

Draft

**Committee of the Whole (Planning)
Municipality of West Grey
Minutes of September 10th, 2018, at 1:30 p.m.**

Draft

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

<u>Council</u>	Mayor Kevin Eccles, Deputy Mayor John A. Bell, Councillor Bev Cutting, Councillor Rebecca Hergert, Councillor Doug Hutchinson, Councillor Rob Thompson
<u>Absent</u>	Councillor Carol Lawrence
<u>Staff:</u>	Mark Turner, Clerk
<u>Also Present:</u>	Ron Davidson, Municipal Planner

1) Disclosure of Pecuniary Interest - None

2) Public Meetings

- 1) Zoning By-law Amendment Application ZA-12-18 – Part Lot 8, Concession 18, RP17R657. Part 3, former Township of Normanby (Jim & Debbie Kaufman)

Attendance: Jim Kaufman

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the Zoning By-law Amendment is to rezone the subject lands described as Part Lot 8, Concession 18, Geographic Township of Normanby, Municipality of West Grey, from the 'A2' (Rural Zone) and 'NE' (Natural Environment Zone) to the 'A2-391' (Rural Exception Zone) and 'NE' (Natural Environment Zone). The Amendment would have the effect of permitting a retail store involving the sales of hunting and fishing equipment. The store would comprise 168 square metres. The lands are designated 'Rural' and 'Hazard Lands' in the Grey County Official Plan.

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

The Historic Saugeen Metis indicated in an email dated August 8, 2018 that they have no objection or opposition to the proposed zoning by-law amendment application.

The Grey County Planning & Development Department indicated in a letter dated August 29, 2018 that provided that positive comments are received from the conservation authority regarding the Hazard Lands designation and the identified Significant Woodlands and lakes, and MDS1 guidelines are met, County planning staff have no concerns.

The Saugeen Valley Conservation Authority indicated in a letter dated August 28, 2018 that Significant Natural Heritage features affecting the subject property are Significant Woodlands, Fish Habitat and potentially the Habitat of Endangered Species and Threatened Species. 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 and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened 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. MNRF inquiries in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

The SVCA has advised 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. All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The SVCA has requested an amendment to the NE Zone be incorporated in the Zoning Schedule to the Kaufman by-law.

The SVCA letter concludes that 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 by the Applicant, then this proposed Zoning By-law Amendment will be acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated September 10, 2018 that provided the SVCA is satisfied that the hazard lands and other natural features of the site and surrounding lands are not being negatively impacted by the proposed rezoning, the Amendment would have merit and could be given favourable consideration.

The Committee of the Whole asked how the store was discovered. The Clerk noted a building permit was applied for by the property owner.

Jim Kaufman spoke in favour of the proposed zoning by-law amendment, indicating the store has been open for about 14 years.

Bell-Thompson, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-12-18. ... #15-18 Carried.

ZA-11-18 – Part Lot 1, Concession 13, RP16R6835, Part 1, former Village of Neustadt (Robin Morley – owner; Cuesta Planning Consultants Inc. - applicant)

Attendance: Robin Morley, Genevieve Scott (Cuesta Planning Consultants Ltd.), Steve Lantz, Howard Weber, Eric Zimmerman

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the West Grey Official Plan Amendment is to amend the 'Future Development' policies to permit a detached dwelling on an existing lot to be serviced with a private sewage system. The purpose of the Zoning By-law Amendment is to rezone the subject lands from the 'FD' (Future Development Zone) to the 'R1A-390' (Unserviced Residential Exception Zone) to permit the construction of a detached dwelling serviced with a private sewage disposal system.

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

The Historic Saugeen Metis indicated in an email dated August 7, 2018 that they have no objection or opposition to the proposed applications.

The Saugeen Valley Conservation Authority indicated in a letter dated September 5, 2018 that 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, Habitat of Endangered Species and Threatened Species. SVCA staff are of the opinion that the negative impacts of this proposal will be negligible, and they are not recommending the preparation of an Environmental Impact Study.

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on and adjacent to the 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 endangered and threatened 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. MNR in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to the Official Plan and Zoning By-law Amendment applications and are acceptable to SVCA staff.

The Grey County Planning & Development Department indicated in a letter dated August 30, 2018 that County Official Plan policy 5.3.2(2) lists the hierarchy of preferred water or sanitary servicing options. Municipal sewage and water services are the preferred form of servicing settlement areas, followed by private communal sewage services and private communal water services, and lastly partial services; or, individual on-site sewage services and individual on-site water services. Policy 5.3.2(11)(b) states, Partial services shall only be permitted in the following circumstances: Within settlement areas, to allow for development where partial services exist provided that: (i) the development is within the reserve sewage system capacity or reserve water system capacity; and (ii) site conditions are suitable for the long-term provision of such services.

Provincial Policy Statement Section 1.6.6.4 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. This proposal may be considered rounding out of existing development, provided no further lot creation takes place on the subject property. Figure 8, located on Page 18 of the consultant's justification report includes a map with a building envelope where one future consent could be positioned on the northern part of the property.

In 2017, the County received a local official plan amendment (LOPA-5) and rezoning 02-2017 application by the property owner Lantz. This property is located on the west side of Grey Road, immediately adjacent to the Morley property. Under this application, the proposal was to 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 planning consultant representing the Lantz property owner outlined that costs for extending sanitary sewers and water to the subject property. It was concluded that the lands could not be serviced in a cost-efficient way. Private communal services were recognized as not an option, as the proposal was to construct only one house. The amendment was passed by West Grey Council, and further approved by the County of Grey in 2017. Under the details of the amendment, the following wording was included: "In no instance shall the lands be subdivided unless all proposed parcels, including the lot containing the detached dwelling, are to be serviced by municipal and sanitary sewer services."

Should local council choose to approve the local official plan amendment, County planning staff recommend the above noted approach be applied for the subject application, such that no further lot creation be permitted on the subject lands unless all parcels, including the original lot, are serviced by municipal and sanitary sewer services.

County Transportation Services has reviewed the above noted file and has no objections or concerns with the proposed zoning amendment. The County does not require additional widening off of the subject property. From the drawings, it appears the proposed dwelling is beyond the County setback of 75 feet or 22.86 metres from the existing centerline of the road.

Provided positive comments are received from the local conservation authority, the local Building Department is satisfied that the subject lands can accommodate a private septic system, and new lot creation on this property is prohibited unless full municipal services are provided, County planning staff could consider this application consistent with Provincial and County level planning policies.

The Municipal Planner indicated in his Planning Report dated September 10, 2018 that provided the SVCA is satisfied that the hazard lands and other natural features of the site and surrounding land uses are not being negatively impacted by the proposed rezoning, the Amendment would have merit and could be given favourable consideration.

Genevieve Scott, Cuesta Planning Consultants Inc., noted that during the pre-consultation meeting, municipal staff requested a future additional lot/dwelling be shown to identify that the property can be further developed, however, the applicant is just looking at one dwelling on a 1.5 hectare lot. Ms. Scott noted there was a suggestion that a Development Agreement be registered on title noting requirement to hook-up to services. The Clerk noted a Development Agreement was not required for the Lantz planning application, as the municipal water and sewer by-law requires lots to hook-up to services when they become available.

The Committee of the Whole asked at what point does it become affordable to develop on municipal services. It was suggested that the Director of Infrastructure and Public Works should provide some costing information and if there are any plans to extend the servicing – the Committee of the Whole determined not to proceed with this suggestion.

Robin Morley noted they were turned down about 6 years ago for a similar application, however, another individual is looking to purchase the property, and there is only one dwelling being proposed at this time. Mrs. Morley noted they paid for planning applications six years ago.

Eric Zimmerman noted he is in favour of the planning applications.

The Committee of the Whole questioned if the property is within the settlement area of Neustadt. The Clerk indicated the subject property is within the settlement area of the Village of Neustadt.

Bell-Hutchinson, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council adopt West Grey Official Plan Amendment #7, and

approves zoning by-law amendment ZA-11-18 contingent upon approval of Official Plan Amendment #7 by the County of Grey. ... COW #16-18 Carried.

3) Other

1) Township of Chatsworth

The Township of Chatsworth has forwarded a letter to Grey County and lower-tier Grey County municipalities seeking support of the Township of Chatsworth Council resolution seeking reconsideration of certain County of Grey Official Plan policies that would permit more severances or rural plans of subdivision. (received for information)

2) Temporary Use Agreement

The Clerk noted in the past, the Chief Building Official determined if a temporary trailer or an existing dwelling could remain for a 6-month period or possibly extended period of time (i.e. another 6 months) when a dwelling was being constructed. The current delegation authority by-law delegates the authority to the CBO to permit a temporary trailer while a permanent dwelling is being constructed, however, it is silent regarding permitting any existing dwelling to remain on-site while a new dwelling is being constructed. The CBO for the Joint Building Services Department has indicated he prefers the municipality to make such a decision through a temporary use agreement. The Clerk indicated his preference for the CBO to make this decision.

The Committee of the Whole requested the Clerk to prepare a proposed temporary use agreement to permit a temporary trailer when a house is being built on vacant property or on a property in a residential zone or a with an area of less than 5 acres. The Committee of the Whole suggested a \$10,000 deposit being required to ensure demolish of an existing dwelling or removal of the temporary trailer. There was some discussion regarding the minimum square footage permitted for a second dwelling.

4) Next Meeting – October 9, 2018, 1:30 p.m., West Grey Municipal Office

5) Adjournment

On motion of Rebecca Hergert and Bev Cutting, the Committee adjourned at 2:53 p.m.

Kevin Eccles, Mayor

Mark Turner, Clerk