



Minutes

The Blue Mountains, Special Meeting of Council

Meeting Date: November 29, 2018
Meeting Time: 10:00 a.m.
Location: Town Hall, Council Chambers
32 Mill Street, Thornbury, ON
Prepared by Corrina Giles, Town Clerk

A. Call to Order

Mayor John McKean called the meeting to order with all members in attendance save Councillor Michael Martin absent.

Also in attendance Director of Human Resources Jenn Moreau, Director of Infrastructure and Public Works Reg Russwurm, Director of Planning and Development Services Nathan Westendorp, Senior Policy Planner Shawn Postma, Manager of Building Services and Chief Building Official Tim Murawsky, Development Engineering Reviewer Mason Bellamy, Planner I Travis Sandberg, Planner II Denise Whaley, GIS/Planning Technician Aaron Roininen, Building and Zoning Coordinator Barb Dooks, Administrative Assistant Lori Carscadden and Administrative Assistant Sherry Steadman.

▪ Approval of Agenda

Moved by: R.J. Gamble

Seconded by: Gail Ardiel

THAT the Agenda of November 29, 2018 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

B. Deputations / Presentations / Public Meeting

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.

B.1 Deputation – Kevin Woolham, Resident

Re: Request for Removal of the Hazardous and Wetlands Classification around my man made pond at active Farm: 615908 3rd Line, Ravenna

Kevin Woolham, Resident 615908 3rd Line, Ravenna spoke. In 2006, Mr. Woolham applied for permits to construct a man-made pond on his property. Mr. Woolham noted at that time he received the required approvals and recently discovered the property has since been classified a wetland and hazard zone.

Mr. Woolham asked that the wetland and hazard designation be removed as it is a man-made pond.

Planning Consultant, Andrew Pascuzzo spoke noting that Staff have put no decision on specific properties to transfer existing zoning into the new zoning, and asked that the hazard and wetland zoning be removed or deferral of a decision on zoning which would maintain the existing zoning as-is.

Councillor Halos spoke noting the hazard designation was placed on the property by Grey Sauble Conservation Authority (“GSCA”). Director of Planning and Development Services Nathan Westendorp spoke noting that the Town relies on GSCA mapping and is required to integrate the mapping into Town planning documents, further noting that the Town, along with Mr. Woolham, can work through the process with GSCA to complete site level processes and assessments.

Senior Policy Planner Shawn Postma spoke noting that, since 2006, GSCA has updated hazard land designation mapping by interpreting aerial images through a desktop exercise.

Councillor Halos spoke questioning the objection to hazard zoning for the pond. Mr. Woolham noted that Area of Natural and Science (“ANSI”) regulations make it difficult to do work on the pond, including cleaning activities. Deputy Mayor Gail Ardiel spoke advising Mr. Woolham that he should contact GSCA directly regarding his concerns.

B.2 Deputation – Bruce Perkins, Resident

Re: Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval, Part Lot 16, Concession 3

Bruce Perkins, Resident of 208 Scenic Caves Road spoke. Mr. Perkins noted he purchased the property in 2017 which is adjacent to the property currently being considered by Scenic Caves for use as a parking lot. Mr. Perkins further noted that the zoning was specific in stating that the piece of land being considered is not zoned for a parking lot. Mr. Perkins noted that the Official Plan Amendment (“OPA”) required to re-designate this property is a considerable undertaking. Upon passing the Official Plan, a two year moratorium that prohibits any application comes in effect. It appears this area is waived from that requirement. Mr. Perkins noted that a rezoning application was submitted when an OPA was required.

Mr. Perkins noted that the 2016 Official Plan does not allow the property to be used as a commercial parking lot and notes that the buffer between his land and the property in question is not sufficient to allow for a commercial parking lot.

Councillor Rob Potter spoke questioning what level of buffer would be appropriate to allow for a parking lot to be constructed on the property in question. Mr. Perkins spoke requesting that a 20m strip of land adjacent to his property be maintained with its current designation in perpetuity. High berms would assist in creating the divide between the subject property and Mr. Perkin’s property. Mayor McKean spoke, questioning what the existing site plan provides as a buffer. Senior Policy Planner Shawn Postma advised that the concept plan shows an 11m buffer from the property line is proposed. Within the 11m buffer would be a berm, fence, maintenance of existing vegetation and vegetation enhancements. The 11m buffer would be maintained within its existing designation.

Shawn Postma noted that the site plan approval stage has not been completed yet. A holding 'h' has been placed on the lands, with multiple requirements to be met. Through the site plan approval process the 11m may need to be increased in order to provide the protection and buffers that are being requested.

**B.3 Deputation – Andrew Pascuzzo, Pascuzzo Planning Inc.
Re: Comprehensive Zoning By-law – Hillside Subdivision Zoning-Existing and Proposed) Section 1.5 (f)**

Andrew Pascuzzo, on behalf of Denis Martinek, spoke regarding the Hillside Subdivision zoning. Mr. Pascuzzo noted the property is currently zoned residential to permit single, detached family homes further noting this zoning was approved by a site-specific zoning by-law a number of years ago. Under the existing zoning, a maximum height of 8m is permitted. Mr. Pascuzzo is requesting that the permitted height be increased by 1.5m for a total maximum height of 9.5m on this property.

Councillor John McGee spoke, questioning whether it is the Town's policy to change existing zoning designations without first proceeding through a Zoning By-law Amendment ("ZBA"). Senior Policy Planner Shawn Postma noted the intent is to bring forward existing zoning designations. Shawn Postma noted that Staff have recommended that Council make a non-decision on this matter until it can be reviewed more thoroughly. Shawn Postma confirmed that a ZBA can be applied for to increase the maximum height on the subject property.

**B.4 Deputation - Richard Lamperstorfer, Resident
Re: Objection to Comprehensive Zoning By-law regarding the Thornbury D Zone**

Mr. Lamperstorfer, Resident spoke, noting he is against taking away the right to build a house in Thornbury D-Zone. Mr. Lamperstorfer noted he would like to get a building permit to build on land he has owned for more than 10 years. Mr. Lamperstorfer questioned whether this land designation can be dealt with separately.

Mr. Lamperstorfer noted he will appeal to LPAT as the Thornbury D-Zone Designation removes his right to build a single house on the property, further noting that plans have been created to allow for him to build a house that will not affect the future development potential of his 13 acre property.

Councillor Joe Halos spoke, questioning how any property owner could build a home on land designated in the D-Zone. Senior Policy Planner spoke, noting that under the current zoning by-laws there are two designations DD-Zone (Deferred Development), which does not permit single home building. This designation exists only in the former Township of Collingwood area. For Town of Thornbury, the D-Zone currently does allow for one detached building to be built on the property. The proposed Comprehensive Zoning By-law would remove this permission. The basis for this is to retain the lands in the highest, most flexible development arrangement. If there was consideration for someone to build one house on D-Zone lands, a Zoning By-law Amendment process would be required so Staff could consider the policy process involved.

Director of Planning and Development Services Nathan Westendorp spoke, noting that Mr. Lamperstorfer's land is within a secondary plan area which requires additional approvals prior to being developed. Planning Staff would like to pursue the growth-management objectives of these lands for optimization purposes. Staff can consider tools including development of single family detached dwelling, subject to site plan. The basic principle to be maintained is that the Town should explore how the single family dwellings can be sited to minimize impact on future development through the secondary planning process.

C. Public Comment Period

C.1 Public Comment Period (each speaker is allotted three minutes)

NOTE: In accordance with the Town Procedural By-law 2018-20 fifteen minutes is allotted at the Council Meeting to receive public comments regarding Town matters. 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.

C.1.1 Mark Woodburn, General Manager Scenic Caves 412015 10th Line

Mark Woodburn, General Manager of Scenic Caves Nature Adventures and owner of 412015 10th Line spoke regarding the proposed Scenic Caves parking lot. Mr. Woodburn noted that parking has been an issue at Scenic Caves for 15 years. Scenic Caves has procured the property adjacent to the Perkins' family property hoping to use the property to mitigate parking issues. Mr. Woodburn noted that Scenic Caves has agreed not to develop any land behind the Perkins property. Further, the property will not have lighting installed, it will not be used at night or during the winter months. The parking lot will function to provide overflow parking, and will be used 10-20 times per year. Mr. Woodburn noted he cannot speak to a 20m setback, but Scenic Caves is open to working with the Town and with the Perkins family to minimize the impact on the Perkins property.

D. Correspondence

None

E. Motions and Staff Reports

E.1 Scenic Caves Parking Lot Official Plan and Zoning By-law Amendments – Recommendation Report, PDS.18.136

Moved by: Joe Halos

Seconded by: John McGee

THAT Council receive Staff Report PDS.18.136, entitled "Scenic Caves Parking Lot Official Plan and Zoning By-law Amendments – Recommendation Report";

AND THAT Council adopt an Amendment to the Town of the Blue Mountains Official Plan to insert a new exception to the Residential/Recreational Area designation to also permit the Subject Lands to be used for a parking area related to the adjacent Scenic Caves Nature Adventures property.

AND THAT Council enact a Zoning By-law Amendment to rezone a portion of the Subject Lands from the Rural Estate Residential RER(b) zone to the Rural Estate Residential RER(b)-289-h Zone and Hazard H Zone to also permit the Subject Lands to be used for a parking area related to the adjacent Scenic Caves Nature Adventure. The By-law will also:

1. Insert a new Exception 289 to also permit the lands to be used for a Parking Area in accordance with Section 31 of the By-law;
2. Notwithstanding Section 31.2(c)(i), a minimum setback of 11 metres shall be provided between the parking area and the residential lands to the north;
3. Place the Holding '-h' symbol on the lands to require:
 - a. Granting of Site Plan Approval
 - b. The execution of a Site Plan Agreement
 - c. Issuance of a Grey Sauble Conservation Authority Permit
 - d. Completion of Stormwater Management and Drainage Plan
 - e. Provision of suitable pedestrian access and road crossing at 15th Sideroad 'A',

- f. Dedication of daylighting triangles to the County of Grey,
- g. Preparation of a Landscape Plan including vegetation protection zones along the watercourse, pond, and northerly side lot line

Council then considered the following amendment to the main motion to include the following paragraph to the main motion:

Moved by: John McGee

Seconded by: Rob Potter

THAT the following paragraph be added to the main motion:

“h. Consultation with adjoining property owners to ensure minimization of visual impact”, Carried.

Council then voted on the main motion, as amended, and as noted below:

Moved by: John McGee

Seconded by: Rob Potter

THAT Council receive Staff Report PDS.18.136, entitled “Scenic Caves Parking Lot Official Plan and Zoning By-law Amendments – Recommendation Report”;

AND THAT Council adopt an Amendment to the Town of the Blue Mountains Official Plan to insert a new exception to the Residential/Recreational Area designation to also permit the Subject Lands to be used for a parking area related to the adjacent Scenic Caves Nature Adventures property.

AND THAT Council enact a Zoning By-law Amendment to rezone a portion of the Subject Lands from the Rural Estate Residential RER(b) zone to the Rural Estate Residential RER(b)-289-h Zone and Hazard H Zone to also permit the Subject Lands to be used for a parking area related to the adjacent Scenic Caves Nature Adventure. The By-law will also:

1. Insert a new Exception 289 to also permit the lands to be used for a Parking Area in accordance with Section 31 of the By-law;
2. Notwithstanding Section 31.2(c)(i), a minimum setback of 11 metres shall be provided between the parking area and the residential lands to the north;
3. Place the Holding ‘-h’ symbol on the lands to require:
 - a. Granting of Site Plan Approval
 - b. The execution of a Site Plan Agreement
 - c. Issuance of a Grey Sauble Conservation Authority Permit
 - d. Completion of Stormwater Management and Drainage Plan
 - e. Provision of suitable pedestrian access and road crossing at 15th Sideroad ‘A’,
 - f. Dedication of daylighting triangles to the County of Grey,
 - g. Preparation of a Landscape Plan including vegetation protection zones along the watercourse, pond, and northerly side lot line,
 - h. Consultation with adjoining property owners to ensure minimization of visual impact, Carried.

E.2 Comprehensive Zoning By-law – Final Approval, PDS.18.137

Moved by: Rob Potter

Seconded by: R.J. Gamble

THAT Council receive Staff Report PDS.18.137, entitled “Comprehensive Zoning By-law – Final Approval”;

AND THAT Council enact a new Comprehensive Zoning By-law for the Town of The Blue Mountains in accordance with the updates outlined in Staff Report PDS.18.137;

AND THAT Council repeal the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77 and all amendments thereto save and except all provisions related to Short Term Accommodation uses, Gibraltar Sand and Gravel, Parkbridge, MacPherson/HomeFarm, Scenic Caves Parking Area, Hillside / Martinek, and Village Core Lands.

AND THAT Council repeal all Minor Variances authorized by the Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal that were enacted prior to the approval date of the Town of The Blue Mountains Official Plan, being July 21, 2016;

AND THAT Council confirm that adequate public notice has been provided on the Comprehensive Zoning By-law project and that in accordance with Section 34(17) of the Planning Act, RSO 1990, c.P.13, that further notice is not required;

AND THAT Council waive the two-year moratorium on all zoning by-law amendments to the new Town of The Blue Mountains Comprehensive Zoning By-law by declaring that Section 34(10.0.0.1) of the Planning Act, RSO 1990, c.P.13 does not apply in respect to any application for amendment to the new Comprehensive Zoning By-law

Council then considered the following amendment to the main motion to include the following:

Moved by: Gail Ardiel

Seconded by: Rob Potter

THAT the following two paragraphs contained in the main motion, be revised to read as follows (additions have been underlined):

AND THAT Council repeal the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77 and all amendments thereto save and except those lands identified in the proposed “D” Development Zone, and all provisions related to Short Term Accommodation uses, Gibraltar Sand and Gravel, Parkbridge, MacPherson/HomeFarm, Scenic Caves Parking Area, Hillside / Martinek, and Village Core Lands.

AND THAT Council repeal all remaining Minor Variances authorized by the Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal that were enacted prior to the approval date of the Town of The Blue Mountains Official Plan, being July 21, 2016, Carried.

Council then considered the following second amendment to the main motion to include the following:

Moved by: John McGee Seconded by: Gail Ardiel

THAT the following two paragraphs, be revised to read as follows (additions and deletions have been underlined):

AND THAT Council repeal the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77 and all amendments thereto save and except those lands identified in the proposed "D" Development Zone, and all provisions related to Short Term Accommodation uses, Gibraltar Sand and Gravel, Parkbridge, MacPherson/HomeFarm, Scenic Caves Parking Area, Hillside/Martinek, and Village Core Lands.

AND THAT Council direct that the Hillside/Martinek lands be placed in the R1-2 zone and the schedules of the zoning by-law be updated accordingly; Carried.

Council then voted on the main motion, as amended, and as noted below:

Moved by: Gail Ardiel Seconded by: Rob Potter

THAT Council receive Staff Report PDS.18.137, entitled "Comprehensive Zoning By-law – Final Approval";

AND THAT Council enact a new Comprehensive Zoning By-law for the Town of The Blue Mountains in accordance with the updates outlined in Staff Report PDS.18.137;

AND THAT Council repeal the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77 and all amendments thereto save and except those lands identified in the proposed "D" Development Zone, and all provisions related to Short Term Accommodation uses, Gibraltar Sand and Gravel, Parkbridge, MacPherson/HomeFarm, Scenic Caves Parking Area, and Village Core Lands;

AND THAT Council direct that the Hillside/Martinek lands be placed in the R1-2 zone and the schedules of the zoning by-law be updated accordingly;

AND THAT Council repeal all remaining Minor Variances authorized by the Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal that were enacted prior to the approval date of the Town of The Blue Mountains Official Plan, being July 21, 2016;

AND THAT Council confirm that adequate public notice has been provided on the Comprehensive Zoning By-law project and that in accordance with Section 34(17) of the Planning Act, RSO 1990, c.P.13, that further notice is not required;

AND THAT Council waive the two-year moratorium on all zoning by-law amendments to the new Town of The Blue Mountains Comprehensive Zoning By-law by declaring that Section 34(10.0.0.1) of the Planning Act, RSO 1990, c.P.13 does not apply in respect to any application for amendment to the new Comprehensive Zoning By-law, Carried.

F. By-law

F.1 Official Plan Amendment No. 1– Scenic Caves Nature Adventure

Moved by: John McGee

Seconded by: Rob Potter

THAT By-law No. 2018- 63 being a By-law to adopt Official Plan Amendment No. 1, to permit parking as a permitted use on Part Lot 16, Concession 3, zoned Residential Recreation Area 'RRA' be passed this twenty ninth day of November, 2018, Carried.

F.2 By-law to amend Township of Collingwood Zoning By-law 83-40 (Scenic Caves Nature Adventure)

Moved by: John McGee

Seconded by: Rob Potter

THAT By-law No. 2018- 66 being a By-law to amend Township of Collingwood Zoning By-law 83-40 to rezone the subjects lands from the Rural Estate Residential 'RERb' zone to the Rural Estate Exception 289 'RERb-289-h' zoned for the lands described as Part of Lot 16, Concession 3, 16R244, being 214 Scenic Caves Road be passed this 29th day of November, 2018, Carried.

F.3 By-law to enact The Blue Mountains Comprehensive Zoning By-law

Moved by: Gail Ardiel

Seconded by: R.J. Gamble

THAT By-law No. 2018-65, being a By-law to control development within the Town of The Blue Mountains in accordance with the Official Plan and to prohibit the use of land and the erection and use of buildings or structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, character and use of buildings in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13, be passed this 29th day of November, 2018, Carried.

F.4 By-law to amend By-law No. 2007-12, to regulate or prohibit the parking or leaving of a vehicle on privately-owned lands without the consent of the owner of the land

Moved by: Joe Halos

Seconded by: Rob Potter

THAT By-law No. 2018-66 being a By-law to amend By-law No. 2007-12, as amended to regulate or prohibit the parking or leaving of a vehicle on privately-owned lands without the consent of the owner of the land be passed this 29th day of November, 2018, Carried.

G. Adjournment

Moved by: R.J. Gamble

Seconded by: Gail Ardiel

THAT this Special Meeting of Council does now adjourn at 12:28 p.m. to meet again at the call of the Chair, Carried.

John McKean, Mayor

Corrina Giles, Town Clerk

NOTE: Mayor Alar Soever is the Mayor for the 2018 to 2022 term of Council, and was sworn in December 3, 2018. Mayor Soever has executed the attached minutes as they were approved by Council on December 17, 2018.