

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



**REPORT TO: Mayor and Members of Council**  
**DATE: October 15, 2007**  
**REPORT NO.: PL.07.123**  
**SUBJECT: Ontario Municipal Board Decision – Gust and Ardill Consent No’s B24/2006 and B25/2006, 126 Craigmores Crescent**  
**PREPARED BY: Peter Tollefsen  
Director of Planning**

#### **A. Recommendations**

**THAT Council receive Planning Staff Report No. PL.07.123, “Ontario Municipal Board Decision – Gust and Ardill Consent No.’s B24/2006 and B25/2006, 126 Craigmores Crescent” for information purposes.**

#### **B. Background**

The Town received two consent applications in 2006 (file No.’s B24/2006 and B25/2006 – K.Gust and C.Ardill), located on Craigmores Crescent. The intent of the application was to create three new lots from the original two lots.

The public meeting was held on January 08, 2007. There was neighbourhood opposition to creating the new lots. On March 05, 2007 a staff report (Report No. PL.07.15) was prepared, a copy of which is attached. The report did not support the applications. In April 2007 Council refused the applications.

On April 24, 2007, D.C. Slade Consultants on behalf of K.Gust and C.Ardill, referred the consent applications to the Ontario Municipal Board (OMB).

A hearing was held by the OMB and a decision rendered on September 07, 2007, a copy of which was recently forwarded to Council, and is attached. The Decision was referred to staff to comment on, which is the purpose of this report.

The Board adopted the opinion evidence of Mr. Slade that the proposed severances conform with the Official Plan in maintaining the character of development in the area. The Board ordered that the appeal is allowed and consent given subject to conditions.

The Town was represented by Solicitor John Metras and planning witness Shawn Postma.

There are some inaccuracies in the decision, namely, the appeal was from a decision of Council not the Committee of Adjustment (page 1 of the decision); and, on page 5 (third paragraph) the statement that “The Town’s position appears to be that it will only approve infilling applications in the area that do not involve lot creation” is not accurate. Mr. Postma said that the Town’s position is that it will allow lot creation as long as the new lots are in general conformity with the character of the neighbourhood. However, nothing turns on these two items so staff would not recommend a letter of clarification to the Board, nor an appeal of the Decision.

The appellants Solicitor, Don Greenfield, attempted to challenge the experience of the Town’s witness, however the Board accepted Mr. Postma as an expert witness and allowed him to testify. His case was clear and concise.

On page 5 of the decision, (fourth paragraph), “The Board encourages the Town to develop such a policy to deal with infilling and intensification”. Town staff agree and a work plan is being put together for a process to review Official Plan policies regarding intensification.

This case hinged on one issue; ones’ interpretation of development that is in-keeping with “the intended density and character of the development...”. This is very subjective and any decision could go either way.

See attached Section 4.12, Residential Infilling, in particular 4.12.3(2). The word “generally” leads to variance in interpretation. Rather than wait for Official Plan intensification work, staff would recommend that, as an interim step, clarification for Section 4.12.3 be prepared now. There are similar applications anticipated to be submitted.

Staff will report back to Council regarding an Official Plan Amendment to clarify the Town’s intent with residential infilling within registered plans of subdivision.

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

There is a need to recognize existing residential plans of subdivision which have been registered and other existing residential areas which have been substantially developed to be in-keeping with Goal 1 – *“Managing growth to ensure the ongoing health and prosperity of the community”*.

### **D. Budget Impact**

Funding is being incorporated into the 2008 Capital Budget to review Official Plan policies regarding intensification.

**E. Attached**

1. Planning Staff Report #PL.07.25
2. Ontario Municipal Board Decision – Issue Date September 7, 2007
3. Official Plan Section 4.12, Residential Infilling

Respectfully submitted,

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Peter Tollefsen, Director of Planning