



Minutes

The Blue Mountains, Special Committee of the Whole Meeting

Meeting Date: May 6, 2019
Meeting Time: 9:00 a.m.
Location: Town Hall, Council Chambers
32 Mill Street, Thornbury, ON
Prepared by Corrina Giles, Town Clerk

A. Call to Order

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

Also in attendance Interim Chief Administrative Officer Shawn Everitt, Director of Enforcement Services/Fire Chief Rob Collins, Acting Director of Community Services Ryan Gibbons, Chief Building Official Tim Murawsky, Senior Policy Planner Shawn Postma, Planner I Travis Sandberg, Municipal Law Enforcement Officer/Prosecutor Wayne DeWitt.

Committee then paused for a Moment of Reflection.

▪ Approval of Agenda

Moved by: Odette Bartnicki

Seconded by: Rob Potter

THAT the Agenda of May 6, 2019 be approved as circulated, including any items added to the Agenda, Carried.

▪ Declaration of Pecuniary Interest and general nature thereof

NOTE: In accordance with the *Municipal Conflict of Interest Act* and the Town Procedural By-law 2018-20, Council Members must file a written statement of the interest and its general nature with the Clerk for inclusion on the Registry

None

▪ Previous Minutes

None

▪ **Adoption of Consent Agenda**

Staff report B.4.1 Quarterly Building Permit Activity – 1st Quarter 2019, PDS.19.50 was pulled from the consent agenda for separate review and discussion.

B. Staff Reports, Deputations, Correspondence

Planning & Development Services Reports

To be chaired by Councillor Jim Uram

B.1 Deputations, if any

**B.1.1 Deputation: Rick Offord and Steven Schofield, Thornbury-Clarksburg Rotary Club
Re: Request Tent Permit – Annual Fee Exemption**

Rick Offord of Thornbury-Clarksburg Rotary Club, spoke regarding the history of the Rotary Club tent canopy rental program and the Town’s waiver of the associated permit fee. Mr. Offord noted a permit from Building Services is required if the tent is larger than 20’x20’ further noting the Thornbury-Clarksburg Rotary Club has several tents with dimensions of 20’x20’ and 20’x40’. Mr. Offord noted at least 50% of rental are for larger-sized tents which are often used at private and municipal functions further noting the proceeds from tent rentals go back to charities.

Chief Building Official Tim Murawsky spoke regarding tent permit inspections and the requirement for engineered drawings for tents over 645 square feet per the *Ontario Building Code*. Tim clarified that the engineering drawings should be included on the purchase or rental of a tent of this size, which will also include instructions for proper tent installation. Tim noted an engineer could review the installation of the 20’x40’ tent and certify post sizing, spacing, and fastening of the tent to the ground. Tim confirmed this certification would be valid for the life of the tent.

Moved by: Peter Bordignon Seconded by: Rob Potter

THAT Council acknowledge receipt of the deputation of Rick Offord of the Thornbury-Clarksburg Rotary Club requesting a tent permit- annual fee exemption for the Thornbury-Clarksburg Rotary Club Rental Program;

AND THAT Council of the Town of The Blue Mountains provides the Thornbury-Clarksburg Rotary Club with a preferred annual one time permit fee of \$1 for the Rotary Tent Rental Program, Carried.

Moved by: Odette Bartnicki Seconded by: Rob Potter

THAT further to the deputation of the Thornbury-Clarksburg Rotary Club, Council of the Town of The Blue Mountains refers the Thornbury-Clarksburg Rotary Club to staff regarding the engineered tent requirements under the Ontario Building Code, Carried.

B.2 Public Comment Period (each speaker is allotted three minutes)

NOTE: In accordance with the Town Procedural By-law 2018-20 ten minutes is allotted to receive public comments regarding staff reports included on the Agenda. The speaker shall provide their name and address, and shall address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting. Each speaker is allotted three minutes.

B.2.1 Pamela Spence, 209691 Highway 26

Pamela Spence, resident, spoke regarding Item B.3.4 Town of The Blue Mountains Official Plan Appeals Update, PDS.19.51. Ms. Spence noted she is specifically speaking

regarding the McPherson Appeal to The Blue Mountains Official Plan as identified in the report. Ms. Spence further noted the Official Plan speaks to constraint mapping, further noting that constraint mapping does not constitute part of the Official Plan. Ms. Spence advised this wording should address the MacPherson concern identified in the report. Ms. Spence noted in B5.5.2 significant woodlands are discussed in-depth; development adjacent to significant woodlands shall be in accordance with the requirements of B5.2.1 which indicates there is an area in the Environmental Impact Study that needs to be addressed adjacent to these woodlands. Ms. Spence noted the amendment proposed does not address the requirements outlined in the Official Plan and suggested that the wording should be changed.

B.2.2 Jill Kitchen, 143 Marsh Street

Jill Kitchen, resident, spoke regarding Item B.3.1 Tree Protection Options and Next Steps Update, PDS.19.44. Ms. Kitchen questioned the reason for the urgency, noting the matter affects her personally and she would recommend the matter go through a public process.

B.3 Staff Reports

B.3.1 Tree Protection Options and Next Steps Update, PDS.19.44

Moved by: Rob Sampson

Seconded by: Odette Bartnicki

THAT Council receive Staff Report PDS.19.44, entitled “Tree Protection Options and Next Steps Report”;

AND THAT Council direct staff to provide notice to the public regarding the proposed amendments to the current Municipal Tree Preservation By-law No. 2010-68, in order to extend the scope of the existing By-law to include trees on private lands in order to provide interim regulations for the injury or destruction of trees within the Municipality;

AND THAT Council refer the long term solutions captured in Staff Report PDS.19.44 to the Sustainability Committee for consideration and recommendation back to the Committee of the Whole by the end of December, 2019;

AND THAT Councillor Matrosovs be appointed as the Council representative to this matter, Carried.

B.3.2 Recommendation Report – Proposed Zoning By-law Amendment-Bed and Breakfast (116 Campbell Crescent), PDS.19.22

Moved by: Odette Bartnicki

Seconded by: Rob Potter

THAT Council receive Staff Report PDS.19.22, entitled “Recommendation Report - Proposed Zoning By-law Amendment- Bed and Breakfast (116 Campbell Crescent)”;

AND THAT Council enact a Zoning By-law Amendment to include a Bed and Breakfast Establishment up to three (3) guest rooms as an additional permitted accessory use for the subject lands, subject to placement of a holding symbol and confirmation of principal residency and site plan to the satisfaction of the Town of The Blue Mountains Council, **LOST**.

Moved by: Rob Sampson

Seconded by: Andrea Matrosovs

THAT Council receive Staff Report PDS.19.22, entitled "Recommendation Report - Proposed Zoning By-law Amendment- Bed and Breakfast (116 Campbell Crescent)", Carried.

Moved by: Rob Potter

Seconded by: Alar Soever

THAT Council direct staff to provide a full policy analysis of Bed and Breakfast uses in The Blue Mountains;

AND THAT Council direct staff to advise applicants for Bed & Breakfast zoning by-law amendments that Council will only approve such Bed & Breakfast applications once principal residency is confirmed by the owner, Carried.

B.3.3 Development 'D' Zone – Overview and Options Report, PDS.19.39

Moved by: Odette Bartnicki

Seconded by: Rob Potter

THAT Council receive Staff Report PDS.19.39, entitled "Development 'D' Zone - Overview and Options Report";

AND THAT Council direct Staff to develop draft zone provisions for the Blue Mountains Zoning By-law 2018-65 based on Option 3;

AND THAT Council direct staff to develop site plan criteria that would be applied for the lifting of the hold provision for Council consideration that would be applied simultaneously with Zoning By-law 2018-65, Carried.

B.3.4 Town of The Blue Mountains Official Plan Appeals Update, PDS.19.51

Moved by: Odette Bartnicki

Seconded by: Rob Potter

THAT Council receive Staff Report PDS.19.51, entitled "Town of The Blue Mountains Official Plan Appeals Update";

AND THAT Council authorize the Mayor and Clerk to enter into Minutes of Settlement with the County of Grey and MacPherson / Home Farm substantially in the form identified as Attachment #1 to Staff Report PDS.19.51 with the suggested revisions to include "including adjacent lands";

AND THAT Council request that the Local Planning Appeal Tribunal (LPAT) modify the policies of the Town of The Blue Mountains Official Plan to add a site specific policy applicable to the MacPherson / Home Farm lands and conclude the final appeal to the Town of The Blue Mountains Official Plan;

AND THAT Council direct staff to provide Council with the revised Minutes of Settlement directly to the May 13, 2019 Council Meeting, Carried.

B.3.5 Comprehensive Zoning By-law Housekeeping Changes, PDS.19.54

Moved by: Peter Bordignon

Seconded by: Odette Bartnicki

THAT Council receive Staff Report PDS.19.54, entitled "Comprehensive Zoning By-law Housekeeping Changes";

AND THAT Council authorize Staff to schedule a Public Meeting to consider a Zoning By-law Amendment to correct a number of housekeeping items contained in the new Comprehensive Zoning By-law 2018-65, Carried.

B.3.6 Windfall Mountain House Phase 2 – Removal of Holding ‘-h’ Symbol, PDS.19.40

Moved by: Peter Bordignon

Seconded by: Rob Potter

THAT Council receive Staff Report PDS.19.40, entitled “Windfall Mountain House Phase 2 – Removal of Holding ‘-h’ Symbol”;

AND THAT Council enact a Zoning By-law to remove the Holding ‘-h’ Symbol for Phase 2 Windfall Mountain House imposed by the Local Planning Appeal Tribunal (LPAT) Order PL150741 on Block 58 16M-42, Carried.

B.3.7 Short Term Accommodation Official Plan and Zoning By-law Implementation, PDS.19.46

Moved by: Rob Sampson

Seconded by: Odette Bartnicki

THAT Council receive Staff Report PDS.19.46, entitled “Short Term Accommodation Official Plan and Zoning By-law Implementation”;

AND THAT Council support the Short Term Accommodation policies as attached to Planning Staff Report PDS.18.116 and forward a request to the County of Grey to reconsider its current deferral and modify and approve the remainder of the Town of The Blue Mountains Official Plan.

AND THAT Council direct Staff to initiate the Zoning By-law Amendment process to consider new Short Term Accommodation provisions for the Blue Mountains Comprehensive Zoning By-law 2018-65, Carried.

B.4 Planning & Development Services Information Reports and correspondence to be considered in the adoption of the Consent Agenda:

B.4.1 Quarterly Building Permit Activity – 1st Quarter 2019, PDS.19.50

Moved by: Peter Bordignon

Seconded by: Andrea Matrosovs

THAT Council receive Staff Report PDS.19.50, entitled “1st Quarter” for information purposes, Carried.

B.5 Correspondence, if any

**B.5.1 Committee of Adjustment – Notice of Public Hearing File #A07-2019
Re: 102 Creekwood Court**

Moved by: Rob Sampson

Seconded by: Odette Bartnicki

THAT Council of the Town of The Blue Mountains acknowledge receipt of the Committee of Adjustment Notice of Public Hearing regarding File A07-2019, Carried.

**Finance, Administration, Enforcement and Fire Reports
To be chaired by Councillor Rob Sampson**

B.6 Deputations, if any

None

B.7 Public Comment Period (each speaker is allotted three minutes)

NOTE: In accordance with the Town Procedural By-law 2018-20 ten minutes is allotted to receive public comments regarding staff reports included on the Agenda. The speaker shall provide their name and address, and shall address their comments to the Chair. Comments shall not refer to personnel, litigation or potential litigation matters, or regarding matters that are a follow-up to a Public Meeting.

B.7 Public Comment Period (each speaker is allotted three minutes)

B.7.1 Andrew Siegwart, Blue Mountain Village Association

Andrew Siegwart, Blue Mountain Village Association spoke regarding the proposed Short Term Rental Property overview and noted the associated timelines are tight. Mr. Siegwart noted there are elements contained in the draft document that are factually inaccurate and requested the timelines be extended to allow the industry stakeholders sufficient time to offer comment.

B.7.1 David Finbow, Blue Mountain Short Term Accommodation Owners Association

David Finbow, Blue Mountain Short Term Accommodation Owners Association ("BMSTA") spoke regarding B.8.2 Proposed Short Term Rental Property By-law Overview, FAF.19.35, noting a power point presentation and a letter were submitted by BMSTA regarding the matter. Mr. Finbow noted the draft Short-Term Accommodation Zoning By-law requires public and stakeholder consultation. Mr. Finbow further commented there is work to do on an Administrative Penalties By-law, a Property Standards By-law, and the rules surrounding the short term accommodation rental property owners. Mr. Finbow requested clarification regarding the proposed "hearing officer" and "screening officer", and further recommended that Council simply receive the report and provide direction to Town staff to engage with stakeholders for comment. Mr. Finbow noted Schedule C.2 is incorrect as currently presented and suggested that all comments received from stakeholders be developed into a matrix for consideration.

B.8 Staff Reports

B.8.1 Proposed Enhancement of Administrative Penalties, FAF.19.072

Moved by: Peter Bordignon

Seconded by: Odette Bartnicki

THAT Council receive Staff Report FAF.19.072, entitled "Proposed Enhancement of Administrative Penalties";

AND THAT Council direct staff to provide a detailed proposal on ways to enhance Administrative Monetary Penalties in The Blue Mountains, Carried.

B.8.2 Proposed Short Term Rental Property By-law Overview, FAF.19.35

Moved by: Rob Potter

Seconded by: Odette Bartnicki

THAT Council receive Staff Report FAF.19.35, entitled "Proposed Short Term Rental Property By-law Overview" for information;

AND THAT Council direct staff to bring forward a Draft Short Term Rental Property By-law reflecting any changes suggested through this report to the May 22, 2019 Committee of the Whole meeting;

AND THAT Council direct staff to bring forward a Draft Property Standards By-law together with the Draft Short Term Rental Property By-law as part of the future Public Consultation process;

AND THAT Council direct staff to identify and enforce the illegal rental of short term accommodation properties in The Blue Mountains, Carried.

Moved by: Alar Soever

Seconded by: Rob Potter

THAT with respect to Staff Report FAF.19.35, entitled "Proposed Short Term Rental Property By-law Overview", Council provides direction to staff to implement Option #1 as the selected enforcement process for complaints including noise complaints and application of Administrative Penalties and Demerit Points to Licensee, Carried.

Moved by: Odette Bartnicki

Seconded by: Alar Soever

THAT with respect to Staff Report FAF.19.35, entitled "Proposed Short Term Rental Property By-law Overview", Council endorses the per bedroom occupancy for a Type "A" Short Term Rental Property License to be based on a 2 person per bedroom + 4 people formula;

AND THAT Council endorses the per bedroom occupancy for a Type "B" Short Term Rental Property License to be based on a 2 person per bedroom + 2 people formula;

AND THAT Council endorse the Definition of Maximum Occupancy as presented in the Draft Short Term Rental Property By-law, Carried.

Moved by: Peter Bordignon

Seconded by: Rob Potter

THAT with respect to Staff Report FAF.19.35, entitled "Proposed Short Term Rental Property By-law Overview", Council endorses a short term rental licence and classification program, including a new Type – A, Type B, Type - C, Type- D and Type - E Short Term Rental Property Licence program as outlined in this report, Carried.

Moved by: Peter Bordignon

Seconded by: Andrea Matrosovs

THAT with respect to Staff Report FAF.19.35, entitled "Proposed Short Term Rental Property By-law Overview", Council endorses the requirements of the Licensee to provide prominent identification of a valid Short Term Rental Property Licence on all advertisements, website, contracts, and agreements as outlined in this report, Carried.

Moved by: Odette Bartnicki

Seconded by: Alar Soever

THAT with respect to Staff Report FAF.19.35, entitled “Proposed Short Term Rental Property By-law Overview”, Council endorses the requirement of all Type - A, Type - B, Type - C, and Type - D licences to have an exterior placard placed in a prominent location at the entrance of the Short Term Rental Property as outlined in this report, Carried.

Moved by: Alar Soever

Seconded by: Rob Potter

THAT with respect to Staff Report FAF.19.35, entitled “Proposed Short Term Rental Property By-law Overview”, Council directs staff to include the amendment of the one hour (1 hour) response time by the Responsible Person to a one half hour (1/2-hour) response time for the Responsible Person to attend the Licensed property and remedy the concern to the Draft Short Term Rental Property By-law, Carried.

Moved by: Peter Bordignon

Seconded by: Odette Bartnicki

THAT with respect to Staff Report FAF.19.35, entitled “Proposed Short Term Rental Property By-law Overview”, Council directs staff to work with all stakeholders to develop a Best Guest Practices and Regulations education and marketing Toolkit, Carried.

Moved by: Rob Potter

Seconded by: Odette Bartnicki

THAT Council with respect to Staff Report FAF.19.35, entitled “Proposed Short Term Rental Property By-law Overview”, Council direct Staff to bring quarterly Short Term Accommodation Activity Reports to the Committee of the Whole commencing the 3rd quarter of 2019, Carried.

B.9 Finance, Administration, Enforcement and Fire “Information Reports” and correspondence to be considered in the adoption of the Consent Agenda

None

B.10 Correspondence, if any

None

C. 5:00 PM Public Meetings / Deputations

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

None

C.2 Deputation

None

D. New and Unfinished Business

D.1 Notice of Motion (Council)

None

D.2 Additions to the Agenda

None

E. Notice of Meeting Dates

Council Meeting, May 13, 2019
Town Hall, Council Chambers

Committee of the Whole Meeting, May 22, 2019
Town Hall, Council Chambers

Special Committee of the Whole Meeting, May 27, 2019
Town Hall, Council Chambers

F. Adjournment

Moved by: Rob Potter

Seconded by: Rob Sampson

THAT this Committee of the Whole does now adjourn at 3:28 p.m. to meet again, May 22, 2019, Town Hall, Council Chambers, or at the call of the Chair, Carried.

Alar Soever, Mayor

Corrina Giles, Town Clerk