

**Committee of the Whole (Planning)  
Municipality of West Grey  
Minutes of April 10<sup>th</sup>, 2017, at 1:18 p.m.**

The Committee of the Whole (Planning) met at the Council Chambers with the following members in attendance.

Council Mayor Kevin Eccles, Deputy Mayor John A. Bell, Councillor Bev Cutting, Councillor Doug Hutchinson, Councillor Rebecca Hergert, Councillor Carol Lawrence, Councillor Rob Thompson

Staff: Mark Turner, Clerk; Brent Glasier, Director of Infrastructure and Public Works

Also Present: Ron Davidson, Municipal Planner

**1) Disclosure of Pecuniary Interest - None**

**2) Public Meetings**

- 1) West Grey Official Plan Amendment #5/Zoning By-law Amendment Application ZA-02-17 – Concession 1, Part Lot 13 less 16R6835, Part 1, former Village of Neustadt (Steve Lantz)

Attendance: Steve Lantz; David Ellingwood, Planner, Cuesta Planning Consultants Inc.; Howard Weber; Jim Uram

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted that the proposed Official Plan Amendment would amend the 'Future Development' policies to permit a detached dwelling on an existing lot, to be serviced with a private sewage disposal system and private well. Development within Neustadt is normally only permitted on the basis of municipal water and sanitary sewers. The proposed Zoning By-law Amendment would rezone the same lands from the 'FD' (Future Development) Zone to the 'R1A-367' zone to permit the construction of a detached dwelling serviced with a private well and a private sewage disposal system.

Written comments were received from the Grey County Planning & Development Department, the Municipal Planner, Saugeen Valley Conservation Authority, Ministry of Natural Resources and Forestry, James Uram, Professional Planner, and the Historic Saugeen Metis.

The Historic Saugeen Metis indicated by email they have no objection or opposition to the proposed rezoning.

The Grey County Planning & Development Department indicated in a letter dated March 31, 2017 that Section 1 of the PPS generally directs growth to settlement areas within municipalities, as well as promotes building healthy communities. The PPS speaks to promoting cost effective development patterns and standards to minimize land consumption and servicing costs. In terms of efficient development and land use patterns, the Planning Justification Report notes that the current proposal would allow for future severances on the subject lands and not preclude future development as the proposed building location is at the far southwest corner of the subject property. In terms of servicing costs, the subject property is within a Settlement Area, but is distant from existing sewer and water infrastructure. According to the consultant's justification report, the cost to extend the services to the property prohibits the potential development of the subject lands.

Section 1.6.6 of the PPS speaks to sewage, water and storm water services. This section discusses the hierarchy of servicing; at the top of the hierarchy are full municipal water and sewer services and at the bottom of the hierarchy the PPS contemplates individual servicing. As previously mentioned the applicant could extend municipal services to the subject property, however the cost to extend the services and hook up for one property may be prohibitive. Section 1.6.6.4 of the PPS further states, Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provisions of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development. The subject property is on the outskirts of the Primary Settlement Area and may be considered as rounding out of existing development.

Section 2.1 of the PPS speaks to Natural Heritage features and the requirement to protect these natural features for the long term. It shall be ensured that the proposed development does not have any negative effects on the natural features in the area. It is noted in the Planning Justification Report, that the subject property may contain a habitat for an endangered species. It shall be ensured that any mitigation measures to protect this endangered species are incorporated in the development. Comments should be received from the Conservation Authority and the Ministry of Natural Resources and Forestry (MNRF) in regards to the natural heritage

features on the property. In a previous subdivision development along Meux Creek, a Meander Belt Study was also required. Comments from MNR and SVCA should also be received with respect to any setback or study requirements in relation to the meander belt.

Section 5.3.2(3) of the OP states, for the purpose of interpreting this Plan, "feasible" is to be defined on a case by case basis by the County, in consultation with the affected municipality, and will be based on evaluation of: a) The scale and nature of both the specific development proposal and the anticipated development; b) Physical or environmental constraints to the provision of servicing the proposed development; c) Potential cumulative impacts to ground and surface water resources; d) A comparison of costs and benefits of the alternatives including the costs associated with planning, construction, start-up, operation, maintenance, financing and replacement of the system or its component.

Section 5.3.2(10) of the OP states, in any part of the County to be serviced by individual on-site private systems, new development shall be subject to a study sufficient to demonstrate the feasibility, as defined in this section, of the development to meet the requirements of the Ministry of Environment or the appropriate authority respecting Ontario Building Code approved sewage systems, and the provisions of this plan. The subject application included estimates on the feasibility of extending municipal services to the subject property. The County is aware that the extension of these services may not be feasible to develop one single lot. However, there are other landowners in close proximity that may wish to develop their land. The County recommends that these land owners, the Municipality and the County meet to discuss the potential extension of these services, prior to a decision on the subject application. It shall be noted that in 2014, County staff did not support a similar application for a similar development within this area; however this previous application did not provide estimates on the feasibility of extending services to the potential development. Knowing that this landowner also has interest in development here, they should be involved in the aforementioned servicing discussions. If these applications are approved a condition shall be implemented in order to ensure that if servicing is extended to the subject property, that the owner of the property is required to hook up to the municipal services.

Grey County Transportation Services have reviewed the applications and have no objection to the proposed applications. However, if the applications are approved as a condition, the existing field entrance will be required to be updated to a residential entrance through the permitting process and an

exemption request will be required for not meeting the County Policy for entrance separation, as there is less than 150 m for the Class 2 Road. Please send a letter to the Director of Transportation Services during the entrance permit process, to ask for an exemption to the policy. County staff recommends deferral of the subject applications, until such a time as the neighbours and the municipality have examined the feasibility of extending services to the subject properties in the area.

The Saugeen Valley Conservation Authority indicated in a letter dated April 5, 2017 that SVCA staff conducted a site inspection of the property on September 9, 2016, and provided pre-submission consultation comments to Cuesta Planning Consultants Inc. on November 3, 2016. In preparing these comments, SVCA staff also reviewed the Planning Report prepared by Cuesta Planning Consultants Inc., dated January 18, 2017.

The proposed amendments are acceptable to SVCA staff. SVCA staff are of the opinion that the Flood Way zone and the Flood Fringe Overlay shown in the By-law should be as close as possible to the floodlines shown on the engineered floodplain mapping for the Village of Neustadt. SVCA staff are recommending adjustments be made to the Flood Way zone and the Flood Fringe Overlay in accordance with the floodlines shown on the enclosed mapping (dated November 3, 2016). If requested, SVCA staff can provide digital shapefile information that can be used to update the floodline information for the property. In addition, SVCA staff are recommending that the Environmental Protection designation and the Natural Environment Zone for the property be revised to reflect the 'SVCA Opinion of Lands that should remain undeveloped' as shown on the mapping enclosure, as it is our opinion that this area includes, to the best of our knowledge and abilities, all of the natural hazards associated with the property. This area includes Meux Creek, its floodplain, and the adjacent valley slope.

In the opinion of SVCA staff, the significant natural heritage features affecting the subject property include: Significant Woodlands, Significant Wildlife Habitat, Fish Habitat, and potentially the Habitat of Endangered Species and Threatened Species. Significant Woodland are identified on Appendices 'A' and 'B' of the West Grey Official Plan and are shown to be slightly on and adjacent to the subject property. Section E1.2.6 of the OP indicates that no development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts on the natural features or their ecological functions. While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on or

adjacent to the subject property. The West Grey OP indicates that no development or site alteration may occur within an area identified as having Significant Wildlife Habitat unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions. Meux Creek is considered to be fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions.

It is the opinion of SVCA staff that the negative impacts to the natural heritage features mentioned above, including their ecological functions, will be negligible as a result of this proposal. In accordance with Section E1.2.9 of the West Grey Official Plan, SVCA staff are of the opinion that the requirement for the preparation of an EIS to address Significant Woodlands, Significant Wildlife Habitat, and the adjacent lands to Fish Habitat, can be waived.

It has come to the attention of SVCA staff that Habitat of a Threatened or Endangered Species may be located on or adjacent to the subject property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the threatened and endangered species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

Please be advised SVCA staff are not able to speak to provincial and federal requirements as they relate to Section 2.1.7 of the PPS, and that the above SVCA staff opinion that an EIS is not required does not take into account the Habitat of Endangered Species and Threatened Species that may be on or near the subject property.

The SVCA letter concludes that all of the plan review functions listed in the Memorandum of Agreement between the Authority and the Municipality of West Grey relating to Plan Review have been assessed by SVCA staff with respect to these proposals. The proposed amendments are acceptable to SVCA staff, provided the Habitat of Endangered Species and Threatened Species policy mentioned above is appropriately addressed by the Applicant. In addition, SVCA

staff are recommending revisions to the Environmental Protection designation, as well as the Floodway and Natural Environment Zones, and the Flood Fringe Overlay.

The Ministry of Natural Resources and Forestry in an email dated April 3, 2017 indicated that the 70 metre buffer to the creek is acceptable to protect against impacts to the redbreasted sunfish habitat.

The Municipal Planner noted in his Planning Report dated April 10, 2017 that in 2013, a similar request to amend the Official Plan and Zoning By-law to permit the construction of a privately-serviced detached dwelling on a nearby property was considered by West Grey, but was refused. The Planning Report had recommended refusal based on the fact there were no extenuating circumstances to suggest that a privately-serviced development was appropriate. With regard to the amendments that are now being considered, the Committee will recall Mr. Lantz attending a meeting in 2016 as a delegation, at which time he discussed his plans with the Committee. At that meeting, the Committee advised that applications to amend the Official Plan and Zoning By-law must be accompanied by a report breaking down the costs of servicing the lands with municipal water and sanitary sewers before the Committee would consider allowing for privately-serviced development. As such, with the assistance of a contractor, the owner's Planning Consultant has provided such information. As noted above, the information suggests that servicing the site would cost at least \$79,000 if the house was erected at the north end of the site or \$105,000 if the dwelling was placed at the south end. If the water and sewer mains were of a size to accommodate more than one dwelling, then the cost to run the servicing to a dwelling on the property would range from \$335,000 to \$520,000, depending on where the house is located.

If the Committee is satisfied that the consultant's argument represents extenuating circumstances and is willing to move away from their "no privately serviced development in Neustadt" position, then the applications could be given favourable consideration. Before that can occur, confirmation that the development conforms to the natural heritage policies of the Official Plan and PPS must be received. The Building Department must also be satisfied that the site can be serviced with a private well and septic system. It should be noted that the draft Official Plan Amendment would prohibit lot creation on this property unless full municipal services are provided.

The draft Zoning By-law Amendment also has the effect of prohibiting lot creating by establishing a minimum lot area requirement that reflects the size of the existing parcel. As well, the draft Amendment establishes a large

northerly side yard which would force the new house to be located near the southerly limit of the property (where the owner prefers to build). This would ensure that the house is not erected in a location where it could interfere with future lot creation on this property, should full municipal services ever become available. On a final note, if the applications are approved, the owner should be required to enter into an agreement which would require the proposed dwelling to connect to municipal services should they become available in the future.

James Uram, Professional Planner, representing Paul Gutzke, indicated in by letter that in his opinion the amendments proposed are not consistent with the County of Grey Official Plan section GC Sec 5.3.2(1) and West Grey Official Plan sections C.1.1.1, C.1.2.1, C.2.2.3, C.3.2.4, and D.2.2.4. Mr. Uram also raises concerns with the potential impacts on the Redside Dace and other limitations on development. Mr. Uram states in his letter that impacts on the Meux Creek, on the existing forest cover, on the impact of service extension and costing over a larger and more intense development option more in keeping with the urban intent of the Neustadt Urban Settlement Area should be required. Mr. Uram concludes in his letter that it is his opinion that this amendment is not consistent with the direction of Provincial, County or Local policy documents, and is premature and insufficiently supported as a result of the potential created by realization of additional development on remaining areas of the property.

David Ellingwood, Cuesta Planning Consultants Inc., acting on behalf of Steve Lantz, noted the agency comments received for the planning applications. Mr. Ellingwood indicated the subject property is approximately 11 acres, with the Meux Creek to the north. Mr. Lantz proposes a building envelope for a dwelling at the southwest corner of property as shown on their site plan. All of the property is regulated by the SVCA, and it appears the SVCA is satisfied with the proposed location for the dwelling without municipal water or sewer services. The Grey County Transportation Department has indicated possible entrances for the entire property, and potential entrances are limited. The MNRF has indicated the 70 metre buffer area is sufficient to address redside dace. There may be two possible severances available on the entire property given constraints such as availability of entrances on the County Road. Mr. Ellingwood opined that the proposed lot preserves the ability to utilize the lands with municipal services in the future given the location of the proposed dwelling.

Mr. Ellingwood noted Grey County has recommended the planning applications be deferred to provide an opportunity to discuss the possibility of creating lots by other land owners fronting along this section of the

County Road. Mr. Ellingwood indicated there is only limited development potential of properties fronting along this portion of the County Road. Mr. Ellingwood stated that SMRS Construction has provided a cost estimate for municipal services that indicates it would cost approximately \$450,000 for sanitary and \$79,000 for water, plus possible additional costs for larger diameter pipes, and for perhaps a potential of 5-6 properties, Mr. Ellingwood opined that it would be prohibitively expensive to develop on municipal services.

The Committee indicated it appears that development on water and sewer services would be prohibitive, so this type of development could be supported subject to the property having to hookup to municipal services when they become available.

Howard Weber indicated support for the Lantz planning applications, indicating he would like to have a similar development on his property. The Committee asked Mr. Weber if his property is vacant, and Mr. Weber replied that the property he is speaking of does not have a dwelling on it.

Howard Weber asked if natural gas is coming to Neustadt. Mayor Eccles responded that he has discussed this issue with Union Gas, and Union Gas has indicated it is on their radar to bring natural gas to Neustadt, however, the Province has Neustadt at #36 on its list of 60 plus priority designated areas.

Jim Uram, Professional Planner, speaking on behalf of Paul Gutzke, noted he has three issues with the planning applications, regarding "extenuating circumstances" – finances can be extenuating circumstances, but will have to apply to other properties such as Durham, and questioned how many properties are in that category, so this context is planning by exception and cannot be supported in his opinion; infilling or rounding out of development outside of the settlement line is not permitted under PPS; and financially it is more than a minor extension so suggested development is not minor. Mr. Uram suggested another option is to consider through policy discussion during the five year review of the West Grey Official Plan so this can be discussed in a public forum.

The Committee asked if a five-year review of the West Grey Official Plan is undertaken, and the provision is approved to permit private servicing if it is not financially feasible to provide municipal water and sewer services, how would it be implemented. The Municipal Planner indicated when the West Grey Official Plan is updated, West Grey would have to consider if there is sufficient vacant land base for the 20 year planning horizon, which was done



for the initial West Grey Official Plan. At that time, the settlement area could be adjusted depending on the conclusions of the review.

The Committee asked Mr. Lantz if the subject property has been owned by the Lantz family for some time. Mr. Lantz indicated it was his mother's property, and he assumed ownership through her estate.

The Committee indicated if the planning applications are approved, it would have to be ensured if municipal water and sewer services became available that the landowner would be required to hookup to these services. The Clerk indicated his belief that there is such a by-law requiring mandatory hookup when municipal water and sewer services become available, and will verify same.

Mr. Uram requested he be notified of any decisions respecting the planning applications.

The Municipal Planner mentioned that Grey County is the approval authority for local Official Plan Amendments, and West Grey would only adopt the Official Plan Amendment.

**Lawrence-Cutting, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council adopt West Grey Official Plan Amendment #5, and approves zoning by-law amendment ZA-02-17. ... COW #6-17** **Carried.**

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### **3) Other**

- 1) Zoning By-law Amendment Application ZA-17-16 – Part Lot 6, Concession 1 EGR, Part 1, 16R10009, former Township of Glenelg (Christopher & Diane Kennedy – owners; Bill Roskar – applicant)

The Clerk noted a Public Meeting for the above planning application was held on March 13, 2017, and at that time, the Committee of the Whole passed a resolution deferring a decision respecting the zoning by-law amendment to provide an opportunity for the applicant to discuss possible site plan requirements with municipal staff.

The Municipal Planner reported he conducted a site visit at the subject property with Bill Roskar in attendance, and has prepared a draft site plan agreement for discussion purposes that is included in the agenda.

The Committee noted that section 4 h) of the proposed site plan agreement will permit two shipping containers, and questioned how many shipping containers are presently on the property. Mr. Roskar responded that they are done to 4 shipping containers, and the two other shipping containers will either be removed from the property or placed within the storage building.

The Committee questioned how parking on Highway 6 or Sideroad 6 will be controlled. Mayor Eccles indicated it will be controlled by either the West Grey Police Service or the OPP.

The Committee noted the site plan agreement/site plan does not specify anything about the height of trees or other means to create a visual berm. The Municipal Planner indicated that the property owner to the north (Shane MacArthur) can only see the shipping containers and top of the main building from his property. The outdoor machinery will only be present a week before and after the events. The Municipal Planner questioned the purpose or need to plant trees at the north boundary.

The Committee asked the Municipal Planner if he discussed the proposed site plan agreement with Mr. MacArthur. The Municipal Planner responded that he did not discuss this matter with Mr. McArthur, however, he did ask Committee members during the March 13, 2017 Public Meeting what they wanted in the proposed site plan agreement.

The Committee asked Brent Glasier, West Grey Director of Infrastructure and Public Works if moving the driveway easterly addresses hill concerns with heavy equipment. Mr. Glasier indicated the driveway to the east will meet standards for site lines/safe stopping distances at the set speed limit.

The Committee asked if additional signage can be added at the top of the hill to indicate "trucks turning", and Mr. Glasier indicated this can be done. Mr. Glasier added that "no parking" signs will be erected from the Highway 6 intersection easterly to the top of the hill on both sides.

The Committee questioned if there is sufficient parking for vehicles on the subject property. Mr. Roskar stated there is enough parking on site for over 1,000 cars, so there will be no reason to park on the street. Mr. Roskar noted that he stood by Mr. MacArthur's garage and the storage building cannot be seen from his house except for when you are on a portion of his driveway.

The Committee asked the Municipal Planner when the two shipping containers can be removed. The Municipal Planner indicated that currently no more than two shipping containers are permitted on the site, but this can be reinforced when the site plan agreement is signed. Chris Kennedy state he can remove the two additional shipping containers or place them in the storage building. Mayor Eccles asked the applicant to confirm when he has removed all but two shipping containers.

Committee members discussed whether or not requiring the planting of trees as a condition in the site plan agreement is merited. Chris Kennedy indicated the trees previously planted on the property are dying right now as they were planted on gravel soil.

Shane McArthur stated that trees are not a concern to him, as they are just a type of barrier. Mr. McArthur stated he just wants the existing rules enforced as he will have to put up with noise that will be happening for 15 weeks of the year.

The Committee questioned if fencing provisions can be included in a site plan agreement. The Clerk indicated fencing provisions can be included in a Site Plan Agreement.

The Committee noted it would not want fencing along Highway 6 for visibility and economic development reasons as passersby would not be able to see the proposed commercial business/auction centre.

Bill Roskar stated the site will not be a construction site, as floats will come in with equipment and park the equipment, approximately 80 pieces of equipment/vehicles per auction sale.

**Hutchinson-Bell, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves the proposed zoning bylaw amendment ZA—17-16 subject to entering into a Site Plan Control Agreement, as amended, to include screening with a 1.5-2.0 metre wooden fence along a portion of the northerly boundary. ... #COW 7-17 Carried.**

## 2) Maple Hill (Padfield) Subdivision

The Clerk reported that Brian Padfield, owner of the Maple Hill Subdivision in Glenelg, has requested that the existing Subdivision Agreement be amended in order to place Lots 15 & 40 currently in Phase 4 of the subdivision development, into Phase 3 of the subdivision development, in order to

expedite the development of these lots.

**Bell-Hutchinson, Resolved that, the Committee of the Whole hereby recommends Council approves the request from Brian Padfield to amend the Site Plan Agreement for the Maple Hill Subdivision to incorporate Lots 15 & 40 in Phase 4 into Phase 3.**

**... COW #8-17**

**Carried.**

**4) Next Meeting** – not determined to date

**5) Adjournment**

On motion of Doug Hutchinson, the Committee adjourned at 3:28 p.m.

(Signed)  
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Kevin Eccles, Mayor

(Signed)  
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Mark Turner, Clerk