

Minutes - Planning Committee



MEETING DATE: April 6, 2009
LOCATION: L.E. Shore Memorial Library
PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Chair Martin called the meeting to order with all members in attendance save Mayor Anderson and Deputy Mayor McKinlay, absent due to previous commitments and Councillor McKean, absent due to illness.
- Also in attendance was Chief Administrative Officer Paul Graham, Director of Planning and Building/ By-Law Enforcement David Finbow, Senior Planner Cindy Welsh, Planner Shawn Postma, Planner Bryan Pearce, and Director of Engineering and Public Works Reg Russwurm.

- Approval of Agenda:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Agenda of April 6, 2009 be approved as circulated, including any items added to the Agenda including Staff Report C.5, Lora Bay Corporation, Carried.

- No member declared a pecuniary interest with any matter as listed on the Agenda, save Councillor Gamble with regard to Agenda Item C.3, Niagara Escarpment Commission and ownership of an affected property within his extended family and Councillor Martin with regard to Agenda Items C.4 and C.5, Lora Bay Corporation and occasional employment of his spouse. Chair Martin then proposed the Committee deal with these three Reports last and with Councillor McGee in the Chair during consideration of Items C.4 and C.5, the Committee concurring.
- Previous Minutes
As the Minutes of February 02, 2009 were not circulated, the Committee concurred to consider the minutes at the next meeting.

B. Public Meetings/Deputations

B.1 B09-2009 – Consent Application Lot 1 and Part of Lot 3, Plan 1032 - 1382491 Ontario Limited & Blevins Developments (Cove) Ltd.

Chair Martin called the Public Meeting to order and explained the purpose of the Public Meeting was to consider Application for Consent B09-2009, owner being partners 1382491 Ontario Inc. c/o Jill Kitchen and Blevins Development (Cove) Ltd., the applicant being Reid's Heritage Homes Ltd. (Blevins).

Michael further noted

Jeff Robinson of Reid Heritage Homes was in attendance and noted the partnership would keep the retained portion and the severed portion would be owned by 1382491 Ontario Inc. c/o Jill Kitchen.

Jeff further noted existing trailers have leases on the lands expiring in approximately 2017 and these uses would remain with 1382491 Ontario Inc.

Councillor Gamble then noted concern with what might happen in the future as there would be two or three different condominium corporations on the overall lands and questioned what would be happening with the severed parcel.

Director of Planning and Building/ By-Law Enforcement David Finbow then noted the development was reviewed a number of years ago and this is what was proposed.

David further noted amended condominium documents will address access and common element uses as new condominium corporations are registered.

As no-one further wished to speak, Chair Martin declared the Public Meeting to be adjourned.

C. Staff Reports

C.1 Annual Report – Building Fees - #FIS.09.18

Councillor Gamble then noted the financial position in 2008 and 2009 and questioned how far in the negative the reserve fund will go and how it could be brought back, David replying by way of permit fees and staffing consideration.

David further noted contributions to the reserve were only begun in 2005, with excess revenues between 2000 and 2005 being directed into general Town funding.

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT Council receive Staff Report FIS.09.18 “Annual Report – Building Fees” being a report of the Town of The Blue Mountains’ 2007 and 2008 direct and indirect costs of delivering services related to the administration and enforcement of the Building Code Act, Carried.

C.2 Application for Official Plan Amendment, Zoning By-law Amendment Consent File No. B08, B09, B10-2008, Pt. Block A and Pt. Lot 57, Plan 733, Slopeside Development Inc. - #PL.09.31

Planner Shawn Postma then reviewed the Report, noting a Public Meeting was held on November 8, 2008, adding it was not recommended the Town assume the access easement as a public road.

Councillor Kennedy then noted concern with ambient noise for the proposed dwellings and stated that a sound barrier may not be enough,

Shawn noting a noise barrier could be designed to absorb and mitigate noises, adding the Noise By-law would still address complaints.

Councillor Gamble then noted concern with the easement access and difficulty in moving construction equipment to the site and how this would be handled. Bob noted further concern with Fire Department access through the easement, as well as noise concerns with the proposed residences adjacent to Blue Mountain Inn with evening entertainment from 7:00 pm to 2:00 am, as well as garbage collection, commercial deliveries and shuttle traffic. Bob further noted prospective purchasers might not be aware of these issues.

Councillor McGee then noted the new draft Noise By-law addresses commercial and residential properties separately.

David then noted the draft By-law addresses a property owners right to quiet repose and any disturbance of this would be a contravention of the By-law. David further noted noise in the area would be less intense with the proposed use, adding the access easement is for the fronting properties only.

David further noted there would be tree removal on the site with sound attenuation to be addressed by a professional engineering report.

Cam then questioned if the proposed dwellings could be used for Short Term Accommodation uses, David noting the lands are proposed for Residential R3 Zoning which does not permit an STA use.

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: John McGee

THAT the Planning and Building Committee receive Planning Staff Report PL.09.31, "Application for: Official Plan Amendment, Zoning By-law Amendment, and Consent File No. B08, B09, B10-2008, Slopeside Development Inc., Pt. Block A and Pt. Lot 57, Plan 733, Town of The Blue Mountains"; and

THAT Council grant Applications of Consent File Numbers B08-2008, B09-2008, and B10-2008 subject to the following conditions:

B08-2008

1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street
2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.
3. An Environmental Impact Study addressing the 'Special Policy Area' requirements of the County Official Plan to the satisfaction of the County of Grey.
4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be

adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.

5. The payment of Development Charges
6. The payment of Parkland Dedication Charges

B09-2008

1. An Official Plan Amendment to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street
2. A Zoning By-law Amendment to rezone the lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street.
3. An Environmental Impact Study addressing the 'Special Policy Area' requirements of the County Official Plan to the satisfaction of the County of Grey.
4. The completion of an engineered drainage and grading plan be prepared to the satisfaction of the Grey Sauble Conservation Authority to ensure that any increase in drainage from the subject lands can be adequately accommodated within the municipal drainage system without having any negative impacts on surrounding properties.
5. The proponent shall submit to the Town for its consideration and approval a detailed report and related implementation plan, prepared by a Professional Engineer licenced to practice in Ontario, with respect to measures necessary to be implemented to comply with the Ministry of Environment's Noise Guidelines with it being noted that this Report will be utilized by the Town's Chief Building Official for a proposal's compliance with applicable law in accordance with eh provisions of the Building Code Act.
6. The payment of Development Charges
7. The payment of Parkland Dedication Charges

B10-2008

1. The conditions of Consent Applications B08-2008 and B09-2008 being completed.

AND THAT Council adopt Official Plan Amendment No. 14 to re-designate the subject lands from the Blue Mountain Resort Commercial 'BMRC' designation to the Low Density Residential 'LDR' designation, and to permit development on lands which do not have direct frontage and access on to a municipal street.; and

THAT Council grant a Zoning By-law Amendment to rezone the subject lands from the Village Core Resort Commercial 'C7' zone to the Residential 'R3' zone, and to permit development on lands that do not have direct frontage and access to an open and maintained municipal street, tie vote, Lost.

C.6 Comprehensive Parking Strategy #PL.09.30

In speaking to the Report, Councillor Gamble noted concern with recommended parking standards as they would apply to a three bedroom residence in Craigeith as 2.25 vehicle spaces per dwelling would still result in parking problems. Bob noted dwellings zone R3 in the

recreational area will require more parking spaces and the Town cannot retroactively suggest better parking standards in these areas.

David then noted agreement with Bob's comments and it is problematic, adding 2.25 spaces would be adequate for larger urban areas, with the Zoning By-law review to address the matter in greater detail.

The Committee then dealt with the following Recommendation:

Moved by: R.J. Gamble Seconded by: John McGee

THAT Council does receive Planning Staff Report #PL.09.30, "Comprehensive Parking Strategy" for information purposes, Carried.

C.7 Bill 150 – Green Energy Act – SPS.09.01

Moved by: R.J. Gamble Seconded by: John McGee

THAT Council receive Staff Report SPS.09.01 Bill 150 – Green Energy Act for information purposes;

AND WHEREAS the Town of The Blue Mountains recognizes the importance of renewable energy to the Province;

AND WHEREAS, the Town of The Blue Mountains is concerned that the removal of local land use planning controls for renewable energy facilities will have a detrimental effect on the Municipality;

AND WHEREAS, the passage of Bill 150 will limit the ability of the Municipality to provide meaningful comment and participation in the placement of wind and other renewable energy facilities with the removal of power under the Planning Act;

AND WHEREAS, without powers under the Planning Act, the Municipality will no longer be able to require Agreements related to access, landscaping, and securities for renewable energy projects;

AND WHEREAS, the Municipality will no longer be able to address the needs of the local area in such an Agreement.

THEREFORE BE IT RESOLVED THAT, the Town of The Blue Mountains requests that the Province undertake a comprehensive review of Bill 150 of the potential health and land use impacts to the General Public associated with the placement of all Renewable Energy Facilities; and review the proposal to remove local land use planning controls under the Planning Act.

AND THAT this Resolution and Report be forwarded to the Ministers of Energy and Infrastructure, Environment and Natural Resources.

In speaking to the Motion, CAO Paul Graham updated the Committee on the request to appear before the Standing Committee which was rejected but the proposal of Grey Highlands was accepted. It is now proposed that Grey County, Grey Highlands and The Blue Mountains would make a joint presentation on the evening of April 8, 2009, with Council welcome to attend.

Chair Martin then noted concern with the presentation timing, noting Mayor Anderson had made a request to address the Committee on April 22.

Councillor Kennedy then noted concern with the Provincial process and questioned what we were trying to do, Paul noting the Town would show we were able to establish logical setback standards and acceptable locations that could accommodate renewable energy projects, adding if Bill 150 were enacted as is, control of such projects would be taken away from local government.

Chair Martin then noted the Province previously supported Grey Highlands regarding wind energy proposals and now with the Energy Conservation Act, Environmental Assessment Act and Clean Water Act, the Province may face problems with the proposed legislation.

Michael then concurred with Cameron's comments, noting Bill 150 would take control away from local land use planning.

Councillor McGee then proposed the Recommendation be amended to include "AND WHEREAS the Town of The Blue Mountains recognizes the importance of renewable energy to the Province", the Mover agreeing.

The Committee then voted on the Recommendation as amended, Carried.

C.8 Applications for Consent – B02-2009 and B02-2009 – Part Lot 12, Concession 7, Part 2 RP 16R-322; 6th Line, Suzanne Noble – PL.09.29

Moved by: Cameron Kennedy Seconded by: John McGee

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; 6th 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,

Carried.

**C.9 Application for Consent – B06-2008
Part Lot 15, Concession 6, 629038 Grey Road 119
Edmund & Donna Shaw - #PL.09.34**

Moved by: R.J. Gamble Seconded by: Cameron Kennedy

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,

Carried.

C.10 Community Family Health Centre – Sign By-law Variance Request – SRB.09.10

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT Council receive staff report SRB.09.10 and endorse the placement of the “Future Sight of Community Family Health Centre” sign on the proposed location; and

THAT Council authorize staff to waive the \$75.00 permit fee for the proposed sign, Carried.

C.11 Alpenhaus North Chalet – Sign By-law Minor Variance Request – SRB.09.11

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT Council receive staff report SRB.09.11 and refuse the minor variance for the placement of an “Alpenhaus Rentals” sign on their properties at 133 & 135 Tyrolean Lane, Carried.

C.12 Site Plan Agreement Amendment – Mosaic @ Blue – #PL.09.35

Moved by: John McGee Seconded by: Cameron Kennedy

THAT Council receive Staff Report No. PL.09.35 respecting “Site Plan Agreement Amendment – Mosaic @ Blue” and authorize the Mayor and Clerk to execute an amendment to the Site Plan Agreement to reflect a revision to the easterly fire department access route.

In speaking to the Recommendation, Councillor Gamble questioned if Council was relocating or authorizing a fire route, David noting the proposal would address Fire Department requirements through an amendment to the site plan, Engineering and Public Works Staff in agreement.

The Committee then voted on the Recommendation, Carried.

C.13 Memorandum of Understanding, Operation Safe, Strong and Clean, Grey Bruce Health Unit - #PL.09.32

Moved by: John McGee Seconded by: R.J. Gamble

THAT Council does receive Planning Staff Report #PL.09.32, “Memorandum of Understanding, Operation Safe, Strong and Clean, Grey Bruce Health Unit” for information purposes; and

THAT the Mayor and Clerk be authorized to sign the Memorandum of Understanding with the Grey Bruce Health Unit upon the Director, Planning & Building Services and Town solicitor's recommendation to do so.

In speaking to the Motion, Councillor Gamble noted concern whether the program would be a six month pilot project or if it would build momentum over six months and progress, noting a lot of Staff time would be utilized if it progressed beyond a six month period.

David then noted the program is an extension of healthy community development and additional Town Staff would not be required, with Health Unit Staff to attend Development Review Committee meetings. David further noted if the program was deemed to be beneficial after six months it could be continued.

CAO Paul Graham noted the Health Unit is part of the group working on the Integrated Community Sustainability Plan and the Town should support the healthy community program as part of the work on sustainability, Chair Martin noting support for Paul's comments.

The Committee then voted on the Recommendation, Carried

C.3 Niagara Escarpment Plan Amendment PC 175 08 #PL.09.24

Councillor Gamble declared a pecuniary interest with regard to Agenda Item C.3, Niagara Escarpment Plan Amendment and ownership of an affected property within his extended family and vacated the Table and did not take part in related discussion or voting.

The Committee then dealt with the following Recommendation:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT Council receive Staff Report PL.09.24 respecting "Niagara Escarpment Plan Amendment PC 175 08" for information purposes; and

THAT Council authorize the forwarding of this Report to the Niagara Escarpment Commission which outlines the Town's objections and recommendations concerning Niagara Escarpment Plan Amendment PC 175 08, Carried.

C.4. Trail Woods – Transfer of Capacity to The Lora Bay Corporation - #PL.09.36

Councillor Martin declared a pecuniary interest with regard to Agenda Item C.4, Lora Bay Corporation and occasional employment of his spouse and vacated the Table and did not take part in related discussion or voting, Councillor McGee assuming the Chair.

David then noted a transfer of servicing allocation from the lower Trailwoods lands to Lora Bay Corporation to allow for additional draft plan approval, a unique situation with the Grey County Planning and Development Department noting no objection.

The Committee then dealt with the following Recommendation:

Moved by: Cameron Kennedy Seconded by: R.J. Gamble

THAT Council receive Staff Report No. PL.09.36 respecting “Trail Woods – Transfer of Capacity to The Lora Bay Corporation” and authorize the Mayor and Clerk to execute a “Supplementary Development Agreement” upon the advice of the Director, Planning & Building Services/CBO and the Town’s solicitor, Carried.

C.5 The Lora Bay Corporation – Draft Plan Approval

Councillor Martin declared a pecuniary interest with regard to Agenda Item C.5, Lora Bay Corporation and occasional employment of his spouse and vacated the Table and did not take part in related discussion or voting, Councillor McGee assuming the Chair.

David then noted Public Meetings were held for Phase 1 in 2006 and Phase 2 in 2007, it being noted servicing allocation was not available at that time for Phase 2, allocation now being transferred from the lower Trailwoods lands.

David then noted a Condition 23 should be added to the Report, to read “The applicant is to receive Draft Plan Approval of a Common Elements Plan of Condominium prior to registration”.

The Committee then dealt with the following Recommendation:

Moved by: R.J. Gamble Seconded by: Cameron Kennedy

THAT Council receive Staff Report PL.09.37, “Draft Plan of Subdivision, Phase 2 County File No. 42T-2006-14a and Zoning By-law Amendment, The Lora Bay Corporation”, as amended;

AND THAT Council recommends that the County of Grey grant Draft Plan Approval for the lands denoted as Phase 2 contained in County File No. 42T- 2006-14a, subject to the conditions contained in this report (including the execution and registration of the Trail Woods Corporation Supplementary Development Agreement related to the transfer of Servicing Capacity);

AND THAT Council does hereby enact a Zoning By-law Amendment to rezone the subject lands from the Development D Zone to the Residential R3-h Zone (Lots 26 – 28), Residential R3-213-h Zone (Lots 29 – 38 and 60 – 69) and Residential R6-214-h Zone (Block R.R. 91), Carried.

D. Correspondence

D.1 March 2009 Building Permit Stats – received for information purposes.

E. New and Unfinished Business

None

F. Closed Session

Moved by: John McGee Seconded by: Cameron Kennedy

THAT with regard to subsection 239(2) of the *Municipal Act, 2001*, this Committee do now move into closed session in order to address matters pertaining to litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

AND with regard to consideration of appeals to the Ontario Municipal Board of Short Term Accommodation Zoning By-law Amendments.

Committee moved into closed session at 8:37 p.m.
Committee rose from closed to public session at 9:24 p.m.

G. Adjournment

As there was nothing further before the Chair the Committee then dealt with the following Resolution:

Moved by: John McGee Seconded by: Cameron Kennedy

THAT this Planning and Building Committee meeting does now adjourn,
Carried.