

MINUTES: PLANNING & BUILDING COMMITTEE



MEETING DATE: July 4, 2011
MEETING TIME: 7:00 p.m.
LOCATION: The Blue Mountains Council Chambers – 32 Mill Street
PREPARED BY: Sharon Long, Administrative Assistant

A. Call to Order

Chair Duncan McKinlay called the meeting to order at 7:00 p.m. with designated Committee Members Councillor Gail Ardiel, Councillor Michael Martin & Councillor Bob Gamble in attendance.

Also in attendance was David Finbow, Director, Building & By-law, Bryan Pearce, Planner 1, Reg Russwurm, Acting CAO & Sharon Long, Clerk.

- Approval of Agenda

Recommendation (Move, Second)

Moved by: Bob Gamble

Seconded by: Gail Ardiel

THAT the request from Victor Lebrache of Labreche Patterson & Associates Inc. be added to the agenda under Item No. D.5 – Official Plan Amendment No. 25, Community Design Guidelines, **Unanimously CARRIED.**

Moved by: Bob Gamble

Seconded by: Gail Ardiel

THAT the Agenda of July 4, 2011 be approved as circulated, including any items added to the Agenda, **Unanimously CARRIED.**

- Declaration of Pecuniary Interest

No members of the Committee declared a Declaration of Pecuniary Interest with regard to any matter listed on the Agenda.

- Previous Minutes

Gail Ardiel would like it noted in the minutes that she was absent due to illness.

Moved by: Bob Gamble

Seconded by: Michael Martin

THAT the Minutes of June 6, 2011 be approved as circulated, including any revisions to be made, **Unanimously, CARRIED.**

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

B.1 Site Plan Agreement – County of Grey EMS/The Blue Mountains Firehall No. 2 addition

Chair McKinlay read the Notice of Public Meeting to receive agency and public comments with respect to Site Plan Approval to permit an Emergency Medical Services Station having an approximate area of 400 square metres and to permit an addition to The Blue Mountains Fire Hall No. 2 (Jerry Teed Fire Hall) having an approximate area of 280 square metres on the subject lands being 796388 Grey Road 19, noting the Town wants public input.

Duncan noted any person or agency may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Site Plan Application. If you wish to be notified of the adoption of the proposed Site Plan Application, or of the refusal of the proposed Site Plan Application, you must make a written request to Corrina Giles, Town Clerk, Town of The Blue Mountains, P. O. Box 310, 32 Mill Street, Thornbury, ON N0H 2P0.

Duncan noted that 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 before the proposed Site Plan Application is adopted, the person or public body is not entitled to appeal the decision of Council of the Town of The Blue Mountains to the Ontario Municipal Board.

Duncan noted if a person or public does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains before the proposed Site Plan Application is adopted, 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 add the person or public body as a party.

Duncan noted additional information relating to the proposed Site Plan Application is available for inspection during regular office hours at the Planning Division of the Planning & Building Services Department, 32 Mill Street, Thornbury or by calling (888)258-6867 or (519)599-3131 Ext. 262.

Duncan noted at this public meeting, the Town seeks to receive comments to aid in our decision-making process. It should be noted that a decision will not be made at this public meeting. The Planning Division will bring recommendations forward to a Council Meeting at a future date following this public meeting.

The Clerk then read correspondence received from Historic Saugeen Metis: Lands & Resources Department, The County of Grey Planning & Development, Niagara Escarpment Commission & County of Grey Transportation & Public Safety Department.

Director, Planning & Building Services presented a power point presentation with respect to this project which would permit an Emergency Medical Services Station having an approximate area of 400 square metres and to permit an addition to The Blue Mountains Fire Hall No. 2 (Jerry Teed Fire Hall) having an approximate area of 280 square metres on the subject lands.

Notice with respect to this Site Plan Application was given through the local newspapers, e-mails to condo corps through their property managers and mail circulation.

David noted that Emergency Medical Services already has a trailer service on the existing site. There are public trails in this area to the Village and Grey Road 19. Through this process there will be a trail re-location as the existing trails are near to the rear of the properties on Drake's Path. There is a Storm Water Management Facility being installed on this site. A Stage 1 & 2 Archaeological Assessment will proceed on this site in the next few weeks.

David noted that the County of Grey is ensuring that we do a good job buffering the property building. A Landscape Architect has been retained and there are drawings here this evening. Properties on Drake's Path will still enjoy the area at the rear of their properties.

David advised that architectural drawings are not yet available but noted this building will complement the current fire hall site. The County of Grey will try to do the same thing for their Emergency Medical Services building. The final approval of drawings will lay with Council. A Lease Agreement between the Town and The County of Grey will be approved by Council prior to construction.

Director of Emergency Medical Services for the County of Grey, Mike Muir was in attendance to answer questions.

Council did not have any questions at this point so Chair McKinlay asked for public questions or comments:

Darko Naumovski, 119 Drake's Path noted that he was one of houses to west of proposed EMS station on Drake's Path.

Darko advised that he is in favour of re-location of the path. The path in the current location is satisfactory for use during daylight hours but in the evening, it becomes a real problem. People are using the path to get from the Village and to Kandahar Lane so it creates a lot of noise and nuisance during the summer and winter months. Darko advised that he is in favour of proposed EMS expansion; it is a fantastic concept and noted the Town is doing a great job in looking at community needs. His only comment would be having the foot path redirected. On the map it shows the footpath coming down to his property but closer to his neighbours property at 121 Drake's Path and it shows that it will join up to roughly the same area. On an aerial map you can see how close the foot path is to the 2 properties.

He suggested some consideration be given to move the footpath to just following it down to Wintergreen Place. At night the path is not lit and by moving it to this location the path would receive lighting from the condos. Also with this lighting you would be able to see the draining ditch.

He would like to be kept informed on the development of this project.

Betty Schiwkow Wallace – 111 Drake’s Path noted that she is the fourth property from Grey Road 19 and that she was also speaking for neighbours to the south & other neighbours in her area as they were unable to attend. We all support the development of this facility and noted they have a good relationship with the Emergency Medical Services & Firehall staff. They concur that a 24 hour facility needs to be manned in this area to deal with many emergency situations at Village and the surrounding area.

Their concerns were made at the OMB presentation for Short Term Accommodation. There are a lot of problems with the foot path which is a party path at night with drinking, drug use, yelling and trespass issues. They strongly recommend relocation of the foot path so that it continues straight and does not curve back to the rear of their properties. It would then join up with existing foot path into the Village area. This relocation would provide safety for the users with lighting from the Wintergreen parking lot. Lighting may discourage some of the activities on the trail and signage indicating this area is being monitored might eliminate some of the activity on the trail at night.

Betty expressed concern with respect to the Storm Water Management pond current configuration. It is located close to her property in a large forested area. This is home to skunks, raccoon and deer. She suggested it be located closer to parking area and run behind Emergency Medical Services building.

Betty noted that clear cutting should not occur in this location. She asked if the huge swale there is it too large.

Betty noted the residents are on septic fields in this area and what management would occur between septic fields.

Betty noted the support the Emergency Medical Services building with the re-location of the foot path for safety and policing. Re-location of the trail would mitigate effects on natural habitat and their properties. They would like to return to their quiet neighbourhood. Betty thanked the town for cleaning up the area. She noted residents in this area clean the path regularly and they collect large amounts of bottles and broken glass. Money from the collection of bottles is then donated to a charity and they would be prepared to assist Council with tree planting in this area.

Betty noted she would follow up with a written submission as well and would like to be kept informed with respect to this development.

Janice Burton – 150 Brooker Blvd noted that this development does not back onto their property but they use the facilities constantly. Janice noted they love this area and are 100% in support of the Emergency Medical Services building. They are also in favour of moving the pathway to make it straighter. It can be used as a straight way to get from A to B. Janice noted lighting coming from parking lot will help with respect to the safety as well. Janice noted they are willing to help to put the existing path back into natural habitat and they will continue to collect bottles and donate the money to putting the existing path back to a natural setting. Janice suggested garbage cans at both ends of the path would be helpful. Janice suggested signage noting poison ivy off the trail might keep people to the walk path.

Janice indicated they would like a commitment that no further expansion into green space will be allowed and that the green space will remain.

Duncan noted they will have regard for that comment in the future.

Duncan asked residents if the drainage ditch needed to be cleaned out, would it be too wide of an area with the ditch and the path?

The residents confirmed that most people use the Wintergreen Path into the overflow parking lot as it is a paved section and then they continue along the road. She advised the little path is full of glass.

Councillor Michael Martin indicated that the comments received tonight with respect to the path should go to Shawn Everitt, Director of Recreation for him to look into and noted he did not realize residents had these problems.

Councillor Bob Gamble commented on the lack of lighting on the trail and suggested the Emergency Medical Services building might encourage establishment of some lighting on their building which will help with this.

Chair Duncan agreed and indicated good lighting on the back of Emergency Medical Services building & the lighting at Wintergreen might be sufficient. It was noted that the existing Firehall does have lights to light their parking lot but there was currently no light from that point till you get to Wintergreen Place.

Councillor Gail Ardiel advised that she has walked this path, seen the destruction and does not have any objection to having a straight path to Wintergreen. Gail indicated lighting with goose neck facing down would help.

Darcus questioned the buffer zone in Official Plan with respect to the minimum distance between the residential property line and Town owned property. David Finbow indicated the current Official Plan has no specific numbers but it does set out policies. The Zoning By-law includes this and it does not have a provision for walkways and parking in residential areas of 1.2 metres. Chair Duncan advised that we would be exceeding the minimums.

Betty asked if the Storm Water Management Pond would be a swale or a pond. Duncan advised that it will not contain much water and the water will run out slowly.

Betty asked if this area will be fenced. Duncan advised it will have a gentle slope and not likely fenced.

David indicated that the landscape drawing is available for residents to look at tonight. The intent is to add to the tree cover on the property. The Storm Water Management facility will be approximately 8' in depth with a gradual slope – 5 to 1. The pond starts making its way down to final elevation so there is room to provide trees noted on the drawing.

Kevin Muir thanked the Planning & Building Committee for allowing him to demonstrate how to process an application from the guidelines. Kevin noted that they were given a Town owned property to provide a demonstration on. David noted that this property is for a demonstration only and not with respect to a specific project on that property. Kevin concurred with this and noted the Town property that he would doing the demonstration on was across from the Town Hall and known as “Mac Smith Memorial Garden” property.

Kevin presented a power point presentation and noted that the Urban Design Guidelines fall out of PUDS strategy through the Community Improvement Plan process. Council previously endorsed and adopted this document. This is a standalone document to form part of the Community Design Guidelines.

The Urban Design Guideline is a design tool that can be applied across the Town which is a flexible guide with no strict rules. This tool is useful to property owners and developers in preparing submissions. It is a guideline to be used by Town staff when reviewing applications, when making improvements to their street, in assessing Community Improvement Plan Incentive Programs – i.e.: sod improvement grant and the goal is a high quality community design. The Urban Design Guidelines is needed as the Official Plan is a high level policy statement and the Zoning By-law is a limited use as design tool. There is a huge design gap between these two documents and the Urban Design Guidelines will provide more specific guidelines to Zoning By-law and Site Plan Application.

Items highlights were:

- Downtowns area & main street
- Heritage & facades
- Greenfields area
- Streetscapes

There are Guideline Topics:

- Commercial design
- Industrial design
- Greenfield Design
- Streetscape Design
- Sustainable Design

Commercial Design Objectives – main street form, quality facades and architecture, green edges, pedestrian connectivity, low-rise profile, complementary to historic and minimal impacts of parking and utilities.

Industrial Design Objectives – compatibility & transitions, low-rise profile, visually interesting facades, safe pedestrian environment, green street edges and minimal impacts of parking and utilities.

Greenfield Design Objectives – incorporation of natural features, connective green spaces, connected street network, comfortable pedestrian/cycling environment, and strong sense of place, diverse housing options, high quality architecture and safe neighborhoods.

Streetscape Design Objectives - safe and comfortable street environment, all modes of travel, visual interest through greenery, context-specific features/amenities, coordination between areas, sustainable street design practices and traffic calming measures.

Sustainable Design Objectives – maximize existing infrastructure, maximize water capture, reduce construction waste, landscaping to reduce water requirements, maximize travel by other modes, energy-savings building technologies, healthy indoor environment and optimal operations and maintenance.

Kevin Muir noted there are a lot of different options other than what was presented which are not too restrictive to a developer.

1. Design matters – high quality streets & buildings
2. Necessary tool for planning staff
3. Flexibility site – evaluated on case by case basis

Councillor Gail Ardiel questioned if our Sign By-law had been used when they prepared this document?

Director Planning and Building Services, David Finbow advised that regard was had to this. The illustrations are not compliant and these are examples only. David also noted that the municipality is long overdue for a Sign By-law review once again.

Councillor Michael Martin noted that he is concerned with Greenfield Guidelines. Any provision to ensure Greenfield is logical and sustainable outgrowth to existing urban form.

Kevin Muir indicated that what the land can be developed comes from the Official Plan and Zoning By-law. The guidelines are saying how we connect these things up. This document allows for future connections.

David noted the need to recognize that these architectural guidelines are community design guidelines. There are policies within our current Official Plan that speaks to development respecting village context it - Thornbury.

Kevin advised the Design Guidelines are not saying where growth should be or where things should go i.e.: parks, high development etc. It is more about layout of structure of the neighbourhood only.

Michael Martin noted one major concern is connectivity to sounding developments. Michael noted that this document will stop developers from coming to us with a project that will not work under these guidelines. Michael commented that if a Greenfield development does not work, is there a plan between closer to urban forms. Michael feels that development of 30 acres down the road is not sustainable and suggested the Official Plan should make reference to this.

Kevin Muir indicated that we should not push this off to the Official Plan. There should be phasing within this document. Kevin noted that Design Guidelines talk about when development does come. The Official Plan will provide how built boundary will progress.

Duncan thanked Kevin for his presentation.

D. Staff Reports as circulated

D.1 Service Delivery Review - PL.11.67

DF

Director Planning & Building Services, David Finbow noted that he attached a document with respect to Service Delivery Review put out by the Province of Ontario. David is not suggesting that we change the reviews completed but is suggesting a modified template.

Councillor Michael Martin congratulated David for bringing this document forward. Michael indicated this document relates to what we do as a town and he supports this document. Michael questioned if 1-8 is reflected in the report.

David indicated that this document was more consistent with the Service Delivery Review for his workgroups.

Michael suggested this document would be very useful when the reviews come forward and suggested that all departments use it to ensure consistency between departments, even if it takes extra time.

Chair Duncan McKinlay agreed with Michael's comments.

Moved by: Michael Martin

Seconded by: Gail Ardiel

THAT the Planning & Building Committee receive Staff Report PL.11.67;

THAT the Planning & Building Committee acknowledge that the Operational Review of the Town's Ontario Building Code Program addresses Council's request for a comprehensive review of level of service for said program; and,

THAT the Planning & Building Committee adopts the Service Delivery Review Template as set out in this Report with respect to Planning Services & By-law Services, **Unanimously CARRIED.**

David advised that commercial uses are only permitted where recognized under the implementing areas and uses. There has been one exception area allowed being Tyrolean Village. This area has been specifically approved by the Ontario Municipal Board as an area where Short Term Accommodation uses could be permitted.

David asked Council what they want to do with current service levels for By-law Enforcement.

Councillor Bob Gamble asked if we could enforce Short Term Accommodation without a licencing by-law in place and what kind of fines can we expect.

David indicated he is not aware of and how we are going to control the Short Term Accommodation uses and will need to provide more information before Council endorses the current level of By-law Enforcement. David confirmed that we can enforce the by-law without licencing but noted we cannot guarantee how much revenue will come from fines. David noted there is a lot of work associated with this as there is a minimum of 150 Short Term Accommodation use active files that now need to be investigated. By-law Enforcement has been compiling this information for three to four years and they will continue to monitor website activity and issues. David indicated that these 150 open files will have to be dealt with unless Council advises otherwise.

David noted that there was one By-law Enforcement Officer off sick in 2011 and we are just coming into the season for a number of complaints for property standards, long grass etc. David reminded the Committee that a request came through from the Police Services Board with respect to By-law Enforcement Officers providing more evening and weekend help. David noted he is not comfortable with By-law Enforcement Officers visiting properties after dark and on their own. David noted he required direction from Council with what service level was to be provided by the By-law Enforcement workgroup. Council has the option to eliminate services or accepting our current level of service. The August 3rd report back to this Committee will identify the financial impact and Council can direct how they would like By-law Enforcement handled. David confirmed that he cannot recruit another By-law Enforcement Officer without Council approval.

Chair Duncan McKinlay asked if things would change with respect to Short Term Accommodation. David confirmed that they would continue to compile files. David also indicated that we are not on the hunt for Short Term Accommodation issues but will still receive and open files for complaints received. David reminded the Committee that there are still 150 files to be cleaned up.

Councillor Michael Martin understands where David is coming from. Michael advised that we can still enforce the Short Term Accommodation use without licencing and would just be enforcing it as a by-law breach only subject to normal rules. These matters would then end up in conviction court. Michael noted the service level matrix attached to the report explains what is now being done. With existing Short Term Accommodation operators being grandfathered, we cannot enforce this by-law as a breach of the by-law but enforce it through a licencing regime.

David confirmed that some properties would be protected by Section 34.9 of The Planning Act but there would be a lot of work associated with this.

D.5 Official Plan Amendment No. 25, Community Design Guidelines PL.11.55 CW

The Chair advised that Director, Planning & Building Services would do his presentation on this report prior to Victor Labreche speaking to Committee.

Director Planning & Building Services, David Finbow advised that this item has already had a lengthy run through this Committee with respect to the OPA on Community Design Guidelines & amendments to the Guidelines.

David confirmed that staff has a bit of work left to do on the Zoning By-law and Official Plan Amendment that will be before Council in August. David confirmed that these documents would not be adopted on the same night as the report is presented.

David advised the Design Guidelines will be communicated with interested parties on development projects. They are meant to be flexible and a high level of what we are looking for.

Chair Duncan McKinlay welcomed Victor Labreche to the meeting & asked him to make his presentation to the Committee.

Victor Labreche of Labreche Patterson & Associates Inc. thanked the Committee for allowing him time tonight to speak. He advised that he has been involved with Community Design Guidelines throughout the later part of the process and advised he represents The Ontario Restaurant Hotel and Motel Association.

Victor advised that he attended the open house meeting on April 2, 2011 and raised comments and issues of restaurants with respect to drive-through locations, the overall urban design guidelines and proposed changes.

Victor advised the Committee that his letter which was previously circulated, speaks to the matter and deals with two areas – notification procedures and technical comments. Victor felt it was important to state concerns tonight along with technical comments. He advised that he did not wish to do this at eleventh hour but he has not been given an opportunity to meet with staff and he felt the need to attend tonight before this document is endorsed by Council.

Victor expressed concern that he attended the April 2nd meeting and asked for notification of future meetings. In January 2011 he corresponded with Corrina Giles and was advised to register through the town website and check off boxes that he wished to be notified of and he would receive notices through the appropriate departments. Victor advised that he was not aware of the June 6th meeting that dealt with the Urban Design Guidelines to bring this forward at this time as he was not notified of this being on the agenda.

Victor advised that there is more of a trend in Ontario to couch the Design Guidelines into the Official Plan as a policy document and that some of the changes are permitted with recent changes to Planning Act. Victor questioned what is being presented and suggested they needed to be flexible and that there were no checklists etc. attached. Victor has attended some Ontario Municipal Board hearings where it was indicated - although we hear from the consultant and staff that the document is flexible, there is a need for written Official Plan policies to soften this. Victor did not feel that our Zoning By-law and Official Plan documents with respect to this issue were flexible.

Victor advised that his letter speaks to them objecting to the Official Plan policy related to the Guidelines.

Victor indicated the technical aspect of the guidelines in the Greenfield and Commercial Design is not clear where they apply and where they do not apply and suggested that a map be attached to the document.

Victor indicated that parking lots in Greenfield areas would have to meet a higher standard than in the Commercial design traditional areas. He indicated a need to clarify the language and his letter speaks to this.

Victor noted that drive-through facilities are held to a higher standard than parking lots when these are often found in parking lots or adjacent to parking lots.

Victor noted a specific objection to Policy 3.25 "Community Design Guidelines", approved policy 1(e). This policy states "Exercise appropriate Municipal Development control in order to achieve a consistently high quality of site, building and landscape design." Victor feels that the reference to "appropriate" in this policy has not been achieved as our previous comments have not been addressed at all. Victor suggests this matter be deferred and a recommendation for him to be given the opportunity to meet with staff. He is available by conference call with Town staff or he is prepared to come back and deal with the provisions.

Chair Duncan asked Victor if he would be available if the Committee recommends deferring this. Victor indicated he would make himself available.

Chair Duncan asked Victor about an appeal to the Ontario Municipal Board? Victor replied that he did not wish to go that route but, if approved, that would be his only choice.

Chair Duncan thanked Victor for his presentation to Committee and asked how the Committee would like to deal with this issue.

David Finbow indicated that he would be happy to meet with Victor but noted that scheduling is an issue. David indicated sometime in August be set up to discuss the issues of this evening and report to come back to the Committee in September.

D.6 Official Plan Review Status Report – PL.11.65

CW

Moved by: Bob Gamble Seconded by: Michael Martin

That Don Kerr be invited to speak to the Committee with respect to the Official Plan Review Status Report – PL.11.65, **CARRIED.**

Don Kerr thanked the Committee for their time and indicated the Natural Heritage system approach through the Official Plan process is missing in the staff report. He indicated that he provided written comments at the Official Plan public forum with respect to this matter and he sent an e-mail to the Official Plan Steering Committee regarding this also.

Don indicated that if the Town had the Natural Heritage System Approach already in their Official Plan document, the Haven's application and the associated Ontario Municipal Board appeal would have been avoided if there had been a Natural Heritage Study provided. The cost of this one appeal would be the cost of providing the study. Don indicated that this is a study that the Nottawasaga Valley Conservation Authority is undertaking for the Town of Collingwood and felt we should start the process now with the Official Plan Five Year Review.

Don advised that he spoke with Nancy Farrar, Planner, Town of Collingwood and she indicated this process was started last fall and she is expecting the report from the Nottawasaga Valley Conservation Authority later this month.

Don asked what needs to be done to make this happen. Chair Duncan McKinlay questioned if there would be a need for a specific study for this.

Director, Planning & Building Services David Finbow advised that the current Official Plan requires a Natural Heritage System approach and meets the PPS of today. David advised that the Town of Collingwood retained the Nottawasaga Valley Conservation Authority to carry out a comprehensive review of their municipality with mapping that will identify critical linkages for wildlife in certain areas. Not all Conservation Authority's offer the same services.

David noted that the Official Plan does speak to Natural Heritage System approach. David advised that the Nottawasaga Valley Conservation Authority watershed is a small portion of our municipal. David confirmed that this is not part of the current Official Plan review nor was it considered for the call when it was submitted for tender. David confirmed that he has no capacity to do this unless Council authorizes a Request for Funding & we revise the contract.

Chair Duncan McKinlay thanked Don Kerr for his comments.

Don Kerr questioned if this was a onetime study or did the Official Plan need to be updated every 5 years. David confirmed that after completion of the study it could become one of the works to be completed through a 5 year review.

E. Minutes - Receive/Adopt

E.1 Committee of Adjustment Minutes – May 19, 2011

Moved by: Michael Martin Seconded by: Bob Gamble

THAT Council receive the Committee of Adjustment minutes dated May 19, 2011, **Unanimously, CARRIED.**

F. Correspondence

N/A

G. Closed Session

Moved by: Michael Martin Seconded by: Gail Ardiel

THAT the Closed Session item be brought forward on the July 11th, 2011 Council Agenda, **Unanimously, CARRIED.**

H. Next Meeting Date

August 3, 2011

I. Adjournment

Recommended (Move, Second)

Moved by: Michael Martin

THAT this Planning & Building Committee meeting does now adjourn.