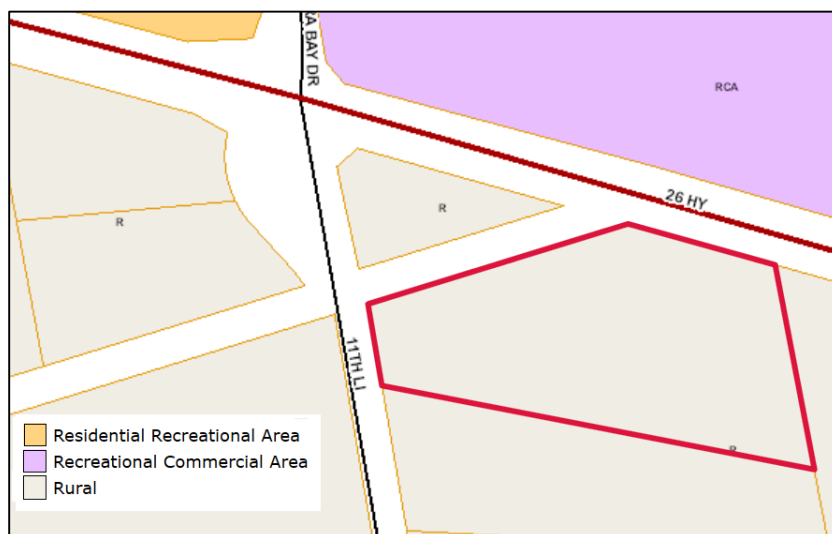
Town Planning staff disagrees with this approach of double counting. In some cases in the Rural area, lot reconfiguration can become problematic as it can be difficult to sort out what the lot density actually is. For example in cases where a property straddles a Crown lot line, it can be difficult to determine how to count lot density for proposals.

In this case, however, based on a review of this lot, its proximity to a settlement area, the agricultural nature of the surrounding area, and the other adjacent lots, Town Planning staff do not feel the proposal is not likely to impact future development as there is very limited development potential for the remainder of the lands. As the consent for lot addition would not increase the overall lot densities for either Lot 37 (receiver lot) or Lot 36 (retained and severed portions), Town Planning Staff have no concerns with the County Official Plan policies.

### **Town of The Blue Mountains Official Plan 2016**

The 2016 Official Plan designates these lands **Rural** as shown in Figure 5. The Rural designation allows for a range of agricultural, residential and other rural-compatible uses. The Town’s Official Plan Rural policies are generally the same as the County Official Plan. The proposal does not increase the overall lot densities.

**Figure 5: Official Plan Map Clip**



### **Township of Collingwood Zoning By-law 83-40**

The property is split zoned - General Rural (A1) on the west side and Rural Industrial Exception (M3-8) on the east side. The Exception 8 permits the use of abattoir and accessory uses, as well as one detached dwelling. A minor variance of 2013 allowed for the expansion of the Black Angus business, without requiring the main use to be an abattoir.

Since the proposal would consolidate the property's A1 zoned area with the adjacent A1 property, and the retained parcel is zoned M3-8, there are concerns with the zoning by-law.

### **Other Matters**

In discussions with staff in Infrastructure and Public Works (IPW), it was noted that there is likely a need to do some drainage upgrades to 11th Line in the future and therefore a road widening is requested.

To address the concerns of the neighbours, Mrs. and Mr. Tosner, the draft conditions have clarified that the agricultural uses need to be removed and the site plan agreement for the retained parcel amended to recognize the newly reconfigured parcel, deal with fencing/buffering and any other commercial use matters.

### **Conclusion**

Staff are satisfied that the proposal to sever a the new building lot is consistent with the Provincial Policy Statement, conforms with the intent and direction of both the County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and complies with the Zoning By-law.

Issues raised at the public meeting from the neighbours will be addressed through the conditions proposed in the draft decision. Staff recommend approval of this application and a draft decision is attached to this report for Council's consideration.

## **E. The Blue Mountains Strategic Plan**

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The recommendations in this report supports the following Goals from the Strategic Plan:

Goal #1 - Create opportunities for sustainability and Goal #3 - Support healthy lifestyles.

## **F. Environmental Impacts**

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None.

## **G. Financial Impact**

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None.

## **H. In consultation with**

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Public, agencies and internal staff through the Planning Act notification process.

**I. Attached**

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1. Comments Received
2. Draft Consent Decision

Respectfully Submitted,

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Denise Whaley, MSc MCIP RPP  
Planner II

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
Denise Whaley, Planner II  
[dwhaley@thebluemountains.ca](mailto:dwhaley@thebluemountains.ca)  
519-599-3131 extension 262



237897 Inglis Falls Road, R.R.#4, Owen Sound, ON N4K 5N6  
Telephone: 519.376.3076 Fax: 519.371.0437  
[www.greysauble.on.ca](http://www.greysauble.on.ca)

January 27, 2017

Ms. Corrina Giles, Clerk  
Town of The Blue Mountains  
32 Mill Street, P.O. Box 310  
Thornbury ON  
N0H 2P0

Dear Ms. Giles:

**RE: Consent Application: B03-2017**  
**Applicant: RSV Investments Inc. (c/o Sean Kelly)**  
**Lot 36, Concession 11; 207484 Highway 26**  
**Roll Number: 42-42-000-015-077-00**  
**Town of the Blue Mountains, formerly Collingwood Township**  
**Our File: P12403**

The Grey Sauble Conservation Authority (GSCA) has reviewed this application in accordance with our mandate and policies for natural hazards, for natural heritage issues as per the provincial Policy Statement and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

### **Subject Proposal**

The subject proposal is to sever a vacant portion of 207484 Highway 26 and add it to the adjacent lot. The retained lands would contain the existing commercial use (Black Angus).

### **Site Description**

The subject lands contain the Black Angus commercial operation, a laneway and parking area. The surrounding area consists of manicured lawn, several treed patches, and a pond. The lands to be severed have been used for agricultural purposes and are comprised of a fenced area with some fill place occurring. The property being added too is partially wooded and a new dwelling is being constructed on it.

### **GSCA Regulations**

The lands proposed for the lot additions are not currently regulated under Ontario Regulation 151/06: Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands & Alteration to Shorelines & Watercourses.

### **Provincial Policy Statement (2014)**

#### **3.1 Natural Hazards**

GSCA did not identified any natural hazard areas on the subject property on the proposed lot additions.



Application for Consent (B03-2017)  
207484 Highway 26  
Lot 36, Concession 11  
Town of the Blue Mountains (Collingwood Township)  
January 27, 2017  
Our File No. P12403

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### **2.1 Natural Heritage**

GSCA did not identify any significant natural heritage features on the subject property. The property is adjacent to a mapped significant woodland. It is not anticipated that the adjacent woodland west of the 11 Line would be affected by development associated with this application.

### **Recommendations**

The GSCA has no objection to the approval of the proposed consent application to sever a vacant portion of 207484 Highway 26 and add it to the adjacent lot, as the subject property is not currently regulated and no natural hazard areas or significant natural heritage features were identified on site.

We request a notice of decision in this matter to be provided to our office.

If any questions should arise, please contact our office.

Regards,

A black rectangular redaction box covers the signature of Andrew Sorensen. A handwritten flourish is visible above the box.

Andrew Sorensen  
Environmental Planning Coordinator

enclosure

cc Grey County Planning Department  
Building Department, Town of The Blue Mountains  
John McGee, Authority Director, Town of the Blue Mtns.

# GSCA: Regulation of Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (Ontario Regulation 151/06)



- Subject Parcel (approx.)
- Other Parcels (approx.)
- Ontario Regulation 151/06
- Watercourse
- 5m Contours



Scale = 1:2000



**Consent: B03-2017**  
**207484 Highway 26**  
**Lot 36, Concession 11**  
**Town of the Blue Mountains**  
**(Collingwood Township)**  
**Our File: P12403**

January-25-17

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Projection: Universal Transverse Mercator - Zone 17 (N)  
Datum: North American 1983 (mean for Canada)



# Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound Ontario N4K 3E3  
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

January 25, 2017

Corrina Giles, Clerk  
Town of the Blue Mountains  
32 Mill Street, Box 310  
Thornbury, Ontario N0H 2P0  
\*Sent via E-mail

**RE: Application for Consent for Lot Addition B03-2017  
207484 Highway 26  
The Town of the Blue Mountains (formally the Township of Collingwood)  
Owner: Sean Kelly for RSV Investments Inc.  
Applicant: Jennifer Anderson**

Dear Ms. Giles,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose and effect of the subject application is to sever a vacant portion of land to add to the adjacent lot. The proposed severed lands are approximately 0.8 hectares with 40.15 metres of frontage on 11<sup>th</sup> Line. The retained lands would have approximately 147.5 metres of frontage on Highway 26, be 1.9 hectares in area and contain the existing commercial use (Black Angus). The lands are serviced with private septic and water services.

Schedule A of the OP designates the subject property as 'Rural'. Section 2.3.4(2) of the OP states,

All consents for new lot development shall be no smaller than 0.8 hectares in area, and a maximum density of two lots may be considered (plus the retained lot), by the consent process, per 40 hectares. The lot density shall be determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size of the original Township lot. For example in cases where the original Township lot is 80 hectares a maximum of four lots may be considered (plus the retained).

The subject property is within Lot 36, Concession 11, which is an Original Township lot of 80 hectares and has already met the lot density. With this lot addition, a new parcel will be created within Lot 36, Concession 11 and added to the parcel to the north in Lot 37,

Concession 11. This would increase the lot density of Lot 36, Concession 11 and therefore would not be supported by the County OP.

Section 2.3.4(3) of the OP states,

Consents are permitted where the land being conveyed is to be added to an existing use provided the severed and retained lots are greater than 0.4 hectares each.

The subject application conforms to the above noted policy, as both the severed and retained lots will be greater than 0.4 hectares.

The County has not supported lot additions of this nature in the past when the lot density will increase, beyond the density limits described above. Therefore, prior to consideration of the subject application, the County would require that the applicant be able to demonstrate that the lot to the north, within Lot 37, Concession 11 (triangular lot) is not developable as it sits today.

The subject property abuts a Provincial Highway; comments should be received from the Ministry of Transportation (MTO) in this regard.


In terms of general planning matters, if the subject application is approved, County planning staff recommend buffering between the proposed residential use and the existing commercial use. As well as ensuring that adequate servicing is available.

County staff have no concerns provided positive comments are received from the MTO and the Town is satisfied that the existing triangular lot is not otherwise developable in its current configuration.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

  
Kelly Henderson  
Planner  
+1 519-372-0219 ext. 1233  
kelly.henderson@grey.ca  
www.grey.ca

c.c. Denise Whaley

**From:** [Lands and Resources Consultation Coordinator](#)  
**To:** [Denise Whaley](#)  
**Subject:** Request for Comments - Blue Mountains (RSV Investments Inc.) Land Severance  
**Date:** January 11, 2017 11:38:04 AM

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Your File: B03-2017  
Our File: Blue Mountains Town

Good Morning Ms. Whaley,

The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

I trust this may be helpful.

Regards,

**George Govier**

Co-ordinator Lands, Resources, and Consultation

Historic Saugeen Metis  
204 High Street  
Southampton, Ontario  
N0H 2L0  
Direct Line (519) 483-4001  
Fax (519) 483-4002  
Email [saugeenmetisadmin@bmts.com](mailto:saugeenmetisadmin@bmts.com)

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**DRAFT**

## The Corporation of the Town of The Blue Mountains

### Decision on Consent Application File No. B03-2017

**Owner:** RSV Investments Inc.

**Applicant:** Jennifer Anderson

**Purpose / Effect:** This application requests to sever a vacant portion of land to add to the adjacent lot ("lot addition"). The purpose is to enlarge the adjacent lot for residential purposes.

**Legal Description:** Concession 11, Part of Lot 36, Part of Road Allowance, RP16R3221, Parts 1- 7, (formerly the Township of Collingwood)

**Severed Parcel:** Frontage: 50 m (11<sup>th</sup> Line)      Depth: 100 m      Area: 0.8 ha

**Retained Parcel:** Frontage: 147.5 m (Hwy 26)      Depth: 118 m      Area: 1.9 ha

**Road Access:** 11<sup>th</sup> Line (opened and maintained municipal road)

**Municipal Water:** No      **Municipal Sewer:** No

**Decision:**      **Granted Provisional Consent**

**Date of Decision:** **May 29, 2017** (Consent expires two (2) years from this date)

In making the decision upon this application for Consent, the Council of The Corporation of the Town of The Blue Mountains is satisfied that the proposed Consent Application complies with the intent and direction of the Provincial Policy Statement, County of Grey Official Plan and the Town of The Blue Mountains Official Plan, and represents good planning.

**Notice:**      The last date for appealing this decision or any of the conditions is: **June 20, 2017**

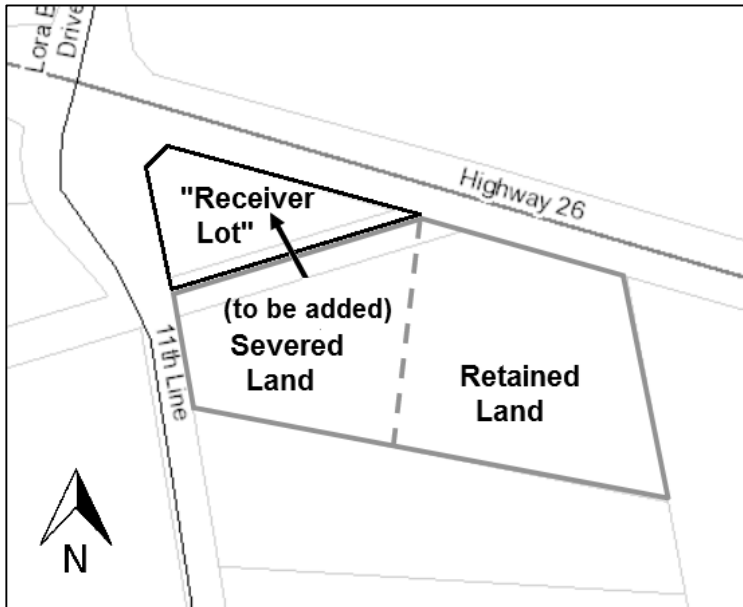
**If provisional consent is given, then the following conditions must be met by May 29, 2018 (one year from decision).**

1. That the Owner meets all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued;
2. That the Owner provides a description of the land which can be registered in the Land Registry Office;
3. That a strip of land, as shown in Parts 4 and 5 of Plan 16R-3221, adjoining 11<sup>th</sup> Line be dedicated to the Town of The Blue Mountains for road widening purposes.
4. That the Owner enters into an amended site plan agreement, with the Town of The Blue Mountains, to deal with matters such as buffering and fencing on the retained lands, to separate the existing Commercial uses from the Residential uses on the reconfigured adjacent parcel;
5. That any agricultural uses associated with the Owner's severed and retained parcels be terminated, and the lands be restored to an appropriate residential condition, to the satisfaction of the Town of The Blue Mountains;
6. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.

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Corrina Giles, Town Clerk  
Town of The Blue Mountains  
32 Mill Street, Box 310, Thornbury, ON, N0H 2P0

## Severance Sketch



## Certification

Planning Act, R.S.O 1990, c. P.13, Sec 53(17) and 53(24), as amended

I, Corrina Giles, Town Clerk of The Corporation of the Town of The Blue Mountains, certify that the above is a true copy of the decision of the Council of The Corporation of the Town of The Blue Mountains with respect to the application recorded therein.

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Corrina Giles, Town Clerk  
Town of The Blue Mountains

Dated: May 31, 2017