Committee of the Whole (Planning)
Municipality of West Grey
Minutes of March 12th, 2019, at 2:25 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 (left meeting at 5:15 p.m.), Councillor Geoffrey Shea, Councillor Stephen Townsend

Staff: Mark Turner, Clerk

Also Present: Ron Davidson, Municipal Planner; Erik Downing & Matt Armstrong, Saugeen Valley Conservation Authority (during “Lee Hilliard” discussion)

1) Disclosure of Pecuniary Interest

Councillor Stephen Townsend declared a pecuniary interest relating to Zoning By-law Amendment ZA-10-19 as he is friends with the applicant and provided advice on the matter. Councillor Townsend submitted the written declaration of pecuniary interest form. Councillor Townsend left the meeting during discussions regarding Zoning By-law Amendment ZA-01-19, and did not participate in any discussion relating to same.

2) Public Meetings

1) Zoning By-law Amendment Application ZA-21-18 (B15/2017) – Part Lot 17, Concession 1 WGR, and Part Lot 39, Concession 2 WGR, Geographic Township of Bentinck (Aberdeen Farms Ltd. – owner; Albert E. Robinson – agent)

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 from the “A2” (Rural Zone) and the “A1” (Agricultural Zone) to the “A2-402” (Rural Exception Zone) and the “A1-403” (Agricultural Exception Zone). The Amendment would have the effect of prohibiting the construction of a detached dwelling on this lot. The severance of this parcel of this lot was recently approved, conditional upon the proposed rezoning being granted. The rezoning is necessary because the property does not qualify for a residential entrance from Provincial Highway 6. The “NE” (Natural Environment Zone) zoned portion of the property is not affected by this zoning by-law amendment.

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 January 7, 2019 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 January 9, 2019 that no new residential development is proposed on the subject lands, and no new development is proposed at this time. Should there be any agriculture, agriculture-related, or on-farm diversified uses proposed on the subject lands, prior to development the land owner should consult with the Saugeen Valley Conservation Authority. County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated February 6, 2019 that the proposed zoning by-law amendment is acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated February 12, 2019, that the requested rezoning implements a decision of the Committee of Adjustment. This amendment has merit and should be approved.

**Townsend-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-21-18, as printed. … #3-19 Carried.**


**Attendance:**  Frank Domm, Leanne Edwards, Siebrin Boersma, Bill Foster

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 from the “I” (Institutional) Zone to the “R2-404” (Residential Exception) Zone in order to permit the conversion of an existing church into a fourplex. The By-law will also acknowledge the existing building’s reduced front yard.

Written comments were received from the Grey County Planning & Development Department, the Municipal Planner, Saugeen Valley Conservation Authority, The Historic Saugeen Metis, Durham Welling Drilling, Jim Meyer, and Shawn & Leanne Edwards.

The Historic Saugeen Metis indicated in an email dated January 15, 2019 that they have no objection or opposition to the proposed zoning by-law amendment application.

Durham Well Drilling submitted a letter dated January 9, 2019 on behalf of the property owner/applicant indicating the property was inspected on January 9, 2019 by Durham Well Drilling. The assessment completed by their technician confirms that there is space to accommodate equipment to drill a well on the subject property. Their company
has drilled wells in the subject area in the past that would allow them to indicate that they have the opportunity to obtain the required capacity to service the fourplex.

Jim Meyer, licensed septic system installer, submitted a letter on behalf of the property owner/applicant, indicating the property has an existing septic system, with a 11,365 litre or 2,500 gallon septic tank and 640 feet of septic runs and 600 gallon pump tank. The system was pumped in November 2018 and appeared to be in good working condition. The system should be sufficient to accommodate a fourplex apartment.

Shawn & Leanne Edwards, owners of 738 Arthur Street, submitted a letter dated February 6, 2019 asking about conformity issues to the Planning Act, PPS, Grey County Official Plan, and West Grey Official Plan; if it is common to make multiple amendments in one rezoning application; requesting site plan control to address site traffic flow, entrance design, green space, buffering, lot grading/drainage; if a Record of Site Condition will be required; requesting a survey to be completed; requesting a Hydrology Study and Servicing Options Report be completed, concerns regarding available on-site parking; building permit compliance; servicing concerns, and requesting deferring a decision until their questions/concerns have been addressed before making a decision as they were inadvertently missed being circulated the proposed rezoning.

The Saugeen Valley Conservation Authority indicated in a letter dated February 6, 2019 that in the opinion of SVCA staff, the Significant Natural Heritage features affecting the subject property include Significant Woodlands and Fish Habitat, however, the SVCA is not recommending the completion of an Environmental Impact Study (EIS) to address these features as the impacts of the proposal are deemed negligible by the SVCA.

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 February 6, 2019 that in Schedule A of the OP designates a portion of the subject property as ‘Secondary Settlement Area’. Section 2.6.4 of the County OP states,

(3) Where partial services exist in a Secondary Settlement Area, development shall only be permitted to allow for the development of vacant and/or underutilized lots, as well as the creation of lots, subject to satisfying the following requirements:

(a) The development is within the reserve sewage system capacity or reserve water system capacity; and
(b) Site conditions are suitable for the long-term provision of such services.
(c) Providing the development is within the existing settlement area

(4) Residential development on individual on-site private services will be limited to the creation of up to 5 new lots/units on lots existing at the time of approval of this policy, and where it can be demonstrated that site conditions are suitable for the long-term
provision of such services and where municipal or communal services are not provided. It will be determined at the time of pre-consultation as to whether or not further lot creation can be accepted without the requirement of a Settlement Capability Study as identified in subsection (5).

Provided that the subject application can meet all the above noted policies concerning servicing, County planning staff have no further concerns.

Section 5.3 of the OP, along with Section 1.6.6 of the PPS speak to ensuring new development can be adequately serviced with water and sewer, or on-site private services. Letters provided by Jim Meyer and Durham Well Drilling (Paul Kaufman) indicate that the septic system and well would be adequate to serve the proposed residential dwelling. County planning staff would recommend Municipal staff to review these documents and receive positive comments from the Grey Bruce Health Unit regarding the servicing. County Transportation Services has reviewed the subject file and has no concerns or objections. County planning staff have no further concerns.

The Municipal Planner indicated in his Planning Report dated February 12, 2019 that the existing church is no longer needed as a place of worship. A highly appropriate alternative use of this structure would be a four-unit apartment building. It represents a compatible land use in this area, is supported by the various policies of the Official Plan and Provincial Policy Statement, and will result in four more rental housing units being available in Ayton which is ideal. Given the merit of the application, the proposed Zoning By-law Amendment should be given favourable consideration. Because the building already exists and no exterior improvements to the property appear necessary, a Site Plan Agreement might not be needed. The Committee should discuss this matter.

The Committee asked about availability of parking. The Clerk noted the existing access to the property utilizes the entrance of the property immediately to the north. The West Grey Public Works Supervisor has indicated an entrance is available that directly accesses onto the property. The Committee questioned if a Site Plan Agreement should be required to address parking, etc.

The Municipal Planner addressed the concerns expressed by Shawn & Leanne Edwards. The Municipal Planner previously indicated it conforms with the Grey County Official Plan and PPS. The Municipal Planner also noted it is common to amend multiple exceptions to the zoning by-law in one rezoning; site plan control – it may be appropriate, given the proposed new entrance and if a new parking area is required, it may also have an impact on lot drainage; Record of Site Condition typically only asked for if soils may not be clean due to industrial use, but as a church, the Municipal Planner doesn’t believe it should be required; request for survey – if there is a concern for the location of lot lines a survey may be appropriate to mark property boundary issue; Hydrology Report – a licensed well driller and licensed septic system installer have attested to that the services are available for the proposed uses; no access to
Arthur Street currently – this will be remedied due to re-location of the entrance that can be addressed through site plan agreement; how can it be ensured that change of use/building permits are required? – through building permit process/CBO; how can Village with no water and sewer sustain the proposed fourplex – the Municipal Planner noted apartments and townhouse units in settlement areas with no services does occur; and the Municipal Planner indicated there are no plans for municipal water and sewer services at this time.

Siebrin Boersma, real estate agent for the church, expressed his opinion that a fourplex would be an excellent alternative as there is a great need for rental units, and he has sold a lot of lots in Ayton with no water or sewer services.

Bill Foster, member of Board of Ayton Pentecostal Church, stated the existing building has been there since the 1920s, and Mr. Riddersma is not interested now in purchasing the property, as there is another individual interested in purchasing the property.

Frank Domm, Domm Construction, has conditionally purchased the property, and indicated there is suitable area for an entrance and parking at the south part of the lot. Frank Domm indicated if there is an issue with parking, they may be able to purchase some additional property. Mr. Domm indicated they may use the building as a triplex as opposed to a fourplex.

The Committee asked if there is a survey envisioned to be done as part of the sale. Mr. Boersma indicated not that he is aware of.

Leanne Edwards noted if the lot adjacent to the lot was purchased it might alleviate some of there concerns. Regarding the comment about the well study noting no concerns, Ms. Edwards indicated in the past 10-12 wells north of the property had to be re-drilled as they went dry, and the neighbours to the north recently drilled a new well.

The Committee asked how the well issue could be addressed. The Municipal Planner noted if the proposal is to reduce the development from a fourplex to triplex it would assist this matter. A well driller would typically do a test to determine capacity and this type is generally acceptable, as to do a hydrogeological study would be a substantial cost. If a well is being drilled extra deep it may be using a different aquifer.

The Municipal Planner indicated a Site Plan Agreement will include a site plan prepared by an engineer showing such features as parking, entrance, lot grading/drainage, landscaping.

Mr. Boersma asked if the severance of the abutting property was added to the church property, would a site plan agreement be required. The Municipal Planner noted if a lot addition or severance is proposed, as long as it can be supported, it may be helpful. The Municipal Planner indicated he and the Clerk would have to review the severance proposal to determine if it can be supported.
Shea-Hutchinson, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-01-19, as amended to permit a triplex, contingent upon approval of a Site Plan Control Agreement to address such matters as landscaping/buffering, parking, and grading/drainage matters, including a real property assessment report completed by a surveyor. #4-19 Carried.

3) Other

1) Lee Hilliard – re: enforcement issue relating to a trailer, shed and deck on Part Lot 10, Concession 4, Geographic Township of Glenelg, Property Roll #4205 220 005 03200 0000

Lee Hilliard, owner of the above property, previously attended as a delegation during the November 19, 2018 Council meeting and the December 10, 2018 West Grey Committee of the Whole (Planning) meeting to discuss an Order requiring the removal of a trailer, shed, and deck. Ms. Hilliard wants a special zoning for her property that would permit a recreational trailer on the subject property that is entirely within the “NE” (Natural Environment Zone).

Ms. Hilliard had previously contacted the SVCA regarding the uses on her property, and she previously indicated the SVCA said it would not object to the recreational trailer if the deck was removed or scaled down in size. The Clerk has informed Ms. Hilliard that a permit for a recreational trailer cannot be approved as the entire property is in the NE Zone.

The Committee of the Whole, during the December 10, 2018, asked the Clerk to request the attendance of SVCA staff to discuss this matter, and they are here today to answer questions the Committee and staff may have.

Ms. Hilliard noted they have owned the property for 9 years and have used it for recreational purposes as did the previous owner, and the issue only came to light with the SVCA and West Grey Property Standards & By-law Enforcement Officer noted the apparent violation of use of the property by the trailer.

Bob Weirmeir noted Ms. Hilliard informed him of the concerns she had with her property, and has confirmed camping has occurred at the the property for the last 9 years by Ms. Hilliard, and by the previous landowner for 9 years, and wondered if it is legal non-conforming. Mr. Weirmeir noted he has major concerns with the trailer licensing by-law, and opined it should be reviewed. Ms. Hilliard indicated that their insurers, Cooperators, has indicated they have liability insurance for the recreational trailer. Ms. Hilliard indicated that an individual created sixteen lots in the former Township of Glenelg, and doesn’t understand how one cannot build on a property.

Ms. Hilliard indicated the SVCA is okay with the recreational trailer on the property as it
is on wheels. Matt Armstrong, Regulations Officer, SVCA, noted SVCA does not regulate mobile structures and had asked Ms. Hilliard to indicate how it can be moved. The SVCA has indicated the recreational trailer is in the floodplain, however, he indicated the SVCA does not speak to zoning.

The Clerk clarified that no trailers/mobile homes were permitted on any properties in West Grey except in mobile home parks until the trailer licensing by-law and and corresponding amendments to the West Grey Comprehensive Zoning By-law Number 37-2006, as amended.

The Clerk stated that Ms. Hilliard can apply to rezone her property to permit the recreational trailer in the NE Zone, and if approved, subject to payment of the annual licensing fee, however, there are no guarantees that the rezoning will be approved.

Erik Downing, Manager – Environmental Planning & Regulations, SVCA, noted the SVCA is not the authority on zoning as it is the responsibility of West Grey, although the SVCA can recommend the extent of the NE Zone. In this scenario, if a Zoning By-law Amendment (ZBA) application was submitted for the recreational trailer, it would be circulated to the SVCA, and they would only deal with the SVCA Regulations. Mr. Downing stated the SVCA would indicate in their comments that the recreational trailer is in the floodplain if a ZBA was circulated to the Authority.

The Clerk noted the SVCA letter indicated there are usually peak flood times and time frames could be included in a ZBA to permit the recreational trailer during non-peak flood events, if deemed appropriate by the Committee of the Whole (Planning)/Council.

The Committee questioned if it would be possible to add West Grey as an additional insured, and it was noted this would have to be verified by the insurer.

Ms. Hilliard mentioned West Grey has a lot of recreational properties and asking to pay another $1,000 makes it hard to afford when paying taxes as well. Ms. Hilliard opined that the trailer licensing by-law hinders economic development in the area. Ms. Hilliard indicated they have an evacuation plan in place.

The Committee asked if the Durham Conservation Area is in floodplain. Mr. Downing indicated that some of the Durham Conservation Area is in floodplain.

The Committee asked if the West Grey Zoning By-law/trailer licensing by-law can be amended to permit trailers on properties in the NE Zone. The Clerk noted some liability concerns and recommended an opinion from the municipal solicitor and insurer.

The Committee noted a concern with potentially permitting a trailer in the NE Zone, and indicated the trailer licensing fee helps to cover municipal services used by the trailer owner.
Ms. Hilliard recommended Council make it easier for people with recreational properties to have trailers by requesting a waiver document to be signed by owners.

The Committee asked municipal staff to find a solution to the trailer issue that addresses legal, building, and insurance concerns by obtaining a legal opinion to address the advisability of permitting recreational trailers in the NE Zone.

**Hamilton-Shea, Resolved that, the Committee of the Whole (Planning) requests the Clerk to contact the municipal solicitor to provide a legal opinion on the advisability of permitting recreational trailers in the Natural Environment Zone. #5-19 Carried.**

2) Subdivision Securities

After a lengthy discussion regarding the appropriate amount of securities to require for plans of subdivisions, the Committee requested Erroll Treslan, municipal solicitor, to discuss the subdivision securities matter in further detail during a closed session of Council/Committee of the Whole.

3) Bill 66, Restoring Ontario’s Competitiveness Act

The Clerk and Municipal Planner indicated Schedule 10 of Bill 66, Restoring Ontario’s Competitiveness Act, that proposed reducing the level of public input respecting commercial/industrial operations that would employ 50 or more employees, was not enacted by the Province due to the level of opposition.

The Committee requested the Waste Reduction component of Bill 66 be brought forward to the March 26 Committee of the Whole meeting for discussion purposes.

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

5) **Adjournment**

On motion of Councillor Shea and Deputy Mayor Hutchinson, the Committee adjourned at 5:48 p.m.

Christine Robinson, Mayor

Mark Turner, Clerk