

March 27, 2018

Grey County Council met at the call of the Warden on the above date at 6:30 PM at the County Administration Building. The Clerk called Council to order and Warden Stewart Halliday assumed the Chair.

All members were present except Councillors Burley and McKean.

Kim Wingrove, Chief Administrative Officer and Heather Morrison, Clerk were also in attendance.

The following staff members were in attendance:

Randy Scherzer, Director of Planning and Development, Scott Taylor, Senior Planner Stephanie Lacey-Avon, Intermediate Planner, and Monica Scribner, Planning Administrative Assistant.

Declaration of Pecuniary Interest

There were no disclosures of pecuniary interest.

Public Meeting

Warden Stewart Halliday noted the purpose of this evening's meeting, being a public meeting for the Recolour Grey Official Plan review. This meeting is a statutory meeting held under Section 17 (15) d of the Planning Act.

Randy Scherzer outlined the process for the public meeting.

Planning staff provided an overview via a PowerPoint presentation of Recolour Grey, what is an Official Plan, how it affects properties in Grey County.

Councillors Eccles and Bell entered the meeting.

Planning staff then outlined the review of the five themes that have developed through the Recolour Grey process including Cultivate Grey, Natural Grey, Develop Grey, Live Grey and Move Grey and a highlight of the comments received for each theme.

Staff then provided an overview of mapping changes that are included in the draft Official Plan. A list of agencies, developers, public, businesses who have provided comments on the draft Plan was shared. Planning staff also provided a list of those

with who staff has met personally to provide comments and feedback on the draft Plan as well as some of those who attended the recent open houses throughout the county.

The next steps of the Official Plan process were then reviewed. It is anticipated that the revised draft Official Plan will be presented to Council in late May 2018. A further 30 day window for public input will be provided once the revised Plan is available. The goal is to have a final version of the Plan before County Council in July 2018. Should County Council adopt the Plan, it will then be sent onto the Province for their review and approval. Once the Province issues their decision, that decision is not appealable, based on recent changes made to the *Planning Act*.

Warden Halliday then invited members of the public to provide comments. The following individuals spoke to Council:

- Lynn Silverton-Grey Highlands
- Roberta Dockerty-Meaford
- Bob Weirmer-West Grey
- Charles McGillvary-Grey Highlands
- Harry Kooney-West Grey
- Rick Butler-Grey Highlands
- Gerald Carefoot-Grey Highlands
- David Ellingwood-Cuesta Planning
- Hugh Simpson-Feversham
- Kory Chisholm-MHBC Planning
- Vaughan Johnstone-Milton (property in Grey County)
- Beth Hamilton-West Grey

The following comments/concerns were received:

- Tiny houses should continue to be looked in to.
- There should be exemptions for tree farms.
- The Minimum size of agricultural farms should allow for smaller farm sizes, which take into account specialty farming operations that require less acreage.
- An understanding that the Mennonite community relies on trucks bringing and taking products in and out of area, and the wording should not be exclusively 'horse and buggy community'.
- Source protection area-what does this mean? Further definition is required.
- Fear about Niagara Escarpment Commission (NEC) taking over further lands in Grey, and we should be proactive in preventing this in the Plan.

- Clarification on how to register land where items are found below the surface. Who does one speak to about artifacts, if they are found and who has the rights to those artifacts? How are First Nations rights considered here as well?
- What does a landowner do if mapping is wrong? Does the property owner have to prove they are right at their own expense? What is the process for correction? Can something be included to protect landowners from costs associated with errors? Staff noted that linkage mapping will be revised based on comments received.
- Can the Saugeen Valley Conservation Authority (SVCA) 'override' the Official Plan? If you need work done, who do you contact Grey County or SVCA? The mapping in the County Plan and SVCA's mapping should be the same, otherwise it will cause confusion. SVCA is hard to get along with and get permissions for work done on site. Too much land is being consumed by hazard lands; landowners are paying increasing taxes but property rights keep going down. Staff noted that the most recent conservation authority mapping will be included in the County Official Plan maps in order to provide consistency between agencies. Any development within the conservation authority's regulated areas will still require a permit from the authority.
- Concerns over restrictions on private property, some landowners have Crown Patents and nowhere does it allow for such restrictions on private lands. Staff commented on Crown Patents, noting that the province has shared case law on Crown Patents. Staff noted that the province has indicated that Crown Patents do not prevent municipalities from including such lands in official plans and zoning by-laws. Municipalities still have ability to regulate land use, which the case law supports. Huron County also shared case law that draws a similar conclusion.
- Core areas and encumbrances that designate environmental areas and are restricting development on these properties. If you want to get a building permit you have to go to the conservation authority and then there are fees and approvals required before approval from municipality. Sometimes you cannot get an approval without an Environmental Impact Study (EIS), which can be costly. Encumbrances are for the benefit of all within the province, but the EIS has to be paid for by property owner, which is not fair and unaffordable. If these restrictions and requirements are put on private property, then everyone should pay for it, through the municipality or county, not the property owner. Benefit is to all and therefore all should pay.
- Is the requirement 200 metres total, or 200 metres on each side of the river for linkages where they follow rivers and streams? How was this distance determined? Can you hunt in these areas? Could consume an entire 50 acres if its 200 metres on each side of the river. Staff clarified that it would be 100

metres on each side of the river, and hunting would still be permitted in these areas with a landowner's permission.

- Reiterate the comments submitted to date. Rural and Agricultural areas have permitted use guidelines from the Province, and we should rely on these guidelines over the draft section 3.2.1(c).
- Minimum Distance Separation (MDS) only applies to surplus farm dwellings if the dwelling is to be separate from livestock facility.
- MDS should apply to vacant non-farm lots. Minor variances could be used where a lot would otherwise be undevelopable.
- Rural industrial should use Ministry of the Environment and Climate Change D-6 Guidelines, but the distance should be measured to neighbouring structures versus the lot line.
- Lot additions, section 3.2.3, should clarify that non-farm lot additions to a farm lot are allowed in all situations. However, farm to non-farm lot additions should only be used cautiously.
- Surplus farm dwelling policies should be exempt in aggregate resource areas. Under Aggregate Resource Act the dwelling is still potentially a sensitive receptor whether on separate property or not. This would allow for greater retirement opportunities for farmers.
- There are lots of vacant parcels of land in Grey County's rural areas countryside, even though we try to direct development to settlement areas. We believe that Tertiary Settlement Areas should be reinstated (Jackson, Massie, etc.) as Secondary Settlement Areas to allow for further growth. As a balance then reduce the number of rural severances to 1 plus the retained on a 40 hectare crown lot. You also need to look at the quality of the lots being considered and servicing. Direct more development to settlement areas, by restoring some of these former settlement areas.
- Grey County Federation of Agriculture noted there is a long history of farming in Grey County with the economy heavily tied to agriculture. Within the vision of Grey County a strategic statement needs to be made regarding the importance of agriculture in Grey County. If no strategic statement is made about the value of agriculture, the rights, economics and presence of farmers will wane.

Councillor Hicks entered the meeting

- Noted that the policy on redefining hazard land boundaries should remove word "minor" as a qualifier. Through the EIS and zoning amendment processes, it can refine the hazard boundaries and no official plan amendment (OPA) is necessary. Noted that significant woodlands should not apply within settlement areas, which are designated for growth. These woodlands should be treated

similarly to how agriculture is treated i.e. it's preserved in the countryside, but not within settlement areas.

- The reintroduction of rail use on CP Trail, as policy currently states, would mean planning for development in proximity to the rail land would have huge encumbrances, to guard against future land use conflict. Requiring this protection now may not be appropriate, given the uncertainty of future rail use.
- Compliments to planning staff on patience to assist public in understanding the Official Plan. Noted that Lynch versus St. Johns related to Crown Patents is contrary to the province's referenced case law. Council should ask province to indemnify them against any court cases, based on their inaccurate advice. For hazard lands on river properties, if studies have not been done adequately to define the boundaries now, then why are designations placed on these lands, why not wait until the studies have been done?
- County Council in 2016 objected to NEC expansion, based on property value concerns. However, there is no policy in the draft Official Plan to protect land values and tax base.
- Noted that Section 6.12 of the draft Official Plan speaks to the County's coming Recreational Trails Master Plan. Consideration was requested for this Master Plan document to be a binding document, rather than a guiding document.

The following Councillors spoke:

- Councillor Pringle
- Councillor McQueen
- Warden Halliday
- Councillor Barfoot
- Councillor Fosbrooke
- Councillor Eccles

The following comments/concerns were raised:

- The mapping on Appendix D and the development of a County road from Grey Road 40 to Mennonite Corners is not shown. Staff noted that no revisions to the maps have been made to date, but revisions will now be made in the coming months based on comments received.
- The *Green Energy Act* was passed in 2009, if this Act changes and the County is silent on alternative energy in the Official Plan in this regard what would happen? If the County wanted to change our policies, is there a freeze once this Plan is passed by the Province.
Staff noted that there is a two-year freeze on amendments to the Official Plan, but this is voluntary and council can still consider amendments through the

passage of a motion. Should the *Green Energy Act* change, a future amendment to the County Plan could be considered, which could take into account some of the policies and mapping municipalities had completed prior to the *Green Energy Act*.

- What were the requirements for Natural Heritage Study? It came from the province but was council obligated to adopt it? Staff noted that the requirement for natural heritage systems planning comes from the Provincial Policy Statement, and the province will be looking for this when our Plan goes to them for approval.
- A review of the Niagara Escarpment Plan (NEP) happens approximately every 10 years. However, there is currently a review the Greenbelt Plan area to the south of Grey County, which may include possible expansion in Dufferin County and other areas. Areas within Grey County are not being looked at currently.
- Staff was congratulated on the new approach to the development of Recolour Grey and the high level of public engagement which does not always happen with planning matters.
- The term 'public participation' only appears once in the document, this needs to be improved upon. All written comments from all agencies, public, etc. should be made available to the public. Individuals within settlement areas may feel this does not impact them as much as rural landowners, but Council needs to prioritize the health and safety of land, water and air for all residents.
- Concerns regarding the accountability under the Plan, where there may be overlapping jurisdiction between multiple Acts, e.g. gravel pits are covered by the *Planning Act* and the *Aggregate Resource Act*. Where does this accountability fall to?
- When mapping bedrock is Grey County using the same mapping as others across the province? Staff noted that the current sand and gravel resource mapping comes from the County's Aggregate Resource Inventory Master Plan (ARIMP). However the ARIMP did not include bedrock resources, therefore we would need to get this mapping from the province, which would likely be a similar source to what other municipalities are using.
- Concern that once the Official Plan is passed by the province it is 'set in stone'. If there are errors, what is the amendment process? Staff noted that housekeeping amendments are a standard process, and smaller errors or changes can be identified and completed through one housekeeping amendment. Typographical errors can be corrected without a formal amendment process.
- When monitoring the Plan, has staff revisited comments received from previous OPAs? How will ongoing monitoring happen? Staff noted that we have been keeping a list of comments and concerns over the past number of years in

working with the current Plan. These comments have helped form the basis for Recolour Grey. Staff will work with municipalities, agencies and the planning data analysis coordinator to monitor the efficacy of the policies in the Plan going forward.

- Section 9 “Our Tools”, has not been discussed too much just yet, but am looking forward to revisions coming to this section, for example development charges.

Adjournment

On motion of Councillors Eccles and Bell, Council adjourned at 8:28 PM to the call of the Warden.

Stewart Halliday, Warden

Heather Morrison, Clerk