Committee of the Whole (Planning)
Municipality of West Grey
Minutes of July 9th, 2019, at 2:30 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 Hutchinson, Councillor Beth Hamilton, Councillor Rebecca Hergert, Councillor Doug Hutchinson, Councillor Geoffrey Shea, Councillor Stephen Townsend

Staff: Mark Turner, Clerk

Also Present: Ron Davidson, Municipal Planner (The Municipal Planner left the room during discussions relating to the John Welton Custom Homebuilding Ltd. Subdivision Agreement, and did not participate in any discussions, due to a conflict of interest.)

1) Disclosure of Pecuniary Interest – None

2) Public Meetings - None

3) Other
   i) Proposed John Welton Custom Homebuilding Ltd. Subdivision Agreement

The Clerk informed the Committee that the proposed Subdivision Agreement has been reviewed by the Clerk, Director of Infrastructure and Public Works, the municipal solicitor, and John Welton Custom Homebuilding Ltd., representatives, and collectively has been approved for submission to the Committee, and ultimately Council, for consideration for approval. The proposed Subdivision Agreement only relates to Phase 1 of the plan of subdivision. There are 89 residential lots in Phase 1, comprising 28 townhouses; 22 semi-detached dwellings, and 39 detached dwellings.

The Committee questioned if there are any other plans to be developed not included in the proposed Subdivision Agreement. The Clerk and Kristine Loft, of Loft Planning Inc., representing the developer, indicated that the County of Grey has to provide final approval of the plan of subdivision, and once the Subdivision Agreement is approved, the Municipality will submit a report/letter indicating how the County’s draft conditions of approval have been met.

Ms. Loft noted that in terms of engineering, the developer only has to satisfy West Grey, and West Grey has had the engineering plans/drawings peer reviewed by a third party engineer who has given approval of same. Ms. Loft also explained that a M-Plan
will be completed upon approval of the Subdivision Agreement. The plans noted in the subdivision agreement are prepared, and once approved, an M-Plan will be completed.

The Committee questioned if some of conditions set out in Schedule “F” as it relates to Development Charges and having a map of the subdivision agreement at the sales office, should be noted in the body of the subdivision agreement. Mr. Burnside, of Cobide Engineering, indicated this would be addressed in satisfying Grey County requirements. Ms. Loft indicated she will respond with comments prior to Council considering approval of the subdivision agreement.

The Committee asked about a reference to required piping along Durham Road East in a report from the Grey County Planning & Development Department. Travis Burnside, of Cobide Engineering, acting on behalf of the developer, noted the developer has agreed to provide $30,000 towards some sanitary sewer upgrades along this road.

The Committee questioned who is responsible for fencing the stormwater pond. Mr. Burnside stated the developer will construct the fence and the trail along the stormwater pond. No trees are proposed as the developer needs to retain a maximum amount of land for stormwater purposes.

The Committee asked how the developer is addressing dark skies. Mr. Burnside replied that the proposed lighting are approved dark sky light fixtures.

The Committee questioned if there is any cash-in-lieu being provided for parks. Ms. Loft indicated that parkland is being conveyed to the Municipality in lieu of cash, however, she will verify if there is any cash component included.

The Committee questioned if the boulevards will be landscaped. Mr. Burnside responded that the boulevards will be completed by the developer as the homes are built.

The Committee questioned if there are any plans to plant native trees in this development. Mr. Burnside indicated there are no such plans to do so.

The Committee noted the Blocks numbering differs in the Grey County draft approval conditions and the subdivision agreement. Ms. Loft stated that the block reference numbers have changed, and the block numbering shown in the subdivision agreement are correct.

The Committee noted the reference in Schedule G to municipal engineering standards, and questioned if road allowance widths can be narrowed. Mr. Burnside emphasized the need to adhere to minimum maintenance standards, including road width, to facilitate infrastructure, and for safety reasons including easy access by emergency vehicles.
The Committee questioned why drainage is the responsibility of private owners and not the developer. Mr. Burnside replied that the reference to the owner in the subdivision agreement is the developer, and owners cannot modify property grading once the grading is completed by the developer, unless approval is given by West Grey and the Saugeen Valley Conservation Authority. Mr. Welton stated the purchaser or future purchaser has to maintain the drainage standards. Mr. Welton also noted development charges are payable at the building permit stage, and he needs Council approval of the subdivision agreement to commence construction.

Ms. Loft offered to provide a letter to Council in time for consideration of approval of the Subdivision Agreement during the July 16 Council meeting.

The Committee discussed the possibility of withholding the naming of the subdivision roads as noted in Section 7 e) of the Subdivision Agreement until the Municipality develops a naming rights policy. Mr. Welton stated his preference would be to approve the present naming of the roads. The Clerk noted the former Council had earlier in the subdivision process indicated to the developer that Council supports the present naming of the roads. Mr. Burnside also stated that the Ministry of Environment has approved the names of the streets, and they are so noted in the draft approved plan of subdivision as well, and it would be a major issue to change.

The Committee requested an electronic copy of the plans listed in section 4 of the Subdivision Agreement. Mr. Burnside will forward these plans by email to the Clerk, who in turn, will send it to Council.

**Townsend-Councillor Hutchinson, Resolved that, the Committee of the Whole (Planning) hereby recommends Council passes a by-law to enter into a Subdivision Agreement between John Welton Custom Homebuilding Ltd., and the Municipality of West Grey, contingent upon receiving a letter from Loft Planning Consultants Ltd., responding to the comments/concerns by the Committee. #9-19 Carried.**

**ii) Durham & District Horticultural Society Memorial Grove Proposal**

The Durham & District Horticultural Society came as a delegation during the May 28, 2019 Committee of the Whole meeting to discuss the Society’s interest in establishing a memorial grove/garden at an approximate 2.5 acre property owned by West Grey on the north side of Lambton Street East, Durham, just west of the Legion Memorial Garden. During the meeting, the Clerk indicated there has been past interest in developing at least a portion of these lands. As a result, the Committee of the Whole referred this matter for further discussion during this meeting.

The Clerk informed Committee of the Whole (Planning) members that the subject property is zoned Future Development with a Saugeen Valley Conservation
Regulated Area on the easterly portion of the subject property. The subject property is within a Wellhead Protection Area (WHPA) “E”, and abutting properties are within WHPA-A, WHPA-B, and WHPA-E lands. The Clerk subsequently contacted Carl Seider, Risk Management Official, at the Grey Sauble Conservation Authority. Mr. Seider responded by email dated June 24, 2019 indicating that as long as any residential development is serviced by municipal water and sewer, the Risk Management Office would have no issues. There could be some concerns with “Restricted Industrial” uses, and any new or expanded industrial development would require completion of a Risk Management Plan. The Risk Management Office has no concerns with the proposed memorial garden.

The Clerk noted there is potential for expanding the existing M2 (Restricted Industrial) use if some of the subject lands are sold, and there is also a possibility of creating residential lots if Cross Street is opened up, and potentially extended southerly to Lambton Street East, if Grey County supports doing so.

The Committee indicated the memorial garden is a good idea, however, another property may be more appropriate given the possibility of developing the subject lands.

The Municipal Planner stated the Municipality the optimal development potential of the subject property, however, if the memorial grove/garden is approved, the development potential will be lost. There are a number of issues to be addressed to determine if development is economically feasible. The Municipal Planner concluded it is ultimately a political decision if Council wants to give up land that will negate potential future development.

The Committee wondered if a possible option is south of the lower dam near the apartments (SVCA land). The Municipal Planner added that any development in a SVCA Regulated Area or on SVCA lands will have to be approved by the SVCA.

**Hergert-Councillor Hutchinson, Resolved that, the Committee of the Whole (Planning) requests staff to work with the Durham & District Horticultural Society to identify a suitable site for a memorial grove/garden. #COW 10-19 Carried.**

**iii) Regulate Keeping of Hens By-law**

The Clerk introduced a draft “Keeping of Hens” By-law for consideration by the Committee. The draft by-law is modelled after the Town of Saugeen Shores “Keeping of Hens” by-law, with provisions that reflect a number of majority responses to the urban chickens survey.

The Municipal Planner added that Council will have to amend the West Grey Comprehensive Zoning By-law and pass a by-law (Keeping of Hens) under the
Municipal Act, as the Comprehensive Zoning By-law does not currently permit keeping of hens on certain properties. An amendment to the Comprehensive Zoning By-law entails holding a Public Meeting and an appeal period if passed.

The Municipal Planner further added that an amendment to the Comprehensive Zoning By-law can either be initiated right away or in the Fall with a more comprehensive update that includes other planning updates. There are costs associated with newspaper ads to give notice of public meeting and notice of adoption.

The Clerk highlighted some of the current provisions of the draft “Keeping of Hens” by-law, as follows:

- Section 2.1 will delete the reference to the Chief Building Official keeping a registry of owners of hens as administrative staff can determine whose responsibility that will be if the by-law is passed.
- Section 2.2 notes the information to be provided by owners of hens for the registry.
- Section 2.3 provides for the possibility of West Grey to collect fees to maintain the registry.
- Section 3.1 provides that no more than six (6) hens shall be kept at any one time on a property, as per the majority response in the survey. (Saugeen Shores by-law had a maximum limit of five (5) hens. This provision would only permit a maximum of 6 hens on a property, even if there are two permanent dwellings on the property)
- Section 3.2 d) notes permitted zones for keeping of hens (this will need to be reviewed)
- Section 3.2 e) provides for the keeping of hens only on a property with a single detached dwelling unit.
- Section 3.2 f) requires a property to be a minimum of 1,000 sq.m. (approx. 10,800 sq.ft.) or greater to permit the keeping of hens, which mirrors the Saugeen Shores requirement. This minimum size is more than double the minimum lot size of a fully-serviced residential lot for a detached dwelling, and would appear to be a means in which Saugeen Shores limits the potential number of hens on residential properties, as according to the Saugeen Shores Clerk, there are currently only 2-3 approved properties for keeping of hens since their by-law was passed in 2017).
- Section 4.2 requires that all hens be tagged, same as required in Saugeen Shores, and included as one of the recommendations by the Grey Bruce Health Unit if a municipality passes a keeping of hens by-law.
- Section 5.3 i) states requirements for hens having access to an enclosed outdoor run area (The Meaford “Keeping of Hens” by-law has actual minimum sizes for coop floor areas and outdoor enclosures. The Clerk also noted the urban chicken survey conducted by West Grey had 86% of respondents requiring a fenced area for roaming, and 60% of respondents want specifications regarding maximum coop size)
- Section 6.1 was amended to state that “No person shall engage in the sale of
eggs, manure, meat or other products or by-products on properties subject to this by-law. (as requested by a majority of survey respondents)

- Section 6.2 was amended to state "No person shall engage in the slaughtering or butchering of hens on the property. (as requested by a majority of survey respondents)
- Section 7.1 (The Committee suggested the proposed by-law define “Officer”)
- Section 7.2 amended to change “person” to “Officer”

The Committee granted permission for Norm White to submit an additional petition with 32 signatures in support of urban chickens.

The Committee suggested limiting the keeping of hens to properties with detached dwellings. A Committee member reported viewing two existing chicken coops, with one being well maintained and the other not maintained well, noting costs associated with enforcement and inspection. The Committee questioned how the disposal of dead stock will be monitored by the municipality.

The Committee requested the by-law be amended by capitalizing any references to “hens”; Section 3.1 should state chicks are not permitted; Section 3.2 a) – note as authorized by the fees and charges by-law; Section 5.2 c) – The Committee questioned how “adequacy of heat” can be defined/determined; Section 5.3 e) – the Committee questioned how “regular” is defined; Section 5.3 h) – the Committee questioned what does “applicable laws and regulations” mean; The Committee questioned if slaughtering of hens can be done by the owner for his/her own use; Sections 7.3 & 7.4 – change reference from “person” to “Officer”.

The Committee indicated it needs to have a discussion regarding disease.

The Committee stated concerns with insufficient funding and staff to enforce the proposed by-law.

The Committee questioned if “Institutional Zone” properties, such as Rockwood Terrace, should be permitted to keep hens.

The Committee noted some concerns with the 1,000 sq.m. minimum lot size requirement, and indicated perhaps the setback requirement will suffice.

The Committee questioned if hens can be disposed at West Grey landfill sites.

A Committee member mentioned the possibility of passing a keeping of hens by-law prior to establishing provisions/regulations, stating why should agricultural uses not be permitted in urban areas as commercial uses are permitted in rural areas. A Committee member suggested eliminating the registry.

A Committee member questioned when an individual purchased chicken feed, does the
individual still have to register their name and address. The Committee responded in the affirmative.

A Committee member reiterated the difficulty of enforcing a keeping of hens by-law.

A Committee member noted the problem with disposal of dead hens, possible health impacts, and opined there should be a larger minimum lot size. The Committee member stated Council needs to address enforcement of current by-laws before adding more enforcement requirements, and the budget implications are not known if approved.

**Hergert-Councillor Hutchinson,** Resolved that, the Committee of the Whole (Planning) hereby recommends Council not support any further consideration of approving a Keeping of Hens/Urban Chicken By-law. #COW 11-19 Carried.

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

5) **Adjournment**

On motion of Deputy Mayor Hutchinson, and Councillor Hergert, the Committee adjourned at 4:43 p.m.

(Signed)  
Christine Robinson, Mayor  
(Signed)  
Mark Turner, Clerk