Agenda

Municipality of West Grey
Committee of the Whole (Planning) Meeting
Tuesday, March 12, 2019, 2:15 p.m.,
West Grey Municipal Office

Items of Business:

1. Disclosure of Pecuniary Interest

2. Public Meetings
   ➢ 2:15 p.m. – 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) (attachment)
   ➢ 2:30 p.m. – Zoning By-law Amendment Application ZA-01-19 – Plan 153, Lot 14, Arthur E/S, Village of Ayton, Geographic Township of Normanby (Ayton Pentecostal Church – owner; Jim Riddersma - applicant) (attachment)

3. Other
   ➢ 3:00 p.m. – Lee Hilliard – re: enforcement issue relating to a trailer, shed and deck on Part Lot 10, Concession 4, Geographic Township of Glenelg (attachment)
   ➢ Subdivision Securities (attachment)
   ➢ Bill 66, Restoring Ontario’s Competitiveness Act (attachment)

4. Next Meeting – not determined to date

5. Adjournment
Notice of Complete Application

and

Notice of Public Meeting

Concerning a Proposed Zoning By-law Amendment

Take notice that the Municipality of West Grey is in receipt of a complete application to amend the Municipality of West Grey Comprehensive Zoning By-law.

And take further notice that the Council of the Corporation of the Municipality of West Grey will hold a Public Meeting on **Tuesday, February 12, 2019 @ 2:00 p.m.** in the Municipal Council Chambers at 402813 Grey Rd. #4 to consider the proposed Zoning By-law Amendment under Section 34 of the Planning Act, R.S.O. 1990, as amended.

The purpose of the Zoning By-law Amendment is to rezone the subject lands described as Part Lot 17, Concession 1 WGR, and Part Lot 39, Concession 2 WGR, Geographic Township of Bentinck, Municipality of West Grey 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) zoned portion of the property is not affected by this Zoning By-law Amendment.

The lands are designated as “Rural”, “Agricultural” and “Hazard Lands” on Schedule A to the County of Grey Official Plan.

Any person may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of West Grey before the bylaw is passed, the person or public body is not entitled to appeal the decision of the Municipality of West Grey Council to the Local Planning Appeal Tribunal. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of West Grey before the bylaw is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. A complete application has been received by the Municipality.

Additional information relating to the proposed Zoning By-law Amendment may be obtained by contacting the undersigned during regular business hours. A Key Map is provided to show the location of the lands to which this By-law pertains. A complete application has been received by the municipality.

Dated at the Municipality of West Grey
This 28th day of December, 2018.

Mark Turner, Hons. B.A., AMCT, Clerk
Municipality of West Grey, 402813 Grey Rd. 4, RR 2, Durham, Ontario, N0G 1R0
Ph: (519) 369-2200; Fax: (519) 369-5962; email: mturner@westgrey.com
**Key Map** (not to scale)

Part Lot 17, Concession 1 WGR
Part Lot 39, Concession 2 WGR
Geographic Township of Bentinck
Municipality of West Grey

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Aberdeen Farms Ltd - ZA-21-18 / B15/2018

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WGS, 1984. Web_Mercator_Auxiliary_Sphere
© County of Grey

Printed: December 28, 2018

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES.
The Corporation of the Municipality of West Grey
By-law Number - 2019

Being, a By-law to amend Zoning By-law No. 37-2006, for the Municipality of West Grey;

Whereas, the Council of the Corporation of the Municipality of West Grey deems it in the public interest to pass a By-law to amend By-law No. 37-2006;

And whereas, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

Now Therefore the Council of the Corporation of the Municipality of West Grey enacts as follows:

1. Schedule "15" to By-law No. 37-2006, is hereby amended by changing the zone symbol of Part Lot 17, Concession 1 WGR, and Part Lot 39, Concession 2 WGR, Geographic Township of Bentinck, Municipality of West Grey from the 'A2' (Rural) zone and the 'A1' (Agricultural) Zone to the 'A2-402' (Rural Exception) Zone and the 'A1-403' (Agricultural Exception) Zone, as shown on Schedule "15C".

2. Section 35 of By-law No. 37-2006, as amended, is hereby further amended by adding the following paragraphs:

A2-402 (see Schedule "34C")

Notwithstanding Section 9.2 of By-law No. 37-2006, as amended, those lands zoned as A2-402 shall be used in accordance with the A2 Zone provisions exception however that a detached dwelling shall not be permitted.

A1-403 (see Schedule "34C")

Notwithstanding Section 8.2 of By-law No. 37-2006, as amended, those lands zoned as A1-403 shall be used in accordance with the A1 Zone provisions exception however that a detached dwelling shall not be permitted.

3. Schedule "15C" and all other notations thereon is hereby declared to form part of this By-law.

4. THAT THIS By-law Amendment shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34(30) and (31) of the Planning Act, R.S.O., 1990, as amended.

Read a first and second time this _____ day of ______________, 2019.

Read a third time and finally passed this _____ day of ______________, 2019.

Christine Robinson, Mayor

Mark Turner, Clerk
Mark Turner

From: Chris Hachey <hsmasstlrcc@bmts.com>
Sent: Monday, January 07, 2019 9:57 AM
To: mturner@westgrey.com
Subject: Request for Comments - West Grey (Aberdeen Farms Ltd) - Proposed Zoning By-law Amendment

Your File: ZA-21-18 / B15/2017
Our File: West Grey Municipality

Mr. Turner,

The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Assistant Coordinator, Lands, Resources and Consultation

Historic Saugeen Métis
204 High Street
Southampton, Ontario, N0H 2L0
Telephone: (519) 483-4000
Fax: (519) 483-4002
Email: hsmasstlrcc@bmts.com

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Planning Report
for the Municipality of West Grey
Planning Advisory Committee

Date: February 12, 2019
File No: ZA-21-18
Owner: Aberdeen Farms Ltd.
Applicant: A.E. Robinson
Legal Description: Part Lot 17, Concession 1 WGR, Part lots 39 to 42, Concession 2 WGR, Geographic Township of Bentinck, Municipality of West Grey
Address: 382849 18th Sideroad WGR

Purpose of Application:

The purpose of the rezoning application is to address a condition of consent imposed by the Committee of Adjustment regarding severance application B15/2017. That application involved the severance of an 83 hectare lot containing a dwelling and accessory buildings. The retained parcel comprised 79 hectares of vacant land.

The severance was approved with the condition that the retained parcel be rezoned to prohibit a house from being erected. This parcel has frontage only along Provincial Highway No. 6, and the Ministry of Transportation had advised that an entrance for residential purposes would not be granted along the highway. All parties, including the applicant, agreed to the severance provided the lands were rezoned to prohibit a residential dwelling.
Subject Lands:

The subject property comprises four parcels of land that have merged on title. This odd-shaped 162 hectare lot has frontage along Provincial Highway and 18th Sideroad WGR.

The property consists of several cropped fields and various pockets of scrub and forested lands. The Rocky Saugeen River traverses the site, and runs through both the severed and retained parcels. A dwelling, barn and accessory building are located on the severed parcel, with access from 18th Sideroad WGR.

Adjacent Lands:

This area of the Municipality is represented by a mix of agricultural land, forested areas and a relatively large number of non-farm residential lots.

Official Plan Conformity:

The subject lands are designated predominantly ‘Rural’ on Schedule A to the County of Grey Official Plan. The river and its floodplain are designated ‘Hazard Lands’, as is another small area on the severed parcel. In addition, the most westerly portion of the subject property is designated ‘Agricultural’.

At the time of severance review, it was determined that the proposed lot creation would conform to the relevant policies of the Official Plan provided the policies of Section 5.2 regarding MTO approval for new entrances can be satisfied. This section was addressed by requiring the retained parcel to be zoned to prohibit a residence.

Given that the severance was deemed to conform to the Official Plan, this implementing Zoning By-law Amendment should also be viewed as conforming to the Official Plan.

Provincial Policy Statement Conformity:

The Provincial Policy Statement (PPS) gives consideration to limited lot creation on rural lands. The PPS also protects natural heritage features. The consent application was consistent with the Provincial Policy Statement (PPS) and therefore the proposed rezoning should be also be deemed to be consistent with the PPS.
Discussion and Recommendation:

The requested rezoning implements a decision of the Committee of Adjustment. This amendment has merit and should be approved.

Please note that this Report was prepared before all of the agency comments had been received and prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.

Respectfully submitted,

Ron Davidson, BES, RPP, MCIP
January 9th, 2019

Mark Turner, Clerk
Municipality of West Grey
402813 Grey Rd 4, RR 2
Durham, Ontario N0G 1R0
*Sent via E-mail

RE: Zoning ZA-21-18
Con. 1 & 2 WGR, Pt Div 1-3, Part Lots 39-42
Municipality of West Grey (former Township of Bentinck)
Owner: Aberdeen Farms Ltd.
Applicant: A.E. Robinson

Dear Mr. Turner,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the zoning by-law amendment is to rezone the subject lands described as Part Lot 17, Concession 1 WGR, and Part Lot 39, Concession 2 WGR, Geographic Township of Bentinck, Municipality of West Grey 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) zoned portion of the property is not affected by the Zoning By-law Amendment.

County planning staff provided comments December 20th, 2017 for the related consent file B15.2017. These comments should be reviewed for specific details regarding the land use designations, the mineral aggregate resources, and the natural environmental features designated and identified on the subject lands.

Schedule A of the County OP designates the majority of the subject property as ‘Rural’, and a portion of the subject property as ‘Agricultural’ and ‘Hazard Lands’.
Appendix B identifies a ‘river’ running through the subject lands. Appendix B also identifies ‘significant woodlands’, ‘other identified wetlands’, and an ‘area of natural and scientific interest (ANSI)’ on the subject property.

Schedule B of the County OP identifies an ‘Aggregate Resource Area’ on various parts of the subject property.

Section 2.1.3(5) of the OP requires new land uses comply with the Minimum Distance Separation (MDS) formulae.

Because of the nature of the application, 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 the Saugeen Valley Conservation Authority.

County OP policy 5.2.2(6)(g) states,

Access to Provincial Highways or County Roads shall require the approval by the appropriate approval authority prior to the issuance of an access permit. Such access permit shall be issued in accordance with the policies of this Plan, the local Official Plans or Secondary Plans and the policies of the appropriate approval authority.

The subject lands do not qualify for a residential entrance from Provincial Highway 6, which is why the subject lands are being rezoned to prohibit construction of a detached dwelling.

County planning staff have no concerns with the subject application.

The County requests notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Stephanie Lacey-Avon
Planner
(519) 372-0219 ext. 1296
stephanie.lacey-avon@grey.ca
www.grey.ca

Grey County: Colour It Your Way
February 6, 2019

Municipality of West Grey
402813 Grey Road 4, RR#2
Durham, ON
NOG 1R0

ATTENTION: Mark Turner, Clerk

Dear Mr. Turner,

RE: Proposed Zoning By-law Amendment ZA-21-18
Part Lot 17, Concession 1 WGR and Part Lot 39, Concession 2 WGR
Geographic Township of Bentinck
Municipality of West Grey

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this application in accordance with the SVCA's mandate, the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the SVCA and the Municipality of West Grey relating to plan review. 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 'NE' (Natural Environment) zoned portion of the property is not affected by this Zoning By-law Amendment. SVCA staff provided comments to the Municipality of West Grey for the associated Planning Act Application B15/2017 on December 15, 2017. Please refer to the previous SVCA staff comments for more detailed information. The proposed Zoning By-law Amendment is acceptable to SVCA staff.

We trust you find these comments helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Emily Payton
Environmental Planning Technician
Saugeen Conservation

EP/

cc: Christine Robinson, Authority Member, SVCA (via email)
    Tom Hutchinson, Authority Member, SVCA (via email)
**Notice of Complete Application**

**and**

**Notice of Public Meeting**

Concerning a Proposed Zoning By-law Amendment

**Take notice** that the Municipality of West Grey is in receipt of a complete application to amend the Municipality of West Grey Comprehensive Zoning By-law.

And take further notice that the Council of the Corporation of the Municipality of West Grey will hold a Public Meeting on **Tuesday, February 12, 2019 @ 2:15 p.m.** in the Municipal Council Chambers at 402813 Grey Rd. #4 to consider the proposed Zoning By-law Amendment under Section 34 of the Planning Act, R.S.O. 1990, as amended.

The purpose of the Zoning By-law Amendment is to rezone the subject lands described as Lot 14, east side of Arthur Street, Plan 153, Geographic Township of Normanby, Municipality of West Grey, 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 would also acknowledge the existing building’s reduced front yard.

The subject lands are designated ‘Secondary Settlement Area’ in the County of Grey Official Plan.

Any person may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of West Grey before the bylaw is passed, the person or public body is not entitled to appeal the decision of the Municipality of West Grey Council to the Local Planning Appeal Tribunal. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of West Grey before the bylaw is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. A complete application has been received by the Municipality.

Additional information relating to the proposed Zoning By-law Amendment may be obtained by contacting the undersigned during regular business hours. A Key Map is provided to show the location of the lands to which this By-law pertains. A complete application has been received by the municipality.

Dated at the Municipality of West Grey
This 15th day of January, 2019.

Mark Turner, Hons. B.A., AMCT, Clerk
Municipality of West Grey, 402813 Grey Rd. 4, RR 2, Durham, Ontario, N0G 1R0
Ph: (519) 369-2200; Fax: (519) 369-5962; email: mturner@westgrey.com
Ayton Pentecostal Church (owner); Jim Riddersma (applicant) - ZA-01-19
Property Roll # 420501000816800

**Key Map (not to scale)**

Lot 14, east side of Arthur Street, Plan 153,
736 Arthur Street, Ayton,
Geographic Township of Normanby
Municipality of West Grey
The Corporation of the Municipality of West Grey
By-law Number - 2019

Being, a By-law to amend Zoning By-law No. 37-2006, for the Municipality of West Grey;

Whereas, the Council of the Corporation of the Municipality of West Grey deems it in the public interest to pass a By-law to amend By-law No. 37-2006;

And whereas, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, By-laws may be amended by Councils of Municipalities;

Now Therefore the Council of the Corporation of the Municipality of West Grey enacts as follows:

1. Schedule "60" to By-law No. 37-2006, is hereby amended by changing the zone symbol of Lot 14, east side of Arthur Street, Plan 153, Geographic Township of Normanby, Municipality of West Grey, from the 'I' (Institutional) zone to the 'R2-404' (Residential Exception) zone as shown on Schedule "60G", attached to and forming part of this by-law.

2. Section 35 to By-law No. 37-2006 is hereby further amended by adding the following subsection:

R2-404 (see Schedule "60G")

Notwithstanding Subsection 13.2 of By-law No. 37-2006 to the contrary, the lands zoned 'R2-404' shall be used in accordance with the 'R2' zone provisions excepting however that the minimum front yard shall be reduced to reflect the location of the existing building. Any expansion of the building shall comply with all relevant provisions of the 'R2' zone.

3. THAT THIS By-law Amendment shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34(30) and (31) of the Planning Act, R.S.O., 1990, as amended.

Read a first and second time this ___ day of February, 2019.

Read a third time and finally passed this ___ day of February, 2019.

Christine Robinson, Mayor

Mark Turner, Clerk
January 9, 2019

Jim Riddersma

Re: Property located 736 Arthur Street Ayton, Ontario

TO WHOM IT MAY CONCERN

Please accept this letter regarding the above property located at 736 Arthur Street Ayton, Ontario for the proposed four apartment unit.

The property was inspected by Durham Well Drilling on January 9th, 2019. The assessment completed by well technician Paul Kaufman confirms that there is space to accommodate equipment to drill a well on the subject property. Our company has drilled wells in the subject area in the past that would allow us to indicate that we have the opportunity to obtain the required capacity to service this apartment as presented.

Any questions please do not hesitate to contact the undersigned.

Sincerely,

[Signature]

Durham Well Drilling – Paul Kaufman - Water Technician # T1922
The property at lot 14, Arthur street in Ayton, now the Pentecostal church. With 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.
This was pumped in November of 2018 and appeared to be in good working condition.
This system should be sufficient to accommodate a 4 plex apartment.

Jim Meyer
BCIN #11813
December 30/ 2018
Your File: ZA-01-19
Our File: West Grey Municipality

Mr. Turner,

The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Assistant Coordinator, Lands, Resources and Consultation

Historic Saugeen Métis
204 High Street
Southampton, Ontario, N0H 2L0
Telephone: (519) 483-4000
Fax: (519) 483-4002
Email: hsmasstlrcc@bmts.com

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Shawn and Leanne Edwards
738 Arthur Street Ayton, West Grey
PO Box 202, NOG 1C0
February 6, 2019
Respectfully submitted to West Grey Council for consideration,


We did not receive notification of this proposed zoning by-law amendment, additionally the notifications that were sent out/posted have the incorrect address of 736 Arthur Street indicated as the subject property? Was only made aware of this by word of mouth and happening to see the posted notice on the property on February 4 2019. A phone call to the Clerk and email correspondence on February 5 2019 is all the notice and information we have received.

Does this proposed amendment conform to the Planning Act (the Act), Provincial Policy Statement (PPS), Grey County Official Plan and the West Grey Official Plan?

Being that the current footprint of the building does not conform to the current provisions of a minimum front yard. Is it common to make multiple amendments to existing by-laws to then re-zone a property?

Request that this zoning change be subject to site plan control. To address issues such as site traffic flow, entrance design, green space, buffering, lot grading/drainage.

Is there, or will a record of site condition be prepared?

Request that there be a requirement for a survey to be completed by the applicant to ensure all the proper set backs are met to avoid any encroachment on neighboring properties. As there are already differing opinions over where lot lines are.

Request that there be a Hydrogeology Study and Servicing Options report completed by the applicant. Based on the number of proposed dwelling units to address concerns over amount of required drinking water usage and the required space and type of septic system.
Based on the current lot size and building footprint. How are driveway and parking issues going to be addressed based on the number of proposed dwelling units? Four dwelling units could easily require the need for eight or more parking spaces. Currently there is no access from the subject property to Arthur Street that we are aware of, access from the street and parking spaces had been granted to the church by a neighbouring property owner. The current building footprint would appear to be quite close to the road allowance leaving little space for a driveway and parking lot?

Should this zoning amendment be passed? How can we be assured that things such as Change of Use and Building Permits, Entrance Permits will be required prior to any renovation of the building? Will the renovations be subject to inspections to ensure compliance with current building, electrical and fire codes, as applied to residential construction?

How can a village with no municipal water or sewage system support the development of and sustain medium density dwelling units?

Is West Grey planning for or at least considering to bring a municipal water and sewage system to the village of Ayton?

Due to the fact that we did not receive proper notification of this proposed zoning by-law amendment and did not have the required 20 days to properly review and research it. Along with the list of questions/concerns we have raised. We would respectfully request that the Council of West Grey defer any decision on this matter until these and any other questions/concerns have been addressed.

We wish to be notified of the decision of West Grey on this zoning by-law amendment, ZA-01-19, 734 Arthur Street Ayton, Lot 14 Plan 153, West Grey.

Respectfully submitted by,
Shawn & Leanne Edwards, 738 Arthur Street, Ayton, West Grey
Planning Report
for the Municipality of West Grey
Planning Advisory Committee

Date: February 12, 2019
File No: ZA-01-19
Owner: Trustees of the Pentecostal Assembly of the Village of Ayton
Applicant: Jim Riddersma

Legal Description: Lot 14, east side of Arthur Street, Plan 153, Geographic of Normanby, Municipality of West Grey

Municipal Address: 736 Arthur Street, Ayton

Purpose of Application:
The purpose of this Zoning By-law Amendment application is to rezone the subject lands from 'I' (Institutional) to 'R2-404' (Residential Exception) to permit the conversion of an existing church into a four-unit apartment building (or fourplex).

A special provision is required to reduce the 'minimum front yard' requirement of the 'R2' zone from 7.6 metres to 6.7 metres to acknowledge the existing location of the building.

Subject Lands:
The subject property is located along the east side of Arthur Street, in Ayton. A church, which appears to be a relatively new building, is located on the property. Parking is provided along the north side of the site.

The existing building is serviced with a private well and a private septic system. The new owner intends to drill a new well.
Adjacent Lands:

Adjacent land uses include detached dwellings, a print shop, the fire hall and the library.

Official Plan Conformity:

The subject lands – like all lands within Ayton - are designated ‘Secondary Settlement Area’ on Schedule A to the County of Grey Official Plan. According to Section 2.6.4 of the Official Plan, these settlement areas are intended to provide a limited opportunity for growth and provide a range of living styles and employment locations. Permitted uses are residential uses, bed and breakfast establishments, home/rural occupations, commercial and dry industrial uses, public recreational and institutional uses intended to support the surrounding agriculture community.

Section 2.6.4 also states:

(8) Intensification opportunities are encouraged within Secondary Settlement Areas. Municipalities shall develop and adopt intensification strategies to ensure that the Residential Intensification Targets identified in Section 2.6.2 of the Official Plan are met. Intensification strategies in Secondary Settlement Areas should consider: brownfield redevelopment; enabling ‘as-of-right’ permissions for apartments in dwellings in residential areas and residential over retail; infill development; and the expansion or conversion of existing buildings. In order to determine if intensification can be permitted on private services, it must be demonstrated that the proposed use can be accommodated with no adverse environmental effects. Intensification proposed on partial services must satisfy the requirements identified in Section 2.6.4(6) of this Plan.

These policies give consideration to a fourplex development on the subject property provided the development can be appropriately serviced. On this note, Section 5.3.2 of the Official Plan states:

(8) In unserviced settlement areas, residential development on individual on-site private services will be limited to the creation of up to a maximum of five new lots/units, unless otherwise stated in this Plan.

(9) Development beyond what is identified in Section 5.3.2(8) can be considered in the Secondary Settlement Area designation if a Settlement Capability Study has been completed in accordance with Section 2.6.4(5).

(10) In any part of the County to be serviced by individual on-site private systems, new development shall be subject to a study sufficient to demonstrate the feasibility, as defined in this section, of the development to
meet the requirements of the Ministry of Environment or the appropriate authority respecting Ontario Building Code approved sewage systems, and the provisions of this Plan.

In this regard, the applicant has provided at the request of the Municipality a letter from a septic installer stating that the existing system should be sufficient to accommodate a four unit apartment and also a letter from a well driller stating that there is ample space on site to accommodate equipment to drill a well on the property. The applicant intends to have a new well installed.

The Housing policies contained in Section 1.8 of the Official Plan are also relevant to the proposed conversion, and read as follows:

The County supports:

a) intensification and redevelopment, primarily within Settlement Areas, and within other areas where an appropriate level of physical and social services are available subject to the policies of Section 5.3. In this regard the County will require that the intensification targets as set out in Table 7 be met;

b) the provision of alternative forms of housing for special needs groups, where possible. Special needs groups may include, but are not limited to, seniors, physically or mentally challenged and low income earners;

c) the maintenance and improvement of the existing housing stock. This will be encouraged through local maintenance and occupancy standards by-laws;

d) the utilization of available programs and/or funding, if any, from applicable levels of government for assisted housing for households, including those with special needs, as well as programs to rehabilitate older residential areas; and

e) housing accessible to lower and moderate income households. In this regard, accessory apartments, semi-detached, duplex, townhouse and low rise apartment units will provide the bulk of affordable housing opportunities and will likely be provided within settlement areas with appropriate levels of servicing being available. Outside of the settlement areas accessory apartments will be the most likely means of increasing housing affordability.

Based on the foregoing, it is evident that the proposed rezoning conforms to the Official Plan.
**Zoning By-law Conformity:**

The subject property is currently zoned ‘I’ (Institutional), a zone which permits the existing church.

The proposed ‘R2’ zoning would permit a fourplex. Such use is required to have a minimum lot area of 650 square metres and a minimum lot frontage of 18 metres. The subject property complies with these standards. The ‘R2’ zone also requires a 7.6 metre front yard, although the existing building is located only 6.7 metres from the front lot line, and therefore relief from the front yard requirement is necessary.

**Provincial Policy Statement Conformity:**

The Provincial Policy Statement (PPS) encourages urban type development within the designated settlement areas of the Municipality.

The PPS also encourages infilling, intensification and a mixture of residential dwelling types in order to achieve an efficient use of services and land within the urban area and to meet the accommodation needs of all residents of the community.

Furthermore, the PPS promotes development serviced with municipal water and sanitary services but does give consideration to privately serviced development where the site conditions are suitable for such servicing arrangements over the long term.

The proposed rezoning would appear to be consistent with the PPS.

**Conclusion and Recommendation:**

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.
Please note that this Report was prepared before all of the agency comments had been received and prior to the Public Meeting. It is possible that comments received after the writing of this Planning Report could warrant a reconsideration of the aforementioned recommendation.

Respectfully submitted,

Ron Davidson, BES, RPP, MCIP
February 6, 2019

Municipality of West Grey
402813 Grey Road 4, RR#2
Durham, ON
N0G 1R0

ATTENTION:  Mark Turner, Clerk

Dear Mr. Turner,

RE: Proposed Zoning By-law Amendment ZA-01-19
734 Arthur Street
Lot 14, east side of Arthur Street, Plan 153
Roll No. 420501000816800
Geographic Township of Normanby
Municipality of West Grey
(Ayton Pentecostal Church c/o Riddersma)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposed Zoning By-law Amendment in accordance with the SVCA’s mandate, the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the SVCA and the Municipality of West Grey relating to plan review. The purpose is to rezone the subject lands from ‘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 would also acknowledge the existing building’s reduced front yard. The proposed Zoning By-law Amendment is acceptable to SVCA staff, and the following comments are offered.

Natural Hazards

In the opinion of SVCA staff, the property is not affected by any natural hazards.

Natural Heritage

In the opinion of SVCA staff, the Natural Heritage features affecting the subject property are Significant Woodlands and fish habitat.

Significant Woodlands

The woodlands located on the lands adjacent to the property are shown as Significant Woodlands in the Grey County Official Plan (OP) Constraint Mapping. The Grey County OP states 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. In the opinion of SVCA staff, the impacts to the Significant Woodlands as a result of this proposal will be negligible, and we are not recommending the completion of an EIS to address potential Significant Woodlands as part of this proposal.

Fish Habitat

The South Saugeen River is located on the lands adjacent to the property and is considered 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. SVCA staff is of the opinion that the negative impacts to the lands adjacent to fish habitat as a result of this proposal will be negligible, and we are not recommending the preparation of an EIS.

SVCA Regulation

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). Permission from the SVCA is not required for the proposed conversion of an existing church into a fourplex.

Conclusion

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.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Emily Payton
Environmental Planning Technician
Saugeen Conservation

EP/

cc: Christine Robinson, Authority Member, SVCA (via email)
Tom Hutchinson, Authority Member, SVCA (via email)
February 6th, 2019

Mark Turner, Clerk
Municipality of West Grey
4028130 Grey Road 4, RR 2
Durham, Ontario
N0G 1R0
*Sent via E-mail

RE: Zoning By-law Amendment ZA-01-19
Lot 14, East Side of Arthur Street, Plan 153
Municipality of West Grey
Applicant/Owner: Ayton Pentecostal Church

Dear Mr. Turner,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

The purpose of the Zoning By-law Amendment is to rezone the subject lands described as Lot 14, east side of Arthur Street, Plan 153, Geographic Township of Normanby, Municipality of West Grey, 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 would also acknowledge the existing building’s reduced front yard.

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 County requests notice of any decision rendered with respect to this application.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

Hiba Hussain
Planner
(519) 372-0219 ext. 1241
hiba.hussain@grey.ca
www.grey.ca
Committee of the Whole (Planning)
Minutes dated December 10th, 2018

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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
Committee of the Whole (Planning)
Minutes dated December 10th, 2018

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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.
Part II - Regular Agenda

Communications from the Mayor and Council
Mayor Eccles, and Councillors Herger, and Hutchinson, reported on past activities and events since the last regular meeting of Council, and on upcoming events and activities.

Delegations

St. John’s Ambulance
Benjamin Meyer, Constable, West Grey Police Service, welcomed everyone and introduced Tony Alberts, the Branch Chair for Grey Bruce Huron Branch of St. John Ambulance, past Provincial Commissioner and a distinguished Commander in the Order of St. John.

Mr. Alberts presented a Gold Level Lifesaving Award & Certificate to Daniel Andres.

Daniel Andres, a family friend of Dr. Susan Boron and the late Doug Boron of the former Bentinck Township, on October 31, 2017 rescued both Susan and Doug from the cold water after the side-by-side all three were travelling on became submerged in a pond. Daniel removed Doug from the water then located Susan trapped under the water and pulled her to safety before successfully preforming CPR, and subsequently called 9-1-1.

Mayor Eccles congratulated Mr. Andres regarding his heroic act, and receiving of the award.

Lee Hilliard
Lee Hilliard came before Council to discuss an enforcement issue relating to a trailer, shed and deck on her property at Part Lot 10, Concession 4, former Township of Glenelg. Ms. Hilliard has owned the subject property since 2010, and discussed the issue with the former By-law Enforcement Officer and was told the Hilliards’ could not build on the property, and they do not want to build on the property, as they just want to use it for recreational purposes, including a trailer.

The current By-law Enforcement Officer recently informed Ms. Hilliard that the trailer (as well as shed and deck) are not permitted and a trailer licence permit would be required, as well as a entrance permit and civic address number. Matt Armstrong, from the SVCA, conducted a site visit and indicated the SVCA has no issues with the trailer. Ms. Hilliard subsequently spoke to the By-law Enforcement Officer and was informed once again that a permit would be required and was requested to contact the Clerk. Ms. Hilliard contacted the Clerk
who indicated a trailer/trailer permit could not be issued as the entire parcel is within the NE (Natural Environment Zone).

The Clerk noted a trailer is not permitted in the NE Zone, and his standard response to these situations is to indicate that the only way a trailer, house, building or structure, would be permitted is if the Saugeen Valley Conservation Authority is willing to remove the property or a portion of the property from the NE Zone to meet zoning requirements.

Council asked for clarification if an entrance permit or a civic addressing sign has been obtained. Ms. Hilliard indicated she does have an existing entrance and a civic addressing sign.

Mayor Eccles indicated the SVCA should not be interpreting West Grey’s zoning by-law. Mayor Eccles indicated it is up to the SVCA to determine where the NE Zone is located.

Ms. Hilliard indicated she did not realize they were doing anything wrong on their property by placing a trailer (and shed) on the property.

Mayor Eccles suggested this issue be discussed at a future Committee of the Whole (Planning) meeting or that Ms. Hilliard apply for a zoning by-law amendment application. The Clerk cautioned Ms. Hilliard that the zoning by-law amendment fee is not refundable if not granted.

Donna Clark
Donna Clark, on behalf of a number of churches in Durham, requested the use of Vickers Park in Durham in connection with the multi-church "Going to Bethlehem" event on December 7, 2018.

Council clarified that approval for the use of Vickers Park only is required from the municipality. – resolution #346-18

Bell-Thompson, Be it resolved that, the Council of the Municipality of West Grey hereby approves the request by Donna Clark to use Vickers Park in Durham in connection with the multi-church "Going to Bethlehem" event held on December 7, 2018. #346-18 Carried.

Presentation to Out-Going Council Members
The Clerk presented plaques to out-going Members of Council on behalf of the Municipality of West Grey in recognition of the years of service on West Grey Council.
Dear Mrs. Hilliard, Mr. Turner and Ms. Watson,

RE: 493844 Baptist Church Road
Pt Lot 10, Con 4NDR
Roll No. 420522000503200
Geographic Township of Glenelg
Municipality of West Grey

I am writing to clarify SVCA's position regarding the Hilliard's mobile trailer dwelling and decking located at the above noted property. Based on the best available information, SVCA staff are of the opinion that the entire property is located within the floodplain of the Saugeen River and is subject to SVCA's Ontario Regulation 169/06, as amended.

The email that SVCA staff sent to Mrs. Hilliard below explains why the mobile trailer dwelling and decking are, or could become, exempt from SVCA's regulation. This morning, Mrs. Hilliard notified staff that the decking has been removed or reduced in size to below 10 square metres in size, but has yet to be fastened to the ground, which is required to become exempt from SVCA's regulation. SVCA has not issued any approvals for development on the subject property and staff would not be in a position to do so given the property's location within the floodplain.

In its letter dated July 16, 2018 (attached and cc'd previously to West Grey), SVCA staff recommended that the Hilliards contact the Municipality of West Grey to confirm the zoning status and/or designation for the property, and for all other items relating to the Zoning By-law and Official Plan.

I am available to discuss matters further as needed.

From: Matt Armstrong
Sent: Monday, September 10, 2018 2:39 PM
To: hilliardfamily <hilliardfamily@wightman.ca>
Subject: RE: SVCA Comments - Trailer Dwelling - 493844 Baptist Church Road

Dear Mrs. Hilliard,
Mobile Trailer Dwelling
You have demonstrated how your seasonal trailer dwelling is a mobile structure that can be removed from the floodplain in a timely manner should conditions necessitate. The trailer dwelling is therefore exempt from SVCA’s Regulation. A permit will be required from SVCA staff should the trailer dwelling ever become immobile. As previously indicated, staff would likely not be in a position to issue an approval given its location in the floodplain.

It is very likely that this location will flood in the future, so please be aware of the associated risks. Historically, the most common time for a flood is after spring melt, so if you are in a position to store the trailer dwelling outside of the floodplain from late-fall until late-spring you will reduce some of the risk. Please note that the Saugeen watershed has recently experienced flooding in less-predictable times of the year.

Decking (10’ by 32’ and 16’ x 16’)
The decking is not exempt from SVCA’s Regulation because it is over 10 square metres in size. The 10 square metre threshold is used because it is consistent with elements of the local building by-laws and because it would be unreasonable for a very small structure to be regulated – think picnic tables, storage bins etc. The threshold SVCA has chosen is 10 square metres, with the caveat that structures never become habitable and are fastened to the ground if located in the floodplain.

Your proposal to remove the 16’ x 16’ deck and to replace the 10’ x 32’ deck with two 10’ x 10’ decks at the trailer dwelling entrances would resolve the violation, so long as the decks are fastened to the ground and not attached to the trailer dwelling.

SVCA staff request that the above changes be made in 2018. Please call or email to confirm.

Sincerely,

Matt Armstrong, Regulations Officer
Saugeen Valley Conservation Authority
Phone: 519-367-3040 extension 242

PRIVACY DISCLAIMER: This e-mail (including any attachments) may contain confidential, proprietary, and privileged information and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system. SAUGEEN VALLEY CONSERVATION AUTHORITY. Thank You!
July 16, 2018
Lee and Stephen Hilliard
RR#2
Mount Forest, ON
NOG 2L0

Dear Mrs. and Mr. Hilliard,

RE: Notice of Violation
493844 Baptist Church Road
Pt Lot 10, Con 4NDR
Roll No. 420522000503200
Geographic Township of Glenelg
Municipality of West Grey

On July 5, 2018, Saugeen Valley Conservation Authority (SVCA) staff visited the above noted property to inspect "development" undertaken without first obtaining permission from the SVCA. The development of interest to the SVCA includes a 41 foot by 12 foot trailer dwelling and decking located within the floodplain of the Saugeen River.

SVCA Regulation

Please be advised that the entire property is subject to the SVCA’s Development, Interference with Wetlands and Alteration 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, Chap. C. 27. This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a watercourse or interference with a wetland.

To determine where the SVCA’s areas of interest are located associated with our Regulation on the subject property, please refer to the SVCA’s online mapping, available via the SVCA’s website at http://eprweb.svca.on.ca. Should you require assistance, please contact our office directly.

“Development” and Alteration

Subsection 28(25) of the Conservation Authorities Act defines “development” as:

a) the construction, reconstruction, erection or placing of a building or structure of any kind,
Notice of Violation
Lee and Stephen Hilliard
July 16, 2018
Page 2 of 2

b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, increasing the number of dwelling units in the building or structure,

c) site grading, or

d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Violation of Regulation

The trailer dwelling and decking were placed in the SVCA Regulated area without first receiving SVCA approval and are considered violations under Section 28 (16) of the Conservation Authorities Act, R.S.O. 1990, Chap. C.27, as amended.

Resolution of Violation

In order for the decking to be exempt from SVCA’s Regulation, it must be smaller than 107.6 square feet in size and be detached from other structures. In order for the trailer dwelling to be exempt from SVCA’s Regulation, it must be considered a temporary, recreational usage that can be removed from the floodplain in a moment’s notice. To that end, please submit the following information to SVCA staff:

1. A description of how you plan to make the existing 10’ x 32’ and 16’ x 16’ decks compliant with the Regulation; and
2. A written plan outlining the steps you would take to remove the trailer dwelling from the floodplain in the event of a flood. Please provide as much detail as possible, including the disconnection of services, vehicles used etc. If there are steps you can take today to cut down on the time it will take to remove trailer (i.e. reconnecting the trailer tongue), please indicate whether you plan to do so. Include scenarios where you are available to do the removal yourself and where you are unavailable to do the removal yourself, for summer conditions and winter conditions. For each scenario, indicate the amount of time that you would anticipate the removal taking, and under what conditions (i.e. how serious the flood conditions or anticipated conditions would need to be), before you would decide to remove the trailer from the property.

SVCA staff will notify you if the plans are acceptable. If they are not, staff will explain what additional measures would need to be taken to make them acceptable.

Zoning and Official Plan

Administration and final interpretation of the Zoning By-law and Official Plan are the responsibility of the Municipality and/or County. We recommend you contact the Municipality and/or County to confirm the zoning status and/or designation for the property, and for all other items relating to the Zoning By-law and Official Plan.
As the provincial commenting agency for matters relating to Natural Hazards (Environmental Protection/Environmental Hazard/Hazard/etc. zones and/or designations) in association with applications made under the Planning Act, the SVCA is required to provide comments and assistance to the Municipality and/or County and its residents for zoning and Official Plan matters in this regard. The SVCA also provides recommendations pertaining to Natural Heritage in accordance with the Plan Review Agreements currently in effect with our member municipalities, and as a watershed agency associated with Planning Act applications. Therefore, if a planning application (proposed Zoning By-law amendment, application for minor variance, application for consent, site plan approval, Draft Plan of Subdivision, Draft Plan of Condominium, etc.) is required in association with your proposal, the SVCA will be involved in that process as a review agency and the SVCA’s comments to that process will be forwarded to the Municipality and/or County at that time. However, SVCA comments regarding Zoning and Official Plan matters are not included within this correspondence.

Right to Hearing

Please be advised that the owner(s) of a property may submit an Application for a development or alteration proposal to the SVCA at any time. An Application must be complete as determined by the SVCA for it to be considered. The completeness of an Application is determined by SVCA staff, or an administrative review can be requested by the applicant to the SVCA’s General Manager/Secretary Treasurer. In the event that the administrative review by the SVCA’s General Manager/Secretary Treasurer determines an Application is not complete, the applicant can request an administrative review by the Authority.

In accordance with Section 28 (12) of the Conservation Authorities Act, permission required under Ontario Regulation 169/06, as amended, shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity for a hearing (by request) before the Authority or, in the case of the SVCA, before the Authority’s Executive Committee. Should you receive an SVCA permit, approved by staff, with conditions of approval and object to one or more of the conditions, you will have the option to attend a hearing before the SVCA Executive Committee. Should you submit a complete Application for which staff is not prepared to issue a permit, you will have the option to attend a hearing scheduled before the SVCA Executive Committee.

After holding a hearing under Section 28 (12), the SVCA Executive Committee shall,

(a) refuse the permission; or

(b) grant the permission, with or without conditions

After the hearing, if the Executive Committee refuses permission, or grants permission subject to conditions, the person who requested permission shall be given written reasons for the decision. If the person is refused permission or objects to conditions imposed on the permission, the person may appeal to the Minister of Natural Resources and Forestry within 30 days of receiving the reasons for the refusal.

Conclusion

The trailer dwelling and decking were placed in the SVCA Regulated area without receiving SVCA approval and are considered violations under Section 28 (16) of the Conservation Authorities Act, R.S.O, 1990, Chap. C.27, as amended. If the required actions are taken, SVCA staff may be in a position to consider the developments
Notice of Violation
Lee and Stephen Hilliard
July 16, 2018
Page 2 of 2

exempt from the Regulation. SVCA staff request the required information be submitted no later than August 7, 2018.

Sincerely,

Matt Armstrong
Regulations Officer
Saugeen Valley Conservation Authority

MA/

cc: Kevin Eccles, Authority Member, SVCA (via e-mail)
John Bell, Authority Member, SVCA (via e-mail)
Bill Klingenberg, Chief Building Official, Municipality of West Grey (via email)
Mark Turner, Clerk, Municipality of West Grey (via email)
The Corporation of the Municipality of West Grey

By-law Number 8 - 2018

Being, a By-law to amend By-law Number 73-2016, being a By-law to license trailers located in the Municipality of West Grey, except those located in an established trailer park;

Whereas, Section 164 (1) of the Municipal Act, S.O. 2001, Chapter 25, Section 9, as amended, provides that a local municipality may prohibit or licence trailers located in the municipality;

Now therefore the Council of the Corporation of the Municipality of West Grey hereby enacts as follows:

1. That Part 4 Exemptions, clause 4, is hereby amended as follows:

   "4. A single Trailer shall not require a license on A1, A2 or A3 Zones of 2 acres or more where an established single detached dwelling exists on the property."

2. That this By-law shall take full force and effect upon the date of passing thereof.

Read a first and second time this 15th day of January, 2018.

Read a third time and finally passed this 15th day of January, 2018.

(Signed)  (Signed)
Kevin Eccles, Mayor  Mark Turner, Clerk
The Corporation of the Municipality of West Grey
By-law Number 73 - 2016

Being a By-law to license trailers located in the Municipality of West Grey, except those located in an established trailer park in the Municipality of West Grey;

Whereas Section 164 (1) of the Municipal Act 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit or licence trailers located in the municipality;

And whereas the Municipality of West Grey desires to license trailers lawfully located within the boundaries of the Municipality of West Grey, other than those in an established Trailer Park, located in the Municipality of West Grey;

Now therefore, the Council of the Corporation of the Municipality of West Grey hereby enacts as follows:

Part 1 Administration

1.1 Short Title

This By-law may be cited as “The Trailer License By-law”

Part 2 Definitions

For the purposes of this By-law, the following definitions shall apply:

“Trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed.

“Stored Trailer” means any trailer located on the property only for the purpose of sale or storage but shall not include any trailer being used at any time for living, sleeping, or eating accommodations of persons while located on the property.

“Trailer Park” means a trailer park or camp and/or an establishment comprising land as designated for such use as defined in the Municipality of West Grey Consolidated Zoning By-Law.

Part 3 Scope

1. The owner of land on which a Trailer situated within the Municipality of West Grey shall be responsible for obtaining a license from the Municipality unless an exemption under this By-law is applicable. No license shall be issued unless the prescribed fee has been paid.

Part 4 Exemptions

1. A Stored Trailer shall not require a license.

2. Trailers situated within a Trailer Park shall not require a license.
3. Where a building permit for a single family dwelling unit has been issued by the Municipal Chief Building Official, and where the Zoning By-law permits such, the permit holder may enter into an agreement for the placement of a Trailer on the property where the unit is being constructed or reconstructed solely for the period of the construction and only if any applicable fees are paid and the Trailer is promptly removed prior to the expiration of the said building permit.

4. A single Trailer shall not require a license on A1, A2 or A3 Zones of 5 acres or more where an established single family residence exists on the property.

Part 5 License Fee

1. The annual license fee for each Trailer shall be $1,000.00. The license fee shall be applicable for a period of not more than 364 days (the 'term').

2. The license fee is payable in advance for the term.

3. The license fee is imposed upon the owner of the property on which the Trailer is located. If the owner fails to make payment of the license fee in any year the fee shall be deemed overdue and such license fees shall be collected in like manner as municipal taxes.

Part 6 Penalty

1. Any person who contravenes any of the provisions of this by-law, is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

2. Upon registering a conviction for a contravention of any provision of this by-law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this by-law make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part 7 Validity

1. If any section, clause, or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses, or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

Part 8 Repeal of Previous By-law

1. By-law Number 33-2012 is hereby repealed.

Part 9 Effective Date

1. This by-law shall come into force and effect on the date of passing thereof.
Read a first and second time this 18th day of August, 2016.

Read a third time and finally passed this 18th day of August, 2016.

Mayor – Kevin Eccles

CAO/Deputy Clerk – Larry C. Adams
the closed landfill site’s perimeter. No development shall be permitted on lands zoned with the “h" suffix. The “h" suffix may be removed from a property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner’s expense, as recommended in the evaluation. In addition, given that a surface watercourse traverses the subject property, the potential or access to, or use of, surface water should be considered when evaluating proposals for new developments or changes in land use for the property situated downstream of the watercourse, which is located to the southwest of the former landfill site. Where there is no intended use of, or potential access to, surface water associated with the proposed change in land use, no further assessment will be necessary. If there is a potential of use of or access to, surface water, then an additional assessment is necessary. The requirement for such an assessment would depend on the nature of the proposed development or change in land use. In this regard, an “h" (holding) suffix has been applied to the zoning of lands located downstream of the watercourse, to the southwest of the landfill site. The “h" suffix may be removed from the property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner’s expense, as recommended in the evaluation and to the satisfaction of the Municipality.

The evaluation of the closed landfill site on David Winkler Parkway in Neustadt involved test pitting only on the property and concluded that the close site is not impacting adjacent properties with regard to groundwater contamination, surface water contamination or the generation of landfill gases (particularly methane). An “h" (holding) suffix has been applied to the zoning of lands within 30 metres of easterly and southeasterly perimeter of the closed landfill site. No development shall be permitted on lands zoned with the “h" suffix. The “h" suffix may be removed from a property or portion thereof provided a further evaluation has been conducted for said property in accordance with Section D7.11 of the Official Plan at the property owner’s expense, as recommended in the evaluation and to the satisfaction of the Municipality.

6.39 RECREATIONAL TRAILERS

A maximum of one recreational trailer is permitted for seasonal human occupation for temporary use and on lands zoned ‘A1', ‘A2' or ‘A3' where the lot area is at least 1 hectare in size or greater and where the lot fronts onto an open and maintained municipal road and contains an approved entrance and posted civic address signage. The recreational trailer shall also be subject to the “Trailer License By-law”. The placement of a recreational trailer shall not constitute a principal use for the purposes of allowing an accessory use, building or structure to be erected on the property.
6.20 NATURAL ENVIRONMENT AND MUNICIPAL DRAIN SETBACKS

6.20.1 NATURAL ENVIRONMENT ZONE SETBACKS

a) No building or structure, including a private sewage treatment system and any associated tile weeping bed, shall be constructed closer than a setback distance approved by the Conservation Authority from the limit of a Natural Environment NE zone.

b) Notwithstanding the required setbacks in subsection (a) above:

i) Accessory buildings/structures to existing residential dwellings, enlargements of existing buildings/structures and reconstruction of existing buildings/structures including improvements to manure storage systems associated with an existing livestock facility but not a hobby barn are permitted, provided that a setback of 3 m (9.8 ft) from the NE zone boundary is maintained.

ii) Where a vacant building lot was existing on the date of passage of this By-law, a building permit may be issued for permitted buildings or structures provided:

- That there is no other suitable location on the lot outside of the determined setback in (a) above, and
- That a setback of at least 3 m (9.8 ft) from the NE zone boundary is maintained.

c) Interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 2.6 of this By-law. The location of the NE "setback" boundaries shall be adjusted accordingly in the event that the NE "zone" boundary is re-interpreted.

6.20.2 NATURAL ENVIRONMENT ZONE AND LOT AREA CALCULATION

Where any lot is zoned in part in a Natural Environment (NE) zone, no person shall erect any buildings or structures within the area zoned Natural Environment (NE) zone except as otherwise permitted in the Natural Environment (NE) zone. Lands zoned Natural Environment (NE) shall not be used in the calculation of the lot area, but may be used for lot frontage, required yard, and lot coverage as is required for the development occurring on that portion of a lot not zoned Natural Environment (NE).

6.20.3 MUNICIPAL DRAIN SETBACK AND WATERCOURSE SETBACK

No building or structure shall be constructed closer than 30 m (98.4 ft) from the edge of an open municipal drain or 15 m (49.2 ft) from the edge of an enclosed municipal drain. Notwithstanding this section, in the case of a vacant building lot existing on the date of passage of this By-law, no building or structure shall be constructed closer than 15 m (49.2 ft) from the edge of an opened municipal drain. No building or structure shall be constructed closer than 15 metres (49.2 ft) to top
Securities for Subdivisions

Responses received from a broadcast email sent by the Clerk regarding securities for subdivisions:

Town of Collingwood – Letter of Credit (LOC) or cash only (100%); phasing
Huron County – LOC or cash (100%), phasing
City of Brockville – LOC or cash (100%), phasing
Town of Renfrew – LOC or cash (100%), phasing
City of Brantford – LOC or cash (100%), phasing
Loyalist Township – LOC or cash (100%), phasing
Township of Carling – LOC or cash (100% - normally), phasing
City of Strathroy-Caradoc – LOC, cash, or performance bond (100%), phasing
Township of Severn – LOC or cash (100%), phasing
Town of South Bruce Peninsula – LOC or cash (100%), phasing
Township of Champlain – LOC or cash/certified cheque (100%), phasing
Municipality of Brighton – LOC or cash (100%), phasing
Town of Parry Sound – LOC or cash/guaranteed investment certificate in name of municipality (100%), phasing
Town of Richmond Hill – LOC or cash (100%), phasing
Township of Asphodel-Norwood – LOC or cash (115%), phasing
Township of Russell – LOC or cash (100%), phasing
City of Hamilton – 110%, type of security not indicated
Town of Midland – LOC or cash (100% - 110%), phasing
City of Ottawa – prior to construction – 100% underground; underground complete – 25% underground; 100% surface, 100% other; completion of surface – 25% underground, 25% surface, 25% other incl. fencing, 100% incomplete work (surface, asphalt, sidewalk)
Town of Perth – see attachment from Town of Perth – “Schedule M – Terms and Forms of Securities” – the Director in his email indicated normally require cash even instead of a LofC, and cautioned about taking lots as security!
Town of Innisfil – LOC or cash (100%), phasing, only accepted performance bond once to date
Township of Southgate (Flato Subdivision) – 100% LOC
Town of Hanover – no security required
Township of Georgian Bluffs – 110% LOC
City of Owen Sound – 110% LOC (offsite works); 60% LOC (on-site works)
Town of The Blue Mountains – 100% LOC
Municipality of Grey Highlands – 100% LOC/Insurance Bond (offsite works); 10% LOC (on-site works)
Mark Turner

From: Erroll Treslan <etreslan@owensoundlawyers.com>
Sent: Wednesday, September 13, 2017 7:58 PM
To: 'Mark Turner'
Subject: RE: Securities for Subdivision Agreements - Plans of Subdivision

Mark, I apologize for my delay in responding to this message.

First of all, your concern highlighted below is entirely justified. West Grey should not differentiate security requirements based on their knowledge or past experience with a developer – to do so would almost certainly run afoul of the bonusing prohibitions under the Municipal Act, 2001. Whatever Council decides to do, it should do consistently. That being said, it is certainly within the discretion of Council to decide that differing security requirements will apply to differing costs of works (this answers your second question below).

Council has the legal authority to request the provision of a Performance Bond (“PB”) as security for the cost of works to be performed under a Subdivision Agreement instead of a Letter of Credit (“LOC”). However, I recommend that West Grey not accept PBs because it represents significantly diluted security as compared to a LOC. A LOC is essentially a certified cheque that can be cashed at any time. On the other hand, a PB is a promise by a guarantor to pay if a contractor fails to perform their obligations. The problems with a PB are that numerous technicalities must be adhered to in order to make a valid claim under a PB and numerous arguments could be raised by both the contractor and/or the guarantor as to why payment should not be made under the PB. The time lag between initial demands under PBs and eventual payments on successful PB claims can often run into years. For what it is worth, I conferred with the City of Owen Sound’s Director of Public Works and Engineering, [redacted] on this issue (without mentioning West Grey by name) and he advised that he would never accept a PB in place of a LOC.

Finally, the decision on whether to insist on security for all, or only portions of, subdivision phasing entirely depends on the amount of risk that West Grey is willing to assume in order to allow a development to proceed. Again, West Grey must be careful not to impose differing requirements on differing developers. If a policy of general application is going to be enacted that permits deferral of security requirements for future phases of development, it should clearly set out how West Grey determines when security will be deferred and in what amounts. As you can appreciate, this would appear (at least at first glance) to be a very difficult exercise and I recommend that you make inquiries will other municipalities to see how they are dealing with this dilemma. One of the problems that I foresee right away is the fact that in some circumstances the additional phases are essential to complete transportation networks while in other cases the failure to complete additional phases might be more benign to the municipality. However, the problem with dealing with this issue on a case by case basis is that it leaves a municipality exposed to charges of bonusing if they defer security in one case and not in another. That is why establishing principled policy on this issue (ideally, vetted by the Ministry of Municipal Affairs) is essential.

Please let me know if you have any additional questions or concerns. Erroll.

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WARNING: From time to time, our spam scanners eliminate legitimate email from clients. If your email contains important instructions, please ensure that we acknowledge receipt of those instructions.
January 17, 2019

Michael Helfinger
Senior Policy Advisor
Ministry of Economic Development, Job Creation and Trade
Business Climate and Funding Administration Division
Policy Coordination and Business Climate Branch
900 Bay Street
Hearst Block 7th Flr,
Toronto Ontario, M7A 2E1

*Comments submitted through the EBR website and hard copy via mail*

RE: County of Grey Comments on Bill 66: Restoring Ontario’s Competitiveness Act, 2018
EBR Registry Numbers 013-4293, 013-4125, and 013-4239

Dear Mr. Helfinger:

Please find attached a copy of Grey County Staff Report PDR-CW-05-19, which represents the County of Grey comments on Bill 66 (EBR Registry Numbers 013-4293, 013-4125, and 013-4239). This report was presented to the January 10th Grey County Committee of the Whole session, where the staff recommendation was adopted as per Resolution CW12-19.

Thank you for the opportunity to provide comments on this proposed legislation.

Should you have any questions, or require any further information please do not hesitate to contact this office.

Yours truly,

Randy Scherzer, MCIP, RPP
Director of Planning & Development
519-372-0219 ext. 1237
Randy.Scherzer@grey.ca

Cc. Township of Chatsworth (via email only)
    Township of Georgian Bluffs (via email only)
Recommendation

1. That Report PDR-CW-05-19 regarding an overview of proposed Bill 66, Restoring Ontario’s Competitiveness Act be received, and

2. That Report PDR-CW-05-19 be forwarded onto the Province of Ontario as the County of Grey’s comments on the proposed legislation posted on the Environmental Registry through posting # 013-4293, and

3. That the Report be shared with member municipalities within Grey County.

Executive Summary

The Province recently released draft legislation entitled Bill 66 Restoring Ontario’s Competitiveness Act, and they are seeking comments by January 20, 2019. The proposed legislation, if passed, will amend a number of acts, with the goal of reducing ‘red tape’ and ensuring Ontario’s competitiveness nationally and globally. This report outlines the most pertinent changes to the County, and provides recommendations to Council on changes that can be supported, and others that raise concerns, including some of the proposed changes to the Planning Act.

Background and Discussion

Bill 66 Restoring Ontario’s Competitiveness Act (hereafter referred to as Bill 66) was
introduced into the Ontario Legislature on December 6, 2018. A copy of Bill 66 can be found at this link, and the proposed Environmental Registry posting, with a concise summary of the legislation can be found here. The Province has requested comments on Bill 66 by January 20, 2019.

Bill 66 proposes to amend the following pieces of legislation;

A. Agricultural Employees Protection Act
B. Farm Registration and Farm Organizations Funding Act
C. Ministry of Agriculture, Food and Rural Affairs Act
D. Pawnbrokers Act
E. Child Care and Early Years Act
F. Education Act
G. Ontario Energy Board Act
H. Toxics Reduction Act
I. Pension Benefits Act
J. Technical Standards and Safety Act
K. Wireless Services Agreements Act
L. Long-Term Care Homes Act
M. Employment Standards Act
N. Labour Relations Act
O. Planning Act
P. Private Career Colleges Act
Q. Highway Traffic Act

Items A – C, E, F, I, L – O, and Q are the most pertinent to the County’s delivery of services and have been reviewed by County staff. Staff from the following departments have reviewed this legislation:

- Children’s / Social Services,
- Human Resources,
- Long Term Care,
- Economic Development,
- Corporate Services,
- Transportation Services,
- Legal Services, and
- Planning.

PDR-CW-05-19

Date: January 10, 2019
In addition to our internal departments, County staff also circulated Grey Agricultural Services for their review and comment.

Some of the proposed changes can be considered minor in nature and will meet the stated goal of reducing 'red tape'. Other changes have the ability to make more fundamental impacts to some service delivery and may also have unintended or unforeseen consequences.

Perhaps the most significant changes are those to the Planning Act, which allow municipalities to request a new ‘open-for-business planning by-law’. If approved by the Ministry of Municipal Affairs and Housing, this by-law permits municipalities to waive their planning requirements (official plan and zoning conformity) for new large employment development. In addition to local requirements, certain pieces of provincial legislation are also waived by this planning tool. These proposed Planning Act changes have attracted the most media and public attention to date.

A summary of the changes pertinent to the County, organized by Provincial Ministry mandate, has been included below. The beginning of each section includes the Province’s summary of the changes in italics, followed by a brief staff response. The proposed schedule 10 changes require both a more extensive summary and greater explanation of the potential benefits/ramifications of the changes.

Schedule 1: Ministry of Agriculture Food and Rural Affairs

- Remove outdated and time-consuming reporting requirements under the Ministry of Agriculture, Food and Rural Affairs Act, including ones required for loan guarantee programs.
- Amend the Agricultural Employees Protection Act (AEPA) to cover ornamental horticultural workers.
- Enable amendments under the Farm Registration and Farm Organizations Funding Act to simplify delivery of programs and enhance responsiveness.

Staff Response

Based on a staff review, Planning staff do not perceive any serious impacts stemming from these changes. Staff have also shared the draft legislation with staff at Grey Agricultural Services for their review and comments. As of the publication date of this report, County staff had yet to hear back from Grey Agricultural Services.

Schedule 3: Ministry of Education

- Remove restrictions on home-based child care providers, including allowing additional children, to make it easier for parents to find affordable child care.
• **Lower the age of children that authorized recreation programs can serve from 6 to 4.**

**Staff Response**

Social Services staff have noted that they are already getting inquiries about the proposed changes from child care providers, as there is confusion that the proposed changes will be in effect as of January 1st, 2019.

Staff have further noted that both the Ontario Municipal Social Services Association and the Home Child Care Association will also be drafting responses to Bill 66. Should the Home Child Care Legislation pass, staff would need to do a risk analysis to determine how this would be implemented as the licensed home child care agency in Grey County.

**Schedules 6: Ministry of Finance**

• *Stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans.*

**Staff Response**

Human Resources and Corporate Services do not perceive any impacts to the County based on these changes.

**Schedule 8: Ministry of Health and Long-Term Care**

• *Modernize and streamline administrative requirements for the operators of long-term care homes.*

**Staff Response**

The proposed changes to reduce red tape and regulatory burden are welcomed. There are three areas that are of particular interest to Long Term Care (LTC). Information from the Ontario Long Term Care Association has been included below to outline the details.

*Public consultations on licensing transactions.* The mandatory public meetings that are currently required can delay the process for redevelopment. This change would allow for other formats for public consultations, such as online or written submissions.

*Emergency licenses.* If a home needs to displace residents due to the closure of a home, the emergency licenses would be extended to one year, instead of the existing month-to-month licensing requirements.

*Refusal of admissions.* This change would drop the requirement for LTC homes to notify the Director at the Ministry’s inspections branch when they refuse
Schedule 9: Ministry of Labour

- Amend the Employment Standards Act, 2000 (ESA) to reduce regulatory burden on businesses, including no longer requiring them to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging.
- Stop requiring employers to post the Employment Standards Act (ESA) poster in the workplace, but retain the requirement that they provide the poster to employees.
- Amend the Labour Relations Act, 1995 to explicitly deem public bodies, including municipalities, school boards, hospitals, colleges and universities, as “non-construction employers”.

Staff Response

Human Resources staff are generally supportive of the proposed changes.

Schedule 12: Ministry of Transportation

- Allow electronic documentation for International Registration Plans.

Staff Response

There does not appear to be any impact on the Transportation Services department as a result of these changes.

Legal Services has noted that since this legislative amendment is very minor and technical in nature; it would not appear to impact the County’s prosecution of traffic offences in the future.

Schedule 10: Ministry of Municipal Affairs and Housing

- Introduce a new economic development tool and remove planning barriers to expedite major business investments and speed up approvals by about two years.
  - See "Proposed open-for-business planning tool" (ERO # 013-4125) and
  - See "New Regulation under the Planning Act for Open-for-Business Planning Tool (ERO # 013-4239)

The proposed changes would allow local municipalities (not counties or regions) to request an 'open-for-business planning by-law', which if approved by the Ministry, would;
"Allow municipalities to permit the use (i.e., zone the lands) without having to strictly adhere to existing local requirements (e.g., official plan and zoning);
- Remove the application of a separate approval process for site plan control;
- Remove ability to use density bonusing (community benefits in exchange for height or density) and holding by-law provisions;
- Allow the municipality to impose limited planning-related conditions that may help to facilitate the proposal [e.g., approval of plans and drawings that show site plan matters (transportation access, lighting, parking, etc.)] and enter into agreements to ensure development conditions are secured;
- Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed (at a minimum);
- Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal (but allow the Minister of Municipal Affairs and Housing to intervene before the by-law comes into effect, 20 days after its passing);
- Remove the requirement for decisions to strictly adhere to provincial policies and provincial plans (but allow the Minister of Municipal Affairs and Housing to impose conditions to protect matters like public health and safety when endorsing the use of the tool)."

Based on the proposed draft regulations, municipalities would have the ability to request an open-for-business planning by-law where they can provide the following to the Ministry:

- "require confirmation that the proposal is for a new major employment use;"
- require evidence that the proposal would meet a minimum job creation threshold (e.g. 50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people);
- identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use;
- prescribe how notice is to be given to the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law (similar to how the Minister is notified following the passing of a zoning by-law – e.g. email and personal service)."

**Staff Response**

County Planning and Economic Development staff have reviewed the proposed changes and have the following comments (listed below in no order of importance). In general, staff see merit in the stated goal of attracting business, and minimizing burdens on new or expanding businesses. However, staff have concerns that the proposed
changes may not be addressing the root cause, and may be sacrificing elements of public participation, environmental health, and clean water for the stated goal of economic competitiveness. Staff do not believe these factors need to be mutually exclusive, and would recommend other methods to achieve the stated goals.

1. The County would not have the ability to request an open-for business planning by-law, but any of our member municipalities would be enabled to do so. Based on the proposed regulations this ability would be provided for any major employment use greater than 50 jobs.

At this stage it appears the County could still request site plan level improvements such as entrance permits or road widening to County Roads.

2. Based on the current proposed regulation, there is a lower threshold for job creation in communities of less than 250,000 people (50 jobs versus 100 jobs in larger communities), which has the ability to benefit any municipalities in Grey County who choose to use this tool. That said however, these municipalities could potentially be competing against any other municipality in Ontario of less than 250,000 people who chooses to use this tool.

3. Bill 66 allows a municipality to potentially approve a development that does not need to conform to official plans, zoning by-laws, Provincial Policy Statement, or legislation such as the Clean Water Act, Great Lakes Protection Act, Greenbelt Act, Oak Ridges Moraine Conservation Act, etc. Concerns have been raised across the Province that this has the ability to negatively impact the natural environment and the protection of drinking water sources. The above-noted policies and legislation could certainly be revised, and streamlined, but waiving these policies altogether has the ability to impact public and environmental safety.

The lack of public consultation or appeal rights that may accompany major new employment land uses is also contrary to the direction of the provincial and municipal planning systems in recent years.

4. The proposed changes appear to ‘incentivize’ larger employers by allowing them to by-pass planning rules, while offering no incentive to small or medium sized employers. Staff have concerns that this could further create an ‘uneven playing field’ to the detriment of small or mid-sized employers. While the County is certainly thankful for our major employers, we do not want to forget about our many smaller employers who account for a significant portion of employment and economic growth within the County.

PDR-CW-05-19 Date: January 10, 2019
5. At this stage the focus of the Planning Act changes has been on major new employment uses (e.g. industrial, research, etc.). It appears clear that the new open-for-business planning by-law would allow for a municipality to request 'an exemption' for such uses. However, what is not clear is whether or not the municipality could include other accessory or complimentary uses alongside those employment uses. For example if a 40 hectare site was being considered for a new research facility, could that site also include some residential or commercial uses? The Province may wish to clarify this apparent ‘loop-hole’ in Bill 66 or the implementing regulations.

One of the major impediments to economic growth in Grey County is the lack of available affordable housing. If such housing was being considered to also be 'exempt' it may help increase the available supply to facilitate new employment growth. However, if that housing was not properly planned (i.e. access to active transportation, community supports and services, amenities, etc.) there could also be negative consequences.

6. The proposed legislative changes also speak to a “1-year service standard for provincial approvals related to these land use planning proposals.” It is unclear exactly which provincial approvals are being referenced here. Staff would note that the literature related to Bill 66 does not note the Environmental Assessment (EA) Act, or the EA process as an exemption here. In the past, approvals on servicing expansions/upgrades or stormwater facilities can cause lengthy delays to some developments. As such, this new service standard could certainly be a welcome addition, depending on exactly which approvals it applies to, and provided it does not otherwise compromise public health and safety. Particularly if the 1-year service review standard could run simultaneously with the municipal approvals process, rather than needing to follow municipal approvals; this should help 'speed up' approvals in Ontario.

7. The proposed Planning Act changes appear to be ‘one time band-aide’ solutions, that do not appear to address the root of the perceived problem. Staff certainly acknowledge that the planning process in Ontario is not perfect. If the current planning processes are an impediment to economic growth, then let's collectively work together at the Provincial, County, and Municipal levels to fix these processes, rather than permit 'one off' exemptions on a case-by-case basis in scattered municipalities throughout the province. By fixing the processes it could 'level the playing field' for all employers (at least from a planning process perspective), while creating efficiencies in all municipalities. Streamlining the
planning processes would aide not only employers, but also other developers, including residential developers. Having a more efficient process could also reduce costs, which may help provide for more affordable or attainable housing as well.

Some potential solutions, which could be achieved at the municipal level, include but are not limited to;

a) Ensuring that official plans and zoning by-laws are up-to-date, and flexible, to minimize the individual burden on innovative new businesses (i.e. to prevent unnecessary proponent initiated official plan amendments etc.),
b) Ensuring an adequate supply of available pre-zoned, shovel ready employment lands,
c) Streamlining development review between departments and agencies, such that when a new employer 'comes to town' their site plans can be reviewed in an expeditious fashion,
d) Having a Community Improvement Plan (CIP) in place to provide incentives to new or growing businesses, or the re-use of brownfield sites,
e) Ensuring municipal documents such as community profiles remain up to date,
f) Providing an 'open for business' pre-submission consultation process, consisting of planning, engineering/operations, and economic development, which provides timely data and information for any given site in a municipality.

8. Although the proposed changes would 'exempt' major employment uses from many local planning rules, it does not appear to provide for other exemptions which also have the ability to delay or prohibit such development. In general, one of the most significant 'delays' can be the need to complete three season environmental work (i.e. needing a field assessment of a site in the spring, summer, and fall). Endangered species, or endangered species habitat have the ability to impact the development process. Similarly conservation authority and Niagara Escarpment Commission permits and review can also add additional time to the approval process.

In making the above comments, County staff in no way wish to denigrate the importance of endangered species or the work of conservation authorities across the Province, or the Niagara Escarpment Commission. Nor do staff wish to 'blame' this work for delaying growth or economic development. Rather staff
would highlight the fact that the proposed legislation does not 'waive' all possible obstacles to timely development.

Other obstacles at the municipal level can include, but are not limited to; the need for servicing upgrades or extensions, new infrastructure construction e.g. new roads or road improvements, lack of utilities (e.g. natural gas or broadband internet) in a given area, etc.

9. Some municipalities, outside of Grey County, have already stated that they have no intention to use this tool. In creating a tool which is only used by some municipalities to by-pass local planning documents, it has the ability to create competition between municipalities, with increased advantages to those who use the tool. These 'advantages' could result in decisions which 'undo' years of land use and infrastructure planning. Staff have provided a case study below to try to illustrate this example. Although this case study represents a speculative 'extreme example', it does highlight the potential for negative ramifications based on the proposed Planning Act changes.

**Open-for-Business Planning Tool Case Study**

'XYZ Industrial' has announced plans to open up a new 25,000 m² automotive manufacturing plant with a potential for 65 new jobs. Municipality 'A' has chosen not to exercise the open-for-business planning by-law to help attract this new business. Instead Municipality 'A' has shown the employer sites in their business park, which are serviced and designated for industrial growth. Municipality 'A' has promised to provide an expeditious approvals process to help facilitate the new employer.

XYZ Industrial then approaches the neighbouring Municipality 'B' to determine what offer they can provide. Municipality 'B' offers to use the open-for-business planning by-law and recommends the use of agricultural land immediately abutting the settlement area / municipal boundary of Municipality 'A'.

Municipality 'B' boasts a large nearby labour pool (largely in Municipality 'A'), low land costs, and no municipal planning process to attract the business. In choosing to locate in Municipality 'B' XYZ Industrial by-passed the need to:

- develop within a serviced settlement area,
- conduct a Comprehensive Review before considering a settlement area expansion,
- consider efficient usage of existing infrastructure,
- protect agricultural lands,
- meet Minimum Distance Separation (MDS) formulae,
• engage in a public consultation program,
• risk any potential appeals, and
• consider compatibility with neighbouring land uses.

While Municipality 'A' is thankful that a number of their residents can get jobs in the neighbouring XYZ Industrial plant, it does feel 's slighted' to have been penalized for 'playing by the rules' and making decisions based on sound land use planning.

County staff respect what the Province is aiming to do through Bill 66 with the proposed Planning Act changes. However, staff believe that these objectives can be better met through addressing the root causes and existing processes, rather than considering 'one-off' exemptions on a case-by-case basis.

Legal and Legislated Requirements

The effect of new legislative changes can sometimes be tough to predict at these early stages, particularly where the implementing regulations have not been released. Some of the proposed changes are welcome amendments by the County, and should help relieve some administrative burden. Other changes, such as those proposed to the Planning Act, have the ability to potentially negatively impact member municipalities, and planning within the County.

The proposed legislation has also been reviewed by the Director of Legal Services, who does not note any serious legal risks to the County at this stage, but along with other staff will continue to monitor Bill 66 as it works its way through the legislative process.

Financial and Resource Implications

At this stage there are no immediate financial or resource implications to Bill 66, as the full details of its implementation are not known.

Staff will continue to monitor this legislation and keep County Council aware of any major changes, or the passing of Bill 66.

Relevant Consultation

• Internal: Children's / Social Services, Human Resources, Long Term Care, Economic Development, Corporate Services, Transportation Services, Legal Services, and Planning.

• External: Grey Agricultural Services, Member Municipalities within Grey
Appendices and Attachments

None
January 17, 2019

Via Email

The Honourable Doug Ford, M.P.P., Premier of Ontario, doug.ford@pc.ola.org
The Honourable Christine Elliott, M.P.P., Deputy Premier of Ontario, Minister of Health and Long Term Care, christine.elliott@pc.ola.org
The Honourable Steve Clark, M.P.P., Minister of Municipal Affairs and Housing, steve.clark@pc.ola.org
The Honourable Sylvia Jones, M.P.P., Minister of Community Safety and Correctional Services, sylvia.jones@pc.ola.org
Andrea Horwath, M.P.P., ahorwath-qp@ndp.on.ca

Dear Sir/Madam:

At the Town of Orangeville Council Meeting on January 14, 2019 Council passed the following resolution:

Whereas the protection of the integrity of the Green Belt is a paramount concern for our residents;

And whereas the continued legislative protection of our water – groundwater, surface water and waterways – is vitally important for the current and future environmental health of our community;

And whereas significant concerns have been raised by residents, community leaders and environmental organizations such as the Canadian Environmental Law Association (CELA), that provisions within Bill 66 will weaken environmental protections as it “…will enable municipalities to pass “open-for business” zoning by-laws that do not have to comply with…” important provincial environmental statutes;

And whereas an “Open for Business” by-law may be approved without public consultation;

And whereas provisions within Bill 66 may allow exemptions from municipal Official Plans;

And whereas the Town of Orangeville’s Official Plan represents not only a significant investment of taxpayer resources but reflects our community’s collective vision for current and future planning;

And whereas our Official Plan clearly designates land that is environmentally protected;

And whereas our Official Plan also provides clearly designated land to meet future employment land needs;
Now therefore be it hereby resolved:

1. That Orangeville Town Council opposes planned changes to the Planning Act in the proposed Bill 66 that may allow for an “open for business” planning by-law.

2. That the Government of Ontario be requested to reconsider the proposed changes to the Planning Act included in Bill 66 which speak to the creation of the open-for- business planning by-law.

3. That notwithstanding the future adoption of Bill 66, the Town of Orangeville will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws.

4. That a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Christine Elliott, Deputy Premier of Ontario, the Honourable Sylvia Jones, Minister of Community Safety and Correctional Services, MPP Dufferin-Caledon and Andrea Horwath, MPP, Leader of the New Democratic Party.

5. That a copy of this resolution be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Yours truly,

Susan Greatrix | Clerk
Town of Orangeville | 87 Broadway | Orangeville, ON L9W 1K1
519-941-0440 Ext. 2242 | Toll Free 1-866-941-0440 Ext 2242 | Cell 519-278-4948
sgreatrix@orangeville.ca | www.orangeville.ca

cc The Honourable François-Philippe Champagne, M.P., Minister of Infrastructure and Communities, Francois-Philippe.Champagne@parl.gc.ca
The Honourable Patricia A. Hajdu, M.P., Minister of Employment, Workforce Development and Labour, Patty.Hajdu@parl.gc.ca
The Honourable Lawrence MacAulay, M.P., Minister of Agriculture and Agri-Food, lawrence.macaulay@parl.gc.ca
The Honourable Catherine McKenna, M.P., Minister of Environment and Climate Change, Catherine.McKenna@parl.gc.ca
The Honourable Amarjeet Sohi, M.P., Minister of Natural Resources, Amarjeet.Sohi@parl.gc.ca
David Tilson, M.P., Dufferin-Caledon, david.tilson.c1@parl.gc.ca
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities
Hello Jennifer,

Thank you for your email / comments and the related attachment.

As I have copied Mark Turner, Clerk, he will ensure that West Grey Council members receive this information.

Our Clerk, Municipal Planner and myself have been keeping up-to-date with Bill 66 and it's potential impact.

Christine Robinson
Mayor

402813 Grey Rd 4, RR 2, Durham ON N0G 1R0
519.369.2200 ext. 232 | f: 519.369.5962
mayor@westgrey.com | www.westgrey.com

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Thank you.

----- Original Message ----- 
From: "Jennifer Clark"
To: mayor@westgrey.com
Sent: Wednesday, January 16, 2019 10:47:25 AM
Subject: B-66

Dear Mayor,

I am very concerned by Premier Ford’s proposal for Bill-66 which would open the Protected Greenbelt for development, reduce environmental regulations etc. All those measures to protect our green-spaces so long fought for.

I am expecting that more and more municipalities will stand up in support of our collective environment which is crucial for our future health and well being. As you know, once a protected area is lost, it is forever.
I am enclosing this article about our neighbouring response from Collingwood and I look forward to hearing what our council is proposing to do. The deadline for a response I believe is January 20, 2019.

Thank you for your time and care in this important matter

J.Clark
West Grey

https://www.collingwoodtoday.ca/local-news/council-comes-out-against-bill-66-1196150?fbclid=IwAR2EdnBsd6QIpIKRCdWTGwEFL_ZDgE_6RXEA61yY2bSv6iz9IcWh3sR3E
To whom it may concern,

The Ontario Farmland Trust is pleased to share with you its commentary on the proposed Bill 66, *Restoring Ontario's Competitiveness Act, 2018*.

We kindly ask that you bring this information to the attention of elected municipal officials and appropriate staff. We also ask that you add this commentary to the next Council Agenda in the Correspondence & Information Section.

Our submission details six specific threats to farmland and the farm sector, further explains why the proposed Open-for-Business Zoning By-law is unnecessary, and suggests alternative actions to improve Ontario's business environment and attract investment in the agri-food sector.

Ontario Farmland Trust's submission is attached and can also be viewed at: https://ontariofarmlandtrust.ca/wp-content/uploads/2013/10/OntarioFarmlandTrust_EBR-013-4293.pdf

Thank you,
Kathryn

Kathryn Enders
Executive Director
Ontario Farmland Trust
c/o University of Guelph, SEDRD
Guelph, ON N1G 2W1
(519) 824-4120 ext. 52654
kathryn@ontariofarmlandtrust.ca
www.ontariofarmlandtrust.ca

Through research, public education, and direct land securement and stewardship, the Ontario Farmland Trust works to protect and preserve farmlands for the benefit of Ontarians now and for generations to come.
January 15, 2019

Michael Helfinger  
Intergovernmental Policy Coordination Unit  
900 Bay Street, Hearst Block, 7th floor  
Toronto, ON  
M6H 4L1

RE: EBR Registry # 013-4293 for input on the proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018

Ontario Farmland Trust (OFT) is a not-for-profit organization whose mission is to protect and preserve Ontario farmlands and associated agricultural, natural, and cultural features of the countryside. OFT achieves this through direct land securement, stewardship, policy research and education to benefit all Ontarians.

Thank you for the opportunity to submit feedback on the proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018. OFT has played an active stakeholder role in the development of policies that support a prosperous, sustainable and permanent farm sector, including those contained in the Growth Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan. In an effort to continue working with the Province to develop responsible planning policies that support the agri-food sector, OFT has detailed its concerns regarding Schedule 10 of the proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018, in the following document.

Ontario’s agri-food sector is a major economic engine for the province. In terms of job creation and economic growth, a 2018 report confirmed that the agri-food sector contributes over $39 billion to Ontario’s GDP and employs more than 820,000 Ontarians in the supply chain [1]. This contribution is overwhelmingly significant in rural areas, where roughly 12% of the GDP and 10% of rural jobs are attributed to the farm sector [2]. Ontario is also positioned favourably to attract agricultural and manufacturing investment because it is a global leader in the agri-food industry and houses one of the largest agri-food hubs in North America. This, in turn, generates growth in employment and GDP.

OFT believes that, as currently written, the Open-for-Business Zoning By-law proposed within Schedule 10 of Bill 66 places the agri-food sector and its substantial economic benefits at an unacceptable level of risk. If adopted it will jeopardize the economic contributions of the agri-food sector and expose rural areas to greater economic vulnerability. As such, OFT recommends that Schedule 10 be removed from Bill 66. It is critical that all Acts that protect the permanency, health, productivity, and profitability of Ontario’s farmland and the agri-food sector are retained in full and without exception.
The following sections provide greater detail regarding Schedule 10’s threats to the farm sector and suggests alternative actions to improve the province's business environment while attracting agri-food investment.

**Threats to the Farm Sector**

Schedule 10 of Bill 66 and the Open-for-Business Zoning By-law (OFB-ZBL) could open up for development farmland that is either currently protected (e.g. through the Greenbelt Plan) or is outside of projected municipal growth areas.

This negatively impacts the agricultural sector in a number of ways. Schedule 10 of Bill 66:

- **Threatens to pave over and permanently destroy productive farmland.** Only 5% of the Canadian land base is prime agricultural land, the majority of which is in southern Ontario and contributes to the success of the Province’s agri-food sector. Ontario is already losing 175 acres of farmland every day, a rate that could increase under the proposed OFB-ZBL. The loss of this land to non-agricultural uses is irreversible and negatively impacts Ontario’s economy, food security, and agri-food investment potential.

- **Risks farmland fragmentation and the dismantling of the agricultural system.** A successful agri-food sector relies on a healthy farm sector, which requires access to a contiguous agricultural land base with a system of supportive infrastructure, agricultural services, distributors, and processors. This requirement is recognized by, and is being addressed through, ongoing municipal-level processes to implement the Agricultural System for the Greater Golden Horseshoe. Development approvals outside of strategic growth areas that are delineated in Official Plans and in conformity with the Provincial Policy Statement, Growth Plan, Greenbelt Plan, etc. will fragment and destroy the systems required by the farm sector. As farmland and the agricultural system is fragmented by conflicting land uses, the viability of agricultural enterprises and the agri-food sector is reduced or eliminated.

- **Will dramatically inflate farmland prices as speculation and land banking increases and further reduce affordability for farmers.** Sustaining large swaths of contiguous, affordable farmland is crucial because land ownership provides the long-term, land use certainty that is required for farmers to make investments in their property and business. This contributes to a stronger agri-food sector and more attractive investment environment.

- **Introduces conflicting land uses adjacent to land used for agricultural purposes.** This disadvantages both producers and those on adjacent properties because of the nature of agricultural activity, which generates noise, odours, and dust, and involves the use of slow-moving farm machinery and hazardous materials. Ultimately, introducing incompatible land uses makes it more difficult for farmers to continue running financially
sustainable farm businesses, can interrupt normal farm practices, and can create conflict with neighbors.

- **Re-introduces uncertainty around the permanent protection of land for agriculture and agribusiness.** Uncertainty about the ongoing protection of land for agriculture and agribusiness discourages investment in agriculture and leads to a deterioration in the resource and the agricultural community associated with it. Given that the best agricultural land is largely located in areas experiencing growth pressures, this uncertainty and the resultant reluctance to invest in agribusiness, will weaken the agri-food sector. Furthermore, the lack of public consultation will result in farmers being unable to provide feedback, challenge decisions, and advocate for the ongoing viability of their business.

- **Increases the agricultural sector's vulnerability to the adverse effects of climate change.** Studies in Ontario indicate that the effects of climate change will be dramatically different across the province and that heat and water stress will likely have negative impacts on agricultural productivity [3,4]. The agricultural and natural lands threatened by the proposed OFB-ZBL help to offset these negative impacts by providing services including carbon storage and flood management. Re-introduced land use uncertainty would also reduce farmers' incentive to invest in on-farm adaptive and mitigative technologies and practices.

### Actions to Improve Ontario’s Business Environment

As currently proposed, the OFB-ZBL is unnecessary and does not appropriately solve the issues it seeks to address.

**Numerous studies report that there is already enough employment land designated for growth out to 2031 and beyond,** meaning the provisions within the OFB-ZBL meant to open up land previously unavailable for development are unnecessary. For example, a 2017 Neptis Report notes that 85% or 87,440 ha of Designated Greenfield Area in the Greater Golden Horseshoe is unbuilt [5], and a 2017 study from Simcoe County indicated that across its 16 municipalities, there were 1,514 ha of excess employment lands to accommodate anticipated growth out to 2031 [6]. These planning horizons can be extended well beyond 2031 when growth is managed through intensification [7].

**Existing planning resources, including Official Plans, already allow municipalities to respond to employment opportunities on currently designated lands and direct growth in a strategic and appropriate manner.** Municipal polices are developed based on substantive amounts of work supported by public consultation and should not be pre-empted by the OFB-ZBL.

**The proposed OFB-ZBL disregards the importance and necessity of coordinated, comprehensive planning to maintain and protect the integrity of regional systems,**
including the agricultural system. Current provincial policies address strategic planning processes at a regional level and should not be bypassed or undermined under any condition.

While the OFT is opposed to the currently proposed Open-for-Business Zoning By-law we acknowledge that there are other actions that can be taken to improve the business environment in the province and attract investment in the agri-food sector, which include:

- Coordinating the actions of provincial ministries so they work as a team to facilitate appropriate development
- Adopting an online ‘single portal’ approach to planning applications, approvals, and communications between government agencies and applicants
- Providing greater recognition and promotion of the agri-food sector as an economic engine in the province
- Promoting job creation and investment opportunities that recognize and support agricultural business potential in rural areas. Farmland is rural employment land and employment in one sector should not place jobs at risk in another, which is the current reality of Schedule 10 given the risks it will create for agricultural viability.
- Creating land-use certainty by using existing planning or policy tools to permanently protect critical sector resources including farmland and the agricultural system.

The OFT is eager to work with the provincial government to achieve this vision.

Thank you for this opportunity to share our recommendations and feedback on the proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018. We believe that Ontario has an opportunity to position itself as a national and global leader in strategies that blend environmental/farmland protection and economic growth and is capable of setting an example of how economic prosperity need not be at the expense of the environment. We invite discussion and welcome any questions you might have regarding our submission. We look forward to working with you further.

Most Sincerely,

Kathryn Enders
Executive Director
Ontario Farmland Trust
References:


Council Resolution  
January 16, 2019

Moved by Councillor Neeson, Seconded by Councillor Harding

RESOLUTION NO. C-2019-0021

WHEREAS the Provincial Government introduced Bill 66 entitled “Restoring Ontario’s Competitiveness Act” on the final day of sitting in the 2018 Ontario Legislature, December 6th, 2018 and;

WHEREAS significant concerns have been communicated regarding schedule 10, among other schedules contained therein by residents, community leaders, legal and environmental organizations such as the Canadian Environmental Law Association (CELA), EcoJustice, Environmental Defence Canada, Ontario Nature, South Lake Simcoe Naturalists, The Simcoe County Greenbelt Coalition, The David Suzuki Foundation, AWARE-Simcoe, Lake Simcoe Watch and the North Gwillimbury Forest Alliance that provisions within Bill 66 will weaken environmental protection, undermine democratic processes and potentially endanger public health and;

WHEREAS provisions of Bill 66 allow for an “Open for Business” bylaw, which may be approved without any public consultation of the citizens of the Town of Georgina and;

WHEREAS provisions of Bill 66 allow an “Open for Business Bylaw” which would permit major development in the Town of Georgina which most notably would no longer have to have any legislative regard for certain sections of:

- The Planning Act
- The Provincial Policy Statement
- The Clean Water Act
- The Great Lakes Protection Act
- The Greenbelt Act
- The Lake Simcoe Protection Act
- The Oak Ridges Moraine Conservation Act and;

WHEREAS the Town of Georgina remains committed to source water protection, The Lake Simcoe Protection Act, the integrity of the Greenbelt and it understands the benefits for protecting these features in support of our local economy and quality of life, and

WHEREAS notwithstanding the potential future adoption of Bill 66, that the Town of Georgina will continue to remain committed to making sound decision regarding resource and environmental preservation that remain consistent with the Clean Water Act, 2006, the Provincial Policy Statement and other legislative tools which provide for good planning, while balancing the need for economic development and providing environmental and public health protection;
NOW THEREFORE BE IT RESOLVED THAT the Town of Georgina strongly recommends that schedule 10 of Bill 66 be immediately abandoned or withdrawn by the Ontario Government and;

BE IT FURTHER RESOLVED THAT the Town of Georgina declares that notwithstanding the potential future adoption of Bill 66, the Town of Georgina's Council will not exercise the powers granted to it in schedule 10 or any successor schedules or sections to pass an "open for business planning bylaw" without a minimum of two (02) public meetings which shall be advertised twenty (20) days in advance in the Georgina Advocate or its successor, and also shall be advertised in any other local media resource that is widely available to the public in the Town of Georgina, by way of bylaw and;

BE IT FURTHER RESOLVED THAT staff be directed to draft such a bylaw for Council's consideration should Bill 66 be given royal assent and be given force and effect and;

BE IT FURTHER RESOLVED THAT the Town of Georgina requests the Province of Ontario to release draft criteria and draft regulations, and to provide a commenting period in advance of consideration by the legislature, and;

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP John Fraser, Interim Leader of the Ontario Liberal Party, MPP and Leader of the Green Party of Ontario, Mike Schreiner, the Honourable Caroline Mulroney, MPP York-Simcoe, Attorney General and Minister Responsible for Francophone Affairs and;

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities Ontario (AMO), all MPP's in the Province of Ontario and all Municipalities in Ontario for their consideration.

A recorded vote was requested; the Deputy Clerk recorded the vote as follows:

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<td>Mayor Quirk</td>
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Yea – 5  Nay - 2

Carried.