



Minutes

The Blue Mountains Special Meeting of Council

Meeting Date: October 7, 2020
Meeting Time: 1:00 p.m.
Location: Town Hall, Council Chambers, Virtual Meeting
32 Mill Street, Thornbury, ON
Prepared by Corrina Giles, Town Clerk

A. Call to Order

Mayor Alar Soever called the Council Meeting to order with all members of Council present save Councillor Uram. Councillor Uram joined the meeting at 2:05 pm

Also in attendance Chief Administrative Officer Shawn Everitt, Director of Human Resources Jennifer Moreau, Director of Legal Services Will Thomson.

- **Traditional Territory Acknowledgment**

- **Council Member Attendance**

The Town Clerk noted that all Council members were in attendance save Councillor Uram.

- **Approval of Agenda**

Moved by: Paula Hope Seconded by: Andrea Matrosovs

THAT the Agenda of October 7, 2020 be approved as circulated, including any items added to the Agenda,

Councillor Bordignon	Yay
Councillor Hope	Yay
Councillor Matrosovs	Yay
Deputy Mayor Potter	Yay
Councillor Sampson	Yay
Councillor Uram	Absent
Mayor Soever	Yay

The motion is 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 2019-56, Council Members must file a written statement of the interest and its general nature with the Clerk for inclusion on the Registry.

None

B. Public Meetings

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.

NOTE: The Town of The Blue Mountains continues to be in a declared state of emergency, and that Council and Committee Meetings will continue to be held virtually during this time. Comments received from the public that have not been included on the Agenda, will be read at the meeting by the Town Clerk.

None

B.1 Public Meeting: Application for Plan of Subdivision and Zoning Bylaw Amendment, 188 Peel Street, North, Thornbury (Richpark Development)

Mayor Soever spoke noting that this is a Public Meeting regarding an Application for Draft Plan Approval, Zoning By-law Amendment, and Part Lot Control, for the property known as 188 Peel Street North.

Mayor Soever noted that the purpose and effect of the proposed applications is to establish a Common Elements Condominium as a form of ownership tenure for the lands. The applicant proposes to register a one-block plan of subdivision on the property in order to utilize Part Lot Control provisions under the Planning Act to implement a site plan that has been approved by the Town of The Blue Mountains. Each parcel would become a Parcel of Tied Land and would be tied to common elements within the Plan of Condominium.

Mayor Soever noted that the intent of the proposed zoning by-law amendment is to modify the existing site-specific zoning provisions to facilitate the creation of a common element condominium. Current zoning by-law provisions treat building setbacks as if the condominium is one single property notwithstanding that 24 dwelling units are to be built. The applicant proposes to modify the existing site-specific zoning provisions to recognize that the proposed common element lands within this zone shall be considered to be one contiguous lot.

Mayor Soever noted that the applicant also proposes to include additional allowances for unenclosed/uncovered decks on Units 12-21 to permit a maximum encroachment of 3.0m into a required yard, whereas a maximum encroachment of 1.5m is currently permitted by Zoning By-law 2018-65. No additional development beyond what is considered under the current site plan approval is proposed.

Mayor Soever noted to help limit the spread of COVID-19, this Public Meeting is being held in a virtual (online) format. Please note that the meeting will be posted as a video on the Town's Website following the public meeting. The public meeting is your chance to hear more about the proposal and make your views about it known. Any person or agency may attend the Virtual Public Meeting and/or make verbal or written comments either in support or in opposition to the proposed amendment. A decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting. After reviewing the application and any comments received, Town staff will bring a recommendation on this project to a future Council Meeting.

Mayor Soever noted that if you wish to receive a notice of any decision of Council on this proposal you must make a request in writing. If a person or public body would otherwise have an ability to appeal the decision of Council of The Blue Mountains to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to Council of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The Town Clerk spoke noting that notice of the Public Meeting was given in accordance with the Planning Act and in response no comments have been received.

Town Planner Travis Sandberg spoke noting this is a public meeting to obtain comments from the public for draft plan of subdivision, zoning bylaw amendments and applications for part lot control for the development known as Richpark Homes – Lora Bay Heights located at 188 Peel Street North. Travis noted that this is a joint public meeting with Grey County as they are the approval authority for the draft plan of subdivision.

Travis noted that the applicant is Richpark Homes, the authorized agent and planning consultant is Colin Travis of Travis Planning Inc., and the location is 188 Peel Street North, Thornbury. Travis noted that the applications were received in July 2020, and were deemed complete July 29, 2020. Travis noted that the lot area is approximately 1.3 hectares.

Travis reviewed the aerial photo of the property, noting it is generally northeast of the intersection of Highway 26 and Arthur Street West, in the westerly end of the Thornbury settlement area.

Travis noted that the current official plan designations applied to the property are community living area and hazard, further noting that community living is the designation that is applied to our primary settlement area within Thornbury. Travis noted that community living is the main area for growth and development within the Town, further noting that the proposed uses do comply with the official plan designation and as a result, no amendments are being requested or alterations to that existing hazard boundary proposed through these applications.

Travis noted that the current zoning applied to the lands by Zoning By-law 2018-65 are R2-77 and Hazard. Travis identified the limit of the two zones on the map provided, further noting that R2-77 permits 22 semi-detached units and 2 single detached residential units, and that all units are subject to the 7.5 metre setback from all property lines, and the maximum height is limited to two stories.

Travis reviewed the existing site plan approval currently in place for this property that was granted September 16, 2019, by the Town. Travis noted that the approved development consists of 22 semi-detached dwelling units and two single detached dwelling units on the lands in the form of a standard condominium as ownership tenure. Travis noted that in that form of ownership, the entire lot is considered as one contiguous property and each individual unit is considered a unit within that property. All internal roads and sanitary services are approved to be privately owned and operated by the condominium corporation, whereas the water service will remain in public ownership subject to easements for public access.

Travis noted that the proposed draft plan of subdivision and part lot control application is to change the form of ownership tenure from a standard condominium to a common elements condominium. A common elements condominium consists of individual parcels of property which are referred to as parcels of tied land that are then tied back to a common element, such as a road or other common element areas within the condo plan. Travis noted that the proposal is to establish a one block plan of subdivision and then utilize the part lot control provisions under the *Planning Act* in order to create these individual parcels of tied land and identify the common element pieces. Travis noted as a part of this application, or all of these applications, there is no physical changes or additional development that is being proposed that is over and above what is currently in place, further noting that the main point of the application is a technical or legal exercise in order to alter the form of ownership tenure.

Travis noted that the main intent of the proposed zoning by-law amendment application is to modify the existing exception 77 setbacks in order to ensure that the 7.5 metre setback continues to be applied to the entire property rather than to the individual parcels of tied land once they are created. Travis noted that the applicants have also included an additional request to have an extra 1.5 metres of an allowable encroachment for decks on units 12 to 21, inclusive.

Travis noted that there is a minor typographical error in the Notice of Public Meeting, indicating that the Notice indicated units 10 to 21 were subject to this additional request, however, Travis confirmed that the application requests this additional allowable encroachment only for units 12 to 21 inclusive.

Colin Travis, spoke noting that he is of Travis and Associates and is the planning consultants of record working with the owners of land use planning matters regarding this file. Colin reviewed the proposal summary, noting that the fundamental reason why we are at this public meeting is to allow the owners to proceed with a common elements type of condominium as opposed to a standard type of condominium. Colin noted that this is a form of tenure, further noting that they are not altering the site plan or the physical form of the development, it is a kind of tenure of condominium.

Colin noted that the peculiarities of the proposed ownership introduce the use of parcels of tied land and those are created through part lot control, further noting that the part lot control is engaged in a little later in the process, and currently they are focusing on the common elements condominium and the related zoning by-law.

Colin noted that in order to create parcels under provisions of the Planning Act, it does required that the land be a registered plan of subdivision. Colin noted that the existing zoning by-law accounts for a standard condominium in the application for the required yard setback being 7.5 metres all around, but there is no reference to a common elements type of condominium in the by-law, so they are applying to have that specifically applied to the subject lands. Colin confirmed that they are not altering side yard setbacks, it is just how they are interpreted in the by-law to allow for those setbacks to remain in a common elements condominium type of tenure. Colin noted that the applicant is requesting an additional 1.5 metre deck encroachment on some of the units.

Colin identified the location of the property, being on the east side of Peel Street. Colin reviewed the chronology of the application noting that the approval for two singles and 22 semis goes back to the approval of the by-law in the old Town of Thornbury in 2014, and in 2018 they acquired an unopened part of Minto Street from the Town in exchange for another parcel of land that is more attached to the Georgian Trail. In June, 2018 they applied for site plan approval for two single detached and 22 semi-detached dwellings, and in the spring and summer of 2019 they undertook the required stream improvements and realignment in accordance with the Grey Sauble Conservation Authority Permit, and as a prerequisite to development of the site.

Colin noted that in September 2019, there was a site plan approval recommendation for a site plan agreement. Colin noted that in November 2019 the removal of the 'h' was approved by Council, and in March 2020, the model home agreement was executed by the Town and on April 17, 2020 the Site Plan Agreement was executed.

Colin then reviewed the approved site plan and identified the condominium road off of Peel Street opposite High Bluff Lane. Colin noted that the condominium road will service the two single detached homes and the 22 semi-detached homes. Colin noted that to the south of the built form is the lands that are associated with the open space hazard lands and the creek alignment.

Colin then reviewed the proposed parcels of tied land, and identified how they are proposed to be tied into that site plan. Colin noted that the actual parcels of tied land will be the lots, and the common element will be the vacant space or space surrounding the parcels of tied land, including the condo road, parking facilities and the open space land. Colin then reviewed the draft plan, noting that this draft plan is not dividing land, further noting that the purpose of this application is to have a draft plan of subdivision status on the lands which then enables us to utilize the provisions of the Planning Act for part lot control provisions.

Colin then spoke regarding the requested deck encroachment and identified the current balcony and the requested zoning allowance of a 1.5 metre encroachment. Colin noted that the additional 1.5 metre encroachment will allow a more functional balcony facility, further noting that this encroachment is being sought for units 12 through 21. Colin noted that the units backing onto the closed King Street road allowance, which he believes will be conveyed to an adjacent land owner, will not be used for development, but will be used as a means of access. Colin noted that the units on the east side of the development are backing onto vacant vegetated land.

Colin spoke noting that the purpose of the by-law is to assign the same sort of side, front and rear yard setbacks provisions that would apply to a standard condominium and have them applied under a common element condominium situation. Colin reiterated that they are requesting an additional 1.5 metre encroachment into those identified rear yards, by way of having the provisions to exist in Exception 77 to the existing zoning by-law.

Colin noted that the applicant has an approved site plan and the lands are under construction. Colin noted that they are looking to utilize a common element tenure as opposed to a standard common element condominium, and there are various reasons for this. Colin noted that this does not affect the physical built form and does not affect the approved site plan or land use, further noting that the zoning by-law is related to that in one aspect, plus the additional 1.5 metre encroachment setback.

Colin noted that the application was submitted to the Town accompanied by a Planning Justification Report and part of that report includes the review of typical land use policies including the Provincial Policy Statement, review of the Grey County Official Plan, The Blue Mountains Official Plan, and concluded that the applications are consistent with, and conform to, the intent of those policy directions.

Colin noted that this application is, in some ways, a technical application with respect to the draft plan and the common elements condominium recognition. Colin noted that he is happy to answer any questions.

Councillor Matrosovs questioned if there was an exploration at any point, rather than the encroachment for those lots cited for the additional 1.5 metres to accommodate a seating area, to look at the floor plans of those units and scaling them so they offer variety to the market in terms of the square footage which would allow to a larger balcony. Colin spoke in response noting that they have considered altering the interior, but noted that it has a domino effect on the interior layout of the units and would represent a significant change for the layout on the inside of the units, even though it is just 1.5 metres, with regard to the wall locations and the other infrastructure supporting the building.

Deputy Mayor Potter spoke regarding traffic, and the closure of King Street, further noting that we do have a lot of development in that area of town and we are bringing all traffic back to Highway 26 and letting it go from there, with no sort of circulation through King Street or Huron Street. Deputy Mayor Potter noted that he realizes that this will take the traffic across the Little Beaver River, but noted that we should be looking beyond the boundaries of this development and considering what we are doing to traffic flow throughout that area and throughout the community.

Councillor Sampson spoke questioning if the request for the deck encroachment was part of the original application for this site when the original application was made, or was it attached to an earlier application previously opined on by Council. Colin noted that the applicant did apply for a minor variance earlier on with regards to the retaining wall and to allow for a minor deck encroachment, further noting that no, the request for a deck encroachment was not part of the original application or approved site plan application.

Councillor Sampson spoke questioning if the application for a deck encroachment was made to the Committee of Adjustment, Colin spoke in response noting that yes, the application for a deck encroachment was made to the Committee of Adjustment, further noting that the Committee of Adjustment approved the two requests, unit 11 and 24, in that application, as at the time we knew the design that we wanted in February 2019. Colin noted that this application is being requested to Council as recommended by staff, to add the requested encroachment to this zoning request.

Councillor Sampson noted that the difference between a common elements corporation and a standard condominium corporation has implications for the property owner, and questioned if there is a difference from the Town's perspective as it relates to what actions the Town may have should the corporation fail to do its duty as it relates to the maintenance of the road, etc. Director of Planning and Development Services, Nathan Westendorp, spoke noting that in terms of this development specifically, the road between the standard plan of condominium that was originally proposed and now the new proposal which is to have a common elements condominium, the road and the infrastructure approach to things was, and continues to be privately owned. The Town, in dealing with the condominium, will not change in terms of what the Town can do if things are not done appropriately by the condominium. Nathan noted that the Town will secure the appropriate matters under the agreement and have the appropriate securities to ensure that the works are functioning for their intended purpose. Nathan noted that the common elements condominium is another type of condominium, further noting that the difference is where the units stop, and where everyone's properties are. Nathan noted that in a standard condominium there is one parcel, and whereas with a common elements condominium each unit is on their own lot and they all have a shared ownership of items like the road and some of the other aspects of the development. Nathan confirmed that as far as the Town's coverage, there is no substantial difference in how the Town intends to deal with it.

Councillor Sampson referenced the common elements corporation, and noted that if the Town had a right of action against the corporation, the assets the Town could attach in an action would stop at the property line, being the street. Councillor Sampson noted that if the development was a regular condominium corporation, the assets that the Town might have an interest in to remedy the action, would be the entire condominium property. Nathan noted that the Town's intention is to deal with Richpark Homes in terms of the administration of the development and ensure that things are constructed appropriately through the agreement in dealing with the securities. Nathan noted that he will confer with Legal Services on matters that may occur on into the future if the infrastructure looks to fail, including the remedies and the differences between the different condominiums.

Mayor Soever questioned the motivation for the developer to move from a standard condominium development to a common elements condominium. Consultant Colin Travis spoke in response noting that there are certain administrative and other benefits for the developer to proceed via a common elements condominium type. Colin noted that from their sales and marketing point of view, it is a much more attractive feature to purchasers to have a piece of land in the front and back of the unit, and it is seen as part of a more comprehensive package that more resembles a traditional development with land in the front and back of the units. Colin noted that there are other matters such as administrative, and construction timing, ability to close certain units at certain times that are more available in a common elements condominium than in a standard condominium setup.

As no one further wished to speak Mayor Soever declared the Public Meeting to be closed.

Councillor Uram joined the meeting at 2:05 pm

B.2 Public Meeting: Application for Zoning Amendment, West Part of Lot 27, Concession 8 (Valentine)

The Mayor noted that this is a Public Meeting regarding an Application for Zoning By-law Amendment for the property known as West Part of Lot 27, Concession 8.

The Mayor noted that this application requests that the lands be rezoned to remove the site-specific Rural Exception (RU-46) that applies to this property and replace with the standard Rural (RU) zone.

The Mayor noted that the owner is seeking the RU zone to allow the property to be used for a residential dwelling, where the current RU-46 zone permits only a golf course and related uses, such as a clubhouse, miniature golf, pavilion, servicing areas and parking, and a single detached dwelling is currently only permitted as an accessory use for a caretaker of the facility.

The Mayor noted that the proposed new RU zone would no longer permit the golf course and related uses.

The Mayor noted that to help limit the spread of COVID-19, this Public Meeting is being held in a virtual (online) format.

The Mayor noted that the meeting will be posted as a video on the Town's Website following the public meeting.

The Mayor noted that the public meeting is your chance to hear more about the proposal and make your views about it known. Any person or agency may attend the Virtual Public Meeting and/or make verbal or written comments either in support or in opposition to the proposed amendment.

The Mayor noted that a decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting. After reviewing the application and any comments received, Town staff will bring a recommendation on this project to a future council meeting.

The Mayor noted that if you wish to receive a notice of any decision of Council on this proposal you must make a request in writing.

The Mayor noted that if a person or public body would otherwise have an ability to appeal the decision of Council of The Blue Mountains to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision.

The Mayor noted that if a person or public body does not make oral submissions at a public meeting, or make written submissions to Council of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The Clerk spoke noting that the notice of the Public Meeting was given in accordance with the Planning Act, and that in response, comments were received from County of Grey.

Town Planning Denise Whaley spoke noting that this application is for a zoning by-law amendment only, so no other development is proposed. Denise identified the applicant, applicant's Agent being Andrew Pascuzzo, location of the land being at the corner of Grey Road 40 and Grey Road 2, being a vacant parcel of land. Denise noted that the application was received in August, 2020 and was deemed complete on September 9, 2020. Denise noted that the lot area of the subject land is approximately 40 hectares.

Denise noted that the official plan designation of the property is primarily rural, and hazard lands, further noting that the rural lands do not generally have the same value of land, and does not have the same capability of the neighbouring specialty agricultural lands. Denise noted that rural lands tend to be more wet with poorer soils. Denise noted that there are hazard lands on the property, and that those lands are wet, further noting that there are significant woodlands on the property.

Denise noted that the Rural designation for this property is new as of the 2016 Official Plan, then spoke regarding the Exception RU-46, and noted that the golf course use and associated uses were given a long time ago, and that the 2002 Official Plan had a special policy area for this property, which was deleted. Denise noted that the property was never developed for golf course use.

Denise noted the application is to rezone from the RU-46 zone to delete the 46 and just have the lands designated as Rural zone. By doing this, a single detached dwelling will be permitted on the lands, and all other uses of the Rural zone. There is no change proposed to the Hazard zone.

Denise noted that one additional comment was received from Grey Sauble Conservation Authority and it is being reviewed by staff and will be part of the followup staff report.

Consultant Andrew Pascuzzo spoke noting that he is the Agent for the Owner of the property, John Siddall, and that the Applicant is Harley Valentine. Mr. Pascuzzo noted that Mr. Valentine has an offer to purchase the property and has asked Mr. Pascuzzo to apply for a zoning by-law amendment to rezone the property. Mr. Pascuzzo noted that the property is 100 acres in size, is vacant, has 660 metres of frontage on Grey Road 40, and 610 meters of frontage on Grey Road 2.

Mr. Pascuzzo noted that the owner of the property is John Siddall, Applicant is Harley Valentine, the architect is SvN Architects, and the Planner is Pascuzzo Planning Inc. Mr. Pascuzzo noted that the applicant would like to rezone the property from the Rural Exception (RU-46) to Rural in order to permit a single dwelling on the property. Mr. Pascuzzo noted that currently the property is zoned to allow a golf course and a caretakers residence on the property as well as ancillary uses.

Mr. Pascuzzo reviewed the concept plan of the property that includes a 500 m² dwelling, 200 m² accessory building, driveway from Grey Road 40, septic system and a well all outside of the Significant Woodlands. Mr. Pascuzzo noted that they are required to complete an environmental impact study if development is proposed within 120 metres of the significant woodlands, but noted that they are in excess of 180 metres from the Significant Woodlands based on the conceptual plan. Mr. Pascuzzo identified the hazard zone on the property.

Mr. Pascuzzo spoke regarding the planning rationale of the zoning by-law application and noted that this is a vacant lot of record and therefore should permit the construction of a residential dwelling. Mr. Pascuzzo noted that no new golf courses are being constructed in Southern Georgian Bay and that there is a considerable amount of space outside the significant woodlands designation to permit a residential dwelling. Mr. Pascuzzo noted that he is not aware of any of the historic zoning on the property prior to 2002, further noting that the current zoning is a carryover from the Official Plan and zoning by-law. Mr. Pascuzzo noted that the owner and potential purchaser have no desire to proceed with a golf course on this property. Mr. Pascuzzo noted that he is not aware of any objections to the application, and noted that Grey Sauble Conservation Authority comments were received at noon today asking for a drainage and grading plan to be submitted with the building permit application at a later date.

Councillor Sampson spoke regarding the Grey County comments requesting a road widening and questioned the County's position. Planner Denise Whaley spoke noting that the County is requesting a road widening on the one side, further noting that the County has been requesting road widenings on both Grey County Road 40 and Grey County Road 2 when development occurs and are asking for an additional 5 metres. Denise noted that a daylight triangle is very common request from the County. There is no widening of the paved portion of the road proposed, they are just seeking a widening of the road allowance. Councillor Sampson then spoke noting that the County will then have the road widening in the future in case they wish to widen the roads in the future.

As no one further wished to speak Mayor Soever declared the Public Meeting to be closed.

C. Adjournment

Moved by: Rob Potter

Seconded by: Jim Uram

THAT this Special Meeting of Council does now adjourn at 2:34 p.m. to meet again at the call of the Chair,

Councillor Bordignon	Yay
Councillor Hope	Yay
Councillor Matrosovs	Yay
Deputy Mayor Potter	Yay
Councillor Sampson	Yay
Councillor Uram	Yay
Mayor Soever	Yay
The motion is Carried.	

Alar Soever, Mayor

Corrina Giles, Town Clerk