



Committee Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	August 13, 2020
Subject / Report No:	County Official Plan Amendment 42-10-480-OPA-147 / Addendum to Report PDR-CW-33-19
Title:	Georgian Heights School-Place of Worship Official Plan Amendment Number 5 Final Report
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Municipality of Meaford
Status:	Recommendation adopted by Committee August 13, 2020 per Resolution CW146-20; Endorsed by County Council September 10, 2020;

Recommendation

1. That all written and oral submissions on **Official Plan Amendment Number 5 (formerly referred to as Official Plan Amendment Number 147)** were considered and helped to make an informed recommendation and decision; and
2. That **Addendum to Report PDR-CW-33-19** be received, and that **Amendment Number 5 to the County of Grey Official Plan on lands designated 'Agricultural' and 'Hazard Lands'**, to permit a private school and place of worship in a shared facility for the lands described as **Part Lot 14, Parts 1, 4 & 5, 16R-11185, Concession 8, geographic Township of St. Vincent, in the Municipality of Meaford**, be supported, and a by-law to adopt the **County Official Plan Amendment** be prepared for consideration by **County Council**.

Executive Summary

A proposed County official plan amendment application (42-10-480-OPA-147) has been processed to amend the Agricultural policies, to permit a private school and place of worship in a new shared building on-site. County Agricultural policies permit some institutional uses, but do not currently permit this use on the subject lands. County official plan policies permit this type of institutional use where the users' primary mode of transportation is horse-drawn vehicles, but that is not the case for this school and place of worship proposal. The Municipality of Meaford recently adopted official plan amendment # 24 and passed a zoning amendment 2020-47 for

this same development. This report provides a policy analysis and recommendation of support for the proposed County official plan amendment # 5.

Background and Discussion

The County has received an application to amend the County's official plan to permit a private school and place of worship in a proposed one-storey shared building on-site. The amendment would allow an exemption to the 'Agricultural' policies to consider an institutional use, whose users do not primarily rely on horse-drawn vehicles.

This County official plan amendment application was first submitted under the previous County official plan and was referred to as amendment number 147. However now that Recolour Grey has been approved, and the previous official plan no longer exists, it will now be amendment number 5.

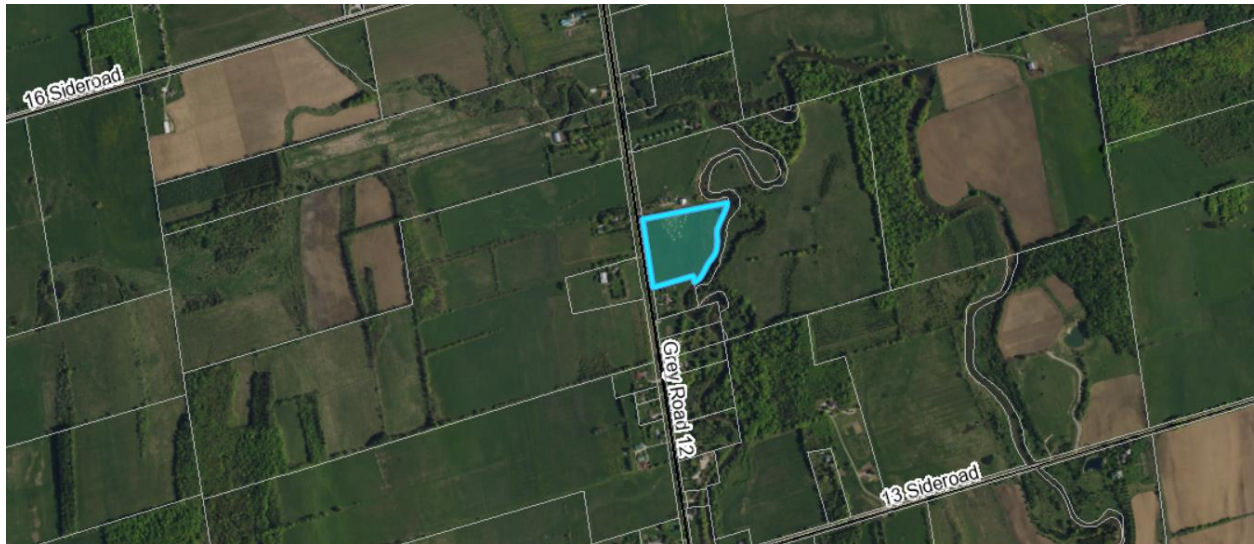
The proposed development also requires an amendment to the Municipality of Meaford's official plan and zoning by-law, which have been adopted and passed respectively by the Municipality.

The subject lands are located at Part Lot 14, Parts 1, 4 & 5, 16R-11185, Concession 8, geographic Township of St. Vincent, now in the Municipality of Meaford. Map 1 shows the subject lands and surrounding area, while Figure 1 shows a rendering of the proposed building.

The subject lands are approximately 4 hectares in size and are located on Grey Road 12, south of Highway 26. The Bighead River forms the rear property boundary of the subject lands. This development is proposed to be serviced via private well and septic system. Until recently the subject property was part of a larger farm parcel, but this 4 hectare lot was created via the natural severance process based on the river and a strip of County owned land accessing the river. The subject lands are currently vacant.

Surrounding the subject lands are a mixture of farm and residential uses.

The subject property is designated 'Agricultural' and 'Hazard Lands' in the County official plan. An amendment is being requested in this location because it is in the countryside, and the proposed place of worship and school site would be central to many of its users, some of whom would walk or ride their bike to school, should the development be approved. Recolour Grey would permit a place of worship and school on-site if the users primarily relied on horse-drawn vehicles as their primary mode of transportation. In this case, the attendees of the school and place of worship use a mixture of private automobile and active transportation.



Map 1: Location of the Subject Lands



Figure 1: Drawing of the Proposed Development

Kristine Loft, of Loft Planning Inc. has submitted a Planning Justification Report and Addendums in support of the proposal. A Servicing Analysis and a Species at Risk Assessment were also conducted for this proposed development. The applicant did engage the Municipality and the County in pre-submission consultation for this proposal. A copy of the Report and background materials can be found at the below link:

[Link to Background Materials](#)

A joint public meeting was held with the Municipality of Meaford on September 9, 2019, to gather input on these applications. A link to the public meeting minutes can be found in the Appendices and Attachments section of this report.

Public and Agency Comments Received

Public Comments

Public comments were received from Steve Bowie, Leslie Piercey, and Paul Beckingham. The public comments received have been summarized into Table 1 below along with a response on how those comments have been considered and addressed.

Public Comments Raised	How comments have been considered / addressed?
Concerns about local water conditions including wells and septic system issues.	A servicing analysis was conducted for this development which concluded that a private well and septic system is suitable for this development.
Concerns over water quality and the impact of farming practices on the Big Head River.	The proposed application is not permitting any new farming activities on-site. Staff would note that farming is currently a permitted use at both the County and Municipal levels for these lands. Neither the County plan, nor the Municipal planning documents provide any limitations on the application of fertilizer, pesticides, or herbicides across their respective areas (i.e. that is not under the jurisdiction of the planning documents). The new development on-site will meet the requirements of the Grey Sauble Conservation Authority with respect to setbacks to the river. A septic system will be installed on-site in accordance with Municipal and Ontario Building Code requirements. Staff do not anticipate any undue impacts on river stemming from this proposed development.
Questions about the natural severance.	The severance did not need Municipal/County approval or require a public process, since the lands were split by the river and the existing County-owned strip of land.
Concerns about road safety, the quantity of traffic, the speed limit, speeders, and the types of traffic using this road including the impacts it may have on those walking or cycling to school.	Municipal and County Transportation Services staff have reviewed these development applications. With respect to speeding it has been noted that this is a police issue. With respect to the speed limit, County Transportation Services staff have noted that the limits are not being altered at this time, but they may consider an electronic 60 kilometres per hour sign. Other than a commercial entrance, staff have not requested any road or safety upgrades on Grey Road 12.

Table 1: Public Comment Summary and Response

Agency Comments

Comments were received from the following agencies.

Historic Saugeen Metis (HSM)

In comments dated July 11, 2019 the HSM Lands, Resources and Consultation Department noted they have no concerns with the proposed development.

Grey Sauble Conservation Authority (GSCA)

In comments dated September 5, 2019, GSCA noted that the proposed development should maintain a minimum setback of 6 metres to the top of slope, as shown in their mapping. They also suggested some changes to the outdoor amenity areas to avoid areas in the floodplain, and that a water management plan with lot grading and drainage should accompany the site plan. GSCA staff further recommended that comments be received from the Ministry of the Environment Conservation and Parks (MECP) with respect to any potential habitat of threatened and endangered species on-site. Finally, GSCA staff noted that a permit would be required from their office for any development within the regulated areas on-site.

County Planning staff have clarified with Municipal staff that site plan control is not being applied here, but that the required lot grading and drainage details can be addressed as part of the GSCA permitting process.

Ministry of the Environment Conservation and Parks (MECP)

In comments dated February 19, 2020, MECP staff noted that they had reviewed the Species at Risk (SAR) Assessment Report and *“it is unlikely that this proposed development will have any impact on any SAR since the majority of the land is in active agriculture.”*

Ministry of Municipal Affairs and Housing (MMAH) and Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

MMAH and OMAFRA submitted joint ‘one window’ comments on October 21, 2019. Through these comments the ministries flagged sections of the Provincial Policy Statement (PPS), the Minimum Distance Separation (MDS) formulae, and the Permitted Uses in Ontario’s Prime Agricultural Areas Guideline to be aware of.

County staff discussed these development applications with staff from OMAFRA and MMAH on a number of occasions as it pertains to MDS and the criteria for seeking alternative locations outside the Agricultural designation.

Grey County Transportation Services

Transportation Services staff commented on a few occasions on this development proposal. A commercial entrance permit will be required and the County’s standard setback from the road centerline will apply to this development. In response to public concerns over road safety and traffic, Transportation Services staff noted;

1. *“There are no road improvements slated at this time. This may be looked at during Site Plan approval.*
2. *There is no geometric improvements being considered at this time.*
3. *The Speed limit is not being altered for this project at this time.*
4. *The County may consider an electronic 60 km sign.*

5. *Grey County does not enforce speeding on County Roads. This is a Police issue.”*

County Planning staff have clarified with Municipal staff that site plan control is not being applied here. A commercial entrance permit will be required, which will need to go through Transportations Services’ permitting process and should address concerns related to the siting of the entrance.

Municipality of Meaford,

As noted earlier in this report, Meaford has adopted official plan amendment 24 and passed zoning amendment 2020-47 in support of this development. Council made their decisions based on a Meaford staff report dated June 22, 2020, which has been linked to in the Appendices and Attachments section of this report.

Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). The decisions must also conform to the County of Grey official plan, and the Municipality of Meaford official plan. The subject lands are outside of the Niagara Escarpment Plan area. Following the legislative and policy analysis review, staff have also included some general planning discussion pertinent to this development.

Provincial Legislation – The Planning Act

Most notable to this proposed official plan amendment, are the following matters of provincial interest (in italics) from the *Planning Act*, which will need to be considered, along with a staff comment below each one.

(a) The protection of ecological systems, including natural areas, features and functions;

The County Official Plan maps the Big Head River and associated ‘Significant Valleylands’ on Appendix B on this property. Appendix A maps the site within an ‘Events Based Area’ and an ‘Intake Protection Zone 3’ with respect to drinking water source protection. A Species at Risk Assessment was completed by the proponent and reviewed by the MECP. GSCA staff have also provided comments on areas of the site that should be avoided for development purposes, which have been reflected in Meaford’s zoning amendment. Meaford staff have noted that; *“Staff are satisfied that Natural Hazard and Heritage matters have been appropriately addressed and that matters such as sediment controls during construction and grading and drainage details, can be appropriately managed through the regulatory permit process.”*

(b) the protection of agricultural resources of the Province,

The subject lands are approximately 4 hectares in size and are designated as Agricultural and Hazard Lands in the County plan. This property is not considered to be a farm size, and is surrounded by a mixture of farm and non-farm uses. Based on the size of the property it is unlikely to be used for farm purposes. Should the proposed school and place of worship not locate on the subject lands, the most likely use of the property would be for residential purposes.

As part of the justification for this application the proponent was required to demonstrate that there were no suitable locations outside of prime agricultural lands that would be better suited for this development. This 'search for alternative locations' was a key point of discussion between Provincial, Municipal, and County staff. The proponent has been searching for a suitable location for a few years now that; (a) met their needs, (b) had a land area of approximately 4 hectares, and (c) was outside of a prime agricultural area. The proponent has noted that one of the key constraints in this search was that a property had to be for sale, in order to be considered an option. Prior to receiving these development applications County and Municipal staff had responded to a number of inquiries from this proponent with respect to alternate locations for this development, but none were deemed suitable. A broad geographic area was considered as candidate locations ranging between 11th Line to the west, 7th Line to the east, Highway 26 to the north and Grey Road 40 to the south. The proponent did not however include settlement areas in their search. In their planning justification it noted the following with respect to including settlement areas within their search:

“The congregation wishes to establish a school/church facility within a rural/agricultural community, outside of a settlement area. This is primarily to provide a separated private community facility for their congregation that is represented in an agricultural setting. The church holds a strong Mennonite heritage which obligates its members to lead a life according to Mennonite principles. This includes patterns within their lives including living an agricultural lifestyle and utilizing private institutional facilities for their school and church. This is not dissimilar to other uses that are permitted or contemplated in rural or agricultural areas by the nature of the use or land mass requirement. This might include other Mennonite communities that utilize horse and buggy, veterinarian clinics or in rural areas, golf courses and wedding barn facilities.”

Staff are satisfied that the proponent has diligently searched for an alternate location outside of the prime agricultural area e.g. in a rural area. Staff are conflicted with whether or not this 'search' should have included settlement areas. A strong read of Provincial policy would suggest that it should have, however staff also understand the rationale that the proponent has put forward with respect to the users of this facility wanting to maintain their agricultural way of life outside of a settlement area. Further comments on this topic have been included in the General Planning Discussion section of this report.

Compliance with MDS formulae will be discussed in the PPS section of this report.

- (f) *the adequate provision and efficient use of communication, transportation, sewage, and water services and waste management systems,*

The subject lands are not serviced by municipal water and sewer services. A private well and septic system has been proposed for the development. In the Servicing Analysis the level of water and septic being used on-site are below the levels that require a hydrogeological study, or Provincial approval. Staff are satisfied that the lands can be adequately serviced using the servicing methods proposed.

Questions from the public were raised with respect to Grey Road 12 and transportation to and from this proposed school and place of worship. Part of the justification put forward for the proposed location has been that it is within walking and cycling distance to a portion of the proposed users. Being a private school there will be no publicly run school buses delivering children to school. Transportation Services staff have reviewed the public comments in this

regard and have not recommended any further improvements to the County Road to facilitate this development. While staff believe that some children will walk or bicycle to school, it has not played a large role in reaching our recommendation. It would appear that private automobile will still be required for some users based on distance, and others in times of inclement weather.

(h) the orderly development of safe and healthy communities,

Modern day 'Planning 101' would generally indicate that land uses like new schools and places of worship are typically located within settlement areas, in close proximity to the populace they serve. That said, rural Ontario has a long history of both schools and places of worship being scattered across the countryside, pre-dating formal land use planning in the Province. Those rural institutional uses have long served the farm community, particularly prior to widespread automobile usage. The County continues to see new institutional uses in the countryside serving primarily Mennonite and Amish users, who rely on horse-drawn transportation. The proposed use would serve a similar community of users, although they do not rely on horse-drawn transportation.

No further safety concerns have been flagged in relation to this development.

(i) the adequate provision and distribution of educations, health, social, cultural and recreational facilities, and

The proposed facility would be a private school and place of worship operating outside of the current public or separate school board system. This facility would serve the needs of those congregation members and their children.

(p) the appropriate location of growth and development.

This has been discussed under (a) above and will be further explored under the General Planning Discussion section of this report.

Provincial Policy Statement (PPS) 2020

Section 1 of the PPS generally directs new growth and development to settlement areas, where full municipal services are provided. Section 1.6.6 of the PPS provides a servicing hierarchy, which includes private wells and septic systems. New development is permitted in rural and agricultural areas, where it can be supported by rural service levels, and where it will not hinder farming or resource use.

Section 1.1.3.8 of the PPS requires that new uses comply with MDS formulae. MDS is meant to prevent odour conflicts between farm and non-farm uses. When applying MDS formulae there are two types of calculations;

- MDS I, which is the calculation between a new non-farm use and an existing neighbouring livestock facility, and
- MDS II, which is the calculation between a new or expanding livestock facility and an existing non-farm use.

Siting this new institutional use requires the completion of MDS I calculations.

In applying the MDS formulae, there are two further types of land uses considered as follows;

- Type A – which is characterized by a lower density of human occupancy, habitation, or activity, including individual dwellings or on-farm industrial uses.
- Type B – which are characterized by a higher density of human occupancy, habitation, or activity, including new or expanded settlement areas, or new institutional uses not intended to primarily serve a community which relies on horse-drawn vehicles as the predominate mode of transportation.

Guideline 37 of the MDS Implementation Guidelines states that an institutional use intended to primarily serve a community that relies on horse-drawn vehicles as the predominate mode of transportation shall be considered a Type A use. Conversely, institutional uses which do not rely on horse-drawn vehicles are a Type B use. The proponent has requested that their development be treated as a Type A use for the purpose of applying MDS. They have noted that their congregants and attendees lead an agricultural way of life and would generally not be impacted by potential farm odour in the same way a more sensitive non-farm use would be. The Province has clarified that a Type B land use is applicable here, as the congregants and attendees of the proposed place of worship and school do not rely on horse-drawn vehicles as the predominate mode of transportation.

There are 6 barns in proximity to the proposed development, two of which are no longer capable of housing livestock (farms 2 and 6). The proposed school and place of worship would meet MDS Type A setbacks to the 4 neighbouring livestock facilities but would not meet the MDS Type B setbacks to 2 of the 4 neighbouring livestock facilities. Based on information from the Municipal staff report and the proponent’s planning report, Table 2 below summarizes the MDS setbacks required versus the actual setbacks that currently exist.

Farm #	Type A use setback required to barn / manure storage	Type B use setback required to barn / manure storage	Provided barn / manure storage setback
Farm 1	110 m	220 m	130 m
Farm 2	N/A	N/A	N/A
Farm 3	189 m	378 m	330 m
Farm 4	183 m	367 m	398 m
Farm 5	148 m	296 m	935 m
Farm 6	N/A	N/A	N/A

Table 2: MDS I Summary Calculations

MDS Guideline # 43 states;

“MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.”

In the past County staff have been reluctant to recommend varying MDS provisions, except where the variance was very minor in nature, or where it represented an improvement on existing circumstances. Some municipalities across Grey have supported MDS reductions in the past for institutional uses across the countryside. The Municipality of Meaford staff report includes thoughtful discussion on the application of MDS, and recommends that this development be considered a Type A land use, both for the purposes of siting this facility, but also for applying reciprocal MDS II calculations should any of the neighbouring livestock facilities ever wish to expand.

As noted earlier in this report, based on the size of this parcel the next most likely use, should the school and place of worship not locate here, would be a residential dwelling. If a dwelling were to be proposed, it would be required to meet a Type A MDS I calculation. Based on the approach taken by Meaford staff, this school and place of worship would be treated the same as a dwelling. As a result, the impact of the institutional facility on neighbouring farmers would be no different than having a dwelling on the subject lands, from the perspective of MDS calculations.

Section 2.1 of the PPS requires the protection of natural heritage features. This item has generally already been covered under the discussion on the *Planning Act*.

Section 2.3.3.1 of the PPS states in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agricultural-related uses and on-farm diversified uses shall not hinder surrounding agricultural operations. Section 2.3.6 of the PPS provides criteria for non-agricultural uses in prime agricultural areas. The proposed use does not fall within the categories of agricultural uses, agriculture-related uses and on-farm diversified uses; as such the proponent's planner has provided a justification on section 2.3.6.

Further guidance on this topic is also provided by the Permitted Uses in Ontario's Prime Agricultural Area Guideline, which provides;

- a) examples of agricultural uses, agriculture-related uses and on-farm diversified uses, and
- b) guidance on search criteria for looking for alternative sites which avoid prime agricultural areas.

With respect to item (b) above, the Province clarifies that the search shall be commiserate with the use being proposed, and the distance reasonably travelled to service the use. For example, people will travel a larger distance to visit a golf course, than the distance a horse-drawn vehicle can travel to get to school. As noted earlier in this report, staff are satisfied that an extensive search has been undertaken but would note that this search excluded settlement areas.

Section 3.1 of the PPS directs new development away from areas of natural hazard. Through the recommendations of GSCA staff, the implementing zoning amendment, and GSCA's future permitting process, staff are satisfied that the development can be located away from areas of natural hazard.

County of Grey Official Plan

This application was initially submitted prior to the passing of the County's new official plan, Recolour Grey. However, the application was not deemed complete until after Recolour Grey was approved. To 'cover off' both old and new official plan policies, the proponent's planner has reviewed the former County official plan and the current Recolour Grey.

Many County official plan policies contain similar subject matter to the PPS, and the matters of Provincial interest under the *Planning Act*.

As noted above, the County's Agricultural policies do give some consideration to institutional uses across the countryside. Section 5.2.1(1)(g) of the plan permits;

"Institutional uses on existing lots, serving those segments of the population whose primary means of transportation is via horse and buggy and active transportation, subject to policy 5.2.2(4)(b);"

The policies provide for an 'exception' to consider those populations who do not use automobiles, to facilitate such institutional uses in closer proximity to where they live, because their primary mode of transportation is via horse-drawn vehicle. Section 5.2.2(4)(b) provides similar criteria to section 2.3.6 of the PPS referenced above. The proponent has provided their rationale, along with a planning opinion on why their own school and place of worship use should be granted further exception, similar to those who rely on horse-drawn vehicles. From a land use planning perspective, the impact of a school and place of worship is very similar, regardless of the method of transportation used by its members.

Minimum Distance Separation formulae is also required by the County plan. Should the County take an approach similar to Meaford's recommended MDS approach, the proposed facility would have no greater setback requirements to neighbouring livestock facilities than a dwelling would.

The County plan also contains policies with respect to servicing and our County Roads. As per the discussion earlier in the report, these policies have been addressed.

Section 9.3 of the County plan includes criteria that need to be addressed when considering amendments to the plan. The criteria include; addressing the need for the change, the demand it may place on services, and the implication it may have on other sections of the plan. In this case the proponent's planner, Kristine Loft, has gone to great lengths to address the County, Municipal, and Provincial planning policies. In reviewing her justification, as well as the Municipal staff report, County Planning staff have an understanding of the need, and believe that the proposed use would place very little demand for additional services beyond what already exists in this portion of the County. The development will be on a County Road and privately serviced. Public school buses would not service this proposed facility.

Aside from the above, the key questions for County staff and Council to consider are;

- a) would allowing the proposed non-farm use be precedent setting, and
- b) would this result in further encroachments of non-farm uses into the County's agricultural lands?

Staff would note that in parts of the County there has been increased demand for institutional uses across the countryside over the past 10 – 15 years. Most of the demand has been generated by communities which rely on horse-drawn vehicles as the predominate mode of transportation. Staff would further note that the Province has also ‘relaxed’ the rules on uses that can be sited in agricultural areas, through the provisions on on-farm diversified uses. Some on-farm diversified uses and agri-tourism uses do have potential for conflict with neighbouring farms, and can take limited land out of production. However, these uses also benefit the rural economy and can strengthen the resiliency of farms by providing additional income sources. While the proposed use will not provide income to farmers, it would serve a segment of the farm community and local residents, while providing less financially tangible benefits (i.e. a school and place of worship). Staff see parallels between the proposed use and some other non-farm or farm-related uses permitted across the countryside. In both cases the rural community may benefit from having said uses in the countryside, but it may be argued that neither type are ‘absolutely required’ to be in the countryside.

Staff would however distinguish both on-farm diversified uses and this institutional use from requests for new residential lot creation in the Agricultural designation. New lot creation has greater potential for conflict with farm and resource uses, can take fertile lands out of production, and is generally better suited to areas where hard and soft services exist to service those residents.

Staff see limited ability for this new institutional use to be precedent setting, except towards other akin institutional uses. Furthermore, staff do not believe that allowing this institutional use would ‘open the floodgates’ for further encroachments of non-farm uses into the countryside.

Municipality of Meaford Official Plan

The Municipality’s official plan is very similar to the County plan and designates the subject lands as ‘Agricultural’ and ‘Environmental Protection’.

As noted above, a Municipal of Meaford staff report has been linked to in the Appendices and Attachments section of this report, which provides an excellent analysis of the relevant planning policies and the proposed development. Meaford has adopted the municipal official plan amendment and passed the zoning amendment.

General Planning Discussion

County staff have struggled with this application. Staff can see both pros and cons to either recommending approval or refusal of the development. Staff have discussed the application extensively with Municipal and Provincial staff, who have provided valuable knowledge and inputs to consider. Staff have also reached out to other municipalities to see how they have dealt with similar requests in the past. Kristine Loft, planner for the proponent, has responded to all of the staff inquiries and requests for further details. At this stage staff do not believe there is anything further that could be requested of the proponent, which would better inform our recommendation. As a ‘recap’, staff will outline some pros and cons, as well as the options for Council to consider when rendering its decision.

From the outset of this proposal, staff have struggled with what constitutes a legitimate land use planning concern, versus other cultural or religious matters that are outside of the planning

process. Staff have tried to ensure that the discussions and analysis focus on the land use planning factors and have not treaded into matters which infringe on charter rights related to religious freedoms. 'Planning 101' typically notes that we plan for the land use, not the specific user, as that user can change at any time. For example, if developer 'A' is proposing a development, it's immaterial who developer 'A' is, as her/she could sell said development at any time. What is pertinent to consider is what type of development they are proposing, is it in the public interest, and does it meet the existing planning policies at the Provincial, County, and Municipal levels. That development, whether built or simply permitted, will be attached to the lands in question, not the landowners. Having said all this, there are instances where at both the Provincial and County levels, individual segments of the population have been recognized and given separate policy considerations based on their reliance on horse-drawn vehicles.

Based on the current policy framework, an institutional use could be sited on the subject lands, without the need for a County official plan amendment provided those using the institutional uses were reliant on horse-drawn vehicles as the predominate mode of transportation. This would be permitted by the County plan, as approved by the Province in 2019, and treated as a Type A use under MDS formulae. The current development is not being proposed by a group reliant on horse-drawn vehicles. As such, additional applications and justification has been required. County staff have tried to assess the situation based on land use, and potential for impact or conflict. When applying this lens, staff see little difference in use between a school and place of worship where the congregants and attendees are reliant on horse-drawn vehicles, versus the current situation where congregants and attendees will use automobiles and active transportation.

From a policy perspective, the key difference may be the application of MDS formulae. If the County were to adopt the Meaford approach of varying MDS in this situation, then there would be no additional setback differences to neighbouring farmers. County staff have typically been very reluctant to support a variance in MDS for non-farm purposes, for fear of too many non-farm uses encroaching onto the County's Agricultural lands. As the adage goes, 'one can grow houses almost anywhere, but there are limited lands available to grow the crops and livestock that feed us.' Staff do see some merit for a site-specific variance in this location, and do not see this as an incompatible use with neighbouring farms. Furthermore, being an existing 4 hectare parcel it would take limited lands out of production. Staff remain of the opinion that staff and Council should generally be vigilant in sticking to the MDS formulae to avoid future land use conflicts.

As with any planning matter, Council has the ability to approve, refuse, or defer its decision. As noted above, County staff see no basis for further deferral based on any incomplete or missing data. Table 3 below provides some further considerations that could inform either an approval or refusal.

Rationale for an Approval	Rationale for a Refusal
<ul style="list-style-type: none"> • If a variance to MDS were considered the setback requirements on neighbouring farmers would be no different than if a house were to be built on the subject lands. • Rationale for the variance would include a 'common sense' approach by considering that the current users of the proposed school and place of worship are accustomed to farming and farm odours. • The MDS Guidelines do give municipalities the ability to vary MDS. A variance of MDS would be site-specific and any future requests for variance would need to be suitably justified. 	<ul style="list-style-type: none"> • Does not meet MDS Type B calculations, as per the Province's MDS Implementation Guidelines. • The permissions for the school and place of worship would rest with the land, and therefore there is potential that this facility could be purchased by a future group with less familiarity with agriculture that may take issue with farm odour. • Do not want to set a precedent of varying MDS for new non-farm uses.
<ul style="list-style-type: none"> • Although the proponent has not investigated settlement area sites, 4 hectare sites in nearby settlement areas are not plentiful. 	<ul style="list-style-type: none"> • Have not adequately demonstrated that the use could not be sited in a settlement area.
<ul style="list-style-type: none"> • A refusal could be difficult to defend at the Local Planning Appeal Tribunal (LPAT) given the level of justification put forward, and a 'common sense' approach to interpreting the policies. • Based on the County's current appeal protocol, the County generally does not defend an appeal of an approval of a private development application. 	<ul style="list-style-type: none"> • An approval could be difficult to defend at the LPAT given the MDS policies and search criteria policies. • Based on the County's current appeal protocol, the County does defend an appeal of a refusal of a private development application.
<p>Who would potentially appeal an approval?</p> <ul style="list-style-type: none"> • Neighbours or the Province 	<p>Who would potentially appeal a refusal?</p> <ul style="list-style-type: none"> • Proponent or the Municipality of Meaford
<ul style="list-style-type: none"> • An approval would support the decision of the Municipality of Meaford. 	<ul style="list-style-type: none"> • The County is not 'bound by' municipal decisions, and needs to consider Provincial, County, and Municipal policies in arriving at our own decisions.

Table 3: Rationale for an Approval or Refusal

In summary staff are recommending approval of the proposed school and place of worship. However, in making this recommendation, staff would note that either an approval or a refusal is not a clear-cut choice. Either decision could be challenged and neither option would be considered a 'safe bet' at the LPAT.

Should Council seek to refuse County official plan amendment 5, then Council should also direct staff to refuse Meaford official plan amendment 24, which is currently before the County awaiting a decision. The approval of Meaford official plan amendment 24 is a staff delegated

approval, but this approval cannot be completed until a decision has been rendered on County official plan amendment 5. Typically, where County staff consider the refusal of a municipal official plan amendment that a host-municipality had supported, a report would be presented to the County Committee of the Whole for its consideration.

Legal and Legislated Requirements

The application was processed in accordance with the requirements of the *Planning Act*.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. The County has collected the requisite application fee and peer review deposit for this application. Should the County's decision be appealed, it may result in greater financial and legal considerations, as well as additional staff time.

Relevant Consultation

Internal: Planning Staff

External: The Public, Municipality of Meaford, Provincial Ministries, Grey Suable Conservation Authority, and required agencies under the *Planning Act*.

Appendices and Attachments

[Public Meeting Minutes – September 9, 2019](#)

[Report PDR-CW-33-19](#)

[Municipality of Meaford Staff Report](#)

[Draft Official Plan Amendment 5](#)

[Draft Official Plan Amendment 5 Schedule](#)