

## Minutes - Public Meeting (Council Adjourned)



**MEETING DATE:** December 3, 2007 – 7:00 pm

**LOCATION:** L. E. Shore Memorial Library

**PREPARED BY:** Stephen Keast, Clerk

### A. Call to Order

- Vice-Chair of Grey County Planning and Community Development Committee Duncan McKinlay called the Grey County portion of the scheduled joint Public Meeting to order with members Wally Reif and Brian Mullin in attendance and explained the purpose of the Public Meeting was to consider a Notice of Application concerning a proposed County and Local Official Plan Amendment and Zoning By-Law Amendment made by Miller Paving Limited.
- Councillor John McKean declared a pecuniary interest with regard to the applications and his place of employment and vacated the table and did not take part in related discussion.
- Grey County Planner, Randy Schwerzer then noted the purpose of the joint Public Meeting is to provide an opportunity to discuss a proposed Official Plan Amendment to the County of Grey Official Plan on lands described as Part Lot 29, Concession 11, Town of The Blue Mountains. The County Official Plan Amendment (File No. 42-42-OPA) if granted, would redesignate the subject lands from "Agriculture" and "Special Agriculture" to "Mineral Resource Extraction" to permit the expansion of an existing pit operation on the subject lands.
- Mayor Anderson then called the Town portion of the joint Public Meeting to order and explained the purpose of the three applications is to permit the expansion of an existing pit operation.
- Ellen noted the effect of the Town of The Blue Mountains Official Plan Amendment is to redesignate the subject lands from "Agriculture" (A) and "Special Agriculture" (SA) to "Extractive Industrial" (EI) to permit the expansion of the same.
- Ellen noted the effect of the Township of Collingwood Zoning By-Law Amendment is to rezone the subject lands from "General Rural" (A1) to "Extractive Industrial" (M4), as the M4 Zone would permit extractive industrial activities on the subject lands.
- The lands affected by these applications are owned by Miller Paving Limited; and are legally described as Part Lot 29, Concession 11, Town of The Blue Mountains. These lands are locally described as being on the west side of Grey Road 13, just south of the Village of Clarksburg with a civic address of 788273 Grey Road 13.
- Ellen then noted if a person or public body that files an appeal of a decision of the Council of the Town of The Blue Mountains in respect of the proposed consent does not make written submissions to the Council of the Town of The Blue Mountains before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.
- The Clerk then noted Notice of Public Meeting had been given in accordance with the provisions of the Planning Act and read correspondence received from the Grey Sauble Conservation Authority and the Grey County Transportation Department.

- Vice-Chair McKinlay then called planning consultant Don Scott to make his presentation on behalf of the Applicant, Miller Paving.
- Don explained that the applicant requires approvals under the Aggregate Resources Act, an Official Plan amendment and Zoning By-Law Amendment to proceed with a pit expansion.
- Don explained that the pit currently extracts less than what they are currently licensed to extract and this expansion will expand the life of the pit for a number of years
- Don explained that the proposed pit is 7.6 hectares, and it is expected to extract up to 20,000 tonnes of material annually. Don advised that the pit floor would be 1½ metres above the water table
- Don advised the rehabilitation plan includes replacing existing, old orchard on property
- Don noted that the pit is licensed to extract 100,000 tonnes per year and at this rate, the life of the pit would be approximately five years.
- Don explained the pit would be developed in three phases and each phase would undergo a progressive rehabilitation program.
- Don noted an Archaeological Assessment was conducted and an early woodland settlement was found, which will not be disturbed.
- Don confirmed a monitoring program has been set up to ensure that ground water that would penetrate the pit floor and will have no impact on the Beaver River cold water stream. Don also confirmed the site is designated both specialty agricultural and aggregate extraction and as the aggregate is extracted, the area can be later rehabilitated as orchard, adding he believes this to be an appropriate use of a provincial resource
- Mayor Anderson then asked if anyone from the public wished to speak.
- Kristin Rennie, resident of 104 Marsh Street, questioned if the truck traffic would increase if the pit expanded, Don replying no, it was not anticipated to increase activity but simply continue operations and truck traffic should be as it is at present.
- Greg Patterson, area resident, then questioned how the land would be rehabilitated following extraction, Don stating the topsoil and overburden is extract and stored and replace following excavation, with legume crops planted as phases progress. Mr. Patterson then questioned changes in elevation following extraction, Don replying approximately 3 metres below present with 3:1 slopes to allow agricultural use.
- Mayor Anderson then questioned a possible public use of the hazard lands along the river to be linked to the Town's trail system, Don noting that this question had been raised before and he would consult as to the applicant's position on this.
- Councillor Gamble then asked if the mature forest on the site would be disturbed, Don replying no.
- Mayor Wally Reif then questioned the reference to a woodland site and if consultation had taken place, Don replying yes, with a First Nations woodland site was discovered and noted that 1100 artifacts were collected from the area.
- Councillor Martin then asked how aggregate use can develop in specialty cropland areas, Don replying that Provincial prioritizing of uses gives priority to aggregate uses over others, with the agricultural rehabilitation resulting in a win/win scenario.

- Councillor McGee then questioned if the existing pit is completely depleted now, Don replying just about.
- John then questioned the plan for rehabilitation on the existing pit , Miller employee Paul Sadler advising that the rehabilitation is progressing presently at the rate of approximately 2 acres each year, currently planted in grass seed
- As no one further wished to speak Vice-Chair McKinlay thanked the County representatives for attending the joint Public Meeting and declared the County's portion of the joint Public Meeting to be adjourned.
- As no one further wished to speak Mayor Anderson declared the Town's portion of the joint Public Meeting to be adjourned.
- Mayor Anderson then called the scheduled joint Public Meeting to order and explained the purpose of this joint Public Meeting was to consider two Applications for Consent, B12-2007 and B13-2007.
- Ellen then reviewed Application for Consent, File No. B12-2007, Owners Mark Fiaz Sakkejha and Abeer Sakkejha.
- Ellen noted the purpose of this consent is to consider a request to create a 137 square metre easement for access purposes. A 699 square metre parcel containing the existing dwelling would be retained. This consent would provide a driveway easement for Lot 68, over Lot 67, Plan 320. At the same time, a 5 square metre strip of land (.3 metre reserve) along Highway 26 would be dedicated to the Ministry of Transportation to prevent any future entrances onto the Highway
- Ellen then noted this consent is submitted in conjunction with Consent Application No. B13-2007. The intent of both applications is to provide one shared access off of Highway 26 for three residential lots. More specifically, a driveway easement for lots 67 and 68 is proposed across Lot 66 and 67, Plan 320; with a shared common entrance to Highway 26 on Lot 66, Plan 320
- The subject lands are comprised of Lot 66, Plan 320.
- Ellen then noted the easement parcel would have a frontage of 9.0 metres and area of 223 square metres while the retained parcel would have a frontage of 0 metres and have an area 628 square metres and both having access on an open and maintained municipal street and municipal water and sewer.
- Ellen then reviewed Application for Consent, File No. B13-2007, Owner Blue View Chateaux c/o Mark Fiaz Sakkejha
- Ellen noted the purpose of this consent is to consider a request to create a 223 square metre easement for access purposes. A 628 square metre vacant residential parcel would be retained. This consent would permit an entrance and driveway easement for Lots 67 and 68 over over Lot 66, Plan 320. At the same time, a 3 square metre strip of land (.3 metre reserve) along Highway 26 would be dedicated to the Ministry of Transportation to prevent any future entrances onto the Highway
- Ellen then noted this consent is submitted in conjunction with Consent Application No. B12-2007. The intent of both applications is to provide one shared access off of Highway 26 for three residential lots. More specifically, a driveway easement for Lots 67 and 68 is proposed across Lot 66 and 67, Plan 320; with a shared common entrance to Highway 26 on Lot 66, Plan 320
- The subject lands are comprised of Lot 66, Plan 320.
- Ellen then noted the easement parcel would have a frontage of 9.0 metres and area of 223 square metres while the retained parcels would have

frontages of 0 metres and 628 square metres, both having access on a proposed open and maintained municipal street and municipal water and sewer.

- Ellen then noted if a person or public body that files an appeal of a decision of the Council of the Town of The Blue Mountains in respect of the proposed consent does not make written submissions to the Council of the Town of The Blue Mountains before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.
- The Clerk then noted Notice of Public Meeting had been given in accordance with the provisions of the Planning Act and read correspondence received from area residents John Kruger and Lester Posen, Ministry of Transportation and the Grey County Planning and Development Department.
- Mayor Anderson then asked if anyone wished to speak to the proposed Consents
- Planner Shawn Postma then reviewed the applications, noting the easement is for a driveway only and that no new lots are being created. Shawn noted the three properties are currently vacant, with the exception of a garden shed, and that the owner plans to construct three separate houses with separate septic systems.
- Shawn noted one driveway would service all three lots and that the 0.3 metre reserve would restrict any other access onto Highway 26.
- Shawn then noted the purpose of the public meeting is to seek input from residents and agencies and report back to council at a later date. Shawn confirmed that the subject lands are three vacant parcels and the owner plans building one home per lot.
- Councillor Gamble questioned the depth of the parcels between the easement and Highway 26, Shawn replying approximately 9.2 metres and that an accessory building could be built depending on the size and the required setback.
- Shawn noted that a condition of consent is that .3 metre reserve be taken off of lot 68
- Councillor Martin then questioned the average width of neighbouring lots, Shawn replying that lots in the area are all relatively the same, roughly 18 metres wide.
- Law Clerk Bruce Hart then spoke on behalf of the applicants, advising that the owners feel creating a single access to service three lots is a safer alternative as opposed to three at a very dangerous point of Highway 26. Bruce also confirmed that nothing would be built on the lands between the Highway and the easement due to slope of the land.
- Bruce further noted that the owners have dealt with the Ministry of Natural Resources regarding setbacks, and the Health Unit for septic systems.
- Deputy Mayor McKinlay questioned if the owners have contributed their share towards the installation of the water system for all three lots or whether they paid their share for just one lot, Bruce replying he is unsure but confirmed that the owner is prepared to deal with all issues.
- John McGee questioned if Lot 68 requires Application for Consent as well, Shawn confirming that Consent is required for Lots 66 and 67 only, leading to Lot 68.
- Bob questioned how is Lot 68 assured access to the easement for eternity, Bruce replying that the easement will be registered on title and will attach to the lots

- Ellen then questioned what the height restriction is for water view properties, Manager of Development Planning Rob Armstrong confirming this is a Residential R3 Zone and the height restriction is 2½ stories.
- As no one further wished to speak Mayor Anderson declared the Public Meetings to be adjourned.
- Mayor Anderson then called the final scheduled Public Meeting to order and explained the purpose of the Public Meeting was to consider a Notice of Intention to Pass an Amending By-Law to remove a Holding Symbol.
- Ellen noted the purpose of this amending by-law would be to remove the holding symbol on the subject lands 53 and 63 King Street East, being a development proposal consisting of 27 townhouse units. By-Law Amendment 2005-62 was passed by Council on July 18, 2005 and approved by the Ontario Municipal Board that rezoned the subject lands to the Residential Multiple (RM1-40-h) Zone. Application has been filed with the Town to consider the removal of the holding –h symbol on a portion of the lands (Phase 1 consisting of Units 1 to 10, Draft Plan of Condominium File No. 42-CDM-2004-08) to permit the construction of the proposed development through an Agreement. Detailed Engineering and Landscaping Drawings have now been accepted by the Town and an Agreement has been finalized. The lands affected by this proposed By-law are comprised of Lots 118 & 120 and Part Lots 122 to 125 & 153, Plan 1023.
- Mayor Anderson then asked if anyone wished to speak to the proposed Notice.
- Manager of Development Planning Rob Armstrong then spoke regarding the Notice and stated consideration for the removal of the holding symbol on Phase 1 lands is the purpose of the meeting.
- Rob confirmed Phase 1 includes 10 units along Highway 26, with development charges having been paid and construction drawings accepted by the Town.
- Rob then confirmed subsequent notice will be made for subsequent phases.
- Rob noted westernmost 3 linked units had a sideyard setback of 3.0 metres and the requirement may in fact be 4.5 metres, to be confirmed, and it is not proposed to remove the holding symbol from these 3 units.
- Rob then confirmed that Notice was provided to the landowner and as well to Mr. Gary Bochna as he was an appellant at a previous Ontario Municipal Board Hearing, noting that Mr. Bochna also has concern with the main entrance location, approved by the OMB.
- Councillor Kennedy then questioned access for the 3 model homes, Rob noting an internal road is part of Phase 1 and would be installed prior to occupancy.
- Gary Bochna, adjacent resident, then spoke noting that substantial changes had been made to the development since the OMB approval, including the westernmost setbacks and revised access.
- Mr. Bochna then requested a one week deferral to address the issues, Mr. Bochna advising that his lawyer was unable to attend this evening because of the weather.
- Johnathon Sprawson, developer of Millpond Homes then spoke in opposition to any further deferral request, noting the OMB approved the entrance location as proposed and requested Council proceed with the proposed By-law.

- Rob then advised that in accordance with the Planning Act, the Town only has to give notice of intention to consider a By-law that there is no timeframe for circulation prescribed, adding the landowner and Mr. Bochna were circulated with the notice.
- As no one further wished to speak, Mayor Anderson declared the Public Meeting to be adjourned