

Minutes - Planning & Building Committee



MEETING DATE: October 5, 2009

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Deputy Clerk

A. Call to Order

- Chair Martin called the Committee meeting to order with all members in attendance save Councillor McGee, absent due to vacation.
- Also in attendance was Chief Administrative Office Paul Graham, Director of Planning and Building David Finbow, Director of Special Projects Peter Tollefsen, Senior Planner Cindy Welsh, Planner Bryan Pearce, Director of Engineering and Public Works Reg Russwurm and Director of Finance Robert Cummings

- Approval of Agenda:

Moved by: Cameron Kennedy Seconded by: John McKean

THAT the Agenda of October 5, 2009 be approved as circulated including any additions or revisions to be made, unanimously Carried.

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

- Previous Minutes

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

THAT the Minutes of September 9, 2009 be approved as circulated including any revisions to be made, unanimously Carried.

B. Public Meetings - 7:00 p.m.

B.1 Temporary Use Zoning By-law Amendment North Part Lots 4 & 5, Plan 482 – 1304019 Ontario Limited

Chair Martin then read the Notice of Application and Public Meeting noting the purpose of the By-law is to permit the continued use, on a temporary basis, of an existing animal (cat) shelter on the subject lands.

Michal noted the effect of this By-Law is to permit a temporary use of an existing animal (cat) shelter on the subject lands for a maximum period of one (1) year. The subject lands are zoned C-2-145-h (Highway Commercial) with the holding 'h' symbol limiting the use of the subject premises to a detached dwelling house.

The subject lands of this By-Law are owned by 1304019 Ontario Limited who have filed an application on behalf of Georgian bay Animal Rescue, and are legally described as North Part Lots 4 and 5, Plan 482; Part 1, RP 16R-1023, Town of The Blue Mountains. These lands are locally

described as being located on the southwest corner of the Hope Street and Highway 26 intersection with a civic address of 104 Hope Street.

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

The Deputy Clerk then noted notice of the Public Meeting was given in accordance with the provisions of the Planning Act, by way of first class mailing to all landowners within 120 metres of the subject property and as well a notice was published in a local newspaper having general circulation in the area.

The Deputy Clerk then noted in response to the Notice, correspondence was received from the following and paraphrased correspondence received from the Grey County Planning and Development Department, Grey Sauble Conservation Authority, Niagara Escarpment Commission, Ministry of Transportation, Grey Bruce Health, Lynda Jeffery, B. Schiwkou, G. Wallacen, A. & P. Cross. R. Frankel and L. Willeneuve.

Michael then confirmed this is a public meeting and that no decision would be made at this meeting.

Dori Butler of 104 Bartlet Boulevard, Collingwood, representing the Applicant, Georgian Bay Animal Rescue, then addressed the Planning & Building Committee, noting there are 250 volunteers with approximately 450 homeless animals in their care. Dori noted the 104 Hope Street property is in existence because there is no cat shelter in the Town of The Blue Mountains and further noted the Georgian Bay Animal Rescue ("GBAR") volunteers respond to calls from the public as to injured cats, cats on the road and cats in distress.

Dori noted a vet assesses the cats and if an owner can be found, the cat is returned to the owner.

Dori noted the volunteers attend the 104 Hope Street property 4 times per day to groom, pet and medicate (if necessary) the cats, and further noted the public is welcome to attend the property if accompanied by a volunteer. Dori advised that the OSPCA has approved the 104 Hope Street property and an adoption service is held weekly.

Dori requested on behalf of the GBAR that they be permitted to stay until the shelter is complete and are looking for volunteers to assist in the day to day care of the cats as this is the only facility the GBAR has right now to house the cats.

Dori then introduced Dr. Bell, veterinarian. Dr. Bell then spoke, expressing support for the 104 Hope Street property noting the cats received are assessed and then go into GBAR's care to be vaccinated, de-fleaded, spayed/neutered and some have to be euthanized. Dr. Bell noted a number of vets in the area support the GBAR.

Dr. Bell confirmed he has attended the shelter and believes the GBAR is important. Dr. Bell noted he attends the 104 Hope Street property when

necessary and confirmed the 104 Hope Street property is not ideal, but it is a temporary housing for the cats until the GBAR is complete. Dr. Bell noted the care the stray cats are receiving is amazing.

Michael Seguin of 209 Peel Street, Thornbury then spoke on behalf of the Blue Mountain Ratepayers Association (“BMRA”) and expressed support for the GBAR and asked that Council consider the continued use of the property at 104 Hope Street as a temporary cat shelter believing it to be a great service to the community. Michael acknowledged the support Council has provided to the GBAR to date.

Michael confirmed he has attended and inspected the cat shelter property one week prior to this evening’s public meeting. Michael noted that each day three volunteers attend the shelter in the morning and three in the afternoon to pet, feed and clean litter boxes of the over 100 cats in the shelter at the present time. Michael confirmed he saw no evidence of cruelty or neglect to the cats and noted no cat is admitted to the shelter until it is checked by a vet. Michael noted the volunteers fundraise to support the GBAR and further confirmed it is a temporary situation.

Catherin McMullin of 123 Grand Cypress Lane, Blue Mountain then spoke expressing her support for the shelter and commended the volunteers for the care they provide.

Betty Schiwkow, resident, then spoke noting she has not had any involvement with the humane rescue before, but recently noticed a large number of sickly cats in her area and asked for the assistance of the GBAR. Betty noted the GBAR responded immediately to her concerns. Betty then expressed support for the temporary cat shelter.

Andrea Ramicieri, resident of 192 Timmons Street then spoke noting a number of residents have an issue with the shelter, and believes that Council should consider passing the by-law as if the cat shelter was next door to their home. Andrea asked Council to consider the air quality, odours and the amount of rubbish at the property, but noted the property has been kept in a neater condition lately.

Andrea then questioned how long “temporary” is, Deputy Mayor McKinlay replying the application requests a one year extension, but the extension could be reapplied for at the end of the year.

Mayor Anderson then questioned if Andrea would be content with a one year extension, Andrea replying yes.

Councillor Kennedy then questioned Andrea as to what she believes would make the residents in the area of 104 Hope Street happy, Andrea replying if the smell and odours around the property were dealt with and if the rubbish on the property was cleaned up. Andrea also noted if there was a sunset clause indicating the extension was for a specific period of time.

Councillor Gamble then questioned what happens with the litter box material and questioned if it is emptied regularly. Andrea noted the dumpster has been dumped more regularly lately.

Barbara Reynolds of 131 Alfred Street, Thornbury then spoke, noting she submitted a letter to Council this afternoon in support of the extension,

believing it to be more cruel to leave cats in the wild, being hungry, possibly hurt and or sick, than to have this number of cats in one property, being properly cared for.

Barbara reiterated Dr. Bell's comments that cats are cared for, and reiterated her support for the shelter.

Merila Terriault of 143 Wards Road then spoke regarding the property and confirmed the 104 Hope Street property is zoned highway commercial, not residential, and recommends the committee members drive by the property to see the property is maintained. Merila noted the current zoning would allow a vet clinic to be operated on the property. Merila then reiterated her support for the shelter confirming the cats are well cared for and are happy.

Dr. Peggy Vornavelt of 130 Wards Road, then spoke noting she is new to the community and expressed concern with the 104 Hope Street property. Peggy has visited the shelter, has adopted from the shelter, and is impressed with The Blue Mountains and the volunteers of the GBAR. Peggy confirmed the GBAR are trying to raise money to pay for the new shelter, and further noted she believes the extension should temporarily be granted. Peggy then thanked the volunteers of the GBAR for helping the animals.

Marian Vasni of 62 Highlands Crescent, Collingwood then spoke, expressing 100% support for the GBAR temporary use by-law and provided a petition in support of the extension of the temporary use by-law to the Deputy Clerk.

Ellen then addressed Dori Butler of the GBAR, commending all volunteers. Ellen noted there was a complaint to Town Staff about the odour coming from the property and confirmed that Town Staff are working with the GBAR to provide an effective resolution. Ellen then questioned how many cats are currently in the house, Dori replying 130 and further noted there are 450 cats in all catchment areas, including Wasaga Beach, being cared for by the GBAR.

Ellen then questioned if the cats will all be relocated to the shelter when it is complete, Dori replying there will always be a need for foster homes and confirmed 10 to 12 cats are adopted weekly. Dori further replied that there will be a substantial amount of space for cats in the new building.

Ellen then questioned if one year to raise over \$300,000 for the shelter is realistic, Dori replying it is difficult to fundraise and further noted money has to be raised for ongoing operations as well. Dori confirmed the GBAR had a budget of \$277,000 last year, and noted dry food is provided to the GBAR free of charge and often the kitty litter is free as well.

Deputy Mayor McKinlay then questioned Dr. Bell as to any concerns with the density of animals in this property, Dr. Bell replying the guidelines indicate that if the cat litter is being changed regularly and cats are loose-housed (only the cats being treated are caged) that there is no definite number, but noted the work by the volunteers counteracts how many cats are actually in the house.

Duncan then questioned if the zoning by-law amendment could address the intervals of waste removal, Chair Martin replying yes it could be a

condition of the zoning by-law amendment. Diane Walker, Supervisor of GBAR then spoke, noting the litter/dumpster is removed once per week with a new dumpster being brought each week. Diane further noted there is no garbage left outside, the windows are open and the cat litter boxes are cleaned twice per day and washed once per week, with fans running in all rooms.

Councillor McKean then questioned how many square feet are in the shelter, Diane replying approximately 1300 – 1400 square feet, plus a garage is now available as well, John then replied that equates to ten square feet per cat and noted this is a very high density, Diane noted there are three-level shelving units in the house.

John then questioned the rate of adoption, Deb Boyd, Treasurer of the GBAR replying in 2008 210 cats were adopted and to date in 2009 163 cats/kittens were adopted.

Bob then expressed a concern for the neighbours of the property that the waste removed frequently and that the weather can impact the intensity of the odour.

Duncan then spoke noting he received approximately 90 emails on the matter of the cat shelter and noted Council will deal with the matter impartially and questioned who at the GBAR he could speak with to answer any questions he may have on the cat shelter, Dori replying that she is the contact person for the GBAR and any questions should be addressed to her.

Chair Martin then declared the Public Meeting to be concluded as no one further wished to speak.

B.2 Temporary Use Zoning By-law Amendment Part Lot 25, Concession 7 – 516599 7th Line - David & Hwa Ling Luang Camplin

Chair Martin then read the Notice, noting the purpose of the Public Meeting is to consider a request for an extension to a Temporary Use By-law for the existing Garden Suite on the subject property. The Garden Suite has existed on the property since 1995 and has been permitted by By-Law in accordance with Section 39.1 of the Planning Act. The current By-law has now expired.

Michael confirmed there are no proposed changes to the use of the Garden Suite or to its location.

Michael noted the effect of the Temporary Use By-Law is to permit the continuation of the use of an existing Garden Suite, comprised of a maximum of 110 square metre mobile home and addition as an accessory temporary dwelling unit for a maximum of 3 years from the date of passing of this By-law. An exception is also proposed in order to permit the temporary building to be located closer to the road than the main building.

Michael noted the lands subject to this By-law are owned by David and Hwa Ling Huang Camplin and are comprised of Part Lot 25, Concession 7 (516599 7th Line) Town of The Blue Mountains.

Michael confirmed if a person or public body does not make oral or written submissions at a public meeting to the Town of The Blue Mountains in respect of the proposed Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of Town Council to the Ontario Municipal Board; and may not be added as a party to the Hearing of an appeal before the Ontario Municipal Board.

The Deputy Clerk then spoke noting notice of the Public Meeting was given in accordance with the provisions of the Planning Act by way of first class mailing to all landowners within 120 metres of the subject property and as well a notice was published in a local newspaper having general circulation in the area.

In response to the notice, correspondence was received from the following parties, David Camplin and Hwaling Huang and the Grey County Planning & Development Department.

David Camplin, Applicant, then spoke, noting he recently purchased the subject property from his mother and that the land has been his family farm for many years. David noted the reason for the application is to reapply for an extension to the temporary use by-law. David noted they have beautified the property, having planted many trees.

David confirmed his grandparents live in the garden suite and do not have money to pay rent elsewhere as they have been Preachers their entire lives. David asked that the Committee consider the extension to the temporary use by-law to allow his grandparents to continue to live on the property, but further noted they are willing to follow Council's decision.

Duncan then spoke, questioning when the last by-law expired, Director of Planning & Building David Finbow replying in 2009, and further noted the original by-law in 1995 was for a period of ten years, the second extension was for a period of three years which is expiring in 2009 and the subject application is for a further extension.

Councillor McKean questioned if the Garden Suite is attached to the main house, David Camplin replying the Garden Suite shares a common well with the main house and has its own septic.

Duncan then spoke, noting when the first zoning by-law amendment was granted this arrangement made sense, allowing the family members to live on the farm property until alternate arrangements are required, and when the use ceases the property would revert back with the removal of the mobile home.

As no one further wished to speak, Chair Martin declared the public meeting to be concluded.

C. Staff Reports as circulated

Chair Martin then asked for a Motion to address Agenda Item C.4

Moved by: John McKean Seconded by: Cameron Kennedy

THAT Agenda Item C.4 be addressed prior to Agenda Item C.1,
unanimously Carried.

**C.4 Application for Consent – (B22-2009)
Part Lots 17 & 18, Concession 6, Part 1, RP 16R-3689 – Elmore
Clifton Carr – PL.09.108**

Moved by: D.R. McKinlay Seconded by: Ellen Anderson

THAT Council receive Planning Staff Report PL.09.108, “Application for Consent File No. B22-2009 – Elmore Clifton Carr; Part 1, RP 16R-3689; Part Lots 17 & 18, Concession 6; 18th Sideroad; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B22-2009, subject to the following conditions:

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

In speaking to the Recommendation, Deputy Mayor McKinlay noted this is a natural correction to the division of land to the tree line rather than directly through the middle of the field, Carried.

**C.1 Niagara Escarpment Commission – Land Use Protocol 2009
Radiocommunication & Broadcasting Antenna Systems – PL.09.107**

Moved by: Ellen Anderson Seconded by: John McKean

THAT Council does hereby receive Planning Staff Report PL.09.107, Niagara Escarpment Commission – Land Use Protocol 2009 Radiocommunication and Broadcasting Antenna Systems; and

THAT Council support the Planning and Building Services Staff recommended modifications to the Niagara Escarpment Commission – Land Use Protocol 2009 Radiocommunication and Broadcasting Antenna Systems, as recommended in this report; and

THAT Council direct staff to forward these recommended modifications to the Niagara Escarpment Commission and the County of Grey; and

THAT Council authorize Planning and Building Services Staff to prepare and implement a Town of The Blue Mountains Protocol for Establishing Radiocommunication and Broadcasting Antenna Facilities, Carried.

**C.2 Request for Draft Plan Extension – File No. 42-CDM-2005-05
Intrawest Placemaking Boathouse 1, 2, 3 & 4 – PL.09.105**

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

THAT Planning Committee receive Planning Staff Report PL.09.1025 “Request for Draft Plan Extension, File No. 42-CDM-2005-05, Intrawest Placemaking, Boathouses 1, 2, 3 & 4, Town of The Blue Mountains”; and

THAT Council support the extension of Draft Plan Approval of a Plan of Condominium as noted in the Planning Staff Report for a further period of one (1) year from the expiry date of October 13, 2009, Carried.

**C.3 Request for Comments - Niagara Escarpment Commission
File No. G/R/2009-2010/9057 – Part Lot 9, Concession 4 – 589370 Grey Road 19 – Bob Thompson – PL.09/104**

Moved by: Cameron Kennedy Seconded by: John McKean

THAT Council advise the Niagara Escarpment Commission that the Town has no objection to Development Permit Application File No. G/R/2009-2010/9057; legally described as Part Lot 9, Concession 4; Part 1, RP 16R-738; Parts 2 to 5, RP 16R-5702; Town of The Blue Mountains, unanimously Carried.

**C.5 Application for Consent – (B20-2009)
Part Lot 15, Concession 8 – Rainmaker Estates Inc. – PL.09.109**

Moved by: D.R. McKinlay Seconded by: Cameron Kennedy

THAT Council does receive Planning Staff Report PL.09.109, “Application for Consent File No. B20-2009; Rainmaker Estates Inc.; Part Lot 15, Concession 8; Town of The Blue Mountains”; and

THAT Planning Staff support Application for Consent File No. B20-2009, subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property to the west 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, unanimously Carried.

D. Minutes & Reports List - Receive/Adopt

None

E. New and Unfinished Business

Councillor McKean spoke regarding an upcoming Nottwasaga Valley Conservation Authority Meeting schedule for Friday, October 9, 2009 where there will be a motion by the Township of Essa to disband the NVCA. John noted he is seeking the Committee’s input.

John further noted that the Township of Essa believes there is a duplication of efforts in planning issues.

Deputy Mayor McKinlay then questioned if a conservation authority can be disbanded, Councillor McKean noting they can be disbanded but it would be the first time in Ontario that a conservation authority has been disbanded. Chair Martin noted the Minister would set up another conservation authority to deal with wetlands if the NVCA was disbanded.

Duncan then questioned if disbanding the conservation authority is desirable among the other municipalities in the NVCA watershed, John

replying he does not believe so, but will be advised of this at the meeting on Friday October 9.

Mayor Anderson then spoke, noting conservation authorities are very important and further noted that she is not in support of this type of Motion.

Duncan then spoke, noting this type of radical act will not meet the goals of any municipality, John noting there is a duplication of efforts in any type of planning and noted the cost to replace the service for any municipality would be significant and then noted he is not in support of disbanding.

Michael then questioned the size of the Township of Essa, John replying Essa is a medium sized municipality in the NVCA watershed.

Councillor Gamble then spoke, noting the issue should be dealt with at budget time, not now.

F. Closed Session

None

G. Next Meeting Date

November 2nd , 2009.

H. Adjournment

Moved by: Cameron Kennedy Seconded by: D.R. McKinlay

THAT this Planning & Building Committee meeting does now adjourn at 8:40 pm, unanimously Carried.