

Minutes - The Blue Mountains Council Meeting



MEETING DATE: December 5, 2005 – 7:00 pm

LOCATION: The Blue Mountains Council Chamber

PREPARED BY: Stephen Keast, Clerk

A. Call to Order

- Mayor Anderson called the meeting to order with all members in attendance save Councillor Martin, absent due to a previous commitment.
- Moment of Personal Prayer or Reflection
- Adoption of Agenda

Moved by: Wayman Fairweather Seconded by: R. J. Gamble

THAT the Agenda of December 5, 2005 be adopted as circulated, including any items added to the Agenda, Carried.

- Declaration of Pecuniary Interest

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

Councillor Martin then attended the meeting with no declaration of pecuniary interest.

B. Deputations/Presentations

7:00 pm – Tabera Public Information Meeting

Manager of Development Planning Rob Armstrong then noted the purpose of the Public Information meeting was to hear comments from the proponent, public agencies and interested residents on the proposed development.

Rob noted although not required, Notice of the Public Information Meeting was given by pre-paid mail as with a statutory meeting.

Rob then reviewed the Special Policy Area 4 designation and surrounding land uses.

Rob noted SPA 4 is located between the 230 and 240 metre contour lines and represents an area where the escarpment toe of slope definition is in question. Rob noted the SPA 4 designation requires the boundary of the escarpment to be determined in accordance with Official Plan Policies so as to define the prominent escarpment slope in consultation with the NEC.

Planning Consultant David Slade then spoke on behalf of the proponent, providing an overview of the proposal and it's relation to the NE Plan in terms of slope definition.

David noted there has been substantial mediation with regard to the subject lands and the slope definition is the last outstanding matter.

David continued the Craigleith / Camperdown Secondary Plan can be amended if not in conflict with the NE Plan, with the definition of prominent escarpment slope the issue.

David noted a 2003 NEC Staff Report defined prominent slope for the first time, adding he was not in agreement with the definition.

David noted the 2003 definition of prominent escarpment slope included the entire slope from toe to brow which would not permit new development, a more restrictive definition than found elsewhere in the NE Plan. David noted development is not permitted in the NE Plan on slopes of more than 25% representing steep slopes.

David then noted he reviewed the site based on 6 criteria and has proposed a revised definition of prominent escarpment slope on the SPA 4 lands.

David further noted the Grey Highlands Official Plan was recently approved with development designations on areas of escarpment slope.

David continued the Town Official Plan defines prominent slope as significant slope with development permitted on terrace lands such as is proposed. David then noted previous approvals for the subdivision included application of the 240 metre contour line for residential development for 6 lots previously approved by the NEC.

Mayor Anderson then asked if any members of the public wished to speak to the proposed development

Area resident Kajhilda Grant then requested clarification of 25% slope, David noting it represented a 4:1 slope ratio.

Solicitor Lynn Townsend on behalf of the proponent then reviewed a viewshed analysis of the proposed development, stating she believed that presently approved development areas would act to buffer the proposed development.

Lynn noted the subject lands represent an exception to the 2003 slope definition as having received approvals prior to 2003, the Plan of Subdivision being draft approved in 1990 and the subject Block 73 footprint recognized and registered in 2002.

Lynn noted 13 lots proposed within a portion of Block 73 are now under consideration with the NEC having earlier removed the lands below the 240 metre contour from Development Control regulations with municipal zoning to apply.

Councillor Fairweather then noted he was unaware of the 240 metre contour line being considered as a Development Control area beyond the 6 lots previously approved.

Proponent Lorne Shiff then noted the original lands were split by two Service Areas and this resulted in a delay of the overall development in the Camperdown Service Area, although he believed the 240 metre contour limit was always considered as the development limit.

John LeClair of Hidden Lake Road then spoke, noting an existing home within the 6 previously approved lots at the 240 metre contour level is very noticeable at present.

Councillor Fairweather then questioned the originally approved 6 lots and their approval based on mediation pending an OMB Hearing, Allan Shiff noting there was never an OMB Hearing on the matter, David Slade noting negotiation led to approval of the 6 lots at the 240 metre level as recommended by an NEC Staff Report.

Lorne Shiff then noted a previous NEC Staff Report recognized the 240 metre contour line.

Marion Plauntt of the NEC then spoke in response to the previous presentation.

Marion noted the Escarpment Recreation designation contained the only reference to prominent escarpment slope, with the subject lands currently designated Recreational Ski in the Town Official Plan rather than Residential.

Marion further noted in 2003 a policy position was established to define prominent escarpment slope as escarpment slope between the brow and toe of the escarpment, including any terrace lands between any brow and tow. Marion further noted the break in slope is considered to be the 230 metre contour line.

Marion continued new development cannot encroach on the escarpment slope, adding the NEC has appealed those portions of the Town Official Plan referring to escarpment slope definition as being in conflict with the NE Plan.

Marion noted the 6 lots previously approved were a result of negotiations with regard to an OMB appeal, it being agreed the escarpment slope would be defined at a future date with regard to the Zoning By-law and Plan of Subdivision.

Lynn Richardson of the NEC then reviewed previous approval of the Grey Highlands Official Plan approval, noting very little development designation was found within escarpment slope areas.

Councillor Martin then requested clarification of the NEC definition of prominent escarpment slope as being escarpment slope within the Escarpment Recreation designation, Marion confirming the definition.

Dr. Harry Palter of Hidden Lake Road then spoke in opposition to the proposed development. Dr. Palter noted he was not made aware of the previous approval of the 6 existing lots, adding he would not support any further development on the escarpment slope, further requesting Council support the NEC definition of slope in the matter.

Mayor Anderson noted Council worked in conjunction with the NEC and Planning Staff as well as developers.

Kajhilda Grant of Hidden Lake Road then spoke on behalf of herself and adjacent resident Mac Matheson, stating the NEC should be supported and the escarpment protected with the 230 metre contour to be retained.

As no one further wished to speak, Mayor Anderson declared the Public Information Meeting to be adjourned.

C. Motions and Staff Reports

1. PL.05.102 – Appeal of Water Taking Permit for Gibraltar Springs – Update

Manager of Development Planning Rob Armstrong then reviewed Staff Report PL.05.102, "Appeal of Water Taking Permit for Gibraltar Springs – Update"

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: D. R. McKinlay

THAT this Council does hereby receive Planning Staff Report PL.05.102, "Appeal of Water Taking Permit for Gibraltar Springs – Update", Carried.

2. PL.05.103 – Toronto Ski Club Site Plan

Council then dealt with the following Resolution:

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT this Council does hereby receive and adopt Planning Staff Report No. PL.05.103, Part Lot 19, Concession 2, the Toronto Ski Club and further does support and adopt the Recommendations contained therein, that Site Plan Approval is hereby given to C. C. Tatham and Associates Ltd., Drawing No. SP-1, dated November 14, 2005 and that Council authorize the execution of a Site Plan Agreement.

In speaking to the Motion, Councillor Fairweather noted he was pleased an outstanding objection regarding traffic concerns had been addressed.

Council then voted on the Resolution, Carried.

3. PL.05.104 – Marcella Keith – Development Agreement

Council then dealt with the following Resolution:

Moved by: D. R. McKinlay Seconded by: Michael Martin

THAT this Council does hereby receive and adopt Planning Staff Report No. PL.05.104, Lot 174, Plan 529, Marcella Keith, Consent File No. B01-2005 and further does support and adopt the Recommendations contained therein and that Council authorize the execution of a Development Agreement.

In speaking to the Motion, Deputy Mayor McKinlay noted any further division of the subject lands would require installation of full municipal servicing.

Council then voted on the Resolution, Carried.

4. PL.05.106 – Le Scandinave Spa

Council then dealt with the following Resolution:

Moved by: G. Ardiel Seconded by: John McKean

THAT this Council does hereby receive and adopt Planning Staff Report PL.05.106, Part Lot 16, Concession 1, Le Scandinave Spa, and further does support and adopt the Recommendations contained therein, Carried.

5. PL.05.107 – Lora Bay Site Plan Approval – Block 130

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: John McKean

THAT this Council does hereby receive and adopt Planning Staff Report PL.05.107, Block 130, Reg. Plan 16M-2, Lora Bay Corporation, and further does support and adopt the Recommendations contained therein, and that Council authorize the Mayor and Clerk to execute a Site Plan Agreement, Carried.

D. By-laws & Official Plan Amendments

1. Rezoning By-law – Le Scandinave Spa

Council then dealt with the following Resolution:

Moved by: G. Ardiel Seconded by: John McKean

THAT By-law No. 2005-98 being a By-law to rezone Part Lot 16, Concession 1, be hereby enacted as passed this fifth day of December 2005, Carried.

2. Rezoning By-law – Lora Bay, Block 130

Council then dealt with the following Resolution:

Moved by: Michael Martin Seconded by: G. Ardiel

THAT By-law No. 2005-99 being a By-law to rezone Block 130, Reg. Plan 16M-2, be hereby enacted as passed this fifth day of December, 2005, Carried.

E. New & Unfinished Business

1. Official Plan Appeals – Lynda Townsend Renaud letter dated November 25, 2005

Council then received the above noted letter.

2. Noise Exemption Request (addition to the Agenda)

Moved by: G. Ardiel Seconded by: John McKean

THAT further to previous consideration on November 28, 2005, this Council does hereby authorize an extension to the previous exception to the provisions of the Town's Noise By-law, By-law No. 2002-9, to Michael Pocock for the lands known municipally as 108 George Street for December 10, 2005 from 8:00 pm to 12:00 midnight. It being noted that such relief is specific to an indoor activity, Carried.

H. Next Meeting Date(s)

December 19, 2005

I. Confirmation By-law and Adjournment

Moved by: G. Ardiel Seconded by: Wayman Fairweather

THAT this meeting does now adjourn, Carried.

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Ellen Anderson, Mayor

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Stephen Keast, Clerk