

**STAFF REPORT:** Planning & Building Services Department



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** Monday, April 6, 2009  
**REPORT NO.:** PL.09.29  
**SUBJECT:** Applications for Consent  
File Nos. B01-2009 and B02-2009 -  
Suzanne Noble  
Part Lot 12, Concession 7;  
Part 2 of RP 16R-322;  
6<sup>th</sup> Line;  
Town of The Blue Mountains  
**PREPARED BY:** Bryan Pearce,  
Planner I

#### **A. Recommendations**

THAT Council receive Planning Staff Report PL.09.29, "Applications for Consent File Nos. B01-2009 and B02-2009 – Suzanne Noble; Part Lot 12, Concession 7; Part 2 of RP 16R-322; 6<sup>th</sup> Line; Town of The Blue Mountains"; and

THAT Council authorize Consent Nos. B01-2009 and B02-2009, subject to the following conditions:

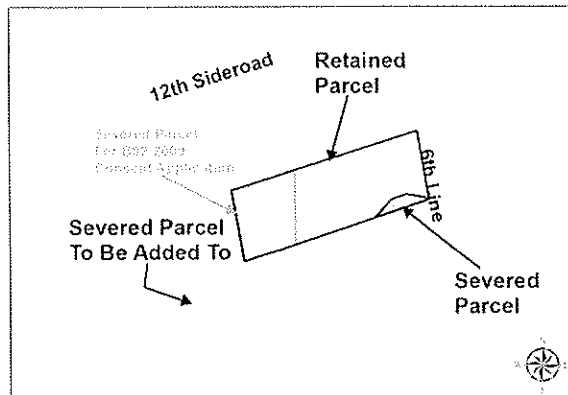
1. That the severed parcels be deeded as a lot addition to the property to the south in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990; and
2. That any existing mortgage commitment on the severed parcels be extended to cover the whole, newly created parcel.

#### **B. Background**

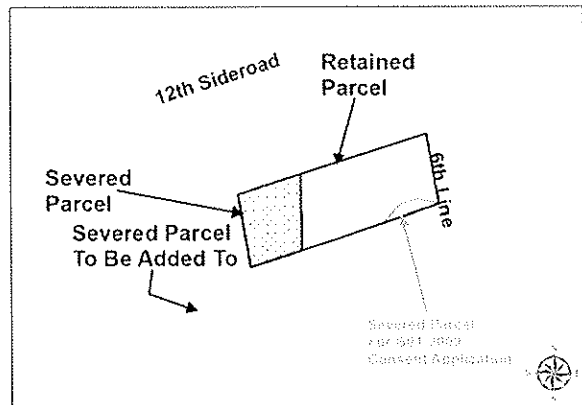
The purpose of Application for Consent File No. B01-2009 is to sever a 0.4 hectare vacant parcel on the south-eastern portion of the property and deed it as a lot addition to the existing 40.0 hectare rural parcel to the south, containing an existing dwelling and barn. A 15.3 hectare vacant rural parcel would be retained.

The purpose of Application for Consent File No. B02-2009 is to sever a 5.1 hectare vacant parcel on the western portion of the property and deed it as a lot addition to the existing 40.0 hectare rural parcel to the south, containing an existing dwelling and barn. A 10.2 hectare vacant rural parcel would be retained.

## B01-2009:



## B02-2009:



The subject lands are located southwest of Rock Union, with access off the 6<sup>th</sup> Line. It should be noted that the subject lands have no municipal water or sewer service fronting along 6<sup>th</sup> Line, being in the rural service area. The subject lands are currently used for agricultural purposes and have a large portion that is forested with a watercourse flowing southward through the middle of the property (see Attached Item #1).

The Applicant and Owner is Suzanne Noble, who is also working with her adjacent neighbour to the south, David Ruppel, on a lot addition proposal. The proponent has retained an agent, Kathie Houghton of Niagara Escarpment Consulting to act on her behalf.

In pre-consultation, it was determined that since 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. Approval from the Niagara Escarpment Commission (NEC) with regards to the Development Permit Application (DPA) would be required prior to going forth with the lot addition proposals with the Town through the consent process, to ensure that a building envelope is available on the subject lands.

The proponent notes that the first application is a sliver piece to be severed that is adjacent to the farmstead on the adjacent property to the south. This is just to the north of the existing driveway that comes into the farmstead and is naturally separated from the retained parcel by both vegetation and topography, specifically a stand of pine trees and a spruce hedgerow providing a visual buffer and a wind break. The maximum north-south width would be approximately 35 metres, and visually appears as a side yard for the farmstead. At the crest of the slope, the sliver tapers down to a point at the intersection of the lower field. Closer to the 6<sup>th</sup> Line, the sliver piece is a level area that tapers to a point where it intersects with the frontage of the property.

The second application is to sever the tilled agricultural field in the western portion of the subject lands and convey it to the adjacent property to the south. The tilled lands are presently being used by the landowner to the north for pasture related to the cattle

operation and are physically isolated from the potential residential area along the 6<sup>th</sup> Line.

The proponent submitted a NEC DPA on the 15<sup>th</sup> day of December, 2008 to consider a proposal to construct a 1 storey, 167.4 square metre (1800 square foot) dwelling, having a maximum height of 6.7 metres (22 feet) measured from the lowest grade to the peak; install a private sewage disposal system; and install a driveway. Planning Staff provided comments on the NEC DPA File No. G/R/2008-2009/9095 for the development proposal noted above on the 22<sup>nd</sup> day of January, 2009; as detailed in Planning Staff Report PL.09.07. The DPA was approved by the NEC on the 10<sup>th</sup> day of February, 2009.

The surrounding uses include the rural lands with tilled agricultural pockets 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 under Section 1.1.4 as it relates to Rural Areas in Municipalities and is protecting the associated natural hazards from development, coupled with the NEC DPA.

#### **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 Rural (R) and Hazard (H). The Hazard (H) designation is associated with the steep slope at the front of the property running northeast to southwest. The purpose of the Rural designation is to provide for the continuation of agricultural practices in areas of generally lower capability soils while permitting other uses considered compatible

with the rural environment. The Rural designation recognizes those areas in the Municipality where agricultural capability is prejudiced from lower class soils, fragmented parcel sizes, incompatible land uses or where a continuous arable culture is not exhibited. The predominant use of land shall be for the continuation of agricultural practices. Other uses of land which are non-supportive activities of agriculture may be permitted on a limited scale provided that the use does not conflict with surrounding farm operations, will not alter the rural character of the area and the use will not adversely impact costs of providing municipal services.

Policies state that the farm unit shall maintain a minimum size of 20 hectares. Smaller parcels that removed lands which exhibit agricultural capability shall be discouraged. Rural residential consents may be permitted on a very limited basis and under strict control. New lots must maintain the quality visual landscape in the rural area; and in order to maintain the open landscape, lots require a minimum lot area of 10 hectares. Smaller lots may be considered where the consent would unnecessarily encompass productive farmland.

Approximately 5.1 hectares of the original 15.7 hectares are tilled for agricultural purposes, as the remainder of the lands are forested with a portion containing a watercourse, steep slopes and some associated wetlands. The lot addition proposal does not compromise the agricultural usage of the lands, as the 5.1 hectares would be conveyed with the tilled lands on the adjacent lands to the south (as identified in Consent B02-2009) and the severed wedge parcel (B01-2009) would convey the flat plateau to the brow of the slope that is clear of trees to the associated farmstead area to the south. As noted above, the two consents do not compromise the development ability of the retained parcel, as there is an ample building envelope in the southeast corner as determined through the development permit application filed with the Niagara Escarpment Commission.

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 Rural Estate Residential (RE Rc) Zone and Hazard (H) Zone would apply to the subject lands. The Hazard (H) Zone would be associated with the steep slope at the front of the property running northeast to southwest. Rural Estate Residential zoning permitted uses include a single detached dwelling, a home occupation, a

home industry, agricultural uses excluding building and structures, 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 County of Grey - Planning and Development Department; Grey Sauble Conservation Authority (GSCA); Grey Bruce Health Unit (GBHU); and NEC. These comments are summarized below.

The County of Grey Planning and Development Department have no issues of concern, provided adequate justification has been provided for the lot shape; and adequate servicing can be obtained. Planning Staff notes that justification has been provided, as reported above; and GBHU comments shall further address and ensure the adequacy of servicing.

The GSCA indicates that they have no objections, provided that the severed portions are added to the adjacent parcel to the south, as outlined in the applications.

The GBHU indicates that the retained parcel appears to contain a satisfactory building envelope of sufficient area and soil condition for the development of a private sewage system that would conform with the requirements of the Ontario Building Code. Therefore, the GBHU has no objection to the lot addition proposals.

The NEC indicates that the subject lands are designated Escarpment Rural Area in the Niagara Escarpment Plan. They further indicate that they have no objection to the lot addition proposal provided that the severed parcels are conveyed to the adjacent lands to the south and the existing mortgage commitment on the parcel to be added to should be extended to cover the whole, newly created parcel.

### **Interdepartmental Comments**

Comments were received from the Manager of Roads and Drainage on this proposal. The Manager of Roads and Drainage has indicated no issues of concern, as the retained parcel has an existing entrance permit, being 2002-74, onto the 6<sup>th</sup> Line. This existing entrance would be utilized for the proposed single detached dwelling building envelope identified in the NEC DPA. It should be noted that the existing entrance is near the northern end of the crest of the hill on the 6<sup>th</sup> Line, as it decreases in elevation as one proceeds northbound; and a few hundred metres to the south the grade of the road decreases as well.

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

### **Public Meeting Comments**

The public meeting was held on the 2<sup>nd</sup> day of March, 2009, as required under the Planning Act. No issues of concern were raised for the proposal.

Based on the foregoing, it is the opinion of Planning Staff that the proposed consents 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 these applications for consent subject to the conditions noted in this report.

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

The recommendation in this Planning Staff Report PL.09.29 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. Through the NEC DPA, the proposed development of a single detached dwelling would be mitigated on the natural constraints associated on the retained parcel by identifying a suitable building envelope.

### **E. Budget Impact**

N/A

### **F. Attached**

1. Aerial Photograph of the Subject Lands, May 2006

Respectfully submitted,

---

Bryan Pearce, HBA, CPT  
Planner I  
26 Bridge Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.269  
Fax: 519-599-3018  
[bpearce@thebluemountains.ca](mailto:bpearce@thebluemountains.ca)

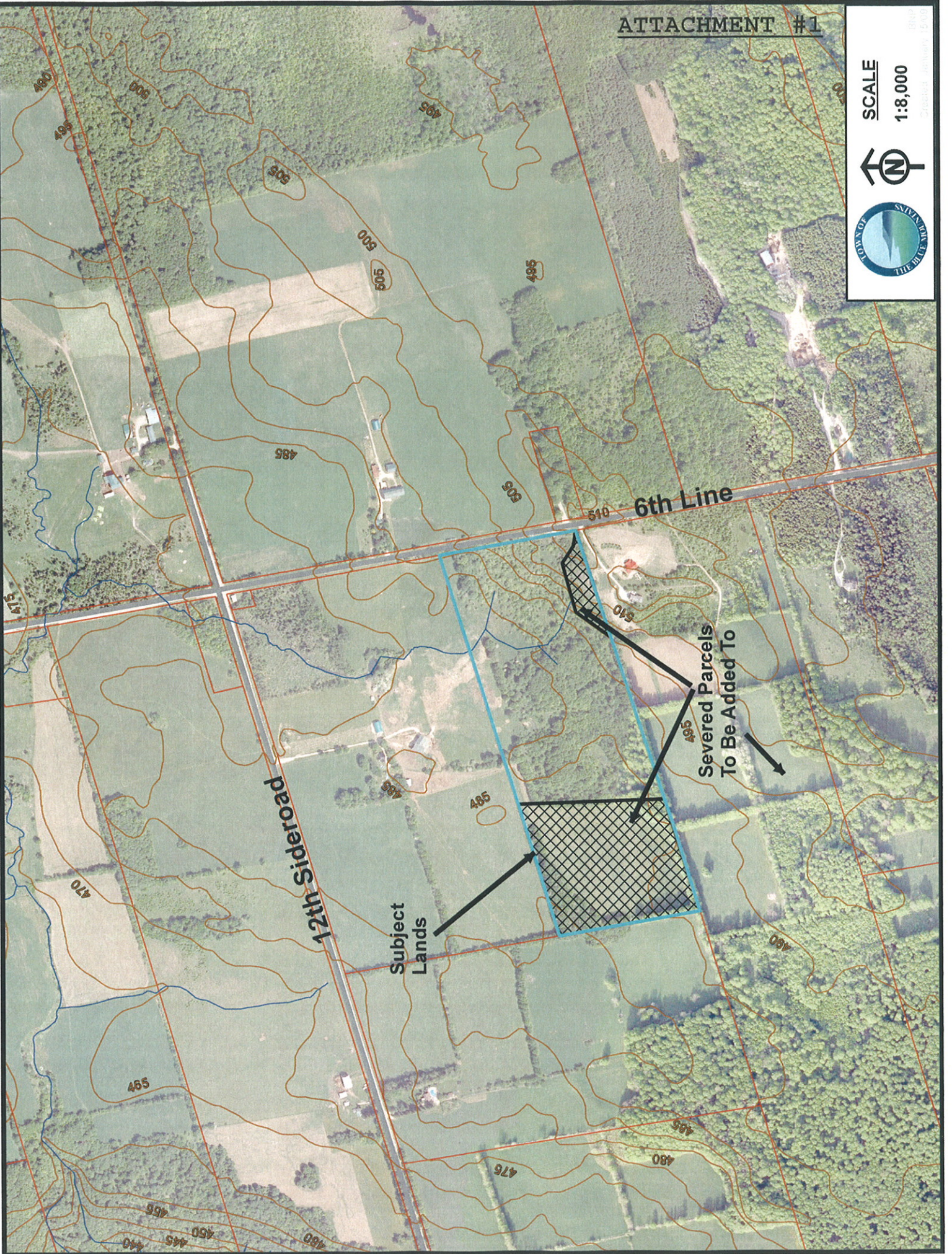
---

David Finbow  
Director of Planning & Building Services Department  
26 Bridge Street, PO Box 310  
Thornbury, ON NOH 2PO  
Phone: 519-599-3131 ext.246  
Fax: 519-599-6032  
[dfinbow@thebluemountains.ca](mailto:dfinbow@thebluemountains.ca)

/bp

K:\2009 Consents\B01-2009 & B02-2009 Noble - 2 Lot Additions\B01-2009 & B02-2009 Noble - 2 lot additions - Report.doc

SCALE  
1:8,000



12th Sideroad

6th Line

Subject Lands

Severed Parcels To Be Added To