Committee of the Whole (Planning)
Municipality of West Grey
Minutes of May 14th, 2019, at 1:30 p.m.

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

Members Present: Mayor Christine Robinson, Deputy-Mayor Hutchinson, Councillor Beth Hamilton, Councillor Rebecca Hergert, Councillor Doug Hutchinson, Councillor Geoffrey Shea, Councillor Stephen Townsend

Staff: Mark Turner, Clerk; CAO/Deputy Clerk (during “Other” discussion)

Also Present: Ron Davidson, Municipal Planner

1) **Disclosure of Pecuniary Interest** - None

2) **Public Meetings**

1) Zoning By-law Amendment Application ZA-02-19 (B05/2019 – Concession 1 EGR, Pt Div 2 & 3, Part Lot 30; Concession 2 EGR, Part Lots 69 & 70, Geographic Township of Glenelg (Doug Marshall & Don Marshall)

**Attendance:** Doug Marshall, Lorelie Spencer

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the Zoning By-law Amendment is to rezone the subject lands from the “A2” (Rural) Zone and “NE” (Natural Environment) Zone to the “A2-405” (Rural Exception) Zone, “A2-406” (Rural Exception) Zone and “NE” (Natural Environment) Zone. The Amendment is intended to facilitate the severance of the property into two parcels. The ‘A2-405’ zone would allow for a lot, containing an existing dwelling, comprising 7.4 hectares and having a frontage of 7.9 metres. The ‘A2-406’ zone would allow for a lot, currently vacant, having 20 metres of frontage. Both parcels would also include lands zoned ‘NE’. The building envelope on the 24.3 hectare parcel has been identified on the Zoning By-law Amendment schedule as a result of discussions with the Saugeen Valley Conservation Authority. The balance of the ‘A2-406’ zoned portion of the 24.3 hectare lot will include a holding (“h” suffix), and no development or site alteration would be permitted within the ‘A2-406-h’ zoned area until an Environmental Impact Study has demonstrated that such development or site alteration would not negatively impact the natural heritage features that exist on the property or adjacent lands and the ‘h’ symbol has been lifted by By-law.

Written comments were received from the Grey County Planning & Development Department, the Municipal Planner, Saugeen Valley Conservation Authority, and The Historic Saugeen Metis.
The Historic Saugeen Metis indicated in an email dated April 9, 2019 that they have no objection or opposition to the proposed rezoning application.

The Grey County Planning & Development Department indicated in a letter dated April 26, 2019 that provided the building envelope is identified on the severed parcel and there is a holding symbol placed on the balance of the lands with the condition that it is not lifted until an Environmental Impact Study has demonstrated that such development or site alteration would not negatively impact the natural heritage features that exist on the property or adjacent lands and the ‘h’ symbol has been lifted by By-law, comments are received from MNRF regarding the potential endangered species, and positive comments are received from the local conservation authority, County planning staff have no concerns with the subject application.

The Saugeen Valley Conservation Authority indicated in a letter dated May 8, 2019 that in the opinion of SVCA staff, the significant natural heritage features affecting the subject property include: Significant Woodlands, potentially Significant Wildlife Habitat, Fish Habitat, and potentially the Habitat of Endangered Species and Threatened Species. It is also noted that Other Identified Wetlands exist on the property.

In the opinion of SVCA staff, future development within the proposed building envelope on the severed lot could occur without impacting the natural heritage features mentioned above, or their ecological functions. The building envelope is acceptable to SVCA staff as it is located on existing cleared lands. As such, in accordance with Section 2.8.7 (2) of the Grey County Official Plan, SVCA staff is of the opinion that the requirement for the preparation of an Environmental Impact Study (EIS) could be waived. SVCA staff finds the holding provision on the proposed severed lot acceptable.

It has come to the attention of SVCA staff that Habitat of a Threatened or Endangered Species may be located on or adjacent to the subject property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the threatened and endangered species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. Please be advised SVCA staff is not able to speak to provincial and federal requirements as they relate to Section 2.1.7 of the PPS, and that the above SVCA staff opinion that an EIS is not required at this time does not take into account the Habitat of Threatened or Endangered Species that may be on or near the subject property.

If development or alteration including construction, reconstruction, conversion, grading, filling (including improvement to the existing access) or excavation is proposed within the Approximate Regulated Area on the subject 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 rezoning is acceptable to SVCA staff.

The Municipal Planner indicated in his Planning Report dated May 14, 2019 that the requested rezoning is intended to facilitate a severance of a rural property into two parcels. This amendment conforms to the Official Plan and is consistent with the PPS. As such, the requested amendment can be approved.

Lorelie Spencer, Spencer Planning Services, spoke in favour of the proposed zoning by-law amendment.

**Hamilton-Councillor Hutchinson, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approves zoning bylaw amendment ZA-02-19, as printed. … #7-19 Carried.**

2) Zoning By-law Amendment Application ZA-03-19 – Plan 813, Block 68, Geographic Township of Glenelg (Roger Bassett, Alfred Schmidt, Hassan Mokhtari)

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the Zoning By-law Amendment is to rezone the subject lands from the “OS” (Open Space) Zone and “NE” (Natural Environment) Zone to the “A3” (Restricted Rural) Zone and “NE” (Natural Environment) Zone. The Amendment would have the effect of permitting the construction of a detached dwelling on the subject property.

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

The Historic Saugeen Metis indicated in an email dated April 17, 2019 that they have no objection or opposition to the proposed zoning by-law amendment application.

The Saugeen Valley Conservation Authority indicated in a letter dated May 8, 2019 that based on their review of the policies noted in their letter, mapping, and historical context of the “OS” Open Space zoning, it is our opinion the property may feature a groundwater recharge area that hydrologically supports adjacent wetlands and surface water features, including Curley’s Lake; and that, the subject lands may also support ecological functions for adjacent significant woodlands, significant wildlife habitat and the habitat of endangered species and threatened species. It is our understanding, the proposed zoning by-law amendment would allow for the construction of one residential development on the property. In the opinion of SVCA staff, rezoning the entirety of the Open Space Zone for the purpose of allowing one residential development is premature, at this time, without the benefit of supporting technical studies (i.e. EIS, Hydrogeological Study). Rezoning the entirety of the Open Space zone may open up
the potentially sensitive lands to future development. None-the-less, it is also staff’s opinion the subject lands could support one residential development without the need to undertake the aforementioned studies, provided the proposed location is in an area where clearing of vegetation and significant site alteration is not required. However, a site plan for the proposed location of the development was not submitted in support of this application. As such, SVCA staff cannot comment, at this time, as to whether the proposed location for development is acceptable. Therefore, it is SVCA staff’s recommendation that:
1. The application be deferred until a site plan for proposed development is submitted to the Municipality.
2. SVCA staff be provided the opportunity to review the proposed buildable location to address our above-noted concerns; and that;
3. Only the location for the proposed building site be rezoned from “OS” Open Space to proposed “A3” Restricted Agriculture in the absence of supporting technical documentation to prevent future development that could impact adjacent natural heritage features.

The Grey County Planning & Development Department indicated in a letter dated May 3, 2019 that provided the development can be adequately serviced, County planning staff have no concerns.

The Municipal Planner indicated in his Planning Report dated May 14, 2019 that the subject lands are zoned ‘OS’ because they were likely intended to be owned by the Municipality and used for park purposes when the subdivision was being approved. This obviously did not occur. (This happened elsewhere within this subdivision as well.) In any regard, the lands are owned privately and allowing for one house to be erected on this large private property seems to be reasonable request. There’s no doubt that this property, given its size and altitude, would provide for a highly desirable building site. At the present time, however, there is concern from the SVCA about rezoning the entire property to ‘A3’ because development on certain areas of the site could have a negative impact on the natural environment, as stated above. As per the recommendation of the SVCA, the application should be deferred until the applicant has provided a drawing showing building envelope to the SVCA. Once the SVCA’s concerns have been satisfied, they will be recommending that only those particular lands be rezoned to ‘A3’. In view of the foregoing, the application should be deferred.

The Clerk reported on discussions with Mr. Bassett earlier in the week, and indicated Mr. Bassett is in discussions with the SVCA to address their concerns. Mr. Bassett is supportive of a deferral of the application until the SVCA concerns are satisfactorily addressed.

Kevin Snider noted there are questions from some of the property owners about possible additional severances that could be created on the subject property. Mr. Snider also noted that all of the properties in the subdivision are zoned Estate Residential (ER), and questioned why the proposed zoning of the subject property is A3 (Restricted
Rural) and not be A3, and not ER. The Municipal Planner stated the Grey County Official Plan does not permit any additional lots to be created on the subject property, although the applicant could apply for same, however, in previous discussions with the Grey County Planner, additional lots would not be supported. In terms of zoning, it doesn’t matter if the subject property is zoned ER or A3 Zone, although the Planner indicated if it is zoned ER, there might be a mistaken impression that additional lots could be created. The Municipal Planner and Clerk will consider what is the most appropriate zoning of the subject property, and will consult with the landowners on any proposed change from the A3 Zone.

Townsend-Hergert, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council approve zoning by-law amendment ZA-03-19, as amended, subject to the applicant identifying a suitable building envelope/holding symbol on the subject property to the satisfaction of the Saugeen Valley Conservation Authority, and the Municipal Planner consider the appropriate zoning of the subject property. #8-19 Carried.

Hamilton-Councillor Hutchinson, temporarily adjourned for the Committee of the Adjustment meeting at 2:04 p.m. Carried. The meeting reconvened at 3:04 p.m.

3) Other

   i) Backyard Chicken Coops in Urban Areas

The Municipal Planner reported that West Grey Comprehensive Zoning By-law Number 37-2006, as amended, does not currently permit chicken coops in urban areas. The Municipality of Meaford and Town of Saugeen Shores are the only currently permit chicken coops in urban areas in Grey & Bruce Counties. The Municipal Planner discussed this issue with Liz Buckton, Meaford Planner, and Ms. Buckton indicated to the Municipal Planner that Meaford amended their Zoning By-law, then passed a licensing by-law that dovetails with their animal control by-law. There are restrictions placed on properties wishing to have backyard chicken coops, including not permitting roosters, a maximum of 6 chickens, chickens required to be in their coops during the evening, maximum chicken coop size of 100 sq.ft., chickens needing to be enclosed with fencing, and subject to obtaining a license (free) from Meaford. The Municipal Planner noted the Meaford Planner indicated there are some concerns with avian flu, so part of the licensing agreement requires signing a section that speaks to safe practices for handling chickens. The Municipal Planner noted there will likely be conflicts if backyard chicken coops are permitted, particularly with respecting to noise and odour.

The Committee noted concerns with possible infectious disease from chickens, citing a report from Europe noting infections do occur.
Some Committee members expressed potential support for permitting backyard chicken coops in urban areas, and other members expressed concerns/opposition to same.

The Committee noted some concerns relating to additional by-law enforcement that will be required if approval for backyard chicken coops is given.

The Committee noted that not only do individuals need to wash their hands, but they also have to be careful about handling eggs. The Committee noted there are quite a few by-laws that prohibit eggs being sold to other individuals due to the potential liability if illnesses occur if eggs are sold.

The Committee voiced support for a media release, public survey, and evening public meeting to be held regarding this issue. An ad should be placed in the Spotlight and The Post. The information provided to the public could provide some possible options based on research (municipal by-laws) i.e. no roosters, limitation of number of hens.

The Clerk informed the Committee that it will take some time to approve permitting backyard chicken coops in urban areas if Council decides to approve same, as a licensing by-law will be required; as well as an amendment to Comprehensive Zoning By-law Number 37-2006 that involves a public meeting process that will take approximately three months to complete.

Shea-Hergert, Resolved that, the Committee of the Whole (Planning) hereby recommends Council engage the public through a survey regarding backyard chicken coops in urban areas. #8-19 Carried.

i) Miscellaneous Items

The Committee questioned when the issue of potentially permitting recreational trailers in the Natural Environment Zone will be discussed. The Clerk indicated he will have a report for the May 28, 2019 Committee of the Whole meeting, and has contacted Lee Hilliard to inform her of same, with this item to be discussed at 11:00 a.m. Ms. Hilliard will be in attendance.

The Committee asked if there will be any reports or resolutions coming forth prior to the June 1, 2019 deadline for comments on the Environmental Bill of Rights (EBR) registry respecting Bill 108 – More Homes, More Choice Act. The Clerk responded that there will be a number of letters from municipalities and other public entities respecting Bill 108 that will be brought forward to the May 21, 2019 Council meeting for consideration. In addition, the Grey County Planning & Development Department is to have a report completed by March 23, 2019 respecting the planning implications of Bill 108, and this report will be brought forward to the March 28, 2019 Committee of the Whole meeting.
The Committee discussed the possible inclusion of certain additional items in future Subdivision Agreements such as installation of Electric Vehicle (EV) charging stations for vehicles, and waste disposal receptacles. This issue can be discussed during a future planning meeting.

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

5) **Adjournment**

On motion of Rebecca Hergert and Stephen Townsend, the Committee adjourned at 3:52 p.m.

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