Committee of the Whole (Planning)  
Municipality of West Grey  
Minutes of December 10th, 2018, at 1:50 p.m.

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

Members Present: Mayor Christine Robinson, Deputy Mayor Tom Hutchinson, Councillor Beth Hamilton, Councillor Rebecca Hergert, Councillor Doug Hutchinson, Councillor Geoffrey Shea, Councillor Stephen Townsend  
Staff: Mark Turner, Clerk; Brent Glasier, Director of Infrastructure and Public Works (during John Welton/Sunvale Homes discussion)  
Also Present: Ron Davidson, Municipal Planner

1) Disclosure of Pecuniary Interest - None

2) Public Meetings

1) Zoning By-law Amendment Application ZA-18-18 – Lot 3, Concession 15, former Township of Normanby (Francis & Elaine Walter)

Attendance: Francis & Elaine Walter

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, Municipality of West Grey from the “A1” (Agricultural) Zone to the “A1-400” (Agricultural Exception) Zone for the severed parcel, and from the “A1” (Agricultural) Zone and “A3 (Restricted Rural) Zone to the “A1-401” (Agricultural Exception) Zone for the retained parcel. The Amendment would have the effect of recognizing the deficient lot frontage and area of the severed parcel, and prohibit the construction of a dwelling on the retained parcel.

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 November 8, 2018 that they have no objection or opposition to the proposed zoning by-law amendment application.

The Saugeen Valley Conservation Authority indicated in a letter dated December 4, 2018 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property are Significant Woodlands, and potentially the Habitat of...
Endangered Species and Threatened Species, however, the SVCA is not recommending the completion of an Environmental Impact Study (EIS) to address these features.

The SVCA letter also notes it has come to the attention of SVCA staff that the habitat of endangered and threatened 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 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 inquires 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 this proposal. The proposed Zoning By-law Amendment is acceptable to SVCA staff.

The Grey County Planning & Development Department indicated in a letter dated November 28, 2018 that County Transportation Services has reviewed the above noted file and has no concerns or objections with this proposal. A 50 foot or 15.24 metre Daylight at the corner of Concession 16 will be required to be conveyed to the county for future improvements. Please see the attached Engineering Field Report for further information. Provided that Minimum Distance Separation (MDS) can be met and all County Transportation Services requirements are met, County Planning staff have no further concerns.

The Municipal Planner indicated in his Planning Report dated December 10, 2018 that the proposed lot creation meets the Official Plan and PPS criteria for severing a surplus farmhouse. In this regard, favourable consideration of the severance application can be given.

**Townsend-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-18-18, as amended. … #21-18 Carried.**

2) Zoning By-law Amendment Application ZA-17-18 – Plan 80, Part Lots 8 & 9, Queen St. (6 Queen Street East, Elmwood), former Township of Bentinck (Scott Beckenhauer)

**Attendance:** Scott Beckenhauer
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 Plan 80, Part Lots 8 & 9, Queen St. (6 Queen Street East, Elmwood), Geographic Township of Bentinck, Municipality of West Grey from the “R1A” (Unserviced Residential) Zone to the “C2” (Highway Commercial) Zone. The Amendment would have the effect of permitting the expansion of the existing C2 (Highway Commercial) Zone use (Beckenhauer Garage) on the abutting property to the immediate west owned by the applicant.

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 November 5, 2018 that they have no objection or opposition to the proposed zoning by-law amendment application.

The Saugeen Valley Conservation Authority indicated in a letter dated December 4, 2018 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property is potentially the Habitat of Endangered Species and Threatened Species.

The SVCA letter also notes it has come to the attention of SVCA staff that the habitat of endangered and threatened 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 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 inquires 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 this proposal. The proposed Zoning By-law Amendment is acceptable to SVCA staff.

The Grey County Planning & Development Department indicated in a letter dated November 28, 2018 that County Transportation Services has reviewed the subject file and have no concerns with this application. Provided that adequate servicing can be provided to the expanding commercial zone, County planning staff have no further concerns.

The Municipal Planner indicated in his Planning Report dated December 10, 2018 that the proposal to rezone the subject lands to ‘C2’ in order to facilitate the expansion of the Beckenhauer garage can conform to the Official Plan provided the applicant can
demonstrate through a Site Plan Agreement that the garage’s expansion is compatible with the surrounding lands uses. The Site Plan should also deal with the applicant’s existing operation to the west. The proposed rezoning is consistent with the Provincial Policy Statement. Based on the foregoing, the proposed Zoning By-law Amendment can be given favourable consideration. Council, however, should not approve the By-law until a proper Site Plan has been prepared and the Site Plan Agreement has been registered on title.

The Committee asked the Municipal Planner what type of screening would be recommended for inclusion in a site plan agreement. The Municipal Planner noted typically a 6’ wooden fence.

The Committee indicated that assuming there is an existing well and septic system on the subject property, both should be de-commissioned. The Municipal Planner added that this matter can be addressed in the site plan agreement.

The Committee questioned how close is the septic system and well of the neighbouring property to the subject property. The Municipal Planner is not aware of their proximity to the subject property. The Clerk indicated a site plan agreement for this proposal would be deemed as minor, and that a $2,000 deposit is required from the landowner to pay for any legal costs incurred by the municipality for the review and registration of the site plan agreement by the municipal solicitor.

Scott Beckenhauer spoke in favour of the proposed zoning by-law amendment. Mr. Beckenhauer has spoken to the neighbours and they have no objections. Mr. Beckenhauer noted there is no well on the property as it is provided by the shop, and septic system was pumped out two years ago and this past fall.

The Municipal Planner will contact the landowner to discuss the proposed site plan agreement.

Hutchinson-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-17-18, contingent upon approval of a Site Plan Agreement By-law. ... #22-18 Carried.

3) Grey County Official Plan Amendment 42-05-280-OPA-144/West Grey Zoning By-law Amendment Application ZA-16-18 – Lots 5-7, Concession 3 SDR, former Township of Bentinck (Wally David Schaus – owner; Ben Rier – applicant; Cuesta Planning Consultants Inc. - agent)

Attendance: Stephanie Lacey-Ayon, Grey County Planner; Monica Scribner, Grey County Planning Department, Administrative Assistant; Don Scott & Maria Wood, Cuesta Planning Consultants Inc.; Ben Rier

Stephanie Lacey-Avon, Grey County Planner, read the statutory requirements for the
Public Meeting, and noted the proposed County Official Plan Amendment would consider exceptions to the agriculture development criteria policies, to allow for a surplus farm dwelling severance within 500 metres of the Primary Settlement Area boundary of the Town of Hanover. The proposed Zoning By-law Amendment would reduce the ‘minimum lot area’ and ‘minimum lot frontage’ requirements of the ‘A1’ Zone to 1.2 hectares (2.8 acres) and 118 metres (387 feet) respectively as required to facilitate the severance. The Zoning By-law Amendment would also place a restriction on the retained farm parcel prohibiting a detached dwelling on this parcel.

Ms. Lacey-Avon noted 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 November 12, 2018 that they have no objection or opposition to the proposed County official plan amendment or West Grey zoning by-law amendment applications.

The Saugeen Valley Conservation Authority indicated in a letter dated November 23, 2018 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property are Significant Woodlands, potentially Fish Habitat, and potentially the Habitat of Endangered Species and Threatened Species, however, the SVCA is not recommending the completion of an Environmental Impact Study (EIS) to address these features.

The SVCA letter also notes it has come to the attention of SVCA staff that the habitat of endangered and threatened 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 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 inquires in Grey County can be directed to Jody Scheifley, Management Biologist, phone: 519-371-8471, email: jody.scheifley@ontario.ca.

Portions of the proposed retained parcel 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). The proposed severed parcel of the property is not 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. If development or alteration including
construction, reconstruction, conversion, grading, filling or excavation is proposed within the Approximate Regulated Area and/or the Approximate Screening Area on the proposed retained portion of the property, the SVCA should be contacted as permission may be required.

The SVCA letter concludes that all of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The proposed County OP Amendment and proposed Zoning By-law Amendment are acceptable to SVCA staff.

The Grey County Planning & Development Department indicated in a letter dated November 28, 2018 that County Transportation Services has reviewed the subject file and have no concerns with this application. Provided that adequate servicing can be provided to the expanding commercial zone, County planning staff have no further concerns.

The Municipal Planner indicated in his Planning Report dated December 10, 2018 that whereas the proposed lot creation meets the criteria for severing a surplus farmhouse, it does not conform to the Official Plan policy dealing with development within 500 metres of a ‘Primary Settlement Area’. In this regard, an application to amend this particular policy has been filed with the County of Grey. Should the proposed Official Plan Amendment be approved, then the severance and associated Zoning By-law Amendment can be given favourable consideration by the Municipality of West Grey. For now, the applications should be deferred.

Don Scott, Cuesta Planning Consultants Inc., spoke in favour of the proposed Grey County Official Plan and West Grey Zoning By-law Amendment, noting the purpose and effect of the planning applications.

Hergert-Townsend, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends that Council passes a resolution requesting Grey County Council approves Grey County Official Plan Amendment 42-05-280-OPA-144; And further that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-16-18, contingent upon approval of the Grey County Official Plan Amendment 42-05-280-OPA-144 by Grey County Council. … #22-18 Carried.

3) **Other**

1) Lee Hilliard – re: enforcement issue relating to a trailer, shed and deck on Part Lot 10, Concession 4, former Township of Glenelg

Lee Hilliard recounted her attendance during the November 19, 2018 Council meeting to discuss the trailer enforcement issue, and Council recommended she come before the Committee of the Whole (Planning) for further discussion. Ms. Hilliard wants a special designation to permit a recreational trailer on the property that is wholly within
the Natural Environment (NE) Zone.

Ms. Hilliard mentioned she contacted the SVCA in June, and subsequently the West Grey enforcement officer, and the Clerk who she alleges indicated that only a civic address number and entrance permit would be required to permit the recreational trailer. The SVCA indicated by letter that they would not object to the recreational trailer if the deck was removed or scaled down to size.

Ms. Hilliard noted that the Clerk recently noted a recreational trailer permit could not be issued as it does not conform to the West Grey Comprehensive Zoning By-law and the West Grey Trailer Licensing by-law. Ms. Hilliard indicated the property is useless if she cannot have a recreational trailer on it. Ms. Hilliard also noted there is a shed on the property.

The Clerk indicated to the Committee that a recreational trailer licence cannot be issued for the subject property as the entire parcel is zoned Natural Environment (NE) Zone, and both the West Grey Comprehensive Zoning By-law Number 37-2006, as amended, and the trailer licensing by-law. The Clerk noted the precedence that would be set by approving a rezoning of the property to facilitate the property owner being able to obtain a recreational trailer licence for the subject property, and possible liability incurred by permitting buildings or structures in the NE Zone.

The Municipal Planner indicated his agreement with the Clerk’s statement that recreational trailers, decks and sheds are not permitted in the NE Zone.

Lee Hilliard added that Matt Armstrong from the SVCA considered the recreational trailer and the fact that the recreational trailer can be removed quickly, noting the SVCA would have issues if the wheels were removed from the recreational trailer. The SVCA noted does not require an environmental study.

Council asked why it would be okay to place a recreational trailer in an environmentally sensitive area if the wheels remain. The Municipal Planner responded that the thought pattern is likely that if the wheels remain on the recreational trailer, it can be moved more quickly.

Council asked the Clerk about the issue of potential liability. The Clerk mentioned we live in a litigious society, and if an individual was hurt or damage done to the trailer or other property was damaged by the trailer if flooding occurred, then an individual may sue.

Ms. Hilliard stated she knew there wasn’t a fire number when she purchased the property, and indicated the building inspector at that time asked what the intended use was as the property could not be built on. Ms. Hilliard says she replied to the building inspector that she intended to only use the property for a trailer, and the building inspector alleging responded if there was a problem with the trailer he would have a
pink slip attached to it.

Ms. Hilliard indicated the property would be worthless to her if the trailer was not permitted.

The Committee questioned why the subject property is zoned NE, and not Flood Fringe, etc. The Municipal Planner indicated there is a two-zone approach in Ontario, wherein areas such as the Town of Durham, have identified the floodplain area through an engineering process.

Ms. Hilliard indicated the SVCA letter notes the trailer is exempt from SVCA regulations.

The Clerk noted some potential options for the landowner, being to apply for rezoning to permit the trailer; or remove the buildings or structures. The SVCA can be asked if it is willing to re-delineate the NE Zone so there would be an area to locate the recreational trailer outside of the NE Zone.

The Committee requested the Clerk to send a letter to the SVCA requesting further comments regarding the NE Zone, and comments made to Ms. Hilliard, and to bring back to the February 12, 2019 West Grey Committee of the Whole (Planning) Meeting to be placed early in the Agenda to facilitate Ms. Hilliards’ availability to attend the meeting

2) John Welton Custom Homebuilding/Sunvale Homes Plan of Subdivision

Don Tremble, on behalf of John Welton, developer of the proposed Sunvale Homes Plan of Subdivision along Durham Road East, stated that the first phase of the subdivision is estimated to cost $1.9 million, plus hydro requires advance payment of $500,000, which is a lot of money for subdivision securities. Mr. Tremble stated the developer wishes to provide less than 100% in securities, and noted the Town of Hanover didn’t require any securities. The Municipality of Brockton required 100% securities, but provided a quick refund when work was completed. The total estimated cost of the subdivision is $5 million

The West Grey Director of Infrastructure and Public Works suggested a reasonable security to avoid the developer from walking away from the proposed development if securities are deemed to high, being, the provision of a security deposit of a minimum of $500,000 security, and 50% security for the estimated cost of subdivision works over $1 million.

The Clerk noted most municipalities that responded to a survey conducted in Fall 2018 indicated they require 100% securities in the form of an Irrevocable Letter of Credit or cash.
Mr. Tremble reiterated the 1st phase is estimated to be $2 million, and if the developer provided 50% security or $1 million, then the amount of security would be further reduced as the works for each phase is completed; and then the developer would provide 50% security for the 2nd phase, and so on.

The Committee of the Whole requested the Clerk to obtain a legal opinion from the municipal solicitor regarding the proposed forms of subdivision securities, being, 1) 100% security for each phase based on the most expensive phase to least expensive phase; 2) 50% security for most expensive phase to be retained until completion of the most expensive phase, then the initial 50% security be reduced to 50% of the second most expensive phase; 3) provision of 50% security for most expensive phase and then as works in the phase are completed, reduce the security accordingly until works done on first phase, then 50% securities provided for the second phase. The securities are to be in the form of an Irrevocable Letter of Credit or cash. The Clerk is to ask the municipal solicitor if an Insurance Bond (as opposed to a Performance Bond), would also be an acceptable form of security. – resolution #23-18

The Director of Infrastructure and Public Works will bring forward a proposed preservicing agreement for the John Welton/Sunvale Homes Plan of Subdivision to the December 17, 2018 Council meeting for discussion and direction.

Hergert-Doug Hutchinson, Resolved that, the Committee of the Whole requests an updated staff report respecting subdivision securities for municipalities and a legal opinion respecting same;
And further that, staff bring forward a report to the December 17, 2018 West Grey Council meeting respecting a pre-servicing agreement for John Welton Homebuilding/Sunvale Homes. #23-18 Carried.

4) **Next Meeting** – January 15, 2019, 1:30 p.m., West Grey Municipal Office

5) **Adjournment**

On motion of Councillor Townsend and Councillor Hutchinson, the Committee adjourned at 4:22 p.m.

Christine Robinson, Mayor
Mark Turner, Clerk