

To:	Warden Halliday and Members of Grey County Council
Committee Date:	March 22, 2018
Subject / Report No:	PDR-CW-13-18
Title:	Recolour Grey – Overview of Comments Received to Date on Draft Official Plan
Prepared by:	Planning Staff
Reviewed by:	Kim Wingrove
Lower Tier(s) Affected:	All Municipalities
Status:	Recommendation adopted by Committee as presented per Resolution CW91-18; Endorsed by County Council April 12, 2018 per Resolution CC38-18;

Recommendation

1. That Report PDR-CW-13-18 which provides highlights of the comments received to date on the draft new Official Plan be received for information.

Executive Summary

The draft new Official Plan was presented to Committee of the Whole and posted on the County website on November 23, 2017. The draft Official Plan was then circulated to a number of individuals who have provided their contact information throughout the Recolour Grey process. Planning staff have met with municipal planners, provincial ministries, Saugeen Ojibway Nation, conservation authority staff, developers, planning consultants and members of the public. We have also received a number of written comments. This report provides some highlights of the comments we have received so far. We anticipate that further comments will be provided at the various open houses being held between March 12th to March 15th, the Council/Local Municipal Council Workshop on March 16th, as well as the Public Meeting scheduled for March 27th. Following the Public Meeting, we will summarize all the comments we have received and work on a revised Official Plan. A final revised Official Plan will then be presented to Council later this spring.

Background and Discussion

A draft new Official Plan was presented to Committee of the Whole on November 23, 2017. The draft Official Plan was prepared based on comments received through the first and second rounds of consultation held as part of Recolour Grey. Following the November 23, 2017

meeting, the draft Official Plan was posted on the County website and distributed to a number of contacts that have been gathered throughout the Recolour Grey process. The draft Official Plan was also shared directly with local municipalities, conservation authorities, Niagara Escarpment Commission, and a number of other agencies. A copy of the draft Official Plan was also provided to the Province. The Province will be approving the Official Plan following Council's adoption of the Plan.

Planning staff have met with provincial staff, municipal planners, consultants, developers, conservation authorities, NEC staff, representatives from the Saugeen Ojibway Nation, and members of the public during the months of January and February 2018. Planning staff also attended an Ontario Federation of Agriculture (OFA) meeting, and coordinated promotion of the open houses with OFA and Grey Agricultural Services to the farm community. A number of written comments have also been received. We anticipate receiving further comments at the drop-in Open Houses being held the week of March 12th, the March 16th Council/Local Municipal Council Workshop, as well as at the Public Meeting scheduled for March 27th.

We have received a lot of comments on the various sections/themes, some of which may inform changes to the Official Plan. The following are some highlights of the comments received to date broken down by the various sections/themes of the draft Official Plan.

Introduction/Vision/Principles/Growth Management/Definition Sections

1. Given the changes to the Planning Act and the importance provided to Official Plans, it will be important to ensure the policies are as clear and directive as possible to reduce implementation issues and conflicting policy interpretations.
2. Verify the use of words such as must/will/shall vs. may/should/encourage. It is recommended that we choose one term and explain in the introduction of the Plan how terms such as 'will', 'should', and 'encourage' are to be interpreted when implementing the Plan.
3. Emphasize the economic importance of tourism and recreation in Grey County in the Vision and Principles section.
4. Need to emphasize the importance of people in the Vision and Principles section in that every proposed development should be focused on people.
5. Include references to employers and employees in the Vision and Principles section (not just residents and businesses).
6. Include in the Vision and Principle section the importance of complete communities in order to provide the facilities and services for residents and visitors throughout the various growth areas in the County (e.g. applying the complete communities concept for the various settlement areas including Recreational Resort Areas).
7. Update Growth Projection tables using the 2016 Census data being completed by Hemson Consulting Ltd.
8. Monitoring and evaluating the Official Plan policies will be important going forward, including both quantitative and qualitative measures. It was recommended that we review the Monitoring section to ensure that both quantitative and qualitative measures are possible to measure the effectiveness of the Official Plan policies.
9. Include Niagara Escarpment Plan information in the 'Understanding our Plan' section of the Official Plan.
10. Noise, Vibration and Odour studies should be included as potential study requirements under the Complete Applications section of the Plan.

11. A number of comments have been provided about clarifying terms, adding definitions to terms and ensuring that the definitions in the draft Plan are consistent with the Provincial Policy Statement (PPS) definitions. It has also been recommended that defined terms be italicized in the Plan.
12. Several comments have been provided about crown patents indicating that if there is a crown patent in relation to land that the crown patent supersedes any provincial legislation and municipal documents (i.e. zoning by-laws and official plans). The Province has provided some case law, which indicates that it is not reasonable to suggest that the presence of a crown patent in relation to land negates the application of provincial laws regulating land uses such as the Planning Act. Huron County has also provided a legal opinion they sought regarding this topic which also indicates that crown patents do not prevent a municipality from regulating land use on private property through zoning by-laws and official plans.

Cultivate Grey

1. Clarify terminology throughout the section including the terms; farm use, non-farm use, agricultural use, and agricultural area.
2. Make changes to the Minimum Distance Separation (MDS) formulae policies to clarify terminology, but also to note that MDS will apply to all lots created after March 1, 2017.
3. Update the permitted uses in Agricultural areas, including the size of the on-farm diversified uses to ensure the plan is consistent with the Province's Permitted Uses in Prime Agricultural Areas Guideline. The current draft Plan may have set the maximum size too high for some smaller sized lots.
4. Clarify when land can be excluded from Agricultural or Special Agricultural land use types based on the PPS.
5. Provide further direction on the application of Ministry of the Environment and Climate Change (MOECC) D-Series Guidelines (or any successor thereto) throughout the Agricultural, Special Agricultural, and Rural land use types.
6. Add in permissions for agricultural-related severances in the Agricultural land use type.
7. Consider removing the permissions for inns and motels as a permitted use in the Rural land use type.
8. Consider reducing the severance potential in the Rural land use type for new non-farm lots.
9. Revise wording on aggregate haul route agreements to recognize cost sharing potential, and to note that pit/quarry operations are not subject to site plan control, or site plan agreements, which are otherwise dealt with by the aggregate license.
10. Consider including Agricultural Impact Assessments, Karst Studies and Rehabilitation Plans/Studies to the list of requirements for new pit/quarry operations.
11. Remove the requirement for cumulative analysis of the impacts of multiple pit/quarry operations being sited in close proximity to one another.
12. Map bedrock resources and provide policies for protection of this resource for future extraction.

Develop Grey

1. Consider removing specific references to identifiable non-indigenous groups in policy (i.e. Mennonite Manufacturing) and replace with “communities reliant on horse and buggy”.
2. Consider wording that speaks to the impact on shoreline for tourist-related recreation development.
3. Include some wording under general settlement area policies that would recognize the need to potentially reallocate development lands if current lands are not accessible because of natural environmental features, or are not owned by the interested municipality.
4. Reassess certain settlement area designations/boundaries, e.g. Big Bay, Oxenden, Jackson, Hanover, Dundalk, Conn. Official Plan Amendment (OPA) 80 reduced in size or eliminated several tertiary settlement areas throughout Grey County when it came into effect 2012. Consider reinstating the County’s pre-2012 settlement area boundaries for all former tertiary settlement areas. Other current Primary Settlement Areas may run out of developable land, prior to the end of the 20-year planning horizon.
5. Clarify wording that provides direction to how development should be encouraged in settlement areas, e.g.: development within growth areas should occur adjacent to the existing built-up area and will have compact form.
6. Modify MDS formulae policies to not apply within settlement areas.
7. Further define compatible development.
8. Define medium and high density development in the Plan.
9. Clarify permitted parameters around settlement area identification or expansion into prime agricultural areas.
10. As part of the Sunset Strip area policies, include wording that acknowledges the treatment of sewage.

Live Grey

1. Include some additional wording under general housing policies that highlights cultural heritage value, and the likely requirement for unique accessibility plans to ensure that alterations do not adversely affect heritage attributes.
2. Add language that encourages local municipalities to share the healthy development checklist as part of the municipal application process. This checklist includes 4 key topics: neighbourhood design, housing, natural environments/food systems, and transportation networks.
3. Consider including definitions that differentiate between affordable and attainable housing.
4. Expand social housing suppliers to encompass non-for-profits, private companies, etc.
5. Encourage Secondary Unit development over Garden Suite development in settlement areas, as Secondary Units are permanent structures that extend beyond 20-year temporary use.
6. Add additional wording that protects the cultural heritage value of our assets within the County.
7. Incorporate some language that defines the Duty to Consult process within Grey County.
8. Expand various sections of the plan to further include Saugeen Ojibway First Nation’s cultural influence in the area.

9. For applications below the high water mark of any body of water, the County should require a marine archaeological assessment to be conducted by a licensed marine archaeologist.
10. Ensure appropriate word use when referencing heritage sites; remove the word historic when referring to heritage.
11. Look to include some wording that addresses tiny home development that references any new updates to the Ontario Building Code (OBC).

Natural Grey

1. Permit new pit/quarry operations within Core Areas.
2. Increase the adjacent lands buffer for Fish Habitat from 30 metres to 120 metres in order to meet the 2010 Natural Heritage Reference Manual.
3. Clarify that Linkage mapping can be refined at the local level, where it does not follow an existing watercourse or environmental feature.
4. Clarify the implementation provisions around Cores and Linkages, and when an Environmental Impact Study (EIS) or scoped EIS will be required.
5. Update the Hazard Lands mapping with the most recent layers from each of the four Conservation Authorities. Some of the mapping in the current Recolour Grey draft is incorrect, which will mean changes to some properties across the County.
6. Update the Other Wetlands mapping with the most recent layers from each of the four conservation authorities and/or the Province. Some of the mapping in the current Recolour Grey draft is incorrect, which will mean changes to some properties across the County.
7. Add in a policy exempting existing approved developments (e.g. draft approved plans of subdivision and condominium) from new environmental mapping or policies, except in cases where draft conditions already speak to additional environmental study, or a major re-design or intensification is proposed.
8. Consider mapping Deer Wintering Yards as Significant Wildlife Habitat.
9. Update the Karst mapping with the most recent layer from the Province. Reword the Karst policies to better recognize the importance and potential impacts of this geologic feature.
10. Clarify the climate change policies and also reference Grey's coming Climate Change Action Plan.
11. Add in mapping and policy clarification on Hazardous Forest Types for Wildland Fire.

Move Grey

1. Active Transportation – identify some other seasonal activities beyond the winter activities currently identified.
2. Ensure that the airport-related uses provided in the Airport policies are truly airport-related.
3. Include a policy on the importance of developing wayfinding signage for pedestrians, tourism attractions, and cultural attractions.
4. Is it possible to identify trucking routes and encouraging trucking routes to be located outside of downtown core areas/'main streets'?
5. Clarifying the complete street policies and whether the policies are encouraging that every road be designed as a complete street or only certain roads. Consider making

these policies flexible enough for local municipalities to identify and prioritize where complete streets are required.

6. Complete transportation system – clarifying the policies as to whether all roads should be designed to accommodate pedestrians, cyclists and transit links, or just certain roads associated with new developments.
7. Clarify the policies with respect to private roads and whether these policies would apply to new lot creation as well as existing lots of record. Some municipalities allow for development on existing lots on private roads subject to the completion of a registered agreement addressing service levels.
8. Concerns expressed about the policy encouraging local municipalities to work together to provide sanitary sewer and municipal water services to development by extending existing services where appropriate. Concerns expressed that this may be difficult to implement and that there is a lack of control over what development might occur in the future once services are extended. If service extensions are not possible, or are not working for municipalities, then municipalities may need to explore other options including municipal boundary changes.
9. Need to clarify what is meant by ‘other interim servicing measures’ for the policy that would consider temporary servicing measures for commercial and industrial uses that will hook-up to full municipal services in the near future.
10. Need to clarify the partial servicing policies as to what is meant by infilling and rounding out of development when considering new development on partial services.
11. Encouraging settlement areas that are currently being serviced by partial services to explore opportunities for full municipal services (e.g. East Linton)
12. Clarify the commercial water taking policies and when these policies would apply (e.g. do these policies just apply to commercial water bottling or do they apply to other commercial water taking such as water taking associated with commercial/recreational/industrial operations (e.g. ski resorts, golf courses, agriculture?). Also clarify if these policies apply to new commercial water taking permits or for permit renewals as well?
13. Need to map and/or include a policy regarding sewage treatment plants and setbacks that are required from these plants.
14. Consider including a recommended consultation/communication process for telecommunication towers approved by the Canadian Radio-television and Telecommunications Commission (CRTC).
15. Known petroleum wells should be mapped as a constraint layer and a policy that will require wells to be identified in local municipal official plans. For historic petroleum wells, it is recommended that land use policies not permit buildings within 75 metres of an unplugged well and no buildings on top of any plugged well.
16. Consider mapping and/or adding a policy regarding setbacks from landfill sites/closed landfill sites that are located just outside of Grey County.
17. A number of comments have been provided by the Province and the Source Protection Authorities regarding the draft Source Protection policies to help clarify and align with the policies contained in the Source Protection Plans. These will be reviewed in further detail with the local Source Protection Authorities.
18. The Ministry of Transportation (MTO) has requested that connecting links be shown in the various maps and schedules in the Official Plan and to clarify the connecting link definition between a provincial highway connecting link and other connecting link

programs.

19. MTO recommends that a policy be included recommending that only compatible land uses be considered adjacent to MTO patrol yards and that landscaping and buffer zones should be used to reduce any impacts/conflicts.

Legal and Legislated Requirements

Ontario Planning Act

Financial and Resource Implications

A significant amount of staff resources has gone into Recolour Grey. The work has been a true team effort with all planning staff being involved in the community engagement process as well as developing the draft of the new Official Plan. The work has been truly rewarding and we have learned a lot from the many conversations we have had with community members. We look forward to further conversations with the community following the release of the draft of the Official Plan. Based on recent changes to the Planning Act and the recent regulations being released, the Province's decision on the Official Plan will not be appealable. Therefore there will be no legal costs associated with any future Board/Tribunal hearings related to the Official Plan.

Relevant Consultation

- Internal (Various Internal Departments have been consulted throughout the Recolour Grey process including Housing, Transportation Services, Corporate Services, Social Services, Economic Development staff, Tourism staff). Communications Manager has been instrumental in assisting us with the communications related to Recolour Grey)
- External (various provincial ministries, Niagara Escarpment Commission, conservation authorities, developers, planning consultants, neighbouring municipalities, community organizations and a number of residents, tourists, businesses, and community organizations)

Appendices and Attachments

[Draft New Official Plan](#)

[Draft Schedules A, B and C](#)

[Draft Appendices A, B, C and D](#)

[Draft Secondary Schedules](#)