

**Committee of the Whole (Planning)
Municipality of West Grey
Minutes of August 17th, 2017, at 1:00 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 (arrived at 1:15 p.m.), Councillor Rob Thompson

Staff: Mark Turner, Clerk

Also Present: Ron Davidson, Municipal Planner

1) Disclosure of Pecuniary Interest - None

2) Public Meetings

- 1) Municipality of West Grey Official Plan Amendment (OPA #6) – Part Lot 1, Concession 13, Geographic Village of Neustadt (Paul & Cheryl Anne Gutzke – owner; James R. Uram - agent)

Attendance: Paul Gutzke, James R. Uram, Steve Lantz, Jack Zeinstra, Murray Gutzke, Carl & Sharon Zintel

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of West Grey Official Plan Amendment #6 is to change the land use designation of the subject lands from the 'Future Development' designation to 'Residential' in order to facilitate residential development.

Written comments were received from the Grey County Planning & Development Department, the Municipal Planner, Saugeen Valley Conservation Authority, and the Historic Saugeen Metis. A Planning Justification Report was also completed by Jim Uram, Planning Consultant acting on behalf of Mr. Gutzke.

The Historic Saugeen Metis indicated by email dated June 30, 2017 that they have no objection or opposition to the proposed official plan amendment.

The Municipal Planner highlighted his Planning Report dated August 17, 2017 noting the owners wish to change the land use designation of the 15 hectares of 'Future Development' lands to 'Residential'. The owners have no

immediate intentions to submit Plan of Subdivision and Zoning By-law Amendment applications. The Planning Justification Report prepared by the owner's consultant states: "It is the intent (of the amendment) to establish and solidify the future land use options for these lands prior to filing of any applications for future residential development."

The Municipal Planner's report notes the 28 hectare holding is designated 'Residential', 'Future Development' and 'Environmental Protection'. The Official Plan Amendment applies to the approximately 15 hectares of land designated 'Future Development', and is intended to change the land use designation of these lands to 'Residential'. With regard to these policies, the Planning Consultant retained by the land owners has prepared a Planning Justification Report that includes statements that attempt to address this section of the Official Plan and other policies as well. An evaluation of the consultant's submission will be provided by the West Grey Planner at a later date.

The Municipal Planner's report further notes that the Provincial Policy Statement (PPS) promotes urban type development such as residential subdivisions within the designated settlement areas of a municipality, and promotes sanitary sewers and municipal water as the preferred means of servicing development. In this regard, municipal services will be required for any development on the subject lands in the future. The PPS also encourages a municipality to maintain at all times the ability to accommodate residential growth for a minimum of 10 years. Furthermore, the PPS requires planning authorities to provide an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the market area by, among other things, permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents. In addition, the PPS serves to protect natural heritage features and areas of cultural heritage. In this regard, should the land use designation of the subject lands be changed to 'Residential' through the requested Official Plan Amendment, the owner will be advised by the County and Municipality of the studies required as part of any Plan of Subdivision application submission which may include an Environmental Impact Study and an Archaeological Assessment among others.

Moreover, the PPS requires stormwater on development lands to be controlled in order to minimum or prevent increase in contaminant loads, minimum changes in water balance and erosion, and not increase risks to human health and safety and property damage. To this extent, any future development proposal on the property would require a Stormwater

Management Report to address this policy. The submitted Planning Justification Report has provided information to support the proposed development from the perspective of the PPS. The future Planning Report by the West Grey Planner will also include an evaluation of the proposed Official Plan Amendment within the context of the PPS.

The Municipal Planner's Report also indicates that the lands subject to the proposed Official Plan Amendment are currently zoned 'FD' (Future Development). These lands will require a rezoning should a development proposal, in the form of a Plan of Subdivision, be submitted for the subject lands. The zone(s) applied to the property would reflect the type of dwelling units intended for the site.

The Municipal Planner concludes in his report that a Planning Report containing a recommendation will be prepared and presented to the Planning Committee at a future meeting.

The Saugeen Valley Conservation Authority indicated in a letter dated August 9, 2017 that the Grey County Official Plan (OP) designates a portion of the property as Hazard Lands, and a portion of the property is designated Environmental Protection in the Municipality of West Grey Official Plan. According to the Municipality of West Grey Zoning By-law No. 37-2006, as amended, portions of the property are zoned Flood Way and Natural Environment, with a Flood Fringe Overlay covering a portion of the property. A Geotechnical report associated with the stability of the Meux Creek Valley Bank was complete a few decades ago associated with the entirety of the slope on the southern portion of the property. A meander belt study has also been completed as requested by the Ministry of Natural Resources and Forestry (MNR). Both of these reports will outline the appropriate Hazard Designation and Environmental Protection offset for the property beyond the flood information. The SVCA will likely recommend an update occur associated with this geotechnical report given the number of decades that have passed since its completion associated with the subdivision proposal. SVCA staff notice a small sliver of land at the bottom of the valley bank is currently designated 'future development', and is proposed to be re-designated residential. SVCA staff recommend all of this small strip of area to be re-designated, below the valley banks, be designated Hazard as the areas is inaccessible in a flood condition, and subject to slope, flooding, and erosion hazards.

Natural Heritage - 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 Woodlands - 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.

Significant Wildlife Habitat - 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.

Fish Habitat - 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, are unknown as a result of this proposal. The preparation of an Environmental Impact Study (EIS) to address Significant Woodlands, Significant Wildlife Habitat, and the adjacent lands to Fish Habitat, is necessary to address municipal, county, and provincial policies. Given a draft plan of subdivision is proposed on the subject lands eventually pre-consultation associated with that development, and incorporation of requirements for an EIS in the Draft Plan Conditions, can likely deal with this recommendation. The SVCA recommends a special designation be placed on the wooded portion of the property that indicate an EIS will be necessary prior to the rezoning or other development activity proceeding in this portion of the lot.

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.

Although a large portion of the property appears to be outside of the Approximate Regulated Area and the areas of interest associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended), please be advised that the southern portion of the property is within the valley of Meux Creek, and is therefore entirely within the SVCA Regulated Area. This Regulation is in accordance with Section 28 of the Conservation Authorities Act R.S.O, 1990, Chap. C. 27. This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse. If development or alteration including construction, reconstruction, conversion grading, filling or excavation is proposed on the southern portion of the property, the SVCA should be contacted, as permission may be required. The Regulated Area includes the floodplain, the valley, the indicated stable slope intersects with the top of the valley bank, and an offset from these features (15 metres).

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 this proposal. The proposed amendment is acceptable to SVCA staff, provided: a) the Natural Hazards are appropriately accommodated in the re-designation; b) the significant natural heritage features are addressed by the eventual development of the lot; and c) Habitat of Endangered Species and Threatened Species policy mentioned above is appropriately addressed by the Applicant.

The Grey County Planning & Development Department indicated in a letter dated August 11, 2017 that a portion of the subject property is currently part of a draft approved plan of subdivision (County File# 42T-91011) which would permit forty-three (43) single detached residential lots and sixteen (16) townhouse lots. County and Municipal staff have had a number of discussions with the proponent over recent years in order to move towards registration of the subdivision, but the lots have yet to be registered. The

remainder of the lands, which are those subject to the current Official Plan Amendment application, are outside of the draft approved plan of subdivision. Around the time of the original draft approval, there was a proposal to designate the entire property for residential purposes, however at that time it was not determined to be necessary, and only the draft approved lands were designated.

The GCPD letter further indicates that Section 1 of the PPS generally promotes development and redevelopment opportunities at densities that make efficient use of the land. The proposed road network, servicing, and stormwater management being designed for this residential development (should it be re-designated to Residential) would be determined at the future plan of subdivision stage, ensuring the lands are used efficiently. Elsewhere in section 1 of the PPS, municipalities are required to ensure they have adequate amounts of various land use types including both employment lands and residential lands. Submitted with this application was a Planning Justification Report that provided the proponent's rationale for the proposed change. At this stage, County staff have not seen any detailed numerical analysis by land use type on the supply and demand of land in Neustadt. That said, there does appear to be a significant amount of vacant land available within the village, and there has not been significant growth within the village in recent years. Section 2.1 of the PPS protects significant natural heritage features for the long term. At the time of a future development application on the subject lands, an Environmental Impact Study (EIS) may be required. Comments have been received from the Saugeen Valley Conservation Authority who have flagged the environmental features and some potential species habitat on this site.

As background to this OPA application County staff contacted Provincial staff to get their feedback on this proposal, based on the Province's role in the earlier development proposals on this site. On July 28, 2017, the Ministry of Municipal Affairs noted that; "Ministry staff have no new comments to offer on this file at this time."

The West Grey Official Plan, similar to the County Plan, contains criteria for what needs to be addressed when an official plan amendment is being considered. While County staff would agree with some of the rationale contained within the aforementioned Planning Justification Report, there are some outstanding items where we cannot agree with the justification submitted to date. Page 10 of the Report speaks to the tests needed to consider a re-designation from Future Development, which include the 'need for servicing and that the need for the proposed designation has been demonstrated'. As noted above, the proposed development can be serviced

by full municipal water and sewer services; therefore, this criterion has been met. However, based on the land supply in Neustadt including two existing draft approved plans of subdivision, and other vacant lands, there does not appear to be an immediate need for more residential lands at this time. County staff have suggested to the proponent in the past that once the current draft approved plan of subdivision is built out, or partially built out, then it would be easier to justify the need for this re-designation.

Much of the justification put forward in favour of this application has focused on; a) the need for certainty of land use designation type (as a signal of municipal intention), and b) the potential for further growth, whether it be by commuter traffic to the south, or to feed the Bruce Power expansion. Staff see some merit in items (a) and (b) above, but still question whether there is a need for the re-designation at this time. With respect to (a), future development designations and zones are common across the County. While growth is needed within settlement areas, future development areas set aside land, which is not yet needed within the immediate growth horizon. As the need for these lands develops, municipalities have flexibility to determine what land use type these lands are needed for i.e. residential, employment, commercial, etc. While County staff can appreciate a landowners desire for certainty in what might be occurring on their lands or on neighbouring lands, having Future Development lands also provides the municipality some flexibility to address future growth demands across a wide spectrum of land use needs. Should any further non-residential land use types be considered adjacent to the draft plan of subdivision, a conformity exercise would be needed at that time. With respect to (b), County staff are certainly hopeful that all communities within Grey will continue to grow and prosper. Growth in Neustadt is good for West Grey and good for the County. A number of factors (i.e. Bruce Power expansion, commuter growth from Toronto, Guelph, Kitchener, Waterloo, etc.) cited in the Planning Justification Report would apply not only to Grey County, but also to neighbouring counties and communities. At this point, there is no certain way of predicting what percentage of this future growth will come to Neustadt. It is the role of both the County and member municipalities to ensure we have adequate lands designated to meet projected growth needs. In this regard, the County completed our most recent Growth Management Strategy (GMS) in 2015, which forecast growth projections to the year 2036. Staff would note that this GMS was prior to the results of the 2016 Census. Table 1 below outlines the results forecast for 2016 by Hemson Consulting, versus the actual population achieved through the 2016 Census, as well as the 2036 population projections.

County staff recognize that there are a number of settlement areas across the County where an over-supply of residential lands already exist, which extend beyond the current planning horizon. The Municipality could consider a re-designation to Residential provided they are satisfied that the lands are not otherwise needed for another land use type, e.g. employment lands, commercial, institutional, open space, etc. The Municipality may wish to seek further justification from the proponent on the supply and demand of other land use types within the village, before concluding that these lands are needed for residential purposes. If the Municipality were to consider the re-designation at this time, phasing policies may also be worth considering. County staff would also note that there have been two recent re-designations, one in West Grey, and one in Owen Sound, where lands were being re-designated from Industrial to Residential. In both cases, detailed analysis was provided on the supply and demand of industrial lands in the two respective municipalities, and why the lands were no longer needed for industrial purposes. Both cases also provided land use compatibility exercises to demonstrate that the lands could accommodate future residential growth. That said, both municipalities had a sufficient supply of residential lands, and additional residential land was still considered.

County staff circulated one internal department through our County 'One Window' circulation process for this application. The Transportation Services department had no concerns with the proposed application, but flagged the need for a future TIS to determine if any intersection upgrades would be needed to the Grey Road 9 and Grey Road 10 intersection.

The GCPD letter concluded that as the approval authority on the official plan amendment application the County looks forward to receiving this file should the Municipality adopt the amendment.

Jim Uram, Planning Consultant, acting on behalf of the Gutzkes', identified the lands subject to OPA #6, noting the net area for development has not been identified to date and won't be until the draft plan of subdivision is completed. The Gutzkes' are requesting a change in designation from Future Development to Residential, to protect the existing approved draft plan of subdivision, and to provide impetus to future development. There is a potential for up to 300 more residential units, based on the 20 residential units/net hectare development criteria in the County Official Plan.

Mr. Uram opined that it is time to consider the advantages of Neustadt, citing the proposed expansion of Bruce Nuclear, and resulting additional 5,000 additional jobs that will result. Mr. Uram noted the significant growth underway in Shelburne and Dundalk, and indicated he asked for justification

from Grey County for approving the growth expected in Dundalk but didn't receive any, other than the County noting that servicing is available. Mr. Uram cited Elliot Lake as an example of growth that didn't show a need for development, but grew significantly anyway, in order to try to substantiate his position that Neustadt could grow likewise. Mr. Uram opined that the growth of the metro areas of Guelph and Kitchener-Waterloo, will in turn increase commuter traffic from this area to those metro areas.

Mr. Uram mentioned the studies likely needed at the plan of subdivision stage, include an Environmental Impact Study, Servicing Report, Stormwater Management Report, and Planning Justification Report. Mr. Uram stated his belief that he has provided sufficient information in his planning justification report to justify the proposed re-designation of the Gutzke property. Mr. Uram also noted Neustadt already has an industrial park, and re-iterated the need for residential growth as noted in his planning justification report.

The Committee asked if the proposed plan of subdivision will hook up to municipal water and sewer services, and Mr. Uram responded affirmatively.

The Committee questioned if the re-designation is approved, what is the timeline for developing the approved draft plan of subdivision. Mr. Uram indicated his client may be considering intensifying the number of residential units more in line with present density requirements, such as the 20 residential unit/net hectare density requirement.

The Committee indicated the small strip of land identified by the SVCA should not be re-designated residential. Mr. Uram stated he has no objections to re-designating this small strip of land to Hazard or a similar designation, as per the SVCA request. The Municipal Planner stated he will make sure this change is made if the Official Plan Amendment goes through.

The Committee asked if there is a timeline for development if the OPA is approved, The Municipal Planner indicated there is no timeline for development for an OPA, however, there is a time frame for draft plans of subdivisions, as extensions to draft plan approval are required to be approved by Grey County.

The Committee noted the first phase of the draft plan of subdivision was approved in 1994, and questioned why the proponent is seeking more land to be re-designated to residential when no development has taken place to date. Mr. Uram responded that it would create larger economies of scale as a result of the extra lands being re-designated and developed for residential purposes.

The Committee questioned how a 13 lot residential subdivision being built in Durham appears to be economically viable when Mr. Uram is indicating the present draft approved plan of subdivision, being 43 single detached dwelling lots and 14 townhouse units is not.

Carl & Sharon Zintel, owners of property in the Municipality of South Bruce, spoke in opposition to the proposed official plan amendment, due to concerns cited in their submission letter, including increased traffic, noise, and congestion. Mr. Zintel stated he reviewed the planning justification report prepared by Mr. Uram, citing alleged inaccuracies in the zoning by-law amendment application (actually, OPA application) such as identification of nearby barns. Mr. Zintel also opined that certain individuals entitled to notice within 450 metres (actually, 120 metres) did not get a notice of the public meeting.

The Municipal Planner stated this is not a zoning by-law amendment application, but an OPA application. The Municipality will verify the circulation list for those entitled to be notified, however, individuals within 120 metres are to be circulated, not within 400 metres. The Municipal Planner also stated that these lands are within the urban area of Neustadt, and will at some point be developed for some type of urban use (i.e. residential, commercial, industrial), and will not remain as farm lands, although the Gutzke's are proposing residential uses. The barns if within the area specified to be identified in the OPA application should have been shown if that is the case, however, Minimum Distance Separation (MDS) does not apply to urban areas, and development within the urban areas will happen despite the presence of any livestock barns.

The Municipal Planner noted if the OPA is approved and a plan of subdivision approval comes forward, a detailed drawing indicating how the lands are to be developed as a residential plan of subdivision will be drafted, and a number of reports will be required to be completed, including a planning justification report, EIS, archaeological report, servicing report, stormwater management report, and possibly Traffic Impact Study.

Murray Gutzke asked about a storm drain management plan for the proposed development. Mayor Eccles stated today's discussion is solely regarding a proposed re-designation to Residential. Murray Gutzke questioned how much capacity there is for water and sewers. Mayor Eccles estimated there is approximately only 18% of the municipal water capacity being utilized at present, and approximately 23% of municipal sewage capacity is being utilized at present as well.

Murray Gutzke asked if municipal services will be assumed by the municipality after being extended by the developer. Mr. Uram indicated this will be the case. Murray Gutzke asked if there is any work planned for this road. Mayor Eccles indicated the road is in West Grey's 10 year capital plan, and the municipality can coordinate road upgrades with the proposed development.

Murray Gutzke recollected that money was set aside for road improvements when Neustadt approved the water system. Mayor Eccles stated the water system was installed by the former Village of Neustadt around 1995, and he would have to check this with the County.

Jack Zeinstra stated the existing draft plan of subdivision should be developed first, and does not support the proposed residential designation.

The Municipal Planner stated this meeting is the public meeting required under the Planning Act, and he plans to bring back an updated Planning Report with recommendations. At that time, the Chair will determine if he will permit any further public input.

Mr. Uram clarified that if West Grey adopts the Official Plan Amendment, the County of Grey makes the decision to approve or refuse the OPA, and any appeal is to the County of Grey as the approval authority for the OPA.

Steve Lantz questioned the status of the unopened road allowance immediately abutting to the west of the Gutzke property. Mayor Eccles indicated it may be a possible route for Union Gas expansion, however, it would be a decision of the public authority having jurisdiction over this road.

The Clerk indicated individuals wishing to receive notice of any subsequent meetings regarding OPA #6 can leave contact information.

2) Zoning By-law Amendment Application ZA-07-17 – Lot 34, Concession 2 WGR, former Township of Bentinck (Michael & Lynne Knowlton)

Attendance: Michael & Lynne Knowlton, Brandon Hopkins, Dan Duquette

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose and effect of the Zoning By-law Amendment is to change the zoning of lands described as Lot 34, Concession 2 WGR, Geographic Township of Bentinck, Municipality of West Grey, and shown on

reverse of this form from the A1 (Agricultural) Zone to the A1-373 (Agricultural Exception) Zone to permit three, short-term rental cabins on the subject property in addition to a fourth building containing toilet and shower facilities. The A2 (Rural) Zone and NE (Natural Environment) Zone that apply to the balance of the property will remain.

Written comments were received from the Grey County Planning & Development Department, the Municipal Planner, Saugeen Valley Conservation Authority, and Historic Saugeen Metis.

The Historic Saugeen Metis indicated by email dated July 14, 2017 that they have no objection or opposition to the proposed rezoning.

The Municipal Planner noted in his Planning Report dated August 17, 2017 that two of the cabins have already been constructed. One of the cabins has a sink and fridge, but no cooking or washroom facilities. The second cabin has a sink and small stove, but no washroom. A building accessory to these cabins contains a sink, toilet and shower. Guests staying in the cabins are responsible for their own food preparation.

The Municipal Planning Report also noted that the By-law would allow the owners to erect a third cabin at some point in the future. During the pre-consultation exercise, the County and Municipal Planners took the position that the proposed three-cabin rental operation would be somewhat similar to a bed and breakfast operation for the purposes of evaluating the application against the policies of the Official Plan. As such, the proposed Zoning By-law Amendment could be considered in compliance with the 'Agricultural' policies of the Official Plan. The Official Plan requires new uses to comply with the Minimum Distance Separation Guidelines. In this regard, the proposed cabins are setback a sufficient distance from barns in the area. The forested areas of the property are considered to be 'Significant Woodlands', according to Appendix B to the County Official Plan. The cabins, however, are set back a considerable distance from the wooded areas and should not negatively impact these natural heritage features.

The Municipal Planning Report concludes that the proposed rezoning, which is intended to recognize two cabins that were constructed on the site a few years ago and allow for the construction of a third cabin, seems to conform with the Official Plan and is consistent with the PPS. From an economic development perspective, the current two-cabin operation provides a high end form of accommodation. The units have been attractively constructed, and the landscaping, which includes an in-ground pool and remnants of a barn foundation, renders the property striking. The erection of a third unit

would also have considerable merit. Based on the foregoing, the requested Zoning By-law Amendment should be given favourable consideration.

The Grey County Planning & Development Department indicated in a letter dated August 3, 2017 that the County does permit for Traditional Bed and Breakfasts within the Agricultural designation, provided the subject property can be adequately serviced, and the buildings are within the existing building cluster and are not taking any active farmland out of production. Although the buildings are proposed within the Agricultural land and are not necessarily clustered, they are generally within close proximity of the existing house. County planning staff recommends comments are received from the Conservation Authority in regards to natural features identified in their letter.

In terms of general planning matters, the County can support this application, since the buildings will not be used to hold any events, such as, weddings and will be used for short term accommodations only. However, in the future if more development was proposed on the property or the use was to change, the County may require additional applications and studies to be completed in support of any proposal. The County does recommend that site plan control is considered such that building locations can be regulated and clustered. Provided positive comments are received from the Conservation Authority, the subject property can be adequately serviced, and MDS can be complied with, County planning staff have no further concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated August 9, 2017 that given the information available at this time it is the opinion of SVCA staff that the new development being recognized is not within the Hazard Lands designation or NE Zone on the subject property. The Significant Natural Heritage features affecting the subject property are fish habitat, Significant Woodlands, potential Significant Wildlife Habitat, and the potential habitat of Threatened or Endangered Species that has been identified on or near the property. The new development being recognized does not appear to be within the adjacent lands of fish habitat. It is the opinion of SVCA staff that an EIS regarding fish habitat is not required for this particular proposal. The new development being recognized does not appear to be within the Significant Woodlands or its adjacent lands. Therefore it is the opinion of SVCA staff that an Environmental Impact Study (EIS) regarding Significant Woodlands is not warranted for this particular proposal. 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 property. The Grey County OP

states in part that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. It is the opinion of SVCA staff that an EIS regarding Significant Wildlife Habitat is not warranted at this time.

The SVCA letter further indicates it has come to the attention of SVCA staff that the habitat of endangered species may be located in the area of the proposed development. 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 (MNR) for information on how to address this policy. The SVCA also notes that portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

The SVCA letter concludes that given the information available at this time, it appears as though the new development being recognized (three cabins and a fourth toilet/shower facility building) are not located within the SVCA's Area of Interest. Should development or alteration including construction, reconstruction, conversion, grading, filling or excavation be proposed in or near the SVCA's area of interest in the future, the SVCA should be contacted as permission may be required. All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. Provided the Natural Heritage policies mentioned above are appropriately addressed, then this proposed Zoning By-law Amendment will be acceptable to SVCA staff.

The Committee asked about the scope of the washroom facility. Lynne Knowlton noted it is an existing, functioning washroom, tied into the septic system.

The Committee asked about the size of the cabins. Mr. Knowlton indicated two of the cabins are 14'x20', and one cabin is 10' x 12'. The Committee asked how the cabins will be heated if year round use is proposed. Mr. Knowlton responded that two of the cabins are not heated so they won't

likely be used year round, and the 3rd cabin may be heated for year round use. The Committee asked if the cabins will be clustered. The Municipal Planner indicated they will be in reasonable close proximity in the scrub area of the property, not in farmland.

The Committee asked if there are any MDS issues, and the Municipal Planner indicated there are no MDS issues. The Committee questioned how extra charges will be levied for this development. The Municipal Planner indicated the uses on the property will be assessed and taxed accordingly.

The Committee did not indicate the need for site plan control.

The Committee asked if there are short term rentals of the cabins. Mr. Knowlton the cabins have been rented on a short term rental basis in the past and that is their intent in the future.

Michael & Lynne Knowlton spoke in favour of the proposed zoning by-law amendment, cited some background to the origins of the development, and noted some concerns regarding dealings with municipal staff. Lynne Knowlton cited the economic benefits of their development to West Grey.

Brandon Hopkins and Dan Duquette spoke in favour of the proposed zoning by-law amendment.

The Committee noted its appreciation for the Knowlton's establishing their business in West Grey.

Hergert-Bell, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-07-17. ... #34-17 **Carried.**

3) Other

- 1) Proposed Zoning By-law Amendment (ZA-19-16) – Part Lot 75, Concession B, former Township of Normanby (Marvin Martin)

A Public Meeting was held for the above noted zoning by-law amendment on February 13, 2017. A decision was deferred by the Planning Committee to provide time for the proponent to address issues identified by the Saugeen Valley Conservation Authority, the Ministry of Transportation Ontario, and the Planning Committee. A Site Plan Agreement was also to be drafted for consideration by the Planning Committee.

Comments have been received from the SVCA and MTO. A Site Plan Agreement has been drafted, and reviewed and approved by the municipal solicitor, SVCA, and MTO, for consideration by the Planning Committee.

Kristine Loft, Loft Planning Consulting Inc., noted they took into account MTO comments regarding stormwater management. A R-Plan for road widening requested by the MTO is currently being reviewed by the MTO.

The Committee questioned the extent of road widening being requested by the MTO. Ms. Loft responded that MTO wants road widening on the whole of the lot frontage.

The Committee questioned if the MTO requires a Traffic Impact Study. Ms. Loft and the Municipal Planner indicated the MTO does not require a Traffic Impact Study.

Bell-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves the zoning bylaw amendment ZA-19-16. ... #32-17 Carried.

Hutchinson-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves the Site Plan Agreement for Marvin Martin (ZA-19-16). ... #33-17 Carried.

2) Proposed By-law Number 9-2017 (John Spaleta – ZA-14-16)

By-law Number 9-2017 was deferred at the request of the proponents consultant, Don Scott, of Cuesta Planning Inc., during the February 6, 2017 Council meeting. Mr. Scott subsequently requested another opportunity to speak to the Committee of the Whole (Planning) members about the proposed zoning by-law amendment that would permit a cottage dwelling to be constructed on a road that is not maintained year round by the municipality, and is not currently suitable for access by emergency vehicles. The proponent is willing to enter into a Municipal Servicing Agreement.

Don Scott noted he met with West Grey representatives a number of weeks ago to discuss the proposed zoning by-law amendment. Mr. Scott indicated it is an existing lot of record, assessed as a building lot, but a building permit cannot be issued due to it not being on a year round, maintained municipal road, and therefore, a zoning by-law amendment application was submitted. An OPA is also required and an EIS was done due to Significant Woodlands. Mr. Scott cited two other similar zoning by-law amendments approved in the municipality in this area with Municipal Servicing Agreements entered into.

Mr. Scott added that the County obtained a legal opinion regarding Municipal Servicing Agreements, but he was not made privy to the legal opinion, however, he did contact a solicitor regarding Municipal Servicing Agreements who deemed it an appropriate method.

Mr. Scott indicated that Scott Taylor, Grey County Planner, noted the County has approved similar proposals in other areas of the County. Don Scott noted issues with access by emergency vehicles, and suggested the Municipal Servicing Agreement be modified to require Mr. Spaleta's driveway to provide a proper turn-around for emergency vehicles, and upgrade the road by Mr. Spaleta's property. Mr. Scott noted the legal definitions of "seasonal road" and "cottage" are sound, and legal liabilities to the municipality would disappear. Mr. Scott also noted there should be a provision if the road is upgraded that the landowner should pay their share for upgrading of the road, and indemnify against any legal actions, etc.

Mr. Scott requested Council to approve the zoning by-law amendment.

The Committee mentioned fixing Mr. Spaleta's driveway does not eliminate the need for emergency vehicles to travel over the corduroy road. The Committee noted the Director of Infrastructure and Public Works and the Fire Chief have indicated concerns with the ability for emergency vehicles to access the corduroy road.

The Committee questioned if the two Municipal Servicing Agreements referred to by Mr. Scott were approved by the former Township of Bentinck. The Clerk responded in the affirmative, noting Bentinck Council passed the two zoning by-law amendments and entered into the Municipal Servicing Agreements contrary to the legal advice of the municipal solicitor, as well as the Clerk and By-law Enforcement Officer.

The Committee asked Mr. Scott if Mr. Spaleta is prepared to pay for upgrading the road from Highway 6 to his lot, Mr. Scott responded he is not, as it is estimated to cost \$150,000. Mr. Scott opined that the precedence has been set by the prior approvals. Mr. Scott indicated the road is quite passable in the summer time by cars, and is only proposed to be used for reasonable use.

The Committee asked what would West Grey do to provide emergency services to the 2 previously approved lots, or other development at McCormick Lake. The Clerk conjectured that West Grey would attempt to provide emergency services if able to, and if unable to, or a response is delayed, the municipality could be subject to lawsuits.

The Municipal Planner noted he was involved in a somewhat similar situation at Francis Lake in the Township of Georgian Bluffs that is a private road. The fire department indicated at the time that the private road is accessible by fire vehicles, the road was in good shape, and therefore, Council approved this development. This matter is a legal issue and emergency services issue.

A Committee member made a suggestion to fix the road to minimize potential liability, however, the Committee noted the prohibitive cost to upgrade this road.

Mayor Eccles mentioned the municipality required property owners on a number of occasions to pay for the upgrading of a road to bring it to a year round, maintained public road status in order to facilitate development on their lots. Mayor Eccles stated this has been the requirement of West Grey to require frontage on a year round, maintained public road in order to obtain a building permit for a dwelling or any other buildings or structures.

The Clerk questioned if the Committee wants to obtain a legal opinion from a solicitor regarding the proposed zoning by-law amendment to determine if a decision to refuse, if applicable, is defensible if appealed to the Ontario Municipal Board or a court proceeding is initiated.

The Committee asked the Clerk to contact municipal insurers, Frank Cowan Company, to seek their opinion respecting potential liability for consideration initially. The Committee may seek a legal opinion thereafter.

4) Next Meeting – September 11, 2017, 1:45 p.m.

5) Adjournment

On motion of Rebecca Hergert, the Committee adjourned at 4:24 p.m.

(Signed)
Kevin Eccles, Mayor

(Signed)
Mark Turner, Clerk