Committee of the Whole (Planning)
Municipality of West Grey
Minutes of September 17th, 2019, at 2:05 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; Brent Glasier, Director of Infrastructure and Public Works; Laura Johnston, CAO/Deputy Clerk

Others: Ron Davidson, Municipal Planner

1) Disclosure of Pecuniary Interest – None

2) Public Meetings
   i) West Grey Official Plan Amendment #8/Zoning By-law Amendment Application ZA-05-19 - Plan 505, Park Part Lot 1, Geographic Town of Durham (J.T. Excavating Ltd. - owner; Kristine Loft, Loft Planning Inc. - agent)

   Attendance: Kristine Loft, Loft Planning Inc., Travis Burnside, Cobide Engineering Inc.

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of West Grey Official Plan Amendment #8 and Zoning By-law Amendment ZA-05-19.

The proposed Official Plan Amendment would change the land use designation of a portion of the subject property from 'Future Development' to 'Residential' in order to facilitate the development of seven townhouses on this parcel. The 'Flood Way' designated portion on the subject property will remain within 'Flood Way' designation, and no development will occur on that portion of the site. The proposed Zoning By-law Amendment would rezone the same lands from the 'FD' (Future Development) Zone to the 'R2-407' (Residential Exception) Zone to also permit seven street townhouses, with special permission to reduce the side yard of the end units to 1.23 metres.

Written comments were received from the Grey County Planning & Development Department, Saugeen Valley Conservation Authority, Municipal Planner, The Historic Saugeen Metis, Enbridge Gas, Bell Canada, Doug & Sharon Kilpatrick, and Debbie Wright.
The Historic Saugeen Metis indicated in an email dated August 2, 2019 that they have no objection or opposition to the proposed official plan and zoning by-law amendment applications.

Enbridge Gas indicated in an email dated August 1, 2019 that there may be service lines running within the area which may or may not be affected by the proposed severances. Should the proposed severances impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation will be at the cost of the property owner.

Bell Canada indicated in an email dated August 7, 2019 that they have no concerns.

Doug & Sharon Kilpatrick indicated in a letter dated August 11, 2019 that they do not oppose the applications, but are concerned with the safety of the access onto Park Street. With the traffic to the dump, given the very steep hill on both sides and fairly narrow street. The West Grey Director of Infrastructure and Public Works was asked to comment on this letter, and indicated he has no objections, noting there is currently an entrance on the south side on top of the hill.

Debbie Wright sent an email dated August 26, 2019 asking you not to change the zoning on this property. My father lives in the condo's just east of the path, 302 Park Street W. I realize I do not live there but I am there every second weekend for 4 days to help my father, and I can see that this would only be adding to the problems on Park Street in Durham ON. My father is 87 yrs old and finds that road hard to deal with on a regular basis. There is heavy traffic there going to the dump (heavy in weight and in quantity). Just getting out of the condo road can be a challenge because of the many hills on Park Street which cause blind spots. We have had a few close calls, especially when people Park on the side of the road as well as the blind spots. Where they are wanting this zone change is absolutely no different. It would be very dangerous for kids if they put housing there, as well as for people walking or cars. The other reason I disagree in this zone change is, the road is already in bad shape, the last thing we need is more traffic. Plus, there is no sidewalks. This is a real problem for many of the unit owners at 302 Park Street as most of them are seniors. More and more of them are getting scooters and driving them on edge of the road as they have no choice. Plus, just trying to walk uptown or to the railway path using Park Street can be dangerous. In conclusion, please reconsider the zoning change. I don't think residential zoning for that property would be a good thing at this time.

The Grey County Planning & Development Department indicated in a letter dated September 13, 2019 that provided that positive comments are received from the Conservation Authority regarding the Hazard Lands and the Significant Woodlands, County planning staff have no further concerns with the subject applications.

The Saugeen Valley Conservation Authority indicated in a letter dated September 10, 2019 that the plan, dated February 2019, Revision 3 completed on March 27, 2019,
done by Cobide Engineering Inc., was reviewed by SVCA staff. Based on this plan, a portion of Unit 1 will be within the Flood Fringe designation identified in the West Grey OP. In addition to the flooding hazard, there may also be an erosion hazard associated with Unit 1. According to Section D9.4.2 of the West Grey OP “development [in the Flood Fringe] may be permitted provided that suitable flood damage reduction measures are undertaken to protect against Hurricane Hazel Flood Event Standard Flooding”. Additionally, Section 3.1.2 and 3.1.7 of the Provincial Policy Statement 2014, indicates that, among other things, development should be directed outside erosion hazards, unless the hazard can be mitigated in accordance with provincial standards. While SVCA staff have been in correspondence with the land owner and their engineering agent, to date staff have not received plans to appropriately address the control of flooding and erosion. Specifically, the requirements were laid out in a letter dated April 11, 2019, by SVCA staff to Cobide Engineering.

The significant natural heritage features affecting the property include Significant Woodlands, other identified wetlands, fish habitat and potentially the significant habitat of endangered and threatened species. It is the opinion of Authority staff that the preparation of an Environmental Impact Study (EIS) can be waived.

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and adjacent to the 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 and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be sent via email to: SAROntario@ontario.ca.

Authority staff have advised that a large portion of the property is subject to the SVCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any “development” in a Regulated Area or alteration to a wetland or watercourse. SVCA staff have conducted a site inspection and been involved in development requirements for this proposal. A letter, dated April 11, 2019, was issued to Travis Burnside of Cobide Engineering detailing the design details required to obtain a permit from SVCA Staff. Please be advised that a permit is still required for any development on this lot, and staff should be contacted to move forward with this proposal. Please refer to the letter dated April 11, 2019 for further details required to issue a permit.

All of the plan review functions listed in the Memorandum of Agreement between the Authority and the Municipality of West Grey relating to Plan Review have been assessed by SVCA staff with respect to this proposal. In order to address the hazards
affecting the property, SVCA staff recommend a condition of severance be that SVCA is satisfied that the flooding hazard and erosion hazard are mitigated in accordance with provincial standards. SVCA staff is of the opinion that the proposed application for consent is acceptable, provided the condition is met, as per the West Grey OP and PPS 2014.

The Municipal Planner indicated in his Planning Report dated September 17, 2019, the proposed development is supported by the West Grey Official Plan and the Provincial Policy Statement. Based on the foregoing, the proposed Official Plan Amendment and Zoning By-law Amendment appear to have considerable merit and should be given favourable consideration. Development on the property should be subject to a Site Plan Control Agreement. As a condition of severance, the owner’s Engineer must provide additional information that addresses the SVCA’s comments regarding flooding and erosion control.

Kristine Loft, Loft Planning Inc., provided a powerpoint presentation to the Committee of Adjustment on behalf of J.T. Excavating Ltd., noting the purpose of the Official Plan and Zoning By-law Amendments. Townhouse units 1, 2 & 3 will be severed and will be freehold units. The retained parcel will include Townhouse units 4A, 4B, 4C & 4D which will be rentals as they will remain on one property. The surrounding land uses were also identified.

Ms. Loft also referenced the Functional Servicing Report by Cobide Engineering, as also detailed in a letter dated June 13, 2019 by Cobide Engineering. The proposed development will be serviced by extending the existing watermain and installing a new low pressure sanitary forcemain system that will connect to the existing sanitary sewers on Park Street West. Stormwater runoff will discharge towards Park Street West and the Saugeen River. Erosion and sediment control measures will be implemented throughout the duration of construction.

The powerpoint presentation noted the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy, and conforms to the County of Grey Official Plan and West Grey (Durham) Official Plan.

Councillor Shea-Councillor Townsend, Resolved that, the West Grey Committee of the Whole (Planning) hereby recommends Council adopts West Grey Official Plan #8, approves the Zoning By-law Amendment upon adoption of West Grey Official Plan #8 by the County of Grey, and passes a By-law to place the subject property under Site Plan Control. … #12-19 Carried.

3) Other
i) Canadian Lemko Association Inc.

Roman Kolos, President of Lemkos Association, presented a powerpoint on behalf of
the Canadian Lemkos Association, regarding the subject property described as Plan 1097, Part Block 60, property roll #4205 280 007 01400 0000.

The powerpoint presentation provided background information respecting the Canadian Lemkos Association (CLA), noting features of the Lemko Resort including the Lemko community hall/artifact museum, amphitheatre, pavilion, and CLA member trails. Lemko Resort annual events were also highlighted that include the Lemko ‘Vatra” hosted on the Civic Holiday weekend for the last 34 years, a Family Day event, and Thanksgiving meal for CLA members.

The powerpoint presentation also noted there have been a number of CLA member trailers used seasonally for recreational purposes on the est and north sides of the resort for decades, indicating the purchasers of the lots were aware of the presence of the trailers.

The Canadian Lemkos Association came before the Committee as a complaint has been received regarding the trailers, and alleged the By-law Order is incorrect as incorrect zoning is noted. The CLA opines that the CLA member trailers constitute a long time pre-existing use, and noted the current permitted uses indicated in the present OS-24 zoning of the subject property. In the CLA’s opinion, the CLA is allowed to operate a campground including the use of space for trailers.

The CLA suggested two solutions, being, to recognize the situation as currently compliant, or to clarify the wording of OS-24 to include “Campground” and to “Grandfather” the current long standing use of the Lemko Resort.

The CLA also submitted letters of support from Borys Wrzesnewskyj, MP, Etobicoke Centre; Paul Grod, President of the Ukrainian World Congress; Ihor Michalchyshyn, CEO, Ukrainian Canadian Congress; and Mark Howansky, National President, Organization for Defencse of Lemko Western Ukraine.

Mayor Robinson indicated this is a legal matter and comments will be forwarded to the municipal solicitor for a legal opinion.

Don Tremble, owner of Candue Homes, indicated he purchased lots in the subdivision and checked zoning, with the Open Space (OS) not showing trailers being permitted. Mr. Tremble has a proposed transaction for a new dwelling on one of the lots he owns in the subdivision that is set to close at the end of September, and it may not close due to the presence of the trailers. Mr. Tremble stated new trailers were brought in, and he isn’t sure if there is a proper septic system in place. Mr. Tremble questioned if there are permits for electrical, and if the use complies with the trailer licensing by-law. Mr. Tremble questioned why Lemko would sell the subdivision lots if they felt this would come up. Mr. Tremble cited the economic benefits of the subdivision.

Mr. Kolos replied that there is a misconception that the owners of the lots owned the
trailer, and stated that no one that has a trailer owned one of the subdivision lots. Mr. Kolos added that the only water that comes out of the trailers is grey water, and there is a septic system at the community centre.

Dennis Graham stated he owns approximately 12 of the lots in the subdivision, and opined that the non-compliance of the trailers isn’t right or legal, as the subdivision owners indicated the trailers were to be removed as they are not legal. The annual party isn’t a concern, however, the trailers are.

Harry Koelens, one of the owners of the subdivision, said the issue of the trailers came up a number of times and were told by the Clerk and Director of Infrastructure and Public Works that were not legal and should be removed.

Councillor Hergert-Councillor Townsend, Whereas, the Municipal Act, S.O. 2001, Section 239 (2), as amended, authorizes Councils of municipalities to close to the public a meeting or part of a meeting for dealing with certain subject matters, Now therefore be it resolved that, the Committee of the Whole (Planning) of the Municipality of West Grey, does now go into a closed session at 2:38 p.m., with the CAO/Deputy Clerk, Clerk, Municipal Planner, and By-law Enforcement & Property Standards Officer, to discuss an item that relates to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. 13-19 Carried.

Councillor Hamilton-Councillor Hutchinson, Be it resolved that, the Council of the Municipality of West Grey hereby returns to Open Session at 3:09 p.m. #14-19 Carried.

(Mayor Robinson confirmed that only the closed session item identified was discussed in closed session.)

4) Next Meeting – October 8, 2019, 1:45 p.m., West Grey Municipal Office

5) Adjournment

On motion of Deputy Mayor Hutchinson, and Councillor Shea, the Committee adjourned at 3:11 p.m.

(Signed) Christine Robinson, Mayor

(Signed) Mark Turner, Clerk