

MINUTES The Blue Mountains Committee of the Whole Meeting



MEETING DATE: April 25, 2016
MEETING TIME: 11:00 a.m.
LOCATION: Town Hall, Council Chambers
PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

Mayor McKean called the meeting to order with all members in attendance.

Also in attendance were CAO Troy Speck, Director of Infrastructure & Public Works Reg Russwurm, Director of Community Services Shawn Everitt, Director of Planning and Development Services Michael Benner, Director of Finance & IT Services Ruth Prince, Manager of Accounting and Budgets Sam Dinsmore, Manager of Roads and Drainage Jim McCannell, Planner Bryan Pearce, Chief Librarian Terri Pope, Planner Denise Whaley

Committee then paused for a Moment of Reflection.

▪ **Moment of Reflection**

▪ **Approval of Agenda**

Moved by: Michael Seguin Seconded by: John McGee

THAT the Agenda of April 25, 2016 be approved as circulated, including any items added to the Agenda, Carried.

▪ **Declaration of Pecuniary Interest and general nature thereof**

No member declared a pecuniary interest with any matter as listed on the Agenda.

Moved by: R. J. Gamble Seconded by: Michael Seguin

THAT the Committee of the Whole minutes of March 14, 2016 and April 4, 2016, be adopted as circulated, including any revisions to be made, Carried.

▪ **Adoption of Consent Agenda**

With the adoption of the Consent Agenda, all Recommendations found within the staff reports at Agenda items B.3, B.7 and B.11 as listed:

- **B.3.1 FAF.16.43 Awards by the Tender Proposal Award Committee**
- **B.3.2 FAF.16.38 2016 Monthly Financial Report – First Quarter**
- **B.3.3 FAF.16.38 2016 Community Services Fees and Charges – Public Comments**
- **B.3.4 FAF.16.46 Grey Condominium Corporations 28 Wastewater Servicing – Public Comments**
- **B.3.5 FAF.16.47 Wensley Drive and Peaks Road Wastewater Servicing – Public Comments**
- **B.7.1 CSPW.16.057 Water 2016 Ministry of the Environment and Climate Change Inspection Results**
- **B.7.2 CSPW.16.024 April 2016 Construction Status Report**
- **B.7.3 CSPW.16.015 2015 Locate Summary Report**
- **B.11.1 PDS.16.40 Planning Applications March, 2016**

are then approved or received by the Committee of the Whole, as noted. The Consent Agenda content is available to the public when the Agenda is finalized but is not subject to discussion from the floor at this time, however, representations may be made at subsequent meetings on matters of interest.

Moved by: R. J. Gamble

Seconded by: Michael Martin

THAT the Consent Agenda of April 25, 2016 be adopted as circulated, less any items requested for separate review and discussion, being Agenda item B.11.1 Planning Applications March, 2016, PDS.16.40, Carried.

B. Staff Reports, Deputations, Correspondence

Finance, Administration and Fire Reports To be chaired by Councillor Michael Seguin

B.1 Deputations, if any

None

B.2 Staff Reports

B.2.1 Grey County Roads Transfer Proposal, FAF.16.23

Moved by: Gail Ardiel

Seconded by: Joe Halos

THAT Council receive Staff Report FAF.16.23 entitled "Grey County Roads Transfer Proposal";

AND THAT Council approve forwarding to the County of Grey, the Town of The Blue Mountains' County Road Transfer Proposal letter as attached to Report FAF.16.23, Carried.

B.2.2 Award of Proposal 2016-19-P-COR, Asset Management Planning Software, FAF.16.44

Moved by: John McGee

Seconded by: John McKean

THAT Council receive Staff Report FAF.16.44, entitled "Award of Proposal 2016-19-P-COR, Asset Management Planning Software";

AND THAT Council approve increasing the budget from \$50,000 to \$138,329, with the additional \$88,329 funded from the Federal Gas Tax Reserve Fund;

AND THAT Council award Proposal 2016-19-P-COR, Supply, Delivery, Installation and Training of Asset Management Planning Software to Esri Canada in the amount of \$138,329 exclusive of HST;

AND THAT the Mayor and Clerk be authorized to execute the contract for the Asset Management Planning Software with Esri Canada, Carried.

B.3 Finance, Administration and Fire “Information Reports” and correspondence to be considered in the adoption of the Consent Agenda

B.3.1 Awards by the Tender Proposal Award Committee, FAF.16.43

THAT Council receive Staff Report FAF.16.43, entitled “Awards by the Tender Proposal Award Committee” detailing the following award for information purposes:

1. Award of 2016-05-P-IPW Request for Proposal for Engineering Services for Mary & Charles Streets Watermain Replacement & Fire Hydrant Installation Detailed Design and Contract Administration to Greenland International Consulting Ltd., Carried.

B.3.2 2016 Monthly Financial Report – First Quarter, FAF.16.40

THAT Council receive Staff Report FAF.16.40, entitled “2016 Monthly Financial Report – First Quarter” for information purposes, Carried.

B.3.3 2016 Community Services Fees and Charges – Public Comments, FAF.16.38

THAT Council receive Staff Report FAF.16.38, entitled “2016 Community Services Fees and Charges – Public Comments” for information purposes, Carried.

B.3.4 Grey Condominium Corporation 28 Wastewater Servicing – Public Comments, FAF.16.46

THAT Council receive Staff Report FAF.16.46, entitled “Grey Condominium Corporation 28 Wastewater Servicing – Public Comments” for information purposes, Carried.

B.3.5 Wensley Drive and Peaks Road Wastewater Servicing – Public Comments, FAF.16.47

THAT Council receive Staff Report FAF.16.47, entitled “Wensley Drive and Peaks Road Wastewater Servicing – Public Comments” for information purposes, Carried.

B.4 Correspondence, if any

None

**Community Services and Infrastructure & Public Works Reports
To be chaired by Councillor Michael Martin**

B.5 Deputations, if any

B.5.1 Ron Duke

Re: Peaks Bay Holding, Block 29 Waterfront

Ron Duke spoke noting he is a resident of Peaks Bay 113 Ellis Drive, Peaks Bay. Ron thanked Council for allowing him to speak regarding this matter. Ron noted that he purchased his lot 10 years ago, and that he is the original owner of Lot 3.

Ron noted that there are some misconceptions about the beachfront, further noting that no roads were constructed when he purchased the lot, and the only access to the beach was the road to the TBM pump house.

Ron noted that he had to walk to his lot in an area on the north side of a willow tree, and that south of the tree was heavily treed and bush. Ron noted in 2009 a tornado destroyed the trees in the neighbourhood, many on Lot 5, and noted that still following the tornado, he could only walk to his lot on the north side of the willow tree. Ron noted that today, he can walk the area south of the willow tree because the owner of Lot 5 cleared the stumps from the tornado damage so that he could build. Ron noted that the owner of Lot 5 cleared the stumps on the basis that he would replant the native species after he built his home.

Ron noted that someone has cut trees and shrubs in the area to allow access to the section that the owner of Lot 5 planted. Ron noted that he represents the residents of Peaks Bay that are adjacent to Block 29, and thanked staff for their work in respecting the ANSI. Ron noted that they support the staff report prepared by staff and is pleased that it addresses their concerns.

Mayor McKean thanked Mr. Duke for his deputation.

B.5.2 Marc Anthony

Re: Delphi Point Waterfront Lands Strategy

Marc spoke thanking Council for hearing his deputation. Marc noted that this has been a long and stressful situation. Marc noted that in June 2015 it was brought to his attention that a tree planted by his landscaper was planted just over the property line, and that it impacted Mr. Vandergust's view of the Bay. Marc noted that he immediately moved the tree onto his side of the property line.

Marc noted that there has been an unauthorized disruption and cutting of trees in the water channel, and a breach of agreement that the trees should be reinstated in the preservation zone.

Marc noted that the area was prepared for construction before the trees were planted, further noting that prior to June 2015, it was impossible to walk in the area because of the tree stumps and debris from the tornado. Marc noted that it is untrue that he pushed boulders onto Lot 29, further noting that the boulders were being stored on Lot 5 until it was time to restore Lot 29. Marc noted that the boulders were from Lot 29. Marc noted that the stumps were removed with the approval of Grey Sauble Conservation Authority and the Town. Marc identified the pathway that was cut on Block 29.

Marc asked Council to accept the plan put forward by Town staff and that the trees that were cut be reinstated. Marc noted that the shoreline residents are in agreement with staff's recommendations. Marc noted that he has spent a significant amount of money in legal fees in dealing with this matter. Marc asked Council to accept the proposal put forward by staff.

B.5.3 Jill Teskey and Sue Behan

Re: Peaks Bay Block 29 Waterfront, Response to Staff Report CSPW.16.049, Request to Leave Shore Natural

Jill Teskey spoke noting she has been walking this beachfront for five years, and identified the area where she walked. Jill noted that boulders were brought in to block the pathway. Jill noted that the water levels in Georgian Bay are up, and that the proposed access is sending the public in to the water. Jill noted that walking on the ice in the winter is dangerous.

Jill spoke regarding the intentional blockage of the path with chairs, and noted that it is much easier to walk on the higher ground. Jill noted that the large shale area is not visible now with the high water level.

Jill identified the location of the walking trail, and noted that she tries to stay to the edge of the lots, but noted that the strategically placed boulders placed in an effort to prevent the public from walking along the waterfront make it difficult to walk the waterfront. Jill noted that the drainage ditch should be kept clear for drainage purposes.

Jill noted that Ron Duke provided a natural buffer, further noting the boulders are a concern.

Jill then spoke regarding the placement of stepping stones on public property to access the waterfront. Jill noted that she and Mr. Vandergust are the only full-time residents in the development during the winter months. Jill noted that the development has 200 more lots, and that more members of the public will want to use the waterfront. Jill noted that the waterfront lot owners are trying to prevent the public from enjoying the waterfront.

Jill noted that there should be no limitations on public property, and noted that the boulders are a trip hazard.

Jill noted that Camperdown Road is accessible to the public and has signage, further noting that there should be signage here too.

Susan Behan, resident, spoke noting she has been in the area for 28 years and noted that Georgian Bay should be enjoyed by all. Susan noted that she has enjoyed waterfront walks along this area for years, and noted that this is public land. Susan noted that the owner of Lot 5 has completed plantings. Susan noted that the plantings should be wild and natural and the public land should be protected. Susan noted that the Town should have stipulations on what is permitted, further noting that the placement of stepping stones on public lands makes it appear that it is private land. Susan noted that it is intimidating to walk through private chairs and over stepping stones to walk the beach.

Councillor Halos thanked Susan and Jill for their deputations. Joe then questioned if the stepping stones were permitted by the Town, Director of Community Services Shawn Everitt replying yes.

B.5.4 Victor Vandergust

Re: Peaks Bay Waterfront, Block 29, Proposed Interference with ANSI Land, Lands Zoned OS-H and use of Public Lands

Victor spoke noting that trees have been cut along the waterfront of Block 29. Victor noting that the tree preservation zone does not go beyond the lot line, further noting that he has been involved with this development since its inception. Victor noted that he has the support of the land owners in the area. Victor noted that the Town approved stepping stones from Lot 5 to the waterfront, and asked that the stepping stones be removed from Town property.

Victor spoke regarding an email sent from Marc Anthony Venere to Town staff regarding Block 29, that indicated that “the plantings will have to be restored so that no access through the drainage channel or the tree preservation zone is possible as this area is designed to be a privacy buffer for the residence from the viewing public” and that “if access is required it should be a discreet naturalized hidden pathway at the north point of the walkway”.

Victor noted that Camperdown Road North has a sign placed stating “Camperdown Road Waterfront Public Access” because the residents in that area were claiming ownership of the waterfront, and questioned why there is no sign on Block 29. Victor questioned if it is illegal to walk public lands.

Victor spoke regarding the Ontario Municipal Board hearing and the protection of the ANSI with the placement of the 'h' holding symbol to restrict development on the westerly portion of Block 29. Victor noted that he does not believe the 'h' holding symbol has been removed, therefore no development is to take place, which includes plantings and placement of boulders and rocks and the construction of a landscaped stairway. Victor noted that high water and ice have taken out trees.

Victor noted that 42% of citizens want more waterfront, as noted in the recent Citizen Satisfaction Survey. Victor noted that if Council approves the staff report as written and included on this Committee of the Whole Agenda, there will be even less waterfront available for public use.

Victor noted that currently the public is required to walk single file on the path through Block 29 as this is all that is permitted.

Victor noted that the public want access to walk the waterfront. Victor asked that a sign be erected to advise the public that this is a public area, further noting that no further plantings should be permitted.

Victor expressed concern with the survey and signage, further noting that the emails received in response to a recent FOI request include hundreds of emails regarding this matter, and noted there are matters in the emails that are concerning. Victor noted that this all started because of the plantings on public land, further noting that the waterfront owners want a private beach on Block 29.

Victor noted public access to the waterfront on Block 29 should not be through a "discrete, hidden naturalized pathway", that it should be a parcel of public land. Victor noted that he is here to represent the public, and the importance of connectivity.

Victor spoke regarding a 2012 staff report regarding the preservation of waterfront land, and noted that no one, other than the owners of waterfront lands, were consulted.

Councillor Seguin spoke noting he was not on Council in 2012, further noting he was the President of Blue Mountain Ratepayers Association at the time.

Councillor Halos spoke thanking Mr. Vandergust for his deputation, further noting that he agrees, that the public waterfront needs to be protected. Joe questioned if Mr. Vandergust is not satisfied with Option F as identified in the staff report included on this Committee of the Whole Agenda? Victor spoke in response noting that no, he is not satisfied with Option F, further noting what is suggested is just a path, and questioned why the public are required to walk in single file. Joe then noted that there are many public places where the public are unable to walk four abreast. Joe then noted that Block 29 should feel like it is public land, and that this should not be taken away from the public.

Victor noted that the Town owns to the top of the bank, and that when the ice comes in, it comes to the edge of Lot 5. Victor noted that a discreet natural path will leave nowhere for the public to walk as the proposed location of the path will be under water and ice.

Deputy Mayor Ardiel questioned if there is parking at the drainage ditch, Victor replying that the public often parks in front of his home. Victor noted that the Town needs to complete a major study to remove the 'h' symbol easement to Peaks Bay. Victor noted that parking in the area will have to be increased.

Deputy Mayor Ardiel spoke questioning if there is connectivity to the development at the bottom of Georgian Peaks, Victor replying not yet, but that this would be nice. Victor noted that the Town could take the waterfront from the developer for public use.

B.6.4 Thornbury Wastewater Treatment Plant Environmental Assessment Amendment – Budget Creation, CSPW.16.036

Moved by: Michael Seguin

Seconded by: R. J. Gamble

THAT Council receive Staff Report CSPW.16.036 entitled, “Thornbury Wastewater Treatment Plant Environmental Assessment Amendment – Budget Creation”;

AND THAT Council approve the creation of a 2016 Capital Budget of \$25,000 to retain Engineering Services to amend the existing Schedule “C” Comprehensive Environmental Assessment to enable the application for an extension to the Environmental Compliance Approval for the Thornbury Wastewater Treatment Plant;

AND THAT Council approve funding the \$25,000 from the Wastewater Rate Stabilization Reserve, Carried.

B.7 Community Services and Infrastructure & Public Works Reports “Information Reports” and correspondence to be considered in the adoption of the Consent Agenda:

B.7.1 Water 2016 Ministry of the Environment and Climate Change Inspection Results, CSPW.16.057

THAT Council receive Staff Report CSPW.16.057 entitled “Water 2016 Ministry of the Environment and Climate Change Inspection Results” for their information, Carried.

B.7.2 April 2016 Construction Status Report, CSPW.16.024

THAT Council receive Staff Report CSPW.16.024 entitled “April 2016 Construction Status Report” for their information, Carried.

B.7.3 2015 Locate Summary Report, CSPW.16.015

THAT Council receive Staff Report CSPW.16.015 entitled, “2015 Locate Summary Report” for their information, Carried.

B.8 Correspondence, if any

B.8.1 Kerry Murch

Re: Replacement of Water Main on Mary Street, Clarksburg

Moved by: Gail Ardiel

Seconded by: John McGee

THAT Council of The Town of The Blue Mountains acknowledges receipt of the correspondence from Kerry Murch dated April 18, 2016 regarding replacement of water main on Mary Street for their information, and refers this correspondence to Infrastructure and Public Works, Carried.

B.8.2 David Finbow

Re: Correspondence on Peaks Bay
Block 29 Waterfront

Moved by: Michael Seguin

Seconded by: John McKean

THAT Council of The Town of The Blue Mountains acknowledges receipt of the correspondence from David Finbow dated April 20, 2016 regarding Peaks Bay Block 29 Waterfront for their information, and refers this correspondence to Community Services, Carried.

B.8.3 Tom Strnad

Re: Flooding of Patricia Drive and Claire Glen

Moved by: Michael Seguin

Seconded by: R.J. Gamble

THAT Council of The Town of The Blue Mountains acknowledges receipt of the correspondence from Tom Strnad dated April 14, 2016 regarding flooding of Patricia Drive and Claire Glen for their information, and refers this correspondence to Infrastructure and Public Works, Carried.

**Planning & Development Services Reports
To be chaired by Deputy Mayor Gail Ardiel**

B.9 Deputations, if any

None

B.10 Staff Reports

B.10.1 Solcorp Developments (Peaks Ridge) Inc. Part Lot Control By-Law Block 39 16M-24 (Ridge Estates) Town of The Blue Mountains, PDS.16.44

Moved by: John McGee

Seconded by: Joe Halos

THAT Council receive Staff Report PDS.16.44 "Solcorp Developments (Peaks Ridge) Inc., Part Lot Control By-law, Block 39, 16M-24 (Ridge Estates), Town of The Blue Mountains" and;

THAT Council enact a By-law so as to remove Block 39 Plan 16M-24 from part-lot control for a temporary period of time, Carried.

B.10.2 Lora Bay Subdivision Part Lot Control Exemption, Lots 116, 117, 118 and Block 8, Registered Plans 16M-2 and 16M-8, PDS.16.51

Moved by: John McKean

Seconded by: John McGee

THAT Council receive Staff Report PDS.16.51, "Lora Bay Subdivision Part Lot Control Exemption, Lots 116, 117, 118 and Block 8, Registered Plans 16M-2 and 16M-8"; and

THAT Council enact a By-law, substantially in the form as attached as Attachment "2" to report PDS.16.51, so as to remove Lots 116, 117, 118 and Block 8, Registered Plans 16M-2 and 16M-8 from Part-Lot Control for a temporary period of time, Carried.

C. 5:00 PM Public Meetings / Deputations

Mayor noted under the authority of the *Municipal Act, 2001* and in accordance with Ontario's *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town's website and or/ made available to the public upon request.

C.1 Statutory Public Meetings

C.1.1 Public Meeting: Zoning By-law Amendment, Shoreline areas along Georgian Bay, Town of The Blue Mountains

Mayor McKean read the Notice of Public Meeting for Proposed Zoning Amendments regarding Shoreline Areas along Georgian Bay.

John noted this proposal is a Town of The Blue Mountains initiated zoning amendment to both the Town of Thornbury Zoning By-law 10-77 and Township of Collingwood Zoning By-law 83-40. The purpose is to clarify the building setback area along Georgian Bay where there are potential shoreline flooding hazards. These changes are for clarification purposes only, to make the by-laws easier to use and reduce the number of variances to the by-law requested, while continuing to protect shoreline areas from flooding hazards.

John noted the zoning by-laws prohibit development in areas measured 15 metres inland from 100 year flood level along Georgian Bay, where wave action could extend beyond the high water mark (also known as a "wave uprush" area). The proposed amendments will clarify this setback from the 100 year flood level of 177.9 G.S.C elevation, as well as provide some ability for property owners with existing buildings and structures to rebuild or construct additions where the risk of flooding is not increased.

John noted development along the shoreline is also regulated by the Conservation Authority under *O. Reg. 151/06: Grey Sauble Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Permits from the Conservation Authority are also required for development in a regulated area.

John noted no map has been provided for these proposed amendments as they would apply generally to all shoreline areas along Georgian Bay in the Town of The Blue Mountains.

John noted if a person or public body does not make oral submissions at a public meeting or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of Council to the Ontario Municipal Board.

John noted if a person or public body does not make oral submissions at a public meeting, or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The Clerk noted that notice of the Public Meeting was given in accordance with the Planning Act and the Town's Notice Policy, and that in response, comments were received from Grey County Planning and Development, Grey Sauble Conservation Authority, Historic Saugeen Metis, Darryl Robins Consulting Inc. and Peter Berczi.

Planner Denise Whaley spoke reviewing the purpose of the proposed zoning by-law amendment, and noted that upon adoption of the new official plan, that a new zoning by-law will be brought forward. Denise noted that both zoning by-laws already prohibit development along Georgian Bay in what is considered a shoreline hazard area. Denise noted that staff have processed a number of minor variances to allow for shoreline development noting that an additional permit is required from Grey Sauble.

Denise noted that the amendments clarify the building setback area along Georgian Bay where there are potential shoreline flooding hazards, make the by-laws easier to use, reduce the number of variances to the by-law requested while continuing to protect the shoreline areas from flooding hazards, and provide clarity in the by-law where property owners with existing buildings and structures can rebuild or construct additions where the risk of flooding is not increased.

Denise spoke regarding recent requests for variance from minimum elevation for a building opening, referencing new requirements in By-laws 2014-70 and 2014-71, further noting that the minimum elevations differ between the by-laws 179.2 m and 179.83 m gsc. Denise noted that it is not the Town's intention to sterilize any properties and reviewed the highlights of proposed changes to both by-laws.

Denise reviewed the next steps noting that a report will come back to a future Committee of the Whole meeting with a report summarizing the public comments and other planning considerations, provide an updated draft by-law for consideration and discussion and bring the by-law to Council for consideration at a future Council meeting.

Councillor Seguin spoke questioning if the proposed zoning by-law is for the Georgian Bay shoreline only, referencing streams and rivers. Denise spoke in response noting the by-law is applicable for the Georgian Bay shoreline only.

Councillor Seguin questioned if this zoning by-law will apply to new plans of subdivision along Georgian Bay as well, Denise replying yes, further noting that natural heritage features would also be considered.

Councillor Halos spoke questioning reference to "elevation of openings", Denise spoke in response noting the minimum elevations are meant to include a 15 metre setback, further noting that Grey Sauble suggests we don't need elevation of openings as it would look at this on receipt of application for permit

Andrew Pascuzzo of D.C. Slade Consultants spoke on behalf of his client Denis Martinek. Andrew noting that they agree with the by-law in principle. Andrew noted that his client applied for a consent and zoning by-law amendment in December 2015 for his property along Georgian Bay. Andrew referenced the shoreline hazard study and noted it was applied for with reduced setbacks. Andrew noted that the 100 year flood line does not allow a 15 metre setback on Mr. Martinek's property, and noted that he would like a provision in the by-law to allow construction on a vacant lot. Andrew noted that his concern was expressed to Planning staff, further noting that he believes this concern to be site specific, and that he hopes that Council and staff will consider his concerns on behalf of Mr. Martinek.

R.B. Waind, Swiss Meadows resident spoke noting he sits on the Town's Committee of the Adjustment, and noted that he is not clear if Grey Sauble is to be included in circulations. R.B. Waind questioned if the purpose of the new by-law would be to permit additions to existing structures as long as it did not encroach into the setback.

R.B. Waind noted that there should be a distinction between dwellings and accessory buildings, and noted that he would like to know Grey Sauble's position on the proposed by-law.

Lucy Richmond, area resident, spoke questioning reference to the vertical measurement, Director of Planning and Development Services Michael Benner spoke noting that 177.9 GSC is a 100 year lake level, referencing the 100 year storm and the metres above sea level. Lucy noted that the lake levels can vary greatly, Michael Benner spoke in response, agreeing that the water levels can vary greatly, further noting that Grey Sauble considers many dynamics.

As no one further wished to speak, Mayor McKean declared the public meeting to be closed.

C.1.2 Public Meeting: Official Plan Review, Town of The Blue Mountains

Mayor McKean read the notice that the Committee of the Whole of Council of The Corporation of the Town of The Blue Mountains will hold a Second Public Meeting pursuant to Section 17(15) of the Planning Act, regarding the Town's Official Plan Review.

John noted the Town of The Blue Mountains adopted a new Official Plan in September 2014 and since that time, Town and County Staff have received a number of comments from area stakeholders and the public regarding the adopted Plan. In addition, a new Council is in place who have provided new direction on some policy matters. As a result, Town and County Staff have proposed a number of modifications to the September 2014 Plan and offer a second public meeting to review the changes and to receive new comments on the updated Plan.

John noted any person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan. It is noted that this is a Second Public Meeting and that any written or verbal comments received at the First Public Meeting will remain on record and do not need to be resubmitted.

John noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains in respect of the proposed Official Plan before Council gives or refuses to give approval to the Official Plan, the person or public body is not entitled to appeal the decision of the Town of The Blue Mountains to the Ontario Municipal Board.

John noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains in respect of the proposed Official Plan before Council gives or refuses to give approval to the Official Plan, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

The Clerk noted that notice of the Public Meeting was given in accordance with the Planning Act and the Town's Notice Policy, and that in response, comments were received from Grey County Planning and Development, Grey Sauble Conservation Authority, Historic Saugeen Metis, Darryl Robins Consulting Inc. and Peter Berczi.

The Clerk spoke noting notice of the Public Meeting was given in accordance with the Planning Act and the Town's Notice Policy, and that in response comments were received from Historic Saugeen Metis, Travis & Associates on behalf of "Interwood" Condominium Hwy 26, D.C. Slade Consultants on behalf of Tyrolean Village Resorts, David Finbow Land Development, Planning & Building Code Consulting on behalf of P.B. Holdings Limited, Eleanor Ward, Arnold and Mildred Valian, Travis & Associates on

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behalf of Georgian Bay Estates Ltd., Travis & Associates Inc. on behalf of Lora Bay, Travis & Associates Inc. on behalf of Blue Mountain Resorts LP, Travis & Associates Inc. on behalf of Timberwolf, Alpine Springs Crt Lots 1 through 5, Plan 1134.

Planner Shawn Postma spoke noting the purpose of the review of the Official Plan is to review updates to the Official Plan since the September 2014 Plan was adopted by Council, receive stakeholder comments and provide a response to all comments received. Shawn noted that this is a transparent and open process, referencing the modifications, proposed updates, including density, height and bonusing. Shawn noted that bonusing has been removed from the official plan, height is a maximum of three stories with the exception of Blue Mountain Village that has taller buildings, as well as barns and silos.

Shawn reviewed the Open Space requirements, and noted the open space exemption policies are proposed to be updated to also recognize historical open space dedications made through earlier phases of development as fulfilling Open Space Requirements.

Shawn reviewed the transportation policies, noting that policies have been relaxed on local heritage roads to also permit limited new lot creation and new lot development.

Shawn spoke regarding mineral aggregate resources noting that many of the changes come from Grey County and are covered under the Aggregate Resources Act.

Shawn spoke regarding medical marijuana facilities and noted that this has been removed from the specialty agricultural land areas, and continues to be allowed on rural lands, rural employment lands and urban employment lands.

Shawn spoke regarding sewage treatment plant buffer areas, and noted a new policy is proposed to be inserted to require further study of potential impacts within 100 metres.

Shawn spoke regarding second unit policies and noted that policies are proposed to be expanded to also permit second units within accessory structures (apartments above garages). Shawn noted that site plan approval within accessory structures is permitted.

Shawn spoke regarding the Highway 26 noting it has been recognized as a significant scenic corridor, and that a 10 metre buffer strip on both sides of Highway 26 has been included to preserve the quality scenic drive on Highway 26. Shawn noted there is a requirement to complete a Highway 26 Streetscape Corridor Study.

Shawn spoke regarding the downtown area and noted a new permitted use is proposed "uses intended to service the travelling public such as automobile service centre or car wash" further noting a mandatory requirement for zoning by-law amendment and for site plan approval.

Shawn spoke regarding character and community design, further noting the Community Design Guidelines now have stronger references in the Official Plan, including goals and objectives on protecting and enhancing the character of the urban areas, Community Design Policies and that all development applications are to be evaluated against the Community Design Policies and Community Design Guidelines.

Shawn spoke regarding short term accommodation and noted the Ontario Municipal Board approved OPA #11, further noting that the official plan direction was not to stray from the intent and direction of the OMB approval.

Shawn spoke regarding Drive Through Facilities noting that the September 2014 Plan did not permit Drive Through Facilities within the municipality.

Shawn noted that the proposed update directs Drive Through Facilities to Commercial Corridor Lands, subject to zoning, community design criteria and site plan approval.

Shawn spoke regarding Archaeological Studies noting that archaeological studies are now required for all residential development applications and some non-residential development applications. Shawn noted that exemptions may be permitted on significantly disturbed sites.

Shawn spoke regarding exception modifications and noted that all September 2014 exceptions were reviewed (45) and that half of the existing exceptions were eliminated.

Shawn reviewed the mapping modifications.

Shawn reviewed the future secondary plan areas, and noted that the policy direction has not changed, further noting that Swiss Meadows has been identified as a future secondary plan area. Shawn spoke regarding Thornbury West and noted that this area was previously recognized as a residential recreation area and permitted new residential development at 10 units per hectare. Shawn noted that the lands are bounded by Future Secondary Plan Area designation and do not appear to naturally continue existing development patterns in the area. Shawn noted if more development is to be considered a more detailed plan exercise should be completed.

Shawn then spoke regarding additional updates since the Notice of Public Meeting, including Thornbury Height, removal of maximum 2 storey limitation for single detached, semi-detached and townhouse dwellings and 40% open space requirements. Shawn spoke regarding Tyrolean Village Resorts / LMCM Holdings, noting that permissions for 125 commercial resort units for both parcels have been deleted and replaced with resort commercial designation with no limitations, though identifies what is required moving forward with new applications.

Shawn spoke regarding Lake Drive (former Branch/Adams property) and noted that it was proposed to delete the existing exception, but noted this will be put back in as originally worded.

Shawn spoke regarding Official Plan Density at the Blue Mountain Village Area and noted it will be updated to 15 units per hectare.

Shawn spoke regarding general mapping / text corrections, then spoke regarding next steps.

Councillor McGee questioned reference to the Highway 26 corridor with a 10 metre buffer zone and questioned if there will be an allowance in Craighleith for commercial, Shawn spoke in response noting that the 10 metre buffer is required with the exception of Thornbury, further noting that landscaping and landscaping analysis is required.

Councillor McGee spoke regarding Thornbury Commercial Core and reference to gas stations and car washes and questioned why this type of development is permitted in this area. Shawn spoke in response noting that gas stations and car washes are not permitted anywhere in the official plan, further noting that they must meet the community design guidelines and policies.

Councillor Halos spoke regarding secondary plan areas and the development charges land on the east side of the Beaver River and questioned if development is permitted in this location. Shawn noted there is no prohibition of development, further noting the highest and best use of lands is considered, and that there are any number of scenarios.

Councillor Halos spoke questioning if the Town is prepared to consider the trend of "tiny" houses, Shawn spoke in response noting that yes, the Town is prepared to deal with the tiny house trend, further noting the Town has permissive density uses.

Deputy Mayor Ardiel spoke regarding buffer strips on Highway 26 noting that the vistas and views of the Bay should be preserved, and then expressed concern with the number of fences along Highway 26. Shawn spoke in response noting that we are trying to ensure that the number of noise walls and fences are kept to a minimum.

Councillor Seguin spoke regarding short term accommodation, questioning reference to allowing short term accommodation in some residential areas. Shawn spoke in response noting that the provision is proposed to be added, further noting that generally speaking short term accommodation units should not be permitted in land use areas that only permit single family dwellings. Shawn noted it is proposed to recognize the intent of infilling designations to recognize existing subdivisions where short term accommodation units should not be permitted. Councillor Seguin noted that the clause is being misused as it relates to where short term accommodation units are permitted, further noting that short term accommodation should not be permitted in existing residential areas. Shawn noted that additional short term accommodation policies are in place.

Councillor Martin spoke noting short term accommodation units are an issue in the entire municipality, and that there should be a clear map included in the official plan noting where short term accommodation units could be considered, further noting this is what the community wants.

Mayor McKean spoke questioning if Council could be provided with mapping noting where short term accommodation units are permitted now, Shawn replying yes.

Deputy Mayor Ardiel spoke noting that real estate agents should be educated as well as to where short term accommodation units are permitted. Gail then questioned if solar and wind farms are permitted in the official plan, Shawn spoke in response noting that they are federally regulated, further noting there are general policies in the official plan. Shawn noted that cultural heritage speaks to solar and wind.

Robert Labron, Senior Advisor of Landsite Advisory Inc. spoke noting he is here with his associate Helen Di Leccha from JDF Realty in Vaughn. Robert noted that they represent Mr. and Mrs. Arnold Valian who are the owners of Part of Lots 16 and 17, Concession 3 and the lookout property on Scenic Caves Road. Robert noted that the subject properties have been owned by the Valian's for 40 years, and that they have now decided to sell the properties. Robert noted that under the proposed revisions of the Official Plan, the Valian's property would have its residential recreation designation removed which sterilizes any immediate use until a future secondary plan has been completed. The future secondary plan would determine the highest and best use while conforming with the immediate area based on service capability and analysis of such report. Robert noted that it is also understood that the Valian's would be required to dedicate road easements, the lookout lands approximately 1 acre, and undertake transportation and other reports. Robert noted that these requirements are very excessive to place on private sector individuals. Robert noted that these requirements are beyond the norm and are traditionally used for planning practices when dealing with plans of subdivision or lands with much greater density than five lots on a private holding. Robert questioned if a holding designation could be assigned to this property until such time as a study is completed. Robert questioned if other private sectors have been asked to front end these costs. Robert questioned the timelines to complete the study and if there is no timeline set, asked that this be addressed prior to sterilizing the lands indefinitely. Robert noted that it is unjust for the municipality to freeze this asset with no regard to the fact that the Valian's have invested in The Blue Mountains and paid their taxes in a timely fashion over the years. Robert noted the Valian's reserve their right to appeal to the OMB regarding the future secondary plan in the event the official plan diminishes either the use or value of the lands.

Brian Nelson, resident 40 Napier Street West, Thornbury, spoke on behalf of Blue Mountain Ratepayers Association ("BMRA"). Brian thanked staff for tracking and organizing the comments. Brian noted the only concern of the BMRA are the Community Design Guidelines and Short Term Accommodation issues. Brian spoke regarding the Community Design process and noted the public became aware late in the process. Brian questioned if, under the new Official Plan, the Public can be assured that there will be an opportunity in all development processes to see an evaluation by staff on the design, based on the Community Design Guidelines. Brian noted that compatibility with character of the community is important. Mayor McKean spoke in response noting that the public needs to be aware early in the process. Director of Planning and Development Services Michael Benner spoke noting that staff are working through the development review process, and that staff want to ensure that when new development comes forward, that the developments will be brought into the public realm, but expressed caution that staff cannot move too quickly on this as some developers do not want their development public before they are sure they can move forward with what they are proposing. Michael Benner noted that Council require all information before they can make a decision.

Brian Nelson then spoke regarding short term accommodation, noting there is an issue in the old official plan, referencing residential infilling being restricted to single family detached, where short term accommodation uses were prohibited. Brian noted that the wording proposed for the new official plan is concerning and asked that Council prohibit short term accommodation units in all residential neighbourhoods, not just in single family dwelling residential developments. Brian noted that mapping should be considered and would satisfy BMRA, further noting that areas that prohibit short term accommodation units should be clearly mapped. Brian noted that old infilling designations should be mapped as well to provide clarity.

Michael Benner spoke noting the location of short term accommodation units are tracked, further noting that he envisions a section in the official plan that would show the location of the short term accommodation units. Brian spoke in response noting that Council needs the tools to prevent short term accommodation units in residential neighbourhoods.

Andrew Pascuzzo, planner with D.C. Slade Consultants spoke noting he is speaking on behalf of Eden Oak (Trailshead), Part of Lot 20, Concession 2, Plan 529, and noted that he submitted a site specific official plan amendment, zoning by-law amendment and draft plan for a residential community called Blue Trails in 2012, which is currently before the OMB under appeal for lack of decision. Andrew noted the original proposal was for 217 units, which is now at 194 units. Andrew noted that he has provided comments to staff on a number of occasions in the past regarding the proposed density of the Recreational Residential designation. Andrew thanked Council and staff for listening to concerns related to the method of calculating density (net vs. gross) and making the change. This method severely impacts the Eden Oak proposal. Andrew noted that the proposed RR density in this version of the official plan appears to be 10 units per hectare gross without bonusing. Andrew noted that moving from 2.5 units per hectare up to 10 units per hectare will bring the municipality closer in line with the Provincial mandate to prevent urban sprawl. Andrew noted the original density of the project was 29 units per hectare net, and the current density of the project is 12.3 units per hectare gross.

Andrew noted that his outstanding concerns on behalf of Eden Oak Trailshead is that the area of land designated RR is the same as the area in the new schedules, and also with removing the ability to bonus from the RR designation. Andrew then spoke regarding the existing and proposed 40% open space requirement, and noted when the 5% parkland is included in accordance with Planning Act, it results in a total of 45% of a property in the RR lands for open space. Andrew respectfully requested that Council consider a reduction in the 40% open space.

David Slade, consultant spoke noting staff have done a good job, and that we are close to finalizing the official plan. David noted that most issues in the 2016 version were worked out. David noted that he has appreciated the ability to work with staff to protect the Branch/Adams property, LMC and Tyrolean properties. David noted that the market is strong right now.

David spoke noting areas where short term accommodation not permitted as referenced in Official Plan Amendment #11 should be mapped.

As no one further wished to speak, Mayor McKean declared the public meeting to be closed.

C.2 Deputation

None

D. New and Unfinished Business

D.1 Notice of Motion

Council

D.1.1 Councillor Martin provided the following notice of motion. This notice of motion will be included on the May 9, 2016 Council Agenda for Council consideration.

THAT the Town of The Blue Mountains resolves to seek from the Province of Ontario "Single Tier" status.

D.2 Additions to the Agenda

None

E. Notice of Meeting Dates

Council Meeting, May 9, 2016, 7:00 pm
Town Hall, Council Chambers

Committee of the Whole Meeting, May 16, 2016
Town Hall, Council Chambers

F. Adjournment

Moved by: R. J. Gamble

Seconded by: Michael Seguin

THAT this Committee of the Whole does now adjourn at 6:56 p.m. to meet again May 16, 2016, Town Hall, Council Chambers, or at the call of the Chair, Carried.

John McKean, Mayor

Corrina Giles, Town Clerk